

June 30, 2004

TOPIC	POTENTIAL ISSUE PAPER	POTENTIAL CONSULTATION PROCESS
1)	<p>Description of Aboriginal Peoples in Ontario</p> <p>A summary description of Aboriginal peoples in Ontario, including: reserves and locations, demographic analysis and trends, geographic analysis, socio-economic analysis and trends, urban and rural populations, north/south, on and off reserve. Paper should include comparisons with non-Aboriginal population.</p>	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Final paper circulated to parties and posted on website.
2)	<p>Land Claims in Ontario</p> <p>A paper addressing broad issues of Aboriginal land grievances in Ontario, including:</p> <ol style="list-style-type: none"> 1) Survey of Ontario land/treaty claims. 2) Legal and negotiating challenges <ol style="list-style-type: none"> a) What if there are disagreements about legal basis of claim? b) Timeliness of existing claims process 3) Federal role and fiduciary obligations 4) What is – and should be – the role of the provincial government in resolving land and treaty claim disputes in Ontario? <ol style="list-style-type: none"> a) Scope of provincial jurisdiction b) History of policy/rules in Ontario c) Current Ontario legislation, ministries, regulations and policies d) History and current policy/rules in other Canadian jurisdictions 5) How can land and treaty claims be resolved in Ontario? <ol style="list-style-type: none"> a) Best practices/successful models that have been used in Ontario or other jurisdictions? b) How to acknowledge and reconcile competing expectations and rights of Aboriginal and 3rd party stakeholders/landowners? c) Major policy options and issues d) Keys and barriers to success e) What happens after conclusion of claim process? 6) Summary of previous reports and recommendations 	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Inquiry could organize roundtables or consultations to discuss paper and potential options. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties. • Could hold evidential hearings also.

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<p>3)</p>	<p>Burial Grounds and other Sacred Sites in Ontario</p> <p>An inventory and description of Aboriginal burial grounds and other sacred sites in Ontario and an analysis of why sacred sites are important to Aboriginal peoples and potential options for protecting them:</p> <p><u>Identification of Sacred Sites</u></p> <ol style="list-style-type: none"> 1) Definition of sacred sites 2) How many? Where? Current Status? 3) If – and how – sacred sites are acknowledged in treaties 4) Current profile/inventory process in Ontario. Gaps in current systems? 5) Are there best practices or successful models that have been used in Ontario or other jurisdictions to identify and list burial grounds and other sacred sites? <p><u>Protection of Sacred Sites</u></p> <ol style="list-style-type: none"> 6) Why are sacred sites important to Aboriginal peoples? Why are they flashpoints for disputes and confrontations? 7) Analysis of current Ontario legislation and practice, including: <i>Cemeteries Act</i>, other relevant legislation, common law and constitutional rules, and the scope of provincial authority 8) Analysis of non-Aboriginal rights, perspectives and expectations 9) Government’s obligations to Aboriginal/non-Aboriginal communities 10) Compare/contrast Crown land versus non-Crown land in this context. 11) Whether – and how – to protect sacred sites, including best practices or successful models from other jurisdictions 12) How to acknowledge and reconcile competing expectations and rights of Aboriginal and non-Aboriginal stakeholders/landowners. <ol style="list-style-type: none"> a) Potential options b) Keys and barriers to success 	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Inquiry to organize roundtables or consultations to discuss paper and potential options. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.

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<p>4)</p>	<p>History and Comparison of Aboriginal Land, Treaty and Rights Occupations</p> <p>An historical and comparative analysis of Aboriginal land, treaty or rights disputes/occupations, including:</p> <ol style="list-style-type: none"> 1) Inventory/description of occupations in Ontario/Canada. 2) What circumstances/issues are flashpoints for occupations? 3) A comparison of three or more occupations. Compare/contrast process and outcomes. 4) Interests/perspectives of Aboriginal and non-Aboriginal stakeholders? 5) Are there best practices or successful models that have been used in Ontario or other jurisdictions to resolve occupations peacefully and constructively? If so, what do positive examples tell us about how to prevent violence in the future? 6) Role of the media 	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Inquiry to organize roundtables or consultations to discuss paper and potential options. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.
<p>5)</p>	<p>Policing Public Order Events</p> <p>How do Canadian police forces manage public order events/protests?</p> <ol style="list-style-type: none"> 1) Police objectives and strategies 2) Description of current police standards, responsibilities 3) Police decision-making 4) Police training 5) Role of specialized units 6) Recording and documentation of decisions and activities 7) How do police balance public order with protester's rights? 8) Potential supports for police and protesters 9) Police and government responsibilities to surrounding communities 10) Strategies for reducing potential for violence? Best practices? 	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Inquiry to organize roundtables or consultations to discuss paper and potential options. Roundtable on this paper could be combined with consultations on other protest/policing papers. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.

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6)	<p>Collection and Use of “Intelligence” in Policing of Public Order Events</p> <ol style="list-style-type: none"> 1) When and why do police collect “intelligence” when policing public order events? 2) How to balance gathering and use of intelligence with the democratic right to protest? 3) Police force protocols and best practices? 	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Inquiry to organize roundtables or consultations to discuss paper and potential options. Roundtable on this paper could be combined with consultations on other protest/policing papers. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.
7)	<p>Policing and Aboriginal Occupations</p> <p>A detailed analysis of policing and aboriginal occupations, including:</p> <ol style="list-style-type: none"> 1) Are aboriginal occupations different than other protests? Why? 2) Compare and contrast aboriginal occupations <ol style="list-style-type: none"> a) Why did they turn out differently? b) Lessons learned 3) Complexity of policing aboriginal occupations <ol style="list-style-type: none"> a) Policing objectives b) Jurisdictional issues affecting police c) Training, preparation for officers d) Limits to use of police to resolve disputes 4) Are violent confrontations between police and aboriginal occupiers necessary or are peaceful solutions and positive outcomes possible? What do positive examples tell us about how to prevent violence? 5) Review recent protocols/developments for crisis management 6) Police and government responsibilities to surrounding communities? 7) Potential role of external organizations 	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Inquiry to organize roundtables or consultations to discuss paper and potential options. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties. • Could hold evidential hearings also.

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8)	<p>Role of Regulatory Agencies in Aboriginal Rights Disputes in Ontario</p> <ol style="list-style-type: none"> 1) Inventory of provincial and federal regulatory agencies that potentially impact Aboriginal rights, such as the Ontario Ministry of Natural Resources and the federal Department of Fisheries and Oceans. 2) List and analysis of regulatory agency enforcement mechanisms. 3) Analysis of historic and current relationship between enforcement agencies and Aboriginal peoples. 4) Analysis of enforcement protocols employed by regulatory agencies 5) Oversight mechanisms 6) Gathering and use of intelligence 7) Relationship between these agencies and police 	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Inquiry to organize roundtables or consultations to discuss paper and potential options. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.
9)	<p>Trespass and Freedom of Assembly</p> <p>An analysis of trespass, public order and rights to protest, including:</p> <ol style="list-style-type: none"> 1) Analysis of relevant legal rules, including <ol style="list-style-type: none"> a) International human rights law b) Aboriginal colour of right c) <i>Charter</i> and legislative rights d) Law of injunctions e) Law of trespass 2) Analysis of law of trespass and freedom of assembly 3) Difference between public and private property? 4) Analysis of US public forum law and applicability in Canada 	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Inquiry to organize roundtables or consultations to discuss paper and potential options. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.

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<p>10)</p>	<p>Use of Force in Protests</p> <p>How should police treat protesters who have been apprehended?</p> <ol style="list-style-type: none"> 1) Current law and standards 2) Scope of police discretion 3) Access to medical care 4) Strategies for reducing potential for violence? Best practices? 	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Inquiry to organize roundtables or consultations to discuss paper and potential options. Roundtable on this paper could be combined with consultations on other protest/policing papers. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.
<p>11)</p>	<p>Aboriginal/Police Relations and Policing – Specific Initiatives</p> <p>What strategies or initiatives have worked in Canada or other jurisdictions to improve policing and Aboriginal-police relations?</p> <ol style="list-style-type: none"> 1) Recommendations from previous inquiries or reports? 2) Description and analysis of potential strategies, including: <ol style="list-style-type: none"> a) Community liaison b) Race relations training c) Police recruiting d) Other initiatives 3) Keys and barriers to success? 	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Inquiry to organize roundtables or consultations to discuss paper and potential options. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties. • Could hold evidential hearings also.
<p>12)</p>	<p>Aboriginal/Police Relations In Three Canadian Police Forces</p> <p>A description and analysis of strategies and initiatives to improve policing and Aboriginal-police relations in RCMP, OPP and a municipal police force in Canada.</p>	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Inquiry to organize roundtables or consultations to discuss paper and potential options. Roundtable/consultation could be combined with previous research topic. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties. • Could hold evidential hearings also.

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<p>13)</p>	<p>Aboriginal Policing</p> <p>A summary and analysis of Aboriginal policing in Ontario:</p> <ol style="list-style-type: none"> 1) Description and overview, including: <ol style="list-style-type: none"> a) History and objectives b) Locations, complements, and resources c) Powers and responsibilities d) Statutory, legal and financial framework 2) What is the current or potential role for Aboriginal policing in reducing potential for violence in aboriginal land or treaty confrontations? 3) Are there best practices/successful models in Ontario or other Canadian jurisdictions? 4) Relationship to mainstream police forces 5) Analysis of aboriginal units within mainstream police forces 6) Options. Keys/barriers to success? 	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Inquiry to organize roundtables or consultations to discuss paper and potential options. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.
<p>14)</p>	<p>Aboriginal Peoples and the Criminal Justice System</p> <p>A paper analyzing Aboriginal peoples and the criminal justice system in Ontario including:</p> <ol style="list-style-type: none"> 1) Perceptions of aboriginal peoples within criminal justice system and society generally. 2) Summary and analysis of previous reports and inquiries. 3) Aboriginal overrepresentation in criminal justice system <ol style="list-style-type: none"> a) Statistical analysis b) Sources/causes and implications/results of overrepresentation. c) Effect of <i>Gladue</i> and other initiatives 4) How to improve situation of Aboriginal peoples within the criminal justice system and reduce Aboriginal overrepresentation? <ol style="list-style-type: none"> a) Aboriginal justice systems b) Options c) Keys and barriers to success? 	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Inquiry to organize roundtables or consultations to discuss paper and potential options. Roundtable on this paper could be combined with consultations on other protest/policing papers. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.

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15)	Models of Police – Government Relationships	<ul style="list-style-type: none"> • Draft paper by Kent Roach was completed and presented to Osgoode Conference in June 2004 • Draft paper circulated to parties and posted on website. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.
16)	Legal Sites of Executive-Police Relations: Core Principles	<ul style="list-style-type: none"> • Draft paper by Dianne Martin was completed and presented to Osgoode Conference in June 2004 • Draft paper circulated to parties and posted on website. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.
17)	History and Future of Politics and Policing	<ul style="list-style-type: none"> • Draft paper by Margaret Beare was completed and presented to Osgoode Conference in June 2004 • Draft paper circulated to parties and posted on website. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.
18)	Political “Independence” of Police: International Interpretations and Experiences	<ul style="list-style-type: none"> • Draft paper by Phillip Stenning was completed and presented to Osgoode Conference in June 2004 • Draft paper circulated to parties and posted on website. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.
19)	Police-Government Relations in the Context of State-Aboriginal Relations	<ul style="list-style-type: none"> • Draft paper by Gordon Christie was completed and presented to Osgoode Conference in June 2004 • Draft paper circulated to parties and posted on website. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties..
20)	The Oversight of Executive-Police Relations in Canada: the Constitution, Courts, Administrative Processes and Democratic Governance	<ul style="list-style-type: none"> • Draft paper by Lorne Sossin was completed and presented to Osgoode Conference in June 2004 • Draft paper circulated to parties and posted on website. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.

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<p>21)</p>	<p>Police/Government Relationship In Practice</p> <p>Structured interviews with former Solicitor Generals and senior police executives to gather empirical evidence and analyze perceptions and understanding of the police/government relationship in practice.</p>	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.
<p>22)</p>	<p>Description of Police in Ontario</p> <p>A summary description of policing in Ontario, including:</p> <ol style="list-style-type: none"> 1) Description and overview, including: <ol style="list-style-type: none"> a) History and objectives b) Locations, complements, and resources c) Powers and responsibilities d) Statutory, legal and financial framework 2) Structure, history and role of OPP 	<ul style="list-style-type: none"> • Draft paper distributed to Part Two parties and posted on website. • Inquiry to organize roundtables or consultations to discuss paper and potential options. • Final paper circulated to parties and posted on website. • Inquiry should also seek submissions/projects from parties.