

*Investigating the Need for Structural and Functional Reform of  
Ottawa Police Service and Ottawa Police Services Board*

# **How Does Ottawa Council Ensure that Citizens Have Free, Easy, Timely, and Direct Online Access to Ottawa Police Service Records?**

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## **POLICE REFORM PROJECT**

### **Report 3**

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## A. Introducing Question 1, Police Reform Pilot Study

As journalists and activist citizens can attest, asking some politicians questions is one thing, getting them to provide timely, pertinent, informative, unambiguous answers is often quite something else.

My recent, similar experiences in that regard involving City of Ottawa politicians directly, as well as indirectly through examination of governance materials involving accountability and transparency obligations of politicians, include three related activities:

1. The transparency and accountability pilot study, [\*Chronicling the Use of Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring the Standard of Access to Public Records in Canada is Best Practice\*](#);
2. Intensive examination of the terms of the City of Ottawa Code of Conduct for Politicians (<https://ottawa.ca/en/city-hall/accountability-and-transparency/accountability-framework/code-conduct-members-council-and-related-policies>); and,
3. Examination of the criteria used to select winners of the Code of Silence award which is presented annually by journalists to public agencies which are recognized for their failure to properly inform citizens. ([https://caj.ca/blog/2019\\_code\\_of\\_silence\\_award\\_nominations](https://caj.ca/blog/2019_code_of_silence_award_nominations))

Based on those and other governance experiences, and discussions with a panel of experts in public policy processes and policing, the following question was selected as the one to start the investigation into the need for structural and functional reform of Ottawa Police Service and Ottawa Police Services Board:

### Question 1

*In order to meet duty of care and standard of care obligations, is it prudent and/or necessary that Council explicitly adopt the principle that any reform initiative is primarily intended and is so designed to serve citizens, and to also explicitly stipulate that the principle is to be fully respected in practice by Ottawa Police Service, Ottawa Police Services Board, Members of Council and staff, and city staff?*

With question 1 asked and answered, and the report posted, [\*How Does Ottawa Council Ensure that a Police Reform Initiative Primarily Serves the Interests of Citizens?\*](#),

question 2 asks City of Ottawa politicians whether an instruction is required on their part to ensure that Ottawa Police Service provides citizens the level of access that citizens want, rather than the level which Ottawa Police service might wish to provide.

## Question 2

*Is it necessary that an instruction be given to Ottawa Police Service to open its records to public access with reasonable invasion of privacy and confidentiality limitations rather than what amount to “cover-up restrictions”?*

The point of the question to be explicit about its intent is that records contain the data from which information is derived, and access to records is required in order for citizens to become informed about needed reforms involving such issues as transparency, accountability, performance assessment and, top-of-list, the allocation of funds for management and operational activities.

I have suggested on previous communications and reports ([\*Chronicling the Use of Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring the Standard of Access to Public Records in Canada is Best Practice\*](#)) that at minimum citizens should have free, easy, timely, and direct online access to public records, and I welcome suggestions from mayor and councillors that improve on my suggestions about achieving the level of access to Ottawa Police Service records which is desired by citizens.

The next section outlines the rationale underlying the content and the directive nature of question 2.

## B. The Rationale Underlying Question 2

The history of public inquiries hosted by federal, provincial, and municipal governments is a long, tedious, and distressing tale of taking too long, spending too much, producing too little, and achieving next to nothing in terms of substantive, systemic change, regardless of the topic.

Or, to re-phrase, keyword searches associating terms such as “success”, “benefits”, and “achievements” with “public inquiry”, “board inquiry”, and “public commission inquiry” produce numerous results in the way of promises before the inquiry begins.

However, when all is said and done, after numerous photo-ops, press releases, and group interviews, the inquiry outcomes are too frequently described by phrases such as

- “Same old, same old”;
- “All talk and no action”;
- “Plus ça change, plus c'est la même chose”;
- “Re-arranged the deck chairs on the Titanic”;
- “All that time and money for nothing”;
- “A total sham”;
- “The cover-up continues”;
- “It was designed to reveal nothing, and succeeded”
- “The lawyers did very well.”

Given the uninspiring history of public inquiries across Canada, the second question among five is designed to serve multiple objectives with a cutting edge to them. First, based on lessons learned from an extensive review of the literature, it is critical to make distinctions about the character of politicians, and especially when the issue is challenging, unsettling, and has strong advocates on both sides.

Question 2 therefore seeks to separate the wheat from the chaff, the decision makers from the fence sitters, and the thinkers from the duds, so to speak, by causing the responses to be directed in such a way that they directly or indirectly inform citizens about the character of the politicians who are being asked their positions about the need for reform of Ottawa Police Service and Ottawa Police Services Board.

As for the reason to emphasize the character of politicians when it comes to the matter of doing their jobs, it appears fair to say that at minimum citizens as a group expect politicians to demonstrate

- honesty over lying,
- fairness over bias,
- transparency over secrecy,
- courage over cowardice,
- public interest over self-interest,
- decency over meanness, and
- accountability over running for cover, hiding out, buck-passing, etc.

In the case of police reform, however, due to the nature of the issue the character bar has to be set much higher than just expecting politicians to perform as reasonable members of a civilized society. That is, because of positive and negative aspects of the

police presence in the daily lives of many citizens, there is a basic bottom line for citizens who favour the idea of investigating the need for police and service board reform. Namely, concerned citizens need to know from the outset which politicians can be trusted to ensure that the reform process is above reproach.

Further, since the police reform issue is not likely to be resolved in the immediate future, this kind of finding could be a useful contribution to evaluating candidates in upcoming municipal elections.

Examination of comments about previous reform initiatives in Canada reveals that many comments have been made about the character strengths and flaws of participating politicians. Question 2 is designed to assist in identifying the character make-up of City of Ottawa politicians, and to thereby provide an indication of the likely support for a police service and police services board reform initiative which is above reproach.

Towards that end, Table 1 presents a selection of character features which are pertinent to a police service and police services board reform initiative. Responses to question 2 by City of Ottawa politicians are intended to reveal which character strengths and flaws are present around the council table for this item.

**Table 1. Character Strengths and Flaws of Politicians Pertinent to the Results of an Ottawa Police Service and Ottawa Police Service Board Reform Initiative**

- Politicians who primarily serve the public interest in thought and deed, and those who do not;
- Politicians who are beholden to vested interests, and those who are not;
- Politicians who are in conflict of interest positions, and those who are not;
- Politicians who march to their own drummer during council discussions, and those who do not;
- Politicians who keep their constituents informed in a timely manner, and those who do not;
- Politicians who openly communicate their positions on topics of public interest, and those who do not;
- Politicians who know how to ‘think outside the box’, and those who do not;
- Politicians who are easily intimidated, and those who are not; and
- Politicians who meet or exceed standards of transparency and accountability stated in their Code of Conduct, and those who do not.

Second, when it comes to establishing the gravity of the reform movement, it should be clear to everyone that this is not a ‘here today gone tomorrow’ concern. By way of brief illustration, pertinent yields from Google’s search engine include the following keyword phrases and numbers of results:

- “police reform” = 245,000,000
- “investigate police power” = 113,000,000
- “police reform in Canada” = 64,000,000
- “police reform ottawa” = 10,300,000
- “police corruption Ontario” = 4,200,000
- “defund police movement” = 3,550,000
- “ottawa police excessive force” = 2,300,000
- “defund police meme” = 1,600,000
- “police brutality ottawa” = 721,000
- “defund police ottawa” = 483,000

While there is duplication among the results for phrases used in the Google searches, by any measure associated with designing, enacting, implementing, and enforcing laws in order to achieve peace, order, and good government in communities across Canada, these are large numbers.

Moreover, all of these numbers have been increasing rather than decreasing in recent months, so from a public interest perspective police-related issues are accompanied by a gravity factor that is both apparent and societally significant.

Of course, the gravity of the issue can be denied or ignored by politicians, as broadcast and social media news reports so often inform us.

However, one purpose of this investigation is to identify the positions of City of Ottawa politicians on a matter which seemingly should be at the top of all their to-do lists now, rather than later.

There are numerous dimensions that express the gravity of the police reform issue, and one of them with practical, strategic, and tactical significance is that of money.

Apparently many readers learned from the first police reform pilot study report, [\*Investigating the Need for Structural and Functional Reform of Ottawa Police Service and Ottawa Police Services Board\*](#), that the Ottawa Police Service budget for 2020 is \$362,000,000.

Or, to re-phrase in the interests of clarity and emphasis, the Ottawa Police Service budget amount for 2020 is 362 million dollars, or, if you wish, \$362 million.

That figure, regardless of how it is expressed, represents about \$360 for every individual resident of Ottawa, and is almost 10% of the entire City of Ottawa 2020 budget, and is a \$30,000,000 (\$30 million) increase over the 2018 budget.

It therefore seems inevitable that as council proceeds with discussions about the 2021 budget, serious questions will be raised and vigorously debated about the need to significantly reduce the police service budget in view of the city's very difficult financial situation due to COVID-19.

By any municipal governance measure, therefore, since \$362 million is a substantial amount of money for any city in Canada, it is reasonable for citizens to want to engage their politicians in deep, information-based discussion about such things as value for money.

And, as a core part of a reform agenda, it is prudent to ask, "How much of that money could be returned to taxpayers with little loss to service, or, perhaps, allocated to other services and/or other service agencies yielding a better return on investment"?

Third, based on broadcast and social media reports, it is imperative that question 2 cut to the chase and take into account the negative perception held by many citizens about the sincerity of Ottawa's municipal politicians when asked to address a controversial and contentious issue such as the need for structural and functional reform of Ottawa Police Service and Ottawa Police Services Board.

Based on the experience of the Chronicling pilot study, [\*Chronicling the Use of Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring the Standard of Access to Public Records in Canada is Best Practice\*](#), we know that it is no easy matter to obtain straightforward responses from some City of Ottawa politicians.

However, since it appears likely that City of Ottawa politicians will be asked question 2 and variations of question 2 many times this year and in the years ahead, it is important to have all sitting politicians on record from the earliest moment.

Question 2 is therefore designed to have staying power over the long term, and even after members of the current council leave office. A legacy consideration, you might say, resides in question 2 regardless of how politicians respond.

## C. The Design of Question 2

### Question 2

*Is it necessary that an instruction be given to Ottawa Police Service to open its records to public access with reasonable invasion of privacy and confidentiality limitations rather than what amount to “cover-up restrictions”?*

Every municipality in Ontario has duty of care and standard of care obligations.

As a result, failure to meet them can have negative implications and consequences for citizens with regard to their mental health, physical health, emotional well-being, social well-being, peace of mind, financial well-being, use of time, quality of life, enjoyment of property, value of property, and however else citizens are affected by what a municipality does and does not do when identifying, adopting, and implementing its politician-approved policies, plans, programs, and operational activities.

In addition, duty of care and standard of care conditions are frequently used in civil actions, whereby plaintiffs allege that because municipalities failed duty of care and/or standard of care obligations, injury, death, loss of quality of life, degradation of property, or other negative consequence occurred.

Ottawa Police Service, like other municipal police service organizations, has a number of different kinds of relationships, engagements, and interactions with citizens as individuals, members of organizations, members of communities, property owners, motor vehicle operators and passengers, business operators and customers, and in numerous other ways and forms during the process of the agency and its personnel carrying out their law enforcement, crime prevention, emergency response, support service, and whatever other duties are assigned to the agency and its personnel by municipal, provincial, and/or federal government authorities responsible for designating police service structures, functions, and operations.

Consequently, given the pervasiveness of police service agencies, it is incumbent upon citizens in a free and democratic society to “keep tabs” on those agencies. And, one way to “keep tabs” is by evaluating their performance through monitoring and examining the contents of the agencies’ records.

However, it has been my experience as an Ottawa citizen for the past 50 years, and a researcher with interests in many of the records that seem likely to be among the



holdings of Ottawa Police Services, that access to Ottawa Police Services records is not only difficult at best, it is impossible.

Indeed, the **ACCESS DENIED** stamp on the cover page of [Interim Report 14. Asking the Question: Is Freedom of Information Legislation a Citizens' Conduit to Public Records, or an Institutional Barrier to Public Records?](#) is the result of what I regard as a benign data request of Ottawa Police Service which was rejected, and no explanation was provided or could be obtained.

Simply put, there was no way available to me to access the records of interest, which made the **ACCESS DENIED** stamp courtesy of Ottawa Police Service an ideal example to put on the cover of a report dealing with institutional barriers to public records.

Question 2 for this phase of the pilot study is therefore based on empirical evidence of citizens who have found in their experience that Ottawa Police Service does not provide citizens free, easy, timely, and direct online access to public records.

Which brings me to politicians, and their experience with accessing Ottawa Police Service records. Bearing in mind that this Ottawa council approved a \$362,000,000 police budget for 2020, it seems reasonable to expect that some of them would have conducted their own research into what Ottawa Police Service does for that massive amount of money, and what better place would they have to look for answers than into the records of the agency's operations and activities?

And, conversely of course, there could be some politicians who have not accessed Ottawa Police Service records, or have only a superficial grasp of the access challenge.

In either case, question 2 asks politicians to see the access problem from the perspective of citizens.

As for the reference to privacy and confidentiality, that is pre-emptive and is designed to keep City of Ottawa politicians on track. Those two measures are part of a body of research that is more than 60 years old, and are readily achieved by filters which remove unique identifiers. Nothing new there, and certainly nothing that could seriously challenge the competency of an agency with a budget of \$362,000,000.

## D. How Long to Wait for Responses? Just Long Enough

In terms of when to report on responses, experience suggests that a number of politicians subscribe to the view expressed many years ago by the late, great U.S. Republican Senator from Illinois, Everett Dirksen, who opined, “When I feel the heat I see the light.”

And then there are those who respond in a timely manner by nature and do not require prodding, as well as those who have little regard for transparency or accountability and simply choose to not engage.

Further, and having regard for the research program schedule, feedback on pilot study design is valued while the study is in progress. Consequently, there are methodological as well as practical reasons for getting on with the study rather than waiting around for responses to arrive when politicians finally deign to participate.

In the case of this pilot study the initial communication went to Mayor and Councillors on September 8, and each member of council received her or his personal communication on September 9.

In addition, the initial pilot study report, [\*Investigating the Need for Structural and Functional Reform of Ottawa Police Service and Ottawa Police Services Board\*](#), was posted on September 27, 2020,

Further, a reminder email about question 2 was sent to members of council on October 15 with a due date of October 26 for responses. The email sent to Councillor Carolanne Meehan, Member, Ottawa Police Services Board, is reprinted for illustrative purposes.

**From:** Barry Wellar [mailto:wellar.barry@gmail.com]

**Sent:** Thursday, October 15, 2020 3:05 PM

**To:** Carolanne.Meehan@ottawa.ca

**Subject:** Survey Question 2, Need for Structural and Functional Reform of Ottawa Police Service and Ottawa Police Services Board: Meehan

Good afternoon, Councillor Meehan,

On September 09 2020 I sent you an email with the subject heading, Need for Structural and Functional Reform of Ottawa Police Service and Ottawa Police Services Board, and on October 1, 2020 I informed council of the publication, [\*Investigating the Need for Structural and Functional Reform of Ottawa Police Service and Ottawa Police Services Board\*](#).

Question 1 of the survey has been administered, and results of the survey are posted in the publication, [\*How Does Ottawa Council Ensure that a Police Reform Initiative Primarily Serves the Interests of Citizens?\*](#)

I do not have a record of your response to survey question 2, which follows for your convenience.

**Question 2.** Is it necessary that an instruction be given to Ottawa Police Service to open its records to public access with reasonable invasion of privacy and confidentiality limitations rather than what amount to “cover-up restrictions”?

Please respond to question 2 on or before October 26, 2020 so that publication of results may proceed in a timely fashion.

Thank you.

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Moreover, regarding degree of difficulty, none of the five questions is likely to be breaking new ground for any citizen or any member of council, and no question is wrapped by intertwined layers of complexity.

Given that timeframe, the straightforward nature of question 2, and attributing the kinds of character strengths listed in Table 1 to all members of council, it appears reasonable to conclude that sufficient time has elapsed as of October 26 to provide responses to question 2.

## **E. Responses to Question 2**

The reader might anticipate given the nature of question 2 that City of Ottawa politicians would promptly answer Yes or No to each part, and the research process could move forward in a quick-step fashion.

However, previous surveys ([\*Chronicling the Use of Transparency and Accountability as Political Buzzwords, and as Drivers Ensuring the Standard of Access to Public Records in Canada is Best Practice\*](#)) asking City of Ottawa politicians questions reveal two other possible outcomes:

1. No reply;
2. A comment which does not address the question

For the purposes of this pilot study, responses of Yes, No, and No Reply are entered directly into Table 2.

In the case of comments which do not address the question, this approach reminds me of my professor days, and is treated in accordance with that recollection.

That is, for reasons best known to the students themselves, instead of answering a question on the exam sheet they would fill a page or two or more with material that had nothing to do with the question asked.

Possibly the hope was that while what they wrote had nothing to do with the matter at issue, they might get some credit for their effort.

Unfortunately for the hope-and-a-prayer student, and in fairness to students who took the exam as intended, the equivalent of a non-answer was assigned a zero.

I note in this regard that I reached out to several former professors, and they all shared this ‘evade-the-question’ experience. Further, they all assigned the ‘evade-the-question’ gambit a numeric grade of zero or a letter grade of “F”.

It seems that a similar form of logic is equally applicable in this context, and especially given that the questions asked of politicians, all of whom are likely well beyond typical undergraduate student age, involves the important policy and program topic, [\*Investigating the Need for Structural and Functional Reform of Ottawa Police Service and Ottawa Police Services Board\*](#).

As a result, the well-known symbol “F” is used in Table 2 to identify materials received from members of council, City of Ottawa, which do not contain an explicit Yes or No answer to question 2.

**Table 2. Response to Question 2 by City of Ottawa Politicians**

*Is it necessary that an instruction be given to Ottawa Police Service to open its records to public access with reasonable invasion of privacy and confidentiality limitations rather than what amount to “cover-up restrictions”?*

<b><u>Member of Council</u></b>	<b><u>Response*</u></b>
Mayor Jim Watson** .....	No Reply
Councillor Riley Brockington.....	No Reply
Councillor Rick Chiarelli.....	No Reply
Councillor Jean Cloutier.....	No Reply
Councillor George Darouze.....	No Reply
Councillor Diane Deans** .....	No Reply
Councillor Laura Dudas.....	No Reply
Councillor Keith Egli.....	No Reply
Councillor Eli El-Chantiry.....	No Reply
Councillor Mathieu Fleury.....	No Reply
Councillor Glen Gower.....	No Reply
Councillor Jan Harder.....	No Reply
Councillor Allan Hubley.....	No Reply
Councillor Theresa Kavanagh.....	No Reply
Councillor Rawlson King.....	No Reply
Councillor Catherine Kitts.....	
Councillor Jeff Leiper.....	No Reply
Councillor Matt Luloff.....	No Reply
Councillor Catherine McKenney.....	YES
Councillor Carolanne Meehan** .....	No Reply
Councillor Shawn Menard.....	YES
Councillor Scott Moffatt.....	No Reply
Councillor Jenna Sudds.....	No Reply
Councillor Tim Tierney.....	No Reply

\*The letter “F” is used to identify materials received from members of council, City of Ottawa, which do not contain an explicit Yes or No to question 2.

\*\* Mayor Watson and Councillors Deans and Meehan represent council as elected members of the Ottawa Police Services Board.

## **F. Comments on the Responses by City of Ottawa Politicians to the Question, How Does Ottawa Council Ensure that Citizens Have Free, Easy, timely, and Direct Online Access to Ottawa Police Service Records?**

Question 2 of the pilot study asks,

*Is it necessary that an instruction be given to Ottawa Police Service to open its records to public access with reasonable invasion of privacy and confidentiality limitations rather than what amount to “cover-up restrictions”?*

Comparison of question 2 to numerous survey questions put to politicians at all levels in Canada and abroad reveals that in terms of content and design question 2 is pertinent, straightforward, and reasonable.

Further, it should not require more than several minutes at most to provide Yes or No responses, with explanations should one choose to do so, for either component of question 2

With regard to the absence of replies from Mayor Jim Watson or any councillor, that is a matter to be discussed in detail after reporting on the responses to all the questions.

In the meantime, however, it may be instructive to consider the character feature which is the focus of Table 1.

That is, because of the nature of this reform initiative, it seems reasonable to require that in order for it to be above reproach the municipal politicians hosting the initiative must be people of substantial character.

Until we are informed otherwise, the results shown in Table 2 might be taken to suggest that some politicians comprising the City of Ottawa Council do not rank high on the character scale.

Whether they are alone in that regard, or have a lot of company in municipal governments across Canada and elsewhere, remains to be confirmed by the administration of question 2 in those localities.

Finally, it may be useful to recall for those undertaking a related pilot study, that IRB research took a trip down the institutional barrier path in the Chronicling project. Additional terms which describe institutional barriers include those mentioned in

[Interim Report 14. Asking the Question: Is Freedom of Information Legislation a Citizens' Conduit to Public Records, or an Institutional Barrier to Public Records?](#), and in

[Interim Report 15. Identifying Tactics Used By Politicians to Restrict Citizens' Access to Public Records.](#)

Question 2 directly addresses the institutional barrier issue by inquiring as to the degree that City of Ottawa politicians believe it is *necessary that an instruction be given to Ottawa Police Service to open its records to public access with reasonable invasion of privacy and confidentiality limitations rather than what amount to "cover-up restrictions"*.

Research suggests that there are significant differences between the views of council in general and those of citizens regarding access to police records, and we will return to this topic in due course.

## G. Next Step

The next report records and examines the responses of City of Ottawa politicians to question 3.

**Question 3.** Given that complaints are made in communities across Canada about citizens not having adequate access to police records, what steps will mayor and councillors take to provide citizens with a level of access to police records which are essential to understanding how to effectively and efficiently achieve police service reform involving such issues as transparency, accountability, performance assessment and, top-of-list, the allocation of funds for management and operational activities?