

RESEARCH AND CONSULTATION

The broad areas of research set out in the Rules encompassed a high-level assessment of the circumstances and policies that contributed to the events in Ipperwash Provincial Park. These areas provided the framework for the research papers commissioned by the Inquiry, for consideration of projects suggested by parties with Part 2 standing, for the seminars designed to educate and assist commission counsel, staff, and me, and for the portion of my report dedicated to policy analysis and recommendations.

12.1 Commissioned Research

I invited the RAC and the parties with standing in the policy phase to propose specific topics, within the major policy areas of research, for concentrated research and analysis. Upon my approval of the topics, the policy team identified and recommended qualified and respected academic and other researchers to probe each topic and write papers on their findings. As the Inquiry progressed, and as new issues or considerations that fell within the scope of its work came to light, I approved further topics for research papers. In all, the Inquiry commissioned twenty-one papers,¹¹³ all of which were posted on our website.

Researchers were required to submit papers in draft form. We posted the drafts on the website to solicit remarks from parties with standing in the Inquiry and other interested individuals and organizations. The researchers then finalized their papers with the benefit of the comments sometimes obtained through formal consultation sessions organized by the Commission, and comments from the Inquiry's policy staff, members of the RAC, and interested stakeholders. The final papers were posted on the website. These papers reflected a point of view, and since it was important that no conclusions be attributed to me in advance of my report, all papers included a disclaimer: "Opinions expressed are those of the author and do not necessarily reflect those of the Ipperwash Inquiry or the Commissioner."

Many of these papers served as underpinnings for the analysis of the issues, and indeed for my recommendations with respect to avoiding violence. My further hope and objective for this research was that it would inform commission

113 Appendix 17, Inquiry Statistics.

counsel and counsel for the parties with standing in Part 1 in their examination of witnesses and enlighten all participants in the Inquiry. I was pleased to observe that this often proved to be the case, and counsel for the parties sometimes referred to them in cross-examining witnesses.

12.2 Consultations, Roundtables, and Other Events

The Inquiry sponsored and co-sponsored symposia, roundtables, and other events to solicit participation, response, and the exchange of information. These were meaningful opportunities for parties to the Inquiry and, from time to time, the public, to become actively engaged in the policy debate. Also, as I attended all of these events, they gave parties with standing in Part 2 a chance to convey their points of view and experiences to me directly.

Often, we invited the media, or webcast the events, thereby extending their reach even further. We videotaped some events, and distributed copies to participants for future reference. On rare occasions, usually to promote candour, I chose not to record the event. When the topic was of less general interest, or when logistical or financial considerations made a public event impracticable, we organized smaller sessions for only the parties most directly interested and/or commission counsel and staff. For the most part, however, the policy discussion took place in public view.

In my view, given the many complex policy issues involved, seeking guidance from as many sources as possible could only enrich the Inquiry process and the result. From time to time, I also met with well-regarded experts, leaders, and thinkers to discuss the substance of our research or to talk about policy development through public inquiries generally.

I made it clear to the participants in the consultations that, in order to maintain procedural fairness with respect to the Part 1 hearings, these events were not opportunities to comment on the evidence brought out in the hearings, nor to express views on the events of September 1995. I also made it clear that I was there to listen and learn, but felt it was wiser for me not to engage in discussion or debate at that stage. I would keep my mind open throughout the Inquiry and set out my views in my report. Everyone I met with over the course of the Inquiry respected the need to refrain from commenting on the evidence being heard in Part 1.

The Inquiry benefited from wide-ranging knowledge and experience through the consultations, as did the participants, thus contributing to broader public debate and to better understanding of many important and complex issues. I certainly learned a great deal from these sessions and found them extremely useful.

12.3 Projects of Parties with Part 2 Standing

The consultations and research papers spanned the breadth of my policy mandate, but I also wanted to encourage the parties with standing to pursue additional research to contribute to the debate and assist me in formulating recommendations.

Our Rules stated that the Inquiry would invite written and/or oral submissions from parties with standing and the public about any matter relevant to the policy phase.¹¹⁴ Although the Inquiry welcomed all submissions, only individuals and organizations granted standing in Part 2 were entitled to apply to me to recommend that the Attorney General approve funding to assist them in participating in the Inquiry.¹¹⁵

I invited the parties to consider undertaking their own research, and interested parties submitted written proposals. The proposals were required to explain how the projects would complement the research already completed and ultimately contribute to the work of the Inquiry. I considered each of the proposals after my staff had analyzed them, and if the proposal was approved, the party was required to enter into an agreement with the Inquiry which set out the terms on which approval was given.

12.4 Discussion Papers

With the research and consultations completed, and the deadline for closing submissions still to come, the policy team prepared three short discussion papers, one on each of the major policy areas to be considered: government/police relations, policing Aboriginal occupations and Aboriginal/police relations, and treaty and Aboriginal rights.

The purpose of these papers was to inform the parties of some of the issues I was likely to consider in writing my report and to solicit their responses to a number of questions. The parties were encouraged to consider these issues and questions in their closing submissions. In the memorandum accompanying the discussion papers, my director of policy and research emphasized that the discussion papers did not reflect any conclusions on my part.

I strongly believed in sharing the work of the Inquiry as it progressed, rather than only in my final report. The discussion papers were posted on our website, and they elicited further public response and debate as well as furthering the policy work.

¹¹⁴ *Ibid.*, Rule 50(b).

¹¹⁵ *Ibid.*, Rule 62.

12.5 Oral and Written Closing Submissions in Part 2

I invited parties with exclusively Part 2 standing to submit written closing submissions and, if they wished, to present their submissions orally to highlight or support their written submissions. I allocated thirty minutes to each of the parties who wished to do so. Seven parties made oral submissions in addition to their written submissions, which I heard in Kimball Hall on August 24, 2006.¹¹⁶ I asked parties to file written submissions, in hard copy and electronic format, and to distribute them electronically to all Part 2 parties who had participated in the hearings within one month of the end of the evidentiary hearings. As I had done with respect to Part 1 parties, I directed the parties not to publish their submissions in advance. We made all submissions public simultaneously by posting them on our website on the first day of the oral closing submissions.

¹¹⁶ Appendix 15(c), Memoranda to Parties with Standing re Closing Submissions Process: from Director of Policy and Research to Parties with Standing Exclusively in Part 2, May 25, 2006.