

POLICING & SOCIETY



An educational resource for teachers and adults working with youth to foster critical discussion about policing in Canadian society.



A CIVIL SOCIETY THROUGH EDUCATION AND DIALOGUE

POLICING & SOCIETY

ACKNOWLEDGEMENTS

This resource is a collaborative project of the Ontario Justice Education Network (OJEN). We hope this study guide will provide the tools to help students think critically about policing in society.

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Disclaimer

Any legal information in this resource is intended for general educational purposes and should not form the basis of legal advice of any kind.

Criminal charges can result in very serious short term and long term consequences. It is very important that everyone consult with a lawyer about any criminal matters. The information in this resource is in very general terms. It does not have any information about specific options or advice about handling a case. It is designed for general educational purposes and is inadequate for someone preparing for their own criminal proceeding.

Always consult with the Duty Counsel, available in every criminal courthouse in Ontario, before any step in a criminal proceeding.

Legal Aid Ontario or local Legal Aid Clinics may be able to provide a lawyer. Justice for Children and Youth (JFCY) provides legal representation and advice for youth across Ontario and can help a young person find a local lawyer. Call JFCY at 1-866-999-JFCY.

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TEACHER'S GUIDE

ABOUT THE ONTARIO JUSTICE EDUCATION NETWORK (OJEN)

The Ontario Justice Education Network is a charitable organization dedicated to promoting public understanding, education and dialogue to support a responsive and inclusive justice system. OJEN's programs bring together leading justice and education sector representatives to collaborate on initiatives designed to foster understanding of the justice system. As a result of the efforts of hundreds of volunteers including judges, justices of the peace, lawyers, court staff, educators and community representatives, OJEN is able to facilitate public legal education opportunities for youth, adults and professional groups throughout Ontario. All of OJEN's classroom resources are available for free in French and English. To find out more about OJEN's programs and resources, visit www.ojen.ca.

ABOUT THIS RESOURCE

This resource provides strategies for dealing with a range of ideas, opinions and critiques about various approaches to policing. It includes interactive activities on the responsibilities of the police, police discretion and global policing systems. Students are encouraged to examine controversial aspects of policing, including perceptions of police, racial profiling and police oversight. Students will analyze the critical role police play in maintaining safety and learn about their rights when dealing with police and how to make a complaint against the police. The aim of this set of activities is to expand discussion about policing and to give teachers the tools to help students think critically about this aspect of our justice system.

GOALS OF THIS RESOURCE

- To encourage students to think critically about policing in society, both domestically and internationally.
- To encourage students to consider multiple perspectives and to articulate well-founded opinions about controversial issues.
- To enhance students' understanding of their rights in relation to the police.
- To introduce students to policing career options and oversight systems.
- To provide opportunities for students to develop and demonstrate advocacy skills, oral and written communication skills and active citizenship.

USING THIS RESOURCE

Designed for students in grades 9 through 12, this resource is divided into eight distinct modules. Each module can be used as a stand-alone resource and the modules do not need to be taught in sequential order. Teachers should note, however, that a more holistic understanding of the concepts will be achieved by doing so.

Within a particular module, teachers may select individual activities based on the prior knowledge, skills and needs of their students. Your expertise as an educator will be an invaluable tool for adapting the content of the activities to correspond to your subject areas, grade levels and students' backgrounds.

Please note that although the guide refers to teachers and students, the activities are adaptable and would be equally useful in many learning environments, and not only formal learning settings.

Module 1 - Introduction to Policing

Focus Question - What is policing and why do we need it?

Overview

This module invites students to examine why policing is useful by considering the role that police play in society and what our society would look like without the police. Students are then introduced to formal definitions of policing which are analyzed and critiqued in the context of their own personal conceptions of the police. Students are invited to reflect on the different attributes of the police and to consider which attributes are most valued in society. This is further explored by challenging students to consider their conception of an ideal police officer.

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Module 2 - Police Discretion

Focus Question - What is discretion and how is it used by the police?

Overview

This module introduces students to the concept of discretion and in particular, to the discretion bestowed upon police officers. Students are invited to identify discretionary factors in real-life scenarios and to reflect on the possible reactions by police officers in these scenarios. Students then compare and contrast the range of possible reactions from actual police officers with those in an ideal society.

Module 3 - Perceptions of Policing

Focus Question - What are our perceptions of police and where do they come from?

Overview

This module invites students to examine their perceptions of police and where these perceptions come from. Media portrayals of the police are explored as a source of these perceptions and analyzed as to their accuracy. Personal perceptions are also explored and compared to ideal conceptions of policing. Ultimately, this module encourages students to compare and contrast their perceptions of the police with the reality of policing, and to think critically about their perceptions.

Module 4 - Comparative Systems of Policing

Focus Question - What does policing look like in other parts of the world? How does it compare to policing in Ontario?

Overview

In this module, different international systems of policing are explored and compared to policing in Ontario. Students will consider a set of real-life scenarios and the range of possible reactions on the part of an officer – depending on the system of policing s/he belongs to. Students are then invited to determine how our system of policing compares to others around the world and encouraged to consider different possibilities for policing.

Module 5 – Stereotypes: A Challenge for Policing

Focus Question - What are some of the challenges posed by stereotyping in policing and how can we address them?

Overview

In this module, students will explore how we as a society all make use of stereotypes which are often inaccurate. Students are asked to consider the different kinds of profiling which exist in our society and to determine whether profiling is ever appropriate or fair – taking into account the perspectives of those profiling and those being profiled. Students are then invited to examine racial profiling by police officers as a challenge in policing and as an example of inappropriate profiling in society. Students will learn the factual underpinnings of racial profiling and consider the seminal case of *R v Brown*. Students will also be encouraged to reflect how the police force can move past some of the challenges with which it is faced.

Module 6 - Careers in Policing

Focus Question - Why does someone consider a career in policing and what does a career in policing really look like?

Overview

This module invites students to consider the different reasons for choosing a career in policing. Students will prepare questions and scenarios for a police guest speaker and will be encouraged to consider policing as a possible career option.

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Module 7 - Your Rights When Talking to the Police

Focus Question - What are our rights when talking and interacting with the police?

Overview

In this module, students are invited to consider their constitutional rights and how these rights are engaged when speaking to the police. Different scenarios will be discussed in order to ensure that students understand what rights are exercised and when. Students will also learn which resources are available to them when they are unsure of how to exercise or engage their rights.

Module 8 - Police Oversight

Focus Question - What is an oversight system and why is it needed for policing?

Overview

In this module, students will consider why oversight systems are needed in policing. Students will also examine the current complaints system in Ontario while being introduced to the formal procedures that are used to make a complaint. Students will then be invited to analyze and to research multiple incidents in Ontario, including the Toronto police response to the 2010 G20 protests, when the public demanded police accountability. Students will examine whether oversight was actually exercised in those incidents, and if not, reflect on how better police accountability can be ensured.

CURRICULUM CONNECTIONS

This resource has been developed for use in courses that deal with issues such as public regulation, constitutional rights, police investigations, careers in policing, stereotyping and prejudice, human rights, social justice and ethics, among others.

CANADIAN AND WORLD STUDIES

Civics

Civics, Grade 10, Open (CHV2O)

History

Canadian History Since World War I, Grade 10, Academic or Applied (CHC2D/2P)

Canadian History and Politics Since 1945, Grade 11, College Preparation (CHH3C)

Canadian History and Politics Since 1945, Grade 11, Workplace Preparation (CHH3E)

World History Since 1900: Global and Regional Perspectives, Grade 11, Open (CHT3O)

Canada: History, Identity and Culture, Grade 12, University Preparation (CHI4U)

World History: The West and the World, Grade 12, University Preparation (CHY4U)

World History: The West and the World, Grade 12, College Preparation (CHY4C)

Adventures in World History, Grade 12, Workplace Preparation (CHM4E)

Law

Understanding Canadian Law, Grade 11, University/College Preparation (CLU3M)

Understanding Canadian Law, Grade 11, Workplace Preparation (CLU3E)

Canadian and International Law, Grade 12, University Preparation (CLN4U)

Politics

Canadian Politics and Citizenship, Grade 11, Open (CPC3O)

Canadian and World Politics, Grade 12, University Preparation (CPW4U)

SOCIAL SCIENCES AND THE HUMANITIES

Family Studies

Living and Working with Children, Grade 11, College Preparation (HPW3C)

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CURRICULUM CONNECTIONS (Cont'd)

SOCIAL SCIENCES AND THE HUMANITIES (Cont'd)

Family Studies (Cont'd)

Managing Personal and Family Resources, Grade 11, College Preparation (HIR3C)
 Parenting, Grade 11, Open (HPC3O)
 Individuals and Families in a Diverse Society, Grade 12, University/College Preparation (HHS4M)
 Issues in Human Growth and Development, Grade 12, University/College Preparation (HHG4M)
 Parenting and Human Development, Grade 12, Workplace Preparation (HPD4E)

General Social Science

Introduction to Anthropology, Psychology and Sociology, Grade 11, University/College Preparation (HSP3M)
 Challenge and Change in Society, Grade 12, University/College Preparation (HSB4M)

Philosophy

Philosophy: Questions and Theories, Grade 12, University Preparation (HZT4U)

GUIDANCE AND CAREER EDUCATION

Career Studies, Grade 10, Open (GLC2O)
 Designing Your Future, Grade 11, Open (GWL3O)
 Leadership and Peer Support, Grade 11, Open (GPP3O)
 Advanced Learning Strategies: Skills for Success After Secondary School, Grade 12, Open (GLS4O/GLE4O/GLE3O)
 Navigating the Workplace, Grade 12, Open (GLN4O)

INTERDISCIPLINARY STUDIES

Applied Journalism, Grade 11, Open
 Issues in Human Rights, Grade 12, University Preparation
 Utopian Societies: Visions and Realities, Grade 12, University Preparation
 Information and Citizenship, Grade 12, Open

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ASSESSMENT AND EVALUATION

The use of an extensive range of assessment strategies, both reflective and traditional, allows for ongoing feedback to students and teachers to ensure that intended learning outcomes are met. Assessment strategies should reflect the full range of student learning, and therefore must incorporate a variety of assessment activities. In so doing, the diverse backgrounds, needs and learning styles of individual students may be taken into consideration as students are given a variety of opportunities to demonstrate their knowledge and skills.

Performance assessment may include, but is not limited to, the following:

- Formal and informal observations
- Teacher-made and other tests
- Oral and written communication tasks
- Self-assessments
- Learning logs/journals (What I did, What I learned, What questions I still have)
- Reflective writing
- Questionnaires
- Student-Teacher interviews
- Peer Feedback/Assessment (Perhaps ask what students think their friends who have not taken the curriculum would do in a particular situation vs. what they would do.)
- Activity-based tasks/problems
- Observations of what students do and say, making anecdotal records
- Development and application of specific criteria to assess student performance (e.g., rubrics, rating scales, checklists)
- Examination of students' work and application of criteria in assessment

Source: Cape Breton University Children's Rights Centre



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ADDITIONAL RESOURCES

OJEN Resources

www.ojen.ca/resources

Canadian Civil Liberties Association

<http://ccla.org/>

Community Legal Education Ontario

<http://www.cleo.on.ca/>

Justice for Children and Youth

www.jfcy.org

Office of the Independent Police Review Director

www.oiprd.on.ca

Ontario Association of Chiefs of Police

<http://www.oacp.ca/>

Ontario Association of Police Service Boards

<http://www.oapsb.ca/>

Ontario Civilian Police Commission

<http://www.ocpc.ca/english/index.asp>

Ontario Ombudsman

<http://www.ombudsman.on.ca>

Ontario Provincial Police

<http://www.opp.ca/>

Public Safety Canada

<http://www.publicsafety.gc.ca/index-eng.aspx>

RCMP First Nations Community Policing Service

<http://www.rcmp-grc.gc.ca/pubs/abo-aut/fncps-spcpn-eng.htm>

Royal Canadian Mounted Police

<http://www.rcmp-grc.gc.ca/>

Special Investigations Unit (SIU)

<http://www.siu.on.ca/en/index.php>

Toronto Police Service

<http://www.torontopolice.on.ca/>

Your Legal Rights

<http://yourlegalrights.on.ca/>

MODULE 1

Introduction to Policing

Focus Question: What is policing and why do we need it?

Overview

This module invites students to examine why policing is useful by considering the role that police play in society and what our society would look like without the police. Students are then introduced to formal definitions of policing which are analyzed and critiqued in the context of their own personal conceptions of the police. Students are invited to reflect on the different attributes of the police and to consider which attributes are most valued in society. This is further explored by challenging students to consider their conception of an ideal police officer.

Learning Objectives

- To understand the role of policing.
- To generate a comprehensive definition of the police.
- To reflect on what ideal policing should look like.

ACTIVITY 1

Thinking of the Police as an Entity

Teaching and Learning Strategies

1. Introduce the topic of policing by inviting students to consider what tasks are performed by police officers in our communities. You may choose to make a class list on the board.



Teacher's Key

Some examples include:

- Crime prevention - keeping communities safe/ patrolling the streets, protecting victims, ensuring laws are enforced, etc.
- Investigations - making arrests, collecting evidence, etc.
- Traffic safety - giving out tickets, directing traffic, ensuring by-laws are enforced, etc.
- Maintaining order - controlling disturbances of public peace, intervening in conflicts that arise between citizens, etc.
- Responding to emergencies

Reference can also be made to the Ontario Police Services Act, s. 42(1):

The duties of a police officer include:

- a) Preserving the peace;
- b) Preventing crimes and other offences and providing assistance and encouragement to other persons in their prevention;
- c) Assisting victims of crime;
- d) Apprehending criminals and other offenders and others who may lawfully be taken into custody;
- e) Laying charges and participating in prosecutions;
- f) Executing warrants that are to be executed by police officers and performing related duties;
- g) Performing the lawful duties that the chief of police assigns;
- h) In the case of a municipal police force and in the case of an agreement under section 10 (agreement for provision of police services by

O.P.P.), enforcing municipal by-laws;

- i) Completing the prescribed training.

2. Either in pairs or as a class, discuss the following:

- Who else can complete these tasks other than the police?
- What would that look like?
- What would it look like if you took over these tasks?
- What would public protests, sporting events, festivals, or other activities that have very large public gatherings look like without the police? Do you think there would be more violence, less or the same as normally happens? Explain.
- Who, if anyone, could take over the job of police officers during those types of activities?

3. In small groups, ask students to come up with their own definitions for the police (approx. 2-3 sentences). Ask students to reflect on the following:

- Where do the police get their power?
- What do the police do? (refer to step 1)
- Who do the police have an impact on?

4. Provide students with one or more definitions of police and discuss the following:

- How similar or different are these formal definitions to the personal definitions?
- Are these definitions fair? Accurate? Too complicated?
- Do you agree or disagree with these definitions?



Teacher's Key

Definitions of police include:

- An organized civil force for maintaining order, preventing and detecting crime, and enforcing the laws.¹
- Any body of people officially maintained or employed to keep order, enforce regulations, etc.²
- The internal organization or regulation of a political unit through exercise of governmental powers especially with respect to general comfort, health, morals, safety, or prosperity; control and regulation of affairs affecting the general order and welfare of any unit or area; the system of laws for effecting such control.³
- The department of government concerned primarily with maintenance of public order, safety, and health and enforcement of laws and possessing executive, judicial, and legislative powers; the department of government charged with prevention, detection, and prosecution of public nuisances and crimes.⁴

¹ <http://dictionary.reference.com/browse/police?s=t>

² *Ibid.*

³ <http://www.merriam-webster.com/dictionary/police>

⁴ *Ibid.*



MODULE 1 - Introduction to Policing

ACTIVITY 2

When Citizens Take Over Policing

Materials

- Copies of newspaper articles (one or more per group)
- Copies of *Focused Discussion Questions* (one per group)
- Backgrounder: *Citizen's Power of Arrest and Self-Defence and Defence of Property*, available at: http://www.justice.gc.ca/eng/news-nouv/nr-cp/2013/doc_32865.html (one per student)
- *What You Need to Know About Making a Citizen's Arrest*, available at: <http://www.justice.gc.ca/eng/dept-min/wyntk.html> (one per student)

Teaching and Learning Strategies

1. In small groups, have students review one or more of the newspaper articles on the citizen's arrest that took place in Toronto's Chinatown neighbourhood in 2009. Ask each group to discuss the *Focused Discussion Questions* and record their answers. Debrief as a class.
2. Use the Four Corners strategy and Statements below to encourage students to formulate their own opinions about the incident.

Four Corners

- Label each corner of the class as strongly agree/ agree/disagree/strongly disagree.
- Read out each statement below and invite students to go to the corner of the room that best represents their opinion.
- Give students time for discussion with others of the same opinion. Have a spokesperson from each group present their case to the class and give them time to ask questions or challenge other groups. Give students the opportunity to move to a different corner if their opinion changes.

Statements

- The shopkeeper dealt appropriately with the shoplifter under the circumstances.
- The shopkeeper should have been arrested.
- The shoplifter's 30-day sentence was appropriate and fair. (Note: this was a lighter sentence because he testified against Mr. Chen).

3. Inform students that Mr. Chen was ultimately acquitted and that the events surrounding his citizen's arrest led to amendments in Canadian law. On March 11, 2013 the *Citizen's Arrest and Self-defence Act* came into force, which made changes to the *Criminal Code of Canada* relating to the power of a private citizen to make an arrest after they find a person committing a criminal offence on or in relation to their property. Distribute the following handouts and have students review the current law on citizen's arrest:

- Backgrounder: *Citizen's Power of Arrest and Self-Defence and Defence of Property*, available at: http://www.justice.gc.ca/eng/news-nouv/nr-cp/2013/doc_32865.html (focus on the section dealing the citizen's arrest)
- *What You Need to Know About Making a Citizen's Arrest*, available at: <http://www.justice.gc.ca/eng/dept-min/wyntk.html>

Discuss the following:

- Do you agree with the changes to the law?
- What do you think should qualify as "reasonable force"?
- What impact, if any, do you think this new legislation will have on shopkeepers' ability to deal with theft?
- Can you think of other circumstances where someone might make a citizen's arrest?

Extension

Have students do internet research to read more about the outcome of David Chen's trial. Discuss as a class.



Citizen's arrest?

Leave policing to the police

By ALAN SHANOFF June 7th 2009

There was a time when society encouraged citizen's arrests but that time has long passed as David Chen, owner of a Toronto grocery store, can attest.

Chen and two of his employees chased a man they observed stealing from the store.

When they caught him they tied him up and placed him in the back of their van.

Before they called police, another person called 911 to report the apparent abduction.

Chen and his employees were charged with assault, kidnapping, forcible, confine-ment and carrying a concealed weapon, namely a box cutter.

So what is a citizen's arrest? First, the right to make a citizen's arrest is actually enshrined in our Criminal Code but as usual the devil is in the details. The Criminal Code explicitly permits "any one" to make an arrest in four situations.

Everybody has the right to arrest any person who is "breaching the peace."

However, it would be nice if the Criminal Code actually defined or explained what "breach of the peace" means, particularly since there is no offence known as breach of the peace. One might wonder if the illegal occupation of a public highway is a breach of the peace, but I won't go there.

EVERYONE HAS THE RIGHT

Everybody also has the right to arrest any person who is in the course of committing an indictable offence.

Everybody has the right to arrest any person who is escaping from and being actively pursued by a police officer, provided there are reasonable grounds to believe that person has committed a criminal offence.

If you own or lawfully possess property, you may arrest any person committing a criminal offence on, or in relation to, that property.

In all cases the person making the arrest must tell the person why the arrest is taking place, must get the person to the police as soon as practical and only reasonable or proportionate force may be used to accomplish the arrest.

So what can go wrong? Plenty.

Suppose you are wrong and the person wasn't in the course of committing an indictable offence. Suppose the fellow you thought was shoplifting actually put the product back on the shelf. Or, you may end

up obstructing a police officer and thus hindering an arrest. You might not get your prisoner to the police fast enough. You might be accused of using more force than was necessary or reasonable.

Sounds pretty simple, doesn't it? No? I didn't think so. Actually it's pretty risky.

Leave aside the possibility of being injured or killed while you try to arrest some criminal who may have a hidden weapon.

YOU CAN BE SUED

As Chen discovered, you can also be arrested and charged with criminal offences by a real police officer.

A criminal record is a possibility. You can also be sued for damages for civil assault, battery or false (wrongful) imprisonment. A damage award can be substantial and failure to pay can lead to garnishment of wages or having a lien placed on your assets.

What does this mean for shopkeepers like Chen? It means they have to put up with a certain amount of theft as a cost of doing business. Either that, or hire security guards. But remember, security guards have no more rights of arrest than anyone else. But at least security guards have training and their presence may deter theft.

And what about restaurant owners when patrons leave without paying? Sorry, you've got the same problem. Detaining someone for failure to pay a bill amounts to detention for a breach of contract and that can also lead to criminal and civil consequences.

So what is a store owner or restaurant owner supposed to do?

Well, you can ask the person to remain while you call the police. Seeking voluntary compliance is not an arrest and is almost risk-free. Ask for the person's name and address. Take his or her photo if you can, so you can give it to the police.

Otherwise, leave the policing to the police and leave citizen's arrests for those who wish to make political statements like British Columbian John Boncore, who was arrested in Calgary after an attempt to make a citizen's arrest of George W. Bush earlier this year.

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No Playing Favourites

By MARNI SOUPCOFF Monday, October 26, 2009

Once, when I was a law student working in a California district attorney's office, I handled a drug case against a meek-looking white teenager from a middle class suburb. Instead of being incarcerated, the young man was diverted into a community service program. Assuming he completed it (which he likely did - he seemed desperate to please), his record was eventually wiped clean.

My reaction to this outcome was mixed.

I had no desire to see a scared kid with no record stuck behind bars for a hiding a magic mushroom in his locker -- to what end? It made me uncomfortable, though, because I felt unsure whether a scowling black kid from a lousy part of town would have been given the same break in otherwise identical circumstances. I was a tiny bit disturbed, at that moment, by the discretion that judge and prosecutor have to mete out justice differently depending on the individual before them.

My discomfort over the kid with the magic mushroom came back to me recently when I heard about the case of David Chen -- and the angry reaction to it. "Mr. Chen is the Toronto grocer who back in May performed a citizen's arrest on a serial thief," my colleague Lorne Gunter wrote on these pages Friday (in a column entitled "We the people just get in the way"). "But now [he] faces charges of assault, kidnapping and forcible confinement for his actions." Mr. Gunter sees this as an indication that the Crown has its priorities out of whack. "It is more interested in the rights of criminals," he wrote in his column, "than the safety of ordinary Canadians and their property."

Well, maybe. Mr. Gunter is correct that the fact that the Crown chose to enter a plea bargain with the thief in order to secure his testimony against Mr. Chen is hard to fathom. But the fact that the Crown chose to prosecute both men for breaking the law, which both men allegedly did, seems to me an encouraging sign that justice is being applied evenly -- not playing favourites or deeming some people good guys and others bad guys.

What I think strikes people as unfair about the Chen case is that they believe a shop-keeper (and his employees) should be allowed to attack and confine someone who stole from him if the thief returns to the scene of the crime.

Problem is, that's not what the law says is an acceptable way for people to behave in these situations, and police and prosecutors are there to uphold the law as it's written, not as they (or we) think it should be. That's what keeps the system on the straight and narrow and prevents individual prejudice from creeping in. It's what ensures that one defendant doesn't

get treated more leniently than another just because he looks a certain way, or has a certain status.

I'm sympathetic to the argument that shopkeepers should have more leeway when dealing with people who have robbed them. The Chinatown area where Mr. Chen runs his store is hard hit by theft. If criminals knew store owners had more power to nab them, it might stop them from targeting these groceries and reduce crime in the neighbourhood. But if you want the law changed, you have to lobby your government, you can't blame the Crown.

Mr. Gunter predicts that the more people think the justice system is failing them, the more they will take matters into their own hands, as Mr. Chen did.

Perhaps. But anyone who takes matters into his own hands should be prepared to pay the legal price for doing so; they shouldn't expect special treatment.

Picking and choosing who gets to break the law and who doesn't is a dangerous game. We should be grateful it's one that our prosecutors and police don't seem inclined to play.

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thespec.com

Shopkeeper's charge shelved?

Lawyer tells court of surprise twist in case of store owner, 2 others who grabbed shoplifter.

A case that started with a Chinatown store owner being charged with kidnapping and assaulting a shoplifter has gone off in unexpected directions.

After hordes of media descended Thursday on what turned out to be a routine court appearance for David Chen at Old City Hall.

Chen's lawyer, Peter Lindsay, told court that the Crown is considering dropping the kidnapping charge against him and his two co-accused.

Another shopkeeper went to police with a new theft allegation about the shoplifter.

Lindsay and the police got into a war of words over how this new allegation was originally received.

"My client is a good, hard-working shopkeeper who tried to apprehend a criminal," Lindsay told a crush of reporters. "Mr. Chen is being dragged through the courts and it's ridiculous."

Anthony Bennett, the shoplifter, pleaded guilty on Aug. 17 to stealing 10 plants from Chen's Lucky Moose Food Mart on Dundas St. W., and also to plant thefts at a King St. W. store.

According to a transcript of Bennett's court hearing, a judge sentenced him to 30 days instead of the 90 days requested by the prosecutor because he will be a Crown witness against Chen. He has a three-page criminal record.

"The bad guy says, 'I'll help you get the good guy and our court system gives him a pat on the head,'" Lindsay said.

On May 23, police said, Chen and two employees chased Bennett as he fled the store, forced him into a vehicle, tied him up and assaulted him. Police charged Chen, 35, Jie Chen, 21 and Qing Li, 40, with assault, forcible confinement, carrying a concealed weapon and kidnapping.

"I don't feel that I did anything wrong," Chen told reporters.

Lindsay told a courtroom crowded with Chen's supporters that the Crown is considering dropping the kidnapping charges. A Crown spokesperson declined comment.

Lindsay said if the case goes to trial he will mount a constitutional challenge against Section 494 of the Criminal Code, which allows a citizen's arrest only if the suspect is in the process of committing the crime. In Chen's case, he believed Bennett had stolen an hour before.

Supporters showed reporters three recently written complaints about Bennett, including one about an alleged plant theft from a Spadina Ave.

store just two weeks ago.

When Lindsay told the officer prosecuting his client, Det. Marjorie Duffy, she refused to take the new theft complaint, he said.

Police spokesperson Mark Pugash said the detective thought Lindsay was trying to attack Bennett's credibility, which he is entitled to do in court, but not in a private. The officer told Lindsay to give the evidence to the Crown, Pugash said.

Instead, Lindsay accompanied Mei Huang to 52 Division Thursday afternoon as she laid a complaint that Bennett stole a \$29 plant from China Arts City Ltd. two weeks ago.

When approached at his home, Bennett declined to comment.

With files from Isabel Teotonio.

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MODULE 1 - Introduction to Policing
ACTIVITY 2: When Citizens Take Over Policing

STUDENT HANDOUTS

TORONTO STAR

Put thief, not me, on trial, grocer says

By JENNIFER YANG November 4, 2009



Chinatown merchant David Chen is accused of chasing down and holding a shoplifter until police arrived after a theft at his store this summer.

David Chen's legal burden is lighter now that two of his criminal charges have been dropped, but for the Chinatown grocer this does little to relieve a heavy heart.

"With this matter in my heart, my head hurts," Chen said Tuesday, speaking in Mandarin.

"This situation is very difficult ... (my family and I) don't sleep very well with this situation still unresolved."

The 35-year-old shopkeeper and two of his employees were arrested following a May 23 incident in which they allegedly chased down and tied up a shoplifter, detaining him in a delivery truck until police arrived.

Chen, Jie Chen, 21, and Qing Li, 40, were charged with assault, forcible confinement, carrying a concealed weapon and kidnapping.

But in a pre-trial hearing Tuesday morning, Crown prosecutor Colleen Hepburn tossed out the latter two charges for all three men.

This was welcome news for Chen and his lawyer, Peter Lindsay, but outside the courthouse, both expressed dismay with the Crown's decision to proceed to trial on the other two charges.

"I don't believe that Mr. Chen should have ever faced criminal charges," Lindsay told a group of reporters in front of Old City Hall. "My much-preferred outcome would have been that all four (charges) had been dropped." On Aug. 17, Anthony Bennett pleaded guilty to stealing 10 plants from Chen's Lucky Moose Food Mart on Dundas St. W., as well as plant thefts at another store on King St. W. Bennett was sentenced

to 30 days in prison.

Bennett will now testify as a Crown witness at Chen's trial, which is scheduled to begin on June 21.

If convicted, Chen and his co-accused face a maximum penalty of two years in prison.

Because the kidnapping charge — the only indictable offence — has been withdrawn, Chen can no longer have a juried trial and a judge will determine his fate.

On Tuesday, Lindsay said he doubted any jury would convict Chen, who has seen an outpouring of support, especially from the local Chinese community.

In the courtroom gallery, the back row was filled with Chen's supporters, both friends and strangers.

Some learned of Chen's situation from a Chinatown flyer distributed by the Victims' Rights Action Committee.

Thousands signed the group's petition in support of Chen.

"Mr. Chen was just doing the right thing any property owner would do to defend their property," said committee member Ricky Chan.

After the hearing, Lindsay reiterated his plans

to raise the constitutional issue of whether Chen enacted a valid citizen's arrest.

Under the criminal code, a property owner can only arrest someone if they're caught committing a crime, Lindsay explained.

Chen didn't catch Bennett red-handed, but the theft was captured on surveillance camera and Chen caught Bennett nearly an hour later when he returned to Lucky Moose.

"The current law of citizen's arrest is too narrow," Lindsay said.

Chen complained on Tuesday that his court dates have cost him both time and money.

He worries about juggling his legal issues while also running a business and supporting his two young children, ages 6 and 2, he said.

"In China, if this happened, a lot of people in the area would help, plus the police would arrive immediately," he said in Mandarin.

"The thief would be on trial, not the store owner."

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FOCUSED DISCUSSION QUESTIONS

After reading the article(s), discuss the following questions as a group.
Designate a group member as a recorder for each of the questions.

1. What are some of the rights and freedoms that were at stake?
2. How are Mr. Chen's (the shopkeeper) rights described in the article(s)?
3. How are Mr. Bennett's (the shoplifter) rights described in the article(s)?
4. Do you feel more sympathetic towards one person? Why or why not?
5. What would you have done if you were Mr. Chen? The police?

MODULE 1 - Introduction to Policing

ACTIVITY 3

Police Officers as Individuals

Materials

- Copies of *Attributes of an Officer* (one per student)
- Copies of *Wanted: Police Officer for Ideal Police Force* (one per student)

Teaching and Learning Strategies

1. Distribute the handout, *Attributes of an Officer*, to students and ask them to label a point on the graph for each of the attributes listed.
2. As a class, discuss which adjectives and characteristics are most important for the police to have and list these on the board for everyone to see. Refer to the list of police duties from Activity 1 and have a discussion about whether the most desirable attributes align with the responsibilities of the police.
3. Distribute the handout, *Wanted: Police Officer for Ideal Police Force*, and direct students to write a job posting for a police officer in an ideal police force.



Teacher's Key

You may choose to provide students with the following sample job posting before they write their own.

Position Available: Office Manager

We are seeking individuals who meet the following requirements to join our office in Anytown, Ontario as Office Manager.

The ideal candidate will be able to fulfil the key responsibilities of organizing and managing our office in the most efficient manner.

Candidates must also have at minimum a high school diploma and be willing to participate in all necessary training. Candidates must also have no criminal record.

Finally, the ideal candidate will possess the following

skills and qualifications:

- Thorough knowledge of Microsoft Office and data entry skills
- Excellent organizational skills
- Punctual, organized and cooperative

We thank all candidates but only those receiving an interview will be contacted. Please forward your resume and cover letters to info@anytown.ca.



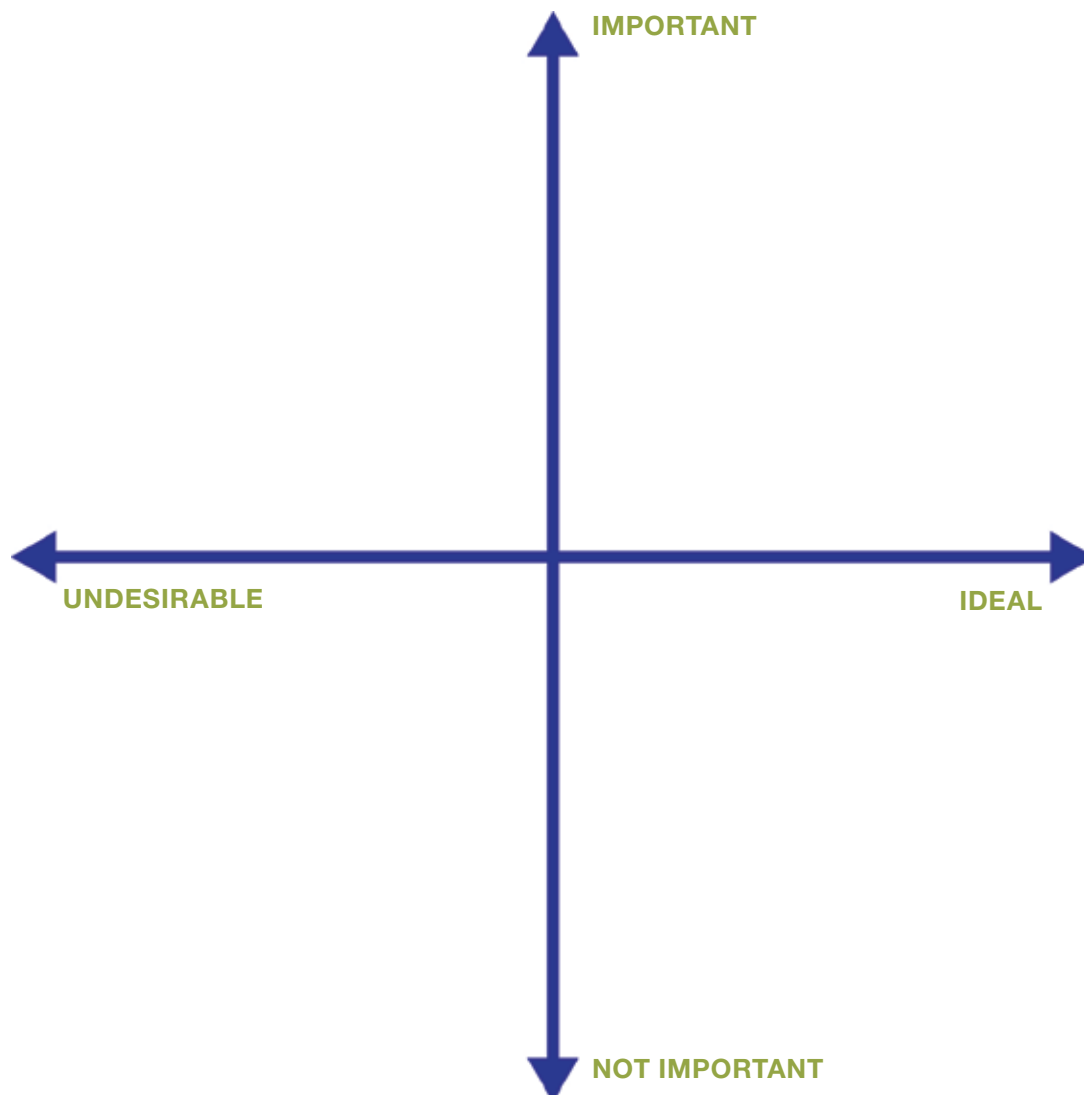
4. Have students share their completed descriptions and discuss the following as a class:

- What were some common attributes in the job descriptions of an ideal police officer?
- How similar or different are these descriptions from the definitions of police from Activity 1?

ATTRIBUTES OF AN OFFICER

Label a point on the graph for each of the possible police attributes below.

- Fair
- Powerful
- Authoritative
- Compassionate
- Professional
- Friendly
- Aggressive
- Corrupt
- Shy
- Good Sense of Humour
- Honest
- Physically Fit



- Key responsibilities
- Required education, experience or conditions
- Personal skills and qualifications
- Personal characteristics

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

MODULE 2

Police Discretion

Focus Question - What is discretion and how is it used by the police?

Overview

This module introduces students to the concept of discretion and in particular, to the discretion bestowed upon police officers. Students are invited to identify discretionary factors in real-life scenarios and to reflect on the possible reactions by police officers in these scenarios. Students then compare and contrast the range of possible reactions from actual police officers with those in an ideal society.

Learning Objectives

- To understand the complexities of police discretion.
- To reflect on how police discretion is exercised in real life scenarios.

ACTIVITY 1

Thinking Like An Officer

Materials

- Copies of *Police Discretion* (one per student)
- Copies of *Police Discretion Scenarios* (one per group)
- Copies of *Police Discretion Flow Charts* (one per student)

Teaching and Learning Strategies

1. **Distribute the handout, *Police Discretion*, to students. Introduce the concept of discretion and the notion that different officers from the same police force can have different reactions because they use discretion when responding to various situations.**
2. **Ask students to think of examples of situations where police would exercise discretion.**



Teacher's Key

Some examples include:

- Speeding - sometimes an officer will let the driver go without a ticket after hearing an explanation, while sometimes an officer will issue a ticket.
- Breaching a curfew - sometimes an officer will issue a caution or warning and let a young person go when breaching their curfew, while other times an officer will arrest the young person for failing to comply with bail conditions that include a curfew.
- Defacing public property - sometimes an officer will issue a caution or warning and let an individual go, while other times an officer will arrest that individual for mischief.

3. **Divide students into groups of 3-4 and distribute the handout, *Police Discretion Scenarios*. Ask each group to identify and list discretionary factors that a police officer may consider for each scenario. Discuss as a class.**



Teacher's Key

Scenarios	Possible Discretionary Factors
1	• Perceived honesty of Dane • Perceived remorse of Dane • Dane's past involvement with the criminal justice system • Frequency of theft incidents in the electronics store
2	• Perceived honesty of Brooke • Perceived remorse of Brooke • Brooke's past involvement with the criminal justice system
3	• Jamie's explanation as to why he is out past his curfew • Perceived remorse of Jamie • Past warning already issued to Jamie • Level of concern from parent/guardian about Jamie's curfew
4	• Perceived honesty of Keysha • Perceived behaviour of Keysha – anything suspicious? • Further investigation and evidence collected about identity of suspect
5	• Rate of crime/gang activity in the neighbourhood • Public safety • Perceived behaviour of the individual – anything suspicious?
6	• Perceived aggression from Jeremy • Jeremy's level of cooperation

4. **While still in their small groups, ask students to consider the following questions:**

- How do you think a police officer as defined in Module 1 (i.e. the objective, actual police officer) would react to the scenarios?
- How do you think police officers *should* react (i.e. the ideal officer)?
- Are the two reactions different? If so, how?

5. **Distribute the handout, *Police Discretion Flow***

ACTIVITY 1 Thinking Like An Officer (Cont'd)

Charts, to students. Explain that these are examples of *some* of the possible police reactions to each scenario. Be sure to tell students that there is no official “answer key”. Lead a discussion about the impact of the various responses on the individuals involved, the police force, the community, society, etc. Ask the class whether they agree or disagree with the proposed outcomes, and whether they would do something different.



Extension

Ask students to write a reflection on the topic of police discretion. Students may provide an answer to one of the following questions, or write on a related topic of their choosing.

- What conclusions can be drawn about police discretion?
- Should police discretion be limited through legislation?
- Would I (or should I) now act differently knowing that police have discretionary powers?

POLICE DISCRETION

Discretion: the power or right to decide or act according to one's own judgment; freedom of judgment or choice.¹

Police Discretion: the freedom of judgment and choices given to police officers in specified circumstances in accordance with their governing policies.

Due to police discretion, police officers have a range of choices to make when faced with certain situations. This means that different officers may make different choices even if they are all faced with the same situation.

Police discretion is most often used in the field, and officers base their choices on the surrounding circumstances and factors, such as officer safety, that need to be taken into consideration. Because every officer is different, with different attitudes and backgrounds, there is no absolute right choice and officers have flexibility in dealing with the situations they encounter. For example, when anyone commits a minor offence, officers have the discretion to let that person go after a warning or to charge that person and bring him/her to jail.

According to the Department of Justice, the following factors can affect police discretion with young offenders:²



Environmental factors

- Nature of the community
- Socio-demographic characteristics
- Level and type of crime in the community
- Community police relations

Organizational factors

- Centralization
- Hierarchy
- Policies and protocols
- Dimensions of policing: philosophical; strategic; tactical; organizational

Situational factors

- Seriousness of crime
- Weapon involvement
- Victim – harm, role
- Group/gang crime
- Demeanour
- Age/gender/race

¹See <http://dictionary.reference.com/browse/discretion?s=t>

²See <http://canada.justice.gc.ca/eng/pi/yj-jj/res-rech/discre/toc-tdm.html>

POLICE DISCRETION SCENARIOS

1. Dane is in an electronics store where he and a couple of friends are searching for a potential gift to give to a friend. They are happy to find a video game that is on sale but decide to continue looking around the store. They decide to go grab a bite to eat before making a final decision on what to get for their friend. As they are walking out of the store, the security alarm goes off and the store's security guard notices that Dane has the video game in his hands. Officer Sutherland arrives at the scene and Dane explains to the officer that he did not intend to steal the video game and simply forgot that it was still in his hands. What should Officer Sutherland do?
2. Officer Wilson arrives on scene at a local pharmacy where a young woman, Brooke, was caught attempting to steal a plastic bag full of medication. When questioned, Brooke explains that she was trying to steal some medication so that she could sell it and make some money to help her mom pay their rent. Brooke tells the officer that if her mom cannot make the next rent payment, they will be evicted from their apartment. Brooke has never had any encounters with police and starts sobbing out of remorse for what she has done. Officer Wilson feels sympathetic towards Brooke. What should Officer Wilson do?
3. Jamie is a 17-year-old male who has had a few encounters with the justice system and has recently spent three months in a juvenile centre for assaulting another individual. Jamie has been sentenced to a probation where he is under a curfew and expected to be home by 9PM. Jamie has previously been given a warning in the past for his inability to meet his curfew. Jamie's arresting officer, Officer Gomez, notices Jamie walking down the street at approximately 9:12PM. What should Officer Gomez do?
4. Officer Lee notices a young woman standing at a bus stop who appears to be a suspect in a robbery that just got reported. When Officer Lee approaches the young woman and questions her, she says her name is Keysha and that she had nothing to do with the robbery. Officer Lee has a picture of the robbery suspect and Keysha looks a lot like her. What should Officer Lee do?
5. Officer Jancik is on duty in a neighbourhood known for a relatively high rate of gang activity. Officer Jancik notices a young man walking out of the back exit of an apartment building. As he walks out of the building, the officer notices that the young man is carrying a big duffle bag with something metallic sticking out of it. It is dark so Officer Jancik is not sure what the metallic item is. As the young man continues to walk away from the building, he looks over his shoulder several times which makes him look suspicious, at least in the officer's eyes. What should Officer Jancik do?
6. Officer Rangan is in the middle of arresting a young man who was involved in a group assault on a younger kid. The young man is struggling and resisting arrest and the officer is attempting to take control of him. Jeremy and a few of his friends walk by and notice the officer struggling with the boy. In Jeremy's eyes, it looks like the officer is being overly aggressive with the boy and he starts yelling out, "Hey pal, why don't you pick on somebody your own size?" Officer Rangan has now gained control of his arrest and is upset at this comment. What should Officer Rangan do?

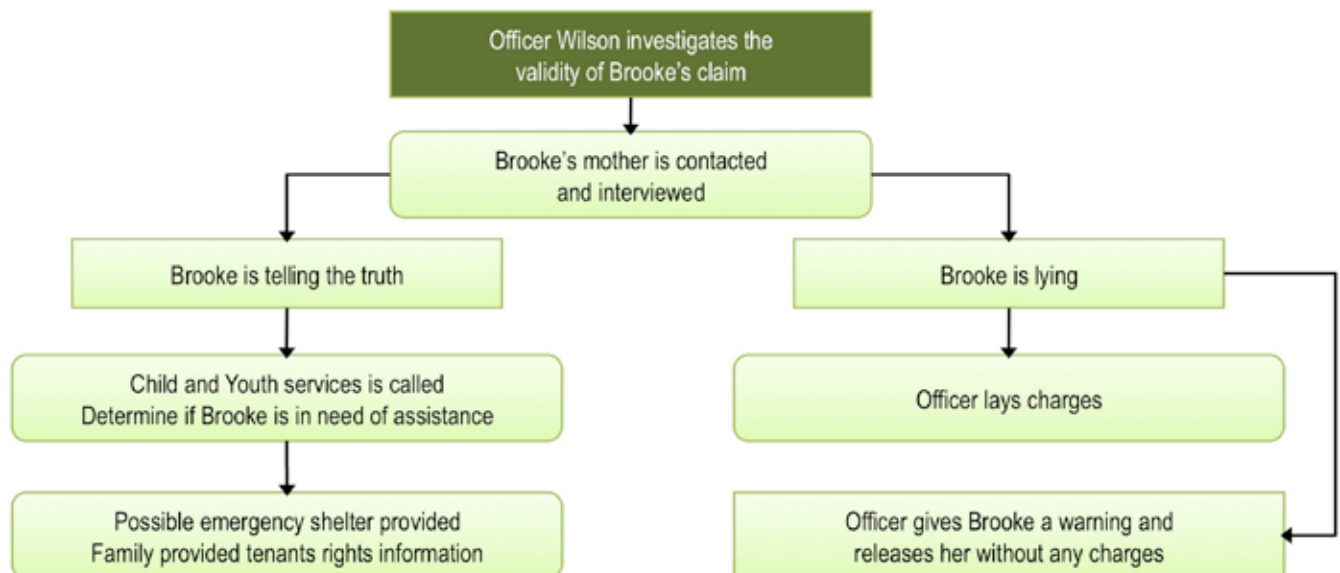
POLICE DISCRETION FLOW CHARTS

The following flow charts offer an idea of how the scenarios could be dealt with by a responding officer. As with any situation, even the slightest difference can change the outcome or decision. Use these flowcharts as a guide to think about the scenarios and the possible outcomes that could be associated with each. Consider how varying factors can change the outcomes. While policing is rarely expressed as a chemical equation, think of it as just that – the addition or subtraction of an element can change the entire structure of the resulting compound.

SCENARIO 1

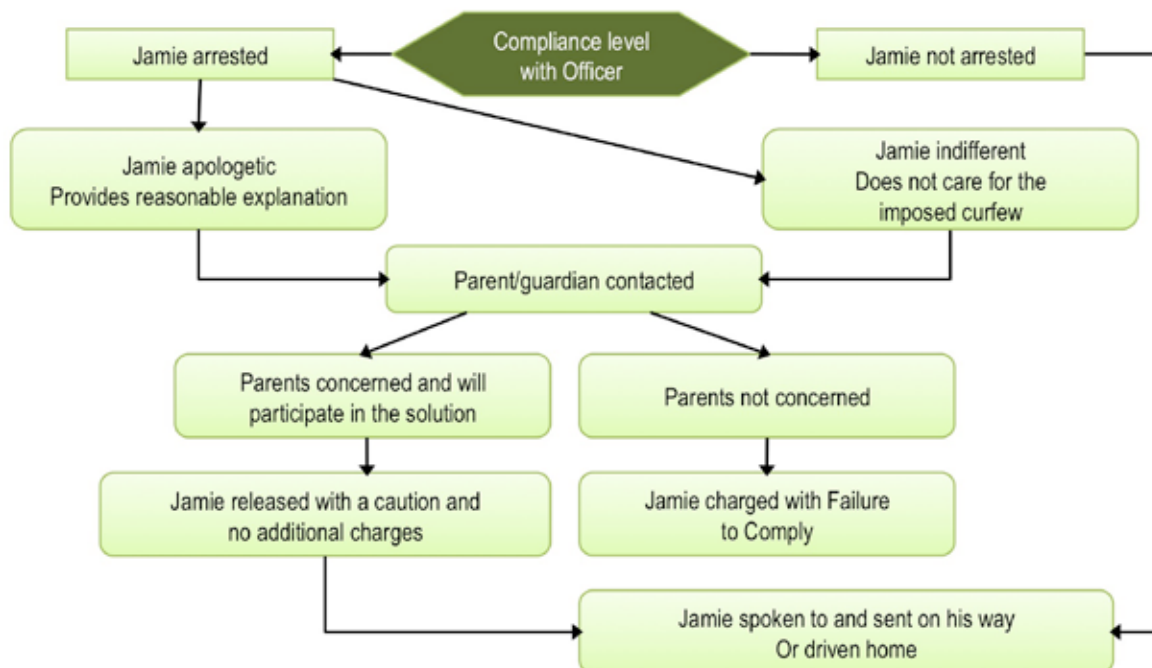


SCENARIO 2

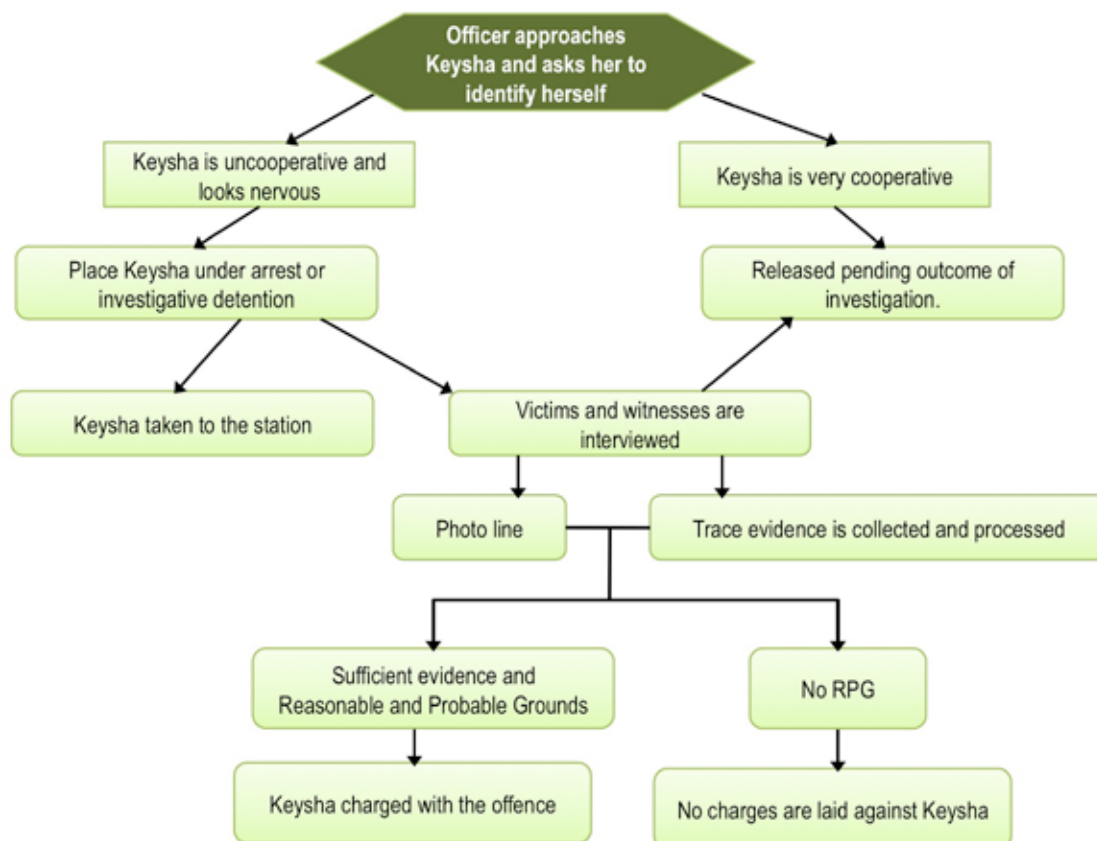


POLICE DISCRETION FLOW CHARTS

SCENARIO 3



SCENARIO 4

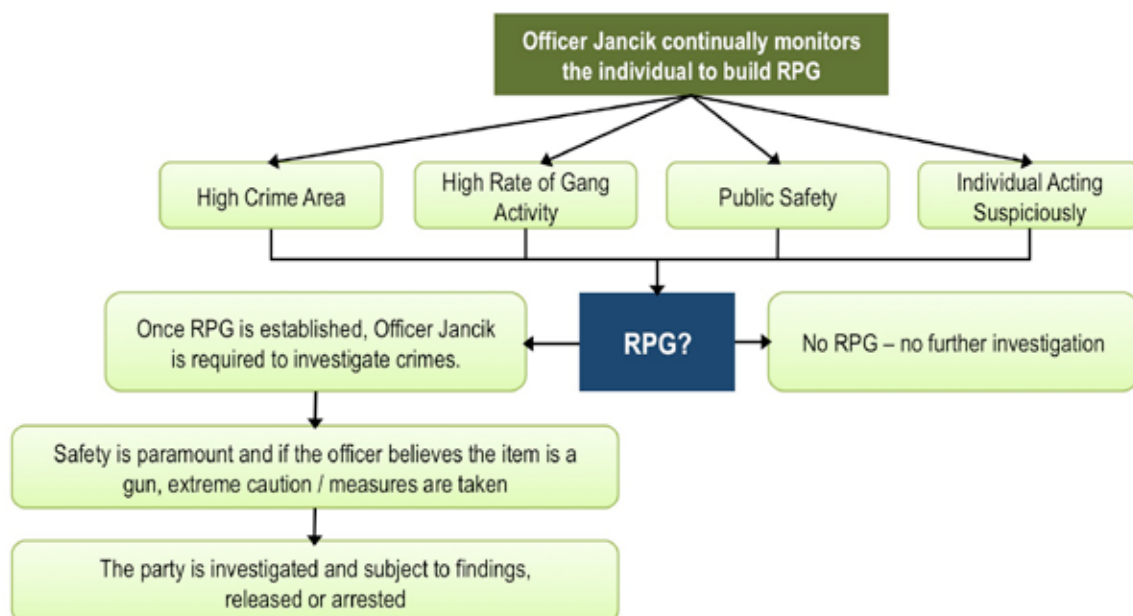


MODULE 2 - Police Discretion
ACTIVITY 1: Thinking Like An Officer

STUDENT HANDOUTS

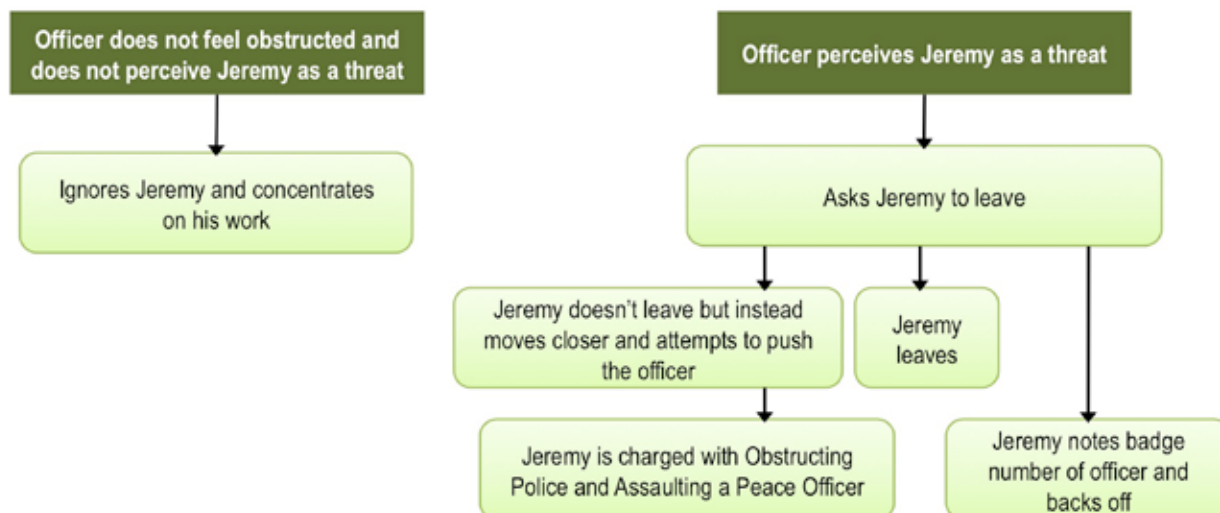
POLICE DISCRETION FLOW CHARTS

SCENARIO 5



Remember, the accused has the right to a trial and is presumed innocent until PROVEN guilty of an offence.

SCENARIO 6



As professionals, police would probably not react. Your right to freedom of speech is respected as long as you do not obstruct the officer from doing his job.

MODULE 3

Perceptions of Policing

Focus Question - What are our perceptions of police and where do they come from?

Overview

This module invites students to examine their perceptions of police and where these perceptions come from. Media portrayals of the police are explored as a source of these perceptions and analyzed as to their accuracy. Personal perceptions are also explored and compared to ideal conceptions of policing. Ultimately, this challenge encourages students to compare and contrast their perceptions of the police to reality, and to think critically about their perceptions.

Learning Objectives

- To see how the media influences perceptions of police.
- To see the differences between personal perceptions of the police and our ideal conceptions.

MODULE 3 - Perceptions of Policing

ACTIVITY 1

Media Representations of Policing

Materials

- Copies of *Policing on the Internet* (one per student)

Teaching and Learning Strategies

1. To get students thinking about perceptions of policing, have them complete the worksheet, *Policing on the Internet*. Students will spend time searching “police” and “policing” on the Internet, looking through the image results and completing the related activities. This exercise may be assigned and completed the day before the module begins.
2. Ask students to brainstorm movies, television shows, games, etc. that portray the police in some capacity. Generate a class list on the board.



Teacher's Key

Some examples include:

- Movies - The Departed, 21 Jump Street, The Other Guys, American Gangster, Die Hard Series, Police Academy, Bad Boys, Training Day, Crash, etc.
- TV – Flashpoint, Rookie Blue, Hawaii Five-O, Bones, Castle, 24, NCIS, COPS, Law and Order, CSI, The Wire, Blue Bloods, The Closer, Police Women of Broward County, NYC22
- Games – Call of Duty, Grand Theft Auto, Tom Clancy's Rainbow Six, Need for Speed Hot Pursuit etc.

3. Once there are around 20 examples, have students group them based on the following questions. You can ask a volunteer to cross out or circle the relevant titles.

- a. Which of these portray the police as funny, comical characters?
- b. Which of these portray the police as corrupt?
- c. Which of these portray the police as powerful, violent or aggressive?

- d. Which of these portray the police as compassionate?
- e. Which of these portray the police as professional?

Discuss the following:

- f. Do you think these portrayals are fair?
- g. Do you think these portrayals are accurate?
- h. If you were a police officer, how would you feel about these media portrayals?
- i. Have you ever seen these kinds of police in your community?

4. Ask students to review their individual lists from the *Policing on the Internet* activity. Repeat the categorization with the image results. Discuss the following:

- a. How many titles (on the board or descriptions from the image results) are left uncategorized? What do those images look like?
- b. Which of these would you want as the police in your community?
- c. If none, what kind of police would you want in your community? (If Module 1 was completed, refer to the ideal police job descriptions).

POLICING ON THE INTERNET

Do an image search on the Internet of the following terms.

- police
- police Canada

To do an image search, select the 'Images' option from the search engine you are using.

Questions:

- What kind of images came up for each of those terms?
- In what ways are the images that came up similar to each other? In what ways are they different?
- What happened when you added "Canada" to your search?
- Do you think the images are an accurate reflection of the police? Why or why not?
- Describe the three images that you found to be the most impactful or powerful. Explain why you selected each particular image.

MODULE 3 - Perceptions of Policing

ACTIVITY 2

Personal Perceptions of Policing

Materials

- Copies of *Personal Perceptions of Policing* rubric (optional)

Teaching and Learning Strategies

1. Divide students into groups of 4-5 and ask them to reflect on their own personal perceptions of the police. Have students use a creative method to illustrate their personal perceptions of the police. Some possibilities include:

- Preparing a skit
- Completing a drawing
- Making a collage
- Writing a fictional story or poem
- Making a video
- Writing a song or rap

Give students sufficient time to prepare their personal perceptions. Prior to starting, you may want to invite students to make a collective list of adjectives and characteristics that best represent their personal perceptions of the police. A few of these characteristics can then be chosen as the ones to be portrayed in the creative expression.

2. Have each group present what they have prepared and ask each to explain why they presented that particular perception of the police. A rubric is available for assessment purposes.

Extension

Refer to the ideal police officer job posting from Module 1, or direct students to reflect on what kind of police they would want in their community. Discuss the following:

- How are your personal perceptions different from your ideals?
- How are your personal perceptions different from those portrayed in the media?
- Which of these portrayals of the police (personal/ media/ideal) are most accurate?

Note: Module 6 may be a relevant follow-up to this module as students would have the opportunity to meet with a real police officer.



ASSESSMENT RUBRIC

	Level 4	Level 3	Level 2	Level 1
Knowledge and Understanding	Student has demonstrated an excellent grasp of the issue and has effectively and clearly identified a variety of personal perceptions.	Student has demonstrated a good grasp of the issue and has effectively and clearly identified many personal perceptions.	Student has demonstrated some grasp of the issue and has identified some personal perceptions.	Student has demonstrated limited grasp of the issue and has identified only few personal perceptions.
Thinking and Inquiry	Student has demonstrated excellent critical thinking skills and reflection on the issue.	Student has demonstrated good critical thinking skills and reflection on the issue.	Student has demonstrated some critical thinking skills and reflection on the issue.	Student has demonstrated limited critical thinking skills and reflection on the issue.
Application	Student has presented the issue in a very thoughtful and original manner. The presentation is very engaging and informative.	Student has presented the issue in a thoughtful and original manner. The presentation is engaging and informative.	Student has presented the issue in a somewhat thoughtful and original manner. The presentation is somewhat engaging and informative.	Student has not demonstrated sufficient planning and execution in the presentation
Communication	All ideas are very clearly expressed. Excellent presentation skills.	All ideas are clearly expressed. Good presentation skills.	All ideas are expressed somewhat clearly. Adequate presentation skills.	Ideas are not expressed very clearly. Presentation skills need to improve.

MODULE 4

Comparative Systems of Policing

**Focus Questions - What does policing look like in other parts of the world?
How does it compare to policing in Ontario?**

Overview

In this module, different international systems of policing are explored and compared to policing in Ontario. Students will consider a set of real-life scenarios and the range of possible reactions on the part of an officer – depending on the system of policing s/he belongs to. Students are then invited to determine how our system of policing compares to others around the world and encouraged to consider different possibilities for policing.

Learning Objectives

- To see that Ontario's approach to policing is only one of many around the world.
- To understand that there is no natural or universal system of policing and that each is chosen by a government or a society according to its needs, values and character.

ACTIVITY 1

Comparative Analysis of Different Systems of Policing

Materials

- Comparative policing handout (one per group)
- Computer lab space (optional)

Teaching and Learning Strategies

1. Ask students to reflect on whether or not they know about kinds of policing other than what exists in Ontario. Explain that policing is different around the world and that looking at other types of policing will help achieve a deeper understanding of policing in Ontario.

- If students don't know of other systems, ask them to consider what they have seen in movies, TV shows, etc. Are those kinds of policing similar or different to what we have in Ontario?
- If students do know of different kinds of policing, ask them to consider where they have seen this different kind of policing (e.g. living in another country or province, travelling, movies, etc.)

2. Divide students into five groups and assign

each group a system of policing from one of the following cities and time periods:

- People's Armed Police (PAP) - Beijing, China, 1980s
- Los Angeles Police Department (LAPD) - Los Angeles, USA, 1990s
- Metropolitan Police Service (MPS) – London, UK, 2001
- State Military Police (SMP) - São Paulo, Brazil, 2006
- Dakota Ojibway Police Service (DOPS) – Manitoba, Canada, 2009

Provide the relevant handout to each group. Each handout includes a description of the police force, group activities, discussion questions and links to related resources. You may choose to book a computer lab to allow students to do additional research on their particular police force. Students should reflect on what interests each police force is balancing in order to carry out policing in their city and time period (e.g. victims' rights and increased violence vs. use of excessive force and brutality, anti-police sentiments vs. fairness, etc.)



Teacher's Key

Student answers will vary. Some possibilities include:

Policing System	Adjectives	Possible Newspaper Headlines
People's Armed Police (PAP) - Beijing, China, 1980s	• Powerful • Authoritative • Vigilant • Protective • Tough on crime • Excessive • Brutal • Forceful	• [February 17, 1985] China Backed by Giant Numbers: Shows off power with growing PAP force • [December 22, 1986] China Urges Students to End Protests • [January 3, 1987] China tells Police: Remain Vigilant • [May 14, 1987] Beijing Police Will not Tolerate Anti-Police or Anti-Government Actions • [November 1, 1987] Non-Existence of Domestic Violence: Police continually ignore instances of domestic violence, according to one refugee who has escaped from China • [March 13, 1988] Beijing Police Stick Firmly to Their Ideologies: Beijing's People's Armed Police most loyal to government • [March 13, 1988] Beijing Police Stick Firmly to Their Ideologies: Beijing's People's Armed Police most loyal to government • [February 19, 1989] Beijing Police Mobilized to Counter Growing Number of Student Protests

MODULE 4 - Comparative Systems of Policing**Activity 1: Comparative Analysis of Different Systems of Policing****Teacher's Key (cont'd)**

Policing System	Adjectives	Possible Newspaper Headlines
People's Armed Police (PAP) - Beijing, China, 1980s (cont'd)	• Powerful • Authoritative • Vigilant • Protective • Tough on crime • Excessive • Brutal • Forceful	• [March 22, 1989] China Uses Force to Stop Demonstrations: People's Liberation Army and People's Armed Police join together to stop protesters • [April 30, 1989] Students Push Through Police Lines but are Beaten by Beijing Police • [June 6, 1989] China Victorious Over Protesters: Bloody aftermath after army and police finally quell demonstrations in Tiananmen Square • [August 13, 1989] Police Crackdown on Those who Supported Protesters
Los Angeles Police Department (LAPD) - Los Angeles, USA, 1990s	• Authoritative • Vigilant • Protective • Tough on crime • Excessive • Brutal • Forceful • Violent	• [Jan 10, 1990] LA Crime Rises by 8.2%: A department spokesman calls level of violent offences intolerable and promises for tougher police action on crime • [March 3, 1990] Police now Tougher on Crime – Victims Welcome Tougher Stance • [April 12, 1990] LAPD not Corrupt - just Brutal in their Mission to end Gang Violence • [October 1, 1990] Police to Reduce all Violence – including Violence Against women • [March 5, 1991] World Shocked at Brutal Police Beating of Rodney King • [March 12, 1991] Public Outcry at Police Brutality: Public calls for resignation of Police Chief and for prosecution of officers • [April 29, 1992] Public Outraged at Acquittal of Officers for Beating of Rodney King: Public take justice into their own hands by rioting • [April 30, 1992] All of LA Paralyzed by Widespread Violence and Rioting: Government claims LA is in a state of anarchy • [May 1, 1992] Anger Against the Police Only Rising but Police told to use as much force as necessary to quell violence and to restore order • [May 2, 1992] Army and Marines arrive to help restore order to LA • [June 26, 1993] Use of Force now a Gray Area for LAPD: Confusion over rules persists, altering performance of duties
Metropolitan Police Service (MPS) – London, UK, 2001	• Tough on crime • Forceful • Vigilant • Pro-victims' rights • Powerless (due to increasing numbers)	• [January 17, 2001] Problems with Police Recruitment: Low morale said to be one of the many problems facing the police • [February 3, 2001] Met Wants Special Courts for Violence in Home: Met claims that this will encourage more victims to come forward • [March 6, 2001] Met to Crackdown on Domestic Violence • [March 27, 2001] Crime Rates Increase but Police Powerless to Fight Crime: Another look at the low numbers in police recruitment • [April 2, 2001] Met says, We're Ready to be Tough for May Day Trouble

MODULE 4 - Comparative Systems of Policing**Activity 1: Comparative Analysis of Different Systems of Policing****Teacher's Key (cont'd)**

Policing System	Adjectives	Possible Newspaper Headlines
Metropolitan Police Service (MPS) – London, UK, 2001 (cont'd)	• Tough on crime • Forceful • Vigilant • Pro-victims' rights • Powerless (due to increasing numbers)	• [April 11, 2001] Concern over Police Tactics to be Used on May Day: Police considering use of rubber bullets on protesters • [April 20, 2001] Blair Backs May Day Police: Says that there must be zero tolerance policy for violence and anarchy • [April 22, 2001] Police Raids Anarchists' Training Site to Prevent Repeat of May Day Riots • [May 1, 2001] Police Tactics Stop Anarchists From Taking Over City • [May 2, 2001] Outrage at Detention of Innocent Non-Violent Protesters • [May 3, 2001] Met may face Legal Action over May Day Tactics
State Military Police (SMP) - São Paulo, Brazil, 2006	• Tough • Violent • Aggressive • Corrupt	• [January 3, 2006] Increasing Gang Activity: SMP to crack down on gangs • [February 12, 2006] Domestic Violence Unnoticed as SMP Focuses all Attention on Crackdown of Gangs • [March 5, 2006] Police Accused of Accepting Bribes During Arrests: SMP denies this accusation despite accounts of civilian witnesses • [April 19, 2006] Government has no control over the SMP: No investigations conducted for police corruption • [April 26, 2006] Increasing phone calls at SMP stations for incidents of domestic violence: Police too busy with gang violence to respond • [May 12, 2006] Violence Erupts in São Paulo: Gangs Take Over Police and Bring Chaos to Streets of São Paulo • [May 13, 2006] Government Urges Police to Gain Control at all Costs • [May 14, 2006] Bloodied Brazilian police strike back at gangs: SMP vows not to back down after gang attacks • [May 17, 2006] Police Strike Back in São Paulo; More Than 30 Suspects Killed in Raids Aimed at Ending Wave of Gang Violence • [May 18, 2006] Government Accused of Giving Police License to Kill • [May 21, 2006] Police Forces Criticized over "Revenge" Killings in São Paulo
Dakota Ojibway Police Service (DOPS) Manitoba, Canada, 2009	• Collaborative • Culturally-sensitive • Pro-victims' rights	• [Jan 10, 2009] Native Police Force Competes with RCMP: Native communities prefer Native police force over RCMP • [Feb 13, 2009] Zero Tolerance Policy for Domestic Violence strictly enforced by DOPS • [March 1, 2009] Communities praise DOPS for sensitivity when dealing with Native young offenders • [March 23, 2009] DOPS need more officers: Government refusing request for expansion • [April 19, 2009] DOPS to tackle rise of domestic violence in Manitoba

MODULE 4 - Comparative Systems of Policing**Activity 1: Comparative Analysis of Different Systems of Policing****Teacher's Key (cont'd)**

Policing System	Adjectives	Possible Newspaper Headlines
Dakota Ojibway Police Service (DOPS) Manitoba, Canada, 2009 (cont'd)	• Collaborative • Culturally-sensitive • Pro-victims' rights	• [May 22, 2009] DOPS seek input from communities to better improve policing of youth • [July 5, 2009] Communities approve of culturally sensitive approaches by DOPS: Collaboration over use of force • [August 3, 2009] Continued problems with numbers: DOPS seeking to expand but no funding from government • [October 18, 2009] Rising crime rates in south-western Manitoba: DOPS hoping to contribute but lacking in numbers • [December 3, 2009] DOPS officers encourage youths at crime prevention education sessions

3. Draw a cross-grid graph on the board labelled with the following points: **Aggressive, Passive, Fair, Unfair**. Invite each group to select the point on the graph where their assigned policing system fits. As each group comes up, ask a spokesperson to give a brief description of the policing system they were assigned and explain why they have placed the system on the graph in that spot. Students may choose to include some of the newspaper headlines in their descriptions.

4. Debrief by discussing the following:

- Are any of these types of policing similar to the policing that exists in Ontario? If yes, how are they similar? If not, what type of policing exists in Ontario?

PEOPLE'S ARMED POLICE (PAP) BEIJING, CHINA, 1980s



The People's Armed Police (PAP) Force of China was officially established in 1982. However, its origins can be traced back to the People's Liberation Army, which was made up of demobilized soldiers and loyal citizens and whose mandate was to quash any resistance to the government. The main responsibilities of the PAP are to preserve social order and to maintain public security. In order to do this, the PAP enforces the strict social and economic policies of China's government.

The structure of PAP is similar to that of the army, which makes it a paramilitary force rather than a civilian law enforcement agency (like we have in Ontario). The PAP governs the Beijing area of China and is currently estimated to have between 1.1 and 1.5 million officers deployed in its service - making it one of the largest police forces in the world.

Throughout the 1980s, the PAP was an important governmental force to control any resistance and to enforce social policies. This was particularly important during the late 1980s since there was a growing democratic movement of students and intellectuals who opposed China's totalitarian government and communist economy.

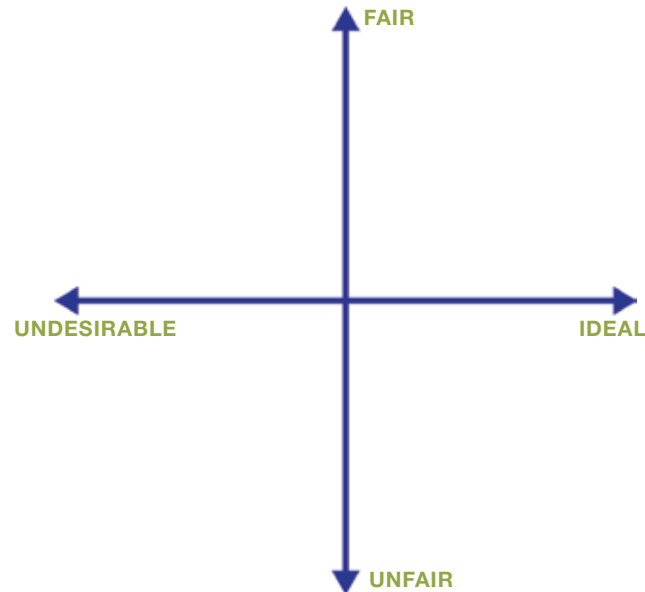
From April to June 1989, thousands of pro-democracy protesters made a series of demonstrations at Tiananmen Square, near the centre of Beijing. Over 100,000 people gathered to protest and millions of people all over China were also involved in calling for democratic reforms to the government.

During this time, there were many clashes between protesters and the PAP as the police attempted to retain the government's control over its people. On June 4, 1989, the government succeeded in retaining its control with the help of over 200,000 troops from the People's Liberation Army. This military response led to thousands of deaths (the exact number is unknown) of protesters and is internationally known as the Tiananmen Square Massacre.

After the protests ended, the Chinese government cracked down on any government resistance with the help of the PAP who conducted widespread arrests of protesters and their supporters.

MODULE 4 - Comparative Systems of Policing**ACTIVITY 1: Comparative Analysis of Different Systems of Policing****STUDENT HANDOUTS****PEOPLE'S ARMED POLICE (PAP) - BEIJING, CHINA, 1980s** (Cont'd)**Group Activities**

1. Make a list of 5-10 adjectives that describe the PAP during the late 1980s.
2. Label the graph with the adjectives, reflecting on how you would describe the PAP during the 1980s.



3. Create 5 possible newspaper headlines from the late 1980s that demonstrate how you would describe the PAP.
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.

Discussion Questions

- What were the underlying values in 1980s China that caused the PAP to act as they did?
- Whose rights were the PAP most concerned about protecting at that time?
- During the 1980s, how much control did the government have on the PAP?
- Throughout the 1980s, how much discretion did the PAP have in carrying out their policing duties?

Resources (for additional information):

<http://www.globalsecurity.org/intell/world/china/pap.htm>
<http://www.springerlink.com/content/5088701582025787/>
<http://www.sinodefence.com/army/organisation/pap-internal.asp>

LOS ANGELES POLICE DEPARTMENT (LAPD) – LOS ANGELES, CALIFORNIA, USA, EARLY 1990s



The first Los Angeles Police Force was founded in 1853. Today, it is one of the largest law enforcement agencies in the United States. The Los Angeles Police Department (LAPD) operates in the city of Los Angeles, in the state of California. It is governed by the Los Angeles City Council and overseen by the Los Angeles Board of Police Commissioners. The nature of the LAPD is a law enforcement agency made up of local civilian police officers.



Throughout the 1970s and 1980s, street gangs and gang-related violence swept the streets of Los Angeles. To crack down on the increase in gang violence, the LAPD introduced what was called “Operation Hammer” in 1987, which resulted in an unprecedented number of arrests - mostly of people from African-American and Hispanic backgrounds.



According to the LA Times¹, 1988 was a year of large-scale raids carried out by the LAPD. During one such raid, the LAPD caused massive property damage to apartment buildings – even going so far as spraying a graffiti message that read “LAPD rules”. The property damage was so great that the Red Cross had to offer assistance to 10 adults and 12 minors who had become homeless as a result of the LAPD’s actions. The LAPD claimed that this was the only way to deliver a message to gang members that there would be a price to pay for being in a gang. By 1990, over 50 000 people had been arrested in raids.

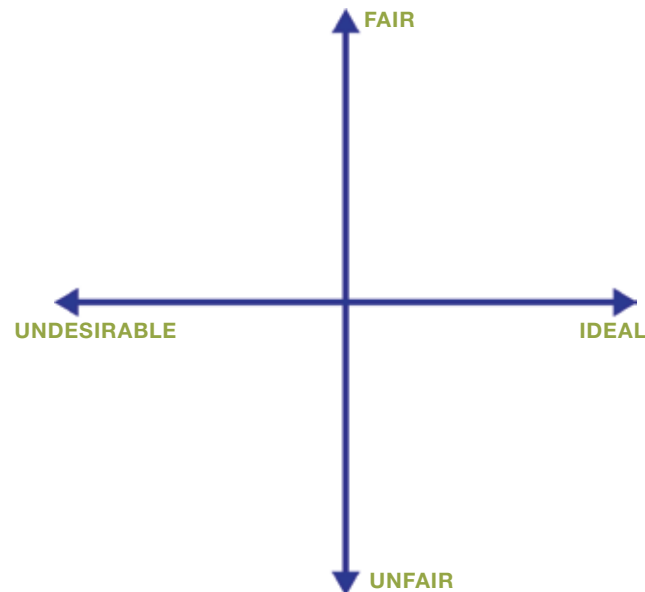
On March 3, 1991, four members of the LAPD apprehended Rodney King and two passengers in his vehicle. King had led the officers on a high-speed chase through residential neighbourhoods for fear of being caught in violation of his parole. However, once caught, King was tackled, tasered and heavily beaten with clubs. This beating of Rodney King by LAPD officers was captured on a neighbour’s camcorder and attracted worldwide attention by the media. There was an international outcry at this demonstration of police brutality.

The four officers were eventually charged with the use of excessive force, but were acquitted on April 29, 1992. This sparked what is known as the Los Angeles Riots, where thousands of people rioted and took anti-police actions to show their anger about the acquittal of the officers. Overall, 53 people died during the riots and over 2000 are estimated to have been injured. It took a deployment of US army soldiers and members of the United States Marines to take control of the situation and to stop the rioting.

¹See <http://www.mapinc.org/newscsd/v01/n450/a05.html>

MODULE 4 - Comparative Systems of Policing**ACTIVITY 1: Comparative Analysis of Different Systems of Policing****STUDENT HANDOUTS****LAPD – LOS ANGELES, CALIFORNIA, USA, EARLY 1990s** (Cont'd)**Group Activities**

1. Make a list of 5-10 adjectives that describe the LAPD during the early 1990s.
2. Label the graph with the adjectives, reflecting on how you would describe the LAPD during the early 1990s.



3. Create 5 possible newspaper headlines from the early 1990s that demonstrate how you would describe the LAPD.
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.

Discussion Questions

- What were the underlying values in 1990s LA that caused the LAPD to act as they did?
- Whose rights were the LAPD most concerned about protecting at that time?
- During the 1990s, how much control did the government have on the LAPD?
- Throughout the 1990s, how much discretion did the LAPD have in carrying out their policing duties?

Resources (for additional information):

http://www.lapdonline.org/history_of_the_lapd

http://www.lapdonline.org/assets/pdf/violent_crimes_in_la.pdf

http://www.parc.info/client_files/Special%20Reports/1%20-%20Christopher%20Commision.pdf

<http://jurist.law.pitt.edu/trials24.htm>

http://www.usnews.com/usnews/news/articles/930531/archive_015229.htm

METROPOLITAN POLICE SERVICE (MPS) LONDON, UK, 2001



The Metropolitan Police Service (MPS or the Met) is the civilian law enforcement agency responsible for policing within Greater London (excluding the square mile of the city of London – which is under the responsibility of the City of London Police) in the United Kingdom. The MPS is also referred to as the Scotland Yard after the location of its original headquarters. It is the largest police force in the United Kingdom and one of the oldest police forces in the world. The Met was officially established in 1829 when the first Metropolitan Police Act was passed. It is currently governed by the Metropolitan Police Authority.

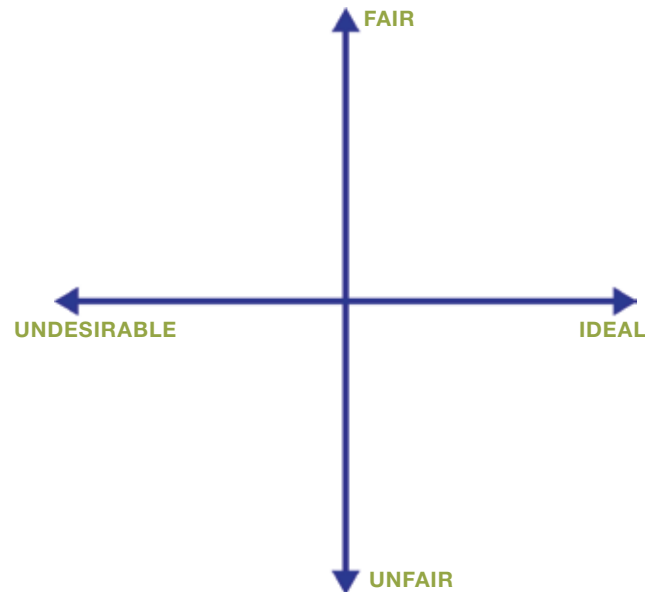
In recent years, London has been the site of many mass public demonstrations against capitalism, police brutality and other social issues. One of the most famous demonstrations was May Day protest. Historically, May Day was celebrated in many countries as International Workers' Day or Labour Day, and was a day of political demonstrations organized by unions and pro-labour groups. In 2000, the May Day protest became a violent affair and as a result the British government called upon the MPS to take a tougher stance during protests, especially when they became violent.

In May 2001, the police made use of these new 'tougher' tactics during the May Day protest. In addition to a zero tolerance policy on violence and an increased number of arrests, the MPS employed a controversial tactic known as "kettling" in an attempt to control the crowds. Kettling involves the formation of large rows of police officers who then move to contain a crowd within a limited area. Protesters were prevented from leaving the area for several hours and were denied access to food, water and toilet facilities. A large number of innocent bystanders were detained for long periods of time and the MPS was severely criticized for their actions.

This was the first use of kettling by the police and two people sued the MPS for wrongful detention, alleging a breach of the European Convention of Human Rights. The pair lost their court action in 2005 and their appeal failed in 2007 when the Court of Appeal backed the High Court ruling.

MODULE 4 - Comparative Systems of Policing**ACTIVITY 1: Comparative Analysis of Different Systems of Policing****STUDENT HANDOUTS****METROPOLITAN POLICE SERVICE (MPS) LONDON, UK, 2001 (Cont'd)****Group Activities**

1. Make a list of 5-10 adjectives that describe the MPS in 2001.
2. Label the graph with the adjectives, reflecting on how you would describe the MPS in 2001.



3. Create 5 possible newspaper headlines from 2001 that demonstrate how you would describe the MPS.
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.

Discussion Questions

- What were the underlying values in the UK in 2001 that caused the MPS to act as they did?
- Whose rights were the MPS most concerned about protecting at that time?
- During 2001, how much control did the government have on the MPS?
- Throughout 2001, how much discretion did the MPS have in carrying out their policing duties?

Resources (for additional information):

<http://www.met.police.uk/history/>

<http://www.statemaster.com/encyclopedia/Metropolitan-Police-Service>

<http://www.guardian.co.uk/world/2001/may/01/mayday.immigrationpolicy>

STATE MILITARY POLICE (SMP)

SÃO PAULO, BRAZIL, 2006



The Polícia Militar do Estado de São Paulo (São Paulo State Military Police or SMP) is a law enforcement agency in the state of São Paulo, Brazil. It is the largest state police force in the country, with over 100,000 personnel in its rank. The SMP is made up of armed forces and civilians in its personnel and was officially established in 1831. The primary function of the SMP is to patrol public places, such as city streets and state highways, in the entire state.

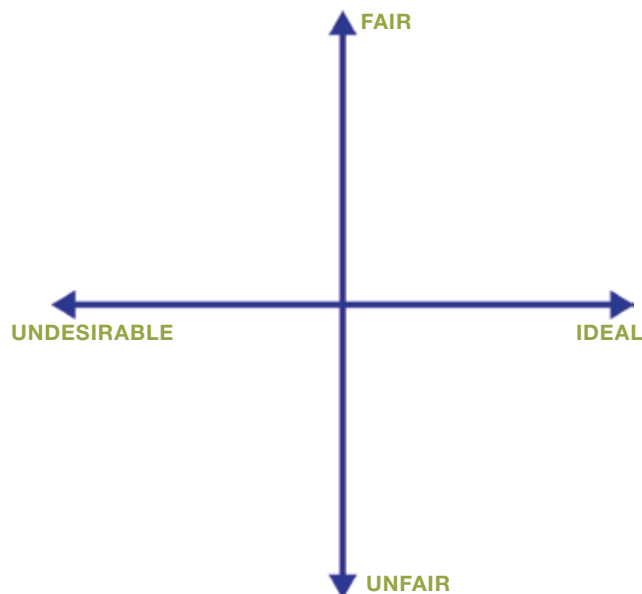
In 2006, São Paulo experienced the worst outbreak of violence in Brazilian history. The violence was allegedly initiated by Primeiro Comando da Capital (PCC) – a renowned prison gang – and began on the night of May 12, 2006 when gang members attacked police officers. The attacks eventually became directed not only at police officers, but security forces and civilians as well. This eruption of violence became known as the May 2006 São Paulo violence.

On May 14, 2006, the police began to quell the violence by taking the offensive and allegedly killing up to 33 suspects a day. Throughout the violence, there was much controversy over police tactics, as many police officers were enraged at gang members and sought retribution against gang members who had caused the deaths of over 40 officers. This violent clash between the officers and gang members ended up taking the lives of over 150 people.

This wave of violence received broad national and international media coverage and shocked people around the world.

MODULE 4 - Comparative Systems of Policing**ACTIVITY 1: Comparative Analysis of Different Systems of Policing****STUDENT HANDOUTS****STATE MILITARY POLICE (SMP) SÃO PAULO, BRAZIL, 2006** (Cont'd)**Group Activities**

1. Make a list of 5-10 adjectives that describe the SMP in 2006.
2. Label the graph with the adjectives, reflecting on how you would describe the SMP in 2006.



3. Create 5 possible newspaper headlines from 2006 that demonstrate how you would describe the SMP.
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.

Discussion Questions

- What were the underlying values in São Paulo in 2006 that caused the SMP to act as they did?
- Whose rights were the SMP most concerned about protecting at that time?
- During 2006, how much control did the government have on the SMP?
- Throughout 2006, how much discretion did the SMP have in carrying out their policing duties?

Resources (for additional information):

<http://www.drclas.harvard.edu/revista/articles/view/951>
<http://www.hrw.org/en/node/86987/section/4>
<http://www.country-data.com/cgi-bin/query/r-1809.html>
<http://news.bbc.co.uk/2/hi/americas/4770469.stm>
<http://www.guardian.co.uk/world/2006/may/18/brazil.mainsection1>

DAKOTA OJIBWAY POLICE SERVICE (DOPS) MANITOBA, 2009



The Dakota Ojibway Police Service (DOPS) was established in 1977 by the Dakota Ojibway Tribal Council. It is one of the longest operating First Nation Police Services in Canada and a recognized stand-alone community police agency in southwestern Manitoba. The DOPS was established in order to change the emphasis from law enforcement to crime prevention. As such, a community policing model was adopted and the DOPS has sought to increase dialogue between its communities and the police service. DOPS is directed by the DOPS Police Commission and its mission is to ensure the safety, security, trust and protection of the First Nation Communities it serves by honouring the beliefs, traditions and history of the First Nations people.

All members of the DOPS are sworn peace officers within the province of Manitoba and have jurisdiction throughout the province. DOPS employs not only officers, but also guards, maintenance personnel and matrons from within the communities. There are five detachments within the DOPS and each detachment is required to meet regularly with the local chief, band council and police committee to ensure that the police services being provided meet the needs of the community.

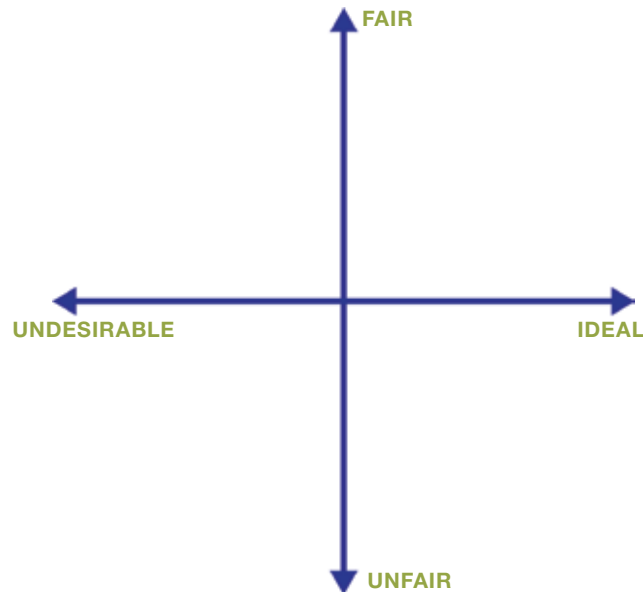
In 1990, the federal government of Canada reviewed Aboriginal policing initiatives across the country and determined that Aboriginal communities required more sensitive policing arrangements that respected their cultures and history. The First Nations Policing Policy (FNPP) was announced by the federal government in 1991 and has led to community tripartite agreements between the federal government, the provincial government and the band council of a First Nations community.

In 1995, one such agreement was signed and the DOPS was commissioned to provide long-term, full-time policing services to the communities it served. However, many chiefs and band councils across Manitoba have felt that despite the quality and professional services being provided by DOPS, there has been resistance from the federal and provincial governments to expand the DOPS.

Throughout 2008-2009, communities and members of the DOPS expressed a growing dissatisfaction with the lack of expansion of the DOPS. Aboriginal communities in southwestern Manitoba have appreciated the culturally sensitive approach to policing being used by DOPS officers and support the expansion of DOPS. This culturally sensitive approach includes an emphasis on collaboration and peacekeeping methods over the use of force. Such an approach is particularly important given that police work in Aboriginal communities is often less about formal law enforcement and serious crime and more focused on the link between social problems and public order maintenance, including the settlement of disputes and interpersonal conflicts. Although the DOPS has been appreciated by many of the Aboriginal communities in south-western Manitoba, crime rates have been steadily increasing in this region. Some aboriginal communities claim that the effectiveness of the DOPS is compromised by its under-funding and consequent limited resources.

MODULE 4 - Comparative Systems of Policing**ACTIVITY 1: Comparative Analysis of Different Systems of Policing****STUDENT HANDOUTS****DAKOTA OJIBWAY POLICE SERVICE (DOPS) MANITOBA, 2009** (Cont'd)**Group Activities**

1. Make a list of 5-10 adjectives that describe the DOPS in 2009.
2. Label the graph with the adjectives, reflecting on how you would describe the DOPS in 2009.



3. Create 5 possible newspaper headlines from 2009 that demonstrate how you would describe the DOPS.
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.

Discussion Questions

- What were the underlying values in 2009 that caused the DOPS to act as they did?
- Whose rights were the DOPS (in 2009) most concerned about protecting at that time?
- During 2009, how much control did the government have on the DOPS?
- Throughout 2009, how much discretion did the DOPS have in carrying out their policing duties?

Resources (for additional information):

<http://www.dops.org/>

ACTIVITY 2

Police Discretion

Materials

- Copies of *Police Discretion* handout from Module 2 (one per student)
- Copies of *Police Discretion Scenarios* (one per group)
- Copies of *Police Discretion Scenarios Organizer* (one per student)

Note: This activity builds on Module 2: Police Discretion. If it was not completed, the *Police Discretion* handout found in Module 2 can be given to students as background material.

Teaching and Learning Strategies

1. In small groups, ask students to review and discuss each case study from the handout, *Police Discretion Scenarios*. Students should list the discretionary factors an officer might consider, and which parts of the scenario are ones for which police might use discretion. Students can record their answer in the *Police Discretion Scenarios Organizer*.



Teacher's Key

The following is a list of possible discretionary factors that police might consider for each scenario.

Scenario 1	• Aggression and spitting • Perceived threat to officer • Further escalation of situation by the boy
Scenario 2	• Determination of an "unlawful assembly" (by police management) • Public safety • Extent of damage to surrounding property • Perceived threat(s) to officers • Success of crowd management tactics • Possible escalation of violence by the crowd
Scenario 3	• Officer's perception of danger to the victim • Safety of the victim • Results of a preliminary investigation and observations by the officer(s) • Rights of an individual not to have the police enter one's home without a warrant
Scenario 4	• Officer's personal ethical standard • Professional standards as set out by the police force or police department

Scenario 5	• Officer's personal ethical standard • Professional standards as set out by the police force or police department
Scenario 6	• Officer's perception of the woman's truthfulness • Speed of vehicle before being pulled over • Public safety

2. Ask students to consider how the police in Ontario and from each of the policing systems discussed in Activity 1 would react in each scenario. Have students complete the final two columns of the *Police Discretion Scenarios Organizer*. They can select one of the police forces discussed in Activity 1 for the last column. You may choose to have students work in the same groups as in Activity 1 so they all have background information on the same police force.
3. Debrief the possible police reactions as a class and discuss the following:
 - For each scenario, why do you think the police forces would react that way?
 - Were there differences between the possible reactions of the Ontario police compared to the alternate police forces? If so, what were they?
 - Whose rights were the police protecting?
 - What interests did the police officer have to balance?
 - Is there anything from the reactions of other policing systems that should be included in our system of policing? How can these be incorporated?
 - In Ontario, whose interests are the police most interested in protecting? What interests do officers in Ontario have to balance?



Teacher's Key

There is no official answer key. Multiple reactions could occur in each scenario. You can make reference to the flow charts from Module 2: Police Discretion, which demonstrate some of the possible reactions in Ontario.

POLICE DISCRETION SCENARIOS

Outline the possible discretionary factors that the officers might consider in the situations below.

1. A young boy has just been caught after stealing from the local market. As he is being arrested, he is very aggressive with the officer. The boy starts to yell and even starts to spit at the officer. What are the discretionary factors? How should the officer react?
2. There is a mass protest going on at the city square. Police units from all over the city have been asked to come in and control the crowd. As the officers arrive on scene, the crowd starts to get out of hand. People are throwing cans and bottles at one another and some of the cans have landed on officer vehicles. What are the discretionary factors? How should the officers react?
3. Two officers are on patrol in a troubled neighbourhood. As they are walking, they start to hear loud voices arguing from one of the homes. There is also some loud banging and a woman crying very loudly. It appears that there is a physical altercation between a man and a woman taking place within the home. What are the discretionary factors? How should the officers react?
4. An officer has been called to investigate a serious physical assault at a local bar. When the officer arrives, s/he realizes that s/he knows the person who is accused of the assault. In fact, the person is a close family friend and the officer has known the person since they were kids. The family friend is happy when s/he sees the officer and thinks that the officer will help him/her because of their friendship. What are the discretionary factors? How should the officer react?
5. An officer has been called to investigate a serious physical assault at the local bar. When the officer arrives, s/he realizes that s/he knows the person who is accused of the assault. In fact, the person is someone who has once assaulted the officer's sister. This person is hated by the officer's family and s/he has always wanted to avenge the sister. What are the discretionary factors? How should the officer react?
6. An officer has just pulled a car over for speeding. As s/he approaches the vehicle to investigate the speeding and to issue a ticket, the woman in the car starts crying hysterically and starts to say that she was only speeding to get to the hospital where her child is in a state of emergency. What are the discretionary factors? How should the officer react?

POLICE DISCRETION SCENARIOS ORGANIZER

	Discretionary Factors	Ontario Police Reaction	Alternate Police Force Reaction
Scenario 1			
Scenario 2			
Scenario 3			
Scenario 4			
Scenario 5			
Scenario 6			

MODULE 5

Stereotypes: A Challenge for Policing

Focus Question - What are some of the challenges posed by stereotyping in policing and how can we address them?

Overview

In this module, students will explore how we as a society all make use of stereotypes which are often inaccurate. Students are asked to consider the different kinds of profiling which exist in our society and to determine whether profiling is ever appropriate or fair – taking into account the perspectives of those profiling and those being profiled. Students are then invited to examine racial profiling by police officers as a challenge in policing and as an example of inappropriate profiling in society. Students will learn the factual underpinnings of racial profiling and consider the seminal case of *R v Brown*. Students will also be encouraged to reflect how the police force can move past some of the challenges with which it is faced.

Learning Objectives

- To understand that everyone uses stereotypes to profile people and that these stereotypes are often inaccurate.
- To understand that there are many different kinds of profiling that are used and accepted in society and to question whether it is ever appropriate or fair.
- To openly discuss controversial policing issues, such as racial profiling, and to examine why these issues exist.
- To explore how members of the police force are moving past some of these difficult challenges.

Note to Teacher

This resource was developed to provide teachers with tools to help students think critically about the many different facets of policing. We recognize that many of these issues are complex and may not be appropriate for every classroom. This entire module is dedicated to challenges in policing, including an open discussion of racial profiling. By including this module in the resource, we hope that it will provide you with resources to address some of the controversial aspects of policing. An introductory activity has been provided which encourages students to realize that each of us, as human beings, stereotype to some degree. We believe that this will help to move all of us towards a solution for these very real challenges that exist in the realm of policing and beyond.

MODULE 5 - Stereotypes: A Challenge for Policing

ACTIVITY 1

Stereotyping Exists in All of Us

Materials

- Copies of *Examining Our Stereotypes* (one per student)
- Copies of *Defining Stereotypes* (one per student)

Teaching and Learning Strategies

1. Distribute copies of *Examining Our Stereotypes* to students and ask them to complete Part 1. Students should match each of the descriptive phrases with one of the pictures. Give a maximum of 5-10 minutes to complete the exercise. Have students debrief their answers with a partner or in small groups.

2. With the same partner(s), ask students to review and discuss the scenarios in Part 2 of the handout. The scenarios invite students to articulate more explicitly some of the stereotypes which are implied in Part 1. You should gauge the comfort level of your students in having such a discussion and manage that appropriately given the particular group. Discuss the following:

- Which answers were similar between students? Which were different?
- Why were some descriptive phrases consistently associated with one particular individual?
- Why were some individuals consistently chosen for certain scenarios?

3. Review the handout, *Defining Stereotypes*, with students and discuss the following:

- Where do you think stereotypes come from?
- Do you think it's possible not to stereotype?
- Are stereotypes negative and prejudicial, positive and helpful, both or something else? Why?

4. Read the descriptions of each person from the *Examining Our Stereotypes* activity aloud to students. Have them guess who they think it is and then reveal the answer. Review the descriptions of the individuals and how they do or do not reflect stereotypes commonly associated with him/her. (Descriptions on following page)

Extension

Have students write a response to one or more of the following:

- How did you react to the descriptions in Part 1? Were you surprised or shocked? Why?
- How many mismatches did you make in Part 1 based on stereotypes?
- How do you feel about any stereotypes you made throughout the activity?
- What is your view on where stereotypes come from?



MODULE 5 - Stereotypes: A Challenge for Policing

ACTIVITY 1 Stereotyping Exists in All of Us (Cont'd)

**Teacher's Key****Examining Our Stereotypes: Descriptions**

1. **Alejandra** (3, 10, 18): Alejandra earned her Masters degree in philosophy from the University of Toronto in 2011, and plans on pursuing her Ph.D. in the near future and eventually teaching in a university. She is married and has three children. Through the course of her philosophical education, Alejandra has come to respect the right of individuals to have a variety of religious beliefs, however she does not hold any herself.
2. **Nejeed** (5, 14, 22): Nejeed is the manager of a large flower store in Oshawa. Although both of his parents grew up in India, Nejeed only speaks one language, English, as his parents felt that this would be the best way for him to fit in and make friends in Oshawa. Nejeed loves to run and has completed four marathons, including the Boston marathon.
3. **Christie** (7,15, 20): Christie is a vice president at a major corporation in Toronto. Although this position has been a huge time commitment for Christie, she has still managed to continue her training as a track and field athlete. Christie represented Canada in the high jump at the most recent Commonwealth Games. Since she assumed the vice president position, Christie has been very vocal about making the company more accepting of the unique lifestyles of all company employees. She has taken part in the last two Gay Pride parades in Toronto, and has encouraged all senior executives at the company to do the same.
4. **Cameron** (4, 11, 24): Cameron lives in London, ON, where he owns and operates Cameron's Fine Pastries, a bakery specializing in gourmet cakes and other baked items. Cameron has always been very independent, and prefers to own and operate the bakery by himself, which has kept the business small. He is an excellent pastry chef and frequently travels to Europe to attend competitions and teach special courses. Cameron has never wanted, and never plans to have, any children, as he would rather focus on his profession and enjoy his travels.
5. **Samantha** (6, 9, 21): Samantha is a licensed welder in Ottawa. She has struggled at various workplaces because she clashed with coworkers and had trouble consistently showing up on time. As a result, Samantha has difficulty making ends meet and she does odd welding jobs in Ottawa when she can find them. Samantha has struggled with alcohol abuse, and has finally agreed to enter a rehab program at the urging of her parents. Samantha is also diagnosed with type 1 diabetes, which she has had since she was a child.
6. **Wei** (17, 19, 23): Wei is a manager at a Sudbury car dealership. When he isn't at work, Wei spends his time with his son, Joe. Wei's wife left him with Joe shortly after his birth, and Wei has acted as a sole parent to Joe ever since. Wei is also a devout Muslim, and is very involved within the Islamic community in Sudbury.
7. **Victoria** (2, 13, 16): Victoria had a tumultuous family life growing up and her school work suffered as a result. She dropped out of high school and never received her diploma. After moving out of the house, Victoria was able to re-focus and get her high school equivalency. She has since taken advantage of her linguistic abilities in English, Russian, Ukrainian, German and French and now has an excellent position as a government translator (Victoria's Ukrainian father and German mother both passed on their native languages to her). As a result, Victoria has been able to pursue her passion for automobiles and recently purchased a beautiful new sports car.
8. **Eduardo** (1, 8, 12): Eduardo has had a difficult life. He did not have an easy childhood, and although he managed to scrape through high school and graduate, he spent several years in jail following a conviction for assault. He wasted most of his money on drugs and alcohol, and now works at a fast food restaurant. In an effort to balance his frequent mood swings and find some discipline in life, he has become an active member in his local yoga club.

Please note that the above descriptions are fictional and have been created for the purposes of this activity.

EXAMINING OUR STEREOTYPES

PART 1

For each of the following pieces of information, select the photo that you think best corresponds. You will receive more information about each individual afterwards.

			
Alejandra	Nejeed	Christie	Cameron
			
Samantha	Wei	Victoria	Eduardo
1. Has a criminal record 2. Did not finish high school 3. Has a Masters degree in philosophy 4. Owns a small business 5. Runs marathons 6. Has diabetes 7. Is a track and field athlete 8. Is a member of a yoga club 9. Is in a rehab program for alcohol abuse 10. Has three children 11. Has no children and does not plan on having any 12. Works at a fast food restaurant		13. Drives a fancy sports car 14. Only speaks one language 15. Is the vice president of a large corporation 16. Is a translator for multiple languages 17. Is devoutly religious 18. Does not believe in any God or religion 19. Works at a car dealership 20. Takes part in Toronto's Gay Pride Parade 21. Is a licensed welder 22. Works at a flower shop 23. Is a single parent 24. Regularly travels to Europe	

PART 2

Which individual from above would you choose for each of the following scenarios?

- You are in a busy bus station and are having difficulty juggling all of your bags. You just need to run up to the ticket counter to buy one ticket before you lose your bus. Who would you trust to watch over your bags? Why?
- You are in a busy bus station and have just heard an announcement that there is a dangerous male on the loose with a gun. Who would you suspect to be man from the announcement? Why?
- It's dark and you are in an unfamiliar neighbourhood. You feel lost and know you need to ask someone for help with some directions. Who would you feel most comfortable walking up to and asking for help? Why?
- You're walking home alone late at night. Who would you feel most wary of if you saw him/her walking towards you? Why?
- You have two young children and need a responsible babysitter. Who would you ask to babysit your children? Why?
- You are a police officer who has been called to the scene of an armed robbery. You have been told that there are two victims and two males who are suspects in the robbery. Who would you choose as the suspects in the robbery? Who would you choose as the victims?
- You are a police officer who receives a call about a domestic assault. The only description you have of the suspect is that she is a female while the victim is the male. Who would you choose as the suspect? Who would you choose as the victim?

MODULE 5 - Stereotypes: A Challenge for Policing**ACTIVITY 1: Stereotyping Exists In All Of Us****STUDENT HANDOUTS**

DEFINING STEREOTYPES

What is a stereotype?

Stereotypes are as old as human culture itself. They reflect ideas that groups of people hold about others who are different from them.

A stereotype can be embedded in single word or phrase (such as, “jock” or “nerd”), an image, or a combination of words and images. The image evoked is easily recognized and understood by others who share the same views.

Stereotypes can be either positive (“black men are good at basketball”) or negative (“women are bad drivers”). But most stereotypes tend to make us feel superior in some way to the person or group being stereotyped. Stereotypes ignore the uniqueness of individuals by painting all members of a group with the same brush.

Stereotypes can appear in the media because of the biases of writers, directors, producers, reporters and editors. But stereotypes can also be useful to the media because they provide a quick identity for a person or group that is easily recognized by an audience. When deadlines loom, it is sometimes faster and easier to use a stereotype to characterize a person or situation than it is to provide a more complex explanation.

Here are some common definitions of ‘stereotype’:

1. A simplified and standardized conception or image invested with special meaning and held in common by members of a group.¹
2. Something conforming to a fixed or general pattern; especially a standardized mental picture that is held in common by members of a group and that represents an oversimplified opinion, prejudiced attitude, or uncritical judgment.²
3. A fixed, commonly held notion or image of a person or group, based on an oversimplification of some observed or imagined trait of behaviour or appearance.³

¹<http://dictionary.reference.com/browse/stereotype?s=t>

²<http://www.merriam-webster.com/dictionary/stereotype>

³<http://mediasmarts.ca/backgrounders/stereotypes-teaching-backgrounder>

ACTIVITY 2

Profiling in Society

Materials

- Copies of *Profiling Case Study: Young Men Pay More For Car Insurance Than Young Women* (one per group)

Teaching and Learning Strategies

1. Introduce the topic of profiling by discussing the following:

- What is profiling?
- What kinds of profiling were included in Activity 1?



Teacher's Key

Some definitions include:

- The act or process of extrapolating information about a person based on known traits or tendencies (consumer profiling); the act of suspecting or targeting a person on the basis of observed characteristics or behavior (racial profiling).¹
- The use of specific characteristics, as race or age, to make generalizations about a person, as whether he or she may be engaged in illegal activity.²
- Racial, cultural, religious, age, gender, class, appearance.

¹<http://www.merriam-webster.com/dictionary/profiling>

²<http://dictionary.reference.com/browse/profiling?s=t>

2. In small groups, have students review the handout, *Profiling Case Study: Young Men Pay More For Car Insurance Than Young Women*. Have students discuss the questions as a group. You may choose to have them do the debate either in pairs, small groups or as a class. Encourage students to consider the balance between the justifications that those profiling provide versus the sense of unfairness that those being profiled experience.

MODULE 5 - Stereotypes: A Challenge for Policing
ACTIVITY 2: Profiling In Society

STUDENT HANDOUTS

PROFILING CASE STUDY: YOUNG MEN PAY MORE FOR CAR INSURANCE THAN YOUNG WOMEN

In most cities across Ontario, men under the age of 25 pay more for car insurance than women in the same age group. Insurance companies claim that their higher rates for young men are based on statistics which show that men between the ages of 16-25 are likely to get into more car accidents and to cause more damage than women.

Perspective of the Profiler: Insurance Companies

Insurance companies have concluded that young men cost them the most by being at 'high-risk' of making an insurance claim. Consequently, young men are charged the highest premiums and insurance rates. For insurance companies, insurance is ultimately a numbers game – using research data and statistics, insurance companies assess the probabilities of their clients getting into accidents and charge the clients with the highest probabilities the highest rates. Young men fall into this category and are thus charged the highest premium rates for car insurance.

Perspective of the Profiled: Young Men

Johnny is 19 years old. His sister, Susie, is 20. Susie has been driving for four years and has already gotten into three major car accidents. Johnny has been driving for three years and has never gotten into any car accidents. Despite the fact that Susie has gotten into several car accidents, Johnny pays over 50% more than Susie for his car insurance rates. Johnny understands that insurance companies choose rate prices based on statistics, but he doesn't feel it's fair for him to pay more for his car insurance than his sister. After all, isn't it statistically true that individually, he is a better, safer and less-risky driver than Susie?

Discussion Questions

- Why do you think some types of profiling are accepted in society?
- What is the perspective of the profiler (i.e. the one profiling)?
- What is the perspective of the profiled (i.e. the one being profiled)?
- Who do you agree with most?

Debate Topics

- Insurance companies have a right to base their rates on statistical profiling.
- Young men should pay for car insurance based on individual statistics and driving history and not be included in general statistical profiling.

ACTIVITY 3

A Closer Look At Racial Profiling

Materials

- Computer and internet access to view video
- Copies of Toronto Star article(s) (optional)
- Copies of *OJEN Landmark Case: R. v. Brown* (one per student)

Teaching and Learning Strategies

1. Introduce the topic of racial profiling by having students watch the video, *Profiling – Or Practical Policing?*, from The Toronto Star Race Matters special section. The video is available online at: http://www.thestar.com/news/2013/02/26/profiling_or_practical_policing_.html.



2. Discuss the following:

- Who is the profiler in racial profiling?
- What justifications might a profiler have? Do you agree or disagree with these justifications?
- How is racial profiling different than the other profiling examples accepted in society? (e.g. violation of human rights, violation of *Charter* rights, justification of profiler does NOT outweigh violations of those profiled, higher professional obligations of the police)

If video is not available, or as an extension, have students review one the following newspaper articles:

Race Matters: Blacks documented by police at high rate

http://www.thestar.com/news/crime/raceandcrime/2010/02/06/race_matters_blacks_documented_by_police_at_high_rate.html

Police stop blacks more often than whites, data shows

http://www.thestar.com/news/gta/2010/02/05/police_stop_blacks_more_often_than_whites_data_shows.html

For additional articles, videos and interactive maps, see <http://www.thestar.com/news/gta/raceandcrime.html>

3. Have students complete the *OJEN Landmark Case: R. v. Brown*, available at: <http://www.ojen.ca/resource/583>

MODULE 5 - Stereotypes: A Challenge for Policing

ACTIVITY 4

Moving Forward

Materials

- Copies of Toronto Star article, *Should our police go on the record?* (one per student)

Teaching and Learning Strategies

1. Have students read the Toronto Star article, *Should our police go on the record?* and discuss the following:

- How do you feel about the growing diversity in the Toronto Police Service?
- Will this growing diversity help issues such as racial profiling? Why or why not?

2. In small groups or as a class, have students brainstorm strategies that can be used by police forces to address racial profiling. Debrief as a class.

Extension

Have students research the police force in their city and identify any progress that has been made with respect to diversity.





Should our police go on the record?

By JIM RANKIN February 15, 2010

DEBATE HEATS UP on whether Toronto police, already 'heads and shoulders' above others when it comes to tackling racial bias, should collect data on race, ethnicity of people stopped by officers

Toronto police are considering making it mandatory for officers to note the race and ethnicity of people they stop in an effort to probe for patterns of potential bias - but there is no agreement on how best to go about it.

The police service, its board and the Ontario Human Rights Commission have been engaged in a partnership that may set the bar for police services and institutions across Canada in terms of equity within the service and better serving the public.

Data collection is one of the few sticking points.

The human rights commission believes the police and the community would benefit from the collection and analysis of such data - a common practice in many U.S. states and nationally mandated in the United Kingdom.

Following a 2002 Star series on race, policing and crime in Toronto, which showed black people in certain circumstances were treated more harshly, a number of groups, including the human rights commission, called on police to collect and analyze data on every interaction with police.

"Where anecdotal evidence of racial profiling exists, the organization involved should collect data for the purpose of monitoring its occurrence and to identify measures to combat it," the commission recommended in its 2003 report, *Paying the Price: The Human Cost of Racial Profiling*.

The Star obtained updated arrest and charge data, as well as a database that tracks who police choose to document in mostly non-criminal encounters, in a freedom of information request spanning nearly seven years.

Between 2003 and 2008, Toronto police filled out 1.7 million contact cards. Police use the card data to link people and find witnesses and suspects in later crimes. They don't fill out a card on every contact.

A Star analysis found black people are three times more likely to be documented than white.

An analysis of the updated arrest and charge data shows little change since 2002.

Black people arrested for drug possession are still more likely to be held for bail, and black motorists continue to be disproportionately ticketed for certain "out-of-sight" driving offences.

Black people are also charged with violent crime at a higher rate than any other group (see graphic).

Police feel there is no need for mandatory data collection and analysis because they have acknowledged bias is a factor in police decisions and are taking steps to deal with the problem.

Police services board chair Alok Mukherjee described the data debate as "one of the most important issues that we are grappling with" and "pretty intense."

"Animated," is how police Chief Bill Blair put it. "I have to tell you that we are exploring it."

The human rights commission does not have the authority to order the police to do anything.

Blair has said some of the disparity noted in the Star analysis is likely due to bias, but just how much is difficult to determine.

An issue often raised in the use of traffic stop data to gauge for racial bias is external benchmarking. For example, using residential population demographics to suggest inequity in who is stopped is problematic because it does not reflect who drives, or who drives where.

Researchers with RAND, a non-profit U.S. research organization, found looking at what happens after a stop may be more telling.

A study of Oakland, Calif., police stops found black motorists were more often subject to pat-down searches and faced longer stops.

Internal benchmarking is another means to identify potentially biased behaviour. It works like this: group together the traffic stop data of officers with similar duties in the same geographic area, and look for unusual racial patterns in who individual officers stop and frisk.

Lorie Fridell, a criminology professor at the University of South Florida, recently spoke to the Toronto police human rights charter group. Her work includes creating a police curriculum for controlling implicit bias or, as author and journalist Malcolm Gladwell put it, a "racial blink" most human beings have that can lead to good and bad automatic decisions.

Fridell said the steps Toronto police are taking puts them "heads and

MODULE 5 - Stereotypes: A Challenge for Policing
ACTIVITY 3: A Closer Look At Racial Profiling

STUDENT HANDOUTS



Should our police go on the record? (Cont'd)

By JIM RANKIN February 15, 2010

shoulders" above others, but that first step - acknowledging bias is a problem - was the bravest.

"It has to be stated carefully because people in the police department have been hearing for certainly the last decade and certainly for decades before, that racially biased policing is about bad people, racist people in policing," she said.

"When they hear it from their chief, some are going to feel like they've just been thrown under the bus.

"It's important that the chief articulate and be clear, that 'There are well-meaning people, the humans that I hire, that I need to work with proactively to ensure fair and impartial policing.'"

Since 1994, the number of visible minority officers on the service has tripled, and today stands at 19 per cent. Each new graduating class looks a lot like Toronto does.

There are now two visible minority deputy chiefs, one of whom is regarded by some as a future chief.

Each new recruit is vetted, Blair said. "We do some aptitude testing, psychological testing to make sure that we have good people coming in the door."

That is difficult, Fridell said. "You need to hire people who can police in an unbiased fashion," she said.

"You'll notice I didn't say unbiased people, because the pool would be reduced to zero.

"The idea for me would be to hire people who are willing to reflect on our own human biases, and implement interventions to thwart the impact of these biases on their behaviour."

Fridell said police services can benefit from race data collection, but it can be expensive and prove nothing if done poorly.

Given a choice between data collection and training, she would choose state-of-the art programs.

If a service can afford it, Fridell said the simple act of requiring officers to document the racial and ethnic background of who they stop, every time, will likely cause officers to think about the reasons for the stop, and contemplate whether one of them is a bad decision based on a racial blink.

Windsor law professor David Tanovich, who has written a book on racial profiling in Canadian policing, lauds what Toronto has done. "It is - no hesitation to say it - one of the most progressive forces in North America," said Tanovich, who founded the Law Enforcement Accountability Project.

The University of Windsor law faculty program offers to review police service policies and offer training to reduce biased policing.

That said, Tanovich is critical of the police practice of documenting citizens in mostly non-criminal encounters, and entering their personal detail into a database for future investigative purposes.

Tanovich sees the reluctance by Toronto police to engage in a data collection project as "really troubling, when in fact they are doing it internally, with no oversight and that's a serious concern."

Technically, Toronto police are not permitted to do what the Star has done with the service's own data, and if it were decided today to study police stops for bias, the service could not.

A 1989 policy forbids police from analyzing and reporting race-based statistics. It was put in place over fears of stigmatizing communities.

Toronto police board chair Mukherjee is reviewing the service's policy to at least make it permissible to look, should it be decided the service wants to go there.

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MODULE 6

Careers in Policing

Focus Question - Why does someone consider a career in policing and what does a career in policing really look like?

Overview

This module invites students to consider the different reasons for choosing a career in policing. Students will prepare questions and scenarios for a police guest speaker and will be encouraged to consider policing as a possible career option.

Learning Objectives

- To understand that people consider a career in policing for different reasons.
- To encourage students to consider policing as a career option.

Note to Teacher

This module is designed to incorporate a police officer as a guest speaker. If you are in the service area of the Toronto Police Service, please contact (416) 808-7100 to arrange for a guest speaker. If you are in the service area of the Ontario Provincial Police, please contact your local detachment to arrange a guest speaker. A full list of detachment phone numbers is available at: <http://www.opp.ca/ecms/index.php?id=420>. You could also inquire about any community educational opportunities that are offered directly in your service area.

MODULE 6 - Careers in Policing

ACTIVITY 1

Meeting a Police Officer

Materials

- Copies of *Preparing for a Guest Speaker: KWL Chart* (one per student).

Teaching and Learning Strategies

1. If Module 1 has not been completed, invite students to consider what tasks are completed by the police in our communities. If Module 1 has been completed, activate this prior knowledge by inviting students to reconsider their own ideas about the nature and importance of policing in a society.



Teacher's Key

Some examples include:

- crime prevention, investigations, traffic and safety, responding to emergencies, etc. (also refer to Module 1)

2. As a large group, discuss why someone would want to complete these tasks.

- What kind of person would this be?
- What are some other reasons why someone would consider going into the police force?

3. Provide some background on the guest speaker that will be coming to the class and ask students to brainstorm questions and scenarios to ask the speaker.
4. Distribute the handout, *Preparing for a Guest Speaker: KWL Chart*, and have students complete the first two columns.
 - What do they already know about policing and police officers (based on everything they have learned in the other modules)?
 - What do they want to know more about? What do they want to know from the perspective of a police officer?
5. Complete the guest speaker visit.
6. Have students debrief by completing the third column of the *KWL Chart*. Have a class discussion to reflect on what they learned from the visit.



PREPARING FOR A GUEST SPEAKER:

KWL CHART

What do I K now already?	What do I W ant to know?	What have I L earned?

MODULE 7

Your Rights When Talking to the Police

Focus Question - What are our rights when talking and interacting with the police?

Overview

In this module, students are invited to consider their constitutional rights and how these rights are engaged when speaking to the police. Different scenarios will be discussed in order to ensure that students understand what rights are exercised and when. Students will also learn which resources are available to them when they are unsure of how to exercise or engage their rights.

Learning Objectives

- To understand our rights when talking to the police.
- To know which resources are available if we're unsure of what our rights are.

Note to Teacher

It is extremely important that the information in this module is not taken as legal advice. When a young person is in conflict with the law, s/he must contact a lawyer for legal advice. Justice for Children and Youth (JFCY) is a provincial clinic mandated to provide legal advice to all young persons in Ontario. Teachers are encouraged to contact JFCY at any time if legal advice for students is ever required. The JFCY website is www.jfcy.org and their toll free number, from anywhere in Ontario, is 1-866-999-JFCY (5329). There are also many print and electronic resources available to supplement the materials covered in this module. Please refer to the list of additional resources in the introductory section of this guide.

Disclaimer

Criminal charges can result in very serious short term and long term consequences. It is very important that everyone consult a lawyer about criminal matters. The materials contained in this module do not provide specific options or advice about handling a criminal case. There is always some assistance available for youth facing criminal charges. Legal Aid or local Legal Aid Clinics may be able to provide a lawyer for a young person. JFCY can also provide legal representation and advice for youth across the province and can also help a young person find a local lawyer.

ACTIVITY 1

Knowing Your Rights

Materials

- Copies of *Youth and the Law Quiz* (one per student; optional)
- Copies of *Youth Rights Scenarios* (one per group)
- Copies of *Arrested and Under 18 JFCY Resource* (one per student)
- Copies of *The Police JFCY Resource* (one per student)

Teaching and Learning Strategies

1. Have students complete the *Youth and the Law* quiz. You can either distribute the quiz as a handout or read out the statements and complete it as a class. If anonymity would be helpful for students in answering the statements, place the statements around the classroom and invite students to provide their answers by going around the room and writing them down. You could choose to take a tally of the responses afterwards and discuss as a class.
2. Divide students into groups of 4-5 and distribute the handout, *Youth Rights Scenarios*. Ask students to consider what each party should do in the situation.
3. Distribute the JFCY handouts and ask students to record answers to the scenarios using the information. You may choose to review the handouts as a class as well. Additional materials are available for download from www.jfcy.org.



MODULE 7 - Your Rights When Talking to the Police

ACTIVITY 1 Knowing Your Rights (Cont'd)

**Teacher's Key - Youth and the Law quiz**

1. N – If you are stopped by the police, you do not have to answer all of their questions. You cannot be arrested for refusing to answer questions and the police cannot question you without a reason to do so. To be cooperative, you may politely choose to give your correct name, age and address. It is important not to give a false name, age or address as this may lead to a charge of obstruction justice. You also have the right to ask if you are free to go or if you are being arrested. [Reference to JFCY materials: pgs. 75 (#1-4), 76 (#2-4)]
2. N – Even if you are under 18, a police officer can search you when you have been arrested or when the police believe that are carrying illegal drugs or a weapon. The police can also search anyone who lets them. So if a police officer asks if they can search you and you don't object, then they may assume that you are letting them search you. [Reference to JFCY materials: pg. 76 (#6-8)]
3. N – If you are treated badly by a police officer, you can make a complaint about the officer. A complaint can be made with the help of a lawyer or a community legal clinic to the Office of the Independent Police Review Director (OIPRD) or to a local police station. [Reference to JFCY materials: pg. 80 (#16) and Module 7, Activity 2]
4. Y – Anyone who is arrested has the right to speak to a lawyer. Even if you do not know the name of a lawyer to call, the police are required to provide the number for a lawyer who can provide you with free legal advice. [Reference to JFCY materials: pgs. 77 (#5), 78 (all)]
5. N – There are serious consequences if you do not show up for a court date. As soon as you do not show up for your court appearance, a bench warrant is signed which allows the police to find you and arrest you for Failing to Appear in Court. Failing to Appear is a serious offence which you would now have to deal with in addition to the underlying offence for which you originally had a court appearance in the first place.
6. N – When you turn 18, a warrant for your arrest does not disappear. A warrant for an arrest remains outstanding until the person on the warrant is found by the police. Once you are arrested, you will be treated as a young person if the offence took place before you turned 18.
7. N – When you turn 18, your criminal record is not destroyed. Depending on the type of offence and the sentence you received, there are different periods of time for when a youth record will be destroyed. For certain offences, such as sexual assault or murder, a record will never be destroyed. You should always consult with a lawyer on when and if your youth record will be destroyed. [Reference to JFCY materials: pg. 82 "When are youth records destroyed?"]
8. N – When you apply for a job, an employer cannot ask you about a youth record. Your employer can, however, ask for a police record check, whether you have a criminal record (which is different from a youth record) or whether you have ever been charged. [Reference to JFCY materials: pg. 83 "A youth record may prevent you from getting a job"]
9. Y – Having a record can prevent you from visiting another country, including the United States. Even if you have received a pardon or criminal charges that have been cleared without a conviction, you can still be denied access to certain countries.
10. Y – If you are not a Canadian citizen, you may be asked to leave the country for having a youth record. This is a very serious area of law and anyone who is not a Canadian citizen should contact a lawyer as soon as s/he is arrested. [Reference to JFCY materials: pg. 83 "A youth record can seriously affect your immigration status in Canada"]

ACTIVITY 1 Knowing Your Rights (Cont'd)



Teacher's Key - Youth Rights Scenarios

Note: All of the rights mentioned in this module are rights which are enshrined and protected in the *Canadian Charter of Rights and Freedoms*. In addition to these rights, young people (under the age of 18) also benefit from extra procedural precautions that are set out by the *Youth Criminal Justice Act* – the piece of legislation which governs how young people are processed in the criminal justice system. Specific rights have not been mentioned in the given teacher's keys. For a more detailed explanation on the different rights protected by the *Canadian Charter of Rights and Freedoms*, please refer to the following OJEN resources: The *Canadian Charter of Rights and Freedoms*, available at <http://ojen.ca/resource/3514>, and Section 1 of the *Charter* and the Oakes Test, available at <http://ojen.ca/resource/980>.

1. Johnny has the right not to answer the questions and to ask if he is under arrest. Additionally, the police need to have a reason to question Johnny, or to detain him any further. Despite this, Johnny would be well advised to answer the police officers politely and to provide the requested information, as the police do have a right to ask these kinds of questions in the course of an investigation. Most importantly, Johnny should not provide any false information. Providing false information is a serious offence and can lead to a charge of obstruction of justice. [Reference to JFCY materials: pgs. 75, 76 (#2-4)]
2. Shane should ask the officers if he is free to go, or if the police are arresting him. If they are not, Shane is free to go on his way. If they are arresting Shane, he has a right to know why he is under arrest and a right to speak to a lawyer without delay. Regardless of whether or not he is being arrested, Shane does not have any obligation to answer any questions. His refusal to answer questions cannot be a reason for the police to arrest Shane or to charge him with any criminal offence. [Reference to JFCY materials: pgs. 76 (#4), 77 (#3, 5)]
3. Bob should cooperate with the officer and provide the requested documents. Bob can ask the officer why he was stopped since the police must have a reason for pulling him over in the first place. The police do not have the power to arbitrarily pull people over and question them; a police officer must have a belief that you have broken the law or are about to break the law. Bob should ask if he is being arrested or charged with an offence, and if not, he is free to

go on his way. [Reference to JFCY materials: pg. 76 (#2, 5)]

4. Ricky should cooperate with the officer. Ricky and his friends are minors and under the law, they are not allowed to consume alcohol or have any alcohol in their possession. In this case, the officer has the right to search the car because of the smell of alcohol and the age of the occupants, which all establish reasonable grounds for the officer to search without a warrant. The fact that Ricky does not say anything when the officer starts to search the car can also give the officer permission to search since it is assumed that he does not object to the search. If Ricky is objecting to the search, he should tell the officer that he objects. [Reference to JFCY materials: pg. 76 (#6, 7)]
5. Ricky has the right to know why he has been arrested and the right to talk to a lawyer without delay. Both of these rights should be explained to him in a way that he can understand. Ricky has the right not to make any statements, the right to talk to a lawyer and his parents or another adult before making any statements, and the right to have his lawyer and his parents or another adult with him during police interrogations. The police are also required to contact Ricky's parents and inform them of his arrest. [Reference to JFCY materials: pgs. 76-77 (#5, 6)]
6. The officer has several alternatives to consider other than arresting Emily - particularly as she has not been in trouble with the law before. Aside from charging and arresting Emily, the police officer has the option of giving Emily a warning about her conduct, cautioning Emily (or her parents) on the spot or at the police station, or referring Emily to a community program to address her conduct. [Reference to JFCY materials: pgs. 75 (#3), 77 (#9)]
7. Jamie has the right to not answer any of the officer's questions and should exercise this right by not answering any questions. Jamie must also be informed of that right by the police officer. Even if Jamie were to consider making a statement, he should first make sure that both his lawyer and/or parent are present during the police questioning. Any comments or statements made to the police can be used against Jamie during legal proceedings, and so it is important for Jamie to exercise his right not to speak to the police until his lawyer is present. [Reference to JFCY materials: pg. 78 (#3, 4, 5)]

YOUTH AND THE LAW QUIZ

1. If you are stopped by the police, you must answer all of their questions.

Yes/No

2. If you are under 18 years old, a police officer cannot search you.

Yes/No

3. If you are treated badly by a police officer, there is nothing you can do.

Yes/No

4. If you are arrested, you have the right to call a lawyer.

Yes/No

5. If you do not show up for a court date, nothing will happen to you and you will just get a new court date.

Yes/No

6. When you turn 18 years old, a warrant for your arrest will disappear.

Yes/No

7. When you turn 18 years old, your criminal record is destroyed.

Yes/No

8. When you apply for a job, an employer can ask you about your youth record.

Yes/No

9. Having a youth record can prevent you from visiting another country.

Yes/No

10. You may be asked to leave the country if you have a youth record and you are a non-Canadian citizen.

Yes/No

YOUTH RIGHTS SCENARIOS

Using the information from Justice For Children and Youth (JFCY), determine what each party should do in the situation.

1. Johnny is walking down his street when two police officers suddenly approach him. The officers ask Johnny for his name, his address and for his date of birth. Should Johnny answer the officers? Does he have the right not to answer the officers?

2. Shane is riding his bike in his neighbourhood when he notices an officer signalling at him to stop. The officer asks Shane for his name, address and date of birth – which he provides. The officer then starts asking Shane where he got his bike, where he was going and which school he attends. Should Shane answer the officer? Does he have the right not to answer the officer?

3. Bob is driving home from school when a police car pulls him over. Bob doesn't believe he was doing anything wrong. The officer approaches Bob's window and asks him for his driver's licence and registration. Bob wants to know why he was stopped. Should Bob cooperate with the officer? Is it ok for Bob to ask the officer why he was stopped?

4. Ricky and his friends, who are all 17 years old, are driving home after a house party. Ricky didn't drink at the party, as he was the designated driver, but his friends had a couple of beers. On their way home, their car gets pulled over and the officer who approaches the vehicle notices the smell of alcohol. The officer asks Ricky and his friends to step out of the car and starts to search the vehicle. Does Ricky have to cooperate with the officer? Does the officer have the right to search Ricky's car?

MODULE 7 - Your Rights When Talking to the Police**ACTIVITY 1: Knowing Your Rights****STUDENT HANDOUTS**

YOUTH RIGHTS SCENARIOS (Cont'd)

5. Upon searching the car, the officer arrests Ricky for driving while impaired. The officer says that he will not be bringing Ricky to the station and gives him a court date. What else does Ricky have the right to know at this point?

6. Emily has just been stopped at a local grocery store where she was caught attempting to steal some bags of chips. The officer arrives on scene and sees that Emily has never been in trouble with the law before. What can the officer do at this point?

7. Jamie has been brought to the police station after being arrested and charged with an assault on his school mate. The officer who arrested Jamie starts asking him questions about the assault. Should Jamie answer the officer? Does he have the right not to answer the officer?

ARRESTED AND UNDER 18



UNDER 18? QUESTIONED OR ARRESTED BY POLICE?

1. To be cooperative you may choose to give your correct name, age and address. Ask if you are free to go. If they say no, they may be arresting you.
2. Ask why you are being arrested. You have a right to know.
3. Before the police can charge you, they must consider the following alternatives: They can:
 - a. Let you go.
 - b. Give you a warning.
 - c. Caution you (and even your parents) on the spot or at the police station.
 - d. If there are grounds for a charge, and if you agree, refer you to a community program.
4. If the police officer does not mention these alternatives, politely ask about the alternatives.

**24 hour Legal Aid Lawyers 1-800-268-8326 or
(police must give you this #) (416) 947-3330
Justice for Children & Youth (416) 920-1633
(outside GTA) 1-866-999-5329**

MODULE 7 - Your Rights When Talking to the Police
ACTIVITY 1: Knowing Your Rights

STUDENT HANDOUTS



This material has been excerpted from *Know Your Rights: A legal guide to your rights and responsibilities for people under 18*. The full version is available at: www.jfcy.org

Part 1: Contact with the Police

1. When might I come into contact with the police?

The police may be in contact with you if they reasonably think that you have broken or are about to break the law (commit an offence). They may also contact you if they think you were a witness or have information about an offence. The police should protect and help all members of the public, so if anyone threatens or harms you, you can call the police for help.

2. Can the police stop me and question me for no reason at all?

No. A police officer should not stop you for questioning without having a reason for thinking you have broken or are about to break the law. The police can ask you questions if they think you may have information, but you do not have to answer.

3. If the police stop me and ask for my name, address, and age, should I answer?

It is a good idea to answer these questions politely. Then you should ask the police officer why he or she wants to talk with you. If the police believe you have committed an offence, they will sometimes let you off with a warning, but if you do not give your name, address, and age, they might feel that they must arrest you to get this information. You should ask the police officer if you are under arrest!

4. What if the police ask me other questions?

You do not have to answer. You cannot be arrested for refusing to answer other questions.

5. What if the police stop my car?

If you are driving, you must show the police your driver's license, car registration and insurance.

6. When can I be searched?

The police can search you when you have been arrested or when they believe you are carrying illegal drugs or a weapon. The police can also search you when they believe you have liquor in your possession and you are under the legal drinking age. They can also search you if you let them. If the police ask if they can search you and you don't say anything, they may assume you don't object to being searched.

7. Can they search my house or car at any time?

Not without your permission. The police can only search your house or car against your will if they have a search warrant or if they have a reasonable belief that an offence is being committed there and it would be impractical to get a search warrant. In some situations they must be certain that an offence is being committed in order to search your house.

8. What does that mean?

If, for example, you were having a party and the police walked by and saw a jar of white powder, they could not enter your house without a search warrant because they would only have a suspicion that an offence (the possession of cocaine) was being committed there. In order for them to enter, they would have to have your permission or more evidence of an offence being committed or a warrant. For example if through a window, they saw someone in your house attack another person with a weapon, they would probably have enough evidence to enter without a warrant.



THE POLICE (Cont'd)

9. If the police believe that I have broken the law, do they have to charge me?

No. The police can give you a warning or a caution.

10. If the police charge me with an offence, do they have to take me to the police station or detain me?

No. The police do not have to detain you. If they do not detain you, both you and your parent(s) will get notices that explain:

- the offence(s) with which you are charged,
- the date and time when you must be in court,
- the court's address, and
- your right to be represented by a lawyer.

The police can also ask you to agree to specific conditions in order to avoid being detained.

Part 2: Being Under Arrest

1. When can I be arrested?

Only when a police officer believes that:

- you have committed an offence,
- you are committing an offence,
- you are about to commit an offence,
- they have a warrant for your arrest.

2. Will I always be arrested under these circumstances?

No. The police can decide whether or not to arrest you and to lay charges. In making this decision, they may look at such things as:

- your youth court record / criminal record (if you have one),
- previous police warnings or cautions to you, and
- your attitude and behaviour during your contact with the police.

3. What if I do not know if I have been arrested?

Ask. The police must tell you if you are under arrest and on what charge(s). If you are not under arrest, you are free to go on your way.

4. What happens when I am arrested?

The police can take you to the police station or give you an appearance notice.

5. If I am arrested, what are my rights?

You have:

- the right to know why you are under arrest, and
- the right to get and be represented by a lawyer without delay.

The police have to explain these rights to you in a way you can understand.

MODULE 7 - Your Rights When Talking to the Police**ACTIVITY 1: Knowing Your Rights****STUDENT HANDOUTS****THE POLICE (Cont'd)****6. Do I have any other rights at the time I am arrested?**

You also have the following rights that the police should tell you about:

- the right not to make any statements (but you should, and must in some cases, tell the officer your name, address, and age). Remember: Anything you tell the police may be used later in court.
- the right to talk to a lawyer and your parents or another adult before you make any statements; and
- the right to have a lawyer and your parents or another adult with you if the police question or interrogate you, whether or not you decide to make a statement.

If you are arrested, the police are required by law to notify your parent(s) whether you want them to or not.

Part 3: At the Police Station**1. When I get to the station, can I call someone?**

Yes. The police must allow you to make phone calls to a lawyer, and your parents or an adult friend who will help you.

2. What if I don't know the name of a lawyer to call?

You can:

- call a lawyer ("duty counsel") to give you free legal advice. If you are arrested or detained, ask the police for the phone number,
- call the local Legal Aid office (look in the white pages under "Legal Aid"),
- look under "Lawyers" in the yellow pages. If it is at night, find a lawyer in the yellow pages and then look up the lawyer's home number in the white pages,
- call your parent(s) or a friend to ask them to get a criminal defence lawyer for you, or
- call your provincial or territorial law society to see whether they have a service to offer you to a lawyer.

3. Will I be questioned at the police station?

Usually, yes, but not without having had a chance to talk to a lawyer first, and not without having your lawyer and your parent(s) or another adult present.

4. Must I answer?

No. You do not have to say anything, and the police must inform you of this right not to make any statements.

5. What if I want to give a statement?

Giving a statement means answering questions or talking to the police about what happened. You have the right to have a lawyer and your parent(s), or an adult with you before and while you make a statement. The police must tell you about this right. If you want to make a statement, you should wait until a lawyer who you have contacted is present, and you have talked to your lawyer in private.

If you "blurt out" a statement before the police officer has had a chance to tell you about these rights, they may still be able to use your statement against you. Even if they forget to tell you about your rights, a judge might agree that your statement can be used as evidence.



THE POLICE (Cont'd)

6. The police are telling me that I can make a statement without talking to a lawyer first. Is this right?

It is legally correct. You can “waive” or give up your right to talk to a lawyer and/or your parent(s) before making a statement, but it is not a good idea to do this. Normally, the police officer has to either videotape you or get you to sign something saying that you agree to this. However, they may be able to use your statement in court even if they do not do this as long as your decision was voluntary.

7. If I do make a statement, how will it be used?

Anything you say that shows you were involved in an offence can be used against you in court. Refusing to sign a written statement will not stop it from being used against you in court. If you want to make a statement, you should wait until you have talked to a lawyer and the lawyer is with you.

Any statement you make to the police can only be used if it is given voluntarily. If you have made a statement without talking to a lawyer first, check with your lawyer after the statement to see if it was made voluntarily.

Note: If you make a statement in order to be eligible for an extrajudicial measure, your statement cannot be used against you in court.

8. When I have been arrested, can the police take my fingerprints or photographs?

With some offences, the police can take your fingerprints and photographs after you are charged. Usually, you will be given a notice telling you where and when you are required to go and have this done. You should not ignore this notice. You can be charged if you fail to show up.

9. What happens to my fingerprints and photographs if I am found not guilty?

The investigating police force can keep your fingerprints and photographs as well as reports relating to the incident. The police may destroy them after certain periods of time. There are also places (called repositories) where fingerprints, photographs and records may be kept longer. The law on this is complicated and may be different in different provinces and territories, so if you have any questions, you should consult a lawyer. As long as your photograph remains in the police files, it can be shown to witnesses during criminal investigations to identify suspects.

10. What can happen to me after we are finished at the station?

The police may have you sign a form that says you promise to appear in court at a certain time and date. After you sign the form, the police will let you go home.

11. Will the police always let me go home from the station?

No. The police can hold you if it is necessary to:

- find out who you are,
- get or keep evidence of the offence,
- keep you from committing the same offence again or a new offence, or
- make sure that you will appear in court.

If the police do hold you, they must bring you before the court within 24 hours or as soon as possible to have the court decide on whether to release you or continue to detain you until your trial.

MODULE 7 - Your Rights When Talking to the Police**ACTIVITY 1: Knowing Your Rights****STUDENT HANDOUTS**

THE POLICE (Cont'd)

12. Do my parent(s) have to know about my court appearance?

Yes. They will get written or oral notice of your charge and the time and date you are to be in court.

13. What if my parent(s) are not available or I am married?

If your parent(s) cannot be found or they are not available, you may suggest a relative or adult who would help you. If you are married, your spouse may receive notice instead of your parent(s).

14 . Can the police ever use physical force against me?

Yes. An officer is allowed to use as much force as is needed to:

- enforce the law,
- prevent the escape of someone who is being arrested but only if the escape cannot be stopped in a less violent way, or,
- prevent a serious crime.

15. Can the police use physical force against me to make me answer questions or give them a statement?

No. If the police force you to give a statement, that statement cannot be used against you in court, and the force used may be considered an offence on the part of the police.

16. What can I do if I have a complaint against a police officer?

Talk to a lawyer about what happened. Your lawyer can help you make a complaint, lay charges against the police officer or sue the police for damages.

Call your provincial or territorial law society or community legal clinic to find out how to make a police complaint.

17. It is difficult to prove that a police officer has treated me badly. What can I do to improve my chance of being believed?

You can:

- talk to a lawyer immediately;
- go to your doctor if you have any cuts and bruises;
- take pictures of any visible injuries;
- notice whether anybody saw what the police did and try to get their name and telephone number so they can be called, if needed;
- get and write down the police officer's name and badge number. If you cannot get this information, take note of the police car number and the time of day;
- once you are arrested get someone you know and trust to be with you as soon as possible;
- as soon as you are released by the police, write out a description of what happened and date your report.

EXTRAJUDICIAL MEASURES (DIVERSION): KEEPING YOUNG PEOPLE OUT OF COURT



The *Youth Criminal Justice Act* says it is better to deal with less serious offences outside the court system.

Extrajudicial measures include all consequences imposed by someone other than a judge.

- The police can give warnings, cautions, or referrals to a community program.
- When the police think those measures are not adequate, an extrajudicial sanction can be used.
- Your lawyer can advocate for extrajudicial measures or sanctions for you.
- Police and Crown attorneys make decisions about extrajudicial measures and sanctions. Judges and justices of the peace may call a pre-trial conference to try to resolve the issues.
- Crown attorneys can refer young people to extrajudicial sanctions programs before or after the young person has been charged.
- Young people and parents should ask the police, Crown attorney or a lawyer about extrajudicial measures and extrajudicial sanctions programs.

To find these programs:

In Toronto, call 211

***Throughout Ontario go to www.211Ontario.ca
(the connection to community-based services for youth)***

MODULE 7 - Your Rights When Talking to the Police
ACTIVITY 1: Knowing Your Rights

STUDENT HANDOUTS



YOUTH RECORDS



Who Can See Your Youth Records?

- You - any time
- Your parents - during your case and sentence
- Police and court - if you are charged with another offence before your record is destroyed
- Government employers - for security checks
- Sometimes your record may be given to people in charge of supervising you or for safety purposes. Examples are school officials and youth workers.
- If you think someone wants to see your record illegally, contact a lawyer right away.

Youth Court Records: Includes charges, assessments, pre-sentencing reports, convictions, and sentences.

Police records: May include any arrests, suspected criminal activity, convictions, fingerprints, photographs, 911 calls, interviews, witness and victim reports. The police can check these records any time.

This area of law is complicated. If you have any questions consult a lawyer:

Lawyer referral service: GTA (416) 947-3330

Elsewhere in Ontario: 1-800-268-8326

Justice for Children & Youth: GTA (416) 920-1633

Elsewhere in Ontario: 1-866-999-JFCY (5329)

www.jfcy.org

When Are Youth Records Destroyed?

A youth record does not automatically disappear when you turn 18; it depends on the type of offence and the sentence.

Absolute Discharge: 1 yr after being found guilty

Conditional Discharge: 3 yrs after being found guilty

Summary offences: 3 yrs after finishing sentence

Indictable offences: 5 yrs after finishing sentence

Murder, attempted murder, aggravated sexual assault: **Maybe never**

- After this period, your record will be destroyed unless you have committed another offence in the meantime. In which case, the time will start running again based on the new offence.
- If you get an adult conviction during this period, your youth record is never destroyed.
- If you get extrajudicial sanctions, the record of your participation in the program is destroyed after 2 years.
- If you are unsure about your record, call a lawyer.





YOUTH RECORDS (Cont'd)

A Youth Record May Prevent You From Being Admitted Into Another Country.

If you have records for drugs, weapons or violent crimes you may be denied access into another country.

A Youth Record Can Seriously Affect Your Immigration Status In Canada.

If you are visitor, refugee claimant, or landed immigrant (not a Citizen) and you are convicted of a crime in Canada, you may face serious consequences, and could be forced to leave Canada. This is a very serious area of the law, contact a lawyer right away if you are arrested.

A Youth Record May Prevent You From Getting a Job

It is not legal for an employer to ask about your youth record. It is legal to ask for a police record check. You make the request and the information comes to you. It's up to you if you want to show it to the employer.

Unfortunately, the decision you make may affect your chances of getting the job.



MODULE 7 - Your Rights When Talking to the Police

ACTIVITY 2

What To Do If The Police Act Inappropriately

Materials

- Computers and internet
- Copies of *Making a Complaint - Getting to Know the Office of the Independent Police Review Director* (one per student)

Teaching and Learning Strategies

1. Explain to students that citizens have the right to make a formal complaint against the police. The Office of the Independent Police Review Director (OIPRD) opened on October 19, 2009 and is an arms-length agency of the Ontario Ministry of the Attorney General, staffed entirely by civilians. The OIPRD is accountable to the Attorney General, but the Independent Police Review Director is responsible for the day-to-day decisions. The OIPRD's goal is to provide an objective, impartial office to receive, process and oversee the investigation of public complaints against Ontario's police. In addition to processing and investigating public complaints, the OIPRD is responsible for setting up and administering the public complaints system.
2. Distribute the handout, *Making a Complaint - Getting to Know the Office of the Independent Police Review Director*. Have students visit the OIPRD website (www.oiprd.on.ca) and browse the role and responsibilities of the OIPRD. Have students focus their research on the complaints procedures and record their answers in the space provided.

**Teacher's Key*****Making a Complaint - Getting to Know the Office of the Independent Police Review Director***

All answers can be obtained from the following:

- Step-by-Step Guide to Making a Complaint: https://www.oiprd.on.ca/CMS/oiprd/media/image-Main/PDF/OIPRD-MakeAComplaint_Eng.pdf
- Complaints: <https://www.oiprd.on.ca/CMS/Complaints.aspx>

1. Who can make a complaint against the police?

A complainant could be any member of the public who brings forward a complaint about the policies or actions of a police department, or about the actions of a specific officer(s). It is not necessary to be a resident of Ontario to lodge a complaint. There are, however, a number of individuals who are specifically ineligible to lodge a complaint in certain instances. Individuals such as the Solicitor General, any employee of the OIPRD, or a member or employee of the Ontario Civilian Police Commission cannot make a complaint. Restrictions on the ability of certain individuals to make complaints in certain situations include restrictions on an OPP officer making a complaint about the OPP or a member or employee of a police services board making a complaint about their own service.

2. What can you complain about?

In determining whether or not you have sufficient grounds to lodge a complaint with the OIPRD, it is important to consider is whether or not the misconduct that is alleged in the complaint would constitute a breach of the police code of conduct. The code of conduct includes the requirement for police officers to act with honesty and integrity, to treat people with respect, to not abuse the extraordinary powers and authority police officers are granted, and to act in a manner that does not discredit or undermine public confidence in the police services. A legitimate complaint could also allege a breach of policy and service standards that guide police organizations.

3. How do you make a complaint?

There are a number of ways to submit a complaint to the OIPRD. A complaint form can be completed and filed at the OIPRD website, www.oiprd.on.ca, sent through normal mail to the OIPRD office, faxed to the OIPRD office or submitted in person. In addition, a completed form can also be submitted to a regional, municipal or provincial police station in Ontario, which will then forward the complaint. If you need help filling out the form you can seek assistance from local community organizations or seek the advice of a lawyer or a legal clinic.

ACTIVITY 2 What To Do If The Police Act Inappropriately (Cont'd)

4. What happens when your complaint is filed?

Once a complaint has been filed, it is the responsibility of the OIPRD to record and classify the complaint, determine whether the complaint should be investigated and if so, who should carry out the investigation. The majority of complaints will be investigated by the police, with the OIPRD overseeing the process. The investigation of the complaint will be carried out based on the standards developed by the OIPRD. The complainant and the OIPRD will receive important information during the investigative process, particularly how the complaint will be investigated, what cooperation is needed from the complainant in the investigation, how a decision will eventually be reached, and finally what action will be taken at the investigation's conclusion.

5. How will you be kept informed about what is happening with your complaint?

During the duration of the complaint process, regardless of whether the investigation is carried out by police or by the OIPRD, the complainant has a right to be kept informed and receive periodic updates. The complainant will be informed of how the complaint will be handled, what action may be taken, and how decisions on the complaint will be made. The OIPRD will provide updates to the complainant, whether that be through mail, e-mail or the secure OIPRD internet page.

6. What happens once your complaint has been investigated?

Following an investigation, the complainant will be informed of what the outcome of the investigation will be. There are a couple of possible outcomes that could result from the investigation – the complaint may be deemed unsubstantiated (not enough evidence to prove the complaint) and the complaint will be considered closed, or the complaint will be found to be substantiated, and a determination of whether or not the complaint is serious or less (not) serious will need to be made. This could lead to a decision by the police to improve or change their procedures, hold a disciplinary hearing or take disciplinary action against the officer(s) without a hearing, or the case may be referred for informal resolution if it was found to be less (not) serious.

7. What do you do if you are not happy with how your complaint was handled?

If a complainant files a conduct complaint against the police but is unhappy with how the complaint is handled, the complainant may be able to request a review by the OIPRD. Following notification of the decision made on the case, the complainant has 30 days to request a review of the decision by the OIPRD in instances where the Chief of Police/ Commissioner of the OPP determined the complaint was unsubstantiated, or that the complaint is not of a serious nature. A complainant does not, however, have the ability to appeal a classification or investigation carried out by the OIPRD itself. The Request a Review form is available online, or a complainant can contact the OIPRD directly to request a form. The OIPRD will then determine whether the original complaint requires additional attention.

MAKING A COMPLAINT - GETTING TO KNOW THE OFFICE OF THE INDEPENDENT POLICE REVIEW DIRECTOR (OIPRD)

Browse the website of the Office of the Independent Police Review Director (OIPRD), www.oiprd.on.ca, and answer the following.

1. Who can make a complaint against the police?

2. What can you complain about?

3. How do you make a complaint?

4. What happens once your complaint is filed?

MAKING A COMPLAINT - GETTING TO KNOW THE OFFICE OF THE INDEPENDENT POLICE REVIEW DIRECTOR (OIPRD) (Cont'd)

5. How will you be kept informed about what is happening with your complaint?

6. What happens once your complaint has been investigated?

7. What do you do if you are not happy with how your complaint was handled?

MODULE 8

Police Oversight

Focus Question - What is an oversight system and why is it needed for policing?

Overview

In this module, students will consider why oversight systems are needed in policing. Students will also examine the current complaints system in Ontario while being introduced to the formal procedures that are used to make a complaint. Students will then be invited to analyze and to research multiple incidents in Ontario, including the Toronto police response to the 2010 G20 protests, when the public demanded police accountability. Students will examine whether oversight was actually exercised in those incidents, and if not, reflect on how better police accountability can be ensured.

Learning Objectives

- To see why an oversight system is needed in policing.
- To understand how the different complaints processes currently work in Ontario.
- To compare and contrast different circumstances across Canada that have resulted in policy changes or discipline as a result of oversight of the police in order to see that oversight is an important part of our policing system.
- To see how Canadian citizens can have an impact on police oversight.

ACTIVITY 1

Comparative Analysis of Instances of Police Oversight

Materials

- Computers and internet (optional)
- Copies of *Police Oversight Systems in Ontario* (one per student)
- Copies of research assignments (one per group)
- Copies of *Student Presentation Rubric* (optional)

Teaching and Learning Strategies

1. As a class, discuss the following introductory questions:

- What is oversight?
- Is an oversight system needed in policing? Why or why not?
- What role does the public play in oversight of the police?



Teacher's Key

Definitions of oversight include:

- Watchful and responsible care; regulatory supervision (e.g. congressional oversight)¹
- Supervision; watchful care (e.g. a person responsible for the oversight of the organization)²

¹ <http://www.merriam-webster.com/dictionary/oversight>

² <http://dictionary.reference.com/browse/oversight?s=t>

2. Distribute the handout, *Police Oversight Systems in Ontario*, and review as a class. Clarify the role and mandate of each system and how they can be distinguished from one another (Also see Module 7, Activity 2 for more information on the OIPRD).

3. Divide students into four groups and provide each group with a different research assignment handout. The four handouts involve the following controversial incidents of policing that resulted in public outcry and some form of investigation:

- The Ipperwash crisis

- The FLQ crisis
- The tasing of Robert Dziekański
- The death of Doug Minty

Each handout provides a brief description of the incident along with detailed research- and opinion-based questions.

4. Invite each group to prepare a short presentation on the policing incident they researched, focusing on the following points. A rubric is available for assessment. You may choose to give students computer lab time to do further research.

- What happened?
- What oversight of the police occurred?
- Explain why the oversight was or was not sufficient (group members may express more than one point of view).
- If the oversight provided was insufficient, explain what could have been done to provide better oversight

5. After each group presentation, use the four corners strategy and statements below to encourage students to formulate their own opinions about the incident that was just presented.

Four Corners

Label each corner of the class as strongly agree/agree/disagree/strongly disagree

Read out each statement below and invite students to go to the corner of the room that best represents their opinion.

Give students time for discussion with others of the same opinion. Have a spokesperson from each group present their case to the class and give them time to ask questions or challenge other groups. Give students the opportunity to move to a different corner if their opinion changes.

ACTIVITY 1 Comparative Analysis of Instances of Police Oversight (Cont'd)

Statements

Ipperwash crisis

- For the Ipperwash crisis, oversight for police actions was needed.
- The responses by the oversight systems were sufficient to address the death of Dudley George.

FLQ crisis

- For the FLQ, oversight for police actions was needed.
- The responses by the oversight systems were sufficient to address the breaches of civil liberties and mass arrests.



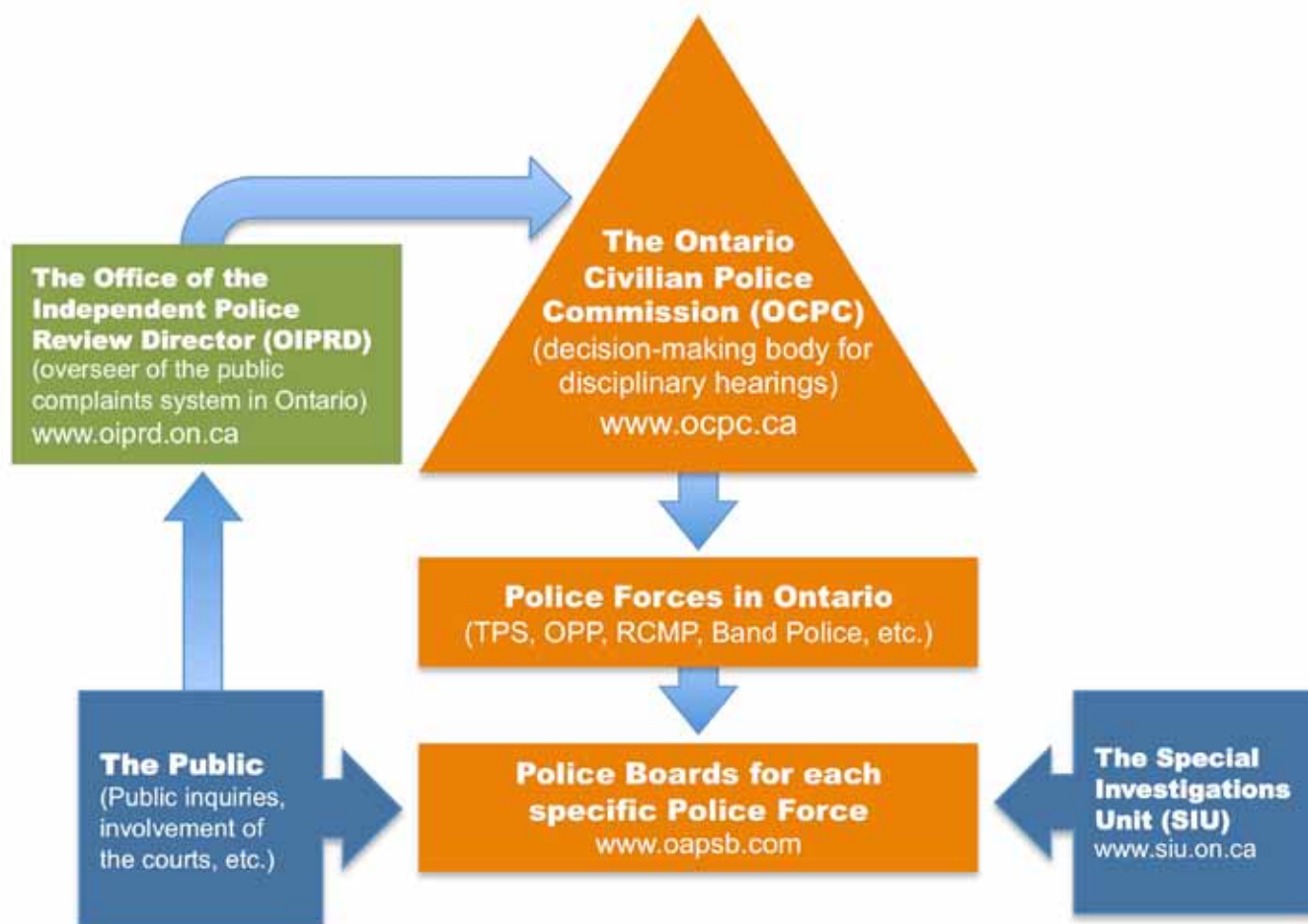
Tasering of Robert Dziekański

- For the tasering of Robert Dziekański, oversight for police actions was needed.
- The responses by the oversight systems were sufficient to address the death of Robert Dziekański.

Death of Doug Minty

- For the shooting of Doug Minty, oversight for police actions was needed.
- The responses by the oversight systems were sufficient to address Doug Minty's death.

POLICE OVERSIGHT SYSTEMS IN ONTARIO



MODULE 8 - Police Oversight

ACTIVITY 1: Comparative Analysis of Instances of Police Oversight

STUDENT HANDOUTS

POLICE OVERSIGHT SYSTEMS IN ONTARIO (Cont'd)

The Ontario Civilian Police Commission (OCPD)	The Special Investigations Unit (SIU)	Ontario Police Boards	The Office of the Independent Police Review Director (OIPRD)
In Ontario, police services and police services boards are ultimately accountable to the public through the Commission. The mandate and duties of the Ontario Civilian Police Commission are set out in the Police Services Act. The Commission reports to the Solicitor General. As an independent quasi-judicial agency, the Ontario Civilian Police Commission carries out a number of duties which are primarily adjudicative or decision-making in nature. These include hearing appeals of police disciplinary penalties; adjudicating disputes between municipal councils and police service boards involving budget matters; conducting hearings into requests for the reduction, abolition, creation or amalgamation of police services; conducting investigations and inquiries into the conduct of chiefs of police, police officers and members of police services boards; determining the status of police service members; conducting reviews of local decisions relating to public complaints at the request of complainants; and, general enforcement relating to the adequacy and effectiveness of policing services. http://www.ocpc.ca/english/aboutocpc/aboutus.html	The SIU is a civilian law enforcement agency, independent of the police, that investigates circumstances involving police and civilians which have resulted in serious injury, including sexual assault, or death. Pursuant to section 113 of the Police Services Act, the Director of the SIU is mandated to consider whether a criminal offence has been committed by an officer(s) in connection with the incident under investigation and, where warranted by the evidence, to cause a criminal charge or charges to be laid against the officer(s). The Director reports the results of investigations to the Attorney General. The SIU is independent of any police service. The Unit reports to the Attorney General, however the SIU's investigations and decisions are also independent of the government. http://www.siu.on.ca/en/unit.php	The Ontario Association of Police Service Boards (OAPSB) is the leading voice of police governance in Ontario. They serve their members and stakeholders, as well as the general public, by: • helping local police service boards fulfill their legislated responsibilities, by providing training and networking opportunities, and facilitating the transfer of knowledge; and • advocating for improvements in public safety laws and regulations, practises and funding mechanisms. Police services boards govern within their jurisdictions by: • establishing priorities, objectives and policies regarding the provision of police services; • hiring police chiefs and deputies, or participating in the selection of OPP detachment commanders; and • monitoring performance of both their police service and its leader http://www.oapsb.ca/	The Office of the Independent Police Review Director (OIPRD) opened on October 19, 2009. The OIPRD is an arms-length agency of the Ontario Ministry of the Attorney General, staffed entirely by civilians. The OIPRD is accountable to the Attorney General, but the Independent Police Review Director is responsible for the day-to-day decisions. This means the decisions are independent, and they are separate from the government, the police and the community. The OIPRD's goal is to provide an objective, impartial office to accept, process and oversee the investigation of public complaints against Ontario's police. In some cases the OIPRD will also investigate a public complaint. https://www.oiprd.on.ca/CMS/About.aspx

THE IPPERWASH CRISIS



Brief Description of the Crisis

The Ipperwash crisis was a land dispute that took place over the Ipperwash Provincial Park in 1995. The Stoney Point Ojibway Band claimed that the park belonged to their reserve and in particular, that the park contained a burial site. However, during World War II, the federal government expropriated the land under the War Measures Act and established a military base – Camp Ipperwash. After the end of the war, the government refused to return the land to the Stoney Point Band. Despite attempted negotiations with the government, the land was not returned to the Band.

On September 4, 1995, a group of First Nations people from the Stoney Point Band started a protest at the park to draw attention to their land claim. They were frustrated with trying to negotiate with the government about the return of their land. On September 5, 1995, there was a meeting within the Ontario government to determine what to do about the protesters at Ipperwash. The meeting concluded with a directive to the OPP to remove the First Nations occupiers from the park as soon as possible.

On September 6, 1995, the OPP became concerned about rumours of a group of First Nations people wandering around with bats and sticks. Concerned for public safety, the OPP deployed its Crowd Management Unit (the CMU) and Tactical Response Unit (TRU) – all fully armed. The CMU and TRU moved in on the occupiers during the night.

As the police approached the protesters, a riot ensued. A car and school bus carrying more First Nations protesters came to assist the occupiers in the park. The TRU opened fire on the vehicles, claiming that they had been fired at first. However, there is no evidence that any of the occupiers had any weapons in the park that night. As a result of the police gunfire, two First Nations occupiers were injured and one man, Dudley George, was killed.

Amongst the police officers who fired on the vehicles was Acting Sergeant Ken Deane. Sgt. Deane fired three sniper shots at Dudley George claiming that he had mistaken the elongated dark-coloured branch which George was carrying for a rifle. Deane was later convicted of criminal negligence causing death and was sentenced to a conditional sentence of 2 years less a day (served in the community and not in custody).

Mr. George's sister and brother attempted to bring him to the local hospital for treatment but were arrested and delayed by the OPP for over an hour. Mr. George was declared dead at 12:20AM on September 7, 1995 at a nearby hospital.

Resources

<http://www.cbc.ca/news/background/ipperwash/>

<http://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/index.html>

MODULE 8 - Police Oversight

ACTIVITY 1: Comparative Analysis of Instances of Police Oversight

STUDENT HANDOUTS

THE IPPERWASH CRISIS - QUESTIONS

1. What were the actions of the police?

2. What systems or bodies of oversight were involved in this incident?

3. What responses were made by the systems or bodies of oversight?

4. Was there any follow-up or additional steps taken (e.g. discipline of officers, public inquiry, etc.)?

5. What role did the public play in demanding oversight?

6. In your opinion, were the responses given by the systems or bodies of oversight sufficient? If yes, why do you think so? If no, what could have been done to provide better oversight?

THE FLQ OCTOBER CRISIS



Brief Description of the Crisis

During the 1960s, a national liberation movement was emerging in Quebec. The Front de libération du Québec (FLQ) was a part of this movement as a Québec nationalist group which used terrorist tactics to advance its agenda of gaining sovereignty (independence) for the province of Québec. Between 1963 and 1970, the FLQ detonated over 95 bombs. In October, 1970, the FLQ escalated its activities which resulted in a series of events known as the October Crisis.

In early October, 1970, the FLQ orchestrated the kidnapping of two government officials - British trade commissioner, James Cross and the Québec Minister of Labour, Pierre Laporte. In response to the FLQ's activities, the federal government invoked the only peacetime usage of the War Measures Act in Canada's history on October 16, 1970. This allowed for the deployment of Canadian Forces throughout Québec and police were enabled with far-reaching powers including the power to arrest individuals without a warrant. This resulted in numerous raids by the police and the police eventually arrested and detained, without bail, 497 individuals – many of whom were prominent artists and intellectuals associated with the sovereignty movement.

Pierre Laporte's body was found strangled in the trunk of a car on October 17, 1970. The crisis finally came to an end in December 1970 when James Cross was released and the abductors were all arrested for the Laporte's murder.

The October Crisis led to the loss of support for the violent elements within the Québec liberation movement and support grew for attaining independence by political means. This enhanced support for the Parti Québécois, which went on to form the Québec provincial government in 1976.

Resources

<http://thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=A1ARTA0004009>

<http://faculty.marianopolis.edu/c.belanger/quebechistory/chronos/october.htm>

<http://www2.parl.gc.ca/content/lop/researchpublications/8427-e.htm#C.TheMcDonald>

MODULE 8 - Police Oversight

ACTIVITY 1: Comparative Analysis of Instances of Police Oversight

STUDENT HANDOUTS

THE FLQ OCTOBER CRISIS - QUESTIONS

1. What were the actions of the police?

2. What systems or bodies of oversight were involved in this incident?

3. What responses were made by the systems or bodies of oversight?

4. Was there any follow-up or additional steps taken (e.g. discipline of officers, public inquiry, etc.)?

5. What role did the public play in demanding oversight?

6. In your opinion, were the responses given by the systems or bodies of oversight sufficient? If yes, why do you think so? If no, what could have been done to provide better oversight?

THE TASERING OF ROBERT DZIEKAŃSKI



Brief Description of the Incident

On October 14, 2007, Robert Dziekański, a Polish immigrant to Canada, died after being tasered five times by the Royal Canadian Mounted Police (RCMP) at the Vancouver International Airport.

Mr. Dziekański had plans to start a new life in Canada by emigrating from Poland to Kamloops, British Columbia to live with his mother. After his arrival in Canada, Mr. Dziekański was engaged in lengthy immigration processing – further complicated by his lack of English. After failed attempts to communicate with bystanders and airport security officers, Mr. Dziekański became visibly agitated. Four RCMP officers arrived on scene and within 25 seconds of their arrival, Corporal Robinson ordered the taser to be used. The officers continued to taser Dziekański for a total of five times. Mr. Dziekański did not receive CPR until paramedics arrived on scene 15 minutes later. He was pronounced dead at the scene, 14 hours after his arrival in Canada.

This incident drew widespread criticism of the RCMP because the entire situation was filmed by a bystander at the airport, Paul Pritchard. After going to court to obtain his video (which had been seized by the RCMP), Mr. Pritchard released the video to the media on November 14, 2007. The video showed that the RCMP were not justified in using the taser multiple times against Mr. Dziekański and that the officers had deliberately misrepresented their actions to investigators. Prior to the release of the video, RCMP representatives had suggested that only three officers were on scene and that Mr. Dziekański had made threatening gestures to the officers.

Despite the widespread criticism, no criminal charges were laid against the officers. The Criminal Justice Branch of British Columbia found that the force used by the officers was reasonable and necessary and that there would be no substantial likelihood of a conviction if charges were to be laid.

Resources

<http://www.braidwoodinquiry.ca/>

<http://www.cbc.ca/canada/british-columbia/story/2007/11/14/bc-taservideo.html>

<http://www.cbc.ca/mrl3/8752/bc/ondemand/video/YVRTASERVIDEO.wmv>

MODULE 8 - Police Oversight**ACTIVITY 1: Comparative Analysis of Instances of Police Oversight****STUDENT HANDOUTS****THE TASERING OF ROBERT DZIEKAŃSKI - QUESTIONS**

1. What were the actions of the police?

2. What systems or bodies of oversight were involved in this incident?

3. What responses were made by the systems or bodies of oversight?

4. Was there any follow-up or additional steps taken (e.g. discipline of officers, public inquiry, etc.)?

5. What role did the public play in demanding oversight?

6. In your opinion, were the responses given by the systems or bodies of oversight sufficient? If yes, why do you think so? If no, what could have been done to provide better oversight?

THE DEATH OF DOUG MINTY



Brief Description of the Incident

On Tuesday, June 22, 2009, an altercation occurred between a door-to-door salesman and 59-year old Doug Minty in the town of Elmvale, Ontario. Police were called in response to the altercation. Once OPP officers from the Huronia West Detachment arrived on site, Mr. Minty approached officers with a small utility knife in hand. Instead of complying with orders to drop the knife, Mr. Minty continued to approach the officers. Officers did not know that Doug Minty was a developmentally disabled man. Mr. Minty was shot five times by a single officer and was pronounced dead at the local hospital.

On October 21, 2009, the Special Investigations Unit (SIU) concluded their investigation into Doug Minty's death and determined that there were no reasonable grounds to believe that any of the OPP officers had committed any criminal offences. The officer was cleared because the SIU found that Mr. Minty was holding a knife as he approached the officer.



Despite this conclusion, the SIU accused the OPP of not cooperating with the SIU during its investigation of the shooting. Controversy arose due to a number of issues, including the fact that the SIU was not called to the scene of the shooting right away and the fact that officers vetted their notes with their lawyer before providing them to the SIU. The Minty family –along with another grieving family from an OPP shooting in Pickle Lake, Ontario –made submissions to the courts to make a ruling on the OPP's conduct during SIU investigations. At issue was whether the OPP had violated Police Act regulations by having their notes reviewed by their legal counsel prior to submitting them to the SIU.

The Superior Court of Justice rejected the families' application, but on appeal, the Court of Appeal for Ontario ruled that allowing officers to have lawyers vet their notes before submission to the SIU should not be permitted. The case will proceed to the Supreme Court of Canada, which will make a ruling on whether police officers under investigation by a civilian oversight body for possible criminal wrongdoing can seek legal advice on preparing their notes.

In addition, an inquest has been called for by the regional coroner to examine the circumstances surrounding the death of Mr. Minty.

Resources

<http://www.cbc.ca/canada/story/2010/05/10/ont-siu-opp.html>
<http://www.cbc.ca/canada/story/2010/05/13/siu-opp-fantino-shootings.html>
<http://www.thestar.com/news/gta/article/885473--siu-missed-key-questions-after-man-shot-five-times>
<http://www.thebarrieexaminer.com/ArticleDisplay.aspx?e=3006699>
<http://news.ontario.ca/mcscs/en/2011/03/inquest-into-the-death-of-douglas-clive-minty-announced.html>
<http://www.trentarthur.ca/index.php/local/2812-opp-seeks-supreme-court-appeal-over-violation-of-police-services-act-in-the-cases-of-levi-schaeffer-and-douglas-minty>
<http://www.montrealgazette.com/news/High+court+decide+whether+cops+under+clo+ud+have+lawyers+notes/6854836/story.html>
<http://www.justiceforlevi.org/>
<http://www.ombudsman.on.ca/Files/sitemedia/Documents/Investigations/SORT%20Investigations/SIU2-Final-EN-2-with-covers.pdf>

MODULE 8 - Police Oversight

ACTIVITY 1: Comparative Analysis of Instances of Police Oversight

STUDENT HANDOUTS

THE DEATH OF DOUG MINTY - QUESTIONS

1. What were the actions of the police?

2. What systems or bodies of oversight were involved in this incident?

3. What responses were made by the systems or bodies of oversight?

4. Was there any follow-up or additional steps taken (e.g. discipline of officers, public inquiry, etc.)?

5. What role did the public play in demanding oversight?

6. In your opinion, were the responses given by the systems or bodies of oversight sufficient? If yes, why do you think so? If no, what could have been done to provide better oversight?

STUDENT PRESENTATION RUBRIC

	Level 4	Level 3	Level 2	Level 1
Knowledge and Understanding	Student has demonstrated an excellent grasp of the issue and has effectively and clearly identified most key points concerning the incident. There is evidence of extensive research and critical evaluation of sources.	Student has demonstrated a good grasp of the issue and has effectively and clearly identified many key points concerning the incident. There is evidence of good research and critical evaluation of sources.	Student has demonstrated some grasp of the issue and has identified some key points concerning the incident. There is evidence of some research and some critical evaluation of sources.	Student has demonstrated limited grasp of the issue and has identified few key points concerning the incident. There is limited evidence of research and critical evaluation of sources.
Thinking and Inquiry	Student has demonstrated excellent critical thinking skills and reflection on the issue.	Student has demonstrated good critical thinking skills and reflection on the issue.	Student has demonstrated some critical thinking skills and reflection on the issue.	Student has demonstrated limited critical thinking skills and reflection on the issue.
Application	Student has presented the issue in a very thoughtful and original manner. The presentation is very engaging and informative.	Student has presented the issue in a thoughtful and original manner. The presentation is engaging and informative.	Student has presented the issue in a somewhat thoughtful and original manner. The presentation is somewhat engaging and informative.	Student has not demonstrated sufficient planning and execution in the presentation.
Communication	All ideas are very clearly expressed. Excellent presentation skills.	All ideas are clearly expressed. Good presentation skills.	All ideas are expressed somewhat clearly. Adequate presentation skills.	Ideas are not expressed very clearly. Presentation skills need to improve.

MODULE 8 - Police Oversight

ACTIVITY 2

Analysing Oversight Responses to Police Actions During the G20 Protests

Materials

- Computers and internet
- Copies of *Police Actions & Security Measures during the G20 Protests* (one per student) (optional)
- Copies of *Responses to the G20* (one per student)

Teaching and Learning Strategies

1. Using the handout, *Police Actions & Security Measures during the G20 Protests*, provide students with background information on the G20 Summit that took place in Toronto in June 2010.
2. Have students work in small groups to research responses to the G20 from the various oversight systems outlined in the handout, *Responses to the G20*. Give students computer time to review the various reports and reviews that happened following the G20. Students should use the chart to record what type of report was produced and approximately five recommendations that resulted from it. The reports can be quite long so students will need to skim for the appropriate information. Students can also use the search function to move to relevant areas of the report. Encourage them to consider what the rationale is behind the particular recommendations.



Teacher's Key - The answer key below does not provide a comprehensive list of all of the responses or recommendations that resulted. It does, however, provide selected answers that students may use.

Oversight Body	Post-G20 Response	Recommendations
Commission for Public Complaints Against the RCMP	Public Interest Investigation into RCMP Member Conduct Related to the 2010 G8 and G20 Summits	• RCMP more effectively integrate into its planning function for major events an awareness of the possibility of ex post facto review and adopt commensurate document organization practices and guidelines for appropriate disclosure • That the RCMP reflect in its agreements with other police agencies, to the extent possible, that RCMP note-taking guidelines require members to retain notes for, among other things, subsequent review of their conduct. • That all contacts be recorded and reported in a comprehensive and consistent manner to ensure proper and adequate recording of actions taken. • That the RCMP ensure that a formal, integrated post-incident process is established for all major events to ensure that deficiencies as well as best practices are identified. • That the RCMP consider the establishment of an enhanced approval and reporting structure for sensitive sector criminal intelligence investigations as a best practice for future major events where such investigations are contemplated. • That the RCMP develop and implement policy requiring best efforts to be made respecting entering into comprehensive agreements with other police agencies prior to beginning integrated operations, addressing such issues as command structure, strategic, tactical and operational levels, and the operation and application of policies and operational guidelines. • That the RCMP make best efforts to establish, together with its partners, clear operational guidelines prior to an event where integrated policing will occur to ensure consistency of application.

ACTIVITY 2: Analysing Oversight Responses to Police Actions During the G20 Protests (Cont'd)

Oversight Body	Post-G20 Response	Recommendations
The Office of the Independent Police Review Director (OIPRD)	Report: <i>Policing the Right to Protest - G20 Systemic Review</i>	- The Toronto Police Service, other Ontario police services and the RCMP must develop procedures for better, more seamless, and earlier disclosure of documents with agencies responsible for oversight or review - If multiple police services are to work together under the same incident Command Management System structure, training should be a cooperative effort. Those who will be working together in the system should train together - Officers should be provided with refresher training in the legal parameters of their authorities to stop and search protesters, and the legal authorities to detain and arrest - All police services that have public order units should continually review their tactics for maintaining public order. These tactics should enable them to respond effectively to existing protester actions or evolving actions that may be employed at major events or events of mass disorder - In situations where mass arrests may be anticipated, police services should prepare a workable model for transporting, booking, holding, feeding, and administering and ensuring the health and safety for an anticipated large number of prisoners - The Police Services Act and the existing Code of Conduct regulation should be revised to expand the misconduct of “unlawful or unnecessary exercise of authority” to include an unlawful or excessive detention where no physical force was used
The Ombudsman of Ontario	Report: <i>Caught in the Act</i>	- The Ministry of Community Safety and Correctional Services should take steps to revise or replace the Public Works Protection Act. If the government wants to claim the authority to designate security areas to protect persons, an integrated statute should be created that could be used not only to protect public works but also provide proper authority for ensuring the security of persons during public events when required. - The Ministry of Community Safety and Correctional Services should examine whether the range of police powers conferred by the Public Works Protection Act should be retained or imported into any revised statute, including whether it is appropriate to give police the authority to arrest those who have already been excluded entry to secured areas, and whether it is appropriate to authorize guards and peace officers to offer conclusive testimony, whether right or wrong, about the location of security boundaries. - The Ministry of Community Safety and Correctional Services should develop a protocol that would call for public information campaigns when police powers are modified by subordinate legislation, particularly in protest situations.
Toronto Police Service – Internal Review	Report: <i>Toronto Police Service After-Action Review</i>	- That the TPS prepare and train a cadre of major event specialists who can be mobilized and dedicated to supporting major events in the future with a more robust operational planning capacity. The early inclusion of key personnel including a Sponsor (Deputy Chief), Incident Commander, Project Manager, Planning Chief, and field commanders should be considered in future event planning. - That the TPS conduct a training assessment and then implement a plan to ensure appropriate IMS (Incident Management System) training is provided to members (including practical exercises, formal operational debriefs and after action/lessons learned processes).

MODULE 8 - Police Oversight

ACTIVITY 2: Analysing Oversight Responses to Police Actions During the G20 Protests (Cont'd)

Oversight Body	Post-G20 Response	Recommendations
Toronto Police Service – Internal Review (Cont'd)	Report: <i>Toronto Police Service After-Action Review</i>	- That the TPS conduct a review in relation to public order management to better manage Black Bloc (or similar) tactics, mass disorder and major events like the G8/G20 Summits. - That the TPS develop and implement policies and procedures to identify, isolate, and extract individuals in a crowd who are believed to pose a threat to public safety. - That the TPS research and develop facility and operational plans for large temporary detention centres for similar events. The plans should include improved facility location and design, high capacity intake and release systems, cross-training of court officers and police officers, a major event prisoner transport strategy, the use of a single prisoner management computer program, the continued use of on-site medical practitioners and duty counsel and enhanced prisoner property management systems.
Toronto Police Services Board	Independent Civilian Review into Matters Relating to the G20 Summit	- The [Toronto Police Services] Board should express its policy on the wearing of name badges and/or police badge numbers in its standard policy format and include in its catalogue of policies. The policy should require the chief of police to report to the Board on a regular basis concerning incidents of non-compliance with the policy - The Board should make a policy that directs the Chief of Police to create an operational plan for a temporary mass prisoner processing centre, in such a facility is required at major events held in Toronto. The plan should address the design and processes for the facility, including procedures concerning prisoner care and management. - The Board should determine appropriate objectives, priorities, and policies for major events, operations, and organizationally-significant issues in which the Toronto Police Service will be involved - The Board should be informed by the chief of police, as soon as practicable, where a reasonable possibility exists that the Toronto Police Service may be involved in the policing of a major event hosted by a government entity. The Board should seek information and clarify concerning the proposed decision making structure and process related to the policing of the event - Where there is a large event that may impact upon the Toronto Police Service's ability to deliver regular police officers in Toronto, the Board should consult with the chief of police concerning how continuity of service can be achieved. The Board should be provided with any plans developed by the Toronto Police Service to aid in the consultation.

3. Have students share the information they collected with their groups and complete the entire chart. Take up the responses with the class.

4. Debrief by discussing the following:

- In your opinion, were the responses given by the oversight systems sufficient? If yes, why do you think so? If no, what could have been done to provide better oversight?
- What recommendations were most useful? Why?

- What was the rationale behind some of the recommendations?
- What role did the public play in demanding oversight?

Extension

Have students reflect on what an appropriate policing oversight response to the G20 protests would look like. They can draw on some of the various aspects of those they learned about above.

POLICE ACTIONS & SECURITY MEASURES DURING THE G20 PROTESTS



Brief Description of the Incident

The G20 Toronto Summit meeting was the fourth meeting of the G20 heads of government to address the global economy and the ongoing world-wide recession. The summit took place on June 26-27, 2010 in downtown Toronto, Ontario.

Past G20 summits had resulted in violent clashes between the protesters and the host city's police and security forces. As such, the Toronto Police Service (TPS) created the Integrated Security Unit (ISU), which consisted of officers from different regional departments, and began working on security issues three months in advance of the summit. Approximately 10,000 uniformed officers, and 1000 security guards and Canadian military forces were deployed during the summit. The ISU also created a security perimeter, including the erection of a \$5.5 million security fence, around the Metro Convention Centre in Toronto—where the summit took place. It is estimated that the total cost of preparations for the G20 cost \$1.1 billion (CAD) – the largest and most expensive security operation in Canadian history.

As with past G20 summits, it was anticipated that the summit in Toronto would have widespread protesting. Protests began the week before the summit and were mainly determined to be peaceful. However, on the first day of the summit, the protests grew in numbers and were followed by what is known as 'black bloc' tactics. These tactics included damaging the windows of businesses across downtown Toronto and lighting police cruisers on fire. Vehicles of media corporations were also physically damaged.

The following day, the ISU tightened its security and a large group of protesters were kettled, a policing tactic whereby large rows of police officers move to contain a crowd in a limited area. The only option for leaving the secured area was to be arrested. More than 900 people were arrested throughout the weekend of the protest, including bystanders and observers as well as protesters.

There has been widespread criticism about the security measures taken during the G20. There are currently multiple inquiries underway to address the demands for police accountability by the public.

Resources

<http://www.g20inquiry.org/>

<http://www.cpc-cpp.gc.ca/cnt/decision/cic-pdp/2012/g8g20/g8g20rep-eng.aspx>

https://www.oiprd.on.ca/CMS/getattachment/Publications/Reports/G20_Report_Eng.pdf.aspx

<http://www.ombudsman.on.ca/Files/sitemedia/Documents/Investigations/SORT%20Investigations/G20final-EN-web.pdf>

http://www.torontopolice.on.ca/publications/files/reports/g20_after_action_review.pdf

<http://www.g20classaction.ca/>

<http://ccla.org/our-work/focus-areas/g8-and-g20/>

<http://ccla.org/2010/06/29/ccla-releases-a-preliminary-report-of-observations-during-the-g20-summit/>

<http://ccla.org/wordpress/wp-content/uploads/2011/02/Breach-of-the-Peace-Final-Report.pdf>

MODULE 8 - Police Oversight**ACTIVITY 2: Analysing Oversight Responses to Police Actions During the G20 Protests****STUDENT HANDOUTS**

RESPONSES TO THE G20

Oversight Body	Post-G20 Response	Recommendations
Commission for Public Complaints Against the RCMP		
The Office of the Independent Police Review Director (OIPRD)		
The Ombudsman of Ontario		
Toronto Police Service – Internal Review		
Toronto Police Services Board		



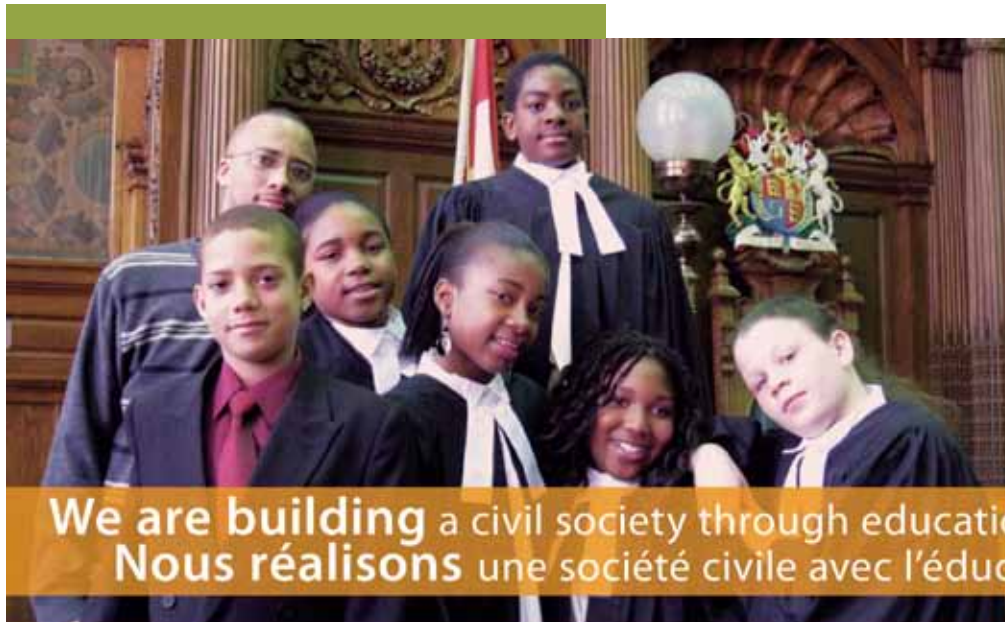
We are building a civil society through education and dialogue.

The Ontario Justice Education Network offers justice education programs that provide meaningful opportunities for youth, teachers and communities members to learn about the justice system, meet justice sector professionals and participate in dialogue that promotes an equitable and responsive justice system. A sample of these programs include:

- Courthouse visits
- Active Citizens
- Justice 101
- Classroom Resources
- Radio Project
- Mock Hearings
- ESL Programs
- Law Institutes
- Charter Challenge
- Training for teachers and youth workers

OJEN works collaboratively with organizations and individuals to develop justice education programs or respond to ideas and opportunities.

To find out more, visit www.ojen.ca.



Le Réseau ontarien d'éducation juridique offre des programmes d'éducation juridique qui fournissent des occasions enrichissantes pour les jeunes, les enseignants et les membres de la collectivité de parfaire leurs connaissances au sujet du système de justice, de rencontrer des professionnels du secteur de la justice et de participer dans des dialogues qui favorisent un système de justice équitable et répondant aux besoins. Nos activités comprennent ce qui suit:

- Visites au palais de justice
- Citoyens actifs
- Justice 101
- Le ROEJ à la radio
- Programmes d'English langue seconde (ESL)
- L'art dans les tribunaux
- Le défi de la Charte
- Audiences simulées
- Production de ressources pour les salles de classe
- Formation pour les enseignants et les jeunes travailleurs

Le ROEJ travaille en collaboration avec les organismes et les individus pour mettre sur pied des programmes et pour répondre aux idées et aux occasions de projets.

Pour savoir comment, visitez le site www.roej.ca



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