

**BLURRED LINES: Representations of the Nature of the Police and Government
Relationship During the Freedom Occupation Crisis: The Contested Concept of
Operational Independence**

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Thesis submitted to the University of Ottawa
in partial Fulfillment of the requirements for the
Master of Arts Degree in Criminology

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Abstract

The nature of the police and government relationship across Canada, and specifically, Ontario, has been difficult to navigate for police and politicians alike, over the last several decades. This thesis examines how the relationship between these two groups can be better understood, through the window of competing interpretations about the concept of operational independence. This research precisely focuses on understandings and representations of the police and government relationship in the context of the Freedom Occupation Crisis in 2022, which was situated within a public health crisis. The Freedom Occupation Crisis is a key event that provides this research with insight into how police and political authorities understand and function in their roles and alongside one another during a critical event in Canada, and specifically, the province of Ontario. This study employs a qualitative, reflexive thematic analysis of discussions from key players in policing and politics originating from the Public Order Emergency Commission (POEC) Inquiry. This research finds that representations of the police and government relationship have evolved from blurred lines to a separation between Church (any operational matter) and State (laws and policies). The evolution of these representations signifies a shift in key players' understandings about the limitations of the operational independence of police. These findings suggest that the current representations of the nature of the police and government relationship reflect a lack of clarity surrounding operational independence that make this relationship difficult to navigate during a public crisis.

Acknowledgements

This one page of many within this thesis will never be enough to acknowledge all the people who have supported me throughout this journey in one way or another. First, I would like to thank my incredible supervisor, Michael Kempa. There is absolutely no one else I could imagine offering me the advice, feedback, and support that you did to get this thesis to completion. Thank you for always answering my many questions, and, for your knowledge and influence that has helped make me a better academic. To my thesis committee, Justin Piché and David Murakami Wood, I would also like to thank you for your great feedback that will undoubtedly inspire me to continue thinking critically within my research.

To Nicole, I should probably put you in the paragraph above for basically being an honorary member of my thesis committee, considering how much you have been there for me from start to finish. I am so happy I sat next to you in that theories class our first semester. You, Ross, and Bubbles are by far my favourite thing that has come from my decision to pursue this degree. To all my friends (the Jyals and Tamales especially), thank you for being such a huge part of the support I needed to finish this thesis, even if it meant pulling me away for a night or two of fun to regain my sanity after hours of writing. Thank you for always listening to my lengthy snapchat rants and voice memos about grad school and being a part of this experience with me. You've all taught me what true friendship is, which I am eternally grateful for.

To Luka, you deserve far more than a small paragraph in these acknowledgements, but we both already know that. Thank you for the constant patience, love, and grace you have continuously given me; you have the biggest heart anybody has ever known, and I am so grateful to have you by my side no matter what. You have seen all the happy and sad tears that have been because of this degree, so thank you a million times over for “supporting me like a pillar – a Roman pillar” (your words, not mine). I am so excited to see what is next for us.

To my family – Jenny, Kyle, and Mark, thank you for always believing in me and my decisions, even if I'm constantly changing my mind. Thank you mum for all the hours-long facetime calls about anything and everything that I will always cherish with you (also hey, I am *actually* done the degree now, so go ahead and brag finally; its allowed). To my second family – the Djurasovics, you are all overwhelmingly supportive of me, so thank you. I am so thankful for you all being there to constantly celebrate my achievements. You are all so good to me, I seriously think you might like me more than Luka sometimes, which I know I'm totally fine with. To all of you, thank you for making my time spent finishing this thesis infinitely better.

Lastly, I think it would be silly to thank everyone that has supported me throughout this degree without taking up some space to also thank myself. The process of finishing a thesis for the first time is no easy task, no matter how big your support system may be. I am grateful for the drive and motivation I have had to pursue this degree from the start, and, for the work I chose to put in to achieve something so great. I am proud of myself and my growth throughout this journey and now I'll have a degree to show for it, which I think is pretty cool.

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Introduction of Thesis

In recent Canadian history, the political relationship amongst key players in policing has been a topic of research and public inquiries as a result of problematic policing situations at public order crisis events. One of the most dominant problems that plagues the police and government relationship is how police and political authorities use various interpretations and understandings about the concept of operational independence. This concept can be described as police independence in decision-making matters related to operations or “day-to-day” police functions (Roach, 2022). What “operations” consists of is typically fluid and based on specific policing events, meaning many argue about its interpretation (Sancton, 2012). Resulting from this fluidity, notions surrounding operational independence have commonly over-inflated how much independence police truly have. Over-inflated police independence has left the police and government relationship unbalanced by minimizing the role of civilian oversight and legitimate political input into policing.

Problems that have surfaced in the police and government relationship during crises have been researched in the past through the window of operational independence. Specifically, crises that took the shape of Indigenous land claims protests and other political or economic protests involving a large policing plan and presence resulted in problems such as police violence, confrontations, and mass arrests. These problems led to public inquiries such as the Ipperwash Inquiry and the Independent Civilian Review into Matters Relating to the G20 Summit. These inquiries addressed the problematic ways in which competing interpretations of the concept of operational independence drove the police and government relationship. There is, however, a lack of research that addresses problems in the police and government relationship in the context of public order crises situated within a public health crisis.

I am aiming to address this limited knowledge by analysing understandings of the police and government relationship through competing interpretations of operational independence. These competing interpretations may give insight into the nature of the relationship and in particular, how police and political authorities function during a public order crisis. Based on the availability of data for this research topic, I intend to look at this area through an analysis of discussions from police and political authorities surrounding the 2022 Freedom Occupation Crisis. The Freedom Occupation originated as a protest that claimed to oppose COVID-19 public health and order mandates in Canada, which eventually led to a public order crisis. Precisely, using discussions that circulated throughout the Public Order Emergency Commission (POEC) Inquiry¹, I aim to answer the following research question in this thesis: “What are the representations and understandings about the nature of the relationship between police and political authorities, as seen through the window of competing interpretations about the concept of operational independence?”

To further explore this question, the following sub-questions will also be asked:

- (i) *Given that the Public Order Emergencies Commission (POEC) states the Gold Standard for understanding operational independence is found in the Morden Report², what players at the POEC Inquiry reflect or depart from this standard, and, in what ways?*

¹ The Public Order Emergency Commission (POEC) Inquiry was created to investigate the circumstances that led to the use of the *Emergencies Act (1985)*, from February 14-23, 2022 (Public Order Emergency Commission, 2023). The Inquiry also intended on looking at the measures that were taken for dealing with the declaration of emergency during the period the *Act* was invoked, with Justice Paul Rouleau as the appointed Commissioner for this inquiry (Public Order Emergency Commission, 2023).

² The Morden Report is an independent review by retired Justice John Morden, that was created in 2012 to investigate matters relating to the policing of the 2010 G20 Summit in Toronto. The review is largely critical of the civilian oversight role of the Toronto Police Services Board and establishes a series of recommendations related to the operational independence of police (Poisson & Yang, 2012).

- (ii) *What are some of the rhetorical strategies that players at the POEC Inquiry used to justify their departures from the Gold Standard of operational independence?*

The first chapter of this thesis presents the conceptual framework that helps situate this research. The chapter includes a discussion about the concepts that influence the nature of the police and government relationship and the instrumental approach that helped make sense of the analysis. The presentation of the conceptual framework emphasizes how the concept of operational independence has evolved over time within Canada, through a discussion of major influential points such as court decisions, public inquiries, and the creation of new legislation. This evolution leads up to the Morden Report, which is considered the gold standard due to its clear explanation about the three dimensions of understanding operational independence, which are all areas of confusion within the police and government relationship. These three dimensions include information sharing between police and political authorities, blurred lines between operations and policy, and the limits of political oversight and legitimate direction of police. The Morden Report has been regarded as the gold standard because of its ability to offer a less expansive, and more descriptive understanding of operational independence than what previously existed. Chapter one works as a starting point for displaying the current knowledge on this topic, helping make sense of the complexities and understandings that affect the police and government relationship.

The current literature on the policing of public health crises in Canada will be explored in the second chapter through a review of external factors that influence policing during crises such as policy decisions and the influence of media, as well as the policing of the Freedom Convoy Occupation. Discussions will present the challenges surrounding the policing of public health crises in recent history and highlight the literature that led this thesis in the direction of protest

policing situated within a public health crisis. Furthermore, the literature review demonstrates how current knowledge about policing during public health crises helps us recognise the requirement for advancing understandings about the politics of policing during these events.

Chapter three details the methods that were employed throughout this research, which elaborates on my adoption of a reflexive thematic analysis for my research and how I went about collecting and interpreting my data. Insights into the benefits of using a qualitative reflexive thematic analysis for this research are also emphasized throughout this chapter. Additionally, this section reflects on the limitations and considerations of this chosen methodological approach.

The fourth chapter presents my main findings from the analysis of my data in an empirical manner. Excerpts from the collected data are displayed, demonstrating an overview of the main points of confusion that circulated amongst those in policing and politics in regard to the operational independence of police. These main points of confusion are the core areas of this chapter which include information-sharing and communication, blurred lines between police and political decision-making, and lastly, debates about political interference versus direction in policing.

Chapter five presents an analytical discussion that is circulated around three main themes that helped make sense of the data. The first main theme is information-sharing and communication within the police and government relationship. This theme is driven by discussions at the POEC Inquiry that focused on the ways in which police and political authorities in oversight bodies exchanged information and the impact this exchange had on their relationship and the policing of the Freedom Occupation Crisis. The second theme focuses on the blurred lines between policing and politics that informed the decisions key players in policing and politics made throughout the crisis. These blurred lines are emphasized in discussions and

seemingly used as a justification for issues that took place amongst policing and oversight bodies throughout the crisis. The last theme presented is about political interference versus direction in policing, which outlines how key players make sense of the limits placed on oversight bodies when directing police.

The themes presented in chapters four and five reveal how the nature of the police and government relationship is characterized by competing interpretations and understandings of operational independence. Many of the issues presented in discussions from key players at the POEC Inquiry appear to be the result of misunderstandings and a lack of clarity surrounding the limits of operational independence³. Precisely, these are misunderstandings of the Morden Report, which is the gold standard – legally speaking, for correctly understanding and interpreting operational independence. The Report clearly defines operational independence, however, some key players demonstrated misunderstandings of it at the POEC Inquiry. Misunderstandings were evident in the language used in discussions, along with the rhetorical strategies some key players used to justify their departure from the standards set in the Morden Report pertaining to the police and government relationship.

Finally, in the conclusion I summarize my most significant findings that highlight this project's main ideas, to help answer the research questions that guide this thesis. I emphasize the findings that are in both agreeance with the current literature and depart from understandings that many scholars hold about the nature of the police and government relationship. The main conclusion focuses on how key players' representations of this relationship have evolved from blurred lines to a separation between Church (police operations) and State (government policies

³ The concept of operational independence has drawn confusion amongst those in policing and politics because of the ambiguous and vague laws in Ontario and throughout Canada that have failed to provide clarity on the "line" that keeps political authorities, like those on an oversight Board, from interfering in police operations (Morden, 2012).

in policing). This shift in representations provides insight into key players' current understandings of the division between policing and politics during a public crisis. Overall, this research summarises new understandings that presented themselves about the nature of this relationship during a public order crisis, through the window of operational independence.

Chapter I: The Evolution of Understandings About the Concept “Operational Independence”

The politics of policing in Canada has been unbalanced throughout the past and present as a result of varied understandings about the concept of operational independence. Within the relationship between police and political authorities, a Police Services Board (PSB) is a civilian oversight body that provides governance, legitimate oversight, and political input for the police service. In each Canadian province excluding Quebec, a PSB is a “local board” according to the Municipal Act, and receives its power and authority from a provinces’ *Police Services Act* (Kingston Police, 2024). PSB’s have operated throughout Canada for many years and exist to provide “impartial and legitimate governance” over policing (Laming & Valentine, 2022). Throughout recent history however, PSB’s have commonly refrained from completely fulfilling this role, over fears of interfering in the operational independence of police. By not fulfilling their roles and overseeing police, some PSB’s have left police services with overinflated independence, leading police to self-govern and causing an imbalance in their relationship (Roach, 2022). This has presented a major issue within the police and government relationship, as police require proper oversight from their Board to ensure effective and adequate policing services within their communities (Morden, 2012). Furthermore, the minimized role of PSB’s have led some individuals in the relationship to interpret the operational independence of police to mean police independence in all matters of operations. This interpretation is contrary to what scholars and past reports having indicated; rather, police *have* independence over operational decision-making or day-to-day matters (Roach, 2022). This misunderstanding of operational independence has further exacerbated the issue of imbalance within this relationship and has caused some Boards to step back from their oversight role over operational matters entirely, in

order to prevent any undue political interference in policing. Attempts to clarify this concept have been made throughout the years in an effort to improve this relationship, such as through court decisions, new legislation, and various public inquiries, as outlined in this chapter.

The concept of operational independence and its evolution in Canada is important to make sense of, for the purpose of understanding the politics of policing through an instrumental approach. An instrumental approach focuses on how powerful individuals can “push competing agendas about the institutional forms that the system of policing ought to take” (Kempa, 2014, p. 7), during times when policing may be facing new problems. An instrumental approach is the most appropriate approach for understanding this topic due to its focus on individuals in power. Additionally, it provides an ability to explain why the politics of policing is plagued by numerous debates that attempt to define operational independence.

Compared to an instrumental approach for this project, structural and conceptual approaches can also be relevant when understanding the politics of policing. At the structural level, the politics of policing can be understood through the level of institutions such as that of policing and the government, as well as social forces or pressures (Kempa, 2014). Structurally, the police and government relationship can be understood through an analysis of the structural changes within society, such as the COVID-19 pandemic that changed how humans interacted and thus created new needs for policing.

At the conceptual level, it is ideas, and the way societies think about policing and the police and government relationship that drive what we believe policing should consist of (Kempa, 2014). In the context of the pandemic, a conceptual approach may focus on how new societal issues such as protecting the health and safety of citizens can lead governments to broaden the scope of policing with additional policing powers, such as the enforcement of stay-

at-home orders (Kempa, 2014). The politics of policing during a public health crisis can be analysed instrumentally, structurally, or conceptually, due to the ways in which these three approaches can individually explain the relationship between police and the government.

For the purpose of this thesis, an instrumental approach is best suited for understanding the politics of policing, due to its ability to delve into the ways in which individual players in power can influence the system of policing (Kempa, 2014). Specifically, using an instrumental approach is helpful for demonstrating the nature of the relationship between police and political authorities in times of a public health crisis. Operational independence is broadly perceived as a multi-dimensional concept that has often been referred to as “autonomy in decision-making” for a police organization (Stenning, 2007). The concept has also been referred to as independence in decision-making related to “operational matters” or “day-to-day matters” of policing (Roach, 2022). Through a discussion of how understandings of operational independence have evolved over time, it will become evident that instrumental conditions existing at the level of powerful individuals, drive the current understandings and use of the concept within the politics of policing public health.

Operational independence has been defined in various ways by scholars, police, and political authorities throughout Canadian history, due to the vagueness of the concept and a lack of a clear definition in policing legislation across Canadian provinces. These varied definitions have drawn confusion and misinterpretations about the limits and extent of influence political authorities have over police operations. Additionally, the lack of a clear definition has given rise to a series of debates because of the competing ways those in power attempt to define it. Police have long been considered an executive arm of the government because they carry out the intentions of the government or political authorities, whilst also being dependent on them for

their existence, power, and resources (Beare, 2004). Despite this political nature of the police, they possess the power to reject political direction in matters related to operations (Bayley & Stenning, 2016). The lack of a clear division between what are operational and policy matters in policing creates issues surrounding the extent to which political authorities can legitimately provide directions in policy-related matters.

Operational independence has therefore been fraught with confusion and surrounded by debates throughout Canada, with much of this confusion beginning as a result of the 1968 judicial decision in Britain made by Lord Denning. This chapter will highlight the evolution of how operational independence has been defined since the Denning decision. This evolution will lead up to the anticipated new policing legislation in Ontario, proclaimed in April of 2024, which seeks to further define the limitations of operational independence. The outline of this chapter will demonstrate the evolution of the concept and provide knowledge about why operational independence continues to cause problems within the police and government relationship, despite the numerous attempts to define it.

I – The British Doctrine of Operational Independence – The Lord Denning Decision of 1968

The confusion surrounding the operational independence of police began with the British common law doctrine, which is the most expansive definition to date. The doctrine stemmed from the judicial decision made by Lord Denning in an English case titled *R. v. Commissioner of Police of the Metropolis, ex. P. Black Burn (1968)*, which:

Holds that police chiefs are independent from political interference when making decisions regarding deployment of personnel identifying which offenses to investigate

and what charges to lay, or determining how best to handle matters such as public disturbances or disorder. (Mackenzie & Plecas, 2001, p. 45)

Denning's decision also claimed, "police are not servants to anyone but the law" (Sancton, 2012, p. 312). This decision helped define operational independence, however, it was still left with a wide and undefined range of what can be considered as operational independence (Stenning, 2007). Since the doctrine was introduced, broad understandings of police independence were upheld that stemmed from Denning's decision in the famous 1968 common law case, despite being rejected later in 1999 with the *Campbell and Shirose* case, which held more defined ideas around police independence (Roach, 2017, 2022). The doctrine was upheld in Canadian court cases that include *Doe v. Board of Commissioners of Police for the Municipality of Metropolitan Toronto (1989)*, albeit have now been reversed by legislation (Roach, 2022).

With the undefined scope of operational independence originating in Lord Denning's widely criticized doctrine and changes to the nature of police governance, many scholars have led themselves to question whether Lord Denning's statement on operational independence should be referred to as "good law" (Stenning, 2007; Roach, 2022). There is a general agreement among scholars that Denning's definition is not appropriate and far too expansive, as it is often used by police to advocate for their total independence, and, by politicians to evade legitimate oversight and accountability (Stenning, 2007). These views have also led to present-day rejections of the doctrine and its claims in Canadian policing legislation (Roach, 2022).

Subsequent reviews of the police and government relationship since Denning's decision in 1968 have offered more narrow definitions of police independence; however, Denning's decision has continued to be a dominant way in which many individuals have understood the concept. The vaguely defined scope of operational independence from Lord Denning's judicial decision is still

referred to by some individuals in policing and politics as valid in Canada and other common law countries like Australia and New Zealand (Stenning, 2007).

There is limited empirical research on the politics of policing and the relationship between police and the government in Canada. Therefore, explanations about the concept of operational independence and answers about the limits of police independence remain scarce. What has been researched, has taken place at times in which the Denning decision on operational independence was the most dominant way of defining it, despite its expansive nature. While these studies have helped produce more knowledge about this topic, they still leave researchers with questions about how decisions are made within the police and government relationship.

For instance, the first major study that highlighted how policing decisions are made and the limits to police independence was conducted in Canada in 1975, by researcher Brian Grosman. Grosman (1975) sought to understand how police chiefs in Canada viewed political influence and direction in policing by conducting interviews with police chiefs. With this research, Grosman found that police chiefs strived to have support from political authorities, yet the chiefs often failed to include political authorities in policing decisions that directly impacted policy and police activities (1975) (Stenning, 2021). These findings showed the lack of inclusion and participation of political authorities in policing decisions increased police independence and provided police chiefs the opportunity to freely “act as they see fit” in accordance with the Denning decision, thus creating a public accountability problem (Grosman, 1975; Stenning, 2021, p. 159).

Similarly, researchers Hann et. al conducted a study a decade after Grosman to further understand how police chiefs and political authorities thought about the governing of decision-making responsibilities amongst their two parties in Canada (Stenning, 2021). Hann et. al’s

research also analysed the nature of the police and government relationship, which was done through questionnaires and interviews (1985). This study found that the concept of operational independence was a major theme, along with the role of political authorities in day-to-day administration or operational decisions which helped determine the extent of police independence (Hann et. al, 1985). The conclusions that were drawn from this study done over three decades ago, appear to highlight what remains to be an issue today. The current understandings about operational independence vary widely by group and within groups (police organizations and governments) because of a lack of clarity about the division between operational and policy matters (Hann et. al, 1985). This also means that without a clear division, understandings and applications of police independence continue to be misunderstood, which can lead to issues such as democratically inappropriate decision-making actions or inactions in times of emergency.

According to Roach (2022), the overly vague definitions of operational independence that have been used to describe police independence relating to operational or day-to-day matters provide the police with excessive autonomy whilst in some cases, allowing governments to “escape responsibility for policing policies” (p. 75). Instrumentally, this has allowed powerful individuals within policing and the government to argue and push for competing ideas about operational independence, to suit their own interests and agendas (Kempa, 2014). For instance, the entrenchment of the Denning decision has allowed some individuals to argue it is a valid way to interpret and define operational independence and therefore, use it as support for their own agenda of pushing for full police independence (Roach, 2007). In Canada, those who continue to understand operational independence through the Denning decision may also do so because according to scholars Mackenzie and Plecas, as of 2001, the Denning decision was the doctrine

of operational independence that was “firmly entrenched in Canadian law”. On the other side of this debate, many individuals such as scholars Stenning and Roach have described the doctrine as too expansive and argue there are far better developments in the area of police governance that can better clarify operational independence (2007; 2022). The Denning decision was the primary reference for defining operational independence in the province of Ontario until 1990, which is the year the Ontario *Police Services Act* was proclaimed.

II – The Ontario Police Services Act (1990)

In 1990, the Ontario *Police Services Act (OPSA)* became the first “comprehensive overhaul of Ontario’s police legislation” (Stenning, 2021, p. 152), attempting to discuss police independence in more depth to better define it. This new legislation helped reform policing in the province and was an inspiration for other provinces across Canada to also make legislative reforms to their provincial policing acts (Stenning, 2021). The *OPSA* sought to provide details about the role of police oversight bodies and the limitations of political direction of policing, which was the first time in Canadian history that policing legislation attempted to provide clarity on roles and the extent of directives allowed from a police governing authority (Stenning, 2021). For example, one regulation made within the *OPSA* included that, “Board members shall not interfere with the police force’s operational decisions or with the day-to-day operation of the police force, including the recruitment and promotion of police officers” (Stenning, 2021, p. 154).

Parts of the *OPSA* attempt to specify the roles of PSBs as a governing authority over police, such as by stating in Section 41 that “The Chief of Police reports to the Board and shall obey its lawful orders” (Police Services Act, 1990; Stenning, 2021). Despite the attempts to specify the role of PSBs and minimize political interference in policing, debates remain active

regarding the interpretation of police independence in the *OPSA*. Many scholars argue that what can be defined as “operations” is something that has been left open for interpretation after the creation of the *OPSA*; this can be problematic for defining the roles and responsibilities of political authorities and PSBs in the governance of police (Laming & Valentine, 2022).

The detail about operational independence included in the *OPSA* appeared at first as a “landmark statute” but has since been widely criticized for its lack of clarity and specification about the relationship between a chief of police and their PSB (Stenning, 2021). Despite the Act’s attempt to provide more clarity on the concept, Stenning (2021) stated that it only produced further disagreement about the language that was used in relation to police independence and caused more debates about how it can be interpreted. For instance, the *OPSA* fails to elaborate on what is included in Section 31 under “specific operational decisions” and “day-to-day operation of the police force” (Stenning, 2021, p. 154). Roach suggests that those who seek over-inflated notions of police independence could argue that public order policing can be placed under the *OPSA*’s section 31 (2007). With the Act’s failure to expand on what is included under operations, it provides the opportunity for those with power in police organizations and politics to argue for their own interpretations of the term, in a way that best suits their interests.

Furthermore, Roach argues that the *OPSA* merely recognizes police independence from the government implicitly, “more by what it omits than what it includes” (Roach, 2007, p. 25). Without explicit and “clear statutory definitions of the concept” within the *OPSA*, operational independence has continued to be both controversial and confusing within the province of Ontario (Roach, 2007, p. 26). The lack of clarity in the *OPSA* is said to have contributed to a wide range of issues in the police and government relationship going forward. Main issues have been in relation to confusion about what is interpreted as legitimate or illegitimate political

influence in the operational matters of police (Bayley & Stenning, 2016). With the absence of this clarity, the Linden Report that was drafted to examine the events of the Ipperwash public order crisis (the Ipperwash Inquiry) attempted to further define the concept of operational independence in ways that the *OPSA* failed to address.

III – The Linden Report

The Linden Report was created as a result of the Ipperwash Inquiry in 2003, that sought to inquire on the events that transpired at a protest in 1995 at Ipperwash Provincial Park, Ontario (Linden, 2007). The Ipperwash Crisis was an Indigenous land dispute that resulted in an occupation by protestors that led the Ontario Provincial Police (OPP) to kill an Indigenous protestor named Dudley George, in what were considered as highly controversial circumstances (Beare & Murray, 2007). The event proved to be a key example of a public order crisis that raised concerns about police misconduct during the enforcement of protests, the controversy surrounding operational independence, and the complex relationship between police activities and government direction of the police (Roach, 2022). The Linden Report addressed these concerns and controversies, following the Inquiry that took approximately three years to determine whether political interference in the operational matters of policing contributed to the death of Dudley George (Roach, 2022). The Report consists of a series of recommendations for policing that aim to prevent similar circumstances and police violence in future protests, including recommendations relating to police and government relations in Ontario (Linden, 2007).

One of the key topics at the Ipperwash Inquiry was whether or not the Premier of Ontario at the time had inappropriately directed police operations (Sancton, 2012). This topic rose to

prominence due to an accusation that the Premier directed police to remove the Indigenous protesters from the park, which potentially signaled interference in operational matters (Beare & Murray, 2007). It was debated whether comments made by politicians about the timing of arrests, which police described as “political heat”, should have been considered a form of political interference in operational decision-making (Roach, 2022). The Linden Report concluded that no political interference actually took place, despite the “ill-advised” comments made by politicians (Roach, 2022). With the topic of potential political interference in policing circulating throughout the Ipperwash Inquiry, the concept of operational independence was brought into question, due to its vague and controversial definition within the 1990 *OPSA* (Sancton, 2012). The wide variance in understandings about the concept have been caused by the inability to explain the division of responsibilities for police and political authorities within the *OPSA*. Justice Linden stated in his report that the concept will always be up to interpretation and concluded that “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” (Stenning, 2021; Linden, 2007, p. 302). Examples of policy may include matters like the policing budget or other general directives or guidelines for policing that do not apply to the actions of police during specific events (Bayley & Stenning, 2016). Meanwhile, operations is broadly understood as the actions of police and how police enforce the law, in which they have the independence over matters such as deciding when to arrest, investigate, or charge someone (Sancton, 2012; Roach, 2022).

The Report emphasizes how there are many situations and real world challenges such as occupations and protests, in which operational decisions may need policy directives; this further supports Justice Linden’s argument that policy and operations are “fluid concepts” (Sancton,

2012). A recommendation from the Linden Report states that when political authorities seek to direct police, there is a need for transparency and accountability; both of which can be achieved if political authorities provide directions for police in writing and make these directions public (Roach, 2022). Implementing this recommendation from the Report would ensure that police are being directed legitimately and in a transparent and accountable way (Sancton, 2012). This recommendation would also safeguard policing powers and independence and would be part of what is specified as a “democratic policing model” (Sancton, 2012).

The democratic policing model has been noted in Linden’s report and in the work of Roach as an effective way to distinguish legitimate political direction from illegitimate interference (2007; 2022). The model would ensure that political authorities such as the provincial or federal Minister of Public Safety, are kept informed about police operations, which would allow for more explanation and cooperation whilst ensuring “the minister’s authority to intervene on policy matters” (Ontario, Ipperwash Inquiry, 2007, p. 339). When considering the instrumental conditions of adopting this model, it would benefit both police and political authorities, as it would provide more clarity about who is responsible for various policing matters and help ensure accountability. Furthermore, under the democratic policing model, it has been recommended that a responsible minister’s power should allow them to provide directions to police that would be codified in the *OPSA* (Roach, 2017). These directions to police would be provided publicly and in writing, in order to be legitimate and guarantee the independence of police is being protected under the democratic policing model (Roach, 2017). If directions are being provided to police in this manner, political authorities can effectively assist in matters related to things such as the police budget or how police may respond to certain challenges like protests or public order emergencies (Sancton, 2012).

Defining the line between policy and operations as “fluid concepts” and advocating for the adoption of a democratic policing model has also supported Linden’s claim that there are certain circumstances police and governments can, and, are encouraged to share information with one another. The sharing of information amongst parties thus supports government policy intervention in operational decision-making under “specific conditions” (Stenning, 2021). From an instrumentalist perspective, the Linden Report’s attempt to provide clarity about operational independence influenced debates about where the line is drawn between operations and policy. Specifically, Linden’s claims have allowed individuals in policing and politics to form their own competing interpretations of his report, due to the contradictory nature of his claims (Stenning, 2021). Scholars like Stenning have debated the usefulness of the Linden Report in helping define the concept of operational independence, because of its often contradictory and inconsistent claims about when and how governments are allowed to influence certain policing decisions (Stenning, 2021). Furthermore, there are many arguments for adopting the democratic policing model, but some scholars have presented concerns about how the democratic regulation of the police may cause “improper political direction” that may result in a police state “used to hurt enemies and help friends” (Roach, 2017, p. 29). From an instrumentalist approach, the arguments made against this model suggest that it would allow those in power to protect their own interests, as police would be employed as a tactic for political authorities to achieve their goals.

In contrast to Stenning, Roach has perceived the Linden Report as useful for clarifying certain aspects of operational independence. Roach has argued that “democratic policy direction of police should not eclipse core police independence over law enforcement decisions” (2022, p. 95), further claiming that the Linden Report supports his statement as it says that “the core of police independence would be meaningless if the government could direct when/how to enforce

the law” (Roach, 2022, p. 96). With the debates that continue to circulate about the concept of operational independence along with controversy about the Linden Report’s usefulness in helping define it, it is necessary to look towards the Morden Report for its attempts at offering further clarity.

IV – The Morden Report

The Morden Report was published in 2012 to inquire into the events at the G20 Summit protests in Toronto, in 2010 (Roach, 2022). The policing at this large-scale public order event involved many failures, such as the mass arrest of approximately one thousand people, high levels of public disorder, and claims of excessive use of force on protesters (Roach, 2022; Molnar et. al, 2019). The circumstances at this event led to a review by Justice Morden, who was commissioned to investigate the failures that were present in the policing of the G20 crisis.

The Three Dimensions of Understanding Operational Independence

The contents of the Morden Report dive into the police and government relationship and specifically, the confusion surrounding the concept of operational independence. This confusion can be divided into three distinct areas: information sharing, the blurred lines between operations and policy, and limits to the political oversight and legitimate direction of police. These three areas of confusion are the main dimensions of operational independence that required further clarity which the Morden Report helped achieve. The statements made by Justice Morden that clarify these three dimensions of confusion helped settle many debates about the scope of police independence and, arguably, make up the gold standard for understanding operational independence in Canada.

Information Sharing

There were many problems situated around the lack of information sharing between police and their oversight bodies throughout the G20 crisis. This dimension of operational independence was thoroughly discussed throughout the Morden Report, with Morden claiming that a PSB requires adequate information – including operational information – from police to effectively fulfill its oversight function (Morden, 2012). In reviewing a series of communication and information sharing failures between the Toronto Chief of Police and the Toronto Police Services Board, Morden concluded that both the Police Chief and the Toronto PSB functioned and interacted under the “invalid notion that matters of policy and operations were to remain divided... with operations being the concern of the police” (Morden, 2012, p. 144; Roach, 2022 p. 87). To clarify the limitations for information sharing amongst parties, Morden said that section 31(4) of the *OPSA* does not limit those on PSB’s from gathering information – including operational information – and from communicating about any matter related to policing with a municipal Police Chief (Morden, 2012). Furthermore, he indicates that the limited information sharing of operational matters that occurred during the G20 crisis signaled a misunderstanding of the *OPSA*, because it does not impose a limit on information sharing between a Police Chief and their PSB (Morden, 2012). With this clarification, Morden set the gold standard for the sharing of operational information, thus helping alleviate much of the confusion surrounding this dimension of operational independence.

Operations versus Policy

The common misunderstanding in relation to information sharing has been that policy and operations are to remain separate, which is another dimension of operational independence the Morden Report brings clarity to. Morden states that it is “impossible to apply” the general idea

that “policies are for the Board and operations are for the chief of police” and he explains that police and PSB’s must take part in discussions about operations to ensure adequate policing services (2012, pp. 54-55). To set the standard for the policy and operations dimension of operational independence, Morden accepts that a Board cannot “*direct* the chief of police with respect to *specific* operational decisions” (2012, p. 55) and “shall leave matters of a routine (‘day-to-day’) nature relating to the operation of the police force to the chief” (2012, p. 56). He also makes it evident that this does not limit a PSB’s ability to “set out a context or framework within which police operations take place” (Morden, 2012, p. 55). This standard set by Morden defines the roles and responsibilities of PSBs within police operations, like the ability to set a framework for operations, thus helping define the scope of operational independence.

Morden further explains that prior to the *OPSA* in 1990, there were no clear directives or definitions to distinguish what the roles and responsibilities of PSBs and a Chief of Police were, which led many to understand that “policy” and “operations” are to be kept separate (Morden, 2012). The 1990 legislation attempted to change this understanding by strengthening the role of a PSB, with one of the ways being their ability to discuss objectives and priorities of the police services “after consultation with the police chief” to establish policies under section 31 (1) (Morden, 2012, p. 58). According to Morden, applying this section of the *OPSA* would entail a full discussion about police operations between a Police Chief and the PSB if it was necessary for achieving adequate policing services (2012). This is one way in which policy and operations are proven in the Morden Report to be the responsibility of both police and the Board, therefore helping settle the argument that they are to remain separate.

Using the 1990 *OPSA*, the Morden Report sets the gold standard for the separation between policy and operations that has been one of the three dimensions of confusion and

understanding surrounding operational independence. Describing the ways in which policy and operations intersect and therefore the responsibilities of PSBs and Police Chiefs, it becomes evident that the scope of operational independence is more limited than what many had previously interpreted. Specifically, the Morden Report sets the standard that PSBs have a role in operations, so long as they do not interfere with “day-to-day” matters or give direction to a Police Chief on operational decisions (2012).

Political Oversight and Legitimate Direction of Police

The Morden Report defines a Board’s oversight mechanism in policing as “the process by which members of the public who are *not* police officers provide general direction to, and ensure accountability for actions taken by, a police service” (2012, pp. 82-83). The limits of a PSB’s oversight as it relates to operational matters was set in the Report, using language that further explained provisions in the *OPSA*. For instance, Justice Morden wrote that operational matters are addressed in Section 31(4) of the *OPSA* which states how specific operational decisions, and the day-to-day operations of the police are unable to be directed by a PSB, claiming that “this provision is the only one in the *Police Services Act* that imposes a limit on a board’s governance powers” (Morden, 2012, p. 4).

A general understanding among scholars is that the Morden Report offered clarity about the concept of operational independence, by providing further explanation about the oversight role of a PSB that is aligned with the provisions of the *OPSA* (Roach, 2022). Morden’s approach to clarifying this dimension of operational independence largely stood on the basis that people have misinterpreted police independence to stretch to *all* operational matters, meaning that the role and responsibilities of oversight bodies like PSB’s had been greatly minimized (Roach, 2022). This reflects the conversations around the dimension of operations versus policy, as

operations is not the sole responsibility of police, but is instead, part of a Board's oversight responsibility as well. The gold standard for political oversight and legitimate direction of police is therefore made clear in the Morden Report, as it proves how police are *not* independent from political direction when it relates to policy that may govern operational matters (Roach, 2014).

While this standard was set in the Morden Report for understanding operational independence through the dimension of political oversight and legitimate direction, the Report also included a series of recommendations to ensure policing oversight would remain legitimate. These recommendations were also implemented to clarify any remaining misinterpretations about the range of legitimate political oversight permitted without interfering in police independence. Recommendations consisted of outlining when and how a PSB should provide civilian oversight and police governance for policing events (Roach, 2022). One way in which a PSB can provide oversight and governance, as indicated in the previous section, is by "setting objectives and priorities" for a police service, which a Police Chief is responsible for achieving operationally (Morden, 2012, p. 147). With the discussion of this dimension, the Morden Report achieved the ability to set the gold standard for understanding the limitations of operational independence whilst helping settle debates about the roles and responsibilities of police and their Board.

Applying the Gold Standard of Operational Independence

Overall, the Morden Report is widely regarded as the gold standard for clarifying a wide range of matters within the police and government relationship and specifically, the three dimensions of confusion surrounding operational independence in Canada. While the Linden Report had previously attempted to offer such clarity, the Morden Report specified many aspects of policing that the Linden Report left hanging, such as the specific roles and responsibilities of a police

chief and their PSB. Some scholars such as Stenning (2021) have argued that both reports offer similar explanations and are rather consistent with one another's positions on operational independence. Meanwhile, other scholars like Roach (2022) agree far more with what the Morden Report contributes to understandings of operational independence, such as the requirement for information-sharing and the seeking of information by PSBs, regardless of whether it is operational in nature. It can be argued that the Morden Report is one of the most helpful additions to debates surrounding the concept of operational independence which has provided clarity about the roles and responsibilities of those in the police and government relationship, thus making it the gold standard for understanding operational independence.

While it has been regarded as the gold standard, the Morden Report is not entrenched in law, meaning that its recommendations were not entirely implemented by police and their Boards, or within the new 2024 *OPSA*⁴. For this reason, many of the policing failures that led to public inquiries and the creation of both the Linden and Morden Reports are repeated when new public order crises emerge. These repeated policing failures are commonly due to a continuous imbalance in the police and government relationship, resulting from a failure to consider the gold standard found in Morden.

Furthermore, while the Morden Report seemingly holds the standard for operational independence by settling the debates around the three main dimensions that drive confusion, the current 1990 policing legislation still consists of vague definitions that promote overinflated ideas about operational independence. This remains problematic for the police and government relationship because the legislation has allowed political authorities to shirk their responsibility

⁴ Proclaimed as of April 2024, the new policing legislation in Ontario that is replacing the 1990 *OPSA* is set to be consistent with some of the recommendations found within the Morden Report (Roach, 2022). Some consistencies include "diversity in appointments to police boards, mandatory training of board members, and publication of any directives they give to their police chief" (Roach, 2022, p. 87).

by claiming they are not accountable for police operations (Roach, 2017). This has produced what Roach (2017) calls an under-governance of police, which has occurred most recently during the Freedom Convoy Occupation in Ottawa.

The Policing Failure of the Freedom Convoy Occupation

Elected government officials have preferred to give police more autonomy and independence over policing matters, which is inconsistent with the gold standard set in the Morden Report. Additionally, this has allowed political authorities with oversight roles to escape being held accountable and has further exacerbated the under-governance of policing (Roach, 2022). This was evident during the Freedom Convoy Occupation in 2022, in which the Ottawa PSB gave the OPS control over their response to the protest, which is inconsistent with the standards set for the dimension of political oversight (Roach, 2022). According to Roach (2022), this was indicative of a democratic deficit in policing; the Board should have assisted in defining the goals, policies, and priorities for the protest which would have provided police with the autonomy to create an operational plan in accordance with the recommendations that were set in the Morden Report. This lack of oversight is demonstrative of inflated perceptions of police independence in operational matters and has allowed political authorities to escape accountability by maintaining a democratic deficit. The functioning of the police and government relationship throughout the Freedom Occupation represents how misinterpretations and ongoing debates about operational independence produce patterns of policing failures throughout Ontario, due to a failure in applying the gold standard within the police and government relationship.

The events at the Freedom Occupation led to a public inquiry and the creation of the “Report of the Public Inquiry into the 2022 Public Order Emergency” (Rouleau Report), which examines the events leading up to the declaration of emergency in early 2022. The Rouleau

Report mirrors what the Morden Report stated about the nature of the police and government relationship during a public order crisis, and is consistent with the gold standard Morden set for operational independence. Justice Rouleau explains in clear language that the Morden Report's guidance "has not yet been fully realized" and that he fully "endorse[s] the guidance... as set out in the Morden... report" (2023, Volume 1, p. 165). While the Rouleau Report was a necessary component of the public inquiry, it demonstrates that clarity and guidance surrounding the concept of operational independence already existed in the Morden Report, but those in power throughout policing and politics have failed to apply this guidance during public order events. With continued failures in policing often being the result of not applying the gold standard for operational independence found in the Morden Report, many scholars like Roach and Stenning believe that new legislation is required that will be consistent with what the Report laid out. As outlined next, the newest legislation that attempts to offer more clarity and guidance about operational independence in a manner that is consistent with Morden, is the newly proclaimed 2024 *OPSA*.

New Policing Legislation in Ontario

The potential for conflict between the police and government because of the vague distinction between policy and operational matters has urged many scholars to argue for extensive legislative reforms, which may offer a clearer understanding of police independence from government influence or political interference (Roach, 2017). A main recommendation by key scholars such as Stenning and Roach has been the implementation of new policing legislation in Ontario, although they anticipate it will not be extensive enough to offer further clarity about operational independence and the roles and responsibilities of police and their Board (2021; 2022). While new legislation may have a minimala sense of clarity, it can still be

beneficial for situations when the agendas of police and political authorities overlap, such as during a public health crisis (Beare & Murray, 2007).

In 2019, the Ontario government under Premier Ford, passed a bill that would introduce a new *Police Services Act*, proclaimed on April 1, 2024 (Stenning, 2021). The new *OPSA* is primarily replacing section 31(1) with two new sections that state a PSB “shall establish policies” on a large number of topics (Stenning, 2021). Under this new legislation, Roach explains that police can still make claims about political interference if a Board gives directives to a police chief about “the conduct of specific operations” or “the day-to-day administration of the police service”, indicating that broad terms about operational independence from the 1990 *OPSA* have still been included in the new legislation (2022, p. 88). The insufficient changes to the language related to operations in the new *OPSA* evidently fails to include guidance and recommendations from the Morden Report that many scholars perceive as the gold standard for understanding operational independence. The new *OPSA* proclaimed on April 1, 2024, has failed to include guidance that would help further clarify the concept of operational independence in the law; therefore, it is necessary to advance our knowledge about understandings of the concept and how it has evolved through the most recent public order crisis, the Freedom Occupation in 2022.

Conclusion

The evolution of understandings about operational independence that are outlined in this section have been discussed utilizing the current literature that explores its complex and multi-layered nature, from an instrumentalist perspective. It is evident that the varying interpretations about operational independence have produced problems within the police and government relationship because of its vague definitions and lack of understanding across parties. This has resulted in

issues during events such as public order crises like the Ipperwash Crisis in 1995, where questions have been raised in the past about who is responsible for troublesome policing practices.

A general lack of understanding and the multiple attempts to clarify the extent of police independence in operational matters has been circulated throughout this discussion, which details the evolution of the concept of operational independence. This can be summarized additionally, in the following table below.

The Evolution of Operational Independence	Summary of Understandings
The British Doctrine – The Lord Denning Decision (1968)	Being the most expansive definition to date, Lord Denning held that “Police chiefs are independent from political interference when making decisions regarding deployment of personnel identifying which offenses to investigate and what charges to lay or determining how best to handle matters such as public disturbances or disorder” (Mackenzie & Plecas, 2001, p. 45).
The Ontario Police Services Act (1990)	The <i>Act</i> included regulations to better describe the limitations of politicians (including some Police Service Board members) directing policing. For example, the <i>Act</i> states, “Board members shall not interfere with the police force’s operational decisions or with the day-to-day operation of the police force” (Stenning, 2021, p. 154), and “The Chief of Police reports to the Board and shall obey its lawful orders” (Police Services Act, 1990). Despite these attempts at defining operational independence, the <i>Act</i> left “operations” up to interpretation.
The Linden Report (2007)	Justice Linden stated in his report that the concept of operational independence will always be up to interpretation, as he concluded that “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” (Stenning, 2021; Linden, 2007, p. 302).

The Morden Report (2012) – the most definitive way of understanding operational independence – the *Gold Standard*

Three dimensions of understanding operational independence in this report, which are all areas of confusion: information sharing, blurred lines between operations and policy, and the limits of political oversight and legitimate direction of police. Justice Morden stated that the Toronto Police Chief and PSB functioned under the “invalid notion that matters of policy and operations were to remain divided... with operations being the concern of the police” (Morden, 2012, p. 144). He also explained it is “impossible to apply” the general idea that “policies are for the Board and operations... the Chief of Police” (Morden, 2012, pp. 54-55). Morden helped provide clarity about the oversight role of a Board, thus offering a less expansive understanding of operational independence.

From the Denning decision in Britain that first sparked the confusion around operational independence to the creation of the *OPSA* in 1990 and the minimal clarity this legislation provided, it has been evident why the concept has caused so much controversy. With the creation of the Linden and Morden Reports, guidance and a new sense of clarity surrounding what operational independence consists of were apparent. Despite this guidance, both reports have been unsuccessfully applied within the police and government relationship, therefore allowing debates related to the varied understandings of operational independence to persist. These debates are problematic, because the Morden Report specifically set standards for the three dimensions of operational independence to successfully settle debates and offer clarity, albeit these standards have failed to be applied. These three dimensions of information sharing, policy versus direction, and political oversight and legitimate direction that are at the core of confusion about operational independence were highlighted in the Morden Report and explained in a manner that set the gold standard for future understandings. Broadly, this gold standard for understanding operational independence is focused most on the roles and responsibilities of a PSB in fulfilling their policing oversight function, which may include the intersection of policy and operations. Despite the existence of this gold standard, varied understandings of operational independence still persist amongst those in the police and government relationship.

When discussing the current understandings of operational independence, it becomes clear that due to the varied ideas and lack of clear definitions, many issues arise within police and government relations. Considering this instrumentally, the power dynamics between police and political authorities may not be understood to the greatest extent by those within these two bodies, due to the conflicting interpretations they possess about the concept that largely influences their relationship. Moving forward, it is necessary to seek further comprehension on how operational independence is interpreted, along with the roles and responsibilities of those in policing and politics throughout recent history. With the Freedom Occupation in 2022 demonstrating multiple policing failures in a manner that mirrors those found during the Ipperwash Crisis and the G20 Summit Crisis in Toronto, it is important to review how powerful individuals in policing and politics align or depart their understandings with the gold standard that is within the Morden Report. This knowledge will offer more insight into the police and government relationship, especially during future critical events like a pandemic or public order crisis. It is necessary to gain this knowledge, because Morden is currently the most detailed and definitive way of understanding operational independence and the distinct roles and responsibilities of police and political authorities. If understandings of operational independence are to be aligned with Morden, this would signify key decision-makers in the police and government relationship are working towards maintaining a balanced relationship that will promote effective and legitimate policing of public order crises. First, it is necessary to explore the current knowledge on the politics of policing public crises in recent Canadian history to gain an in-depth understanding of the challenges that emerge, which may influence how police approach enforcement during these types of events.

Chapter II: Policing Public Health Crises in Canada

In this chapter, I will be exploring what has been researched about external factors that have influenced the policing of public health crises, such as the impact of implementing policy and the role of the media in policing. Additionally, I will explain what is known about the policing of the Freedom Occupation in 2022. This will provide a rounded understanding of the current knowledge on pandemic policing in recent Canadian history. Specifically, this chapter will demonstrate the various areas of pandemic policing that scholars have explored, relating closely to the politics of policing in the context of public health. The purpose of this chapter will be to present the current knowledge that has led this thesis towards research on the policing of public order crises more generally, beyond health crises, to focus on the politics of policing the Freedom Occupation.

I – External Influences Impacting Policing During the COVID-19 Pandemic in Canada

The majority of research on the policing of the recent pandemic has targeted challenges police organizations encountered throughout the health crisis. Particular attention has been paid to the community and police relationship in research, leaving a gap in our understanding about the police and government relationship during the COVID-19 pandemic. To better understand this relationship during a health crisis, it is important to discuss what is known about the way policy was implemented in policing throughout the pandemic in Canada and how external bodies that hold power like the media impacted how the police and government functioned together. The current literature that primarily emphasizes these subjects provides a small window into the police and government relationship during the health crisis. This literature assists us in

understanding the pre-existing issues in the politics of policing, prior to the Freedom Convoy Occupation public order crisis.

The Implementation of Policy in Police Work During COVID-19

Police have assisted in the enforcement of public health in Canada not only throughout the COVID-19 pandemic but also throughout history, such as during the 1918 Spanish Influenza. The police have been said to possess an “impossible mandate”, where Roach states that they are “blamed for enforcing laws they didn’t make in a social context they have little power to change” (2022, p. 5). This has proved to be a challenge, when police are placed in the role of controlling public order crises that relate to political matters and enforcing unpopular COVID-19 policies and mandates for the purpose of public safety.

The communication of policies between the government and police appeared to be one of the greatest challenges of pandemic policing. Police are typically expected to be “the voice of authority, calm, and guidance” (Brito et. al., 2009, p. 1) in their communities, which resulted in their governments assigning them to communicate public health orders to the public and local businesses (Garcia, 2020). This presented itself as a challenge, due to the lack of consistency and up-to-date information law enforcement received from public health departments and internal communications from their own departments (Sanberg et al., 2010).

The communication of policies from political authorities to police throughout the pandemic in Canada presented itself as a challenge within the police and government relationship. The public health messaging was very ambiguous and cultivated great confusion amongst many Canadians, including the police (Zhang et. al, 2021). Such confusion may stem from the fact that the public were receiving messaging from three different levels of government

– federal, provincial, and municipal – which made it a challenge for citizens to understand and know what public health measures to follow and which the police would enforce.

A clear example of this ambiguous and unclear messaging about public health orders occurred in early 2020, when law enforcement in Halifax, Nova Scotia had to clear confusion through social media that they were stopping vehicles with two or more people (Valiante, 2020). They still claimed, however, that stopping random vehicles was part of their public health enforcement to stop COVID-19 (Valiante, 2020). This messaging raised concerns for many scholars, as there was nothing noting the police’s authority to stop vehicles in the public health orders they were given (Valiante, 2020). As a result of this confusion, the spokesperson for the Halifax Regional Police stated that questions regarding the “specifics” of the public health orders are the provincial government’s responsibility, thus taking accountability for the policing of public health away from police (Valiante, 2020). This is one example of the countless other instances of confusion regarding the public health policies that governments implemented for police to enforce.

The Ipperwash Inquiry advocates that the responsible minister, such as a Minister of Public Safety, may offer government directions to police that a police commissioner can accept or refuse, if these directives have not been suggested publicly (Roach, 2017). While this remains simply as a recommendation, it would have potentially assisted in the policing of the COVID-19 pandemic in Canada, as some police departments refused government direction on policing activities and dealt with confusion around policing certain directives. Confusion about the implementation of public health orders and policies had the ability to cause a wide range of problems for both law enforcement who were unclear about their role in enforcing public safety orders, and the public who may have unknowingly violated these orders. For this reason, Roach

(2014) argues that elected government officials should transparently take responsibility for policy in policing, while encouraging government accountability for the policy implementations they have told police to enforce. Throughout the pandemic, the police faced immense challenges enforcing vague and confusing government policies, so it is important to discuss various accountability measures for the government, as they failed to provide enough transparent directives (Broadhurst, 2021).

The Influence of Media on the Politics of Policing the Pandemic

In a policing context, some scholars suggest that if there is a crisis that gains enough media interest, it becomes a matter of public concern that police are often drawn into (Martin, 2004). Within the first several weeks of the pandemic in March of 2020, there appeared to be a global increase in negative media reports of police commonly displaying police abuse of powers (Jones, 2020). Some scholars have suggested that this rise in negative media reports of policing was largely the result of how police approached the enforcement of new laws around public health and safety (Jones, 2020). Enforcement often lacked in areas such as community engagement, and fostered fear of police within communities due to the use of extreme enforcement measures (Jones, 2020). Internationally, the troublesome ways in which police enforced public health laws such as curfews and stay-at-home orders resulted in a rise of negative media news stories about police that increased negative perceptions of law enforcement (Jones, 2020). According to Martin (2004), negative public perceptions of police have the ability to damage police legitimacy which can produce consequences such as public distrust of police and less community compliance with laws, which may lead to things such as civil unrest (Aborisade & Arivo, 2022).

When police legitimacy is eroded as a consequence of their troublesome actions being displayed in media and news stories, it is the police's responsibility to earn this legitimacy again.

One way for police to earn legitimacy is through positive news stories about their interactions with the public (Jones, 2020). Further, scholars have encouraged police use of social media during the pandemic, as studies have demonstrated that the public are overall supportive of their use of social media (Hu et. al, 2022). This can help police organizations combat some of the negative reports about policing and increase their positive interactions with the public, which can create a balance in the media (Hu et. al, 2022). This may be necessary for many police organizations during times of crisis like the pandemic, as there was an increase in social dissatisfaction with police spreading online. Social dissatisfaction with police online and through various media platforms had become problematic and encouraged police to seek partnerships with external organizations and/or government departments to deal with issues such as fake news regarding police work (Mesko, 2004).

The power of the media has not only altered police work but also the relationship between police and the government. Roach (2014) has argued that there is a growing polarization of Canadian politics online and on traditional media platforms, which has affected how society views the government and police relationship. Martin (2004) suggests that the relationship between police and the government has been forced to evolve into more of a partnership, due to both parties' needs to address matters of public concern, such as a public health crisis. For instance, when there is a matter of public concern that may be a controversial subject such as the need to maintain public health and safety by potentially infringing on Charter rights, governments and police need to negotiate with one another (Martin, 2004). When the matter is of public concern however, it typically gains the attention of media and may create controversy within society, resulting in protests and anti-protests that may increase violence within communities (Martin, 2004; Neufeld, 2022). For this reason, it is important to understand how

media can have a major role in policing during times of crisis, as it can influence how police and the partnerships they form with their governments are perceived by the public.

It appears that the role of the media requires further exploration, because of its impact on policing throughout the public health crisis in numerous ways. For instance in April 2021, police departments across Ontario announced on social media their refusal to enforce the Ford Government in Ontario's provincial order to conduct random stops during a Stay at Home Order (CBC News, 2021). This refusal appears to have been partially influenced by pressure from the public which surfaced online, due to concerns about racial profiling (CBC News, 2021). The choice to refuse this political direction during the pandemic shows how police used the argument of operational independence to not take political directives, which was also partially influenced by pressure from the public on various media platforms.

It is generally agreed upon that the government should only direct police on matters relating to policy and not in executing operations. Despite this, disagreements remain about what is definitively operational, with police often interpreting it differently from political authorities, such as during the 2021 public refusal of Ford's policing directive. By not having enough of an understanding about what should be considered policy or operations, police-government relations may become tense as the two parties clash over certain matters, such as the handling of a public order crisis sparked by a public health crisis, like the Freedom Occupation (Martin, 2004).

II – The 2022 Freedom Convoy Occupation

Roach describes the Freedom Occupation in Ottawa as a representation of “multiple failures of governance” (2022, p. 77). Prior to the convoy's arrival, the Ottawa Police Service (OPS) had

advance notice of the event and yet appeared unprepared (Roach, 2022). Meanwhile, the Ottawa PSB has a policy requiring a plan prior to any major event; a plan the Chief of Police is free to accept or reject, based upon enforcement objectives (Roach, 2022). Despite the Board's policy, it appeared that either no plan was made, or the plan was inadequate (Roach, 2022). Many scholars and those in the public affected by the occupation have been critical of the police response to the occupation, as the protestors remained in the city of Ottawa for three weeks. The police's inability to end the occupation made scholars believe there was an absence of effective governance of the police during this event (Roach, 2022). This lack of governance appears to have stemmed from those on the Ottawa PSB relying on vaguely defined notions of operational independence, which lead to what Roach calls a "lack of democratic direction to the police" (2022, p. 80). This lack of democratic direction was evident in the Ottawa PSB's deference to the police in their response and decision-making for the Freedom Occupation. This lack of direction left the OPS in control of developing a plan and with greater responsibilities, therefore increasing their independence (Roach, 2022). According to Roach, this represents dysfunctional police governance, as the Ottawa PSB should have assisted in plan development or provided policy directives that would assist in police operations (2022).

While the Freedom Convoy Occupation was taking place, there was prominent dysfunction in the police and government relationship in Ottawa. In mid-February 2022, the Mayor of Ottawa, Jim Watson, along with City Council members had chosen to vote for the dismissal of the chair of the Ottawa PSB (Roach, 2022). This vote created a chain of resignations and reappointments of individuals on the Board, with one Board member stating, "the police governance model is set for failure" (Roach, 2022, p. 79). With these changes in the PSB taking place, Roach argued they lacked in preparedness to govern the police with planning or policy

directives during the Freedom Occupation (2022). The Ottawa PSB's lack of preparedness likely contributed to the failures in the police's ability to end the crisis (2022). With the Ottawa PSB commonly deferring responsibilities for decision-making and planning to the OPS throughout the event, it is evident there was a degree of failure within the police and government relationship.

It was only when the federal government announced the invocation of the *Emergencies Act*, that the crisis ended. The *Act* authorizes measures during a public order emergency that may prohibit actions such as public assembly or travel to a certain area (Pue & Diab, 2010). As described by authors Pue and Diab, the *Emergencies Act* had never been used for policing public order emergencies, as its "powers... are not a suitable foundation for policing large public events" (2010, p. 18). Over a decade ago, the authors expressed concerns about the necessity for public order policing legislation because they believed the *Act* would not be appropriate for policing large events; yet a gap remains in Canadian legislation that would grant police the powers necessary to protect and keep the public safe during large-scale protests and occupations (Pue & Diab, 2010). This gap remained largely unfilled during the 2022 crisis, therefore leading the federal government to take more drastic measures to ending the Freedom Convoy occupation with the *Emergencies Act*. Roach argues that such a drastic measure may have been necessary, due to the policing and policy failures, and under governance of police, that provided an opportunity for the Occupation to last as long as it did (2022). Over a year later, the Rouleau Report has been released to the public, which outlines many of the issues and failures of police and government relations during this crisis, along with recommendations going forward. With the current trend of how police and government officials respond to groups of individuals that pose real or potential threats to public order, it is important to note what (and if any) changes occur going forward to combat the issues in how the police and government respond to public

order crises (Sancton, 2012). With one of the major issues being who is responsible and should be held accountable for the policing response to these crises, more research is necessary to gain knowledge about how both police and governments understand their relationship through perceptions of police independence.

Conclusion and Research Questions

This chapter has outlined the recent history of policing public health crises in Canada, which helps us locate where there is limited research about policing in the present and future during crises pertaining to public health. With the ineffective policing of the 2022 Freedom Convoy protest – led on the surface as an anti-COVID-19 mandates protest – in Ottawa coming to an end with the first use of the *Emergencies Act* in Canada, this raised concerns surrounding the scope of operational independence of police. Therefore, we must question how police and political authorities perceive, understand, and represent their interpretations of operational independence in the context of this crisis, which has been discussed during the POEC Inquiry. Instrumentally, the rhetorical strategies used by important players in and around the policing system during the POEC Inquiry can demonstrate the ways these powerful individuals used specific language and arguments to create definitive meaning about the politics of policing for their own benefit, as highlighted by the following question.

What are the representations and understandings about the nature of the relationship between police and political authorities, as seen through the window of competing interpretations about the concept of operational independence?

To further explore this question, the following sub-questions will also be asked:

- (iii) *Given that the Public Order Emergencies Commission (POEC) states the Gold Standard for understanding operational independence is found in the Morden Report, what players at the POEC Inquiry reflect or depart from this standard, and, in what ways?*
- (iv) *What are some of the rhetorical strategies that players at the POEC Inquiry used to justify their departures from the Gold Standard of operational independence?*

The nexus of policing and government/politics has been widely explained in areas such as economic policies and environmental policies; however the area of public health has been left under-researched. It is evident there is already research on the challenges of public order and health policing and broad ideas of police and government relations; however, the two topics have not been intertwined to fully grasp how police and government relations function during a major public order crisis situated within public health that may require ongoing government directives. I intend on contributing to the literature on this topic, to produce more knowledge about this relationship in Canada, with emphasis on the province of Ontario.

Chapter III: Methods and Data Collection

The following chapter will outline my chosen methodological approach used to collect, interpret, and analyse my data. With the overarching purpose of this thesis being to better understand the nature of the relationship between police and political authorities in times of a public health crisis through the window of competing interpretations of the concept of operational independence, the most appropriate approach was a qualitative reflexive thematic content analysis. Given that my thesis seeks to explore how key players within the police and government relationship interpret and make sense of the concept of operational independence, it was justifiable that I utilize a qualitative approach that places emphasis on meanings and observable patterns within language (Copes & Miller, 2015).

This approach provided me with the ability to conduct an analysis of the Public Order Emergency Commission's (POEC) online database of documents, thus giving me the opportunity to delve into the following research goals: (1) enhance our understanding about what the competing notions and interpretations are surrounding the concept of operational independence that circulated at the POEC Inquiry; (2) explore the potential consequences for the police and government relationship arising from these competing notions and interpretations about operational independence; (3) examine how major players in the police and government relationship utilize rhetorical strategies of communication to justify their interpretations of the concept of operational independence; (4) understand how these interpretations may reflect or depart from the gold standard for operational independence laid out in the Morden Report. With these four research goals in mind, it was essential to investigate the perspectives of key players within policing and politics using a qualitative content analysis, to better understand how their

interpretations about operational independence can inform us about the nature of the police and government relationship.

I – The Research Plan and Design: A Reflexive Thematic Content Analysis

With the intention to collect data on competing interpretations about the concept of operational independence, it was necessary to utilize an analytic method that would aid in identifying meaning-based patterns within my data set (Terry & Hayfield, 2021). Using a qualitative approach with a reflexive thematic content analysis gave me the ability to generate themes with meaning-based patterns, which helped me analyse the data and answer my research question. Conducting qualitative research in criminology has been referred to as collecting and interpreting “the meaning of textual, verbal, or real-world observational data to inform about the causes, nature, and consequences of, as well as the responses to, crime” (Copes & Miller, 2015, p. 3). A qualitative approach has been useful for my research, as it relies on patterns and meanings found in language (Copes & Miller, 2015). Additionally, adopting a thematic approach has allowed me to identify meaningful patterns in language that circulate around one or more main concepts (Terry & Hayfield, 2021). In this sense, it has been useful for helping me answer my research question and reach my goals situated around what has been said by key players in the police and government relationship about the concept of operational independence.

Reflexive thematic analysis has been explained by Braun and Clarke (2019) as a method that follows the values found within a qualitative paradigm, whilst focusing on the subjectivity of a researcher, the process of coding, and deep engagement with the data. When utilizing reflexive thematic analysis, great importance is placed on the researcher specifically pertaining to their role in producing knowledge, their theoretical assumptions, and their reflexivity throughout the

analytic process (Braun & Clarke, 2019). The idea of reflexivity has been described by Terry and Hayfield (2021) as the position of the researcher in relation to their topic of research. Locating the position of the researcher can include discussing how their understanding of the topic may influence the analysis and acknowledging how they cannot be separated from their own autobiographies, thus bringing their individual values to the research (Lumsden et. al, 2019). Furthermore, according to Lumsden et. al, a reflexive thematic approach “enables us to be conscious of the social, ethical, and political impact of our research; the central, fluid, and changing nature/s of power relations” (2019, p. 4). This is particularly useful for my research, as I have been mindful of the instrumental conditions that affect the police and government relationship.

With this method, researchers can generate themes based on their interpretations of and engagement with the data (Terry & Hayfield, 2021). Themes have been explained by authors such as Braun and Clarke (2019) as “patterns of *shared meaning* underpinned or united by a core concept” (p. 593). Themes are built from codes, which have been described as “a name or label that you assign to a chunk of the data” (Terry & Hayfield, 2021, p. 35). Codes are used to engage with data through interpretation and aid in reducing the size of the data into organized lists that share similar meanings (Terry & Hayfield, 2021). A reflexive thematic analysis is a particularly relevant method for my research because it enabled me to systematically code and analyse my qualitative data whilst remaining mindful of my subjectivity (Braun & Clarke, 2012). For example, taking a deductive approach to analyze my data, I began with pre-existing codes in my dataset such as “political interference” or “lack of accountability” that include the words of key players that draw on discourses I subjectively interpreted share similar meaning⁵. Moreover, a

⁵ Please see Appendix A for the codebooks that provide more detail on the list of codes derived from the dataset.

benefit of reflexive thematic analysis is the ability to be theoretically flexible. This flexibility permitted me to adopt a constructivist theoretical framework and use a deductive approach for the data collection, coding, and analysis portions of this thesis (Terry & Hayfield, 2021).

According to Copes & Miller (2015), a constructivist framework allows a researcher to look at the meaning behind how reality and different truths are constructed and interpreted in their data. Using a constructivist approach with reflexive thematic analysis, I have produced themes from codes using latent – in-depth and underlying ideas – as well as semantic content – surface level ideas – that I believe captured the surface level and in-depth shared meanings within the data (Terry & Hayfield, 2021). Taking on a constructivist framework also provided the opportunity to formulate codes based on the different truths existing in the dataset related to operational independence and the police and government relationship. This was the best choice for my research, due to the variance in key players' notions of truth and individual perspectives about operational independence in the data, which all needed to be considered.

II – The Data: Sample and Collection

To obtain data on understandings about the relationship between police and political authorities in times of a public health crisis, it was necessary to find a dataset that would be situated in the time of the COVID-19 pandemic. Furthermore, research on the police and government relationship through the window of understanding interpretations about operational independence in Canada has primarily utilized publicly available documents and reports. Specifically, most of the research surrounding this topic has focused on the contents of the Morden Report, the Ipperwash Inquiry, and various reports about issues surrounding police organizations and their PSB. The recent POEC Inquiry into the circumstances leading to the

invocation of the Public Order *Emergencies Act* in Canada during February of 2022, is arguably the best place to locate data for this research endeavour. The POEC online database is now one of the largest, publicly accessible collections of documents and transcripts from political authorities and policing powers in Canada, consisting of thousands of pages that pertain to the police and government relationship. The POEC Inquiry occurred in late 2022, as a result of the proclamation of the *Emergencies Act* by the Canadian Federal Government. The *Act* was invoked as a response to protests throughout Canada and specifically Ontario, which were provoked by the COVID-19 public health measures enacted by the government (POEC, Volume 1, 2023). When these protests primarily driven by the Freedom Convoy had lasted for several weeks, the Federal Government found that no plans, power, or legal tools would be enough to end the protests and they had turned to invoking the *Emergencies Act* (POEC, Volume 1, 2023). When this *Act* is invoked, it is necessary for the government to hold an inquiry once the emergency has concluded. This inquiry examined a number of factors leading up to the declaration of the *Act*, including the role and efforts of police throughout the public order crisis (POEC, Volume 1, 2023).

In order to examine these factors related to policing the event, the POEC held public hearings over 31 days, with 76 witnesses, and over 8900 pieces of evidence (POEC, Volume 1, 2023). The hearings began on October 13, 2022, and ended on December 2, 2022, for a total of 36 days in Ottawa, Ontario⁶. Within these hearings was testimony from multiple groups of people involved in the event, including police and political leaders – all of whom were under oath (POEC, Volume 1, 2023). Based on the literature already surrounding the policing of the Freedom Occupation and the *Emergencies Act* from Roach (2022), it was already known to me

⁶ Please see Appendix A for more detail about data collection and sources.

that the policing of the crisis was inadequate and included “multiple failures of governance” (p. 77). Based on this knowledge, I was aware issues surrounding the relationship between police and political authorities would be a topic of discussion at the POEC Inquiry that would offer rich data for my research. Evidently, the transcripts and related supporting documentation available publicly on the POEC online website database was the most suitable and relevant data to rely on. The available documents that can be found on the POEC online website were “made available to the general public and media throughout the inquiry, including decisions, policy papers, overview and institutional reports as well as exhibits” (POEC, 2023). This is unique, as many of these documents would otherwise not be available to the public if it were not for the POEC Inquiry. Furthermore, the transcripts including important authorities in power within politics and policing are the result of hours-long interviews which had been conducted by professional cross-examiners, under oath. With these documents and transcripts as the source of my data, it helped guarantee more transparency and truth in what was said, which has provided me with an abundance of accurate data to utilize for this research project. It is important to note that under a constructivist framework, I was not seeking one objective truth, but rather, each individuals’ most honest construction and representation of what operational independence meant to them. Utilizing a data set in which all the key players were under oath provided me with more confidence that I would find out their different truths through their own honest understandings, which would provide insight into the police and government relationship.

Given the breadth of the data found on the POEC website, I engaged in purposive sampling which can be described as a non-probability sampling method that selectively focuses on certain characteristics of interest (Rai & Thapa, 2015). This provided the opportunity to conduct an in-depth analysis of the sample I chose, which included transcripts from testimonies

by witnesses with relations to policing and politics in Ontario, closing submissions from police and political authorities, and pieces of evidence submitted by the municipal governments in Ontario and the Ontario provincial and federal governments. This sample was beneficial because it provided a full viewpoint of perspectives from those amongst policing and politics. Alongside the primary sample taken from the POEC website's documents, I also chose to expand my sample to include public utterances made by the Ontario provincial government and most notably, Premier Doug Ford. Ford's public utterances are in relation to the police and government relationship and operational independence around the time of the Freedom Convoy protests. This expansion was due to Ford refusing to attend the POEC Inquiry, and, thus, needing data to make up for this gap. To find and retrieve this data on the provincial government, I online searched under the Google News tab "*Ford Government Emergencies Act Inquiry*" and used the first fifteen articles that spoke of Ford's statements about policing within my sample.

With my chosen sample of publicly available documents and written text, I downloaded these into an electronic folder on my personal computer to later input into an electronic qualitative data analysis software. I entered each piece of data as a pdf into my software, NVivo to begin coding and analysis. Using this online software provided the opportunity to conduct an in-depth analysis of the documents and text in my sample whilst having my data organized and stored in one place for easier access. With the size of my dataset, the utilization of the NVivo software helped facilitate a more sophisticated and detailed analysis (Nowell et. al, 2017).

III – Data Analysis

I approached my analysis of the data with what Braun and Clarke (2012) describe as the six phases of a reflexive thematic analysis: (1) familiarization of the data; (2) coding; (3) the

generation of initial themes; (4) the development and review of themes; (5) providing names and definitions for themes; and (6) writing the report. I found this approach to data analysis was an appropriate tool for reaching my research goals and working with my dataset, as it allowed me to engage with my data in an effective way. Furthermore, I chose a deductive approach for analysing my content. Working with a deductive approach entailed a top-down approach for generating codes and themes, meaning that my pre-existing knowledge about the topic based on my literature review along with my theoretical approach, helped drive the creation of codes (Terry & Hayfield, 2021).

Utilizing a deductive approach provided the opportunity to create codes based on the knowledge I gained from my literature review about past public order crises in Canada and the nature of the police and government relationship during these events⁷. This approach was largely based on my theoretical and analytic interests and research goals (Nowell et. al, 2017). One example of this approach is the manner of how I found a common theme in the literature circulating about political interference in policing matters. This theme was often found in literature relating to the Ipperwash Crisis and in the language used by Justice Linden. Linden stated in the final Ipperwash Inquiry Report, “police and government policy makers involved... are more acutely aware of the importance of both perception and fact of political interference in police operational decision-making because of their collective desire to avoid another Ipperwash” (2007, II, p. 301). This idea around the perception of political interference in policing had commonly been discussed in literature pertaining to the policing of public order crises and thus, it became evident I would find it relevant enough to include as a code for part of my data. The creation of this code was also based on my constructivist approach to data analysis,

⁷ Please see Appendix A for detailed codebooks.

as I wanted to understand the perceptions about, and meanings behind political interference in policing. Therefore, using a deductive approach for my analysis helped me develop themes from codes that have proven to be of value, based on my pre-existing knowledge of the relevant literature.

By choosing a deductive approach for analysing my data, it made the first and second phase of conducting a reflexive thematic analysis much simpler. Whilst familiarizing myself with my data through what Braun and Clarke (2012) call “reading with a purpose” to actively engage with the data, I already had an idea of the types of coding categories I would develop for my analysis. This made the transition from familiarizing myself with the data to coding much faster and more efficient, as I was already acquainted with the data and had pre-existing knowledge of what pieces of data would be assigned to certain codes (Terry & Hayfield, 2021). While I coded, I used semantic and latent codes to capture both surface level and underlying ideas (Terry & Hayfield, 2021). This allowed me to identify what was said by major players in policing and the government by diving into not only the explicitly direct meanings of their language but also the implicit and in-depth interpretative ideas behind their words. By utilizing both semantic and latent coding, I gained a more rounded view of how major players constructed their perceptions and interpretations of main concepts such as operational independence and political interference.

With the codes that I developed, I moved forward with the last four phases of conducting a reflexive thematic analysis: generating themes, developing and reviewing themes, defining themes, and writing my report (Terry & Hayfield, 2021). When generating my themes, I focused on the meaning and relations within my codes that could be joined together to construct the core of a theme (Terry & Hayfield, 2021). For instance, combining codes about political authorities’ perceptions of police independence and police perceptions of their independence helped create

the theme titled Perceptions of Police Independence. After the initial generation of themes, I then reviewed the content within them to determine whether I needed to go back to the coding stage to develop the ideas they portrayed and help define them. Once the themes that I generated were adequate, I was able to write my report, which will be outlined in the next chapter. The six phases of conducting a reflexive thematic analysis provided me with the ability to generate themes that demonstrate how operational independence is interpreted by major players at the POEC Inquiry, which provide insight into the nature of the police and government relationship during a public health crisis.

IV – Limitations and Considerations

While one of the core components of a reflexive thematic analysis is subjectivity, some researchers may argue that this limits the ability to remain objective throughout the research process (Terry & Hayfield, 2021). It is therefore necessary to remain reflexive, as reflexivity helps acknowledge the values that a researcher brings to their research and how these values can impact their interpretation of their data (Lumsden et. al, 2019). To consider how my values as the researcher can influence my research, it is important to consider what brought me to studying this topic. Living in the province of Ontario throughout the COVID-19 pandemic, I was subject to the ongoing public health measures that the provincial government told police to enforce. With the varying and ever-changing nature of the pandemic, I felt it was difficult to stay updated on these public health measures and was interested to know how police were going about enforcing them as well. For instance, border closures from Ontario into Quebec occurred within the National Capital Region and were monitored by police for the purpose of minimizing the movement of people, but I needed to cross this border for essential work purposes. When I

discovered that the police had let me pass without question, I became curious about the difference between how the government portrayed the enforcement of COVID-19 related policies on paper and how the police chose to operate and enforce these policies on the ground. Furthermore, when the police across Ontario chose to refuse the provincial government's order in April 2021 for police to conduct random stops during a surge in COVID-19 cases, my interest in police and government relations increased. At this point during the pandemic, I began to question how police may be given an order/directives and powers to enforce it, and yet, could refuse the order. This led me to discovering the debates surrounding the operational independence of police, thus sparking my interest in producing academic research on the topic of operational independence during a public health crisis. This interest undeniably influenced my research choice, which must be acknowledged through reflexivity.

Consideration must also be placed on the ability for this research to be reproduced. Conducting a reflexive thematic analysis as one researcher can limit whether my research can be reproduced due to the emphasis this type of analysis places on subjectivity. The lack of reproducibility of my research may be seen as a weakness of this chosen method, as it can limit another researcher's ability to determine if my findings are reliable. To combat this methodological weakness, it was necessary to track my coding process to ensure clarity in how I went about coding my data, and that I remained mindful of how reflexivity may have influenced my interpretation of the data (Lumsden et. al, 2019).

Another main consideration for the research I am conducting is how the data I have chosen may limit my findings. While I am grateful for the abundance of public documents and transcripts found on the POEC website and news articles about the provincial government, this has limited my findings to written text. Without the ability to hear the verbal aspect of the words

I have included in my dataset, I may have lost part of how major players at the POEC Inquiry produced meaning for concepts that are important to my research. For this reason, the dataset for my research is one of many windows into the way major players in the police and government perceive, interpret, and understand the concept of operational independence. Despite being only one window into understanding how perceptions of operational independence can inform the police and government relationship, the POEC documents and news articles included in my data are highly relevant for the purpose of conducting this research. The inclusion of rich discussions from major authorities in policing and politics about their relationship, along with individual perceptions of operational independence within my data set have provided a more than adequate means to produce findings. This data along with the utilization of a reflexive thematic analysis, have given me the opportunity to produce findings that contribute to discussions about police and government relations in a meaningful way. These findings shall be presented in the following chapter, based on the themes I have generated using data from the POEC Inquiry and various news articles.

Chapter IV: The Three Dimensions of Confusion: Findings from Discussions at the POEC

Inquiry

Introduction

This chapter explores the discussions found within various documents and transcripts from the POEC Inquiry and news articles relating to the Freedom Convoy Occupation, specifically pertaining to the relationship between police and political authorities in Ontario, Canada⁸. The themes that were created through my interpretation of the data will be presented in tables and discussed. These themes circulate around competing interpretations and understandings of the concept of operational independence, in the context of a public health crisis. The tables displayed for each of the three over-arching themes include data extracts from numerous key players at the POEC Inquiry that assist in demonstrating the central ideas, arguments, and rhetorical strategies those within policing and politics presented in discussions relating to the police and government relationship.

There are three main themes present in this chapter, with sub-themes that explore more in-depth ideas. These themes circulate around the three most prominent dimensions of confusion about the police and government relationship found amongst key players in policing and politics throughout the POEC Inquiry. The first theme conveys communication and information-sharing amongst police and political authorities, with sub-themes relating to collaboration between parties, communication, and the necessity of information-sharing. Perceptions of police independence and the evolution of blurred lines to Church and State (i.e. operations vs. policies for policing) is the second theme presented in this chapter, with sub-themes about perceptions of operational independence from the policing and political perspectives, policy matters, and

⁸ See Appendix B for detailed tables of data extracts.

accountability. The final theme highlights the question of what is considered political direction and oversight versus interference, with sub-themes relating to democratic oversight, appropriate political direction, and political interference and pressure in policing. Throughout this presentation of the findings from the POEC Inquiry and related articles, the three dimensions that represent the most prominent points of confusion within the police and government relationship will be reflected on empirically, and, in a manner that will be explored further in the final chapter.

I – Communication and Information-Sharing

Discussions commonly arose throughout the POEC Inquiry and news articles, about how communication amongst different parties presented itself throughout the public order crisis. Notions about the extent to which political authorities and police should communicate with one another were often presented, with a focus on the sharing of information and how communication can foster stronger collaboration internally within government bodies and police departments, and externally amongst political authorities and police. This theme highlights both the perceived successes and failures in communication, collaboration, and the sharing of information, whilst indicating how different players at the POEC Inquiry understand their role and engagement in the policing of the crisis. The tables below present data extracted from codes that helped generate this theme, which best represent what key players have stated about collaboration, communication, and information-sharing.

Collaboration Between Parties

This sub-theme represents what key players specifically in politics, have described about the collaborative nature of the relationship between police and the government throughout the crisis.

Many of the data extracts describe the advantages of collaboration, levels of engagement amongst police and politicians in solving the crisis, and the willingness to support one another. A common assertion found in statements and the Closing Submissions and Institutional Report documents at the POEC Inquiry, was that governments and politicians were aware of the advantages of engaging in communication and information-sharing with police. These statements displayed how their levels of collaboration helped support policing services, as seen in examples from the table below:

City of Ottawa	Closing Submissions - POEC	There are advantages to engaging politicians to assist with responding to a protest. An RCMP officer, John Brewer, articulated some of these in an email to Commissioner Lucki sent during the events of the Freedom Convoy, on February 2, 2022. In his email, Mr. Brewer explained how his team had been “heavily engaged with these sort of ideologically driven protest for a while now” and that “these types of protests leave very limited capacity for police to solve this situation, without some movement by government to allow protestors to have a ‘win’ of sorts.”
City of Windsor	Closing Submissions - POEC	WPS worked through appropriate policing chain of command structures to secure the resources necessary to safely clear the occupation. WPS quickly and seamlessly established a joint command with the Ontario Provincial Police (“OPP”) to respond to the Blockade. WPS and the OPP, together with policing partners including the Royal Canadian Mounted Police (“RCMP”) and other municipal police services, successfully cleared the blockade of the Bridge by Sunday February 13th, peacefully with no loss of life or serious injury to the public, protesters or the police.
City of Windsor	Closing Submissions: Policy Phase – POEC	The Ambassador Bridge blockade represented an unprecedented challenge; and one which revealed the importance of swift, effective communication and cooperation within and between all levels of government to support police operations
Mayor Drew Dilkens (Windsor)	Public Hearings – Volume 18 – POEC	I may have had, on any given day – not may have had; probably more than five conversations every day with the Chief of Police about the activity that was happening in Windsor related to the Freedom Convoy. And so it didn’t mean if I didn’t – wasn’t in that particular meeting that there was an absence of information because there was great communication throughout the City, great communication inter-governmentally at the time and for the duration of the protests.

Prime Minister's Office	Institutional Report – POEC	Throughout these events, the Prime Minister continued to receive situational updates at least daily, and communicate with his key ministers about their interactions with provincial and municipal authorities to ensure that all levels of government understood their jurisdiction, that the federal government understood the needs of the police of local jurisdiction who were managing the situation, and to ensure that the federal government was offering all possible assistance and support within existing authorities.
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As indicated above, key players in politics argued, that the government support provided to police during the crisis helped safely and effectively resolve the occupation. Furthermore, their statements support the flow of information and effective cooperation between parties to assist police operations, rather than interfere in them. Other individuals in politics also expressed their willingness to help and support policing services throughout the crisis, as indicated in their discussions during testimonies. While some key players expressed positive experiences in collaborating with other parties, others noted difficulties in figuring out what exactly could have been done to assist police during the event. Additionally, some individuals specifically noted the lack of collaboration from the Ontario provincial government, which was a topic of conversation presented during testimonies with several key players. Overall, the findings demonstrate that political authorities at the POEC Inquiry generally perceived their collaboration with police throughout the Freedom Occupation as positive, but the majority were also aware that there was plenty of room for further collaboration that should have occurred, primarily with the Ontario provincial government. The contrast of these two perceptions about communication and collaboration generally come from the successes in policing the situation in Windsor and the failures in policing the occupation in Ottawa. While statements that positively reflect communication and collaboration were displayed in the table above by key players like the

Mayor of Windsor, the discussions about policing failures or problems with collaboration are exemplified by individuals such as the Mayor of Ottawa and the Minister of National Defence.

Ian Freeman (Chief Administrative Officer, Government of Ontario, Ministry of Transportation)	Public Hearings – Volume 20 – POEC	I think it is important to know, we were certainly there to support the OPP but at this time, we had been having discussions with the federal government and others about what else can the Province do... So we were looking at all sorts of different angles. We were there to assist the OPP; we weren't doing any direct enforcement, but we were trying to gather information just like many other people were as well.
Minister William Blair (Minister of National Defence, Government of Canada)	Public Hearings – Volume 27 – POEC	It was my intention to convene all three orders of government, to bring them to a table. Because I believed that all three orders of government had a role and responsibility here. I believe good communication between all three orders of government could have been facilitated by convening, you know, a meeting among – initially it was attempted to do so with, at the political level, and as you said it wasn't entirely successful. But what we – I believe what we are able to achieve is convening officials to come to that table. Because I believe that the events transpiring in Ottawa did – really did require good communication, you know, clear and – clear expectations and communications in how we could assist each together. All of us had a responsibility, all of us had a role to play. And I was attempting to convene that.
Mayor Jim Watson (Ottawa)	Public Hearings – Volume 4 – POEC	<p>The Premier did not come to Ottawa during the occupation... But you know, we had an open line of communication with the Premier, but I felt that – I think he was probably more comfortable not getting into the mix of this until they were able to come up with the number of officers that he could announce were supporting our officers.</p> <p>My sense is that he {the Premier} didn't necessarily want to wear the situation because he felt that it was very much the responsibility of the Ottawa Police Service. And I fundamentally disagreed with them. I said of course they're the lead police service, they have that legal jurisdiction, but we need the help of the other two orders of government with police officers.</p>

Some of the problems represented in the statements above appear to originate in the lack of accountability the Premier of Ontario, Doug Ford had taken on in his role to assist police during the occupation in Ottawa. This is evident when Minister Blair described his unsuccessful attempts to bring together all three levels of government to increase collaboration and effective

communication. This lack of accountability was also displayed in Mayor Watson’s belief that the Premier felt as though the Occupation was not his responsibility and was instead the responsibility of the municipal police service.

Communication

The requirement for effective and proper communication was commonly discussed within the data with notions about appropriate levels of communication, requests, and consultations within the police and government relationship being highlighted. The findings on this sub-theme indicate that key players in policing and politics faced complications during attempts to effectively communicate through appropriate channels and chains of command, due to the nature of the crisis. The inability to communicate through the correct channels or chains was an important part of discussions at the POEC Inquiry, as seen in the following excerpts:

Commissioner Thomas Carrique (OPP)	Public Hearings – Volume 11 – POEC	As we discussed earlier, normally that request would come directly to me. So at this point in time, I’m responding to a request that has been made public and is yet to be received by me. The request was directed to the Premier and to the Solicitor-General, so I wanted some assurance that that request would be passed over to me, which I was the appropriate recipient of that request. It should have been sent to me initially.
Patricia Ferguson (Acting Deputy Chief of OPS)	Public Hearings – Volume 6 – POEC	<i>Mr. Frank Au:</i> Okay. Let’s take that a bit further, “information sharing – incomplete and unknown command structure”; do you agree with that? <i>Acting Deputy Chief Patricia Ferguson:</i> We use different command structures than the OPP and the RCMP, and so I think they were looking to see us following true models. They vary slightly but I do think at points we were not following the command structure, and I believe that, you know, as I alluded to before, we had people who were jumping – jumping chains and maybe getting down into areas they didn’t need to be to try to speed things up.
National Police Federation	Closing Submissions – POEC	It was quickly apparent that the OPS’ initial requests were insufficient; its resource needs were extraordinary. Chief Sloly requested the assistance of the Ottawa Police Services Board and Mayor’s Office to advance and amplify the OPS’ requests through political channels... Chief Sloly agreed that it was not normal to request police resources

		through political channels but indicated that he wished to signal that Ottawa was “under very unique and different circumstances”
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There were a series of problems presented in discussions about communication, relating frequently to how and why requests were passed along to the wrong party or jumped chains of command, signalling confusion about appropriate levels of communication. Many justifications for these problems were grounded in the idea that the crisis was an unforeseen event that required requests for things such as additional policing resources to be received faster than normal. As indicated above by the National Police Federation, the unique circumstances of the Occupation in Ottawa meant the OPS’ resource needs were greater than normal. With extraordinary requests for resources, the OPS evidently jumped chains of command, producing issues in the chain of communication that is normally required. This jumping of chains caused communication issues, such as those discussed by OPP Commissioner Thomas Carrique. This issue is presented from two different perspectives in the table above; one perspective that argues the reasons why communication was not following the chain of command structure and another perspective, which represents the issues caused by these communication decisions. Furthermore, some key players such as those in the OPS and OPP presented problems related to miscommunications from political authorities or a lack of knowledge about what is appropriate communication between a police chief and those in political oversight roles, as highlighted in these discussions:

Ottawa Police Service	Closing Submissions – POEC	OPS recommends the creation of a National Framework, through consultation with relevant policing stakeholders nationwide, to address large demonstrations. This National Framework should be aimed at creating common terminology and definitions, best practices, and thresholds relating to: i. Information sharing and communication across all levels of government and police authority;
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Craig Abrams (Superintendent of the OPP)	Public Hearings – Volume 7 – POEC	<p><i>Mr. Brendan van Niejenhuis:</i> And these kinds of operational disagreements are not typically brought to the awareness of the political level; fair?</p> <p><i>Supt. Craig Abrams:</i> It’s not something certainly at my level.</p> <p><i>Mr. Brendan van Niejenhuis:</i> It would not be appropriate to directly engage the political level in operational questions like that; is that fair?</p> <p><i>Supt. Craig Abrams:</i> It would not be inappropriate?</p> <p><i>Mr. Brendan van Niejenhuis:</i> It would not be appropriate.</p> <p><i>Supt. Craig Abrams:</i> Appropriate. I’ve – at my level it’s not something I’ve ever been engaged with. At a Commissioner level, a Chief level, I can’t speculate, I’ve never held those ranks, so I’m not sure what is appropriate or not applicant for a Chief of Police or a Commissioner to communicate with a politician</p>
Peter Sloly (Former Chief of OPS)	Closing Submissions – POEC	<p>The Morden Report was drafted in the context of an operation that had been planned for months and set out a concept of “operational responsibility” which encompasses “the police service sharing operational information with the police Board both in advance of and after the operation, thereby enabling the police Board to engage in prospective governance and retrospective accountability.” The Board was not briefed once during the G20 protests. Even then, the Morden Report warns against the possibility that information-sharing obligations could become “overwhelming” for a police service. The events related to the Freedom Convoy were unplanned, unforeseen, unprecedented, and extremely fluid.</p>
Peter Sloly (Former Chief of OPS)	Public Hearings – Volume 12 – POEC	<p>There was a discussion... around how many staff had been sent over, and again, I said, “well, there was a miscommunication from the Solicitor-General that that left the impression that 1,500 officers from the OPP or from across the province were here in Ottawa on a daily basis.”</p> <p>And I again explained the challenges, the public trust and confidence challenges that that caused us.</p>

The variance in understandings about what is adequate communication amongst parties is representative in the statements above. A lack of understanding about the police and government relationship has hindered understandings around communication and information sharing. For instance, OPP Superintendent Craig Abrams said how due to his rank, he is unsure of the appropriate communication between police and politicians, and, former OPS Police Chief Peter

Sloly, indicated that information sharing obligations can be “overwhelming” for a police service. This variance in understandings and arguments about the extent of appropriate communication required during a crisis in the police and government relationship has evidently imbedded itself in the conversations of key players in policing throughout the POEC Inquiry.

The Necessity of Information-Sharing

The extent of information-sharing between police and political authorities was an important topic discussed in relation to the nature of the police and government relationship. Perceptions of information-sharing and the necessity for police to share operational information with their PSB is an important aspect of this theme, which helps contextualize how key players navigate the relationship between police and the government. Many individuals throughout the POEC Inquiry dived into discussions about the obligations for information-sharing in relation to operational information, as indicated below:

Justin Trudeau (Prime Minister)	Public Hearings – Volume 31 – POEC	<p><i>Ms. Jessica Barrow:</i> We’ve heard evidence from you about your understanding of intelligence information as well as operational planning at various points throughout the events in Ottawa, and I just want to clarify your role as it relates to that information. And I take it it’s not your role as Prime Minister to collect intelligence information; is that correct?</p> <p><i>Prime Minister Justin Trudeau:</i> No, it’s not.</p> <p><i>Ms. Jessica Barrow:</i> Similarly, it’s not your role to review the details of an operational plan?</p> <p><i>Prime Minister Justin Trudeau:</i> No, certainly not.</p>
Robert Stewart (Deputy Minister of Public Safety, Government of Canada)	Public Hearings – Volume 22 – POEC	I would observe however, and this is why I raised it this morning, that that has become an issue in a number of domains where people have asked what’s the division between requests for information and advice which this I think constitutes versus what are, you know, versus what are, you know, sort of interference or, you know, engagement in police operations. And so I’m – I would certainly agree with the proposal that that could be clarified.
Mario Di Tommaso (Ontario Deputy	Public Hearings – Volume 21 – POEC	No. and with regards to this particular section here, I think that the Police Service Board is entitled to receive operational information in-camera. The Morden Report states that. Now, the Morden Report does

Solicitor General)		not have the force of law, but one of the recommendations certainly says that a Board is entitled to receive that operational information.
Peter Sloly (Former Chief of OPS)	Public Hearings – Volume 12 – POEC	<p><i>Ms. Natalia Rodriguez:</i> Right. But your obligation to provide the Board the information they need in terms of to be able to exercise their oversight function, that's irrespective of whatever internal issues the Board may be dealing with on its own; right?</p> <p><i>Mr. Peter Sloly:</i> It is a factor that came into my consideration as to the level of detail that I could provide on intelligence, threat risk assessments, operational plan, or other operational details.</p> <p><i>Ms. Natalia Rodriguez:</i> So is your evidence that the reason that more information on the operational plan was not provided to the Board because you had confidentiality concerns about that Board specifically?</p> <p><i>Mr. Peter Sloly:</i> My evidence is that is one of the factors I had to consider, yes.</p>

The discussions above represent the ideas politicians had about the limitations to gathering operational information from police. The explicit contrast between interpretations about what information can or cannot be shared with politicians is clear; for instance, Peter Sloly from the OPS demonstrated a multi-layered answer for not providing his PSB with the entirety of information pertaining to operations. Prime Minister Justin Trudeau also made it evident he understands his role in the politics of policing but made no effort to clarify his ability to provide questions for the Minister of Public Safety to ask police if necessary during an emergency. Meanwhile, Deputy Minister of Public Safety Robert Stewart interpreted the limits of information sharing as a confusing topic that must be clarified, and the Ontario Deputy Solicitor General argued that a PSB is entitled to gathering operational information based on the Morden Report. The contrasting statements exemplify the ongoing debate amongst those in policing and politics about information-sharing within the police and government relationship, further representing the need for more clarity.

The idea that politicians requesting operational information from police must be very careful to not interfere in policing was also highlighted throughout discussions. Many key

players sought to clarify from their own perspectives, what constitutes political overreach in policing when requesting information. Furthermore, some also outlined what they believe is necessary to ensure information-sharing requests avoid interference, whilst protecting police independence:

Ontario Provincial Police	Closing Submissions - POEC	The police leader should address requests for information with consideration of what the governing body needs to know to carry out its responsibility to ensure adequate and effective policing. The government and police governing bodies represent the public interest, and a police leader is accountable, and as such needs to provide sufficient information to enable those bodies to fulfil their respective roles, while protecting the necessary sphere of police independence, and guarding against political over-reach.
Commissioner Brenda Lucki (RCMP)	Public Hearings – Volume 23 – POEC	Sometimes what happens is when you're into problem solving, problem solving can sometimes translate into, you know, "we should do this and we should do that. Could we do this and could we do that?" And sometimes that – people might feel that that's direction. I don't consider any of that direction. Direction to me is something that you specifically would turn to me and say, "Commissioner, we need you to do this," or, "Don't do this." That's direction. That's interference. We don't get any of that. It's strictly an exchange of information, for the most part.
Jody Thomas (Deputy Minister of National Defence)	Public Hearings – Volume 25 – POEC	<i>Ms. Shantona Chaudhury:</i> So from your perspective, keeping in mind the need for police independence, which – <i>Ms. Jody Thomas:</i> Absolutely. This isn't interference or telling them what to do, and it's not getting in the way of an operation. It's just information flow.
The Toronto Police Services Board	Institutional Report – POEC	Justices Morden and Epstein share the view that in order to properly discharge its statutory governance and oversight role, a police services Board needs to receive adequate information from the chief of police—including detailed operational information, where necessary. The "information exchange" facilitated by a proper consultation protocol ensures that policy vacuums do not develop that could compromise the board's general objectives and priorities. The "information exchange" also permits a proper review of operational plans and recommendations (but not direction) by a Board where a particular aspect of an operational plan is inconsistent with legal requirements or community norms and values.

Throughout this section on communication and information sharing amongst police and politicians, it is evident that many key players at the POEC Inquiry tied the concept of

information-sharing back to the operational independence of police. Additionally, it was found that many of the problems with miscommunications and collaboration that surfaced during the event can be related back to a lack of clarity surrounding the line between appropriate information exchange and requests, and interference or political overreach, such as in the contrasting statements about information-sharing between Peter Sloly and the Ontario Deputy Solicitor General. Common arguments for why there was minimal collaboration or communication between police and politicians often relied on the idea that the event was a “policing matter”. These arguments reflect the ambiguity of the policing legislation in Ontario, as it is clear whom info must be shared with, but fails to say how, why, or when it should be shared. This ambiguity in the legislation therefore leaves space for arguments justifying why information sharing and communication lacked.

While some key players such as those situated in Windsor, Ontario during the crisis felt they had great collaboration, communication, and information-sharing, those dealing with the crisis in Ottawa faced issues such as improper jumping of chains of command, minimal information exchange amongst police and their PSB, and an overall lack of clarity surrounding the ability for a Board to request operational information. The findings of this section about communication, collaboration and information sharing represent the ongoing confusion about this dimension of the police and government relationship that has produced debating ideas that result in issues when a crisis occurs.

II – Perceptions of Police Independence: From Blurred Lines To “Church and State”

The independence of police, specifically pertaining to their operational independence was an important topic of concern found within the data. The concept of police independence was

addressed numerous times, which allowed for a wide variety of key players amongst policing and politics to present their own understandings on the topic.

The sub-themes that make up the theme Perceptions of Police Independence emphasize the ways in which police and political authorities comprehend the distinction between operations and policy in policing, often using the notion of a line between “Church and State”. Additionally, accountability is highlighted within this theme, as key players often described varying ideas about who is responsible for policing, when police are typically deemed independent from political direction. The tables below represent the main ideas that circulated around police independence as it pertained to the public order crisis.

Operational Independence as Perceived by Police

The independence of police in all matters related to operations was a largely discussed topic of concern found within the data. Individuals in policing at the POEC Inquiry demonstrated firm beliefs that operational independence must be protected, with some using arguments that portrayed their own sense of clarity surrounding the concept. The findings showed that police possess very strong beliefs about their independence from political interference, with some using arguments that specifically pinpointed broad language from the Morden Report and the Linden Report, as seen below:

Ontario Provincial Police	Closing Submissions – POEC	<p>For the reasons articulated in the Ipperwash Report, any elaboration by this Commission of the now well-established principles governing the relationship between police and its governing bodies should be undertaken with great care. In striking the right balance in what one panelist called the “symbiotic relationship” between the protected sphere of police independence and the role of government and civilian oversight, it is critical that political actors and governing bodies not overstep their appropriate role.</p> <p>A central lesson of Ipperwash is that in the context of a public order event, it is critical that the oversight body not over-step its appropriate role. The role of the government or oversight body is to ensure that</p>
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		policy is being followed, risks are being mitigated and the police service has the necessary resources to adequately and effectively perform their duties – and this would warrant the oversight body having an appropriate level of situational awareness, the ability to ask questions, and, in some cases, information related to a concept of operations to satisfy its administrative responsibilities
Peter Sloly (Former OPS Chief)	Public Hearings – Volume 12 – POEC	<i>Ms. Natalia Rodriguez:</i> Okay. And so what were the other factors? <i>Mr. Peter Sloly:</i> That I was not going to be handing over an entire detailed operational plan to the Board. It's not a practice I'd ever seen done before. It's not one that I'd be comfortable with. And from my knowledge of the Morden Report, not one that's required.

The contrasting statements from the OPP and Peter Sloly in the table above indicate the varying ways in which the Linden and Morden Reports have been used in arguments about operational independence. The OPP state that a lesson from the Linden Report is that during a critical event, a PSB is allowed to ask questions and for operational information in some cases, yet Peter Sloly claims it is not required that a Board obtain a detailed operational plan. Comparing these two statements indicates how there continues to be a revolving debate about the limits of operational independence, due to contrasting ideas about the roles and responsibilities of a PSB.

Many police at the POEC Inquiry were also questioned about whether they felt their operational independence was respected; this type of discussion often circulated around their limits of operational independence relating to direction, interference, or advice from political authorities. As seen in the table of excerpts below, some policing authorities described their experiences that helped demonstrate and define their perceptions of operational independence.

Deputy Chief Jason Crowley (WPS)	Public Hearings – Volume 18 – POEC	<i>Mr. David Migicovsky:</i> And Chief Mizuno and Deputy Bellaire respected your autonomy and didn't interfere with your operational decisions? <i>Deputy Chief Jason Crowley:</i> Completely respected it, yes. <i>Mr. David Migicovsky:</i> And that's an important aspect of how the incident command system is supposed to work; am I correct? <i>Deputy Chief Jason Crowley:</i> You're correct.
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Dana Earley (Critical Incident Commander, OPP)	Public Hearings – Volume 19 – POEC	<i>Mr. Tom Curry:</i> So there's nothing wrong -- am I right, there's nothing wrong with Commissioner Carrique and Deputy Commissioner Harkins telling you that you should not delay your operation while a letter goes to the protesters in Ottawa, but to get on with the operation in Windsor. That would not be overstepping their authority; would it? <i>Supt. Dana Earley:</i> I see it as overstepping. The operational control of the incident was mine. It had to - that decision had to be made by me.
Commissioner Brenda Lucki (RCMP)	Public Hearings – Volume 23 – POEC	<i>Mr. Gordon Cameron:</i> Coming back to this point about -- I think it might have been you, but somebody used the expression a line between church and state, which whether that's what you meant in the context, we've all assumed means the line between the political side and the policing side, and all of the both jurisprudence and analysis that's been done on where that line should stand. So my question to you is, where does the RCMP look for guidance on where that line is?... So where do you -- where does the RCMP look to help find that line between what we're calling church and state? <i>Comm Brenda Lucki:</i> Well for me, it's pretty clear. Anything operational, we're advising what's happening, but we're not taking direction on how to do things. And we've never been provided direction on how -- what we should do. I would say though, we do get direction on the administration side of the policing, but not the operational side.

The discussions from police at the POEC Inquiry signify the many areas of police independence that politicians have the potential to interfere in, according to key players' individual understandings of the concept. The key players presented in the table above generally agreed that they should not receive political direction on the operational side of policing.

Operational Independence as Perceived by Political Authorities

Similarly to the previous sub-theme, political authorities have also weighed in on how they perceived the operational independence of police from the government. Described in the table below, key players within politics have communicated how they understand the concept of operational independence. It was found that political authorities chose to discuss the concept's lack of clarity to a greater extent than police did throughout the Inquiry. Many key players

emphasized their general confusion about the line between policy and policing matters, with some referring to this line as the division between “Church and State”. These ideas were seen to spread widely throughout the course of the POEC Inquiry, with some key players adopting this Church and State notion within their own discussions, as seen below:

Mayor Jim Watson (Ottawa)	Public Hearings – Volume 4 – POEC	<p><i>Mr. Brendan Miller:</i> And so just in summary, you had, with respect to their operational plans, and what they were doing, and everything that the police were up to, you did not know what they were doing, either the Ontario Provincial Police, or the Ottawa Police Service; right? They didn't tell you because they couldn't?</p> <p><i>Mayor Jim Watson:</i> Well there's Church and State. You know, there's a separation. The Police Services Board is autonomous under provincial legislation, and even the Board itself, and I sat on the Board for a number of years. But even the Board itself does not have the ability to direct the chief on an operational matter, you know? So if they wanted to get together and say, you know, “Pass a motion. We want you to go and, you know, take care of speeders on Carling Avenue for the next two months,” that would be ruled out of order. It's not appropriate.</p>
Jeffery Hutchinson (Privy Council Office)	Public Hearings – Volume 26 – POEC	<p>There was also a discussion about how to keep the different lanes clear. And I think that has been referred to so far in the Inquiry as matters of church and state. How do we ensure that the police are operating under their authority, how do we ensure that engagement that might happen by officials or even at a political level are coordinated but not interfering with the police authority? So there was certainly an attentiveness to the coordination element of how this could play out.</p>

Based on the statements from the Mayor of Ottawa and politician Jeffery Hutchinson, it is evident how political authorities strive to maintain a certain level of separation between policing and politics based on the notion that Church and State are kept in “different lanes”. Other political authorities chose to discuss this division using different types of language, with many expressing their confusion or general understanding of operational independence using examples to provide more clarity on the matter. These examples included aspects of their own jobs and experiences, as well as some references to the Morden Report and Ontario *Police Services Act* as seen here:

Minister William Blair (Minister of National Defence)	Public Hearings – Volume 27 – POEC	I very firmly believe, very sincerely believe, that good policing requires good governance. And governance is not to suggest, sir, that a police services Board or the governance authority will direct the police in their investigations, in their operations, will even direct them in the administration of their police service. That's not the function of good governance. The function of good governance, in my experience, is oversight and accountability. And I think it's fairly well articulated in a number of provincial statutes across the country, including the Ontario Police Services Act.
Mayor Drew Dilkens (Windsor)	Public Hearings – Volume 18 – POEC	What people need to appreciate is that not just the temperature on the ground of the protesters, but the temperature of the general public to this protest was amplifying as well, and I could not as mayor, I could not as Chair of the Windsor Police Services Board direct police operations and tell the Chief or the police administration how to move forward and when to move forward.
Diane Deans (Former member of Ottawa City Council)	Public Hearings – Volume 5 – POEC	So the Morden Report, basically, is sort of a guideline for what happens in this kind of a large event situation, large scale situation, and where that line between the oversight and the operations is. And I think what Morden was pointing out, and my understanding, is the Board can -- the Board cannot direct the Chief in terms of Operations, but the Board can certainly ask questions about the plan, the details of the plan. The Board can ask questions about the resource requirements, what the Service needs, and the Board can work to assist the Service in those areas. And so - and you know, all of that, with the backdrop of our mandate, is to ensure the provision and adequate and effective policing. So we were in this situation trying to learn from the Morden Report and make sure that we were ultimately fulfilling our oversight role.
Minister Marco Mendicino (Member of Parliament)	Public Hearings – Volume 28 – POEC	<p>I would also point out that, you know, in the context of the discussion around operational independence, and I've obviously given this a fair bit of reflection since the occupation... that there are important boundaries that should not be crossed by elected officials, and for good reason. We do want to safeguard against the politicization or making partisan important and independent decisions, which are made by law enforcement and the prosecution services around the country, so that we can preserve the integrity of the administration of justice... that having been said, there does need to be a dialogue between police and the elected branch of government when it comes to providing additional resources and tools.</p> <p>The reason why I believe Commissioner Lucki testified that we didn't violate the principle of operational independence is because at no time were we instructing police on how to do their job on the ground.</p>
Mario Di Tommaso (Ontario)	Public Hearings –	So with regards to oversight, I do not have the ability to direct the Commissioner in any way with regards to any policing operations, day-to-day operations, that -- and deployment. That remains the

Deputy Solicitor General)	Volume 20 – POEC	exclusive jurisdiction of the Commissioner of the OPP. Having said that, anything to do with human resources, in terms of expanding or contracting the size of the OPP; procurement; financing, that type of thing, that responsibility lies with me, and I have frequent discussions with the Commissioner on those topics.
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During the testimonies at the POEC Inquiry, key players in politics shared detailed understandings of operational independence that displayed a general understanding that they cannot direct operational matters. Some individuals like the Ontario Deputy Solicitor General and Diane Deans from the City of Ottawa displayed an understanding that politics is not entirely separate from policing; they expressed this in their detailed explanations about the levels of involvement politicians are allowed to have in policing such as human resources, procurement, and the ability to ask questions – including questions about operational plans. Marco Mendicino also noted in his statement that despite being unable to provide operational directions to police, politicians should still be engaging in dialogue with one another. These understandings demonstrate that some key players in policing and politics do not believe operations and policy should be kept entirely separate, like some have argued using the Church and State notion.

In the documents submitted to the POEC Inquiry by political authorities or bodies, some key players also offered further insights into the political perspective of the concept, using arguments supported by the 1990 OPSA, and the Morden Report to justify their understandings, as seen in the following examples:

City of Ottawa	Closing Submissions – POEC	Pursuant to s. 31(3) of the Police Services Act, the Board may give orders and directions to the Chief of Police. Pursuant to s. 31(4), however, the Board shall not direct the Chief of Police with respect to specific operational decisions or with respect to the day-to-day operation of the police force. There is no legal authority for Council, the Mayor or City staff to direct the Chief of Police. The Chief of Police reports to the OPSB. The Chief administers the police force and oversees its operation in accordance with the objectives, priorities and policies established by the Board.
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Ottawa Police Services Board	Institutional Report – POEC	The Morden Report expresses the following view about how to put these concepts into practice: There is an important distinction that should be made between defining what the operation is going to be, versus how the operation is going to be executed. With respect to the former decision – the what of the operation – the police Board has a vital and statutorily-required role to play. The Toronto Police Service should always maintain the autonomy to make and execute the particular decisions during an operation. However, the initial determination of what the Toronto Police Service’s objectives and priorities will be for a given operation, event, or organizationally significant issue is for the Board to ultimately make, after appropriate consultation with the chief of police.
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The two statements from the City of Ottawa and their Board demonstrate how legislation and guidance from the Morden Report have been understood and should be applied during a crisis.

These understandings are aligned with the side of the debate that argues against a distinct separation between politics and policing, that others believe exists similarly to the division between Church and State.

Policy Matters

Policy is considered one of the only aspects of policing that political authorities can direct or influence. The blurred line between policy and operations is discussed below, with key players in policing and politics describing what they consider the appropriate roles for one another, often with reference to the 1990 *OPSA*. The excerpt below is an example of what the Ottawa PSB has stated about the division between policy and operations. This example is representative of what other PSB’s also claimed in their documents submitted to the POEC Inquiry, in relation to operational independence and policy matters.

Ottawa Police Services Board	Institutional Report – POEC	It is sometimes said, in simple and general terms, that policies are for the Board and operations are for the chief of police and that the two must always be kept separate. Apart from being impossible to apply in its own terms, this statement does not represent what the statute provides.
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Policy matters were an important part of discussions that often related to the role of a Board and its relationship with police. Key players in policing and politics shared a wide variance of notions surrounding the importance of policy during the Freedom Occupation Crisis. As policy in policing is considered a matter for politicians, many outlined the roles and responsibilities of politicians on a PSB, and the extent of implementing policy discussions into policing during the crisis:

Peter Sloly (Former OPS Chief)	Public Hearings – Volume 13 – POEC	<p>A planned event for a visit of world leaders usually has a four to five year cycle of planning, and in which case, yes, they would have plenty opportunity. I gave information earlier on, Commissioner, about the planning that went into the G20 that severed from Muskoka down to Toronto. In five months we had regular meetings, regular scheduled Board meetings, specially scheduled Board meetings, where Chief Blair and the Command Team, which I was a part of, provided a lot of information to the Board around what we were planning for... We were able to give very detailed updates, even though we were on an incredibly tense timeline. And the Board could therefore on those occasions express policy matters. But not in the middle of the weekend where the G20 burnt cars down in our city were we sitting down having policy discussions with the Board.</p> <p>And even with this information in front of me. I mean, if what Morden is considering -- first of all, Morden is a report. It is not a statutory authority with the Police Services Act, so it's informative but it's not instructive.... I can't imagine in a thousand years that Morden would consider that the Board would sit down with the Chief of Police in the middle of the first weekend and start to debate policy instructions around a still unfolding national security event</p>
Mayor Jim Watson (Ottawa)	Public Hearings – Volume 4 – POEC	<p><i>Mr. Brendan Miller:</i> Right. And as the Mayor of a town, you don't have -- or the city, you don't have the security clearance or the clearance to know what the actual operational activities are of a police agency; correct?</p> <p><i>Mayor Jim Watson:</i> Well it's not a security clearance matter. It's a matter that there's a separate autonomous organization called the Ottawa Police Services Board that has full jurisdiction over policy and governance of the Police Board, and the hiring and firing of four key officers, and that is their responsibility. The only direct link that the City has, as you may [k]now from the Police Services Act, is that we approve or reject the budget of the police.</p>

		<p><i>Mr. Brendan Miller:</i> I'm not saying that, sir. I'm asking you if there's an actual policy that says you are not allowed to call and make a request to the police; is there a policy in that regard?</p> <p><i>Mayor Jim Watson:</i> Well, our City solicitor advised that the route that we should be taking is the letter to the Premier and the Prime Minister and the two appropriate ministers.</p>
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The extent of policy discussions and the importance of policy in the policing of a crisis is considered in the two statements above. Based on Peter Sloly's statement, discussions over policy matters become far less important or rather non-essential when a major public event is occurring, which indicates that the role of a PSB may be minimized greatly when a national security event is unfolding. Additionally, the Mayor of Ottawa understands the role of a PSB as having "full jurisdiction" over policy and governance in policing, but his interpretation is that it cannot know the operational activities of the police. Both these statements consequentially work to minimize the role of the Ottawa PSB, due to understandings that place less importance on the policy aspect of policing and argue that operations is entirely separate from the political realm.

Accountability

The question of who was responsible for various policing events and situations throughout the Freedom Convoy Occupation was highlighted in discussions with police and political authorities during the POEC Inquiry. Ideas of who should remain accountable and when, were often addressed. The findings indicate that emphasis was frequently placed on the accountability of politicians for assisting police in the crisis throughout the POEC Inquiry. Key players described accountability dominantly through discussions about responsibilities and a deference of these responsibilities in policing. The ways in which these discussions took place are highlighted in the following excerpts:

Doug Ford (Ontario Premier)	News Article	Ford answered one question the next day and repeatedly said the inquiry was a federal matter and not a provincial one. He has also said repeatedly the occupation in Ottawa by the so-called Freedom Convoy and a near weeklong blockade of the most-travelled international bridge in Windsor was a policing issue, not a political one.
National Police Federation	Closing Submissions – POEC	Mayor Jim Watson expressed the view that the federal and provincial governments have equal responsibility for policing in Ottawa. He linked the federal government’s unique responsibility for Ottawa to its large presence in the city, and the reality that protests result from that presence. He expressed that there is a “special responsibility” to ensure that people feel “safe and secure” in the nation’s capital. He described what he perceived to be a lack of urgency by both orders of government as “very frustrating”. In respect of the federal government, Mayor Watson described the frustration arising from the fact that Ottawa could not get RCMP officers to assist notwithstanding that “the protestors were protesting federal legislation right across Parliament Hill, the prime minister’s office”
Ontario Provincial Police	Closing Submissions – POEC	Other than an email between Commissioner Lucki and Minister Mendicino’s Chief of Staff Mike Jones, there is no record of consultation with law enforcement. The Emergencies Act requires a consultation record be kept of consultation with politicians; it should also require that there be a written consultation record of consultation with law enforcement. Such a record will ensure accountability and will provide additional information for consideration by Cabinet.
Ottawa Police Services Board	Institutional Report – POEC	There is a tension between the desire for the preservation of the independence of the police, the need for police accountability and a sense of effective civilian oversight of the police.
Peter Sloly (Former OPS Chief)	Public Hearings – Volume 12 – POEC	Every Chief of Police or Commissioner is accountable and responsible for everything in the organization. But I had delegated, specifically delegated those responsibilities to the two individuals, Deputy Chief Bell and Acting Deputy Chief Ferguson to oversee and ensure that there was an appropriate level of threat risk assessment and forming an appropriate level operational plan.
Mario Di Tommaso (Ontario Deputy Solicitor General)	Public Hearings – Volume 21 – POEC	<i>Ms. Natalia Rodriguez:</i> And why were you taking an interest in the board’s meetings? <i>Dsg Mario Di Tommaso:</i> Well, because at the end of the day, it’s the Board that has accountability and oversight over the Ottawa Police Service. And so there was a major issue happening in Ottawa and I was interested in what steps Ottawa Police Service Board would be taking.

The discussions above represent conflicting ideas about which party should be held accountable for the policing of the public order crisis. The Ontario Deputy Solicitor General showed his understanding that it is the PSB that has accountability over its police service, although Peter

Sloly and the Ottawa PSB said it is the police who are accountable. Meanwhile, the National Police Federation indicated that the Mayor of Ottawa stated everyone is responsible/accountable for policing within the city. The question of which party is actually accountable for policing was still left unanswered at the Inquiry, due to these varied ideas surrounding the concept of accountability.

The findings highlighted in this section demonstrate the range of ideas and perceptions about the division between police and political authorities, exemplified through discussions about the separation between operational and policy matters. Some key players displayed notions of operational independence that included broad ideas of what is considered “operational”; others, however, did not hide their confusion and desire for further clarity about the concept throughout their discussions. Some individuals also chose to highlight the requirement for accountability in the police and government relationship, which ties into the function of a Board and its appropriate role as an oversight body in policing.

III – Which One Is It?: Political Direction and Oversight Versus Interference in Policing

The appropriate direction and use of oversight mechanisms for policing is a necessary component of the police and government relationship. Political authorities such as those on a Police Services Board are required to have some degree of oversight and direction over policing. Despite this requirement, as indicated in discussions presented in the tables below, many key players may argue they are not allowed to direct police as it would be deemed inappropriate political interference. Specifically, during the unprecedented Freedom Convoy Occupation Crisis, political authorities and police made it clear in their discussions that they did not want

inappropriate direction or political interference in policing activities, namely after what occurred during the Ipperwash Crisis.

The varying ideas that produced the question within this theme, are expressed in the tables for the three sub-themes below. Police and political authorities have described what they consider to be appropriate versus inappropriate oversight and direction of policing, whilst emphasizing where the line is crossed into political interference and pressure. The variance in ideas about what constitutes political interference highlights the debate surrounding the limits of operational independence and how much political oversight PSB's should have over policing.

Democratic Oversight

While the majority of those in policing and politics agree that the police are independent, they still require an appropriate level of oversight through a functioning Board. The topic of oversight and the nature of the police and government relationship is considered within this sub-theme, as an important aspect of adequate and effective policing. Precisely, many key players brought into conversation the lack of oversight or requirement for more oversight from PSB's during the event. Some acknowledged the inabilities for effective oversight through discussions about barriers such as funding issues and the capability of requesting assistance from political authorities. Within these discussions, key players also considered what could have been done to combat these barriers and help dissolve them in the future, as outlined in the following excerpts:

National Police Federation	Closing Submissions – POEC	The NPF acknowledges that there was also some vague evidence tendered to the effect that the RCMP – like police services everywhere – is stretched to meet its current mandates with its existing complement of resources... However, to the extent there is any concern about the RCMP's resources, that is a funding issue that the Government of Canada has a direct ability to address, and which should not serve as a barrier to providing adequate policing to maintain public order and safety in our nation's capital and at the seat of the federal government.
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Ottawa Police Service	Closing Submissions – POEC	While the situation on the ground in Ottawa was the subject of many discussions between provincial and federal bureaucrats, ministerial staff and provincial and federal politicians, there was very little in the way of actual assistance that was provided to the City of Ottawa or the OPS. There was disagreement over whether the resolution of the situation required a federal or provincial response
Ontario Provincial Police	Closing Submissions – POEC	The OPP proposes the following recommendation: Government should consider guidelines that may include criteria for a Chief of Police or a municipal police services Board to consider in making a request for assistance to the OPP, and some mechanism of oversight for those requests should also be considered.

Those within policing argued that the minimal assistance provided from politicians in oversight roles means more guidelines are required to ensure some form of oversight and assistance is offered to police in the future. Along with these discussions circulating around a lack of effective oversight in policing, some key players in politics and policing also considered how past crises and lessons from previous public inquiries possibly influenced the oversight function of Boards. Several individuals at the POEC Inquiry discussed how lessons and guidance from the Linden and Morden Reports helped them in their oversight roles or assisted in offering clarity about the role.

Diane Deans (Former Member of Ottawa City Council)	Public Hearings – Volume 5 – POEC	We were -- the Board was very cognisant of our role as an oversight body, and we -- you know, we really had the problems that the Toronto Police Services Board had gotten into during the G20 in the forefront of our mind, we didn't want to go down the same path and make the same mistakes. So we were trying to, in real time, I guess, learn from that and seek as much advice as we could about our role
Minister William Blair (Minister of National Defence)	Public Hearings – Volume 27 – POEC	The function of good governance, in my experience, is oversight and accountability. And I think it's fairly well articulated in a number of provincial statutes across the country, including the Ontario Police Services Act. I was accountable to my Board and I understood that was my responsibility to be accountable, to answer their questions. They were always very careful... I can't remember -- recall one incident in 10 years where they ever directed me in an investigation, in an operation, but they asked me a lot of questions about what we were doing and why we were doing it. I believe it was my responsibility to provide

		<p>them with that information so that they could fulfil their function of providing oversight to me and to hold me accountable for the job that I was doing. And so I know there's been -- because I've watched. There's been a lot of discussion about, you know, having a civilian or a politician directing the police. And that's never acceptable. But at the same time, the police must be accountable to an independent civilian authority</p>
<p>Mario Di Tommaso (Ontario Deputy Solicitor General)</p>	<p>Public Hearings – Volume 21 – POEC</p>	<p><i>Ms. Ewa Krajewska:</i> I'll stick to the Morden Report then. And, sir, as my friend told you, the independence of the police is quintessential with respect to criminal investigation; correct?</p> <p><i>Dsg Mario Di Tommaso:</i> Correct.</p> <p><i>Ms. Ewa Krajewska:</i> Because we do not want -- it would be an infringement of the rule of law to have politicians direct criminal investigation?</p> <p><i>Dsg Mario Di Tommaso:</i> I agree.</p> <p><i>Ms. Ewa Krajewska:</i> But with respect to operational decisions, I'd suggest to you that civilian oversight is a little bit more nuanced from the Morden Report? And on the first point, that there is a role for civilian oversight with respect to the receipt of information with respect to operational decisions?</p> <p><i>Dsg Mario Di Tommaso:</i> I agree.</p> <p><i>Ms. Ewa Krajewska:</i> And Commissioner Carrique was discharging that duty by supplying you with information with respect to his operational decisions?</p> <p><i>Dsg Mario Di Tommaso:</i> Correct.</p> <p><i>Ms. Ewa Krajewska:</i> And similarly, it is possible for civilian oversight to provide opinions and make suggestions with respect to operational decisions?</p> <p><i>Dsg Mario Di Tommaso:</i> That is a specific recommendation in the Morden Report, yes.</p> <p><i>Ms. Ewa Krajewska:</i> And that is the Morden Report's qualification to section 31(4) of the Police Act; correct? That's its interpretation of that section?</p> <p><i>Dsg Mario Di Tommaso:</i> I won't fight you on that.</p>

As seen in the table above, some individuals within the police and government relationship understand and interpret the appropriate role for an oversight board based on the specific recommendations within the Morden Report and the lessons learned from the G20 crisis. Using these recommendations and lessons, individuals such as the Minister of National Defense William Blair, former Ottawa City Councillor Diane Deans, and the Ontario Deputy Solicitor

General Mario Di Tommaso demonstrate how they are accepting of the role that PSB's have in oversight and accountability, which includes obtaining information related to operations.

Appropriate Political Direction

The political direction of police was highlighted throughout the data and in the discussions presented in the table below. Many of the key players within the data described their perceptions of appropriate or inappropriate political direction of police and often drew connections to past crises in Canada, such as the Ipperwash and G20 crises. A common notion circulating at the Inquiry was that many key players were mindful of their actions due to worries about repeating what occurred at Ipperwash and the G20 protests. This notion was circulated by political authorities, as they used it as an argument for protecting police independence from political interference. Bringing past crises into conversations occurred numerous times, with some examples below. It is also notable how in these conversations, some individuals also refer to the Church and State division for policing and politics to elaborate on their perspectives about political direction in policing.

Acting Supt./Inspector Marcel Beaudin (OPP)	Public Hearings – Volume 9 – POEC	<p><i>Mr. Eric Brousseau:</i> So you wrote him back later that morning, and you've sort of laid out some of the considerations and concerns that had arisen. And so the first one there, "It may cross the line between church and state", I wonder if you can explain that for us.</p> <p><i>Acting Supt. Marcel Beaudin:</i> Yeah. So in the recommendations, one of the big things is political interference or political direction to the police. And so that's always a big issue when we look at protest demonstrations, occupations for obvious reasons and there needs to be a division between incident command and political direction, right. So that's why, you know, for a variety of reasons, but when there's an incident in OPP detachment areas, an Incident Commander or Major Critical Incident Commander will come from another area so that way the Detachment Commander can run his office and work with Police Service Board and other people that potentially may influence something. So it's just this layer of insulation, right, from political interference. And so that's obviously that we wanted to make sure that that wasn't the case. Rob Stewart never directed me, never gave me - in fact, he went there asking for help. He was by no means in any way</p>
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		politically interfering and he was there to try and see and find ways to support.
Minister William Blair (Minister of National Defence, Government of Canada)	Public Hearings – Volume 27 – POEC	<i>Minister William Blair:</i> Minister Jones indicated to me during the one call I had with her that, you know, she would consider the invitation, but she did express some concern. And I understood that concern and I acknowledged that to her. She expressed some concern that she did not want to be seen to be directing the police. And, actually, I had a very brief exchange because I’m also very familiar, as she was, with the Linden Commission report on the Ipperwash event. And I think there is an actual sensitivity and concern among Ontario officials about any appearance of being seen to direct the police.
Minister David Lametti (Minister of Justice, Government of Canada)	Public Hearings – Volume 29 – POEC	<i>Mr. Gordon Cameron:</i> Okay. Well let’s see how that plays out with respect to the particular point that has come under discussion by a number of senior officials, a number of police officials, indeed the two witnesses at least who have preceded you, Minister Mendicino and Minister Blair, and that is the line between I think it was perhaps first Commissioner Lucki who called it the line between church and state but it’s generally understood as the appropriate role for governance or oversight of police forces and that it not tread too far into the realm of directing the police and their activities. So that is -- I take it that is a topic on which you, as the Attorney General of the country, would have and would be expected by your colleagues to have fairly well developed views. Is that fair? <i>Minister David Lametti:</i> Absolutely. And you’ll see that in these exchanges, I’m in no way saying we need to direct the police. The Ipperwash Inquiry was clear in that regard, although we identify, as a government, according to that Inquiry, priorities for us. But we can, in no way, make operational decisions for police of jurisdiction.
Peter Sloly (Former OPS Chief)	Closing Submissions – POEC	A request for government help in securing resources during a national security crisis, in which intra-policing discussions had failed to secure the necessary resources, cannot possibly be seen to invite inappropriate political influence into intra-police resourcing discussions. As this Commission has addressed in detail, the boundary between “church and state” prevents politicians or civilian government officials from directing police operations. This principle does not, however, apply to prevent police from requesting help from government when it is clear their resources are inadequate. In any event, it is not clear where else police are supposed to turn.

The idea of political interference in policing was undoubtedly associated with negative and problematic relations between police and political authorities by those at the POEC Inquiry. For this reason, many key players like Marcel Beaudin from the OPP and Peter Sloly were adamant

about describing how police were appropriately directed by political authorities during the Freedom Crisis. These key players presented above made it clear that the overall attentiveness in ensuring politicians did not direct operational decisions helped guarantee interference never occurred. Some discussions introduced possibilities that interference occurred, although the majority of key players in policing and politics expressed that there was solely appropriate direction of police throughout the event. Individuals and oversight bodies made this evident in their discussions, whilst paying particular attention to the type of language that would constitute political interference.

Commissioner Thomas Carrique (OPP)	Public Hearings – Volume 11 – POEC	<i>Comm. Thomas Carrique:</i> Ultimately, the decision as to how the operational plan should be executed is that of the Ottawa Police, and I'm not sitting in judgment of those decisions, but we would have initiated some further conversation just to offer any additional inputs that we thought may be helpful or additional resources. And that did happen on a number of occasions throughout the Freedom Convoy where we did reach out to individual police services to make inquiries, not to provide a direction, not to sit in judgment of operational plans, but to ensure the collective success of policing across this province.
Ottawa Police Services Board	Institutional Report – POEC	The restrictions in subsections 31(3) and (4) are very significant and often the subject of concern. They state: (3) The Board may give orders and directions to the chief of police, but not to other members of the police force, and no individual member of the Board shall give orders or directions to any member of the police force. (4) The Board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police force.
Dana Earley (Critical Incident Commander, OPP)	Public Hearings – Volume 19 – POEC	<i>Mr. Alan Honner:</i> And can we go to the top of the third page? And so we see the Prime Minister is asking “what are the next steps?” And Premier Ford says: “they’ll act, but without directing them, it’s hard to describe their game plan. They’ll have a plan unlike Ottawa [where] they didn’t have a plan. I’ll get briefed tomorrow from the solicitor general and we’ll keep you updated. This is critical, I hear you. I’ll be up their ass with a wire brush.” Now, Superintendent, the question I wanted to put to you is, and I just want to clear, you did not experience any political interference from anyone when you were carrying out your duties as the Critical Incident Commander? <i>Supt. Dana Earley:</i> No, I did not.

		<p><i>Mr. Alan Honner:</i> And do you know if anyone else in the OPS -- sorry, the OPP, the WPS, or any other police force who experienced inappropriate political pressure?</p> <p><i>Supt. Dana Earley:</i> Not that I'm aware of.</p>
Justin Trudeau (Prime Minister)	Public Hearings – Volume 31 – POEC	They need to act immediately. I wasn't just talking about the Ambassador Bridge. I was talking about Ottawa as well. I was talking about the fact that this simply can't continue to be stretched out this way. But when I say they need to act immediately, obviously, I'm not directing the Premier to direct police. We know all the limitations that we have, but there was an expectation that this was situation that was going on for too long.

The discussions presented demonstrate an overall agreement amongst key players about what constitutes as appropriate political direction of policing and the most widespread statement throughout the Inquiry appeared to be that political direction is appropriate, so long as politicians do not attempt to direct operational matters.

Political Interference and Pressure

The question of whether politicians or those within government bodies interfered in the policing of the Freedom Convoy crisis was asked throughout the POEC Inquiry, with many key players presenting their opinions and experiences. Like the previous sub-theme, key players commonly discussed what their experiences and actions throughout the crisis were, to argue for the minimal interference they believed to exist. Although most key players argued there was no interference in policing, some individuals expressed how political pressures on police manifested. While many chose to relate discussions back to their own experiences throughout the Freedom Occupation, their opinions, and understandings about what should be regarded as “political interference” in policing used a wide range of arguments. As displayed in the table below, those in policing and politics expressed their opinions, as well as experiences related to political interference and pressure in policing.

City of Windsor	Closing Submissions – POEC	The City appropriately supported police operations as summarized in Windsor's Institutional Brief at paragraph 118. The City was not involved in and did not seek to influence police operational decisions. Windsor took steps to ensure there was no actual or perceived political pressure on police.
Acting Supt. Marcel Beaudin (OPP)	Public Hearings – Volume 9 – POEC	<i>Ms. Cara Zwibel:</i> My question wasn't clear. I didn't mean political interference in this instance, I mean generally what is the concern about the -about political level individuals interfering in police operations? <i>Acting Supt. Marcel Beaudin:</i> Yeah, like, obviously it just shouldn't happen. Like it looks like -- for example, look at Ipperwash, right, and the issues that happened there as a result of comments made by government to that point.
Peter Sloly (Former OPS Chief)	Public Hearings – Volume 12 – POEC	By this time, I had had several interactions with all three levels of government and the Board. It was clear to me that there was increasing intense and, in some cases, I believe, undeserved and unhelpful political pressures happening to the Ottawa Police Service, pressures that could affect our ability to secure the resources. So I was letting them be aware, giving them situational awareness and allowing a conversation to happen in a very tight room with my command team so they could have as much understanding before they went in front of the group of external agencies to have that conversation. I didn't want there to be any surprises and I wanted them to be as fully informed as possible.
Ottawa Police Service	Closing Submissions – POEC	This high level of impatience from all levels of government as well as the community was understandable given the community impact of the event; however, the corresponding pressure placed on OPS was unrealistic in the face of the task at hand and created a very difficult dynamic within which OPS was expected to perform its duties. As set out below, although its response was undoubtedly imperfect, OPS worked tirelessly in impossible circumstances to maintain public safety and to work towards an overall solution.
Commissioner Thomas Carrique (OPP)	Public Hearings – Volume 11 – POEC	I don't ever recall sharing with Deputy Solicitor General Di Tommaso that I felt under enormous political pressure. At no time was I under any political pressure in relation to this. There was a lot of political or public pressure being felt I think by every police leader, but at no point in time was I under any political pressure.
Doug Ford (Premier of Ontario)	CBC News Article	As part of evidence presented at the inquiry into the Emergencies Act on Tuesday, the readout shows Ford said "police are a little shy" and "if I could direct the police, I would" as he told Trudeau the Ontario government was looking for ways to give officers more tools to clear the bridge blockade.

To repeat what Marcel Beaudin stated above, political-level individuals interfering in police operations “just shouldn’t happen”, which is the general opinion of other key players within the police and government relationship during the POEC Inquiry as well. The majority of individuals being in agreement over this topic of concern meant there was minimal debate about what political interference in policing consisted of.

Conclusion

Understandings and representations about the police and government relationship were explored throughout this chapter, using data from the POEC Inquiry and news articles pertaining to the Freedom Convoy public order crisis. Many aspects of this relationship have been considered by both police and political authorities, who offered their own ideas and interpretations of various concepts that structure their relationship, which largely make up the three over-arching themes within this chapter. The themes presented represent the three dimensions of confusion about the police and government relationship that were most significant during the POEC Inquiry and therefore, during the policing of the public health crisis. These three dimensions of confusion are multi-layered, as they consist of a series of concepts – including operational independence, which have not been fully understood by those in policing and politics. It is necessary to consider what has been said by each key player in relation to important concepts that may have varied understandings, such as operational independence and political interference, as these understandings can hinder the effectiveness and adequacy of policing. With issues circulating around competing interpretations of these concepts in the past, the police and government relationship has faced challenges during the Ipperwash Crisis (1995), and the G20 protests (2010). For this reason, in the context of the Freedom Occupation, it is necessary to continue

analysing current understandings of key concepts like operational independence. These concepts are important for understanding, because they help shape how the police and government relationship functions, as evident through the main points of confusion found within the themes of this chapter.

The ability for police and political authorities to effectively collaborate, communicate, and share information was an important consideration within the data and thus became one of three central themes within this thesis. Along with effective communication, a necessary aspect of the police and government relationship is understanding where the line is drawn between the operational independence of police and the ability to direct police on matters related to policy. In order to hold any party accountable for the actions of police, it is essential for these two groups of powerful individuals to understand who is responsible for what matters. The current understandings of these concepts were emphasized within the second theme presented, which successfully highlighted how competing interpretations of operational independence impacted the police and government relationship during the crisis. The last theme displayed in this chapter pertains to the distinction between political direction and oversight of police and interference or pressure within policing matters. This is an important aspect of the relationship between police and political authorities, as it demonstrates what degree of political control is considered inappropriate to certain key players within this relationship and can help locate how potential interference in policing takes place.

This chapter has demonstrated the findings within my data, from the POEC Inquiry and various news articles relating to the Freedom Convoy Crisis. It is evident there was a large number of discussions about the nature of the police and government relationship, which have offered insights into the interpretations, understandings, perceptions, and ideas surrounding

important concepts such as operational independence and political direction or interference, which drive this relationship. An overarching finding from this data is the transition from understanding the division between police and political matters as blurred lines to the metaphorical Church and State separation. Key players chose to commonly refer to the police and government relationship using this new, metaphorical language, to explain how they understand the division between operations and policy and, specifically, the role of a PSB and the extent of independence police have. This language has not been used prior to the POEC Inquiry, based upon the knowledge found within the literature. This signifies an important transition in understandings of the police and government relationship in Canada. The next chapter will discuss the significance of these findings, which shall provide answers to my overarching research questions.

Chapter V: From Blurred Lines to Church and State: Reflections and Departures from The

Morden Report

The discussion in this chapter explores conclusions based on my research findings, relating to how those in positions of power in policing and politics as seen at the POEC Inquiry, understand and represent operational independence, in a manner that either reflects or departs from the standards set in the Morden Report. This chapter also delves into how these understandings of operational independence presented by key players impacted the functioning of the police and government relationship, throughout the Freedom Occupation Crisis. Using an instrumentalist perspective to analyse data derived from the POEC website that includes transcripts and documents as well as supplementary news articles, many discussions emerged about operational independence and how police and politicians function as a result of their understandings surrounding it. This chapter focuses on the three major themes presented in the previous chapter: communication and information sharing amongst parties, perceptions of police independence from blurred lines to Church and State, and lastly, political direction and oversight versus interference in policing. These major themes are discussed as being the three most prominent dimensions of confusion within the police and government relationship that existed throughout the POEC Inquiry. These dimensions are the most important for analysing current representations of operational independence, as they are also the three dimensions that the Morden Report focused on; all of which helped set the gold standard for understanding the limits of operational independence.

The way police and politicians collaborated and shared information with one another throughout the crisis was a distinct indication of how understandings around operational independence impacted the functioning of the police and government relationship. Specifically,

the commonly exaggerated notions of operational independence held by some police and politicians that were seen at the POEC Inquiry are what made a significant impact on the amount of information shared during the crisis. Those in policing who misunderstood the Morden Report's standards for police independence as a division between operational and political were more likely to withhold important information from politicians, through the sustained argument of maintaining their independence. Meanwhile, politicians used their understandings of operational independence as justification for their lack of involvement and ability to request information from police. Some of those in policing and politics understood that the limits of operational independence should not entail a lack of information sharing and therefore reflected the guidance set out in the Morden Report. There were, however, still consequences for the police and government relationship because of those who departed from the Report's standards about information sharing.

Reflections and departures from the standards in the Morden Report are also evident in discussions at the POEC Inquiry about the limits of police independence. Many individuals in power amongst policing and politics reflected the general idea in the Morden Report, that a division exists between police and the government to protect the independence of police in operational matters. The Morden Report specifically stated "there is no statutory foundation" for the understanding that policy and operations must always remain separate (2012, p. 4). Despite this statement and other detailed explanations for operational independence in the Report, Justice Morden was unable to diminish problems that circulate around this concept, because many have chosen to ignore his explanations, as they are not entrenched within the law. The problem that arose in discussions was evidently the lack of understanding on where this line of division is placed that has created confusion about the limits of operational independence. This problem has

been and continues to be a cause for issues within the police and government relationship, such as the unclear limits for police governance and oversight that often allow police to be self-governing. With some key players defining the division for themselves metaphorically, as a separation between Church (operational matters) and State (policy matters), this has signified that some individuals represent and understand the nature of the police and government relationship as entirely divided due to their overinflated understandings of operational independence. This metaphorical representation of the police and government relationship presented the idea that there was some form of threshold that should not be crossed from the State, into the Church; but this threshold varied, based on each key players' own opinion, and understanding of operational independence (Kempa, POEC, 2022).

The overinflated understandings that were presented by many key players also worked as a mechanism for preventing political interference in operational matters throughout the Freedom Occupation Crisis. The discussions presented at the POEC Inquiry indicated that those involved in policing and politics in Ontario during the crisis were not aware of any political interference occurring, which signifies that most of the key players share similar notions about the limits of political direction in operational matters. While political interference was a topic of concern at the POEC Inquiry, the findings suggested that understandings were mostly a reflection of what the Morden Report recommended. Many key players constructed their arguments against political interference occurring around concern for repeating issues seen in past crises, like Ipperwash and the G20 protests. Some individuals also referred to the standard in the Morden Report that political oversight bodies ought to not interfere in the exercise of police powers. Conclusively, this major alignment with the standards of the Morden Report was not seen in any

other aspect of the discussions from police and politicians, which indicates a positive step forward in improving the police and government relationship.

I – Communication and Information Sharing Amongst Parties

Varied perceptions about the extent of police independence were emphasized in how police and political authorities understood the importance and parameters of information sharing and adequate communication throughout the public crisis. Individuals within policing seemingly relied on exaggerated understandings of operational independence within their discussions, to argue for the limited information-sharing and communication that occurred during the public order crisis. In comparison, political authorities often emphasized a lack of clarity and fears about political over-reach when requesting additional information. Instrumentally, these discussions displayed how key players sought to utilize arguments that justified their actions during the crisis. With these arguments, key players can push their own representations of the nature of the police and government relationship, to portray it in a way that suits their needs.

The issues highlighted within discussions about information sharing demonstrate how over-inflated representations and understandings of the operational independence of police produced a few consequences for the nature of the police and government relationship. Some of these consequences included the inability to successfully communicate and share the necessary information required for both police and political authorities to effectively handle the public order crisis, as well as diminished public confidence in police and miscommunication. Further, many key players displayed understandings of the parameters of information sharing when they introduced arguments that “political” and “operational” discussions shall remain separate and should not be engaged with by any unnecessary party. These arguments are thus reinforcing the

idea that there is a distinct divide between police and government authorities. Contrary to arguments made that supported or justified the limitations of information sharing during the crisis, other arguments seemingly noted the requirement for greater information flow between police and political authorities to ensure clearer expectations, accountability, and more involvement of various oversight bodies. The arguments presented by key players represent both an alignment with, and a departure from, the gold standard for operational independence that the Morden Report had previously emphasized. Many of the arguments made about the parameters of communication and information sharing were led by conflicting representations of the concept of operational independence, which shaped the politics of policing in the context of a public health crisis, as outlined below.

Ideas expressed by police at the POEC Inquiry about the extent of their information sharing with political authorities often relied on how they understood operational independence within the police and government relationship, through their own meaning-making of the concept. Patterns emerged in how police chose to justify their lack of information sharing with political authorities, as they argued for the operational nature of discussions and the appropriateness or “overwhelming” obligation of bringing these discussions to the political level. From an instrumental perspective this argument served to benefit police, as they used this as a rhetorical strategy for trying to push for more independence. Craig Abrams of the OPP and Peter Sloly, the former Chief of the Ottawa Police Service, exemplified this notion in their discussions. Abrams claimed he was unable to speculate about the appropriate level of communication about operational matters between police and those at the political level, because he has not held the ranking of a Chief of Police. Meanwhile, Sloly argued in his Closing Submissions document that the Morden Report was meant for an operation that had been well planned, not an unforeseen

event like the Freedom Crisis; therefore, the Report's guidance to share operational information with a Board in advance would have been "overwhelming" during the Freedom Crisis due to the extreme fluidity of the event.

These discussions from police about the parameters of information sharing heavily relied on the notion that operational matters are separate from politics or policy matters. With this notion, key players in policing used the argument that it would be inappropriate or potentially "overwhelming" if police were to share operational information with those at the political level. The idea that sharing operational information with political authorities may be inappropriate or "overwhelming" during an unprecedented public order crisis represents a departure from the standard for operational independence that was set in the Morden Report, which is that the sharing of operational information with a PSB is appropriate, and at times, necessary for ensuring effective and adequate policing services (2012). The invalid notion that a Police Chief should not share operational information with their Board remains situated within the present ideas of those within policing. It is evident that irrespective of the type of public order crisis that transpires and whether it is situated around global politics like the G20 protests, Indigenous land claims like the Ipperwash Crisis, or the more recent public health crisis that gave rise to the Freedom Occupation, there will still be individuals in power that rely on vaguely defined, invalid notions of operational independence. As found before in the Morden and Linden reports, the reliance on these invalid notions evidently impacted the ways in which information sharing and communication effectively occurred during the crisis, with the Freedom Occupation being no different. Additionally, numerous political authorities expressed their understandings about the parameters of information sharing using similar notions of operational independence. Deputy Minister of Public Safety Robert Stewart discussed issues surrounding the lack of clarity many

have about the concept by stating how there are numerous domains in which people at the Inquiry asked what the division between requests for information and interference, or engagement in police operations would be. Robert Stewart went on to argue that these questions signify more clarification is required to explain these types of divisions between policing and politics. Prime Minister Justin Trudeau also displayed his understanding of the parameters of information exchange based on operational independence, in which he correctly stated it is “certainly not” his role to review the details of an operational plan, although he failed to correctly identify who would have such a role: the Minister of Public Safety.

The conclusions that can be drawn from this data show how there remains to be a lack of clarity amongst those in politics, circulating around the distinction between requests for information and political interference, along with misunderstandings that political authorities must not interfere in operational matters. Considering this from an instrumentalist perspective, these (mis)understandings may, however, be intentional if politicians seek a more hands-off approach to policing to evade problems they may need to become involved in. The current ideas about how much information police share, and political authorities collect, emphasize the ongoing notion that police are independent in all matters of operation, due to misinterpretations about what past reports such as Morden have claimed about police independence. With these misinterpretations, political authorities adopted the idea that they shall not request operational information, due to potential political over-reach and interference. Justice Rouleau refers to this in the *Report of the Public Inquiry into the 2022 Public Order Emergency*, as he claims that despite what Reports like Morden say to dispel misinterpretations about the role of a PSB and direction of operational matters, the guidance “has not yet been fully realized” (POEC, Volume 1, p. 163).

Meanwhile, literature on the operational independence of police is aligned with what Justice Rouleau expresses in his report, as scholars have stated there is no distinct line between operational and policy matters, as these matters can shift depending on the type of policing situation that is occurring (Beare, 2004). The shifting lines between operational and policy matters have proved to cause problems for communications when it has been unclear where police independence over day-to-day or operational matters starts and government influence over policing ends, specifically during critical events. This problem was also addressed in Justice Rouleau's report, in the context of information sharing. Justice Rouleau made note that some political authorities found it difficult to determine how to interact with police and determine what information sharing was appropriate, due to concerns about operational independence; to combat these concerns, Justice Rouleau stated that "there is no constraint on providing this type of [operational] information to a Board" (POEC, Volume 1, p. 165). This statement draws heavily on the guidance in the Morden Report, which Justice Rouleau openly referred to throughout his own report, as he attempted to clarify that political authorities can obtain the information they need to properly function within their oversight roles. Therefore, the notions expressed by political authorities like Deputy Minister of Public Safety Robert Stewart about the engagement of politicians in operational matters, can be viewed as a misinterpretation of the gold standard in the Morden Report.

The minimal clarity and misinterpretations surrounding operational independence also presented a series of challenges and consequences for the sharing of information and communication amongst police and political authorities. Some key players at the POEC Inquiry expressed these challenges and consequences in their discussions. For instance, the Commissioner of the OPP, Thomas Carrique, stated how he responded to a request that would

normally be directed to him but was instead made public first. The former Chief of the OPS, Peter Sloly as well as the Acting Deputy Chief of the OPS, Patricia Ferguson also discussed challenges due to miscommunication and information sharing. Sloly claimed a consequence of a miscommunication from the Solicitor-General about the number of officers in Ottawa produced challenges with public trust and confidence and Ferguson stated how certain individuals chose to jump chains of command to speed requests along, which resulted in an incomplete command structure. Additionally, consequences of a failure to effectively share information were outlined by the Toronto Police Services Board when they referred to the Morden Report's statement that, "in order to properly discharge its statutory governance and oversight role, a police services Board needs to receive adequate information from the chief of police—including detailed operational information, where necessary" (POEC, Institutional Report). The Toronto PSB also went on to say that proper information exchange, including information about an operational plan, ensures policy vacuums do not occur. An inadequate exchange of information can consequentially produce issues for a PSB's objectives and priorities during a major event.

The challenges expressed by key players above represent the negative consequences of miscommunication and a lack of information sharing amongst politicians and police. The appropriate information exchange, direction of requests, and chains of command for information sharing were not followed, thus resulting in miscommunication, issues with maintaining oversight roles, and trouble for police in the context of community trust and confidence. Arguably, these consequences are the result of reliance on representations of the police and government relationship that overinflate operational independence. Further, Justice Rouleau expressed that the inability to effectively share relevant information with necessary parties can result in diminishing oversight and governance roles for Boards and less effective policing of a

crisis (POEC, Volume 1). These consequences of ineffective communication and information sharing have been raised by authors such as Roach, who has stated that in the case of the 2010 G20 protests in Toronto, the lack of information sharing between the police and their Board, “contributed to a lack of effective planning” (2022, p. 86). This statement can also be applied to what occurred at the Freedom Convoy Occupation, which Roach has said included failures in “governance, planning, and policing” (2022, p. 83).

Communication and information sharing issues can produce gaps in the oversight role of a PSB, and thus, compromise how they legitimately oversee and direct police. As specified by Justice Morden in the context of the G20 protests, political authorities such as those on a PSB have an essential role in maintaining collaborative relationships and sustaining communication in these relations (2012). Despite this essential role of a PSB, police were left to govern themselves in Ottawa, without effective communication. The data has signified that the lack of information sharing and communication that occurred throughout the crisis created space for a democratic deficit in policing, which contributed to the Ottawa PSB’s minimized oversight role. As a consequence, the relationship between police and political authorities throughout the crisis failed to be collaborative and functional enough to deliver effective policing services.

The findings demonstrate that effective communication and information sharing amongst police and political authorities during the crisis had an essential role within the police and government relationship. While the present literature has discussed the role of communication and information sharing amongst police and political authorities, it can be argued that it is not emphasized enough, due to the impact it can have on this relationship. The consequences outlined thus far, indicate that a failure to effectively communicate and a lack of understanding surrounding the parameters of information sharing can produce a democratic deficit in policing,

leaving police services to govern themselves during times of crisis and fail to provide effective policing to their community. Instrumentally, this democratic deficit may be something police and politicians look to sustain, for police to benefit from the inflated independence they gain, and politicians to take advantage of the lack of governance they need to provide. Furthermore, the sustained reliance on misunderstood notions of operational independence continues to create space for this deficit, when key players believe a lack of information sharing is justifiable based on police independence from political interference. It is necessary that research continues to focus on further advancements in knowledge surrounding the severity of consequences that can stem from misunderstood notions of operational independence.

While misunderstandings did persist, some key players like the Ontario Deputy Solicitor General stated beliefs that a PSB is entitled to receive operational information in-camera, because the Morden Report states it. He expressed that despite the Report not having the force of law, it is a recommendation that does clarify the sharing of operational information. The discussions about the parameters of information exchange and communication presented above, signify an alignment with what Justice Morden set out to be the standard for information sharing within the police and government relationship. The two parties are expected to work together with adequate communication and through a reciprocal flow and exchange of information, to deliver effective policing services to a community (Morden Report, 2012). This standard for information exchange was presented in then RCMP Commissioner Brenda Lucki's discussion, when she made the distinction between political interference and an exchange of information. Lucki stated that during a period of problem solving amongst police and their Board, people ask questions or make suggestions that may come across as directives for operations, when this

would not actually be the case. She clarified how during problem solving periods, it would be a strict exchange of information, not direction or interference.

What Lucki described is precisely what scholars like Roach and Sancton have been expressing and advocating for, as displayed through the democratic policing model. This model was illustrated in the Linden Report, related to matters at the Ipperwash Crisis in 1995. It was said that the model ensures political authorities obtain information about police operations, to allow for more cooperation in police-government relations (Ontario, Ipperwash Inquiry, 2003, p. 339). Brenda Lucki's discussion about the exchange of information within the RCMP, as well as the meaning Mario Di Tommaso drew from the Morden Report, signify there are some individuals in power that possess understandings that reflect the democratic policing model and the standards set by Justice Morden.

Alignment with the parameters of communication and information sharing outlined in the Morden Report can have many benefits, such as those discussed in relation to events in Windsor. The Mayor of Windsor Drew Dilkens expressed his experience with communication and information sharing during the crisis, when he stated his ongoing conversations with the Chief of Police allowed for great communication throughout the city and for the duration of the protest. This statement signifies how Dilkens believed there was no absence of information during the crisis, which indicates his representation of the police and government relationship is positive and collaborative in nature. Effective communication and flows of information were also highlighted by the City of Windsor in their Closing Submissions, in which they said that the protest demonstrated an unprecedented challenge that revealed the necessity of swift, effective communication and cooperation throughout the government to support police operations.

What had been presented in discussions at the POEC Inquiry related to the Freedom protests in Windsor, represent another side of information sharing and communication that produced positive outcomes due to an effective flow of information, and cooperation through communication. It is clear through these findings, that those within policing and politics who follow the guidance for information exchange set out in the Morden Report have reaped the benefits of this guidance. As Mayor Drew Dilkens discussed, his collaboration with the Windsor Chief of Police throughout the protest provided an effective information flow, allowing them to work collaboratively in a manner that the City of Windsor claimed supported police operations. Despite the shifting nature of operational and policy matters that complicated the relationship in other cities during the crisis, police and political authorities in Windsor understood the need to collaborate to support police operations.

The discussions presented demonstrate a divide in how key players at the POEC Inquiry interpret the concept of operational independence, which is displayed through the varying ideas of the parameters of information sharing and communication. Conclusively, those who have misinterpreted understandings of operational independence, perceive smaller parameters of information sharing and communication amongst police and political authorities in comparison to those who reflect current notions of it that are found in the Morden Report. Amongst those who have understandings differing from Morden, there are patterns in the extent of information sharing that occurred. With a common perception of those in power being that political authorities shall not receive information or collaborate with police regarding operational matters, it is likely that a PSB may not receive the information it requires to fulfill its oversight role. This was emphasized by the Toronto Police Services Board during the POEC Inquiry, as they outlined consequences of this, including the potential for policy vacuums to develop. These consequences

have been a highlight in the current literature on this topic for many years, with scholars focusing on how it has impacted the police and government relationship for many decades, all the way to the recent Freedom Occupation in 2022.

In contrast, the findings also suggest that there are other key players located within this relationship that have successfully collaborated through effective information sharing and communication to provide efficient policing services to their communities during the crisis. Those who have been successful evidently followed the guidance found in past reports such as Morden, that have indicated how operational independence does not limit a PSB from obtaining the information it requires to function in its oversight role. Based on this knowledge, withholding information within the police and government relationship could be more harmful than potentially crossing blurred lines between policy and operations. Effective and open communication and information exchange between police and their PSBs during a particular public order crisis is proven based on these findings, to help PSBs fulfill their roles and aid police in providing effective services.

II – Perceptions of Police Independence: From “Blurred Lines” to “Church and State”

Those with powerful roles amongst policing and politics in Ontario generally agree on the broad consensus that a divide exists between police and political authorities, to protect the operational independence of police. This divide has commonly been referred to as a line that is not to be crossed by political authorities, however it has been unclear as to where this line actually is. Past research by scholars has indicated that debates surrounding where this line is to be drawn have stemmed from varied interpretations of what the concept of operations includes (Stenning, 2021). The concept holds a vast range of competing understandings, as seen amongst key players in

policing and politics, and presented in their discussions at the POEC Inquiry surrounding the Freedom Occupation public order crisis.

Throughout the last several decades, there have been multiple attempts to provide clarity on the extent of police independence in reports such as Morden and Linden. The Linden Report concluded that decision-making within the police and government relationship will always intersect, and that policy and operations are “fluid concepts”, which produced more confusion than clarity (Sancton, 2012). Around a decade later, the Morden Report attempted to pinpoint the source of this confusion in the *Police Services Act*, related to section 31(4), that indicates, “The Board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police force” (1990), however, the Report failed to diminish misunderstandings about police independence. Rather, Justice Morden described the issue as confusing, with blurred lines that indicated no strict boundary exists between policing and politics. As a result, key players in policing and politics discussed these blurred lines that remain between operations and policy during the POEC Inquiry. Some key players strayed away from describing the division as blurred lines, choosing instead, to transition towards an understanding of police independence comparable to the division between Church and State. The main idea of this division is that the State stays out of the Church as it is a separate entity, similar to how politicians in oversight roles responsible for law and policy are separate from police operations. The use of the Church and State metaphor throughout the Inquiry also consisted of varied arguments about where the separation or boundary between Church and State should actually be placed. Metaphorically speaking, some key players had an understanding that politicians with oversight roles would not be allowed in the Church (operational matters) at all. Meanwhile some contested that they are allowed in to discuss policy, but are prohibited from

directing operational matters, like how the state would be prohibited from entering the confessional inside the Church. These varied ideas about the division between policy and operations present at the POEC Inquiry demonstrate the continued misunderstandings many players in the police and government relationship have about operational independence. Using the Church and State metaphor, some individuals or groups argued at the Inquiry that the State *is* allowed in the Church, for specific purposes such as discussing policy. Others at the Inquiry pushed back on this notion, to say the State is not allowed in the Church *at all*, which indicated a regression in some key players' understandings of the nature of the police and government relationship.

The discussions presented indicate how many individuals in power have found it difficult to navigate through the police and government relationship. This difficulty appears to be caused by what the Morden Report referred to as an oversensitivity amongst politicians in trying to not violate section 31(4) of the *Police Services Act*. Whilst this statement was in the context of the G20 protests in 2010, it arguably remains valid in the present climate of the police and government relationship and throughout the Freedom Occupation. For instance, politicians like House of Commons Member Marco Mendicino, and Mayor of Windsor Drew Dilkens, shared their understandings of police independence in detail. Mendicino stated how there are important boundaries that should not be crossed by politicians due to operational independence, to safeguard against the politicization of decisions that should be made by police. He said, however, these boundaries would not mean that there should be an absence of dialogue between police and the government. Mayor Dilkens also acknowledged the importance of these boundaries when he claimed he cannot, as Chair of the Windsor PSB, direct police operations.

In the discussions presented by the Minister and Mayor, both politicians support the concept of operational independence and understand there are boundaries placed upon them in relation to directing the police. Mayor Drew Dilkens expressed his understanding of these boundaries by indicating he cannot direct police operations, despite the political pressure he endured. While these boundaries exist, Mendicino did however, present the argument that governments should still be involved in policing matters through dialogue, which was a common stance as evidenced in the previous section on information sharing. This argument is demonstrative of how politicians broadly understand the concept of operational independence and the reason boundaries exist to protect it. At the same time, it is apparent how some key players may find it difficult to strike a balance between this independence and direction to find room for adequate communication, which is notable in how they represent the boundaries within the police and government relationship. Furthermore, Mendicino also entertained the idea that operational independence exists to prevent the politicization of policing, which is a notion that has been raised before in the literature. Scholars such as Stenning and Beare have stated the political nature of police and their existence as an “executive arm” of the government has raised concerns in the past about the balance of how police are to be politically governed whilst maintaining their independence (2021; 2011; 2004). Beare and Murray (2007) have further expressed that the police and government relationship should be political, but not partisan. Furthermore, Justice Rouleau refers to these concerns in Volume One of his report, in which he states:

While governments decide important questions about policing, their control over police is not absolute. If a government has too much control over police, there is a risk that the law will not be applied impartially. If a government has too little control over the police, there is a risk that the police will become self-governing. (2023, p. 26)

The understandings of operational independence presented by politicians at the POEC Inquiry, indicate how they undoubtedly perceive this independence as an important aspect of the police and government relationship. The extent of this understanding can however, trigger problems when politicians become oversensitive of maintaining police independence. This oversensitivity can make them unable to adequately fulfill their oversight role, causing an under-governance of policing. Analysing this data from the POEC Inquiry and relevant news articles instrumentally, this oversensitivity to police independence can also be a mechanism or strategy pushed by politicians to evade accountability for policing actions when new critical events arise. As Justice Rouleau specified, there is a risk that police become self-governing with little government control; this can leave room for politicians to claim they are not responsible for policing matters, due to police independence (2023). Throughout the Freedom Occupation crisis, this under-governance occurred most evidently at the provincial level, in which politicians deferred their responsibility to others over what they considered policing matters. One example is Ontario Premier Doug Ford's response to the Freedom Occupation, as mentioned in the following news article:

Ford answered one question the next day and repeatedly said the inquiry was a federal matter and not a provincial one. He has also said repeatedly the occupation in Ottawa by the so-called Freedom Convoy and a near weeklong blockade of the most-travelled international bridge in Windsor was a policing issue, not a political one. (CBC News, 2022)

The Ontario Premier's notion that the public order crisis was a "policing issue" and not associated with politics illustrates a deferring of responsibility onto police, as a strategy for evading accountability. From an instrumentalist perspective, Doug Ford's words emphasize how it is possible for politicians to overinflate the concept of operational independence to push the idea that they are not responsible for the policing of critical events, for their own benefit. This

strategy that assists politicians such as Doug Ford in evading accountability has not only been recognized in this research; scholars such as Roach (2022) have argued that politicians commonly use exaggerated claims about police independence to allow them “to escape responsibility for policing policies, which will almost always offend someone” (p. 75). Based on this research, it is evident that there is a tension in the police and government relationship tied to accountability and varied understandings about the lines between police independence and oversight of police. The Ottawa Police Services Board made note of this tension in the POEC Inquiry, saying “there is a tension between the desire for the preservation of the independence of the police, the need for police accountability and a sense of effective civilian oversight of the police.” (POEC, Institutional Report, Ottawa Police Services Board).

Tension around these concepts in the police and government relationship is something the Morden Report sought to address years before the POEC Inquiry. The Report explained that governance powers over policing include establishing policies, as mentioned in section 31(1)(c) of the *Police Services Act* (2012). Furthermore, various duties required of politicians who help govern the police are not limited due to the operational independence of police (Morden, 2012). Despite addressing these issues over a decade ago, the current notions that politicians hold about the independence of police resemble those similarly held in the past, therefore demonstrating a regression in understandings, and, a departure from the standard for operational independence. This is also evident in how some key players such as those amongst the Ottawa PSB have highlighted how the tension remains, which is arguably a result of competing interpretations about police independence.

Our knowledge of representations and understandings about the nature of the police and government relationship throughout the Freedom Occupation Crisis can be expanded,

particularly when analysing a pattern of interpretations about operational independence that has been seen before in existing literature and reports. Some key players in policing have been found in this research and in the past, to overinflate operational independence in a similar manner as politicians; previous literature has stated this is a strategy for police to gain more autonomy (Roach, 2022). An example of this pattern in how individuals in both parties over-inflate their interpretations of operational independence, is the metaphorical relation of the police and government relationship to the division between Church and State throughout the POEC Inquiry. The Mayor of Ottawa Jim Watson displayed his understanding of police independence using this metaphor when he claimed there is a Church and State type of separation, in which the PSB cannot direct the Police Chief on an operational matter because it would not be appropriate. This so-called division between Church and State was also mentioned in discussions with the Commissioner of the RCMP Brenda Lucki, when she responded to a question referring to the line between Church and State. Lucki said it was “pretty clear” that anything operational is for police to advise on, but they would not take direction on “how to do things”. Privy Council Office member Jeffery Hutchinson was another key player that used the metaphor as a tool for explaining the police and government relationship. Hutchinson questioned how they are to ensure that police operate under their own authority and that the political level is engaged, but not interfering with police authority.

The idea that politics and policing is indicative of the division that has commonly existed between Church and State, suggests that key players in the police and government relationship have not necessarily grasped the guidance from the Morden and Linden reports. These reports emphasized the need for a collaborative approach to policing, focused on effective oversight of policing “in the preservation of public safety” (The Morden Report, 2012, p. 6). By claiming

there is a line between politics and policing that resembles the separation of Church and State, both politicians and police have overestimated the limits of police governance and have latched onto an argument that signals an evolutionary decline of understandings of operational independence. Interpreting the distinction between policy and operations as a blurred line is consistent with recent understandings, however, transitioning to the idea that it resembles the division between Church and State is aligned with past beliefs that there would be no role for a PSB in any operational matter, due to the distinct divide. To use this metaphor in a manner that helps evolve understandings of operational independence, Kempa suggested that it be perceived as the State being welcome in the Church to ask questions and give suggestions or advice about operations, but they should not go into the confessional, which would specifically be the exercise of police powers (2022). This confessional that holds the exercise of police powers, is where there is *actually* no role for a PSB; but this would not mean they are unwelcome inside the Church (Kempa, 2022).

Despite being used as a mechanism for describing operational independence in a way that signals an evolutionary decline in understandings, the metaphor appears to be a novel way key players have chosen to justify how they represent the nature of the police and government relationship. Individuals at the POEC Inquiry appeared to grasp onto this idea of a Church and State division after it began to circulate in discussions, as seen in the above excerpt with Commissioner Brenda Lucki. Therefore, this idea can be considered a newer justification that has been utilized by key players to further stretch the independence of police, to the point of misinterpreting operational independence as meaning politicians cannot direct police, or rather, enter the Church. This misinterpretation can cause confusion amongst the police and government relationship, in relation to how politicians with oversight roles choose to function in such roles.

If it is misunderstood that politicians are completely separate from operational matters like the Church and State metaphor implies, they risk the ability to effectively fulfill their governance role when things such as the capability to ask questions, provide recommendations, or set objectives in policing are limited due to being operational matters (The Morden Report, 2012). In contrast of this understanding, the appropriate governance role was discussed in the POEC Inquiry, when the Ontario Provincial Police stated the following:

A central lesson of Ipperwash is that in the context of a public order event, it is critical that the oversight body not over-step its appropriate role. The role of the government or oversight body is to ensure that policy is being followed, risks are being mitigated and the police service has the necessary resources to adequately and effectively perform their duties – and this would warrant the oversight body having an appropriate level of situational awareness, the ability to ask questions, and, in some cases, information related to a concept of operations to satisfy its administrative responsibilities. (POEC, Closing Submissions, Ontario Provincial Police)

This statement presents a perfect reflection of the standard for policy and operations in the Morden Report and mentions key lessons that were taught as a result of the Ipperwash Crisis, to describe the way in which political oversight works without interfering in police independence. It represents the understanding that although police cannot be directed on operational matters, it does not prevent an oversight body from obtaining information about operations. This is precisely what the Morden Report emphasized, being that operations is not entirely separate or divided from politics, which indicated politicians are allowed to request operational information for the purpose of effectively fulfilling their oversight role (2012). The Ontario Provincial Police's statement represents an understanding of the lines between police and politics in a manner that greatly contrasts understandings from other key players such as Mayor Jim Watson and Commissioner Brenda Lucki, who discussed these lines being metaphorically divided between Church and State. While some key players have aligned their understandings of

operational independence with the standards in the Morden Report, the departure from this standard by other key players still presents an issue in how operational independence has been clarified to date. The ability for some individuals to use varied strategies in their arguments that overinflate the notion of operational independence is indicative of how the lines between police and politics remain blurred. These blurred lines have provided an open opportunity from an instrumentalist perspective, for police and politicians to continue displaying representations of operational independence in a manner that suits their own needs best, whilst providing themselves with the smallest number of consequences. The most prominent of these representations is the comparison of the nature of the police and government relationship to the separation of Church and State, based on over-inflated interpretations of operational independence.

It is undoubtedly important to see both ends of the spectrum in how key players in politics and policing understand operational independence. As represented in the data, there is a massive variance in how individuals or powerful bodies interpret the limits of operational independence. Analysing these interpretations instrumentally, they are commonly based upon factors such as the way individuals or powerful bodies like PSBs have produced meaning from guidance in previous reports, or, how they seek out understandings that may provide them benefits. One example of how a key player in policing justified their understanding of operational independence in a manner that was beneficial to them is the former Chief of the Ottawa Police Service, Peter Sloly. Sloly argued that the Morden Report is “not a statutory authority”, meaning that it cannot force individuals in policing or politics to act based solely on its recommendations, as it does not have the force of law. He also claimed the Report is informative but not instructive, as it was unable to be considered during a “still unfolding

national security event”. This argument has been used as a rhetorical strategy to depart from the guidance in the Morden Report related to the involvement of an oversight body in the policing of a critical event. By arguing that the Morden Report is merely a report, it provided Sloly with the opportunity to express his own, over-inflated understanding about operational independence that minimizes the role of an oversight body’s role in policing. This understanding can, however, be problematic for the nature of the police and government relationship. When those in power in policing overinflate notions of operational independence, they discourage those with oversight roles from fulfilling their roles and responsibilities, like the implementation of policy that can be a vital part of policing a critical event (Martin, 2004). On the contrary, from an instrumentalist perspective this notion can be beneficial for those in policing, as it justifies their desire to be autonomous from political direction in a way that defies the guidance and concerns found in reports. While beneficial for police, this can be problematic, as the recommendations in reports like Morden, Linden, and, as of recently, Rouleau are the best sources for clarity in understanding operational independence and roles within the police and government relationship. According to scholars Laming and Valentine (2022), the *Police Services Act’s* definition of “operations” remains open to interpretation and has therefore been problematic when defining the roles and responsibilities of politicians in the governance of police. Considering this issue, it should be understood by those in policing and politics that despite reports not being a statutory authority in legislation, the guidance and clarity they can provide about matters in the police and government relationship should be something they align their own understandings with, for the purpose of being able to provide effective policing services.

Throughout this section of the chapter, it has become evident that various understandings were circulated by key players in politics and policing at the POEC Inquiry. Some individuals or

powerful bodies such as PSB's have understandings of the lines between politics and policing that reflect the standards in the Morden Report; but others continue to depart from standards with their over-inflated understandings of operational independence. This research demonstrates partial progress in how some have properly interpreted the blurred lines between politics and policing compared to the past. It is evident however, that many still choose, willingly or not, to latch onto notions of police independence that risk minimizing the roles and responsibilities of oversight bodies, like the Church and State metaphor implies. These notions drive key players' current understandings and representations of the police and government relationship, which can influence how they function in their appropriate roles. Furthermore, the newer rhetorical strategies that were exemplified at the POEC Inquiry like the Church and State metaphor, signify there is still work to be done in the area of clarifying the boundaries some individuals believe must not be crossed within the police and government relationship. Relying upon what has been said in recent literature, operational independence has been better understood recently as limited to investigations, arrests, and the laying of charges (Roach, 2014). While this clarity is beneficial in the academic world, it is vital that the same clarity of the concept be presented in the police and government field, which may help set more distinct lines between politics and policing. As presented in the next section, this clarity is also required for the purpose of understanding the limitations of political direction in policing and clarifying notions about political interference that can impact understandings and representations of the nature of the police and government relationship.

III – Which One Is It?: Political Direction and Oversight Versus Interference in Policing

The final way in which representations and understandings around the operational independence of police and the nature of the police and government relationship were discussed, was through the ideas that circulated about limitations on the political direction of police. The limit to how involved political authorities should be in policing matters was a topic of concern at the POEC Inquiry that sparked discussions about the role the government should play in policing. Key players generally represented the notion that politicians cannot direct police operationally, as this would be considered political interference. This notion of political interference coincides with the standards set in the Morden Report regarding the extent of involvement of government bodies in policing. The discussions amongst both parties relied on their understandings that politicians or those in oversight bodies are to be highly considerate of police independence and the risks of political interference, due to lessons learned in past crises such as Ipperwash and the G20 protests, as well as guidance in the Morden and Linden Reports. This high degree of caution possessed by many key players has guaranteed a minimal number of issues regarding inappropriate direction in policing; the data demonstrated that the majority of individuals in policing did not believe any political interference occurred throughout the duration of the Freedom Occupation Crisis.

In comparison to the political interference that occurred during the Ipperwash Crisis, the ability for key players to claim no interference took place during the Freedom Occupation indicates a positive step forward in the police and government relationship. Despite this success, the discussions in this data also portray how some key players may have produced statements that implied the potential for political interference to occur. The findings stemming from this data suggest that how the nature of the police and government relationship is represented largely

relies on how key players act in accordance with their concerns around political interference in the policing of operational matters.

One of the first things to note is how discussions that circulated at the POEC Inquiry about political interference versus direction in policing relied on the notion that politicians are not allowed to direct police operationally. This was commonly addressed by key players such as Minister of National Defense William Blair, who descriptively outlined the functioning of oversight boards and his involvement with them during his time as a Chief of Police. Blair stated how during his time as a Chief of Police, he was accountable to answer his Board's questions and he felt it was his responsibility to provide them with answers and information for them to fulfill their oversight function, but that did not entail direction in operational matters. Minister Blair's discussion about the relationship he had with his Board as a Chief of Police demonstrates his understanding of the limits politicians have when directing police operationally, yet he has also factored in how these limitations should not deter politicians from asking questions when needed, to provide policing oversight adequately and legitimately. Further, Minister Blair also recognized the significance of having accountability in policing, which the Morden Report stated is an important aspect of the police and government relationship, as a Chief of Police is to be held accountable by their Board for any decisions they made, including operational decisions after-the-fact (2012). This important aspect of political direction and oversight that Minister Blair discussed is highlighted in the work of Roach, who has stated that Canadian police have far more after-the-fact accountability than in the past, but problems in police misconduct still occur (2022).

Roach explained that one reason for this misconduct may be the increase in police self-governance without political direction, which has occurred as a result of police arguing there is

political interference when politicians attempt to direct police (2022). There are some key players such as Minister Blair that have recognized the importance of a properly functioning oversight body that can legitimately provide direction to police, despite others who have used the political interference argument. For instance, the City of Windsor indicated their limitations on directing police in operational decisions and their attentiveness to not influence these decisions. Diane Deans from the City of Ottawa also expressed her perception of her PSB's oversight role during her discussion at the POEC Inquiry. Deans stated that the Board was aware of their role as an oversight body, especially after the problems they had gotten into during the G20 protests because they did not want to make the same mistakes but rather, learn and seek advice about their role.

The statements presented from key players at the POEC Inquiry offer similar ideas to those of Minister Blair about political direction, oversight, and the role of a Board. These discussions also demonstrate that understandings of these aspects of the police and government relationship have shifted to become more aligned with the standards set in the Morden Report related to political interference. It is clear there are some key players in the police and government relationship like Minister Blair and Diane Deans that understand and represent the appropriate role of a Board and the responsibilities of this oversight body. Their understandings are therefore in accordance with the standards that place no limit on discussions a Board can have with their Police Chief, as long as they do not infringe on operational decisions (Morden, 2012). This suggests there has been a significant step forward in the police and government relationship, as it means key players better understand the roles and responsibilities of those involved in policing, which can minimize the amount of political interference that may occur.

Another way in which discussions around the political direction of police took shape was through a recognition of past issues that stemmed from political interference, which many key players aim to never repeat. Resembling what Diane Deans mentioned about not wanting to make the same mistakes as the Toronto PSB during the G20 protests, others had similar ideas in mind when discussing matters related to the police and government relationship. For example former Member of Parliament David Lametti referred to the Ipperwash Inquiry in his understanding of political direction in policing when he said the Inquiry was clear about in no way, making operational decisions for police. Lametti made it clear that he understands the limitations of political direction in operational matters, as a result of his knowledge of the Linden Report. This signifies that some individuals in politics and policing such as Lametti and Deans, have used these past crises and the recommendations stemming from them as a lesson to be cautious of political interference and to better themselves in their appropriate roles. The ability to reflect on these past crises has also allowed some key players at the POEC Inquiry to share their understandings of political interference by using what has happened in past crises as an argument within their discussion. Marcel Beaudin from the OPP shared his understanding with the argument that political level individuals should not interfere in police operations because consequences that may arise, like those at Ipperwash that were caused by comments made by the government.

Bringing these past crises into conversations at the POEC Inquiry gave some key players the ability to use the problems that occurred as an argument for why political interference and direction should not happen in policing. Therefore this research shows that during the POEC Inquiry, many key players demonstrated ideas about political interference that reflect those found in past reports like Linden and Morden. This knowledge is arguably different from what scholars

on this topic have stated, as some such as Stenning (2021), and Laming and Valentine (2022) have recently claimed debates about what is defined as political interference remain active in the police and government relationship.

Based upon these findings, individuals in this relationship generally agree that political interference can be understood as direction on operational decisions, with many of these understandings stemming from previous reports. The understanding of what constitutes as an operational decision, however, remains vast and as a result, some key players seem to understand it as the exercise of police powers but may interpret this more broadly as operational matters. Despite the vast understanding of what operational decisions consist of, the understanding that political interference relates to the direction of operational decisions is beneficial to how the nature of the police and government relationship is represented. More key players have used what was stated in the Morden and Linden reports to shape their understandings of how politicians and police should appropriately function in their relationship to ensure issues like those at the G20 protests or Ipperwash Crisis do not occur again. With a greater number of individuals amongst politics and policing shaping their understandings around the same set of standards, it can promote greater clarity in the roles and responsibilities of each party and the limitations around the operational independence of police.

With these findings, the conclusion can also be drawn that with more caution around political interference than what has been seen in the past, those involved in policing the Freedom Occupation crisis faced less issues related to interference. At the POEC Inquiry, Dana Earley and Marcel Beaudin from the OPP are two examples of those in policing that distinctly said they, nor others, faced any political interference that they were aware of (Public Hearings, Volumes 9 & 19). In comparison to the level of political interference that occurred at the Ipperwash Crisis, this

appears to be a step in the right direction within the police and government relationship. With politicians remaining cautious to not interfere by directing police on operational matters, this ensured police maintained their independence.

It is, however, important to note that while the findings suggest no interference occurred during the Freedom Occupation Crisis, this may be due to the fact that according to Roach (2022), Ontario's new policing legislation still uses broad terms for operational independence that allow police more opportunities to claim political interference. With more opportunities for political interference to potentially be claimed, this means politicians have an overstretched idea of what they cannot interfere in. With an overstretched idea, it is possible that some politicians with oversight roles chose to minimize their role out of fear of interfering in operations and to protect themselves from potential conflict. As Roach states, "The police can give local councillors 'both barrels' by claiming political interference in police operations based on inflated concepts of police independence" (2022, p. 92). Although this reason behind no interference having been claimed is only *presumed* due to a lack of knowledge found in the data, it can be acknowledged as a possibility based upon the current literature.

While it appears through these findings that no political interference actually occurred, it is important to also consider how the language used in some discussions amongst politicians and police may have invited ideas that political interference was a possibility during the Freedom Occupation Crisis. In particular, the language used in many of the statements from the Premier of Ontario Doug Ford was discussed at the Inquiry. While the Premier was not in attendance at the POEC Inquiry, his words and actions were taken into consideration when other key players were questioned about political interference. For instance, Dana Earley from the OPP was questioned regarding the Ontario Premier's statement:

They'll act, but without directing them, it's hard to describe their game plan. They'll have a plan unlike Ottawa [where] they didn't have a plan. I'll get briefed tomorrow from the solicitor general and we'll keep you updated. This is critical, I hear you. I'll be up their ass with a wire brush. (POEC, Public Hearings, Volume 19)

Responding to questions about this statement, Earley claimed that there was no inappropriate interference or pressure from the political level she had been aware of, despite the language used in the statement above. The Premier was also mentioned in a news article from CBC News, in which he said, "police are a little shy" and "if I could direct the police, I would" (CBC News, 2022). Doug Ford's statements indicate that although he was aware he was unable to direct police, the language he used in his discussions demonstrates his desire to become involved in operational decisions which would therefore entail claims of political interference. This demonstrates how politicians must remain cautious when discussing the direction of police, as the implicit meaning that can be derived from statements like Ford's could be understood as him wanting to – and possibly – interfering in policing. Therefore, this research demonstrates there is significance in how key players in the police and government relationship use specific language in their discussions, as it could result in tension between the two groups due to possible assumptions of political interference.

The representations and understandings of political interference and oversight versus political direction presented in this section show that key players share similar notions about the limits of political direction and what is considered interference in operational matters. Based upon the finding and results of the two previous sections of this chapter, it appears that politicians and police reflect the standards set out in the Morden Report as they relate to political interference. It is also evident that there are minimal or no debates about the definition of political interference and the idea that it circulates around limits to directing operational matters. Additionally, with many key players recognizing the negative impact political interference had

during the Ipperwash Crisis along with the governance failures that occurred during the G20 protests, the POEC Inquiry demonstrated that lessons have been learned from these past crises. This finding positively disembarks from notions in the current literature, which have recently stated that debates about political interference remain within the police and government relationship. For instance, Roach (2014) had previously claimed that the issue of political interference would still occur if the *OPSA* were not amended, and Stenning (2021) argued that disagreement was evident within the police and government relationship as to the interpretation of police independence, which may cause issues related to political interference. This research now indicates there may be a better outlook for the nature of the police and government relationship, due to an increase in shared understandings and positive representations that align with the standards and recommendations found within the Morden Report.

Conclusion

The representations and understandings from key players in policing and politics that circulated at the POEC Inquiry relating to the operational independence of police, demonstrate how a division remains between police and political authorities during a time of crisis. While many key players circulated similar ideas and arguments to represent their current understandings of how the nature of the police and government relationship functions, these ideas reflect a varied understanding of the standards and guidance within the Morden Report, that sought to offer clarity within this relationship. It is evident as highlighted through the three discussions on the themes of this chapter, that continuously overinflated notions of operational independence still remain an issue and need further clarification, despite attempts in the past to offer this clarity through a number of public inquiries, reports, and legislation.

The findings and analysis on information-sharing and communication offer insights into how the perceptions of operational independence possessed by important players in politics and policing seemingly drove how they exchanged information, the extent of their communication during the crisis, and the limits to how much they collaborated throughout the crisis. As noted in the discussions from various key players, there were difficulties surrounding the extent of information shared by police to their oversight board, particularly in Ottawa, which limited the PSB's abilities to fulfill its appropriate function. The inability for the PSB to succeed in its role triggered issues such as gaps in their knowledge about the policing of the Freedom Convoy Crisis. This issue evidently led to tensions in the police and government relationship, as police sought to withhold information for the purpose of protecting their own independence. Consequentially, the lack of information-sharing that occurred did not allow police and political authorities to effectively collaborate in the best manner possible to adequately police the crisis. With many of these issues being a direct consequence of overinflated notions of police independence, it is apparent that more work must be done in this area to educate policing authorities and politicians on the limits of police independence in operational matters. As indicated in the section on this theme, there are some key players who reflected the standards and understandings about operational independence seen in the Morden Report, however, those that departed from these standards commonly used overinflated ideas as the basis of their arguments to justify why they limited information-sharing, communication, and collaboration between the two parties.

The discussions that included overinflated notions of operational independence not only dominated arguments surrounding information-sharing and communication but were also used to justify the (in)actions of police and political authorities during the POEC Inquiry. Many key

players expressed the general idea that a divide exists between policing and politics, or rather, operations and policy. While this divide exists and has been referred to as a “blurred line” by many in the past and present, it has allowed those in policing and politics to justify the lack of oversight and expanded self-governance in policing that happened during the Freedom Occupation Crisis. The most common language used to refer to this divide was the “Church and State” separation, which key players used to suggest that like the Church and State, policy (politics) and operational (police) matters are to remain separate and independent from one another. While this language was commonly used throughout the Inquiry, it represents a departure from the standards outlined in the Morden Report, that indicated policing and politics requires a collaborative approach rather than strict lines that cannot be crossed. This use of language highlighted the way key players in policing and politics produced meaning through their discussions, which offers valuable insights into how they represent the police and government relationship. Through this analysis, these perceptions demonstrate the continued overinflation of the operational independence of police, which means the nature of the police and government relationship is unbalanced. This unbalance is embodied in the discussions from key players about the lack of oversight and governance functions in policing, which has been caused by an overly independent police service that has sought to minimize governance in policing. To combat this unbalanced relationship, it appears it is necessary to provide further clarity about the blurred lines between policing and politics going forward.

Lastly, the conversations about political interference and pressure in policing during the Freedom Occupation Crisis managed to shed light on an aspect of the police and government relationship that most key players appeared to agree on. Generally, after analysing the discussions circulating around concerns about interference and pressure in policing, it became

obvious that police and politicians both felt that no interference in policing occurred during the crisis. This was the result of key players dominantly understanding the concept of political interference and pressure in a manner that was aligned with what the Morden Report described, broadly being that politicians ought to not interfere in operational matters. Furthermore, the common reference to issues of political interference and pressure in past crises and the motivation to not repeat these issues, seemed to be a driving factor in how mindful key players were of ensuring they respected police independence. Overall, police and political authorities remained cautious about political interference and pressure enough throughout the crisis to ensure there was only legitimate democratic oversight and direction. Based on these findings, these understandings appear to be a step in the right direction for the police and government relationship.

Conclusion

Current representations and understandings of the police and government relationship were examined in this thesis through the window of competing interpretations of the concept of operational independence during a public order crisis in the context of a public health crisis. Discussions from the POEC Inquiry and relevant news articles about the Freedom Occupation Crisis, provided valuable insights into how key players in policing and politics currently understand operational independence and therefore helped shed light on the relationship. With an overarching goal of addressing the gap in the literature surrounding the police and government relationship during a public health crisis, this thesis demonstrates precisely how understandings and representations of this relationship largely mirror what has been seen in the past. This research study therefore aligns itself with what has been said in the literature to date about the police and government relationship during crises such as Ipperwash and the G20 protests in Canada. Using a qualitative, reflexive thematic analysis of the discussions presented during the POEC Inquiry and in news articles, it is apparent that police and politicians utilized a number of different rhetorical strategies and arguments to justify their own representations and understandings of operational independence that reflect and/or depart from those found in the Morden Report. Using an instrumental approach, these different rhetorical strategies and arguments used in discussions by police and political authorities demonstrated how and why many aspects of the police and government relationship were largely influenced by various representations and understandings of operational independence during the crisis.

Varied representations and understandings of operational independence were reflected in discussions about how information sharing and communication amongst police and political authorities occurred throughout the Freedom Occupation Crisis. The main points expressed by

those in policing and politics exposed a lack of information sharing and communication amongst parties, mainly due to notions that “operational” and “political” matters must remain separate. This notion reinforced the idea that a major divide exists between policing and politics and allowed key players to justify their limited sharing of information and communication, with claims of protecting the operational independence of police. Meanwhile, the Morden Report’s standards for information-sharing and communication between police and political authorities refutes the idea that operational and political matters are to be kept separate. To reiterate, Justice Morden described how during the G20 protests, the police Chief and the Board functioned under the “invalid notion that matters of policy and operations were to remain divided... with operations being the concern of the police” (Roach, 2022, p. 87). Through the examination in this thesis, it is evident that this invalid notion persists within the current understandings of those in policing and politics, which proved to cause implications pertaining to their ability to share information and communicate with each other.

The invalid notion that persisted throughout the POEC Inquiry about the separation between operational matters in policing and political matters contributed to the overinflated ideas of what operational independence consists of. This persistent idea was found to have a negative impact on the police and government relationship. In particular, by keeping operational matters separated from politicians in oversight bodies, these bodies were unable to successfully fulfill their oversight role due to the limited information they had. On both sides, police and politicians refrained from discussing operational information with one another. Police perceived it as not appropriate to discuss operational matters with politicians, and politicians’ understandings were that they ought to not request operational information, due to fears of political interference claims. Instrumentally, this occurred due to many key players’ attempts to push for what they

believed the institutional form of policing should look like, which included minimal political direction and an overinflated independence of police, which resulted from the commonly believed notion that police and politics are more divided than they really are. Evidently, this affected the way police were governed by oversight bodies throughout the crisis, as it produced a gap in the knowledge PSB's required to effectively support policing services and hindered the ability for the two parties to effectively communicate about necessary information.

The division between operations and policy that was presented in discussions pertaining to the Freedom Occupation Crisis, also emerged in the commonly circulated notion of "blurred lines" between policing and politics. Arguably, these blurred lines have influenced the police and government relationship during public crises in Canada for decades and have resulted in problems such as political interference in policing, a lack of democratic oversight, or the self-governance of police. The Freedom Crisis was undoubtedly similar to crises in the past such as Ipperwash and the G20 protests, with many problems emerging yet again as a result of confusion about the blurred lines that separate policing and politics. Evidently, the POEC Inquiry managed to shed light on how these problems emerged and in what ways throughout the Freedom Crisis, that dominantly resulted from the inability of those in policing and politics to fully understand the limits of operational independence and extent of appropriate oversight that was outlined in the Morden Report.

Some individuals and powerful bodies such as those dealing with the crisis in Windsor, Ontario reflected the standards set in the Morden Report about the limits of operational independence. Other key players who did depart from these standards did so with misconceptions about the police and government relationship that have been commonplace

throughout the years. These misconceptions overinflate the operational independence of police, creating an imbalance in the roles and responsibilities of police and political authorities.

The precise language that described key players' understandings of the police and government relationship helped strengthen arguments used to justify their misconceptions about operational independence. This language was adopted by others over the course of the POEC Inquiry, with the most dominant being the "Church and State" division that was used as a comparison to the division believed to exist between operational and policy matters. This use of specific language to justify interpretations about the limits of operational independence arose as a new argument that has not been seen in past inquiries or literature to date. The comparison between Church and State and policing (operations) and politics (policy) largely took hold of discussions throughout the Inquiry, with more than several key players agreeing that the separation between the two is similar. Evidently, this departed greatly from what guidance and standards in the Morden Report described, as a *distinction* between politics and policing is said to exist, but in no way entails a complete separation. Rather, the Report emphasized the requirement for collaboration and consultation, outright saying that approaching the police and government relationship through an understanding that political oversight roles are limited due to a distinct separation "has been wrong" (2012, p. 6). Despite this guidance, many key players still represented the relationship by describing notions of police independence being in all matters of operations because of the lines between policy and policing they do not want to overstep. Conclusively, this representation of what the police and government relationship consists of has risked creating an unbalanced relationship. This risk is troublesome, especially when key players within the relationship must work in closer collaboration and consult one another during critical events like the Freedom Occupation Crisis.

In contrast to the varied understandings and representations of operational independence that took hold of discussions, representations of political interference and pressure presented at the Inquiry highlighted a positive step forward in the police and government relationship. Through the analysis, it became clear that politicians and police tread lightly in the realm of illegitimate political direction of police, due to common fears about repeating events in crises like Ipperwash. Politicians specifically presented concerns about interfering or pressuring police during the Freedom Occupation, which stemmed from a recognition of the negative impacts it can have on the actions of police. It was obvious through discussions on this topic, that such strong concerns about political interference influenced how much political direction police received throughout the crisis.

Minimal or rather, no interference in policing was said to have occurred by key players in policing, which signifies a positive step forward in how police are appropriately directed and overseen. One of the reasons that emerged for why this occurred, was that police and political authorities mostly followed and agreed with the standards and guidance indicated in the Morden Report, which states that political direction over operational matters is considered political interference. With this reflection of the standards in the Report, political authorities maintained an appropriate relationship with police throughout the crisis, allowing police to maintain their independence. Despite this alignment with the standards of the Morden Report, another possible reason for no interference was that political authorities completely minimized their oversight roles due to holding overinflated notions of operational independence. This meant that not only were politicians not going to interfere in operational matters, but they were also not fulfilling their oversight roles and responsibilities to their utmost capabilities.

Consequently, while these findings represent a step in the right direction pertaining to political interference in policing and indicate lessons have been learned from the past, it also means political authorities have minimized their oversight roles out of concerns about claims of interference. As discussed previously, minimized political oversight roles in policing can create problems and as the Toronto Police Services Board emphasized in their POEC Inquiry Institutional Report, policy vacuums can possibly develop when a Board does not fulfill its oversight function (2023). It is important to continue learning more about what dealing with no political interference entails. One might consider the reflections of the Morden Report's standards for political interference to be a positive and important step in creating a well-functioning police and government relationship. In contrast, others may see this as an indication of how misconceptions and overinflated notions about operational independence simply produced positive consequences.

This thesis successfully demonstrated how the current interpretations and understandings of operational independence majorly influenced the nature of the police and government relationship throughout the Freedom Occupation Crisis. New knowledge has been produced about how police and political authorities functioned throughout the crisis and were driven by their understandings and representations of their relationship that either reflected or departed from the gold standards found in the Morden Report. Justifications for key players' understandings and (in)actions were exemplified through arguments and language that expressed how they produced meaning within their relationships and roles, such as through the dominant idea of the blurred lines between police and political matters, which many transitioned to understanding as a resemblance of the "Church and State" division. Therefore, through the window of competing interpretations about the concept of operational independence, this thesis

has shed light on understandings of the police and government relationship during a crisis that have not been seen before.

The success of highlighting new findings about the police and government relationship does not come without weaknesses. While this thesis presented a detailed analysis of discussions from key players in politics and policing, it is important to emphasize how these discussions do not represent the entirety of individuals who make up policing and politics in Ontario. The POEC Inquiry failed to gather insight from some major players in politics, such as Premier of Ontario Doug Ford and the Minister of Public Safety at the time, Sylvia Jones, both of whom could have provided discussions that contributed to this research. The dataset used for this research included as many important key players as possible and attempted to compensate for the gap in discussions through the inclusion of a number of news articles. Despite addressing this gap however, the lack of insight from certain individuals is still apparent and must be brought into consideration when looking at the findings. With this in mind, it is important that future research considers discussions from a broader range of individuals within the political realm of policing, specifically those in the provincial government. By doing so, this will provide a fuller perspective of key players' understandings about operational independence within the police and government relationship. It would also be beneficial to consider those outside of the province of Ontario, with political and policing authorities in other Canadian provinces, which is not something this research included, due to the breadth of data this would consist of and the limited time to complete a Master's thesis.

For future research on this topic, it may also be helpful to study the political motivations of individuals in high and low ranking policing positions. Considering the possible influence of police officers' political approaches on policing decisions may offer a more rounded

understanding of how public order crises are handled not only at the level of police chiefs, but also by ordinary police on the ground. For instance, it may be important to consider how sympathy or alignment of ordinary police officers with a specific protest group may impact the enforcement of peaceful, legitimate protests. While this thesis did not consider the individual political motivations of police, further research in this area can be beneficial for producing more knowledge on the politics of policing public health crises. Additionally, the dataset from the POEC Inquiry was highly suitable for this project based on my research goals; however, it led the focus of this thesis more towards the policing of public order crises instead of public health. An interesting way forward for research would therefore be a greater focus on the politics of policing of public health in Canada and beyond, without as much concentration on public order crises.

Furthermore, with the limited time constraints of completing this thesis, this research did not consider a close analysis of the present legislation that surrounds the police and government relationship, specifically the Ontario *Police Services Act*. It would therefore be beneficial for future research to analyse this legislation, along with the new 2024 comprehensive Ontario *PSA*, to determine how the language in these pieces of legislation may impact how the police and government relationship functions. Most of the knowledge and information on the Ontario policing legislation has been discussed through the analyses found in the Morden Report and POEC Inquiry, as this was the best way possible to obtain an understanding of the contents that relate to the topic of this thesis with the limited time given. Irrespective of these weaknesses, the results of this research have successfully demonstrated that current representations and understandings about the nature of the police and government relationship are persistently

varied, and, influenced by competing interpretations of operational independence, which can impact how police and political authorities adequately function in their respective roles.

Logically the next steps for future research about the nature of the police and government relationship should continue to focus on competing understandings about the concept of operational independence, as this concept has commonly driven how public order crises are policed throughout the last several decades. Pertaining to the sharing of information and communication in the relationship, it is recommended that more research should be conducted on how those who successfully collaborated and had effective information flows understand the parameters of information sharing within the police and government relationship. Present research has concentrated most on those who faced challenges within the police and government relationship due to failures in understanding the parameters of information sharing. Through understanding the other, more positive side of the information sharing spectrum, it is possible that more will be known about how to encourage other key players to reflect the same understandings and therefore, success in policing critical events.

Additionally, the Rouleau Report produced after the POEC Inquiry relied on the standards in the Morden Report when attempting to clarify the operational independence of police; this means the Inquiry did not necessarily assist in drawing more distinct lines between policing and politics that are required to minimize misconceptions that exist. It is therefore important as a way forward in research, to also analyse the effectiveness of utilizing public inquiries to promote change within the police and government relationship. With the blurred lines that still exist between policing and politics, it is unlikely that understandings will become clearer or align with the standards in the Morden Report. For this reason, future research should consider what alternative routes must be taken for improving the clarification of operational

independence. Some of these alternative routes may include enhanced training for police and political authorities in oversight bodies on appropriate political direction, or legislative reforms that entrench more detailed descriptions of limitations to the operational independence of police into law. Only through offering further clarity about key concepts like operational independence, can we successfully improve the relationship between police and the government.

References

- Aborisade, R. A., & Arivo, O. G. (2022). Policing the coronavirus pandemic: Nigeria police senior officers' views on preparedness, response, legitimacy and post-COVID policing. *International Journal of Police Science & Management*, 24(1), 77-88.
<https://doi.org/10.1177/14613557211064048>
- Beare, M. E. (2004). The history and the future of the politics of policing. *Osgoode Hall Law School of York University*. 1-112.
https://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/policy_part/meetings/pdf/Beare.pdf
- Beare, M. E., & Murray, T. (2007). Police and government relations: Who's calling the shots? *University of Toronto Press*. <https://doi.org/10.3138/9781442684690>
- Benzie, R. (2022, December 1). *Doug Ford says Auditor General should "stay in her lane" instead of engaging in police-style "sting operations."* Toronto Star.
https://www.thestar.com/politics/provincial/doug-ford-says-auditor-general-should-stay-in-her-lane-instead-of-engaging-in-police/article_21eff5c8-52ef-5072-bf4f-2b6e86f47d7e.html
- Berge, H. (2022, November 8). *Ottawa police, mayor "totally mismanaged" freedom convoy, Ford told Trudeau*. CTV News Ottawa. <https://ottawa.ctvnews.ca/ottawa-police-mayor-totally-mismanaged-freedom-convoy-ford-told-trudeau-1.6144213>
- Braun, V., & Clarke, V. (2012). Thematic Analysis. *APA Handbook of Research Methods in Psychology*, 2, 57–71. <https://doi.org/10.1037/13620-004>

Braun, V., & Clarke, V. (2019). Reflecting on reflexive thematic analysis. *Qualitative Research in Sport, Exercise and Health* 11(4), 589–97.

<https://doi.org/10.1080/2159676X.2019.1628806>.

Brito, C. S., Luna, A. M., & Sanberg, E. L. (2009). *Benchmarks for developing a law enforcement pandemic flu plan*. US Department of Justice: Bureau of Justice Assistance.

<https://www.publicsafety.gc.ca/lbrr/archives/cnmcs-plcng/cn34974-eng.pdf>

Broadhurst, R. (2021). Policing the pandemic: crisis without boundaries. *Journal of Global Faultlines*, 8(1), 136-138. <https://doi.org/10.13169/jglobfaul.8.1.0136>

Casey, L. (2022, October 31). *Doug Ford overstates privilege in attempt to avoid testimony at inquiry: Commissioner*. Toronto. <https://toronto.ctvnews.ca/doug-ford-overstates-privilege-in-attempt-to-avoid-testimony-at-inquiry-commissioner-1.6132826>

Carter, A. (2021, April 22). *Ford apologizes after public backlash to enhanced police powers, playground closures | CBC News*. CBCnews.

<https://www.cbc.ca/news/canada/toronto/doug-ford-ontario-covid-19-news-conference-1.5997521>

CBC/Radio Canada. (2022, February 10). *Ambassador bridge protest in its 3rd day, interfering with traffic in key Ontario-U.S. commercial link | CBC News*. CBCnews.

<https://www.cbc.ca/news/canada/windsor/ambassador-bridge-protest-third-day-windsor-1.6344647>

CBC/Radio Canada. (2022, March 1). *Ontario extends anti-blockade police powers* / *CBC news*.

CBCnews. <https://www.cbc.ca/news/canada/toronto/ont-police-powers-1.6367867>

Chief Sloly. (2022). *Closing Submissions*. Public Order Emergency Commission.

<https://publicorderemergencycommission.ca/documents/closing-submissions/>

The City of Ottawa. (2022). *Closing Submissions*. Public Order Emergency Commission.

<https://publicorderemergencycommission.ca/documents/closing-submissions/>

The City of Ottawa. (2022). *Institutional Report*. Public Order Emergency Commission.

<https://publicorderemergencycommission.ca/documents/presentations-overview-reports-and-exhibits/#city-of-ottawa-institutional-report-october-5-2022>

The City of Windsor. (2022). *Closing Submissions – Factual Phase*. Public Order Emergency

Commission. <https://publicorderemergencycommission.ca/documents/closing-submissions/>

The City of Windsor. (2022). *Closing Submissions – Policy Phase*. Public Order Emergency

Commission. <https://publicorderemergencycommission.ca/documents/closing-submissions/>

The City of Windsor. (2022). *Institutional Report of the City of Windsor*. Public Order

Emergency Commission.

<https://publicorderemergencycommission.ca/documents/presentations-overview-reports-and-exhibits/#city-of-windsor-institutional-report>

Copes, H., & Miller, J. M. (2015). *The Routledge handbook of qualitative criminology*.

Routledge. <https://doi.org/10.4324/9780203074701>

Davidson, S. (2022, February 4). *Doug Ford makes statement ahead of Toronto convoy protest, calls Ottawa Situation “an occupation.”* Toronto. <https://toronto.ctvnews.ca/doug-ford-makes-statement-ahead-of-toronto-convoy-protest-calls-ottawa-situation-an-occupation-1.5768519>

Diab, R., & Pue, W. (2010). The gap in Canadian police powers: Canada needs “public order policing” legislation. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.1388602>

D’Mello, C. (2022, February 7). *Ottawa Police dispute ford government claim that 1,500 police officers were deployed to help.* Toronto. <https://toronto.ctvnews.ca/ottawa-police-dispute-ford-government-claim-that-1-500-police-officers-were-deployed-to-help-1.5771015>

Doug Ford overstates privilege in trying to avoid testifying at Emergencies Act inquiry, commissioner says. (2022, October 31). CBC News. Retrieved from <https://www.cbc.ca/news/canada/toronto/ont-ford-emergencies-act-1.6635683>

Ensing, C. (2022, November 8). *Ford told Trudeau that Ottawa Police, mayor “mismanaged” convoy protest and Windsor a priority, inquiry hears | CBC news.* CBCnews. <https://www.cbc.ca/news/canada/windsor/windsor-ambassador-bridge-blockade-emergencies-act-opp-1.6643770>

Garcia, U. J. (2020, March 25). *Phoenix police to decrease arrests for nonviolent crimes, chief says.* The Arizona Republic. <https://www.azcentral.com/story/news/local/phoenix/2020/03/24/phoenix-police-decreasearrests-nonviolent-crimes-chief-jeri-williams-says-coronavirus/2912891001/>

Government of Canada. (2022). *Closing Submissions*. Public Order Emergency Commission.

<https://publicorderemergencycommission.ca/documents/closing-submissions/>

Government of Canada. (2022). *Policy Phase Submissions*. Public Order Emergency

Commission. <https://publicorderemergencycommission.ca/documents/closing-submissions/>

Grosman, B. (1975). *Police command - decisions and discretion*. POLICE COMMAND -

DECISIONS AND DISCRETION | Office of Justice Programs.

<https://www.ojp.gov/ncjrs/virtual-library/abstracts/police-command-decisions-and-discretion>

Gurney, M. (2022, November 11). *TVO Today: Current affairs journalism, documentaries and podcasts*. TVO Today | Current Affairs Journalism, Documentaries and Podcasts.

<https://www.tvo.org/article/if-trudeau-and-ford-cant-direct-police-who-can>

Hann, R., McGinnis, J., Stenning, P., & Farson, S. (1985). Municipal Police Governance in Canada: An Empirical Study. *Canadian Police College Journal*, 9(1), 1–85.

Honourable John W. Morden. (2012). *Independent Civilian Review into Matters Relating To The G20 Summit*. Report. <https://tpsb.ca/g20/ICRG20Mordenreport.pdf>

Hu, X., Dong, B., & Lovrich, N. (2022). “We are all in this together:” Police use of social media during the COVID-19 pandemic. *Policing: An International Journal*, 45(1), 106–123.

<https://doi.org/10.1108/pijpsm-05-2021-0072>

- Jackson, H. (2022, February 14). *Ford says he supports Feds Decision after Trudeau invokes emergencies act over protests*. Global News. <https://globalnews.ca/news/8619353/ford-says-he-supports-feds-decision-after-trudeau-invokes-emergencies-act-over-protests/>
- Jones, J. D. (2020). The potential impacts of pandemic policing on police legitimacy: Planning past the Covid-19 crisis. *Policing: A Journal of Policy and Practice*, 14(3), 579-586.
<https://doi.org/10.1093/police/paaa026>
- Kempa, M. (2014). Understanding the Historical Relationship between Economics and Change in Policing: A Policy Framework. *Canadian Police College Discussion Paper Series*.
- Laming, E., & Valentine, G. (2022). Police governance in Canada: Variations and disparities among police services boards. *Canadian Public Administration*, 65(1), 7–27.
<https://doi.org/10.1111/capa.12448>
- Linden, S. B. (2007). (rep.). *Ipperwash Inquiry*. Retrieved from https://wayback.archive-it.org/16312/20211208072637/http://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/report/vol_1/index.html.
- Lumsden, K., Bradford, J., & Goode, J. (2019). Reflexivity: theory, method and practice. Routledge. <https://doi.org/10.4324/9781315692319>
- Mackenzie, I., & Plecas, D. (2001). Policing public order in canada. *Police Practice and Research*, 2(1-2), 27-52.
- Major, D. (2022, October 25). *Premier Doug Ford's government set to challenge his summons to appear at emergencies act inquiry | CBC news*. CBCnews.

<https://www.cbc.ca/news/politics/ford-summoned-testify-emergencies-act-inquiry-1.6627585>

Martin, D. (2004). Legal sites of executive-police relations: Core principles in a Canadian context. 1-63.

https://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/policy_part/meetings/pdf/Martin.pdf

Molnar, A., Whelan, C., & Boyle, P. J. (2019). Securing the Brisbane 2014 G20 in the wake of the Toronto 2010 G20: 'Failure-inspired' learning in public order policing. *The British Journal of Criminology*, 59(1), 107–125. <https://doi.org/10.1093/bjc/azy014>

National Police Federation. (2022). *Closing Submissions*. Public Order Emergency Commission. <https://publicorderemergencycommission.ca/documents/closing-submissions/>

Nasser, S., & Powers, L. (2021, April 17). *Ontario steps up police powers, extends stay-at-home order to stem covid-19 but won't bring in paid Sick Days* | *CBC News*. CBCnews. <https://www.cbc.ca/news/canada/toronto/covid-19-ontario-april-16-2021-new-restrictions-modelling-1.5990092>

Neufeld, M., Canadian Association of Police Governance. (2022). Lessons Learned from Governance of Policing in a Pandemic. With Calgary Chief Constable Mark Neufeld. <https://vimeo.com/740845216>

Nowell, L. S., Norris, J. M., White, D. E., & Moules, N. J. (2017). Thematic analysis.

International Journal of Qualitative Methods, 16(1), 160940691773384.

<https://doi.org/10.1177/1609406917733847>

Ontario. (2022). *Institutional Report*. Public Order Emergency Commission.

<https://publicorderemergencycommission.ca/documents/presentations-overview-reports-and-exhibits/#ontario-institutional-report>

Ontario Provincial Police. (2022). *Closing Submissions*. Public Order Emergency Commission.

<https://publicorderemergencycommission.ca/documents/closing-submissions/>

Ontario Provincial Police. (2022). *Institutional Report*. Public Order Emergency Commission.

<https://publicorderemergencycommission.ca/documents/presentations-overview-reports-and-exhibits/#ontario-provincial-police-institutional-report>

Ottawa Police Service. (2022). *Final Submissions and Recommendations of the Ottawa Police Service*. Public Order Emergency Commission.

<https://publicorderemergencycommission.ca/documents/closing-submissions/>

Ottawa Police Services Board. (2022). *Institutional Report*. Public Order Emergency

Commission. <https://publicorderemergencycommission.ca/documents/presentations-overview-reports-and-exhibits/#ottawa-police-services-board-institutional-report>

Ottawa Police Service. (2022). *Institutional Report of the Ottawa Police Service*. Public Order Emergency Commission.

<https://publicorderemergencycommission.ca/documents/presentations-overview-reports-and-exhibits/#ottawa-police-services-institutional-report>

Ontario walks back new policing powers following pushback. (2021, April 17). CBC News.

Retrieved from <https://www.cbc.ca/news/canada/toronto/ontario-police-random-spot-checks-1.5991872>.

Parliamentary Protective Service (the Service). (2022). *Institutional Report*. Public Order Emergency Commission.

<https://publicorderemergencycommission.ca/documents/presentations-overview-reports-and-exhibits/#parliamentary-protective-services-institutional-report>

Poisson, J., & Yang, J. (2012). *G20 aftermath: Latest review a “game changer” for civilian oversight of police*. Toronto Star. https://www.thestar.com/news/gta/g20/g20-aftermath-latest-review-a-game-changer-for-civilian-oversight-of-police/article_d9e2d402-26fc-5dee-ba8e-f668d65b4ae3.html

Police departments across Ontario are issuing statements rejecting use of Doug Ford’s controversial new police powers. PressProgress. (2021, April 17).

<https://pressprogress.ca/police-departments-across-ontario-are-issuing-statements-rejecting-use-of-doug-fords-controversial-new-police-powers/>

Police Services Act, R.S.O. (1990). c. P.15. <https://www.ontario.ca/laws/statute/90p15>

Police Services Board. Kingston Police. (2024). <https://www.kingstonpolice.ca/about-kp/police-services->

board/#:~:text=In%20Ontario%20a%20police%20services,governance%20of%20the%20p
olice%20force

Prime Minister's Office. (2022). *Institutional Report*. Public Order Emergency Commission.

<https://publicorderemergencycommission.ca/documents/presentations-overview-reports-and-exhibits/#prime-ministers-office-institutional-report>

Public Hearing, Volume 1. (2022, October 13). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-1-october-13/>

Public Hearing, Volume 2. (2022, October 14). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-2-october-14/>

Public Hearing, Volume 3. (2022, October 17). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-3-october-17/>

Public Hearing, Volume 4. (2022, October 18). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-4-october-18/>

Public Hearing, Volume 5. (2022, October 19). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-5-october-19/>

Public Hearing, Volume 6. (2022, October 20). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-6-october-20/>

Public Hearing, Volume 7. (2022, October 21). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-7-october-21/>

Public Hearing, Volume 8. (2022, October 24). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-8-october-24/>

Public Hearing, Volume 9. (2022, October 25). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-9-october-25/>

Public Hearing, Volume 10. (2022, October 26). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-10-october-26/>

Public Hearing, Volume 11. (2022, October 27). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-11-october-27/>

Public Hearing, Volume 12. (2022, October 28). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-12-october-28/>

Public Hearing, Volume 13. (2022, October 31). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-13-october-31/>

Public Hearing, Volume 17. (2022, November 4). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-17-november-4/>

Public Hearing, Volume 18. (2022, November 7). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-18-november-7/>

Public Hearing, Volume 19. (2022, November 8). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-19-november-8/>

Public Hearing, Volume 20. (2022, November 9). Ottawa, Ontario. *Public Order Emergency*

Commission. <https://publicorderemergencycommission.ca/public-hearings/day-20-november-9/>

Public Hearing, Volume 21. (2022, November 10). Ottawa, Ontario. *Public Order Emergency Commission*. <https://publicorderemergencycommission.ca/public-hearings/day-21-november-10/>

Public Hearing, Volume 22. (2022, November 14). Ottawa, Ontario. *Public Order Emergency Commission*. <https://publicorderemergencycommission.ca/public-hearings/day-22-november-14/>

Public Hearing, Volume 23. (2022, November 15). Ottawa, Ontario. *Public Order Emergency Commission*. <https://publicorderemergencycommission.ca/public-hearings/day-23-november-15/>

Public Hearing, Volume 25. (2022, November 17). Ottawa, Ontario. *Public Order Emergency Commission*. <https://publicorderemergencycommission.ca/public-hearings/day-25-november-17/>

Public Hearing, Volume 26. (2022, November 18). Ottawa, Ontario. *Public Order Emergency Commission*. <https://publicorderemergencycommission.ca/public-hearings/day-26-november-18/>

Public Hearing, Volume 27. (2022, November 21). Ottawa, Ontario. *Public Order Emergency Commission*. <https://publicorderemergencycommission.ca/public-hearings/day-27-november-21/>

Public Hearing, Volume 28. (2022, November 22). Ottawa, Ontario. *Public Order Emergency Commission*. <https://publicorderemergencycommission.ca/public-hearings/day-28-november-22/>

Public Hearing, Volume 29. (2022, November 23). Ottawa, Ontario. *Public Order Emergency Commission*. <https://publicorderemergencycommission.ca/public-hearings/day-29-november-23/>

Public Hearing, Volume 30. (2022, November 24). Ottawa, Ontario. *Public Order Emergency Commission*. <https://publicorderemergencycommission.ca/public-hearings/day-30-november-24/>

Public Hearing, Volume 31. (2022, November 25). Ottawa, Ontario. *Public Order Emergency Commission*. <https://publicorderemergencycommission.ca/public-hearings/day-31-november-25/>

Public Hearing, Volume 34. (2022, November 30). Ottawa, Ontario. *Public Order Emergency Commission*. <https://publicorderemergencycommission.ca/public-hearings/day-34-november-30/>

Public Hearing, Volume 35. (2022, December 1). Ottawa, Ontario. *Public Order Emergency Commission*. <https://publicorderemergencycommission.ca/public-hearings/day-35-december-01/>

Rai, N., & Thapa, B. (2015). A study on purposive sampling method in research. *Kathmandu: Kathmandu School of Law*, 5.

Roach, Kent. (2007). The overview: Four models of police-government relations. *Police and Government Relations*. <https://doi.org/10.3138/9781442684690-005>

Roach, K. (2014). Models of Civilian Police Review: The objectives and mechanisms of legal and political regulation of the police. *Criminal Law Quarterly*, 63, 29–73.

Roach, K. (2017). Police government relations and police independence. *University of Toronto*, 2-45.
https://www.cepcsj.gouv.qc.ca/fileadmin/documents_client/audiences/documents/pieces/294-P_Rapport_expert_Ken_Roach_Quebec_Police_Independence_2017-06-01.pdf

Roach, K. (2022). *Canadian policing: Why and how it must change*. Delve Books.

Rouleau, P. S. (2023). *Report of the Public Inquiry into the 2022 Public Order Emergency* (Vol. 1). Public Order Emergency Commission.
<https://publicorderemergencycommission.ca/final-report/>

Royal Canadian Mounted Police. (2022). *Institutional Report*. Public Order Emergency Commission. <https://publicorderemergencycommission.ca/documents/presentations-overview-reports-and-exhibits/#royal-canadian-mounted-police-institutional-report>

Sanberg, E. L., Brito, C. S., Luna, A. M., & McFadden, S. M. (2010). A guide to occupational health and safety for law enforcement executives. *Police Executive Research Forum*.

https://www.policeforum.org/assets/docs/Free_Online_Documents/Public_Health/a%20guide%20to%20occupational%20health%20and%20safety%20for%20law%20enforcement%20executives%202010.pdf

Sancton, A. (2012). "Democratic policing": Lessons from Ipperwash and Caledonia.

Canadian Public Administration, 55(3), 365. <https://link-gale-com.proxy.bib.uottawa.ca/apps/doc/A334944924/AONE?u=otta77973&sid=bookmark-AONE&xid=80ef2536>

Stenning, P. (2007). The idea of the political 'independence' of the police: International interpretations and experiences. *Police and Government Relations*.

<https://doi.org/10.3138/9781442684690-008>

Stenning. (2011). Governance of the police : Independence, accountability and interference.

Flinders Law Journal, 13(2), 241–265. https://doi.org/10.3316/agis_archive.20121690

Stenning, P. C. (2021). Police chiefs and their political bosses: Discussions in Ontario. *Policing: A Journal of Policy and Practice*, 15(1), 150–167. <https://doi.org/10.1093/police/pay062>

A Journal of Policy and Practice, 15(1), 150–167. <https://doi.org/10.1093/police/pay062>

Stenning, P. C., & Bayley, D. H. (2016). Improving Police Governance. *Governing the Police*,

183–208. <https://doi.org/10.4324/9780203790489-12>

Terry, G., & Hayfield, N. (2021). *Essentials of thematic analysis*. American Psychological Association.

The Ipperwash Inquiry Report. (2013). <https://ontario.ca/page/ipperwash-inquiry-report>

Toronto Police Service. (2022). *Institutional Report: Policing the Toronto “Freedom Convoy”*. Public Order Emergency Commission.

<https://publicorderemergencycommission.ca/documents/presentations-overview-reports-and-exhibits/#toronto-police-service-institutional-report>

Toronto Police Services Board. (2022). *Institutional Report: The Toronto Police Services Board and the Toronto “Freedom Convoy”: Applying the Lessons of the Morden Report*. Public Order Emergency Commission.

<https://publicorderemergencycommission.ca/documents/presentations-overview-reports-and-exhibits/#toronto-police-services-board-institutional-report-to-the-poec>

Valiante, G. (2020, April 16). *Harsh fines and policing don't protect people from covid-19, criminologists say*. Global News. <https://globalnews.ca/news/6825280/coronavirus-harsh-policing-fines/>

Windsor Police Service. (2022). *Closing Submissions*. Public Order Emergency Commission.

<https://publicorderemergencycommission.ca/documents/closing-submissions/>

Windsor Police Service. (2022). *Institutional Report of Windsor Police Service*. Public Order Emergency Commission.

<https://publicorderemergencycommission.ca/documents/presentations-overview-reports-and-exhibits/#windsor-police-services-institutional-report>

Wilson, K. (2021, April 22). *“we got it wrong:” Ford says about covid-19 police powers to arbitrarily stop people*. CP24. <https://www.cp24.com/news/we-got-it-wrong-ford-says-about-covid-19-police-powers-to-arbitrarily-stop-people-1.5397651?cache=kcfnyoei>

Zhang, Y. S., Young Leslie, H., Sharafaddin-zadeh, Y., Noels, K., & Lou, N. M. (2021). Public health messages about face masks early in the COVID-19 pandemic: Perceptions of and impacts on Canadians. *Journal of Community Health, 46*(5), 903–912.

<https://doi.org/10.1007/s10900-021-00971-8>

Appendix A: Data Collection and Coding

Table A1: Material Used for Data Collection

Type of Material	Number of Articles/Documents Used for Data Collection
Public Order Emergency Commission (POEC) – Documents	53
Online News Article(s)	14

Table A2: Codebook Round 1 of Coding

Codes derived from the dataset. Codes marked with an asterisk (*) were excluded from the overall findings, due to relevance and data minimization. Data in these codes may have been placed into other codes.

Name	Description	References
Accountability	Perceptions about which party is accountable for policing (in)actions	54
Democratic Oversight	Discussions about instances in which political authorities or a police service Board are overseeing the policing of an event	52
Direction of Police	Where police or political authorities highlight who can give directives to police and when they can	107
Government & Police Communication	Discussions about the level or limit of communications between police and political authorities	63
Government Collaboration	Descriptions of individuals amongst the three levels of government collaborating or failing to collaborate on key concerns, with police or other political authorities	47
Policing*	Broad discussions regarding policing matters	33
Issues in the Police Process*	When police faced issues in how they enforced the public health crisis	7
Operational Independence (OI)	Perceptions about the level of independence police have in operational matters or day-to-day matters.	217
Police Autonomy	The degree of autonomy in decision-making it is believed that police possess	33
Police Services Act	When reference has been made to the Ontario <i>Police Services Act (1990)</i>	57

Name	Description	References
Policy Matters	Discussion of issues pertaining to policy decisions in the context of policing	28
Political Interference	Perceptions about political authorities' interference in policing matters	59
Political Pressure	Discussion surrounding the degree of pressure that political authorities placed upon police throughout the public order crisis	38
Police Service Board (PSB's)	Discussions pertaining to PSB's or those on the Board	109
Roles*	The roles delegated to both police and political authorities	53
Tools for Policing*	Legal or other tools that assisted police in their operation(s)	27

Table A3: Codebook Round 2 of Coding

Codes marked with an asterisk (*) were excluded from the overall findings, due to relevance and data minimization. Data in these codes may have been placed into other codes.

Name	Description	Files	References
Accountability	Perceptions about which party is accountable for policing (in)actions	19	40
Democratic Oversight	Discussions about instances in which political authorities or a police service Board are overseeing the policing of an event	20	45
Direction of Police	Where police or political authorities highlight who can give directives to police and when they can	33	94
Government & Police Communication	Discussions about the level or limit of communications between police and political authorities	18	45
Government Collaboration	Descriptions of individuals amongst the three levels of government collaborating or failing to collaborate on key concerns, with police or other political authorities	17	40
Information Sharing	Discussions surrounding the sharing of key information amongst police and political authorities	19	27
Issues in the Police Process*	When police faced issues in how they enforced the public health crisis	6	8
OI as said by Government/Political Authorities (Sub-code of	Sub-code of "Operational Independence" to describe perceptions from government/political authorities	22	89

Name	Description	Files	References
Operational Independence)			
OI as said by Police (Sub-code of Operational Independence)	Sub-code of “Operational Independence” to describe perceptions from individuals in policing	14	75
Operational Independence (OI)	Perceptions about the level of independence police have in operational matters or day-to-day matters.	35	170
Police Autonomy	The degree of autonomy in decision-making it is believed that police possess	14	24
Police Services Act	When reference has been made to the Ontario <i>Police Services Act (1990)</i>	15	40
Policy Matters	Discussion of issues pertaining to policy decisions in the context of policing	18	28
Political Interference	Perceptions about political authorities’ interference in policing matters	25	54
Political Pressure	Discussion surrounding the degree of pressure that political authorities placed upon police throughout the public order crisis	12	27
Police Service Board (PSB's)	Discussions pertaining to PSB’s or those on the Board	23	82
Roles*	The roles delegated to both police and political authorities	14	26
Tools for Policing*	Legal or other tools that assisted police in their operation(s)	11	23

Table A4: Codebook Round 3 of Coding

Codes in this round were included in the findings and worked to generate the three-overarching themes within this research study.

Name	Description	Files	References
Accountability	Perceptions about which party is accountable for policing (in)actions	19	41
Democratic Oversight	Discussions about instances in which political authorities or a police service Board are overseeing the policing of an event	20	45
Direction of Police	Where police or political authorities highlight who can give directives to police and when they can	33	94

Name	Description	Files	References
Information Sharing	Discussions surrounding the sharing of key information amongst police and political authorities	19	27
Government and Police Communication	Discussions about the level or limit of communications between police and political authorities	19	46
Government Collaboration	Descriptions of individuals amongst the three levels of government collaborating or failing to collaborate on key concerns, with police or other political authorities	18	43
OI as said by Government/Political Authorities (<i>Sub-code of Operational Independence</i>)	Sub-code of “Operational Independence” to describe perceptions from government/political authorities	22	89
OI as said by Police (<i>Sub-code of Operational Independence</i>)	Sub-code of “Operational Independence” to describe perceptions from individuals in policing	14	75
Operational Independence	Perceptions about the level of independence police have in operational matters or day-to-day matters.	35	170
Police Autonomy	The degree of autonomy in decision-making it is believed that police possess	14	24
Police Services Act	When reference has been made to the Ontario <i>Police Services Act (1990)</i>	15	40
Policy Matters	Discussion of issues pertaining to policy decisions in the context of policing	18	28
Political Interference	Perceptions about political authorities’ interference in policing matters	25	55
Political Pressure	Discussion surrounding the degree of pressure that political authorities placed upon police throughout the public order crisis	12	27
Police Service Board (PSB's)	Discussions pertaining to PSB's or those on the Board	23	82

Appendix B: Data Extracts

Table B1: Data Extracts for Sub-Theme Titled Collaboration Between Parties

Name of Person or Party	Document Type	Data Extract
City of Ottawa	Closing Submissions - POEC	There are advantages to engaging politicians to assist with responding to a protest. An RCMP officer, John Brewer, articulated some of these in an email to Commissioner Lucki sent during the events of the Freedom Convoy, on February 2, 2022. In his email, Mr. Brewer explained how his team had been “heavily engaged with these sort of ideologically driven protest for awhile now” and that “these types of protests leave very limited capacity for police to solve this situation, without some movement by government to allow protestors to have a ‘win’ of sorts.”
City of Windsor	Closing Submissions - POEC	WPS worked through appropriate policing chain of command structures to secure the resources necessary to safely clear the occupation. WPS quickly and seamlessly established a joint command with the Ontario Provincial Police (“OPP”) to respond to the Blockade. WPS and the OPP, together with policing partners including the Royal Canadian Mounted Police (“RCMP”) and other municipal police services, successfully cleared the blockade of the Bridge by Sunday February 13th, peacefully with no loss of life or serious injury to the public, protesters or the police.
City of Windsor	Closing Submissions: Policy Phase – POEC	The Ambassador Bridge blockade represented an unprecedented challenge; and one which revealed the importance of swift, effective communication and cooperation within and between all levels of government to support police operations
Prime Minister’s Office	Institutional Report – POEC	Throughout these events, the Prime Minister continued to receive situational updates at least daily, and communicate with his key ministers about their interactions with provincial and municipal authorities to ensure that all levels of government understood their jurisdiction, that the federal government understood the needs of the police of local jurisdiction who were managing the situation, and to ensure that the federal government was offering all possible assistance and support within existing authorities.
Doug Ford (Ontario Premier)	News Article	The readout shows that after Trudeau asked how Ford was doing, the premier responded: "... we all agree with peaceful protests, but I'll start off with Ottawa vs. Toronto. I'll say that the police chief and Ottawa mayor totally mismanaged this. The Toronto PD [police department] and Toronto mayor did a great job. They've entrenched themselves in Ottawa."

City of Ottawa	Institutional Report – POEC	City Officials had several discussions with their provincial and federal counterparts. The Mayor spoke with the Prime Minister and with the Ontario Premier on a few occasions. He also spoke with the Public Safety Minister, who suggested that they organize tripartite meetings. These meetings were organized at the senior staff level and at the ministerial level. The Public Safety Minister, the Emergency Preparedness Minister and the Mayor, among others, attended the ministerial meetings. These occurred on February 7, 8 and 10, 2022. Police representatives from OPS, OPP and/or RCMP also participated. The province’s engagement at these meetings was limited.
Mayor Drew Dilkens (Windsor)	Public Hearings – Volume 18 – POEC	<i>Ms. Natalia Rodriguez:</i> And when you say you were amplifying the request politically, what was the response you were getting from the Federal Government and from the Provincial Government? <i>Mayor Drew Dilkens:</i> A desire and willingness to help. There were great lines of communication with Sylvia Jones, great lines of communication with the Premier, Minister Mendicino was excellent, and a great phone call with the Prime Minister that I had, you know, he was very understanding. And of course, living through the situation here in Ottawa, had a perspective on what we were dealing with and wanted to help. So all lines of communication were open and it was back and forth. So it was very good.
Ian Freeman (Chief Administrative Officer, Government of Ontario)	Public Hearings – Volume 20 – POEC	I think it is important to know, we were certainly there to support the OPP but at this time, we had been having discussions with the federal government and others about what else can the Province do... So we were looking at all sorts of different angles. We were there to assist the OPP; we weren’t doing any direct enforcement, but we were trying to gather information just like many other people were as well.
Mario Di Tommaso (Ontario Deputy Solicitor General)	Public Hearings – Volume 21 – POEC	I think there is an opportunity for greater coordination amongst governments and police services and intelligence agencies. I think Chief Sloly referred to that very thing, especially in regards to intelligence sharing. And I would certainly endorse that suggestion, recommendation by Chief Sloly.
Minister William Blair (Minister of National Defence)	Public Hearings – Volume 27 – POEC	It was my intention to convene all three orders of government, to bring them to a table. Because I believed that all three orders of government had a role and responsibility here. I believe good communication between all three orders of government could have been facilitated by convening, you know, a meeting among – initially it was attempted to do so with, at the political level, and as you said it wasn’t entirely successful. But what we – I believe what we are able to achieve is convening officials to come to that table. Because I believe that the events transpiring in Ottawa did – really did require good communication, you know, clear and – clear expectations and communications in how we could assist each together. All of us had a

		responsibility, all of us had a role to play. And I was attempting to convene that.
Mayor Jim Watson (Ottawa)	Public Hearings – Volume 4 – POEC	<p>The Premier did not come to Ottawa during the occupation. I think there was a sense by some in the community “why is the Premier not here?”, but in fairness, you know, sometimes when you bring a leader into a situation it causes more disruption because you need extra police and so on. But you know, we had an open line of communication with the Premier, but I felt that – I think he was probably more comfortable not getting into the mix of this until they were able to come up with the number of officers that he could announce were supporting our officers.</p> <p>My sense is that he {the Premier} didn’t necessarily want to wear the situation because he felt that it was very much the responsibility of the Ottawa Police Service. And I fundamentally disagreed with them. I said of course they’re the lead police service, they have that legal jurisdiction, but we need the help of the other two orders of government with police officers.</p>
Acting Deputy Chief Patricia Ferguson (Ottawa Police Service)	Public Hearings – Volume 6 – POEC	The strategic level. The relationship was strained. And whether that was Chief to Chief or Chief with some of the city partners, some of the, you know, political people who needed to be involved. We did have, I would say, good collaboration.

Table B2: Data Extracts for Sub-Theme Titled Communication

Name of Person or Party	Document Type	Data Extract
National Police Federation	Closing Submissions – POEC	It was quickly apparent that the OPS’ initial requests were insufficient; its resource needs were extraordinary. Chief Sloly requested the assistance of the Ottawa Police Services Board and Mayor’s Office to advance and amplify the OPS’ requests through political channels. On February 7, 2022, letters were sent to both the Prime Minister’s office and the Ontario Premier’s office to request that the RCMP and OPP collectively supply the OPS with a “dramatic and immediate injection” of 1,800 additional resources (approximately 100 of which were civilian staff) for the purpose of OPS’ Convoy response. Chief Sloly agreed that it was not normal to request police resources through political channels but indicated that he wished to signal that Ottawa was “under very unique and different circumstances”
Ontario Provincial Police	Closing Submissions – POEC	Notwithstanding the OPP’s extensive involvement throughout Ontario and in leading the Integrated Planning Team in Ottawa, the OPP was not consulted about whether tools that might be provided under the EA

		would be necessary or useful. The OPP could have provided a helpful perspective on both of those questions. Commissioner Lucki, Prime Minister Trudeau, B, Deputy Minister Stewart, Minister Mendicino, and Commissioner Carrique agree that the OPP Commissioner should have been consulted. Such a consultation can take place quickly with a conversation between the RCMP and OPP Commissioners – the federal government should not reach out directly to the OPP. Such consultation can also be done on a “hypothetical” basis to protect Cabinet confidence. Considering its size and the fact it is the provincial police service in Ontario, the OPP asks that a recommendation be made that the OPP be consulted in situations by the RCMP, where the OPP may be impacted by the declaration of an emergency.
Ottawa Police Service	Closing Submissions – POEC	OPS recommends the creation of a National Framework, through consultation with relevant policing stakeholders nationwide, to address large demonstrations. This National Framework should be aimed at creating common terminology and definitions, best practices, and thresholds relating to: i. Information sharing and communication across all levels of government and police authority;
Commissioner Thomas Carrique (OPP)	Public Hearings – Volume 11 – POEC	As we discussed earlier, normally that request would come directly to me. So at this point in time, I’m responding to a request that has been made public and is yet to be received by me. The request was directed to the Premier and to the Solicitor-General, so I wanted some assurance that that request would be passed over to me, which I was the appropriate recipient of that request. It should have been sent to me initially.
Peter Sloly (Former Chief of OPS)	Public Hearings – Volume 12 – POEC	There was a discussion... around how many staff had been sent over, and again, I said, “well, there was a miscommunication from the Solicitor-General that that left the impression that 1,500 officers from the OPP or from across the province were here in Ottawa on a daily basis.” And I again explained the challenges, the public trust and confidence challenges that that caused us.
Mayor Drew Dilkens (Windsor)	Public Hearings – Volume 18 – POEC	I was talking to the Chief of Police or the Deputy Chief probably five times a day. And direct connection with our City Manager and the department heads, so there was no lack of sharing of information in Windsor. We were all pretty much on the same page and aware of what was going on and trying to develop and devise a response, and especially try to help police as they needed. I may have had, on any given day – not may have had; probably more than five conversations every day with the Chief of Police about the activity that was happening in Windsor related to the Freedom Convoy. And so it didn’t mean if I didn’t – wasn’t in that particular meeting that

		there was an absence of information because there was great communication throughout the City, great communication inter-governmentally at the time and for the duration of the protests.
Craig Abrams (OPP Member)	Public Hearings – Volume 7 – POEC	<p><i>Mr. Brendan van Niejenhuis:</i> Okay. Is it fair to say though, that the differences in opinion and the disagreements or even arguments amongst the participants in the policing operations from OPP, OPS, and later the RCMP, that these were operational in nature?</p> <p><i>Supt. Craig Abrams:</i> I would agree – yes, I would agree.</p> <p><i>Mr. Brendan van Niejenhuis:</i> And these kinds of operational disagreements are not typically brought to the awareness of the political level; fair?</p> <p><i>Supt. Craig Abrams:</i> It’s not something certainly at my level.</p> <p><i>Mr. Brendan van Niejenhuis:</i> It would not be appropriate to directly engage the political level in operational questions like that; is that fair?</p> <p><i>Supt. Craig Abrams:</i> It would not be inappropriate?</p> <p><i>Mr. Brendan van Niejenhuis:</i> It would not be appropriate.</p> <p><i>Supt. Craig Abrams:</i> Appropriate. I’ve – at my level it’s not something I’ve ever been engaged with. At a Commissioner level, a Chief level, I can’t speculate, I’ve never held those ranks, so I’m not sure what is appropriate or not applicant for a Chief of Police or a Commissioner to communicate with a politician.</p>

Table B3: Data Extracts for Sub-Theme Titled the Necessity of Information-Sharing

Name of Person or Party	Document Type	Data Extract
Peter Sloly (Former OPS Chief)	Chief Sloly – Closing Submissions – POEC	<p>Until the point at which logistical support would be requested, Chief Sloly did not feel that the OPS should be involved in what was essentially a political negotiation that the City had asked him to keep confidential. For that reason, Chief Sloly did not inform Superintendent Bernier of these negotiations until they were completed. Chief Sloly recognizes, in hindsight, that he should have shared this information with Superintendent Bernier for his “situational awareness” but he would not have wanted Superintendent Bernier to participate in these “political negotiations.” There can be no suggestion, however, that Chief Sloly withheld this information or acted independently to keep it to himself, Deputy Chief Bell, who was serving as Major Incident Commander on February 12th, was aware of these negotiations at the time as well.</p> <p>The Morden Report was drafted in the context of an operation that had been planned for months and set out a concept of “operational responsibility” which encompasses “the police service sharing</p>

		operational information with the police Board both in advance of and after the operation, thereby enabling the police Board to engage in prospective governance and retrospective accountability.” The Board was not briefed once during the G20 protests. Even then, the Morden Report warns against the possibility that information-sharing obligations could become “overwhelming” for a police service. The events related to the Freedom Convoy were unplanned, unforeseen, unprecedented, and extremely fluid.
Ontario Provincial Police	Closing Submissions - POEC	<p>Panelists at the Police-Government Relations policy roundtable discussed the challenges that can present in navigating the relationship between a police service and government or a police services Board and in determining the parameters of information-sharing, and then how government or the Board carries out its oversight role. Some took the view that the concept of police operational independence should be restricted to the areas where police exercise discretion and in their law enforcement function, or what was described as the “quasi-judicial” function of police. As a corollary, some panelists suggested that public order events might then call for a greater degree of involvement by the governing body.</p> <p>The police leader should address requests for information with consideration of what the governing body needs to know to carry out its responsibility to ensure adequate and effective policing. The government and police governing bodies represent the public interest, and a police leader is accountable, and as such needs to provide sufficient information to enable those bodies to fulfil their respective roles, while protecting the necessary sphere of police independence, and guarding against political over-reach.</p>
Peter Sloly (Former Chief of OPS)	Public Hearings – Volume 12 – POEC	<p><i>Ms. Natalia Rodriguez:</i> Right. But your obligation to provide the Board the information they need in terms of to be able to exercise their oversight function, that’s irrespective of whatever internal issues the Board may be dealing with on its own; right?</p> <p><i>Mr. Peter Sloly:</i> It is a factor that came into my consideration as to the level of detail that I could provide on intelligence, threat risk assessments, operational plan, or other operational details.</p> <p><i>Ms. Natalia Rodriguez:</i> So is your evidence that the reason that more information on the operational plan was not provided to the Board because you had confidentiality concerns about that Board specifically?</p> <p><i>Mr. Peter Sloly:</i> My evidence is that is one of the factors I had to consider, yes.</p> <p><i>Ms. Natalia Rodriguez:</i> So would you agree with me, then, that under the Police Services Act, there’s no restriction on the information that can be provided, right?</p> <p><i>Mr. Peter Sloly:</i> Subject to other Acts and legislation, I would agree with you.</p>

Councillor Mathieu Fleury and Councillor Catherine McKenny (Ottawa)	Public Hearings – Volume 2 – POEC	<p><i>Mr. Brendan Miller:</i> All right. And you understand that as general councillors not on the Police Commission are involved with the police – again, my friend was trying to clarify that with you. Police are independent of the City and they can't share information that they know or their plans with you; do you know that?</p> <p><i>Councillor Mathieu Fleury:</i> Absolutely, I'm –</p> <p><i>Councillor Catherine McKenny:</i> Correct.</p> <p><i>Councillor Mathieu Fleury:</i> My interventions relate to information I have from my community and reports that my community residents and businesses give to the Ottawa Police and making sure that it's getting the attention and awareness from authorities.</p>
Mario Di Tommaso (Ontario Deputy Solicitor General)	Public Hearings – Volume 21 – POEC	<p>No. and with regards to this particular section here, I think that the Police Service Board is entitled to receive operational information in-camera. The Morden Report states that. Now, the Morden Report does not have the force of law, but one of the recommendations certainly says that a Board is entitled to receive that operational information.</p>
Deputy Minister Robert Stewart	Public Hearings – Volume 22 – POEC	<p>I would observe however, and this is why I raised it this morning, that that has become an issue in a number of domains where people have asked what's the division between requests for information and advice which this I think constitutes versus what are, you know, versus what are, you know, sort of interference or, you know, engagement in police operations. And so I'm – I would certainly agree with the proposal that that could be clarified.</p>
Commissioner Brenda Lucki (RCMP)	Public Hearings – Volume 23 – POEC	<p>Sometimes what happens is when you're into problem solving, problem solving can sometimes translate into, you know, "we should do this and we should do that. Could we do this and could we do that?" And sometimes that – people might feel that that's direction. I don't consider any of that direction. Direction to me is something that you specifically would turn to me and say, "Commissioner, we need you to do this," or, "Don't do this." That's direction. That's interference. We don't get any of that. It's strictly an exchange of information, for the most part.</p>
Jody Thomas (Deputy Minister of National Defence)	Public Hearings – Volume 25 – POEC	<p><i>Ms. Shantona Chaudhury:</i> So from your perspective, keeping in mind the need for police independence, which –</p> <p><i>Ms. Jody Thomas:</i> Absolutely. This isn't interference or telling them what to do, and it's not getting in the way of an operation. It's just information flow.</p> <p><i>Ms. Shantona Chaudhury:</i> So there's some work to be done in the area –</p> <p><i>Ms. Jody Thomas:</i> Correct.</p> <p><i>Ms. Shantona Chaudhury:</i> -- from your perspective, of information flows between law enforcement and government?</p> <p><i>Ms. Jody Thomas:</i> Absolutely.</p>
Justin Trudeau	Public Hearings –	<p><i>Ms. Jessica Barrow:</i> We've heard evidence from you about your understanding of intelligence information as well as operational</p>

(Prime Minister)	Volume 31 – POEC	<p>planning at various points throughout the events in Ottawa, and I just want to clarify your role as it relates to that information. And I take it it's not your role as Prime Minister to collect intelligence information; is that correct?</p> <p><i>Prime Minister Justin Trudeau:</i> No, it's not.</p> <p><i>Ms. Jessica Barrow:</i> Similarly, it's not your role to review the details of an operational plan?</p> <p><i>Prime Minister Justin Trudeau:</i> No, certainly not.</p>
Patricia Ferguson (Acting Deputy Chief, OPS)	Public Hearings – Volume 6 – POEC	<p><i>Mr. Frank Au:</i> Okay. Let's take that a bit further, "information sharing – incomplete and unknown command structure"; do you agree with that?</p> <p><i>Acting Deputy Chief Patricia Ferguson:</i> We use different command structures than the OPP and the RCMP, and so I think they were looking to see us following true models. They vary slightly but I do think at points we were not following the command structure, and I believe that, you know, as I alluded to before, we had people who were jumping – jumping chains and maybe getting down into areas they didn't need to be to try to speed things up</p>
The Toronto Police Services Board	Institutional Report – POEC	<p>Justices Morden and Epstein share the view that in order to properly discharge its statutory governance and oversight role, a police services Board needs to receive adequate information from the chief of police—including detailed operational information, where necessary.</p> <p>The "information exchange" facilitated by a proper consultation protocol ensures that policy vacuums do not develop that could compromise the board's general objectives and priorities. The "information exchange" also permits a proper review of operational plans and recommendations (but not direction) by a Board where a particular aspect of an operational plan is inconsistent with legal requirements or community norms and values.</p> <p>Of course, the means and manner of the "information exchange" will depend on the particulars of any given police services Board, police service and the municipality. The means of achieving the proper "information exchange" will be dictated, in part, by the processes, policies, and circumstances (e.g. location, size, resources, etc.) unique to each police services Board and will, no doubt, differ from Board to Board. Applying the lessons of the Morden Report and Missing and Missed, however, a Board should ensure that appropriate information exchange mechanisms are in place to allow a Board to fulfill its governance and oversight role when a "critical point" arises.</p>

Table B4: Data Extracts for Sub-Theme Titled Operational Independence as Perceived by**Police**

Name of Person or Party	Document Type	Data Extract
Ontario Provincial Police	Closing Submissions – POEC	<p>It is common ground on the evidence that politicians should not be involved in operational decision-making. This is one of the key lessons from Ipperwash – the rationale for this is set out in some detail. Section 17 of the Police Services Act should be amended to specify that the power of the responsible minister to direct the OPP does not include directions regarding specific law enforcement decisions in individual cases, notwithstanding the responsible minister’s authority to issue directives under s. 3(j) of the Act. This section should be further amended to specify that the commissioner of the OPP has “operational responsibility with respect to the control of the OPP, subject to written directives from the responsible minister.” The Police Services Act should be amended to prohibit anyone but the responsible minister (or his or her delegate) from providing direction to the OPP. The Act should also specify that ministerial directions must be directed to the commissioner of the OPP (or his or her delegate).</p> <p>For the reasons articulated in the Ipperwash Report, any elaboration by this Commission of the now well-established principles governing the relationship between police and its governing bodies should be undertaken with great care. In striking the right balance in what one panelist called the “symbiotic relationship” between the protected sphere of police independence and the role of government and civilian oversight, it is critical that political actors and governing bodies not overstep their appropriate role.</p>
Ottawa Police Service	Closing Submissions – POEC	<p>A proper functioning Incident Command System (“ICS”) is a key requirement in how law enforcement is required to handle events such as the Convoy. The ICS provides for three levels of decision making: strategic, operational, and tactical. All law enforcement parties agreed on the importance of having each level of decision maker being given the necessary autonomy. Law enforcement parties all agreed on the need for decision makers to stay within their lanes. In other words, a strategic decision maker should not involve themselves in operational or tactical decisions.</p> <p>The Convoy was an unprecedented event. There is a need to tread carefully to ensure that in our eagerness to ensure that government and the police are better equipped to deal with these challenges in the future, we do not entirely revamp systems that are time tested and</p>

		<p>effective. In particular, extreme caution is required in making changes to altering the delicate balance between police operational independence and government oversight. Additionally, OPS has serious reservations about establishing specified thresholds for when provincial police should assume control of operational planning.</p>
<p>Commissioner Thomas Carrique (OPP)</p>	<p>Public Hearings – Volume 11 – POEC</p>	<p>Ultimately, the decision as to how the operational plan should be executed is that of the Ottawa Police, and I'm not sitting in judgment of those decisions, but we would have initiated some further conversation just to offer any additional inputs that we thought may be helpful or additional resources. And that did happen on a number of occasions throughout the Freedom Convoy where we did reach out to individual police services to make inquiries, not to provide a direction, not to sit in judgment of operational plans, but to ensure the collective success of policing across this province.</p> <p>At some point in time throughout the day we had that conversation, yes. And not concerned in terms of the Board exercising its authority, but it would need to be clearly defined in that if somebody new was being introduced to the relationship it would have to be exclusive to the day-to-day Operations of the Ottawa Police Service outside of this event. We needed to be able to move forward seamlessly with this plan without having to start from the beginning.</p> <p>No, I do not take direction from any political entities. And two, yes, the police chief is a direct employee of the Police Services Board. In fact, under the Police Services Act, there is only permissibility to have two identified positions employed directly by the Board. That is the Chief of Police and the Deputy Chief of Police.</p>
<p>Peter Sloly (Former OPS Chief)</p>	<p>Public Hearings – Volume 12 – POEC</p>	<p>I think what we need to do is get standards across the Board, really clarify how and when we work together in integrated and/or unified, clarify the gaps between the Strategic, Operational, and Tactical, and how that fits into police of jurisdiction adequate and effective. That's going to be a lot cheaper and probably a lot faster, and it can be iterated over the course of time for lessons learned from experience to experience. You're talking about a major structural change, legislative change that would take years to hammer out and then years to get to a point of efficacy.</p> <p><i>Ms. Natalia Rodriguez:</i> Okay. And so what were the other factors? <i>Mr. Peter Sloly:</i> That I was not going to be handing over an entire detailed operational plan to the Board. It's not a practice I'd ever seen done before. It's not one that I'd be comfortable with. And from my knowledge of the Morden Report, not one that's required.</p>
<p>Peter Sloly (Former OPS Chief)</p>	<p>Public Hearings –</p>	<p>And even with this information in front of me. I mean, if what Morden is considering -- first of all, Morden is a report. It is not a statutory authority with the Police Services Act, so it's informative but it's not</p>

	Volume 13 – POEC	instructive.... I can't imagine in a thousand years that Morden would consider that the Board would sit down with the Chief of Police in the middle of the first weekend and start to debate policy instructions around a still unfolding national security event.
Deputy Chief Jason Crowley (WPS)	Public Hearings – Volume 18 – POEC	<i>Mr. David Migicovsky:</i> And Chief Mizuno and Deputy Bellaire respected your autonomy and didn't interfere with your operational decisions? <i>Deputy Chief Jason Crowley:</i> Completely respected it, yes. <i>Mr. David Migicovsky:</i> And that's an important aspect of how the incident command system is supposed to work; am I correct? <i>Deputy Chief Jason Crowley:</i> You're correct.
Dana Earley (Critical Incident Commander, OPP)	Public Hearings – Volume 19 – POEC	<i>Mr. Tom Curry:</i> So there's nothing wrong -- am I right, there's nothing wrong with Commissioner Carrique and Deputy Commissioner Harkins telling you that you should not delay your operation while a letter goes to the protesters in Ottawa, but to get on with the operation in Windsor. That would not be overstepping their authority; would it? <i>Supt. Dana Earley:</i> I see it as overstepping. The operational control of the incident was mine. It had to - that decision had to be made by me.
Commissioner Brenda Lucki (RCMP)	Public Hearings – Volume 23 – POEC	<i>Mr. Gordon Cameron:</i> Coming back to this point about -- I think it might have been you, but somebody used the expression a line between church and state, which whether that's what you meant in the context, we've all assumed means the line between the political side and the policing side, and all of the both jurisprudence and analysis that's been done on where that line should stand. So my question to you is, where does the RCMP look for guidance on where that line is?... So where do you -- where does the RCMP look to help find that line between what we're calling church and state? <i>Comm Brenda Lucki:</i> Well for me, it's pretty clear. Anything operational, we're advising what's happening, but we're not taking direction on how to do things. And we've never been provided direction on how -- what we should do. I would say though, we do get direction on the administration side of the policing, but not the operational side. <i>Mr. Brendan Miller:</i> And you know that the common law in policing is that you, as Commissioner, and other chiefs of police throughout the country, and the common-law world, really, are to be 100 percent independent from the Political Executive? <i>Comm Brenda Lucki:</i> Yes.
Interim Chief Steve Bell (OPS)	Public Hearings – Volume 8 – POEC	<i>Mr. Frank Au:</i> Now to what extent is it clear or ambiguous what action constitutes a strategic direction or operation -- operational direction? <i>Interim Chief Steve Bell:</i> Sorry, can you re – <i>Mr. Frank Au:</i> So I'm just trying to understand, as a layperson having never worked within an Incident Command, like, what kind of

		<p>directions would be considered a strategic direction and what direction might be considered an operational or tactical direction?</p> <p><i>Interim Chief Steve Bell:</i> So this is one of the key areas that I believe that we needed to look at when I became Interim Chief in terms of how we continue to progress around this area. In this case, a strategic-level decision could be I don't want the convoys in the downtown area. Go and work how we actually keep those trucks out of the downtown area. An operational-level decision, in my perspective, is close the ramp so convoys don't come into the downtown area. But I think it's also important to note, there is no rigorous system that identifies exactly where each of those thresholds land. And if there is a rigorous system, there is four different accepted systems within Canada that could be used in this area. So it's an area that I believe is something that probably hampered us somewhat in this with the lack of clarity. No fault attributed to anyone, just there was not clear clarity across the services, across ourselves in terms of what constituted each of those decisions. So I believe that that clarity needs to be struck and needs to exist, and that's one of the things that, in the early days of me taking over the operation as Interim Chief, that I spent a considerable amount of time doing. So the people that I was working with, Deputy Chief Ferguson, Superintendent Bernier had a really clear understanding of what I felt was a strategic role and what I felt was an operational level decision.</p>
Acting Supt. Marcel Beaudin (OPP)	Public Hearings – Volume 9 – POEC	<p><i>Ms. Andrea Gonsalves:</i> You spoke about the importance of not having government interference in these police operations?</p> <p><i>Acting Supt. Marcel Beaudin:</i> That's correct. Yeah, it's happened before in the past, right, where we were surprised by government becoming involved in police operations. So if you can head that off that's probably the best way to do that; right?</p> <p><i>Ms. Andrea Gonsalves:</i> And by the same token, you, as a member of the OPP, would not be trained in or fully understand the perspectives of the governmental decision-makers?</p> <p><i>Acting Supt. Marcel Beaudin:</i> Absolutely. Yeah.</p>

Table B5: Data Extracts for Sub-Theme Titled Operational Independence as Perceived by

Political Authorities

Name of Person or Party	Document Type	Data Extract
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City of Ottawa	Closing Submissions – POEC	Pursuant to s. 31(3) of the Police Services Act, the Board may give orders and directions to the Chief of Police. Pursuant to s. 31(4), however, the Board shall not direct the Chief of Police with respect to specific operational decisions or with respect to the day-to-day operation of the police force. There is no legal authority for Council, the Mayor or City staff to direct the Chief of Police. The Chief of Police reports to the OPSB. The Chief administers the police force and oversees its operation in accordance with the objectives, priorities and policies established by the Board. In addition, he or she ensures that the members of the police force carry out their duties in a manner that reflects the needs of the community, and that the police force provides community-oriented police services.
Ottawa Police Services Board	Institutional Report – POEC	<p>The restrictions in subsections 31(3) and (4) are very significant and often the subject of concern. They state: (3) The Board may give orders and directions to the chief of police, but not to other members of the police force, and no individual member of the Board shall give orders or directions to any member of the police force. (4) The Board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police force.</p> <p>While it lies outside of the scope of this document to address it in detail, there is a tension between the desire for the preservation of the independence of the police, the need for police accountability and a sense of effective civilian oversight of the police.</p> <p>The independence question has specifically arisen in the context of protests and the policing approach to protests. It also lies outside of the scope of this document to discuss, or attempt to fully explore, the legal basis and scope of police independence. However, concepts of police independence, the experience of policing protests and the role of a police services Board are all in play when one tries to examine the board's role when a protest is imminent or ongoing in a community.</p> <p>The Morden Report expresses the following view about how to put these concepts into practice: There is an important distinction that should be made between defining what the operation is going to be, versus how the operation is going to be executed. With respect to the former decision – the what of the operation – the police Board has a vital and statutorily-required role to play. The Toronto Police Service should always maintain the autonomy to make and execute the particular decisions during an operation. However, the initial determination of what the Toronto Police Service's objectives and priorities will be for a given operation, event, or organizationally significant issue is for the Board to ultimately make, after appropriate consultation with the chief of police.</p>

		<p>The Board is consulted in determining the mission and appropriate objectives, priorities and policies for the major event. Once these have been defined, the Police Service will maintain the autonomy to develop and execute the appropriate operational plans.</p>
City of Ottawa	Institutional Report – POEC	<p>There is no legal authority for Council, the Mayor or City staff to direct the Chief of Police. The Chief of Police reports to the OPSB.¹⁹ The Chief administers the police force and oversees its operation in accordance with the objectives, priorities and policies established by the Board. In addition, he or she ensures that the members of the police force carry out their duties in a manner that reflects the needs of the community, and that the police force provides community oriented police services</p>
Mayor Drew Dilkens (Windsor)	Public Hearings – Volume 18 – POEC	<p><i>Ms. Natalia Rodriguez:</i> Right. And in terms of an operational plan, did the Board ever see how those officers were going to be used? <i>Mayor Drew Dilkens:</i> No. <i>Ms. Natalia Rodriguez:</i> Okay. Did the Board ever request to see an operational plan? <i>Mayor Drew Dilkens:</i> No, and I think that would be somewhat unusual for – at least for our Board. We wouldn't get into that level of detail. And there was – none was presented and none was asked for.</p> <p><i>Mayor Drew Dilkens:</i> What people need to appreciate is that not just the temperature on the ground of the protesters, but the temperature of the general public to this protest was amplifying as well, and I could not as mayor, I could not as Chair of the Windsor Police Services Board direct police operations and tell the Chief or the police administration how to move forward and when to move forward. I had no clear line of sight on how many resources were coming here.</p> <p><i>Mr. Antoine D'Ailly:</i> And so in – just in terms of the division of powers, because I understand you do wear several hats, one being, again, the Chair of the Police Services Board. In your capacity as Chair, you said that it is not the Board's responsibility to direct the activities of the police; is that correct? <i>Mayor Drew Dilkens:</i> Correct. We don't direct police operations. <i>Mr. Antoine D'Ailly:</i> Would you say that you influence what tactic and methods they may use? <i>Mayor Drew Dilkens:</i> No.</p>
Mario Di Tommaso (Ontario Deputy Solicitor General)	Public Hearings – Volume 20 – POEC	<p>So with regards to oversight, I do not have the ability to direct the Commissioner in any way with regards to any policing operations, day-to-day operations, that -- and deployment. That remains the exclusive jurisdiction of the Commissioner of the OPP. Having said that, anything to do with human resources, in terms of expanding or contracting the size of the OPP; procurement; financing, that type of</p>

		<p>thing, that responsibility lies with me, and I have frequent discussions with the Commissioner on those topics.</p>
<p>Ian Freeman (Chief Administrative Officer, Government of Ontario)</p>	<p>Public Hearings – Volume 20 – POEC</p>	<p><i>Adm Ian Freeman:</i> Well, I wouldn't -- I don't believe we have an opinion on what police do or don't do. That's up to police in the context of the situation that they're dealing with.</p> <p><i>Ms. Collen McKeown:</i> Right, because that's a policing decision, whether or not to lay charges, whether it's an appropriate situation, whether there are other concerns. That's a policing decision, not a decision that comes from the</p> <p><i>Adm Ian Freeman:</i> That's right.</p> <p><i>Ms. Collen McKeown:</i> Okay. So police deciding to lay charges under the HTA, that's not something that would be the kind of misuse that the MTO was concerned about.</p> <p><i>Adm Ian Freeman:</i> Correct.</p>
<p>Mario Di Tommaso (Ontario Deputy Solicitor General)</p>	<p>Public Hearings – Volume 21 – POEC</p>	<p><i>Ms. Natalia Rodriguez:</i> And do you understand, or do you have any knowledge of whether the Solicitor General directed Comm. Carrique to prioritize Windsor resources?</p> <p><i>Dsg Mario Di Tommaso:</i> Knowing both the Minister and Comm. Carrique, the Minister would absolutely not direct the Commissioner, nor would the Commissioner receive that direction well. He would refuse it.</p> <p><i>Ms. Natalia Rodriguez:</i> Okay and why would that be?</p> <p><i>Dsg Mario Di Tommaso:</i> Because there is -- that's an operational matter, and Government, Ministers, myself are simply not permitted to direct the OPP with regards to -- an operational matter and deployment of officers is considered an operational matter.</p> <p><i>Ms. Natalia Rodriguez:</i> Okay. So, the prioritization of resources, you would say, is an operational matter?</p> <p><i>Dsg Mario Di Tommaso:</i> Provincial Police Resources, yes.</p> <p><i>Ms. Natalia Rodriguez:</i> Okay. And, but you would agree with me that the Solicitor General can issue directions to the OPP Commissioner that are not related to operational matters.</p> <p><i>Dsg Mario Di Tommaso:</i> With regards to policy matters, yes.</p> <p><i>Ms. Natalia Rodriguez:</i> Okay. And what is your understanding of the scope of that authority; that the Solicitor General has to direct the OPP Commissioner on non-operational matters?</p> <p><i>Dsg Mario Di Tommaso:</i> Well that authorities continue within the Police Services Act. That the OPP Commissioner is subject to the Solicitor General's direction, but my understanding from Ministry legal and Case law is that direction is only to apply with regards to human resources, budget, policy, and certainly nothing in regards to operations and certainly nothing in regards to any emergency provisions.</p>

		<p><i>Mr. Brendan Miller:</i> When it comes to policing this entire country, police are supposed to be 100 percent independent of the political branch? Is that fair?</p> <p><i>Dsg Mario Di Tommaso:</i> When it comes to investigations, deployment, operations, yes.</p> <p><i>Mr. Brendan Miller:</i> Right. And so just because a mayor, just because a prime minister, just because the Minister of Emergency Preparedness, or a premier wants them to do something, that's not supposed to have an effect on their decisions? They have to assess them themselves, and they don't follow, essentially, directions from elected government? They are independent?</p> <p><i>Dsg Mario Di Tommaso:</i> Correct, with regards to operations, and deployment, and investigations, yes.</p>
<p>Minister William Blair (Minister of National Defence)</p>	<p>Public Hearings – Volume 27 – POEC</p>	<p>I very firmly believe, very sincerely believe, that good policing requires good governance. And governance is not to suggest, sir, that a police services Board or the governance authority will direct the police in their investigations, in their operations, will even direct them in the administration of their police service. That's not the function of good governance. The function of good governance, in my experience, is oversight and accountability. And I think it's fairly well articulated in a number of provincial statutes across the country, including the Ontario Police Services Act.</p>
<p>Minister Marco Mendicino (Member of Parliament)</p>	<p>Public Hearings – Volume 28 – POEC</p>	<p>The principle of operational independence has to guide the relationship between police and the elected branch of government.</p> <p>At the same time, I do think it bears emphasising that police and the elected branch of government do not operate in two silos, and nor should we. That there needs to be a dialogue between both branches to be sure that police have the resources that they need, which was one of my core responsibilities in the response to the blockade, as well as potentially additional tools to respond to the unique and unprecedented nature of this convoy, which is something that we ultimately came to.</p> <p>I would also point out that, you know, in the context of the discussion around operational independence, and I've obviously given this a fair bit of reflection since the occupation, and I did touch on it a little bit earlier, that there are important boundaries that should not be crossed by elected officials, and for good reason. We do want to safeguard against the politicization or making partisan important and independent decisions, which are made by law enforcement and the prosecution services around the country, so that we can preserve the integrity of the administration of justice... that having been said, there does need to be a dialogue between police and the elected branch of government when it comes to providing additional resources and tools.</p>

		The reason why I believe Commissioner Lucki testified that we didn't violate the principle of operational independence is because at no time were we instructing police on how to do their job on the ground.
Minister David Lametti (Member of Parliament)	Public Hearings – Volume 29 – POEC	It isn't, I believe, a black or white answer, other than to say that operational decisions will always be made by the police of jurisdiction. The identification of priorities is a much more complex matter.
Steve Kenellakos (Ottawa City Manager)	Public Hearings – Volume 3 – POEC	It's clear in the Police Services Act, that the police is an independent authority reporting to the Ottawa Police Services Board or a Police Board. The Board has defined responsibilities over the police, but not to direct the Police Chief operationally. And certainly the Mayor, City Councillors, as a body or individuals, or city administration officials, cannot direct the Chief of Police on any matter.
Mayor Jim Watson (Ottawa)	Public Hearings – Volume 4 – POEC	<p><i>Mr. Brendan Miller:</i> And so just in summary, you had, with respect to their operational plans, and what they were doing, and everything that the police were up to, you did not know what they were doing, either the Ontario Provincial Police, or the Ottawa Police Service; right? They didn't tell you because they couldn't?</p> <p><i>Mayor Jim Watson:</i> Well there's Church and State. You know, there's a separation. The Police Services Board is autonomous under provincial legislation, and even the Board itself, and I sat on the Board for a number of years. But even the Board itself does not have the ability to direct the chief on an operational matter, you know? So if they wanted to get together and say, you know, "Pass a motion. We want you to go and, you know, take care of speeders on Carling Avenue for the next two months," that would be ruled out of order. It's not appropriate.</p> <p><i>Mr. Paul Champ:</i> But the Ottawa Police Services Board, you're aware, they're responsible for the direction and for directing the chief and monitoring his performance? You're aware of that?</p> <p><i>Mayor Jim Watson:</i> Yeah, but not directing operational matters. And what was being discussed by the prime minister and the premier and myself was resources to help him implement the plan and rid the streets of the occupied truckers.</p>
Diane Deans (City of Ottawa)	Public Hearings – Volume 5 – POEC	So the Morden Report, basically, is sort of a guideline for what happens in this kind of a large event situation, large scale situation, and where that line between the oversight and the operations is. And I think what Morden was pointing out, and my understanding, is the Board can -- the Board cannot direct the Chief in terms of Operations, but the Board can certainly ask questions about the plan, the details of the plan. The Board can ask questions about the resource requirements, what the Service needs, and the Board can work to assist the Service in those areas. And so - and you know, all of that, with the backdrop of our mandate, is to ensure the provision and adequate and effective policing. So we were in this situation trying to learn from the Morden

		Report and make sure that we were ultimately fulfilling our oversight role.
The Toronto Police Services Board	Institutional Report – POEC	Historically, the division of policy and operational roles between the police services Board and the chief of police led to a somewhat entrenched hands-off approach by Ontario police services Board to the governance and oversight of police operations or operational issues, including in relation to large scale events and other important operations. The Toronto Police Services Board and the Toronto Police Service have worked hard in the wake of judicial inquiries and other reviews of police governance to cast off this historical approach and develop a modern approach.
City of Windsor	Institutional Report – POEC	<p>The WPS operates separately and independently from the City. While the City communicates with the WPS and collaborates wherever possible, the City does not and cannot direct or control the operations of the WPS.</p> <p>The WPS Board may give orders and directions to the Chief of Police, but not to other members of the police force, and no individual member of the WPS Board shall give orders or directions to any member of the police force. The Police Services Act prohibits the WPS Board from directing the Chief of Police with respect to specific operational decisions or with respect to the day-to-day operation of the police force</p>
Jeffery Hutchinson (Privy Council Office)	Public Hearings – Volume 26 – POEC	There was also a discussion about how to keep the different lanes clear. And I think that has been referred to so far in the Inquiry as matters of church and state. How do we ensure that the police are operating under their authority, how do we ensure that engagement that might happen by officials or even at a political level are coordinated but not interfering with the police authority? So there was certainly an attentiveness to the coordination element of how this could play out

Table B6: Data Extracts for Sub-Theme Titled Policy Matters

Name of Person or Party	Document Type	Data Extract
City of Ottawa	Closing Submissions – POEC	Deputy Minister Stewart confirmed his understanding that technically speaking, the OPS should have gone to the OPP for resources first. But he elaborated that the situation in Ottawa was “not a situation in which you go by the book.” He also testified that as late as February 4, 2022, there were still ongoing internal discussions in terms of the process for OPS to request law enforcement resources from the RCMP.

		<p>Leaving aside these issues, the City submits that by February 7, the priority for law enforcement was to clear the Ambassador Bridge. As a policy matter, the City would urge the Commission to consider who decided that Windsor was a priority, who was legally entitled to make that determination, and who should be held accountable for that decision.</p> <p>During the policy roundtable on police-government relations, Mr. Teschner, the Executive Director of the Toronto Police Services Board, emphasized that, “the burden, in my view, is on the chief to take initiative in ensuring that the Board is probably [sic: properly] informed about matters; past, present, or future, that fall under the purview of the board’s responsibilities.”</p>
Doug Ford (Ontario Premier)	News Article	<p>Ontario Premier Doug Ford said he has full confidence Toronto police will be able to handle Saturday’s convoy protest and there will be "zero tolerance" for any potential acts of violence. Ford made the comments during a virtual news conference with Canada's premiers on Friday. "Any harassment or acts of hatred or acts of violence will have zero tolerance," Ford said. Ford said he has been in contact with Toronto Mayor John Tory and Ottawa Mayor Jim Watson to offer whatever resources are necessary.</p>
Government of Canada	Closing Submissions – POEC	<p>Accordingly, the preponderance of provincial legislation and policy indicates that municipal police services in Ontario must first seek assistance from within the province prior to making a request to the RCMP. In practice, the RCMP is able to respond to small requests for resources made by the OPS. However, larger requests for resources should only be made where assistance from the OPP has been exhausted.</p>
Ontario Provincial Police	Closing Submissions – POEC	<p>The Framework for Police Preparedness for Indigenous Critical Incidents (the “Framework”) was developed following the death of Dudley George and was recognized as a “best practice” by Ipperwash Inquiry Commissioner, Justice Linden. While it has been modified since its inception, the Framework sets out a measured approach to responding to potential public order events. There are hundreds of policies that govern the conduct of members of the OPP. Only nineteen are considered critical policies. The Framework is a critical policy.</p> <p>A central lesson of Ipperwash is that in the context of a public order event, it is critical that the oversight body not over-step its appropriate role. The role of the government or oversight body is to ensure that policy is being followed, risks are being mitigated and the police service has the necessary resources to adequately and effectively perform their duties – and this would warrant the oversight body having an appropriate level of situational awareness, the ability to ask questions, and, in some cases, information related to a concept of operations to satisfy its administrative responsibilities. For the reasons</p>

		<p>articulated in the Ipperwash Report, any elaboration by this Commission of the now well-established principles governing the relationship between police and its governing bodies should be undertaken with great care. In striking the right balance in what one panelist called the “symbiotic relationship” between the protected sphere of police independence and the role of government and civilian oversight, it is critical that political actors and governing bodies not overstep their appropriate role.</p>
Ottawa Police Services Board	Institutional Report – POEC	<p>It is sometimes said, in simple and general terms, that policies are for the Board and operations are for the chief of police and that the two must always be kept separate. Apart from being impossible to apply in its own terms, this statement does not represent what the statute provides. I refer, in particular, to the following provisions in the Police Services Act, all of which have been set forth in the preceding part of this chapter: sections 31 (1)(b) and 31 (1)(c). Section 31 (1)(b), together with its reciprocal, section 41 (1)(a), captures the significant feature of the relationship between the Board and the chief of police with respect to the making of policy and its implementation by the chief. The word “consultation” in “after consultation with the chief of police” in section 31 (1)(b) means a form of a dialogue, or discussion, between the Board and the chief of police on the subject of what is required, in the circumstances of the particular situation being dealt with, to provide adequate and effective police services. No doubt “objectives and priorities with respect to police services in the municipality” are central features of the policies that the Board makes in carrying out the general mandate and section 31 (1)(b) requires that the chief of police be involved in the initial stages of policy formulation.</p> <p>Again, following the recommended consultation during the operational planning development process ensures that the Board provides the Toronto Police Service with adequate direction concerning the priorities and objectives to achieve and minimizes the potential of policy vacuums that could compromise the mission or objectives that have been defined by the Board. I also suggest that by remaining appropriately engaged in the operational planning process, the Board could also provide recommendations to the Toronto Police Service where it believes that a particular aspect of the operational plan is out of synch with applicable legal requirements or community norms and values. These recommendations serve to provide further guidance that stops short of being direction to the chief of police on the specific operational decision to make. Through consultation, the chief of police can understand the Board’s recommendation on a particular matter and then accept or reject the recommendation as the chief of police sees fit.</p>

<p>Peter Sloly (Former OPS Chief)</p>	<p>Public Hearings – Volume 13 – POEC</p>	<p><i>Mr. Peter Sloly:</i> A planned event for a visit of world leaders usually has a four to five year cycle of planning, and in which case, yes, they would have plenty opportunity. I gave information earlier on, Commissioner, about the planning that went into the G20 that severed from Muskoka down to Toronto. In five months we had regular meetings, regular scheduled Board meetings, specially scheduled Board meetings, where Chief Blair and the Command Team, which I was a part of, provided a lot of information to the Board around what we were planning for. The Board had time to take tour of facilities were giving. We were able to give very detailed updates, even though we were on an incredibly tense timeline. And the Board could therefore on those occasions express policy matters. But not in the middle of the weekend where the G20 burnt cars down in our city were we sitting down having policy discussions with the Board.</p> <p><i>Ms. Natalia Rodriguez:</i> So I'll take you to the third element: "Board collaboration in defining the 'what', but not the 'how', of an operation:" So it says: "The Board should use the operational information it obtains from the Chief of Police to determine what the...Police Service's overall objectives and priorities will be for a particular operation, event, or organizationally-significant issue." So if I hear what you're saying correctly, you're telling me that the protests in Ottawa was not -- did not fall into any of these categories. Is that what you're telling me?</p> <p><i>Mr. Peter Sloly:</i> I don't believe they did, and even if they did, the ability for us to slow the world down in order to have a policy discussion, I don't think would've been practical.</p>
<p>Minister William Blair (National Defence)</p>	<p>Public Hearings – Volume 27 – POEC</p>	<p><i>Mr. Gordon Cameron:</i> Right. And in the time that you were Chief of Police and having this governance relationship with the Police Services Board, would you have considered that interference, or what is sometimes called directing the police, for that Board to have outlined to you either long-term or immediate priorities or rankings of objectives to accomplish with your available resources?</p> <p><i>Minister William Blair:</i> There are a number of different models of governance that are often employed by police service Board. One of them is through policies and priorities. I believe it's called the Carver model.</p> <p><i>Mr. Gordon Cameron:</i> Actually, slow down for the reporter. The what model?</p> <p><i>Minister William Blair:</i> The Carver model. I've actually spent a lot of time --I also felt it was my responsibility to help my Board be a good Board because they would help me be a good chief. And so we spent a lot of time talking about how they could do their job and it would help me do my job as a Board, and I think it was a very effective relationship. They did set priorities for the service. They also set my budget. I would collaborate with them and work very closely with them, and they would consult with the public on what those priorities</p>

		<p>should be, because there is a bridge that a governance body can serve or a police service to be that connection on behalf of community. And so they would bring -- there was lots of community deputations made at our Board meetings where people would outline their expectations and their concerns, and the Board would set priorities, but my Board was also very careful not to cross a line into operational matters, to suggest where we should deploy people or you know, what investigations or what laws would be in force. They never went there, and neither would, frankly, I'd allow them. I'd have pushed back on that. But they often talked about, you know, placing a greater emphasis on community policing, on community outreach, on building greater diversity within the police service, and you know, how we interact with the incredible diverse population of our city and in issues of crime prevention and how communities were to be policed. And frankly, I never considered those infringements on police operations. I just thought it was -- we were working together to do good policing.</p>
<p>Mayor Jim Watson (Ottawa)</p>	<p>Public Hearings – Volume 4 – POEC</p>	<p><i>Mr. Brendan Miller:</i> Right. And as the Mayor of a town, you don't have -- or the city, you don't have the security clearance or the clearance to know what the actual operational activities are of a police agency; correct?</p> <p><i>Mayor Jim Watson:</i> Well it's not a security clearance matter. It's a matter that there's a separate autonomous organization called the Ottawa Police Services Board that has full jurisdiction over policy and governance of the Police Board, and the hiring and firing of four key officers, and that is their responsibility. The only direct link that the City has, as you may now from the Police Services Act, is that we approve or reject the budget of the police.</p> <p><i>Mr. Brendan Miller:</i> I'm not saying that, sir. I'm asking you if there's an actual policy that says you are not allowed to call and make a request to the police; is there a policy in that regard?</p> <p><i>Mayor Jim Watson:</i> Well, our City solicitor advised that the route that we should be taking is the letter to the Premier and the Prime Minister and the two appropriate ministers.</p>
<p>Acting Supt. Marcel Beaudin (OPP)</p>	<p>Public Hearings – Volume 9 – POEC</p>	<p><i>Mr. Eric Brousseau:</i> This is the OPP's Framework for Police Preparedness for Indigenous Critical Incidents. Can you tell us what this document is?</p> <p><i>Acting Supt. Marcel Beaudin:</i> Yeah, this is 1 of the 19 critical policies for the OPP, and it ultimately works through a conflict cycle when it comes to Indigenous critical incidents or non-Indigenous related conflicts.</p> <p><i>Mr. Eric Brousseau:</i> Okay. And so when and why was this policy created and adopted?</p> <p><i>Acting Supt. Marcel Beaudin:</i> So this policy was created as a result of Ipperwash. So in 1995, obviously, there was the shooting death of W. George in a provincial park, and, obviously, lessons learned there was</p>

		<p>communication strategies, the importance of gathering mediators or people that could liaison or people with influence that would have influence on outcomes, as well as correcting misinformation is probably the big takeaways. For us, obviously, it didn't necessarily start the PLT, but it definitely contributed to the part of the average All-Relations Team Program.</p> <p><i>Mr. Eric Brousseau:</i> Okay. And I think you mentioned that this is one of 19 critical policies. Can you tell us, what is a critical policy and why is this 1 of 19 of them?</p> <p><i>Acting Supt. Marcel Beaudin:</i> Yeah, so it's interesting when you talk about police language, right, because sometimes people will say, "oh, like, this is critical." And to me that's bad as far as a community member, but when it comes to policing, critical to me means it's high priority, it's something that we take very serious, and it has tremendous ramifications if it's not followed.</p>
National Police Federation	Closing Submissions – POEC	<p>Ultimately, the evidence is unclear as to what extent this divergence of views about the proper process and sequence for requesting federal resources impeded OPS' efforts to obtain those resources. What is clear, however, is that the current statutory framework does not contain sufficient direction regarding the process by which federal resources may be requested by municipal police services in times of crisis.</p>

Table B7: Data Extracts for Sub-Theme Titled Accountability

Name of Person or Party	Document Type	Data Extract
Ontario Provincial Government	News Article	<p>The commission has the legal authority to call witnesses to testify before the inquiry. A spokesperson for the Ontario attorney general's office said the government will be challenging the summons, arguing that Jones and the premier are covered by parliamentary privilege. "Overall, our view has always been that this was a policing matter and the police witnesses that are testifying can best provide the commission with the evidence it needs," the spokesperson said in an email.</p>
Doug Ford (Ontario Premier)	News Article	<p>Ford answered one question the next day and repeatedly said the inquiry was a federal matter and not a provincial one. He has also said repeatedly the occupation in Ottawa by the so-called Freedom Convoy and a near weeklong blockade of the most-travelled international bridge in Windsor was a policing issue, not a political one.</p>
National Police Federation	Closing Submissions – POEC	<p>Mayor Jim Watson expressed the view that the federal and provincial governments have equal responsibility for policing in Ottawa. He linked the federal government's unique responsibility for Ottawa to its large presence in the city, and the reality that protests result from that</p>

		<p>presence. He expressed that there is a “special responsibility” to ensure that people feel “safe and secure” in the nation’s capital. He described what he perceived to be a lack of urgency by both orders of government as “very frustrating”. In respect of the federal government, Mayor Watson described the frustration arising from the fact that Ottawa could not get RCMP officers to assist notwithstanding that “the protestors were protesting federal legislation right across Parliament Hill, the prime minister’s office”</p>
Ontario Provincial Police	Closing Submissions – POEC	<p>Other than an email between Commissioner Lucki and Minister Mendicino’s Chief of Staff Mike Jones, there is no record of consultation with law enforcement. The Emergencies Act requires a consultation record be kept of consultation with politicians; it should also require that there be a written consultation record of consultation with law enforcement. Such a record will ensure accountability and will provide additional information for consideration by Cabinet.</p>
Ottawa Police Services Board	Institutional Report – POEC	<p>In Oliver, supra, the Commission articulated the balance that a Board member must strike when the Board member has potentially competing roles. The Commission stated: A police services Board is not an elected body. Its members are not directly accountable to the citizens who cast their votes for them. In this sense, the role has an institutional focus, not a political one. The focus is to ensure the adequacy and effectiveness of the community’s policing services. This is so even if police services Board are comprised, in part, of elected officials. Although elected to municipal Council, those members are appointed to the police services Board, and when they engage in Board business, the provisions of they are bound by their oath to respect the Act and the Code of Conduct. Their role is one of oversight of policing activities in the community</p> <p>These recommendations serve to provide further guidance that stops short of being direction to the chief of police on the specific operational decision to make. Through consultation, the chief of police can understand the Board’s recommendation on a particular matter and then accept or reject the recommendation as the chief of police sees fit. Professor Kempa explained this process as follows: [T]here’s also, I would argue, an accountability mechanism leading up to the event where the Board would be having that public debate with the chief [of police] as to why or why not he or she is accepting or rejecting all of the board’s or some of the board’s recommendations, right? Now in the end...the chief and command levels of the police have the ability to walk away from every single one of those recommendations</p>
Peter Sloly (Former OPS Chief)	Public Hearings – Volume 12 – POEC	<p>Every Chief of Police or Commissioner is accountable and responsible for everything in the organization. But I had delegated, specifically delegated those responsibilities to the two individuals, Deputy Chief Bell and Acting Deputy Chief Ferguson to oversee and ensure that</p>

		there was an appropriate level of threat risk assessment and forming an appropriate level operational plan.
Mario Di Tommaso (Ontario Deputy Solicitor General)	Public Hearings – Volume 21 – POEC	<i>Ms. Natalia Rodriguez:</i> And why were you taking an interest in the board's meetings? <i>Dsg Mario Di Tommaso:</i> Well, because at the end of the day, it's the Board that has accountability and oversight over the Ottawa Police Service. And so there was a major issue happening in Ottawa and I was interested in what steps Ottawa Police Service Board would be taking.
Commissioner Thomas Carrique (OPP)	Public Hearings – Volume 11 – POEC	<i>Mr. Tom Curry:</i> And you talked a little bit about the role of a chief or a commissioner and the obligation to provide or ensure that there is adequate and effective policing in the community. <i>Comm. Thomas Carrique:</i> Yes. <i>Mr. Tom Curry:</i> And that --- <i>Comm. Thomas Carrique:</i> Shared responsibility, sorry, sir, with -- in the case of a municipal police chief, that is a shared responsibility between the chief and the Board. <i>Mr. Tom Curry:</i> Right. And in yours, the Ministry of the Solicitor General provides that oversight? <i>Comm. Thomas Carrique:</i> Provides that oversight. And as the Commissioner, I've got some additional responsibilities with regard to that that a municipal police chief does not have.

Table B8: Data Extracts for Theme Titled Which One Is It?: Political Direction and Oversight Versus Interference in Policing

Name of Person or Party	Document Type	Data Extract
Peter Sloly (Former OPS Chief)	Closing Submissions – POEC	Given the volatile and unprecedented nature of the events in Ottawa, the evolving planning, the lack of resource reliability and the leaks of operational information, Chief Sloly provided an amount of information to the Board which was appropriate and sufficient for the Board to fulfill its oversight function. Over the course of the occupation, Chief Sloly met repeatedly and at length with the Board and was in regular contact with Chair Deans. The information provided was more than the functional equivalent of what was contemplated in the Morden Report.
National Police Federation	Closing Submissions – POEC	The NPF acknowledges that there was also some vague evidence tendered to the effect that the RCMP – like police services everywhere – is stretched to meet its current mandates with its existing complement of resources. ¹⁷¹ The NPF submits that the evidence in this regard was insufficiently precise or reliable for the Commission to make any findings in this regard. However, to the extent there is any

		concern about the RCMP's resources, that is a funding issue that the Government of Canada has a direct ability to address, and which should not serve as a barrier to providing adequate policing to maintain public order and safety in our nation's capital and at the seat of the federal government.
Ontario Provincial Police	Closing Submissions – POEC	The OPP proposes the following recommendation: Government should consider guidelines that may include criteria for a Chief of Police or a municipal police services Board to consider in making a request for assistance to the OPP, and some mechanism of oversight for those requests should also be considered.
Ottawa Police Service	Closing Submissions – POEC	While the situation on the ground in Ottawa was the subject of many discussions between provincial and federal bureaucrats, ministerial staff and provincial and federal politicians, there was very little in the way of actual assistance that was provided to the City of Ottawa or the OPS. There was disagreement over whether the resolution of the situation required a federal or provincial response
Commissioner Thomas Carrique (OPP)	Public Hearings – Volume 11 – POEC	<p>If the Solicitor General's office had a concern over adequate and effective policing, the appropriate routes and legislation would be to refer that concern to OCPC</p> <p>I can't say whether I was surprised to see whether there was reference to invoking the Act. That certainly would not have been the focus of my attention. It was more around the confidence that the -- there was an indication that the government had lost confidence in the OPS. That is something that, you know, obviously would be of great concern not only to me as a policing leader, but should be something that the Police Services Board would have been engaged in.</p>
Peter Sloly (Former OPS Chief)	Public Hearings – Volume 12 – POEC	<p><i>Ms. Natalia Rodriguez:</i> I want to talk now about the role of the Board. How would you describe the Board's oversight function? What is the scope of their oversight?</p> <p><i>Mr. Peter Sloly:</i> Primarily to set the strategic direction of the police of jurisdiction, ensure that the police of jurisdiction has adequate resources to develop, to deliver adequate and effective services, and to hire and manage the chief of police and the two deputy chief positions, or in our case, two deputy chiefs.</p>
Mario Di Tommaso (Ontario Deputy Solicitor General)	Public Hearings – Volume 20 – POEC	<p><i>Mr. Gabriel Poliquin:</i> Okay. I was getting to that. And so as part of your responsibilities, would you describe it as your -- a responsibility of oversight on the OPP that you would have?</p> <p><i>Dsg Mario Di Tommaso:</i> Yes. But the OPP reported to the Solicitor General, in terms of policy and longer-term initiatives. But certainly the OPP reported to me on a daily basis, and that was Comm. Carrique.</p> <p><i>Mr. Gabriel Poliquin:</i> Okay. And yeah, we'll get to that in detail in a sec. And the Solicitor General's responsibility under the Police Services Act includes, to monitor police forces to ensure that adequate and effective police services are provided at the municipal and provincial levels; you would agree with that?</p>

		<p><i>Dsg Mario Di Tommaso:</i> Yes, that's under section 22 of the Police Services Act.</p> <p><i>Mr. Gabriel Poliquin:</i> I suppose let me put the question this way. So, of course, I understand that Chief of Police reports to the OPS but suppose a Police Services Board were to talk to you and say, "We have concerns about our Chief," would that be an opportunity for you to express your concerns directly to the Police Chief, or is that just not done?</p> <p><i>Dsg Mario Di Tommaso:</i> So I've never had the experience where a Police Services Board has contacted me to have a discussion with their Chief of Police. I've never had that experience, and I think that would be problematic, quite frankly.</p> <p><i>Mr. Gabriel Poliquin:</i> Why is that?</p> <p><i>Dsg Mario Di Tommaso:</i> Well, the oversight, the responsibility and accountability for monitoring the performance of a Chief of Police lies exclusively with the Police Service Board of jurisdiction.</p>
<p>Mario Di Tommaso (Ontario Deputy Solicitor General)</p>	<p>Public Hearings – Volume 21 – POEC</p>	<p><i>Mr. Paul Champ:</i> Now, in the Morden Report, it tells us that policing and operational decisions about the what of how they, you know, -- or pardon me, the how they execute an operation is responsibility of the police, but the what of the operation is the responsibility of civilian oversight; correct?</p> <p><i>Dsg Mario Di Tommaso:</i> Yes.</p> <p><i>Mr. Paul Champ:</i> And so would you agree with me - or wouldn't you agree with me that the decision about whether to deploy resources as a priority to Windsor versus Ottawa, that's a higher-level type of what decision? Would you not agree?</p> <p><i>Dsg Mario Di Tommaso:</i> No. I believe that the deployment of OPP officers resides exclusively with the Commissioner of the OPP.</p> <p><i>Ms. Ewa Krajewska:</i> I'll stick to the Morden Report then. And, sir, as my friend told you, the independence of the police is quintessential with respect to criminal investigation; correct?</p> <p><i>Dsg Mario Di Tommaso:</i> Correct.</p> <p><i>Ms. Ewa Krajewska:</i> Because we do not want -- it would be an infringement of the rule of law to have politicians direct criminal investigation?</p> <p><i>Dsg Mario Di Tommaso:</i> I agree.</p> <p><i>Ms. Ewa Krajewska:</i> But with respect to operational decisions, I'd suggest to you that civilian oversight is a little bit more nuanced from the Morden Report? And on the first point, that there is a role for civilian oversight with respect to the receipt of information with respect to operational decisions?</p> <p><i>Dsg Mario Di Tommaso:</i> I agree.</p>

		<p><i>Ms. Ewa Krajewska:</i> And Commissioner Carrique was discharging that duty by supplying you with information with respect to his operational decisions?</p> <p><i>Dsg Mario Di Tommaso:</i> Correct.</p> <p><i>Ms. Ewa Krajewska:</i> And similarly, it is possible for civilian oversight to provide opinions and make suggestions with respect to operational decisions?</p> <p><i>Dsg Mario Di Tommaso:</i> That is a specific recommendation in the Morden Report, yes.</p> <p><i>Ms. Ewa Krajewska:</i> And that is the Morden Report's qualification to section 31(4) of the Police Act; correct? That's its interpretation of that section?</p> <p><i>Dsg Mario Di Tommaso:</i> I won't fight you on that.</p>
Minister William Blair (Minister of National Defence)	Public Hearings – Volume 27 – POEC	<p>The function of good governance, in my experience, is oversight and accountability. And I think it's fairly well articulated in a number of provincial statutes across the country, including the Ontario Police Services Act.</p> <p>I'm talking about independent civilian oversight of policing. The police chief answers to someone. I answer to my Board. I work for my Board. And I was accountable to my Board and I understood that was my responsibility to be accountable, to answer their questions. They were always very careful, by the way, and I can't remember -- recall one incident in 10 years where they ever directed me in an investigation, in an operation, but they asked me a lot of questions about what we were doing and why we were doing it. I believe it was my responsibility to provide them with that information so that they could fulfil their function of providing oversight to me and to hold me accountable for the job that I was doing. And so I know there's been -- because I've watched. There's been a lot of discussion about, you know, having a civilian or a politician directing the police. And that's never acceptable. But at the same time, the police must be accountable to an independent civilian authority. Now that - and that can be achieved through a government minister who is assigned responsibility, it can be done through a police services Board, but in my experience, public - policing is all predicated on public trust and the consent of the people who are policed. That trust is really warranted by that oversight, and accountability, and transparency, and the way those extraordinary authorities given to the police are exercised.</p>
Kenneth Weatherill (Ontario Ministry of the Solicitor General)	Public Hearings – Volume 30 – POEC	<p><i>Mr. Jean-Simon Schoenholz:</i> In terms of questions on confidentiality, you -- would you agree that if information is not provided because there is a belief that a Board is a leaky Board that that would be an impediment to proper oversight function by the Board?</p> <p><i>Mr. Kenneth Weatherill:</i> Yes, I would. And that there should be policies within the Board to deal with that, and the Board should be very much</p>

		aware of what the necessary steps would be to advance that complaint and that issue to the Ontario Civilian Police Commission.
Diane Deans (City of Ottawa)	Public Hearings – Volume 5 – POEC	We were -- the Board was very cognisant of our role as an oversight body, and we -- you know, we really had the problems that the Toronto Police Services Board had gotten into during the G20 in the forefront of our mind, we didn't want to go down the same path and make the same mistakes. So we were trying to, in real time, I guess, learn from that and seek as much advice as we could about our role

Table B9: Data Extracts for Sub-Theme Titled *Appropriate Political Direction*

Name of Person or Party	Document Type	Data Extract
Peter Sloly (Former OPS Chief)	Closing Submissions – POEC	<p>A request for government help in securing resources during a national security crisis, in which intra-policing discussions had failed to secure the necessary resources, cannot possibly be seen to invite inappropriate political influence into intra-police resourcing discussions. As this Commission has addressed in detail, the boundary between “church and state” prevents politicians or civilian government officials from directing police operations. This principle does not, however, apply to prevent police from requesting help from government when it is clear their resources are inadequate. In any event, it is not clear where else police are supposed to turn.</p> <p>On February 12, Chief Sloly was advised by City Manager Steve Kanellakos of possible negotiations between a representative of Mayor Watson and a representative of the protesters. Chief Sloly testified that he personally supported this engagement, as long as it did not result in political direction of police operations and so long as the agreement did “not run counter to the operational plan that was under the control of the Incident Commander.” Until the point at which logistical support would be requested, Chief Sloly did not feel that the OPS should be involved in what was essentially a political negotiation that the City had asked him to keep confidential.</p>
City of Ottawa	Closing Submissions – POEC	<p>The City cannot direct the Chief of Police or the OPSB. As discussed in more detail at section (f), below, although the City appoints a majority of its members, the Board operates separately and independently from the City of Ottawa. The City was nonetheless willing to do all it could to assist the police in responding to the Convoy.</p> <p>Pursuant to s. 31(3) of the Police Services Act, the Board may give orders and directions to the Chief of Police. Pursuant to s. 31(4),</p>

		however, the Board shall not direct the Chief of Police with respect to specific operational decisions or with respect to the day-to-day operation of the police force.
Doug Ford (Ontario Premier)	News Article	As part of evidence presented at the inquiry into the Emergencies Act on Tuesday, the readout shows Ford said "police are a little shy" and "if I could direct the police, I would" as he told Trudeau the Ontario government was looking for ways to give officers more tools to clear the bridge blockade.
Government of Canada	Closing Submissions – POEC	The Clerk advised that the objective of invoking the legislation would be to take a proportional approach, with time-limited measures that would supplement provincial and territorial authorities to address the current situation, without displacing them or derogating from the provinces' authority to direct their police forces, while respecting the Charter
Ottawa Police Services Board	Institutional Report – POEC	<p>At times, one hears the expression that the current PSA composition of police services Board means that the municipal council “controls” the police services Board. This is not the case. The Board and the municipal council are entirely separate and distinct entities. Neither controls or directs the other in any meaningful way.</p> <p>The restrictions in subsections 31(3) and (4) are very significant and often the subject of concern. They state: (3) The Board may give orders and directions to the chief of police, but not to other members of the police force, and no individual member of the Board shall give orders or directions to any member of the police force. (4) The Board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police force.</p> <p>While for certain purposes the Commissioner of the RCMP reports to the Solicitor General, the Commissioner is not to be considered a servant or agent of the government while engaged in a criminal investigation. The Commissioner is not subject to political direction. Like every other police officer similarly engaged, he is answerable to the law and, no doubt, to his conscience</p>
Robert Drummond (OPS)	Public Hearings – Volume 10 – POEC	<p><i>Ms. Rebecca Jones:</i> Okay. And is it fair to say that for Deputy Chief Bell, now Acting Chief Bell, we can assume that there was a larger context he was operating under when he gave you that Operational direction?</p> <p><i>Supt. Robert Drummond:</i> I would agree.</p> <p><i>Ms. Rebecca Jones:</i> Okay. And that in these extraordinary circumstances that you all were facing at the time, the lines between Strategic and Operational directions were blurred?</p> <p><i>Supt. Robert Drummond:</i> Yes.</p>
Commissioner Thomas	Public Hearings –	<i>Comm. Thomas Carrique:</i> Yes, absolutely. As you've articulated, we're a division of the Ministry of the Solicitor General. The Ministry of the

Carrique (OPP)	Volume 11 – POEC	<p>Solicitor General will set strategic priorities for the OPP, provide overall administrative direction. The day-to-day administrative and operations of the OPP is my sole and exclusive responsibility.</p> <p><i>Eric Brousseau:</i> Okay. And so the Commission can direct the OPP, essentially, to step in?</p> <p><i>Comm. Thomas Carrique:</i> Correct, yes.</p> <p><i>Mr. Eric Brousseau:</i> And then if we go down to subsection 4, a local Crown attorney can request the assistance of the OPP; is that correct?</p> <p><i>Comm. Thomas Carrique:</i> That's correct. And that would normally be for an individual situation, and most commonly for a criminal investigation that is warranted.</p> <p><i>Comm. Thomas Carrique:</i> Ultimately, the decision as to how the operational plan should be executed is that of the Ottawa Police, and I'm not sitting in judgment of those decisions, but we would have initiated some further conversation just to offer any additional inputs that we thought may be helpful or additional resources. And that did happen on a number of occasions throughout the Freedom Convoy where we did reach out to individual police services to make inquiries, not to provide a direction, not to sit in judgment of operational plans, but to ensure the collective success of policing across this province.</p>
Peter Sloly (Former OPS Chief)	Public Hearings – Volume 12 – POEC	<p><i>Ms. Natalia Rodriguez:</i> And is it fair to say that you were generally receptive to the Mayor's office negotiating with protesters to come up with some sort of negotiated solution?</p> <p><i>Mr. Peter Sloly:</i> On one -- well, one, maybe two singular -- two caveats; it cannot direct policing operations, and it cannot run counter to the operational plan that was under the control of the Incident Command.</p>
Dana Earley (Critical Incident Commander, OPP) / Doug Ford (Ontario Premier)	Public Hearings – Volume 19 – POEC	<p><i>Mr. Alan Honner:</i> And can we go to the top of the third page? And so we see the Prime Minister is asking "what are the next steps?" And Premier Ford says: "they'll act, but without directing them, it's hard to describe their game plan. They'll have a plan unlike Ottawa [where] they didn't have a plan. I'll get briefed tomorrow from the solicitor general and we'll keep you updated. This is critical, I hear you. I'll be up their ass with a wire brush." Now, Superintendent, the question I wanted to put to you is, and I just want to clear, you did not experience any political interference from anyone when you were carrying out your duties as the Critical Incident Commander?</p> <p><i>Supt. Dana Earley:</i> No, I did not.</p> <p><i>Mr. Alan Honner:</i> And do you know if anyone else in the OPS -- sorry, the OPP, the WPS, or any other police force who experienced inappropriate political pressure?</p> <p><i>Supt. Dana Earley:</i> Not that I'm aware of.</p>

Mario Di Tommaso (Ontario Deputy Solicitor General)	Public Hearings – Volume 21 – POEC	<p><i>Ms. Natalia Rodriguez:</i> Right. But the government can help to bring that request forward and to encourage the OPP Commissioner to deploy those resources?</p> <p><i>Dsg Mario Di Tommaso:</i> No. The OPP are not to be directed. They are independent. They have discretion. And independence and discretion is not to be trifled with. So the government cannot direct, cannot influence. It is his jurisdiction to see the way in which he deploys his resources.</p>
Commissioner Brenda Lucki (RCMP)	Public Hearings – Volume 23 – POEC	<p><i>Mr. Brendan Miller:</i> Right. And you can agree with me that the Political Executive should not be placing undue pressure on you or directing you what to do with respect to policing, other than the administration part that you mentioned?</p> <p><i>Comm Brenda Lucki:</i> Yes.</p>
Minister William Blair (Minister of National Defence)	Public Hearings – Volume 27 – POEC	<p><i>Minister William Blair:</i> Minister Jones indicated to me during the one call I had with her that, you know, she would consider the invitation, but she did express some concern. And I understood that concern and I acknowledged that to her. She expressed some concern that she did not want to be seen to be directing the police. And, actually, I had a very brief exchange because I'm also very familiar, as she was, with the Linden Commission report on the Ipperwash event. And I think there is an actual sensitivity and concern among Ontario officials about any appearance of being seen to direct the police.</p> <p><i>Minister William Blair:</i> And, sir, I believe that is an operational decision. The decision you just described, in the deployment of their people, I believe that's the responsibility of the commissioner in this case and would be inappropriate to receive direction. Direction -- and if I may, I'll just give you a quick example. When I was the Public Safety Minister, I only issued one direct to the Commissioner of the RCMP, and it was a ministerial directive in writing, which I made public, and it was to require that they respond to ATIP requests in a timely way, and that was it. And I was very careful not to sort of wade into this issue of operations.</p> <p><i>Commissioner Rouleau:</i> So just to pursue that, so in this case, even though it was just what the Province would like but it's up to him, that, you think, would be -- would still constitute interference?</p> <p><i>Minister William Blair:</i> I think, ultimately -- in my opinion, the decision as to where he can safely deploy his people and do his job is an operational decision that I would - I, personally, would have deferred to the commissioner.</p>
Minister David Lametti (Justice)	Public Hearings – Volume 29 – POEC	<p><i>Mr. Gordon Cameron:</i> Okay. Well let's see how that plays out with respect to the particular point that has come under discussion by a number of senior officials, a number of police officials, indeed the two witnesses at least who have preceded you, Minister Mendicino and Minister Blair, and that is the line between I think it was perhaps first Commissioner Lucki who called it the line between church and state</p>

		<p>but it's generally understood as the appropriate role for governance or oversight of police forces and that it not tread too far into the realm of directing the police and their activities. So that is -- I take it that is a topic on which you, as the Attorney General of the country, would have and would be expected by your colleagues to have fairly well developed views. Is that fair?</p> <p><i>Minister David Lametti:</i> Absolutely. And you'll see that in these exchanges, I'm in no way saying we need to direct the police. The Ipperwash Inquiry was clear in that regard, although we identify, as a government, according to that Inquiry, priorities for us. But we can, in no way, make operational decisions for police of jurisdiction.</p> <p><i>Ms. Heather Paterson:</i> Right. And you said that, you referenced the Ipperwash a couple of times this morning.</p> <p><i>Minister David Lametti:</i> That's right.</p> <p><i>Ms. Heather Paterson:</i> And that sort of non-directional would also apply to the police operational decision on the timing of actioning their plans; correct?</p> <p><i>Minister David Lametti:</i> Yes, indeed. Although as I've pointed out it is legitimate for the Government to ask that there be a plan in existence.</p>
Steve Kenellakos (Ottawa City Manager)	Public Hearings – Volume 3 – POEC	<p><i>Mr. Brendan Miller:</i> Okay. So can you also explain, for the folks at home as well, and they may not understand, about the separation between municipalities and general executive government from the police service and how they're independent?</p> <p><i>Mr. Steve Kanellakos:</i> Yes, it's clear in the Police Services Act, that the police is an independent authority reporting to the Ottawa Police Services Board or a Police Board. The Board has defined responsibilities over the police, but not to direct the Police Chief operationally. And certainly the Mayor, City Councillors, as a body or as individuals, or city administration officials, cannot direct the Chief of Police on any matter.</p> <p><i>Mr. Brendan Miller:</i> Right. And so it's fair to say that police constables and the Chief make all of their operational decisions, such as what to do with a protest, as well as what to do when arresting someone or if they're going to lay charges, that is all independent of any other branch of government?</p> <p><i>Mr. Steve Kanellakos:</i> Yes.</p> <p><i>Mr. Brendan Miller:</i> Okay. Or supposed to be?</p> <p><i>Mr. Steve Kanellakos:</i> Supposed to be, yes, but it is.</p>
Justin Trudeau (Prime Minister)	Public Hearings – Volume 31 – POEC	<p>They need to act immediately. I wasn't just talking about the Ambassador Bridge. I was talking about Ottawa as well. I was talking about the fact that this simply can't continue to be stretched out this way. But when I say they need to act immediately, obviously, I'm not directing the Premier to direct police. We know all the limitations that we have, but there was an expectation that this was situation that was going on for too long. And as Doug pointed out a couple paragraphs</p>

		later, you know, there is a sense that people -- that the police of jurisdiction had lost control and wasn't able to control the situation.
Acting Supt. Marcel Beaudin (OPP)	Public Hearings – Volume 9 – POEC	<p><i>Mr. Eric Brousseau:</i> So you wrote him back later that morning, and you've sort of laid out some of the considerations and concerns that had arisen. And so the first one there, "It may cross the line between church and state", I wonder if you can explain that for us.</p> <p><i>Acting Supt. Marcel Beaudin:</i> Yeah. So in the recommendations, one of the big things is political interference or political direction to the police. And so that's always a big issue when we look at protest demonstrations, occupations for obvious reasons and there needs to be a division between incident command and political direction, right. So that's why, you know, for a variety of reasons, but when there's an incident in OPP detachment areas, an Incident Commander or Major Critical Incident Commander will come from another area so that way the Detachment Commander can run his office and work with Police Service Board and other people that potentially may influence something. So it's just this layer of insulation, right, from political interference. And so that's obviously that we wanted to make sure that that wasn't the case. Rob Stewart never directed me, never gave me - in fact, he went there asking for help. He was by no means in any way politically interfering and he was there to try and see and find ways to support.</p>
The Toronto Police Services Board	Institutional Report – POEC	To be clear, a police services Board should not and cannot direct a chief of police with respect to the specific operational decisions that are required to manage a major event, operation or issue. While the mission, objective and priorities of the major event, operation or issue—and associated plans—are brought to the attention of and reviewed by the Board, the PSA and common law dictate that the chief of police has the latitude and autonomy to develop and execute operations, commit and direct resources as they see fit, and manage the event, operation or issue based on evolving circumstances.

Table B10: Data Extracts for Sub-Theme of Political Interference and Pressure

Name of Person or Party	Document Type	Data Extract
Acting Supt. Marcel Beaudin (OPP)	Public Hearings – Volume 9 – POEC	<p><i>Ms. Cara Zwibel:</i> You mentioned in -- when you were being questioned by Commission Counsel, you talked about the so-called separation of church and state. So the interference, you know, the concern about political interference. Can you just expand a little bit about sort of the specific concerns that you have around that?</p> <p><i>Acting Supt. Marcel Beaudin:</i> So I didn't have specific concerns about church and state. I think in the document itself, Commissioner Lucki</p>

		<p>had concerns with the appearance of the government directing police; right? And my conversations with Deputy Minister Stewart, he did not direct me in any way, he was not –</p> <p><i>Ms. Cara Zwibel:</i> Sorry. I'm sorry. My question wasn't clear. I didn't mean political interference in this instance, I mean generally what is the concern about the -about political level individuals interfering in police operations?</p> <p><i>Acting Supt. Marcel Beaudin:</i> Yeah, like, obviously it just shouldn't happen. Like it looks like -- for example, look at Ipperwash, right, and the issues that happened there as a result of comments made by government to that point.</p>
City of Ottawa	Closing Submissions – POEC	<p>The City Does Not Oversee Police. The City's ability to influence the police-led response to the Freedom Convoy was extremely limited. The City cannot direct police, nor can it direct the OPSB. Pursuant to s. 4(1) of the Police Services Act, the City of Ottawa is required to provide adequate and effective police services in accordance with its needs. Police services include law enforcement, public order maintenance, and emergency response. The City has opted to discharge its responsibility by establishing the OPS. The Police Services Act requires that a police force consist of a Chief of Police and such other police officers and employees employed by the Police force as are adequate, and further provides that the force shall be provided with adequate equipment and facilities.</p>
Robert Bernier (OPS)	Public Hearings – Volume 10 – POEC	<p><i>Mr. Frank Au:</i> Right. And you told Inspector Springer that OPS should stay clear of the negotiation because political influence and political negotiation could adversely impact the police operation that OPS was preparing.</p> <p><i>Supt. Robert Bernier:</i> The optics of the police involved with politicians in negotiating with other parties, the optics would -- could pose challenges to us.</p>
Commissioner Thomas Carrique (OPP)	Public Hearings – Volume 11 – POEC	<p>Yes, I certainly explained how the number was derived at and that it was, in my opinion, not having spoken to the Minister's office, it certainly would not have been done without any ill intent, and that it was important for he and I to remain focussed on operations and not engage in any political conversations that could detract us and distract us from the operations.</p>
Peter Sloly (Former OPS Chief)	Public Hearings – Volume 12 – POEC	<p>By this time, I had had several interactions with all three levels of government and the Board. It was clear to me that there was increasing intense and, in some cases, I believe, undeserved and unhelpful political pressures happening to the Ottawa Police Service, pressures that could affect our ability to secure the resources. So I was letting them be aware, giving them situational awareness and allowing a conversation to happen in a very tight room with my command team so they could have as much understanding before they went in front of the group of external agencies to have that conversation. I didn't want</p>

		there to be any surprises and I wanted them to be as fully informed as possible.
Mayor Drew Dilkens (Windsor)	Public Hearings – Volume 18 – POEC	<p><i>Mr. Antoine D'ailly:</i> And so you saw the interaction with the protestors, or at least the leaders of those protests as more of a policing matter than a political matter?</p> <p><i>Mayor Drew Dilkens:</i> Well the -- and I don't know if it was weekly. I don't think it was weekly protests at the flag, but, you know, going back to when they started the protests at the flag, with respect to COVID restrictions, there were points where the gatherings were illegal; they were contrary to provincial legislation, at a minimum. And so police were there because you, again, had illegal activity, but you also had members of the public who are saying, "Why aren't you guys doing anything about that?" Why are you letting this illegal activity happen when we have to follow the rules, we are following the rules, and clearly this behaviour is not following the rules? It's illegal. Why are you not taking action?</p>
Mario Di Tommaso (Ontario Deputy Solicitor General)	Public Hearings – Volume 21 – POEC	<p><i>Ms. Natalia Rodriguez:</i> Right. But in terms of the notion that having the three levels of government present at a meeting where resources can be discussed, official numbers can be clarified, the prime minister is indicating that that would be helpful, and I'm asking whether you would agree that that would be helpful?</p> <p><i>Dsg Mario Di Tommaso:</i> No, it would not be helpful because politicians ought not to interfere with the deployment of policing resources.</p> <p><i>Ms. Natalia Rodriguez:</i> So here it looks like the politicians are, in fact, discussing resources, how many have been deployed, how many are required. We saw the mayor of Ottawa send a letter for resources. Is it your position that those actions were improper?</p> <p><i>Dsg Mario Di Tommaso:</i> It is my position that the only people that are authorized in law to deploy resources are the commissioner of the RCMP and the commissioner of the OPP. They have sole jurisdiction. It's enshrined in the legislation. I don't know what the prime minister was thinking with regards to influencing and having either the RCMP and the OPP provide additional resources. That is not their role.</p> <p><i>Ms. Natalia Rodriguez:</i> So that said, you would not have considered it important for a provincial representative to be at these meetings, if I take what you're saying then?</p> <p><i>Dsg Mario Di Tommaso:</i> I didn't say that. I just said that politicians do not have a role in asking police services to deploy resources. That is not an appropriate role.</p> <p><i>Ms. Natalia Rodriguez:</i> And is there a role in helping to coordinate?</p> <p><i>Dsg Mario Di Tommaso:</i> The OPP commissioner, the RCMP commissioner, Chief Sloy were, in fact, coordinating. And that's where the coordination belongs. This was a policing matter. It was a police response.</p>

		<p><i>Dsg Mario Di Tommaso:</i> Not aware at all. And what my position was with regards to the selection of the next chief, that was the exclusive jurisdiction of the Police Services Board and I certainly didn't want my advisor to interfere with that at all.</p> <p><i>Ms. Natalia Rodriguez:</i> Okay. And the discussions that are being had here, would you agree that this is impermissible, kind of political interference in something that is in the exclusive purview of the Board?</p> <p><i>Dsg Mario Di Tommaso:</i> I don't know whether anyone followed up with these actions at all, but I made it clear to both Ken Weatherill and the Advisor that they were not to interfere with the exclusive jurisdiction of the Board and it was the Board's sole responsibility to select the next chief, full stop.</p> <p><i>Ms. Natalia Rodriguez:</i> So if these actions had been taken, is it your view that this would have been improper?</p> <p><i>Dsg Mario Di Tommaso:</i> Yes.</p>
City of Windsor	Closing Submissions – POEC	The City appropriately supported police operations as summarized in Windsor's Institutional Brief at paragraph 118. The City was not involved in and did not seek to influence police operational decisions. Windsor took steps to ensure there was no actual or perceived political pressure on police.
Ottawa Police Service	Closing Submissions – POEC	<p>This high level of impatience from all levels of government as well as the community was understandable given the community impact of the event; however, the corresponding pressure placed on OPS was unrealistic in the face of the task at hand and created a very difficult dynamic within which OPS was expected to perform its duties. As set out below, although its response was undoubtedly imperfect, OPS worked tirelessly in impossible circumstances to maintain public safety and to work towards an overall solution.</p> <p>Chief Sloly's enforcement-related directions were undoubtedly aimed at responding to public and political pressures, and to provide some much-needed relief to the affected communities; however, the time and resources required to plan for and carry out these ad hoc operations was considerable and served as a distraction from the capacity to focus on an overall operational plan to dismantle the entirety of the occupation. These operations resulted in a significant increase in ticketing and criminal enforcement in and around the Red Zone; however, they did not result in a shift of the protesters' resolve</p>
Commissioner Thomas Carrique (OPP)	Public Hearings – Volume 11 – POEC	I don't ever recall sharing with Deputy Solicitor General Di Tommaso that I felt under enormous political pressure. At no time was I under any political pressure in relation to this. There was a lot of political or public pressure being felt I think by every police leader, but at no point in time was I under any political pressure.

		<p>Operational pressures, operationally stretched, absolutely. With a 73-percent Operational availability, I'm down almost a thousand police officers on the frontline for various reasons, this puts an organisation under enormous operational pressure, which is completely different than political pressure.</p>
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