

The Manitoba Human Rights Commission And the University of Winnipeg

Submission to the Government of Manitoba by the Racialized Communities and Police Services Project (RCAPS Project) Working Committee on Proposed Amendments to The Provincial Police Act before Mr. R. Perozzo

March 17, 2009

Ms. Yvonne Peters, Vice-Chairperson, Manitoba Human Rights Commission:

Good morning, Mr. Perozzo. My name is Yvonne Peters and I am Vice-Chairperson of the Manitoba Human Rights Commission. With me here today are Dianna Scarth, Executive Director of the Commission, Professor Sandra Kirby, Associate Vice-President (Research) and Dean of Graduate Studies University of Winnipeg, George Sarides, Assistant Director of the Commission, Patricia Knipe, Communications Director and Debra Beauchamp, Policy Analyst with the Commission.

On behalf of the RCAPS Project, we would like to thank you for this opportunity to make a submission on the proposed amendments to The Provincial Police Act.

Dr. Kirby will be presenting our submission this morning, after which we would be happy to answer any questions that you may have.

Dr. Sandra Kirby, Associate Vice-President (Research) and Dean of Graduate Studies University of Winnipeg: The Manitoba Human Rights Commission and the University of Winnipeg are partners in the Racialized Communities and Police Services Project (RCAPS Project). We use the term “racialized communities” instead of terms such as “visible minorities” or “persons of colour”.

We will not be stating a position with respect to the three specific mechanisms that are proposed by the Government of Manitoba for the oversight of policing. Rather, we will be providing information as to the RCAPS Project, the results of community consultations held by the Project, and a summary of the views shared with us with respect to the oversight of policing, and with the provision of police services. We will, as well, make some recommendations regarding other amendments to The Provincial Police Act, in addition to those that are the primary focus of this consultation, which may strengthen the accountability of police forces in the province.

The RCAPS project was founded in response to concerns brought to Mr. Jerry Woods, Chairperson of the Manitoba Human Rights Commission, in the summer of 2005. Members of the Centennial Neighbourhood Safety Committee spoke to him about concerns they had regarding police services in their Winnipeg neighbourhood. Some believed that they were being treated differently by police on the basis of their Aboriginal ancestry. They did not feel safe in their own community. Their concerns ranged from the treatment of residents who had contact with police in the course of an investigation, to the lack of crime prevention in their area, to the manner of police response to requests for service from neighbourhood residents.

The persons who met with Mr. Woods advised him and Ms. Scarth, Executive Director of the Commission, that they preferred not to file a human rights complaint at that time. The Commission was, instead, asked to look into their concerns about the provision of service by the Winnipeg Police Service in a more pro-active way.

The Commission considered how to best assess the accuracy of these concerns and decided to research and collect information about the issues brought to its attention. Commission representatives met with some faculty members of the University of Winnipeg, who expressed an interest in forming a partnership to carry out a research project. All recognized that this could be a contentious and possibly flammable public issue, but also that research could be the beginning of a new dialogue and understanding between the Winnipeg Police and the communities that it serves.

The Commission and U of W formed the RCAPS Project, and invited the Winnipeg Police Service to become a partner and to participate in the proposed initial research project of gathering data with respect to police contacts and the perceived race of the person or persons involved in the contact. That invitation was declined.

As the RCAPS Project was established to look into the alleged bias in police services to racialized residents in Winnipeg, and as we were not able to collect and analyze data without the cooperation of the Winnipeg Police Service, the RCAPS Project amended its research project. We instead held community meetings in the Centennial, West Broadway and North End neighbourhoods of Winnipeg, as well as a roundtable discussion with representatives of community-based organizations and the Winnipeg Police Service. Citizens and community representatives were invited to talk about their contacts with the Winnipeg Police Service, the Service's response to their requests for service, and crime prevention services to their communities.

The people who came forward and spoke at the community meetings were not just telling stories about confrontations or concerns with the police. They were also looking for reasons and solutions. We were told that the perception of racial profiling by police is very strong in the Aboriginal communities. We were told that communication on both parts was needed, and that the key was to increase community officers or foot patrols who would have the opportunity to understand the community and be pro-active. Many pointed to a disconnect between the people of racialized communities and the Winnipeg Police Service. Some said that racial profiling was likely to continue and to possibly escalate because of cultural misunderstanding and stereotypes.

At our roundtable discussion with community representatives and representatives from the Winnipeg Police Service, the former Winnipeg Chief of Police said that he was disappointed at the amount of mistrust that still existed. He said that trust was a two-way street, and that the community often didn't understand the role of police. He also acknowledged that the police did not always understand the community.

At these community meetings, those who spoke out sent a message: racialized communities wanted change. They wanted bias-free police services, community-based policing and new and effective ways to build up a level of trust between themselves and the Winnipeg Police Service.

In November 2007, the RCAPS Project released an interim report “Community consultations on police services to members of racialized groups in Winnipeg”. We have brought a copy of that report for you today. The RCAPS Project Interim Report summarized the research from the community consultations. Major themes that emerged from the consultation with community-based organizations were the fear that many members of racialized communities have of the police, the importance of anti-racism education, the need for more Winnipeg Police Service resources for cross-cultural training and community outreach, and the need for a more effective public complaints mechanism than the Law Enforcement Review Agency.

These themes were also important in the stories and views shared by individual participants at the neighbourhood consultations. Other themes from the individual presentations were the lack of police services to the Aboriginal communities, the abusive treatment by police based on Aboriginal ancestry, the need for community-based policing, the systemic nature of racial bias in the Winnipeg police service, the perception by police and media that groups of persons from racialized groups are gang members, and sexually abusive treatment of Aboriginal women by police.

In December 2007, Mr. Keith McCaskill assumed the role of Chief of Police of the Winnipeg Police Service. He has met with representatives of the RCAPS Project and has emphasized his commitment to the equitable provision of police services to all communities and to bias-free policing practices. At the invitation of the RCAPS Project, he has recently appointed two representatives of the Winnipeg Police Service, Deputy Chief Webster, and Ms. Sharron Gould, Manager Human Resources, Winnipeg Police Service, to the RCAPS Project Advisory Committee.

The RCAPS Project Advisory Committee was established in 2007 and first met in November of that year. Ms. Janet Baldwin, former Chair of the Manitoba Human Rights Commission, chairs the RCAPS Project Advisory Committee. Dr. Lloyd Axworthy, President and Vice-Chancellor of the University of Winnipeg, Mr. Art Shofley, Aboriginal Elder, Mr. David Northcott, Executive Coordinator of Winnipeg Harvest Food Bank and Ms. Suni Mathews, Principal, Dufferin School are the other members of the RCAPS Advisory Committee, in addition to Deputy Chief Webster and Ms. Gould.

The Racialized Communities and Police Services Project’s work is ongoing. We hope to incorporate the perspectives of members of the Winnipeg Police Service and move forward with more direct involvement of the Winnipeg Police Service.

We are encouraged by the partnership between the Ontario Human Rights Commission, the Toronto City Police, and the Toronto Police Services Board, which released a report on its first year of activities last August. This partnership, the “Human Rights Project Charter”, was formed after the Ontario Human Rights Commission completed a project which solicited the views and experiences of racialized communities. Its goal is to transform the organizational culture of the Toronto Police Service to ensure the equitable and bias-free delivery of police services.

At this time, as amendments to The Provincial Police Act are proposed, we would like to

recommend that consideration be given to an amendment that would require police forces in Manitoba to have ongoing data collection designed to help assess compliance with bias-free policing goals. Many police services in North American jurisdictions have this as a legislated requirement. Effective legislation with respect to data collection to ensure the bias-free provision of police services requires that the collection of data be ongoing, mandatory, set out the necessary data categories, and have officer identification and other accountability measures.

The Commission on Accreditation for Law Enforcement Agencies (CALEA) released an assessment report on the Winnipeg Police Service in August 2008. That report stated: "...the directives of the WPS do clearly prohibit bias-based profiling and policing. Training on this subject is provided..." The CALEA report also noted: "The Province of Manitoba does not require the tracking of traffic citations and/or warning by race or gender. Therefore, the agency does not collect or maintain such information."

We recommend that the Government of Manitoba consider amendments that would require all Manitoba police forces to both collect data and conduct regular cultural diversity and anti-bias training. We think that in order to address the concerns that were raised with us during the community consultations, it is important that all police services in Manitoba are required to both collect data to assess compliance with bias-free policing goals and to conduct regular anti-bias training to ensure the equitable provision of service. Thank you. We would be happy to answer any questions that you may have.