Governance at a Crossroads
The Sinclair Report
Implications for Police Governance in Canada

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The Sinclair Report

- Senator Murray Sinclair
- Thunder Bay Police Services Board
- Government of Ontario
- Being on the Senator’s team as an advisor.
• Sinclair Report on Thunder Bay Police Service Board aimed high in addressing governance issues.

• Findings cannot be dismissed as local and unique.

• There but for good fortune goes any Board or Commission.

• The duty to address systemic issues in policing requires vigilance and sound governance.

• Getting along is the enemy of getting it done.
• Investigation called after a detailed investigation in Thunder Bay Police Service: question of the role of the Board
• Strong representations from significant First Nations’ leadership in Northern Ontario
• Ample evidence of deaths of aboriginals not being investigated properly – patterns emerged – went well beyond “operations”
• Unique in Canadian experience, or is it?
• Report after report confirming systemic racism within the Service, but also within the community as a whole
Background

• Serious questions arose about the failure of the Board to address these issues

• Specific concern with the Board’s relationship with the large First Nations communities within Thunder Bay and beyond

• Board’s consistent support of the Police Service without providing direction – cheerleading, defending, hunkering down

Symptoms of System Blindness: blame it on outside interests, blame it on politics, blame it on the media, blame it on Toronto, the CBC and people from away.
Key Thematic Findings of Sinclair Report

Systemic Racism: Willful Blindness by the Board

Failure of Governance
Findings: Systemic Racism

• The Board failed to recognize and address the clear and indisputable pattern of violence and systemic racism against indigenous people especially how it was handled by the Police.

• The Board did not have a clue that patterns of deaths had emerged, that investigative – basic, rudimentary – techniques were not followed.

• The Board did not ask and the Chief did not tell.

• The Board members, in evidence, said such matters were operational and not their business.
“The issues identified with Thunder Bay policing through this investigation are not the result of behaviours by individual racists,” Sinclair writes. “They are indicative of a broader, deeper and more systemic level of discrimination in which an unacceptable status quo is viewed as the normal state of affairs.”
“The board’s failure to act on these issues in the face of overwhelming documentary and media exposure is indicative of wilful blindness,” Sinclair states.
Willful blindness is the enemy of good governance. To practice ignorance of fundamental trends in community safety because each one is operational is both negligent of the core governance job each Board has and supportive of the systemic racism at practice here.
Findings: Key Failures of Governance

• The Board did not demonstrate engagement in its own strategic or operational planning.

• The Board did not demonstrate meaningful engagement in the development of governance and oversight policies, relying on templated provincial sample policies.

• The Board has not shown leadership in proactive, committed outreach to key indigenous community organizations.
Key Failures of Governance

• The Board has made no apparent effort to make its policies, plans and activities visible and transparent to the public at large.

• The Board appeared more as a support mechanism for the Thunder Bay Chief of Police and the Thunder Bay Police Service than as the civilian oversight.

• The results of this failure are clear:
  – the absence of plans and policies to address the crisis in violent crime
  – an oversight body disengaged from its basic functions of planning, policy development and community engagement and
  – a major municipal institution lacking many of the basic instruments of good governance and oversight.
Recommendations Beyond Thunder Bay

The Senator clearly intended to speak to police governance issues generally, as they apply to all boards and commissions. He also intended to build on Morden, with whom he was in full agreement.

• First and foremost, the creation of a board governance policy that outlined the duties of the Police Service and chief to include:
  – The duty to manage the TBPS effectively and efficiently;
  – The duty to implement the policy direction of the Board;
  – The duty to ensure a service that reflects the community it serves;
  – The duty to provide information to the Board on the TBPS’ performance; its compliance with policies, community relations, developing trends or significant incidents that would affect plans or changes to police services; and annual training and reports on performance in delivering services free of bias, racism, discrimination and harassment; and
  – The duty to brief the Board on serious incidents that can affect the community, either past or anticipated.
Elaborating on the Needs of the Board for Information

- The Board should have a policy on the responsibility of the Chief to provide adequate operational information to let it form a view on:
  - The TBPS service’s performance, and specifically the delivery of services free of bias, racism, discrimination and harassment;
  - TBPS compliance with policies;
  - The state of community relations;
  - Developing trends or significant incidents that would affect plans or changes to police services;
  - Implementation of operational and training plans; and
  - Board input or decisions required.
The Senator was disquieted by the Board’s lack of separation from the Service it was to govern and recommended:

– Creating means for the community to access the Board
– Independent web and social media presence
– Establishing communications and problem-solving partnerships
– Independent administrative support
– The Business/Strategic Plan is the plan of the Board for the Service
– All policies should be public and available online.
Training & Policy

- No Board member should be able to vote without approved police governance training
- Detailed recommendations for the training package are in the Report
- Board needs to actively review policies and not just copy provincial samples
The Follow-Up

• A new Board has been appointed and it moving towards many of the recommendations.
• An Administrator was appointed and is easing his way out of a job.
• The Board led a major reconciliation effort with Indigenous people and groups in Thunder Bay
• Prior to taking office, the new Board received an intense two-day training package: Fred will address its contents.
So, What Does Mean for Others?

Are we engaged in willful blindness? How do we know? How do we prevent it?

Are we actually governing? Can we prove it? Will we be able to answer the question, “Where was the Board?”

Review the detailed governance recommendations, designed by the Senator to be relevant to all Boards and Commissions.