

## POLICY PHASE: PART 2

The second part of my mandate, the policy phase, was intended to prepare me “to make recommendations directed to the avoidance of violence in similar circumstances.”<sup>108</sup> As was the case in the first part of my mandate, I had full discretion to define the scope and methods.

The Walkerton Inquiry’s approach to addressing the policy component of its mandate served as an excellent foundation for formulating a program for this part of the Inquiry. I am grateful to Harry Swain, a member of that inquiry’s research advisory panel, for sharing his valuable experience with us. I drew upon the Walkerton experience in considering criteria for granting Part 2 standing and funding, the terms of reference for a research advisory committee, and the general elements of a research program. Administrative documents from that inquiry, such as consulting contracts, were extremely useful as templates. Nye Thomas, my director of policy research, supported by one full-time policy counsel and one part-time senior policy advisor, gathered advice from experienced and knowledgeable academics and other experts to further develop an approach for this phase of the Inquiry.

Although Part 1 would inform Part 2, the evidentiary hearings alone could not foster the level of participation and analysis required to address the policy part of the Inquiry’s mandate. For the policy phase, we developed a wide-ranging approach to collecting information on the key issues identified, including research papers, expert panels, round tables, community dialogue, and an advisory committee.<sup>109</sup>

### 11.1 The Research Advisory Committee

Pursuant to the Rules,<sup>110</sup> and with the assistance of my director of policy and research, I established the Research Advisory Committee (RAC) to assist in shaping the policy work and to advise me on the many complex policy matters to be considered. We retained six academics and practitioners in relevant fields for the committee, on an as-needed basis.<sup>111</sup> We set out the terms of the arrangement in

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108 Appendix 1, Order-in-Council 1662/2003.

109 Appendix 14(a), Commissioner’s Remarks at the Hearings on Standing and Funding, April 20, 2004.

110 Rule 52, Appendix 2, Rules of Procedure and Practice.

111 Appendix 5, Research Advisory Committee Members.

a retainer letter, which included a confidentiality undertaking. The RAC did not have final decision-making authority, but under Mr. Thomas's leadership, it contributed to almost every aspect of the policy phase, including designing the research and consultation plan, selecting potential authors for research papers, reviewing papers, assessing research project applications, and advising on potential expert witnesses. The committee was also helpful to me as a source of perspectives on policy directions as I considered my recommendations.

## 11.2 Scope of the Policy Mandate

The first challenge in fulfilling the policy part of my mandate was to define the breadth and depth of the research to be undertaken. The virtually inexhaustible array of potential subjects for research had to be narrowed to those I considered most central to my mandate, yet without prematurely eliminating any areas that might prove to be important considerations in formulating my recommendations.

In the Rules, I had already signalled four key policy issues, raised by the events surrounding the death of Dudley George, which would form the basis for the research and consultation framework.<sup>112</sup> The policy phase would examine the relationship between police and Aboriginal people, the relationship between police and government, the interaction between police and protestors, and measures to avoid violent confrontations over Aboriginal land and/or treaty claims in Ontario. As the research progressed, it became apparent that the issue of interaction between police and Aboriginal protestors was difficult to separate from the relationship between police and Aboriginal people. These two matters thus later became one policy category.

Just as commission counsel had charted the course for the evidentiary hearings early in that phase, the policy team, under Mr. Thomas's direction and with input from the RAC and key stakeholders in the Inquiry, set out a policy and research framework early in the policy phase. That framework served the Inquiry well, and provided me with a solid foundation for making recommendations.

My hope and expectation is that this body of excellent research, which is available in electronic format with my report, will also serve as a catalyst for continuing policy debate and change.

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<sup>112</sup> Rule 1, Appendix 2, Rules of Procedure and Practice.