



Response to Bill 7 and Proposed Changes to the IIU

The Police Accountability Coalition (PAC) is made up of over 100 community-based organizations that have come together to work for immediate changes to resolve longstanding concerns regarding police accountability and the allocation of resources in our communities.

In November 2021, the Manitoba government introduced Bill 7, *The Police Services Amendment Act (Enhancing Independent Investigation Unit Operations)*, which the government says will ensure Manitoba has the “most effective independent police oversight agency in Canada”. While some of the changes to the IIU proposed by Bill 7 are welcome, they still fall far short of ensuring meaningful police oversight and accountability.

Proposed Amendments to the Police Services Act

The amendments introduced by the Manitoba government include (1):

- establishing a position within the IIU to ensure Indigenous organizations, community leaders and affected people/family members are directly engaged throughout the course of an investigation;
- replacing the Civilian Monitor Program with a Community Liaison Program to allow the appointment of designated individuals from affected communities or organizations to work with the IIU to provide a direct connection between the investigation and the community, and ensure the investigation is conducted with respect and sensitivity;
- enabling a Crown attorney to temporarily act in place of the civilian director when the director is away from the office for vacation or illness;
- discontinuing the practice of seconding serving police officers to serve on the IIU while employed by a police agency;
- establishing a duty to comply with requests from the IIU’s civilian director or investigators;
- requiring the IIU to be notified immediately in all instances, not just instances of serious injury or death;
- implementing penalties for police officers that fail to comply with the legislation (duty to comply and notification obligations); and
- enhancing transparency by prescribing IIU public reporting requirements.

(1) (Manitoba News Release, 2021: <https://news.gov.mb.ca/news/index.html?item=52784>)

PAC Analysis

Winnipeg residents have the lowest confidence in police out of every major city in Canada, and 36% of Winnipeggers believe there is a serious problem with the way police interact with Black, Indigenous, and other non-white people. Our communities have legitimate concerns regarding the police and police accountability.

The Manitoba government has framed the changes in Bill 7 as “Ensuring Manitoba has [the] Most Effective Independent Police Oversight Agency in Canada”. **It is PAC’s position that the proposed changes to the IIU are inadequate and will not provide the oversight, transparency, and accountability our communities need.**

PAC’s analysis draws on the expertise of the many and diverse organizations in our coalition, as well as consultation with the communities we represent, and research conducted by Legal Aid Manitoba’s, Public Interest Law Centre. The following are our concerns and recommendations regarding the proposed IIU changes:

Civilian Monitor Program

Bill 7 proposes replacing the Civilian Monitor Program with a Community Liaison Program. Although the Community Liaison Program may provide important connection and outreach to communities, this program seems to lack the meaningful voice and input that an effective Civilian Monitor Program would provide. PAC has concerns that this will result in less public transparency and civilian oversight of investigations. **PAC recommendation: Keep the Civilian Monitor Program alongside the Community Liaison Program; and invest the Civilian Monitor Program with greater oversight over investigations.**

Seconding Serving Police Officers

Discontinuing the seconding of serving police officers for IIU investigations is an important step, however IIU investigations would still rely heavily on former police officers. In order for the IIU to provide meaningful, civilian-led oversight, the IIU must be independent of police influence. **PAC recommendation: Discontinue the use of serving police officers AND former police officers in IIU investigations; and develop a plan that ensures the IIU functions in a way that is fully independent of police influence or the perception of police influence.**

Implementing Penalties for Failure to Comply

Bill 7 does not outline the penalties officers would face for failing to comply with the legislation. Penalties must be large enough to be an effective deterrent. **PAC recommendation: Officers who refuse to comply with the legislation (duty to comply and notification obligations) should be immediately suspended without pay, as well as subject to other penalties, such as formal reprimands and limiting the possibility of future promotions.**

Domestic and Sexual Violence by Police Officers on or Off-duty

Bill 7 does not specify the IIU’s mandate regarding on and off-duty domestic and sexual violence by police officers. Because the rate of domestic and sexual violence by police officers is high relative to the general population, and because the police and the IIU have a poor record of identifying and

investigating domestic and sexual violence, particular attention to this issue is needed. **PAC recommendation: Expand the IIU’s mandate to address the issue of domestic and sexual violence by on and off-duty police officers, and to address the lack of accountability that exists with police and IIU investigations in this area.**

Diversity of Investigators

The changes proposed by Bill 7 are inadequate to address the lack of diverse representation in the IIU. The IIU has a heavy overreliance on white men who are current or former police officers, or who have a working relationship with police. This is especially the case for the IIU’s investigation team. **PAC recommendation: Create a plan to implement diversity mandates with timelines for targets, including for investigations; and create a plan for institutional change that would address why diversity and inclusion remain an issue with the IIU.**

IIU Receiving and Responding to Complaints

The IIU currently has no ability to launch investigations without a notification from a police service, and in many cases police services fail to notify the IIU of relevant incidents. **PAC recommendation: Allow the IIU to launch investigations when notified by the public or through public sources; and create a system to track complaints against specific officers in order to highlight patterns of behaviour in the case complaints do not meet the threshold for an IIU investigation.**

Concerns about the consultation process

The Province-initiated review of the legislation that governs the IIU - the *Independent Review of the Police Services Act*, conducted by the Community Safety Knowledge Alliance - was completed in 2020, and informs many of the proposed changes to the IIU found in Bill 7. This review did not include adequate consultation with affected communities and community-based organizations. For example, this review included no consultation with Black-led community organizations. The outcome of Bill 7 reflects this inadequate consultation and inadequate inclusion of affected communities in meaningful decision making around changes to IIU. **PAC recommendation: Do not pass Bill 7 until meaningful consultation is done with priority communities. Priority communities include: Black, Indigenous, and Communities of Colour, disabled communities, LGBTQ2S+ communities, sex workers, people who use drugs, individuals living on low incomes & community-based organizations working with affected communities.**

Other PAC recommendations for the IIU

- **The IIU should be independent from political, partisan or police influence.**
- **While officers should be entitled to the same Charter rights as everyone else, the right to not self-incriminate must be balanced against the trust and power that individual officers enjoy over members of the public. All officer work products must be considered public property so the IIU can access what it deems necessary in an investigation.**
- **Mandatory training for all IIU employees should include systemic issues impacting the most heavily policed communities. Key priority areas for training include: anti-racism, anti-**

oppression, decolonization, trauma-informed response, sexual harassment and consent culture.

- **Publish plain-language reports for all investigations.**
- **Report the demographics of the investigative team, as well as their civilian and/or former service history within a policing organization.**
- **Publish the IIU's strategic planning goals with recurring reports on implementation.**
- **Facilitate regular reviews of the IIU and community consultation with a diverse array of stakeholders and community members, including those who experience over-policing. These consultations must provide a safe environment for community members to speak freely without fear, reasonable or not, of repercussion from police. These need to be done through community-based organizations without police involvement.**
- **Conduct an independent review of the IIU and its alignment with the calls to action of the Truth and Reconciliation Commission and the calls for justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls.**