POLICY ANALYSIS, VOLUME 2 — EXECUTIVE SUMMARY

Volume 2, *Policy Analysis*, contains my "recommendations directed to the avoidance of violence in similar circumstances."

Aboriginal protests and occupations occur throughout the province, often with little warning, and no one can predict where they will occur. The fundamental conditions and catalysts that spark such protests continue to exist in Ontario, more than a decade after Ipperwash. However, my analysis has convinced me that Aboriginal occupations and protests are not inevitable, nor are they inevitably violent.

The provincial government and other institutions must redouble their efforts to build successful, peaceful relations with Aboriginal peoples in Ontario so that we can all live together peacefully and productively. There have been significant, constructive changes in the law and to key public institutions in the twelve years since Ipperwash. Yet more is needed. We must move beyond conflict resolution by crisis management. And we cannot be passive; inaction will only increase the considerable tensions that already exist between Aboriginal and non-Aboriginal citizens in this province.

The immediate catalyst for most major occupations and protests is a dispute over a land claim, a burial site, resource development, or harvesting, hunting, and fishing rights. The fundamental conflict, however, is usually about land. Contemporary Aboriginal occupations and protests should therefore be seen as part of the centuries-old tension between Aboriginal peoples and non-Aboriginal peoples over the control, use, and ownership of land. The frequency of occupations and protests in Ontario and Canada is a symptom, if not the result, of our collective and continuing inability to resolve these tensions consistently.

Aboriginal occupations and protests are much more common than most non-Aboriginal Ontarians likely realize. Most people in the province have probably heard of Ipperwash, Oka, and Caledonia. A smaller number of people may have heard of Burnt Church or Gustafsen Lake. It is fair to conclude, however, that only Aboriginal peoples are likely to truly appreciate how prevalent Aboriginal occupations and protests are in this province and in Canada.

The immediate cost of conducting relations with Aboriginal peoples through confrontations and over the barricades is very high. All Ontarians risk even more if we leave long-simmering disputes with Aboriginal peoples

unsettled until they boil over. Without effective and respectful means of resolving these disputes, an atmosphere of insecurity and uncertainty with respect to the lands at issue will persist. All Ontarians will continue to suffer lost opportunities to work cooperatively with Aboriginal peoples in the care and development of natural resources. And, perhaps most seriously, we will fail to build and maintain a trusting relationship with Aboriginal peoples in which all can take pride and from which all Ontarians can benefit.

Volume 2, *Policy Analysis*, begins with a brief history and analysis of Aboriginal occupations and protests. Thereafter, it is organized thematically into three broad policy areas: treaty and Aboriginal rights, policing and Aboriginal peoples, and police/government relations. The treaty and Aboriginal rights section includes chapters on settling land claims, natural resources, Aboriginal burial sites, education about Aboriginal peoples, and institutional arrangements to support the reforms I have recommended. The policing and Aboriginal peoples chapters examine the policing of Aboriginal protests, First Nations policing, and bias-free policing. The section on police/government relations analyzes this issue in detail, with particular emphasis on police/government relations during a critical incident involving Aboriginal people.

The remainder of this executive summary provides a brief synopsis of the substantive areas of the report.

TREATY RELATIONS IN ONTARIO

Occupations of land and blockades of transportation facilities by Aboriginal people occur when members of an Aboriginal community believe that governments are not respecting their treaty or Aboriginal rights, and that effective redress through political or legal means is not available. The events that led to the death of Dudley George arose from a long-standing dispute about treaty and Aboriginal rights.

Building a better relationship with Aboriginal peoples requires that governments and citizens recognize that treaties with Aboriginal peoples are the foundation that allowed non-Aboriginal people to settle in Ontario and enjoy its bounty. Nearly all of the lands and inland waters in Ontario are subject to treaties between First Nations and the British and Canadian governments. These treaties are not, as some people believe, relics of the distant past. They are living agreements, and the understandings on which they are based continue to have the full force of law in Canada today.

The treaty process held out the promise of a relationship based on mutual respect and common interests. However, once the settler population came to outnumber the Aboriginal population, and the Indian nations were no longer needed as military allies to defend the colony, respect for the treaties on the non-Aboriginal side gave way to policies of domination and assimilation. For over a century, governments (both federal and provincial) either ignored treaty obligations or interpreted them to reflect their own interests while the Aboriginal signatories did not have access to political or legal means of addressing treaty claims.

The experience of the Chippewas of Kettle and Stony Point First Nation illustrates the frustration and anger that can result from the failure of federal and provincial governments to take treaty obligations seriously. It also illustrates how failure to educate Ontario citizens on the treaty relationships that lie at the foundation of their province can contribute to misunderstanding and conflict. One of the lessons of Ipperwash is the realization that all of us in Ontario, Aboriginal and non-Aboriginal, are treaty people.

There are three areas where reform in Aboriginal relations is most needed in order to prevent the kind of incident that occurred at Ipperwash. The first area is disputes over treaty rights with respect to lands and waters. The second area is the regulation and development of natural resources on Aboriginal traditional lands and waters. The third area is the protection of and respect for Aboriginal heritage, burial sites, and other sacred sites.

SETTLING LAND CLAIMS

The single biggest source of frustration, distrust, and ill-feeling among Aboriginal people in Ontario is our failure to deal in a just and expeditious way with breaches of treaty and other legal obligations to First Nations. If the governments of Ontario and Canada want to avoid future confrontations like Ipperwash or Caledonia, they will have to deal with land and treaty claims effectively and fairly.

The term “land claims” is the source of considerable misunderstanding among members of the public. It seems to suggest to many people that First Nations are asking governments to give them more land, but that is not the case. These claims ask governments to fulfill the promises they made to First Nations about land and resources in the past and to compensate them for their failure to do so.

Because legal issues are at the heart of land claims, First Nations could litigate them in the courts. But litigation is expensive and adversarial. Moreover, the courts are usually not capable of settling the dispute fully. Perhaps most importantly, judicial decisions cannot establish the positive ongoing relationship between First Nations, governments, and neighbouring communities that is needed for working out consensual approaches to practical matters that go beyond purely legal issues. It is for these reasons that alternatives to litigation were introduced which aim at reaching negotiated settlements. Unfortunately, the land and treaty claims processes developed and applied by the federal and provincial governments since the mid-1970s have been largely ineffective, painfully slow, and unfair. They also lack accountability and transparency.

Fixing the flaws in the claims settlement process is complicated by two levels of jurisdiction, federal and provincial. A few claims in Ontario may involve only the federal government, but most claims involve both levels of government. This means that any reforms introduced by Ontario will be incomplete and inadequate unless appropriate complementary reforms take place at the federal level.

In my view, the efficiency, effectiveness, and fairness of the land claims process in Ontario could be significantly improved by establishing a Treaty Commission of Ontario (TCO). The TCO would not negotiate land claims or decide the meaning of treaties. Rather, it would have a strategic mandate to assist the governments of Ontario, Canada, and First Nations to negotiate settlements of land claims independently and impartially. The TCO's independence and permanence would be achieved by establishing it in a provincial statute as an independent agency reporting directly to the Legislative Assembly of Ontario. In this respect, it would be similar to another important independent oversight body, the Environmental Commissioner of Ontario. The TCO would have to be funded appropriately to ensure its success.

Establishing the TCO is my key recommendation for improving the land claims process in Ontario. However, the TCO alone will not be able to achieve significant progress on land claims without other initiatives at the provincial and federal levels, including reforms to the eligibility criteria for the Ontario land claims process, protection of non-Aboriginal interests, and improved funding for the land claims process generally.

Federal/provincial cooperation will be crucial to the sustained effectiveness of the TCO. Both governments must commit to its success through funding and through political and administrative support. Federal/provincial

cooperation on the TCO should be complemented by other federal/provincial initiatives to improve the efficiency, effectiveness, and fairness of the land claims process in Ontario in the areas of claims registration, dispute resolution, legal liabilities, and common benchmarks/policies.

The provincial government should make every reasonable effort to establish the TCO and to address the other issues I have identified in this report with the full cooperation of the federal government. If that is not possible, however, the provincial government should proceed to establish the TCO and address other issues on its own with the full participation and cooperation of First Nations in Ontario.

NATURAL RESOURCES

Disputes over natural resource development between Aboriginal peoples, governments, and third parties have led to many Aboriginal occupations and protests. Indeed, some of the longest and most well-known occupations and protests have been about natural resources, including the protests at Burnt Church, Temagami, Grassy Narrows, and the "War in the Woods" in British Columbia. The recent incident involving Kitchenuhmaykoosib First Nation at Big Trout Lake in Northern Ontario is an example of the growing tension over natural resources in that region.

The regulation of natural resources is an area in which Aboriginal rights, non-Aboriginal economic interests, and court intervention can collide in a combustible mix before, during, or after an Aboriginal occupation or protest.

Conflicts over natural resources often stem from sharply different understandings about the nature of the lands which Aboriginal peoples agreed to share with newcomers (as opposed to those which they retained as reserves for their exclusive use and occupation). First Nations people regarded and continue to regard the lands they agreed to share as their "traditional lands." The resources on those lands had for many years provided their sustenance. Although they agreed to give up their exclusive Aboriginal title to these lands in making treaties with the Crown, they never intended to abandon them. They continue to regard these lands as a major source of their sustenance and as fundamental to their identity.

A number of Supreme Court of Canada decisions have clarified the meaning of the Aboriginal and treaty rights recognized and affirmed in the Constitution of Canada. In three recent cases, the Court dealt with the principle

of the "honour of the Crown" and the duty of the government to consult Aboriginal peoples and accommodate their interests when contemplating any action that might have an impact on Aboriginal or treaty rights. Federal, provincial, and local governments now have a duty to consult, not only in situations where the treaty or Aboriginal right is proven, but also in cases were the right is asserted but not yet proven.

The duty to consult and accommodate is extremely important. It offers the real prospect of reconciling Aboriginal rights and interests in land, water, and resources through peaceful, meaningful consultation with Aboriginal peoples and through their participation in decision-making. If properly and effectively fulfilled, the duty to consult and accommodate thus offers the very real potential to significantly reduce the number of Aboriginal occupations and protests.

In my view, developing a provincial policy on the duty to consult and accommodate would be a good place to start to fulfil the obligation. Ultimately, it would be advisable to incorporate an acknowledgment of the duty to consult and accommodate in legislation, regulations, and other applicable government policies. First Nation and Métis organizations should be fully involved in developing these policies.

In addition to this initiative, the provincial government should continue to work with Aboriginal organizations in Ontario to develop co-management arrangements and resource-sharing initiatives and should provide financial or other support to Aboriginal organizations and third parties to develop capacity, identify best practices, and formulate strategies to promote co-management and resource sharing.

The Ministry of Natural Resources and First Nations should work together to on a number of additional initiatives, including update and improve the Interim Enforcement Policy.

ABORIGINAL BURIAL AND HERITAGE SITES

Burial practices touch the fundamental personal, cultural, religious, and philosophical ideas and beliefs of both Aboriginal and non-Aboriginal peoples.

Aboriginal heritage and burial sites become flashpoints for an occupation or protest when Aboriginal peoples believe that they must act to protect a site from desecration. This often happens when a public or private landowner or developer refuses to acknowledge an Aboriginal burial place or heritage

site or refuses to consult with Aboriginal peoples about the disposition of the site. The Oka standoff in 1990 is the most widely known confrontation about an Aboriginal burial site.

Fortunately, throughout much of the province, there has been a marked reduction in the rate at which archeological sites are being destroyed. However, the potential for loss in the future remains great because of continued growth and development, particularly in Southern Ontario.

The provincial government has made important progress in incorporating Aboriginal values and protecting Aboriginal burial and heritage sites. Nevertheless, I believe that Aboriginal burial and heritage sites on Crown lands can and should be protected still more effectively.

The laws and policies governing Aboriginal burial and heritage sites should acknowledge the uniqueness of these sites, ensure that First Nations are aware of decisions affecting them, and promote First Nation participation in decision-making about them. Meaningful, constructive participation necessarily depends on accountability and transparency in the decision-making process.

EDUCATION ABOUT ABORIGINAL PEOPLES

Education is fundamental to improving relations between Aboriginal and non-Aboriginal peoples. At the very least, every Ontarian should understand that this province and our country were built upon the treaties negotiated with our First Nations, and that everyone shares the benefits and obligations of those treaties. Every Ontarian should also realize that treaties are not historical artefacts from some distant time. They remain vitally important and relevant today.

My recommendations in this area are primarily directed to ensuring that the provincial government and the Treaty Commission of Ontario work with First Nations organizations and educators to develop a comprehensive plan to promote general public education about treaties in Ontario. This should include developing educational materials and strategies that emphasize the local or regional character of treaty relationships.

PROVINCIAL LEADERSHIP AND CAPACITY

The complexity and importance of Aboriginal issues has outgrown the institutional arrangements dedicated to them within the provincial government. I have concluded, therefore, that the provincial government should create a

Ministry of Aboriginal Affairs, with a clear mandate and authority, with its own minister (with a seat at the Cabinet table) and deputy minister, and its own budget.

Creating this ministry would go a long way toward ensuring that Aboriginal issues receive the priority and focus they deserve, and it would also herald a commitment by the province to a new, constructive relationship with Aboriginal peoples.

The current program portfolio at the Ontario Secretariat for Aboriginal Affairs (OSAA) should be the starting point for the new ministry. However, the mandate of the new ministry should extend beyond that to include support for the Treaty Commission of Ontario, the establishment of a permanent structure for obtaining regular input from the Aboriginal community, and other initiatives. Expectations for the new ministry, inside and outside government, should be reasonable, however, and the objectives must be attainable and clearly understood by everyone.

First Nations and Aboriginal peoples in Ontario will need resources and skills to participate effectively in the new processes and institutions recommended in this report. Therefore, I recommend that the provincial government establish and fund an Ontario Aboriginal Reconciliation Fund, modeled on the First Nations New Relationship Trust Fund in British Columbia. The provincial government, (through the Ministry of Aboriginal Affairs if it is established) should work with First Nations and Aboriginal organizations to determine the mandate, governance structure, funding guidelines, and administrative structure of the fund.

POLICING ABORIGINAL OCCUPATIONS

How Aboriginal occupations and protests are policed is important to Aboriginal protesters, Aboriginal communities, and the police, but the issue affects all Ontarians. The right to peaceful assembly is fundamental to Canadian democracy and is enshrined in section 2 of the *Charter of Rights and Freedoms*. To ensure the personal safety of all citizens in the course of a protest, the police must exercise restraint and use force only as a last resort. Incidents of violence inflame police/Aboriginal relations and make the resolution of important legal, social, and economic issues considerably more difficult. Thus, we all have an interest in avoiding violence and promoting peaceful resolution of disputes involving Aboriginal peoples.

The objectives of police services and police leaders during Aboriginal protests and occupations should be to minimize the risk of violence, to facilitate the exercise of constitutionally protected rights, including treaty and Aboriginal rights and the right to peaceful assembly, to preserve and restore public order, to remain neutral as to the underlying grievance, and, if possible, to facilitate the building of trusting relationships that will assist the parties in resolving the dispute constructively.

Organizationally, police services should devote time and resources to building capacity to respond to Aboriginal protests and occupations. This means ensuring that the police service has designated leadership and officers who are trained in Aboriginal history, law, and customs. It also means that an integrated, peacekeeping approach to the police response to Aboriginal occupations and protests should include Aboriginal and non-Aboriginal officers, the OPP, and First Nation police services.

Police strategy for Aboriginal occupations and protests should emphasize the development of communication networks and trusting relationships with Aboriginal peoples before, during, and after protests. This approach necessarily involves ongoing communication, collaboration, and partnerships with First Nations and Aboriginal leaders and communities.

Aboriginal protests and occupations may also require intervention by the federal and provincial governments. This is because Aboriginal protests and occupations very often raise public policy and legal issues that are well beyond the scope of the public order policing and authority of police services. Governments should not avoid their constitutional obligations to First Nations and Aboriginal peoples under the cloak of keeping out of police "operational matters."

There have been considerable changes in the policing of Aboriginal occupations and protests and in the relationship between Aboriginal peoples and the police in the last twelve years, and I have taken these developments into account.

The OPP's participation in Part 2 of the Inquiry highlighted the diversity and depth of OPP programs and policies designed to promote relationship-building with Aboriginal communities. The OPP's "Framework for Police Preparedness for Aboriginal Critical Incidents" is one element of a comprehensive OPP strategy to improve the policing of Aboriginal occupations and protests.

The Framework sets out a broad policy structure for policing a wide range of Aboriginal critical incidents. It is an operational policy, intended to guide incident commanders and officers before, during, and after such incidents. The OPP has been applying the Framework at Caledonia.

I consider the Framework and related programs to be best practices. The OPP should maintain the Framework and related initiatives as high priorities within the organization and devote a commensurate level of resources and executive support to them. The provincial government should commit sufficient resources to the OPP to support these initiatives.

Nevertheless, the OPP should take a number of steps to test or improve the effectiveness of the Framework and related programs. In my view, independent evaluation is the obvious next step. The Framework and the OPP's Aboriginal Relations Teams program should be subject to independent, third-party evaluations. These evaluations should include significant and meaningful participation by First Nation representatives in the design, oversight, and analysis.

The OPP should also improve its consultation and outreach activities by establishing a formal consultation committee with major Aboriginal political organizations in Ontario, developing a consultation and liaison policy for non-Aboriginal communities, and developing a strategy to restore relationships with both Aboriginal and non-Aboriginal communities after an Aboriginal occupation or protest.

The responsibility for promoting a peacekeeping approach does not rest with the OPP alone. The provincial government should develop a policy to govern its own response to Aboriginal occupations and protests. This policy should publicly confirm its commitment to peacekeeping and should promote consistency and coordination between the provincial government, the OPP, and other police services. This would ensure that any police service in Ontario charged with policing an Aboriginal occupation or protest would be required to acknowledge and respect current best practices. It would also codify the lessons learned at Ipperwash. Such a policy would reassure Aboriginal and non-Aboriginal Ontarians that peacekeeping is the goal of both police and government in this province, that treaty and Aboriginal rights will be respected, that negotiations will be attempted at every reasonable opportunity, and that the police will use force only as a last resort.

The provincial government should also develop policies governing negotiations with protesters during Aboriginal occupations or protests and policies on seeking injunctions. The province should also work with the federal government, local governments, and First Nation governments to advance public education about significant Aboriginal protests and to provide information to the communities affected.

Finally, through new or renewed protocol arrangements, the provincial government, First Nations, the OPP, and other police services in Ontario should develop networks to promote communication, understanding, trust, and collaboration during Aboriginal occupations and protests.

FIRST NATION POLICING

First Nation police services often support the OPP during occupations and protests occurring within the OPP's jurisdiction. First Nation police services are also often called upon to police occupations and protests within their own communities. They also play an important role in preventing occupations and protests in the first place by acting to diffuse tensions before they escalate into a protest.

First Nation police services in Ontario are both valuable and successful. They make important contributions to public safety, promote culturally appropriate policing, and help to build respectful relationships between police and Aboriginal peoples across the province. If they are supported and sustained appropriately, they may be even more effective in the future.

The provincial government, the OPP, and First Nation police services should work together to identify how the provincial government could support First Nation police services so that they can be as effective as possible when policing Aboriginal occupations and protests, either within their own communities or in support of the OPP or other police services in Ontario.

Finally, the federal and provincial governments and First Nation governments should jointly commit to renewing First Nation police services in Ontario. Together, they should consolidate the gains made so far and move to place First Nation police services on much firmer financial, operational, and legal ground. To do so, the federal and provincial governments would have to commit to working with First Nations to develop a secure legislative basis for First Nation police services in Ontario and to improving the capital and operating funding for those services.

BIAS-FREE POLICING

The attitudes of the police and Aboriginal peoples toward each other can be a major factor in whether a protest will be peaceful or violent. Problems are

bound to occur when the people facing each other across a barricade see stereotypes instead of individuals.

The OPP acknowledged that the shooting death of Dudley George left a tragic mark on the relationship between the OPP and the Aboriginal community. Yet the tragedy was also a catalyst for significant, constructive changes within the OPP and in its relationship with Aboriginal peoples.

The police/Aboriginal relations initiatives of the OPP are impressive in their breadth and depth. These programs represent a comprehensive strategy to improve relationships between the OPP and Aboriginal peoples, especially when combined with the OPP initiatives regarding policing occupations and First Nation policing. For the most part, I believe that the OPP police/Aboriginal relations initiatives conform to the best practices identified in previous inquiries and reports. The OPP should maintain these initiatives and accord them a high priority within the organization.

As in the case of the Framework and the Aboriginal Relations Teams programs, the next step for the OPP should be to develop a comprehensive evaluation strategy for all of its significant police/Aboriginal relations initiatives, including an independent, third-party evaluation of its Native Awareness Training and recruitment initiatives. The evaluation program should include a comprehensive data collection effort. The OPP should develop this strategy in partnership with Aboriginal organizations in Ontario.

For their part, the provincial government and the Ministry of Community Safety and Correctional Services should develop a new and forward-looking provincial strategy to improve police/Aboriginal relations in Ontario. This would involve initiatives to support the OPP in its related efforts and initiatives to develop province-wide skills, best practices, capacities, and resources consistent with the best traditions of equitable, transparent, accountable, and democratic policing. The provincial government would thus demonstrate that it expects Aboriginal communities to be policed with respect and at the same standard as applied to non-Aboriginal communities. This policy should be designed with the participation of Aboriginal organizations in Ontario.

Finally, there is the issue of incidents involving racist or culturally insensitive behaviour by police officers. The provincial government is in the process of establishing a new police complaints system in Ontario through Bill 103, the *Independent Police Review Act, 2006.* The new system will significantly

improve the way in which complaints or incidents of racist or culturally insensitive behaviour by police officers are addressed in Ontario

The complaints system could be further improved by requiring that complaints directed at a police service, that allege racism and other culturally insensitive behaviour, be handled by the new Independent Police Review Director. The Independent Police Review Director should then determine the most appropriate policy to be followed by his or her office and by the police service, including the role, if any, for informal discipline. These modifications would improve transparency and accountability in dealing with these matters.

The Ministry of Community Safety and Correctional Services should also issue a directive to all police services in Ontario, including the OPP, requiring police officers to report any incidents of racism or other culturally insensitive behaviour by other officers to their supervisors. This would ensure that such behaviour is addressed, even when there is no external complainant.

POLICE/GOVERNMENT RELATIONS

The Ipperwash Inquiry was the fifth major Canadian public inquiry in the last twenty-five years to consider police/government relations in detail.

Unlike the case in many other issues considered in this Inquiry, there has been little advancement or reform in the last twelve years in the legal and policy rules governing this fundamental constitutional relationship. It is no doubt true that government and police policy-makers have learned many lessons from Ipperwash. I suspect, for example, that police and government policy-makers involved at Caledonia are more acutely aware of the importance of avoiding or reducing both the perception and fact of political interference in police operational decision-making because of their collective desire to avoid "another Ipperwash".

I have concluded that the concept or doctrine of police independence needs to be modernized in light of an evolving understanding of how police and governments can and should work together in a modern democracy. The increasing complexity of policing (and government, for that matter) means that the apparently simple and understandable dichotomies between police/government and policy/operations are no longer, by themselves, sufficient to guide policy-makers and decision-making on both sides of the issue. In my view,

police and government decision-making will always intersect and policy and operations will always be fluid concepts, subject to reasonable interpretation and reinterpretation depending on the context. This is particularly true in the case of Aboriginal occupations and protests, where lines between policy and operations are often blurred.

I believe that it is possible and desirable to adopt reforms that will significantly reduce the perception and fact of inappropriate government interference. Clearer rules will also promote accountability, transparency, and public confidence in key democratic institutions and leaders. Clearer rules are also likely to increase public safety and improve police and government decision-making during potentially volatile public order incidents.

Care must be taken to ensure transparency and clarity in these matters so that police and governments can both be called to account for difficult and controversial decisions, irrespective of how we strike the balance between police and government. When something goes wrong, as it tragically did at Ipperwash, the public has a right to know who made the key decisions and why. In an ideal world, proceedings such as this Inquiry would not be necessary.

Any attempt to modernize police/government relations must begin with a reconsideration of the term "police independence." Simply put, the term "police independence" is misleading. The word "independence" suggests that the boundaries between police "independence" and government "authority" can be clearly articulated and understood. This is not always possible or advisable.

The term "police operational responsibility" is generally a better way to conceptualize and describe our contemporary understanding of what is often referred to as "police independence." The term "police independence," to the extent that it is descriptive at all, should not apply beyond the core of independent police decision-making in the exercise of law enforcement powers in individual cases.

"Police operational responsibility" must be matched and balanced with the complementary concept of "ministerial policy responsibility". "Ministerial policy responsibility" recognizes and emphasizes that an elected government minister bears ultimate responsibility for the policies pursued by the police.

I believe that the implementation of my recommendations in this area will result in a clearer, more modern, and ultimately more democratic framework to govern police/government relations in Ontario. These measures envis-

age a principled, flexible, transparent, and accountable system in which police and government can exercise their respective responsibilities, even in a fast-paced crisis.

The first major component of a new policing framework is to clarify, through legislation, the roles and responsibilities of the OPP, the provincial government minister responsible for policing (the Minister of Community Safety and Correctional Services, formerly the Solicitor General), and other members of the provincial government in policy and operational decision-making.

The second component is to revitalize ministerial directives. This would recognize that it is both impossible and undesirable to have static policing policies. Successive ministers and governments will inevitably adopt different policing policies. However, all governmental policy-making with respect to policing should be founded in transparency and accountability through the use of publicly disclosed ministerial directives. This requires reforms to the manner in which ministerial directives are issued, circulated, and withdrawn.

The third component of this framework is to formulate rules and processes to manage the exchange of information between police and government, particularly in a fast-paced crisis. Important democratic and public safety considerations justify the exchange of information between the police and government, but when such exchanges are necessary, care must be taken to ensure that they do not become covert or veiled attempts to inappropriately direct police operations.

Finally, all senior officials within the Ministry of Community Safety and Correctional Services and the OPP should be briefed or trained on these policies and the OPP should establish policies and procedures to insulate operational decision-makers, incident commanders, and front-line officers from inappropriate government direction or advice.