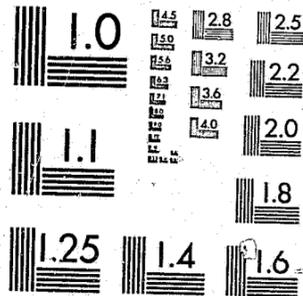


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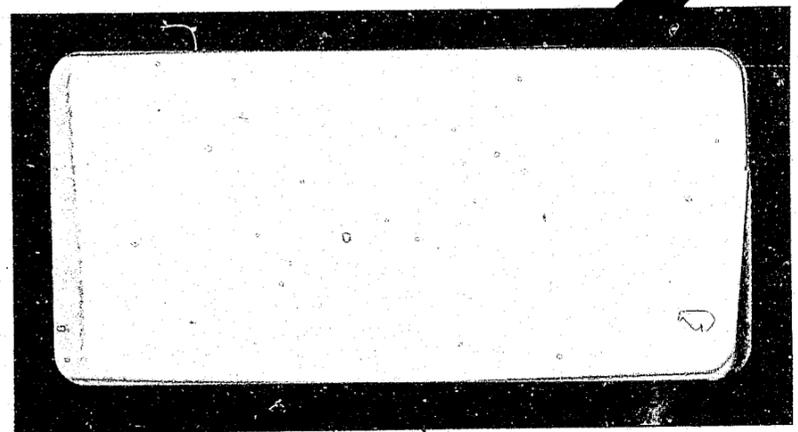
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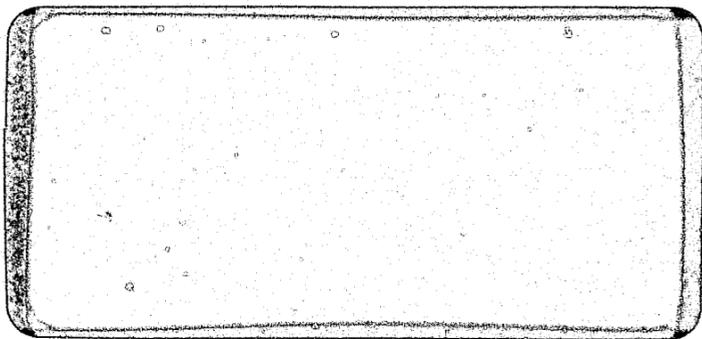


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REPORT NO. 8

SEPTEMBER 1983

POLICE MISCONDUCT IN METROPOLITAN TORONTO:

A STUDY OF FORMAL COMPLAINTS

By: Richard L. Henshel

Publication of this study was made possible by a grant from the LaMarsh Research Programme on Violence & Conflict Resolution, under Contract #007-82

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Corrections

The author would appreciate constructive comments or corrections. Please write to: Dr. Richard L. Henshel, Professor of Sociology, Univ. of Western Ontario, London, Ontario, N6A 5C2.

TABLE OF CONTENTS

List of Tables 3

Prologue 6

Part I. Theoretical and Historical Background 7

 -- Studies of Police Abuses: The Place of the Present
 Research 7

 -- Previous Studies that have Indicated a Major
 Problem in Toronto 8

Part II. Remedies for Individuals: Recent History and Present
 Status 12

 -- Remedies Available in Toronto for Individuals --
 and their Weaknesses 12

 -- Early Record of Procedural Changes and Case
 Decisions by Commissioner Linden's Office 23

Part III. Representative Complaints -- An Unsystematic
 Sampling 29

 -- Beaten in Cuffs 29

 -- Preoccupation with Genitalia 30

 -- Escalation of Traffic-Related Incidents 30

 -- Escalation of Other Minor Incidents 31

 -- Mischief 31

Part IV. Development of First Statistics on Complaints 33

 -- C.I.R.P.A.'s "Summary of Cases" 33

 -- The Present Study: LaMarsh, C.I.R.P.A.,
 The Author 34

 -- Statistical Summaries in Commissioner Linden's
 Interim Report and First Annual Report 34

 -- Commissioner Linden's Research Program: Valuable
 Findings, Disappointments, Possibilities 35

Part V. The Credibility of Citizens' Complaints 40

 -- A. The Hold-up Squad and "Dry Submarining" 43

 -- B. Concentration of Complaints in 52 Division 48

 -- Conclusion on Complaint Credibility 53

TABLE OF CONTENTS (continued)

Part VI.	<u>Methodology of the Study</u>	55
	-- Introductory Note for Nonprofessional Readers	55
	-- The Measures Used and Their Validity and Reliability	55
	-- The Sample	58
	-- The Measure of Association	59
Part VII.	<u>General Findings for One Variable at a Time (Univariate Analysis)</u>	61
	-- Sex and Sexual Orientation of Complainants	61
	-- Year, Month, Time of Day of Incident	63
	-- Complaints Made to Other Parties	66
	-- Charges Laid Against Complainants	67
	-- Complainants' Descriptions of Incidents: Type, Severity, Location	69
	-- Delay between First Contact and Onset of Misconduct ..	72
	-- Abuse while in Handcuffs	73
Part VIII.	<u>Comparison of C.I.R.P.A. and Linden Statistics</u>	74
	-- What a Comparison Can Show	74
	-- Degree of Similarity	75
	-- C.I.R.P.A. and Linden Attract Different People with Different Situations	80
Part IX.	<u>Cross-Linkages (Bivariate Analysis)</u>	82
	-- General Relationships	83
	-- Concerning Night-time Shift, and End-hours	88
	-- Concerning 52 Division	93
	-- Concerning Sex of Complainant	95
Part X.	<u>Nineteen Conclusions and Some Impressions</u>	98
	<u>References</u>	103
	<u>Appendix: Blank C.I.R.P.A. Complaint Form</u>	106

LIST OF TABLES

<u>Table</u>		<u>Page</u>
<hr/>		
<u>GENERAL FINDINGS FOR ONE VARIABLE (UNIVARIATE ANALYSIS)</u>		
Table 1.	Sex and Sexual Orientation of Complainants	61
Table 2.	Year of Occurrence	63
Table 3.	Month of Occurrence	64
Table 4.	Hour of Occurrence	65
Table 5.	Distribution of Complaints Made to Other Parties, Excluding C.I.R.P.A.	66
Table 6.	Number of Complaint Outlets Utilized	67
Table 7.	Number of Charges Laid Against Complainants	67
Table 8.	Type of Charge Received, Distribution of Charges, Percentage Distributions of Charges	69
Table 9.	Types of Incidents Reported	70
Table 10.	Levels of Severity of Incidents	71
Table 11.	Locale of Reported Incident	71
Table 12.	Delay Before Reported Abuse	73
	(Verbal Summary) Abuse while in Handcuffs	73
<hr/>		
<u>COMPARISONS OF C.I.R.P.A. AND LINDEN STATISTICS</u>		
	(Verbal Summary) Sex and Sexual Orientation	75
Table 13.	Comparative Distributions on Time of Day of Incident	76
Table 14.	Comparative Distributions on Number of Charges Laid	77
Table 15.	Comparative Distributions on Number of Complaints Reported	78
Table 16.	Comparative Distributions on Location of Incident	79

LIST OF TABLES (continued)

<u>Table</u>	<u>Page</u>
<u>CROSS-LINKAGES (BIVARIATE ANALYSIS)</u>	
Table 17. Most Severe Type of Abuse Reported <u>and</u> Reported Delay Before Abuse	85
(Verbal Summary) Seriousness of Worst Charge (or No Charge) <u>and</u> Percent of Incidents in Police-Controlled Space	84-85
(Verbal Summary) Seriousness of Worst Charge (or No Charge) <u>and</u> Delay Before Reported Abuse	85
(Verbal Summary) Seriousness of Worst Charge (or No Charge) <u>and</u> Severity of Worst Reported Abuse	86
(Verbal Summary) Seriousness of Worst Charge (or No Charge) <u>and</u> Reported Abuse while in Handcuffs	86
Table 18. Most Severe Type of Abuse Reported <u>and</u> Reported Abuse while in Handcuffs	87
(Verbal Summary) Severity of Worst Reported Abuse <u>and</u> Reported Abuse while in Handcuffs	87
(Verbal Summary) Seriousness of Worst Charge (or No Charge) <u>and</u> Most Severe Type of Abuse Reported	87
Table 19. Police Shift <u>and</u> Severity of Worst Abuse Reported	89
(Verbal Summary) Police Shift <u>and</u> Reported Abuse while in Handcuffs	89
Table 20. Police Shift <u>and</u> Location of Reported Abuse	90
(Verbal Summary) Night-Hours <u>and</u> Severity of Worst Abuse Reported	90
(Verbal Summary) End-Hours <u>and</u> Number of Complainants	91
(Verbal Summary) End-Hours <u>and</u> Severity of Worst Abuse Reported	91

LIST OF TABLES (continued)

<u>Table</u>	<u>Page</u>
Table 21. End-Hours <u>and</u> Type of Abuse Reported	92
(Verbal Summary) End-Hours <u>and</u> Police Division	92
(Verbal Summary) Police Division <u>and</u> Night-Hours	93
(Verbal Summary) Police Division <u>and</u> Homophobic Incidents ...	94
(Verbal Summary) Sex of Complainant <u>and</u> Percent Charged with an Offense	95
(Verbal Summary) Sex of Complainant <u>and</u> Seriousness of Worst Charge	95
Table 22. Sex of Complainant <u>and</u> Severity of Worst Abuse Reported	96
Table 23. Sex of Complainant <u>and</u> Severity of ALL Abuses Reported	96
(Verbal Summary) Sex of Complainant <u>and</u> Severity of Type of Abuse Reported	96

PROLOGUE

Since this Study will be highly critical of police conduct in Toronto (especially the conduct of certain units) and highly skeptical of the average citizen's chances for redress, it is well to begin with a statement by Chief Ackroyd, the present head of the Metropolitan Toronto Police Force, that puts police misconduct into perspective.

In an average day in Metropolitan Toronto, the police stop and summons 1,631 people for violations of the Highway Traffic Act; they make an average of 413 arrests, question 1,476 persons, and investigate 175 traffic accidents. In addition to this, they respond to an average of 5,000 calls from the public, many of which involve crisis situations and dispute resolutions. So, with nearly 9,000 contacts a day, at the majority of which the police and citizens have conflicting goals, we have less than one complaint each day handled by our Complaint Bureau (Ackroyd, 1975).

The number of citizen complaints to all sources is closer to three per day at the present time, but it is probably also true that the total number of police contacts has expanded as well since this statement was made in 1975. And as will be seen later, there are good indications that the number of formal complaints is not a reliable index of the total amount of police misconduct. Nevertheless, Chief Ackroyd still makes a valid point: operating in conditions of great tension and difficulty, the great majority of police interactions with citizens take place without cause for complaint. This study is, of course, about the other part of the picture. This study is not an overall critique of police, who have a very difficult job to do; it is a study of police misconduct.

PART I. THEORETICAL AND HISTORICAL BACKGROUND

Studies of Police Abuses: The Place of the Present Research

Studies of police crimes and other malpractices can be divided into selfish police crimes, like bribery and corruption, and police crimes and misconduct resulting from excessive zeal in the conception and performance of "duty." This distinction is significant because complaints about police in Toronto arise almost exclusively from situations of excessive zeal, not from situations of corruption.¹ In contrast with studies of police corruption, of which there is a reasonably large number of researches (e.g., the Knapp Commission Report (1973); Sherman (1978)); studies of police malpractices and crimes resulting from excessive zeal are still, comparatively, in their infancy.² Further, most of the studies that do exist of over-zealous police crime have concentrated on the glamorous national services.

The last decade has seen revelation after revelation that have progressively stripped some very highly regarded national police agencies of much of their sanctity, and linked them with more and more malpractices. In the most thorough review of FBI illegalities, for instance, Wise (1976) finds that documented evidence shows that the Bureau has operated with minimal constitutional backing, and concludes it has been determined to uphold the law by breaking it. So also the exhaustive documentation of FBI illegalities in Blackstock (1975) illustrates Wise's conclusion over and over to the point of virtual boredom. In Canada, the pervasiveness of RCMP wrongdoing is similarly documented at great length in Mann and Lee (1979):

¹ The existence of at least "minor league" corruption in Toronto is revealed by occasional prosecutions. But these activities do not form the content of citizen complaints.

² Complete references to all works referred to briefly in the text are provided in the References section.

Studies of over-zealous police misconduct have concentrated on these glamorous national services, or on high visibility crimes like police riots (Stark, 1972) or police-caused deaths (Fyfe, 1982). While these investigations have often been of very great value it has meant, conversely, that very few studies have been conducted of day-to-day police abuses of the "little guy" -- the "small-time" category of beatings, threatenings, and extortions of confessions from nonentities.

What few studies do exist in the "small-time" category have been observations of abuses as seen by researchers accompanying police on patrol duty. These, too, have their utility. Reiss, for example, found that in instances in which excessive use of force by police was directly and clearly observed by impartial researchers, a formal complaint was lodged in only one out of thirty-seven cases (Reiss, 1978, page 18). Such findings by researchers accompanying patrols are of very great value in estimating the non-reporting of complaints. (For a valuable study of patrols within Canada, see Ericson, 1982.) But there are inherent limitations on what observers on selected patrols can study: they simply cannot obtain a broad overall picture of police abuses within an entire city, and they can only go where and when invited (and thus it is in a sense phenomenal that they see abuses at all). These acknowledged deficiencies point to a need for research from the standpoint of the complainant as well. That is where the present research hopes to make its contribution. As will be seen, the study described below has its own weaknesses, but these are different in kind from the weaknesses of patrol researchers and together the two forms can provide a deeper picture of a persisting problem of substantial proportions.

Previous Studies that Have Indicated a Major Problem in Toronto

Inasmuch as the present research is based on Metropolitan

Toronto, it is essential to provide adequate background on the specific situation of this city with respect to police abuses. In addition, the history of attempts to come to grips with the problem in Toronto has a certain fascination of its own. Perhaps the words "glacial progress," with equal emphasis on each word, would provide an appropriate beginning.

In the early 1970s, civil rights groups and the media began to pay closer attention to instances of police abuse in Toronto.³ Expressions of public concern led the Metropolitan Board of Police Commissioners to approve a proposal in May, 1974, by Chairman Paul Godfrey, to review the Operation of the Metro Police Complaints Bureau (McAuliffe, 1974). Arthur Maloney, a Toronto attorney later to become the province's first ombudsman, was asked to form a one-man provincial commission to look into the Metro police complaint process. The sole purpose of the investigation was to determine whether proper complaint procedures were being followed; there was no official mandate to find out whether abuses were in fact occurring. The Maloney Report (1975) found that police commonly engaged in cover-up when a fellow officer was accused in a complaint, and that the existing complaints procedure, totally under the administrative control of the Force, was often nothing more than an obvious whitewash. The Report recommended the appointment of an independent Commissioner of Citizen Complaints, to be appointed by the Metro (Toronto) Council.⁴

In October of 1974, the Toronto Globe and Mail inaugurated a

³ Prominent among these efforts was a survey by the Canadian Civil Liberties Education Trust in January of 1970 (Education Trust, 1971). One topic studied was allegations of police beatings. Toronto was one of the five Canadian cities examined. Unfortunately, the report for this inquiry did not give statistics for individual cities on the topics of interest here. The survey has other virtues, however, which will be discussed in another section.

⁴ For two general analyses of civilian review boards (without specific reference to Toronto), see Law Reform Commission (Australia) (1975) and Barton (1970).

series of hard-hitting, front-page exposés of police abuses in Toronto. Ten front-page articles under the editorship of Gerald McAuliffe documented some sixteen cases of brutality. In the same period, the Toronto Star carried out a similar, although somewhat smaller, series of exposés of its own. As a result of these revelations, the Royal Commission into Metropolitan Toronto Police Practices was formed, under Justice Donald Morand.

Morand, later to become the province's second ombudsman, was able to conclusively document police lying under oath to his own investigation itself as well as to other bodies. The Morand Report (1976) concluded that a high proportion of the complaints it investigated were well founded, and once again found police giving false evidence to protect their fellow officers. The police officers involved lied, changed their duty books, and/or hid evidence. Criminal proceedings were recommended. Echoing the Maloney Report, the Morand Report of 1976 called for the establishment of an effective citizen complaint procedure, independent of police control. It was also essential, it continued, for the Chief of Police to make it clear that excessive force and the giving of false evidence would not be condoned.

In 1977 the outcry against police mishandling of minority persons in Toronto rose to a new level of intensity. Walter Pitman, President of Ryerson Polytechnical Institute, was invited by Metro Toronto to produce a report on the tense situation that was developing. His report (Pitman, 1977) called for a complete reconditioning of the police force, including a more independent and balanced complaints procedure.

Soon thereafter, however, there was an unusual number of killings by police in Toronto. Indeed for a ten month period from mid-1978 to early 1979 there was almost a killing a month, mostly of members of minority groups. Widespread protest erupted in Toronto's ethnic communities, culminating in September of 1979 in the passage by Toronto City Council of a resolution of non-confidence in the Metropolitan Toronto Police Commission. As a

result, the Police Commission appointed Emmett Cardinal Carter of the Roman Catholic Church as a sort of mediator between the police and minorities within Metro. The terms of reference of this appointment were very unclear, and many community leaders in Toronto were highly skeptical. By October of the same year, however, Cardinal Carter submitted a report (1979) calling, among other things, for an improved procedure for handling complaints against the police.

PART II. REMEDIES FOR INDIVIDUALS: RECENT HISTORY AND PRESENT STATUS

Remedies Available in Toronto for Individuals -- and Their Weaknesses

What can a citizen do when he or she is abused by police in Toronto? What remedies are available? The traditional first-line remedy for misconduct of a policeman has always been to complain to the police. After all, when one has a defective toaster one complains to the toaster's manufacturer; when an airline stewardess is intollerably rude one complains to the airline. Analogously, when one is beaten by a policeman one complains to his superiors, and the evidence indicates that this is still the route chosen today by the majority of complainants in Toronto. However, as we have already seen, studies have shown that this traditional remedy is not overly effective with respect to the Metropolitan Toronto Police Force. To anticipate a later discussion, recent figures reveal that the Force's Complaints Bureau has in recent years rejected some ninety-eight percent of complaints (Linden, 1982, p. 41). The procedures embodied in a police-controlled police complaints agency (or Bureau) have been overwhelmingly criticized as ineffective at best. To cite Canadian references only, see discussions in Barton (1970), Grant (1975), Maloney (1975), Morand (1976), Watchorn (1966), Weiler (1969).

Until recently, when there was both a complaint and a criminal charge against the complainant, it was the standard practice of the police Complaints Bureau to defer any investigation of the complaint until the courts had first disposed of the criminal charge (Linden, 1983, page 83). Naturally, since this process could take months -- several weeks in an optimistic scenario --

the investigative trail would have grown slightly cold by the time the Bureau moved in with its customary intensity. Locating witnesses (not easy in the best of times, especially against police) would by then be virtually impossible, memories would grow increasingly faulty, physical evidence extremely difficult to obtain. This particular problem is no longer present, but its cavalier approach is highly indicative of a mentality that regards citizen complaints as a mere public relations nuisance.

Very well, one can instead try to lay a criminal charge against the police officer, which is theoretically every person's right when a police officer has committed a criminal offence against the person. One can go before a justice of the peace and ask to swear an information (formal charge) against the officer. This is how one initiates a private prosecution. As Public Complaints Commissioner Linden puts it in his official brochure, "You may charge a police officer with a criminal offence by attending at the office of a Justice of the Peace. For the office nearest you, telephone 965-7541" (quoted in Linden, 1983, page 140). However, in reality, it is not quite so simple: there is one set of practices for police officers and another for complainants against police officers, when it comes to j.p.'s acting on informations that are sworn before them.

It has been reported in Toronto that some justices of the peace will attempt to discourage a private citizen from laying a charge against a police officer; some will simply refuse to act on the informant's allegation.

In law, a j.p. must allow a person to swear an information; the j.p. then has discretion as to whether or not to act on that information by issuing a warrant or summons. Police officers lay charges of assault all the time, and their stories are accepted at face value. Complainants against police officers, however, are sometimes faced with a mini-trial in the j.p.'s office -- cross-examined by the j.p., asked to produce corroborating witnesses or other evidence, and advised of the dire consequences

of laying false charges against police officers.

There appear to be two possible reasons for this differential treatment. First, j.p.'s see certain police officers on a regular basis, and therefore tend to have closer relationships with the police officers than they do with complainants against police officers.⁵ The other problem is the substantial lack of independence of j.p.'s from government control. This is apparently a very real deterrent to the impartiality of j.p.'s. In a recent case heard by the Ontario Court of Appeal, in which the independence of provincial court judges was challenged, the Justices of the Peace Association of Metropolitan Toronto was granted status as an intervenor, arguing that neither provincial court judges nor justices of the peace were independent from government control and interference.⁶ Although the Ontario Court of Appeal turned down their argument in the strict terms of whether their legal impartiality was impeded, the justices of the peace knew what they were talking about in terms of day to day practice. Justices of the peace have a short term of office with no job tenure, and feel the exposure this creates very keenly. In such circumstances, a series of decisions that go against the police may well be regarded as hazardous to reappointment. Whether it is from their felt lack of independence or from their long-standing relationships with police officers, the simple fact is that some j.p.'s erect barriers to the laying of formal charges against police. The process, even in its initial stages is thus by no means as straight-forward as it appears.

If a private prosecution moves past the j.p. and a charge is laid, the proceedings can be stayed at any time by the

⁵ For observations on the relationship between police and justices of the peace, see Ericson Making Crime (1981). See in particular his observation of the common police/j.p. practice of "left-handing the search warrants" -- in which police officers forge the signatures of j.p.'s on warrants and the j.p.'s go along with it.

⁶ See the 24 page submission by the Justice of the Peace Association of Metropolitan Toronto, in R. v. Valente, (No.2) (1983) 2 C.C.C. (3d) 417 (Ontario Court of Appeal).

intervention of the provincial attorney-general. Such a stay of proceedings, which in effect kills the private prosecution by delaying it indefinitely, can be exercised at the attorney-general's sole discretion, and no reasons other than the most superficial need be given. This legal option is no mere dead letter; it has in fact been employed by the present Attorney-General of Ontario in a case involving the Toronto police. Private prosecutions in some cases are also terminated through the power of provincial crown attorneys to take over any private prosecution. Having assumed charge of the case, a crown attorney can effectively terminate it by withdrawing the charge or simply adducing no evidence to support it. Again, no reason need be given.

There is another major difficulty in the laying of a private prosecution: as with any criminal charge it requires positive identification of the specific individual officers involved. Where specific officers cannot be named or otherwise identified, as is so often the case because of poor visibility, or the "immediacy" of a physical assault, or the deliberate removal of identification by police officers prior to involvement, this method cannot be employed.

Moreover, a criminal conviction against a police officer requires the same standard of proof as a conviction against anyone else -- proof beyond a reasonable doubt. In the case of police officers, this will be very difficult to achieve because the greatest number of incidents involving accusations of police wrong-doing take place in relatively secluded areas where the only corroborating witnesses are fellow police officers. (Canadian Civil Liberties Education Trust, 1971, page 33).

The traditional final remedy for complainants not sufficiently discouraged by this point has been to launch a civil suit (commonly termed a law suit) against the offending officer. One advantage of this approach is that the individual does not need to identify the offending officer by name, provided he can be identified as a member of the Metropolitan Toronto Police. The

individual can simply sue the Chief of Police, who is liable by statute for all torts (civil wrongs) committed by police officers under his command. The overwhelming disadvantage of civil actions against the police is that they tend to be extremely expensive, particularly if they are lost.⁷ Unless the individual can obtain legal aid he or she will have to pay out of pocket for a lawyer, court costs, investigation fees, and so forth. If the case is won the police will probably have to pay some of the legal costs, but if it is lost -- and that is far more likely for the average complaint -- the complainant will have to pay all of his or her own costs plus (usually) some of the costs of the other side. Furthermore, even if the individual is financially eligible for legal aid, it has proven difficult in practice to obtain legal aid for actions against a police officer. If legal aid cannot be obtained, then in reality only upper class or upper middle-class persons can undertake the civil suit; effectively, all other persons are denied this remedy.

Police officers, on the other hand, do not have to worry about legal costs because in almost all instances the defence costs of policemen in civil suits are borne by the Municipality of Metropolitan Toronto. In some recent years the defence of policemen has cost Metro Toronto over \$100,000 a year (Parker, 1982).

Negotiations for settlement, examinations for discovery, innumerable motions, trials and appeals could take years to produce results. Very few people have the resources to investigate the facts, engage counsel, withstand pressure by the police, and handle the many expenses which are inevitably involved. (Canadian Civil Liberties Education Trust, 1971, page 33.)

⁷ Another problem is that a civil suit involving police must be initiated within six months of the incident. For most complaints this would present no problem, but instances of "dirty tricks" (disruptive tactics) often do not come to light until years after the event, at which time a suit is legally prohibited.

Even if a complainant is fortunate enough to be able to finance a civil lawsuit, or to surmount obstacles and successfully launch a private prosecution against police, it is very unlikely that he or she will win the case. Police at this point, with a fellow officer accused in a court, close ranks with a will, and royal commissions have documented how police officers cover up for each other -- altering notebooks and coordinating their testimony (Morand, 1976). Further, in any straightforward dispute of fact between the testimony of a single police officer and the testimony of a single complainant, the courts universally accept the word of the former (Linden, 1982). All in all, it is very unlikely that a private action, civil or criminal, will succeed except in the most blatant cases. But it is very important to a complainant that his case succeed, for if he fails at this point he is liable to debilitating counter-actions.

In recent years, it has become a common practice in Toronto for police officers to charge some of the complainants who launch private prosecutions against them with public mischief. This works as follows. Police are supposed to investigate the allegations made in a private prosecution. In the case of a private prosecution with a weak case, it can be termed a "frivolous" waste of an officer's time by making an accusation "known to be false," and hence the citizen lays himself open to the criminal charge of public mischief (Makin, 1981). It is deemed analogous to turning in a false fire alarm. Thus a citizen who persists beyond the Complaints Bureau with a private prosecution can find himself convicted of a criminal offence as a result.

There is another standard policy in Toronto that now comes into play for those unsuccessful with their private prosecutions. (The term "policy" is used advisedly here. See Makin, 1981 and Makin, 1982.) Immediately upon the acquittal of a

policeman, a private civil suit is launched by the policeman himself against the complainant for malicious prosecution.⁸ In recent years this process has been used on a quarter of the cases where Metro Toronto has indemnified an officer.⁹ The trial judge in virtually every case accepts the officer's word that the charge was totally unfounded, thus inducing the jury to find that the original charge (the private prosecution) was based on personal malice.

Further, in perhaps the most astonishing development, since 1976 the resources of the Metropolitan (Toronto) Legal Department have aided and assisted policemen in pursuing these private lawsuits against complainants, even though the Metro government was neither a named defendant in the private prosecution nor a party to the officer's suit as co-plaintiff. In short, the resources of the city and its taxpayers are harnessed to secure a judgment in the policeman's favor in his private lawsuit. When it is recalled that most complainants are poor, and are unlikely to secure legal aid in a civil suit, the results in such an unequal contest are virtually foreordained. Over fifty such suits have been launched, and it appears that only two of the suits have been lost. Judgments typically run to thousands or tens of thousands of dollars.

One rationale for the intervention of Metro legal in these counter-suits is that it allows Metro to recover the costs of its earlier indemnification (cost covering) of the defence of police-

⁸ According to recent statements by some crown attorneys, these two practices are no longer being employed in Metropolitan Toronto on a standard, systematic basis in reaction to private actions against police. However, first, it is difficult to tell precisely what this means and how far it will go because Toronto attorneys are not recommending such private actions these days. Second, the potential is still there; the possibilities remain unabated. It is important, therefore, that these practices be described here.

⁹ Letter from R.M. Parker, Corporation Counsel for Metropolitan (Toronto) Legal Department, dated August 11, 1982.

men in private prosecutions.¹⁰ Its actual effect, however, is to completely preclude any real possibility of a private prosecution against police. It must be suspected that to the average complainant the mere thought that he might have to pay thousands of dollars to the very policeman who abused him is staggering and appalling. The implementation of Metro Legal's policy in recent years renders the hypothetical possibility of redressing a grievance against police by means of a private prosecution a mere legal fiction, and no more. The hypothetical possibility of launching a private prosecution convinces concerned onlookers of the essential fairness of citizen-police disputes while proving impossible to utilize in practice. Thus it has been maintained in the present year that "the option of utilizing the civil or criminal courts is, of course, still open to any individual in an appropriate case" (Linden, 1983, page 81). But in spite of this and similar pious pronouncements the fact is that private prosecutions are a means of redress in name only. In the face of current policies, Toronto defence attorneys have come to recommend to clients that they be extremely circumspect in bringing charges of police abuse, and indeed an official of the Criminal Lawyer's Association has publicly recommended the same to Toronto citizens in general. Private prosecutions against policemen in Toronto have become rare.

¹⁰ Instead of counter-suing little people who have little money, a more effective way to reduce the Municipality's expenses in indemnification of police is to introduce a "deductible" component in the indemnity coverage, so that a policeman who finds himself the subject of court action has to pay personally some specified minority contribution of the cost of his defence. Police would then still be covered -- as the nature of their work demands -- from ruinous legal costs, but would no longer have the virtual license found today. Municipal costs would diminish not only through the non-indemnified component but primarily through the exercise of greater care resulting in fewer cases. A minor side effect might be the reduction of police misconduct.

The counter actions described above (the charge of public mischief and the malicious prosecution suit) apply primarily to cases of private prosecution, not to civil suits. For this reason there is a trend toward the use of civil suits, especially those in small claims court where costs are low. However a civil suit has the power only to award monetary damages, and a small claims court can only award relatively small damages. This might reasonably be seen as insufficient by someone who has been beaten. Arguably, a policeman who beats someone should be incarcerated, not merely subjected to a damages award. This very question presumes, of course, that the civil case can be pursued in the first place, and that it can be won and damages awarded, an unlikely outcome for most persons for reasons discussed earlier.

In 1975, the Province of Ontario created the position and Office of Ombudsman, and it seemed possible that a new remedial course of action would open for complainants. In the form that the law was passed, however, municipal and regional police forces were expressly exempted from the Ombudsman's purview. The first ombudsman went on record recommending that this prohibition be lifted, but at the present time the Ombudsman's Office can only examine police misconduct in Toronto if committed by the Ontario Provincial Police.

Throughout 1980 and 1981 a series of incidents inflamed community sentiment for reform. There were marches and demonstrations attracting a substantial following and calls for reform by newspapers and lawyers groups. There were three outcomes: a token change in the composition of the Police Commission, the creation of a Public Complaints Commissioner, and the formation of a nongovernmental review body known as C.I.R.P.A. The latter two developments merit additional mention.

The Office of the Public Complaints Commissioner came into being when Toronto attorney Sidney B. Linden was appointed in

mid-1981.¹¹ After an awkward initial period without real authority, the relevant enabling act was officially proclaimed in December of that year. The Office is explicitly a trial program, an experiment to be reviewed at the end of three years, for Metro Toronto only. No other Ontario city is to have such a program. Under the Act the Commissioner is empowered to investigate all complaints when so requested by the complainant after thirty days have elapsed from the incident. The original intent was that during the first thirty days the matter would continue to be investigated by the Police Force's own Bureau, with the Commissioner only intervening when satisfactory resolution by the Bureau was not obtained after a reasonable period.¹² Many cases are indeed handled in that fashion, but some attorneys have evidently advised their clients to simply complain, wait for thirty days without providing information, and then hand the matter directly over to Linden. More information can be obtained concerning the Office from its first Interim Report (Linden, 1982) and its First Annual Report (Linden, 1983).

Linden's appointment represents a clear advance in the sense that he and his investigators are independent of both the Police Force and the Police commission. However critics such as the Coalition Against Bill 68 point out that there is ample opportunity within thirty days for individual policemen and their associates to alter notebooks, hide evidence, and align their separate versions of the incident -- precisely the problems documented so frequently with the old approach. In addition, as Linden notes, "It takes courage to complain about any person in a position of authority. A complainant may fear, justifiably or not, that

¹¹ For brevity, since no short name has yet evolved for the Office of the Public Complaints Commissioner, it will be identified henceforth in this study by the name of its principal incumbent (as: Linden's Office, or Linden's program). This is evidently in accord with developing practice in Toronto.

¹² Under "exceptional circumstances" the Commissioner may move to investigate the allegations before 30 days have elapsed (Linden, 1983, page 5).

there will be retribution for his complaint" (Linden, 1983, page 81). Because initial complaints must still be investigated by the police themselves, the reform does nothing to allay the concern of commentators such as Barton (1970) and Maloney (1975) that fear of reprisal may exert a deterrent effect on potential complainants. It is also true that the experimental or tentative nature of the Office, with its fate to be decided after three years by the provincial Attorney General, Roy McMurtry, can exert a chilling effect on the independence of the Commissioner. Finally, the composition of the Police Complaints Board whose members sit in public hearings convened by the Public Complaints Commissioner is, in all truth, not designed to inspire confidence in its independence from police influence. According to the law that established Linden's office, this Board must be composed of one-third nominees of the Police Commission and the Police Association, one-third nominees of Metro Council, and one-third nominees who have legal training. (In practice, the last third have been effectively chosen by the provincial Attorney General, Roy McMurtry.) Although this composition is doubtless an improvement in potential for even-handedness over a purely police-run agency, the improvement is only one of moderate degree. For the reasons just outlined some critics claim the entire program is fatally flawed. Others adopt a "wait and see" attitude. Much depends on the character of the Commissioner. Commissioner Linden's research program and the early record of procedural changes and case decisions by his Office will be reviewed in subsequent sections of this Study.

C.I.R.P.A. (for Citizens' Independent Review of Police Activities) is a non-governmental organization funded by private donations and headed by an annually elected President and Board of Directors. Formally inaugurated in late 1981 (in response to the same general ferment that led to the establishment of the Public Complaints Commissioner), it has a current membership of some 400 individual and organizational members. Although based

solidly in the countercultural and ethnic communities, it takes care to remain neutral on all issues not directly involving police work. C.I.R.P.A. has no official powers; it functions by providing advice and counseling to complainants, compiling elementary statistics on police abuses, and making submissions for reform to the Police Commission. It occasionally takes on individual cases, but one basic problem of C.I.R.P.A. is clearly a condition of extreme poverty. In addition there is concern within the organization about inadequate follow-up of complainants after the initial stages in a number of cases. Its advantage is its total independence and concern for the "little guy."¹³

Early Record of Procedural Changes and Case Decisions by Commissioner Linden's Office

Since its inception, the Office of the Public Complaints Commissioner has made a large number of procedural changes and case decisions for specific complaints. The examination below considers these two components separately.

Since the discussion in the previous section has examined the mandatory procedural mechanisms set up by the act creating Linden's Office, that aspect will not be repeated here except to reiterate that, despite major defects and deficiencies, there is no doubt that the act created -- overall -- more equity than existed before. What we will focus on here is the optional or "discretionary" procedural changes that have come about in the complaint process since Linden's appointment.

We can begin by reiterating an earlier point: under old Complaints Bureau procedures, a complaint was not investigated until after any criminal charges against the complainant had

¹³ More information on C.I.R.P.A. can be obtained from its Constitution and Statement of Principles, available care of Alderman Jack Layton, Toronto City Hall.

first been disposed of in court. Linden's Office played a central role in removing this obvious impediment to fair play.

At the outset, when a person first appears to file a complaint, he or she is now provided with what seems a reasonably good statement of rights and procedures in the complaint process. This is a new innovation.

As the police investigation of the complaint proceeds, the complainant is provided with information on the extent of the investigation -- who has been interviewed, what physical evidence has been obtained, and so forth. This is new. The complainant is also provided with a copy of the police officer's version of the incident. This too is new.

Finally, the complainant is now provided with periodic reports of developments at regular intervals. This is a change from a situation in which complainants would often not know what was happening to their complaint.

If all of the above sound like elementary standards of decency, and seem a bit obvious, it must be remembered that none of them existed prior to a couple of years ago for complaints about the police in Toronto. The overall conclusion must be that Commissioner Linden has gone considerably beyond the mandatory provisions of the act in promoting procedural fairness. It is another matter whether this can overcome entrenched cover-up practices documented so frequently.

Through Linden's efforts it has proven much easier to obtain legal aid for counsel for appearances before Linden's Police Complaints Board than for private prosecutions or civil suits of policemen. But the problem with the Board is that the maximum penalty it can impose is dismissal from the force. It cannot impose criminal sanctions or recompense a citizen monetarily -- not so much as a penny. Thus restitution is nonexistent and deterrence/retribution of wayward officers is minimal at

best.¹⁴ Under these circumstances a citizen has to be very determined to see abstract justice done to persevere with the process.

This brings us to the second part of the record: the case decisions actually reached by the Office. In reviewing this record it is well to keep in mind that almost half of all the complaints examined by Linden (47.7% or 290 cases in 1982) allege some form of assault by a policeman. Assault is an offense for which ordinary citizens go to jail by the dozens in Toronto. What happens to cases that come before the Office?

Of the 609 cases completed (closed) in 1982, Table 15 of the Annual Report (Linden, 1983, page 39) reveals that in 3.3% (20 cases) the officer was counselled and/or cautioned. This was the most severe sanction imposed. A caution is "a form of discipline where the officer is warned that further misconduct may result in a charge..." (Linden, 1983, page 37). A counsel is used "where the actions of the officer involve relatively minor infractions committed unintentionally or through inexperience" (Ibid). All right, one may think, so much for the minor sanctions. When do we get the percentage of firings, dismissals, criminal charges? But we have just been given the percentage for the most severe sanctions levied. There were no dismissals. As for criminal sanctions, there is no sign of them in the Annual Report.¹⁵ In addition to the 3.3% "counsellings and cautionings", there were 25 instances of officers being "advised/spoken to" by superiors

¹⁴ A citizen whose complaint is first investigated by Linden's Office may even find restitution, via civil suit, somewhat harder. By the law setting up Linden's Office, no person engaged in the administration of the Act may be required to give testimony in a civil suit. Thus if Linden's investigators have already questioned witnesses, it has to be done all over again for a suit, with possible hostile reactions to the repetition.

¹⁵ But the Report mentions that a fair number of cases were carried over into 1983, to be reported in the next annual report. It seems fair to assume that more serious cases would form a substantial proportion of those carried over. Thus criminal sanctions may yet appear for 1982 cases.

(4.1% of total cases, see Table 15). According to page 40 an officer is advised/spoken to "where the conduct is minimally objectionable." No notation of it is made in the officer's permanent file. Finally, in an undisclosed part of 10.8% (a compound measure), the officer apologized to the complainant. The above is a complete rendition of the sanctions imposed in 1982, according to the First Annual Report.

Sanctions Imposed in 1982 as a
Result of Complaints (Percent
of complaints)

Criminal charges laid	0
Firings (dismissals)	0
Suspensions	0
Counselling/Cautioning	3.3
Advising/Speaking to	4.1
No sanctions	2.6
	100.0%

Contradictory impressions come to mind at this point. First, in a single year, counselling/cautioning has increased 400% from the year before (from .8% to 3.3%)! This is, just perhaps, an increase not to be regarded lightly. Second, however, the sanctions are so minuscule, even at the cautioning/counselling level. Again let us examine the point that nearly half of all complaints allege assault by policemen. Assault is a violent crime for which ordinary citizens routinely go to jail, with a criminal record. In view of the statistics provided we are left with only two possible conclusions, both of which seem highly peculiar:

(a) None (not one) of the 290 claims of assault were substantiated (0% substantiated) while 45 of the remaining 319 non-

assault claims (14%) were substantiated

-- or --

(b) some proportion of the assault claims were indeed substantiated, and so police officers who assaulted someone were given cautions, counselling, or advice as punishment.¹⁶

Neither possibility seems very likely but one or the other must be true. We cannot leave it at that. (a) It is important to know, without having to employ such statistical detective work, how various types of complaints were disposed of. A cross-tabulation of complaint type by disposition outcome is a vital feature in serious monitoring of the program. (b) If it turns out that not one single assault claim was fully substantiated while some 45 other claims were, what is the reason for this difference? Is there any policy change that can improve a situation in which the most serious allegations (constituting almost half of the total complaints) cannot be substantiated? (c) If it turns out that one or more assaults were fully substantiated, the Office needs to take a long hard look at its sanctioning levels and recommendations. The Police Complaints Board is at least mandated to fire without asking any other party's permission.¹⁷

In passing, it is also interesting that although claims of assault constitute 48% of complaints, only 6 of the 19 detailed examples and illustrations of complaints in the Annual Report deal even marginally with an assault claim. Even these 6 do so in a sort of "sanitized" bloodless manner. To contrast with this emphasis, the following section (below) deliberately presents such claims in raw, "unsanitized" form, taken from C.I.R.P.A. files.

¹⁶ It is also possible, of course, that an assaulting officer was given no sanction at all. The point is that the sanctions mentioned were the maximum (only) penalties imposed.

¹⁷ As this is being written, newspaper accounts inform that the Police Complaints Board has handed down its first penalty of suspension without pay (Kashmeri, Globe and Mail, July 16, 1983). This was a penalty of two weeks without pay, for assault of a handcuffed prisoner. An editorial in the Globe and Mail of July 20 called this far too light for an assault.

We have so far struggled with the conception of a large number of serious accusations without a single policeman charged with a criminal offense. And we have wondered why not a single policeman was even fired from the Force as a result of substantiated complaints. Now we must note that even in cases where it was decided that the officer was in the wrong, and he was "counselled" or "cautioned," we have no evidence that these counsellings/cautions have any meaning. Does having something entered on one's record in this way really have any effect on one's pay, one's career, one's relations with one's peers?

Many organizations maintain "sanctions for the record" for purposes of public relations but see to it that this record does not really harm the employee's career. We may recall the case of Superintendent Cobb of the RCMP, who was "reprimanded" on the record for his part in authorizing the illegal break-in at l'Agence de Presse Libre de Quebec and then almost immediately promoted to Chief Superintendent (Henshel, 1977). Just what is the effect of counselling/cautioning in the Toronto force?

In conclusion we need further information (and reassurance) on the decisions of Linden's Office. (a) Were any of the 290 assault claims fully substantiated? (b) If so, why were no officers fired? Is this sanction deemed appropriate for assault? (c) What real effect, if any, does a caution or counsel have on a policeman's career or immediate status? In particular, it must be asked, does it have any real effect at all?

The early record of Linden's Office is exemplary in terms of procedural reform (within the sometimes severe constraints of the mandating act). As will be seen shortly, his research on the complaint process is making considerable progress, although it has a long way to go. The record of the Office in terms of sanctions meted out is decidedly shaky.

PART III. REPRESENTATIVE COMPLAINTS -- AN UNSYSTEMATIC SAMPLING

It is usually valuable in statistical surveys to first provide the reader with an intuitive "feel" for the phenomenon under examination. Otherwise, the sense of what is going on may be lost in spite of, or maybe because of, the statistical overview. Accordingly, some actual complaints given to C.I.R.P.A. in calendar year 1982 are provided below, with names and other identifying characteristics removed. These complaints, taken from C.I.R.P.A.'s "Summary of Cases," February, 1983, may be regarded as typical except that the least virulent category (e.g., name calling) have been omitted. It should be remembered that these are allegations of abuse.

Beaten in Cuffs

- Woman smashed against car while in cuffs.
- Plainclothes officer pulls gun to arrest man drinking in park after he tries to run away. He is beaten in cuffs in station parking lot and in station. Police tear up prescription for painkiller.
- Thrown to floor in tight cuffs and kicked in genitals and ribs. Cigarettes squashed in face.
- Slapped repeatedly in face while in cuffs in back of cruiser.
- Pushed on floor of cruiser, punched while in cuffs.
- After beating when arrested, beaten in interrogation room while in cuffs.
- Police officer tells youth to "Move out of the way, Nigger." When youth talks back, he is arrested, taken to station, and beaten in cuffs.
- When attempting to complain about one officer at station, punched, cuffed, hair pulled and kicked by other officer.

- Person in custody has false teeth crushed by officer's boot, is punched several times while in cuffs and is threatened with death.
- While in cuffs, driven behind police station, told "gonna run pukes like you out of the neighborhood," then punched and kicked.
- Witness saw man already in cuffs knocked unconscious by motorcycle officer.
- Officer grabs woman by hair, puts her in cuffs and smashes face against cruiser.
- Handcuffs applied too tightly, causing numbness.

Preoccupation with Genitalia

- Police strip gay man and point gun at genitals, threatening to "blow it off."
- Man is beaten and kicked in testicles.
- Hit in groin with billy club while in cuffs.
- Man arrested for parking fines is punched in apartment, then kicked repeatedly in the groin at the police station.

Escalation of Traffic-Related Incidents

- When challenged officer's right to stop him, officer wrote out 3 tickets to assert his authority.
- Traffic incident results in officer manhandling two Arab women, one of whom, in her sixties, receives fractured vertebrae.
- Native man stopped for traffic violation, kicked, pushed on floor of cruiser, punched while in cuffs.
- Stopped for minor traffic violation, punched, choked with night stick, finger slashed by traffic officer. Beaten in cuffs back in station.
- Man stopped for speeding is roughed up by 3 officers.
- When man challenges traffic officer, more tickets written out.

- Man picked up for traffic violation is punched and kicked in station.
- Woman dragged to station in nightclothes and manhandled.
- After traffic violation, tight handcuffs injure hands.
- Head pounded on window of car, later punched and slapped at station.

Escalation of Other Minor Incidents

- woman who calls ambulance for friend is verbally abused, charged with causing a disturbance and manhandled.
- Noisy party leads to homeowner being pushed around on front lawn, then arrested, then slapped repeatedly on head while in cruiser in cuffs.
- Witness saw man break bottle. Shortly thereafter officer arrives, goes up to another elderly man sitting on bench, grabs him, cuffs him, and drags him off to car by cuffs.
- Indigent is called "F... ing Pervert, Faggot," and threatened with arrest after officer discovers he has been checking out wrong man.

Mischief

- A relative prepared to bail out an emotionally disturbed man is given the run around and misdirected as to where he is held.
- Man wanting treatment at Psychiatric Centre is turned away, picked up by police, threatened, driven to city limits, and dumped.
- Police raid youth party, smash band equipment, knock out headlights, crack windshields, damage motorcycles.
- Manager of rooming house harrassed and threatened by police officer when he asks officer's relative to vacate premises.
- 15 to 20 police visit West Indian club's party in rented public hall at 1:00 a.m. and force party to end.

* * * * *

The sad list, taken verbatim from C.I.R.P.A.'s "Summary of Cases," February, 1983, goes on and on, with the same general motif -- the complainants are, to use a harsh but realistic word, nonentities, nobodies. They pour out bitterness and frustration over the C.I.R.P.A. listener. But, of course, they tell only their side of the story. And conclusive proof is usually lacking. Their bitterness is perhaps compounded when C.I.R.P.A. tells most of them it can do very little or nothing without corroborating evidence.

PART IV. DEVELOPMENT OF FIRST STATISTICS ON COMPLAINTS

C.I.R.P.A.'s "Summary of Cases"

In two consecutive annual meetings, the C.I.R.P.A. Board has presented statistics, the first statistics on citizen complaints ever compiled in Toronto -- or at least the first statistics publicly available. Each presentation (one in February, 1982 and one in February, 1983) has first presented a sampling of real complaint cases (of which Part III, above, was an example) and then provided an elementary statistical break-out of case types. One breakdown shows unit of the Metro Toronto Police Force (e.g., 52 Division, 55 Division, Hold-Up Squad, etc.) by number of complaints in each calendar period, and then converted into the unit's percentage of all complaints in that period. Another table shows number of complaints by category (e.g., beaten in cuffs, cuffs used to inflict pain, misuse of clubs, etc.) by calendar period. This table is also percentaged but the percents here are useless because they are combined with a breakdown by complainant characteristics. Number of complaints made by complainants of different characteristics (gays, women, visible minorities, etc.) is also shown for each calendar period. The percentages here are also meaningless. Unfortunately the calendar periods in the tables are not of equal length, thus are not strictly comparable, and thus any conclusions about trends from the tables are risky. Although the analysis was very rudimentary, C.I.R.P.A. deserves credit for being the first to take what now seems like an obvious step: collect statistical data showing range, magnitude and trends in complaints and complainants.

The Present Study: LaMarsh, C.I.R.P.A., the Author

Early in 1982, the author, a sociology professor at the University of Western Ontario, saw the statistical summary described above. Former Toronto alderman Allan Sparrow had discussed the possibility of a broader study with the LaMarsh Research Programme on Violence, a provincially supported foundation affiliated with York University. The project got underway when the author agreed to be principal investigator, C.I.R.P.A. agreed to open its complaint files (while preserving confidentiality), and LaMarsh provided financial backing.

At the outset C.I.R.P.A.'s files were not set up in a format or classification system that was appropriate for the research. A preliminary task, then, was the conversion of files, a task of no mean proportion for which the organization was compensated out of the grant. In some cases this necessitated recontacting complainants.

Statistical Summaries in Commissioner Linden's Interim Report and First Annual Report

In November, 1982, the Public Complaints Commissioner issued an Interim Report (Linden, 1982) covering the activities of the Office from the time of Sidney Linden's appointment in July of 1981 to the proclamation of the Act in December of that year. The largest section (V) provides statistics on 214 "completed" cases that were initiated between July and December of 1981. Fourteen tables present numerical and percentage data. The statistical section was seemingly derivative of the C.I.R.P.A. analysis, but is very useful in several respects (see the following section).

Recently the Office of the Public Complaints Commissioner has issued its First Annual Report (Linden, 1983), covering developments in calendar year 1982. Prominent in the Report is a

large section on "Research and Statistics." This outlines a program of research and presents statistics for the 609 completed (closed) cases of 1982. The research program and the statistics are examined in greater detail in the following section.

Commissioner Linden's Research Program: Valuable Findings, Disappointments, Possibilities

Some information of considerable value has emerged from the two reports. Probably the single most useful statistic is the figure on page 41 of the Interim Report showing that of the 136 cases that were fully investigated in this period by the Police Force's own Complaints Bureau, 98.5% resulted in a conclusion of "no action warranted."¹⁸ The police officer was counselled in another 0.8%, and a criminal charge laid in 0.8%. This sort of ratio of treatment by the Complaints Bureau had long been suspected but never before divulged.

Another revealing statistic (p. 40) is that prior to the ferment in 1981 the Complaints Bureau had an "informal resolution" rate of approximately 90%. "Informal resolution" is defined as a resolution to the satisfaction of both parties without formal investigation. What is enlightening here is that the 90% figure suddenly drops to 31.8% during the period of July-December, 1981, the period in which both C.I.R.P.A. and the Public Complaints Commissioner come into being. By way of further contrast, C.I.R.P.A. finds a yet smaller percentage of informal resolution, although persons with deeper grievances may gravitate to C.I.R.P.A. At any rate, the 90% figure is revealed as highly suspect in terms of real resolution by the sudden plummet to 31.8% in late 1981. There is more than one possible explanation for these figures, and the information provided in the Interim Report does not permit further conclusions. The

¹⁸ Commissioner Linden's Office was not fully engaged during this period.

First Annual Report confirms the steep decline in informal resolution, giving the figure for 1982 as 36.8%.

Another valuable finding was the percentage of total complaints lodged against a single unit of the Force. This proved important in substantiating C.I.R.P.A. data on 52 Division, about which more will be said in a subsequent section.

Finally, certain types of data are to be found only in Linden's Reports. To give credit where credit is due, the following information, to be found in the Annual Report, is a valuable addition to our knowledge concerning citizen complaints. They round out our information in important areas.

- 1) Closeness of the address of complainant to the scene of the incident.
- 2) The age distribution of complainants.
- 3) The distribution by rank of officers involved in complaints.
- 4) The distribution by years of service of officers involved in complaints.
- 5) The distribution of property damage claimed.
- 6) The proportion of charges against citizens filled after a formal complaint was lodged (very few).

It should be mentioned in passing that the last finding, above, although of great value in checking on the laying of mischief charges, is subject to possible misinterpretation. It might be interpreted as showing the total number of potentially retaliatory chargings, rather than those relating to public mischief. But the formal filing of a complaint usually does not occur until some considerable time after the incident (Linden, 1983, page 22); whereas an angry or disturbed citizen could tell an officer right on the spot that he intended to file a complaint, leading (potentially) to retaliatory charging by the officer before the complaint was filed. Thus the statistic, while useful for the one purpose, does not address the second possibility.

In addition to items specifically addressed in the two reports, the Annual Report refers to a research program involving the preparation of two sets of questionnaires, one for police officers and one for complainants. Copies are given to complainants upon completion of their case. Copies of the other questionnaire were given to all Metro Toronto policemen at the outset of the Office and will be given out again near the end of the three year trial period. If carried out in an effective manner these could be very valuable aids to understanding.

The Linden studies, while valuable for the above-mentioned reasons, are extremely limited in their analysis. All data is presented in tables using only a single variable at a time (univariate analysis), e.g., number of days from date of occurrence to date of filing complaint, or day of the week complaint incident occurred, or age of complainant. There is no bivariate or multivariate analysis at all, not even cross-tabulation, e.g., age of complainant by type of complaint filed, or type of complaint by day of the week, or time of day by location of incident. Such a limited approach is practically guaranteed not to detect major patterns or significant relationships. Naturally, since there were no cross-tabulations, there were no statistical measures of the significance of relationships, and hence no real inferences about causality can be made.

Perhaps it would be worthwhile to mention just one likely subject for such exploration, using the already administered questionnaire for policemen. If Linden's Office ever comes to accept the desirability of cross-tabulation, it would be of importance to correlate the degree of anxiety or hostility toward the program manifested by different officers with whether or not the officer was subsequently involved in any complaints, and if so how many. (This can, of course, be done while keeping individual identities entirely confidential.) Did those policemen who displayed more anxiety, mistrust, or hostility toward the program tend to receive complaints more than others? Knowing the

to this question (either way) would be very valuable.

In addition to the absence of cross-tabulation, there is another central deficiency in the research done to date. In 1982 there were 906 officers involved in the cases closed that year (Linden, 1983, page 70). That is very close to 50% more than the number of cases closed in that year (609). The difference results from many complaints in which more than one officer was mentioned. Now 906 is a very high figure; it either represents a very substantial proportion of the Toronto force (approximately 18%) or indicates a lot of repeaters, officers mentioned more than once. But we have no way of knowing which is the case. We need to know how many of this 906 represent second complaints (or third) about the same officer, but it is impossible from Linden's data to determine whether there are officers with more than one complaint lodged against them. This is a highly significant measure, especially (a) if the two (or more) complaint incidents for a given officer are truly independent, and (b) if the same type of complaint (e.g., always cursing, or punching) ensues repeatedly for a given officer.

Clearly, if, while the great majority of officers are receiving no complaints at all, a relative few are receiving two or more, this would indicate a different kind of problem than if complaints are distributed thinly and evenly across the board. The information is not only vital for statistical reasons, it has real implications for police-community relations in Toronto, and we would hope that Linden's Office was closely monitoring such multiples.

In summary, Commissioner Linden's Office has made a highly useful start toward improved understanding of police/citizen

complaints.¹⁹ The contributions listed earlier do much to increase comprehension of what is taking place. But there are two key weaknesses at present: no cross-tabulation of variables to isolate patterns and no apparent record of the proportion of officers with multiple complaints.

¹⁹ Although the Annual Report emphasizes the importance of studying trends (page 13 and 81), there is virtually no trend analysis carried out between the Interim Report (covering late 1981) and the Annual Report (1982). For one illustration of trend analysis using these data see the following section of this study, concerning changes in 52 Division. A potentially important trend is developing in the statistic on proportion of complainants charged with an offense. In late 1981 this amounted to 18%; for 1982 the figure had almost doubled to 34%.

PART V. THE CREDIBILITY OF CITIZENS' COMPLAINTS

With rare exceptions policemen do not admit that they have abused a citizen. The citizen claims they did; police claim they did not. The courts almost always accept the word of the policeman in this matter, on the assumption of his uprighteousness and integrity. Several investigative commissions in Toronto have shown this to be a hazardous assumption, but the opposite assumption, of uprighteousness and integrity on the part of the citizen complainant, cannot be credited either. In such a conundrum, how can work proceed with complaint data when some of it is bound to be false?

There are a great many kinds of research in which it is known that some of the information provided is false. Ordinarily, this does not pose a significant hazard unless (a) there is excessive reliance on the information provided by a few individuals (not the case with studies of complaints); or (b) a large proportion of the information is false. The essential matter, then, is not whether there are some fraudulent complaints but whether these constitute a large proportion of the total.

The disparity in supposedly well grounded assertions about the validity of citizen complaints is absolutely staggering. Let us begin by recalling Reiss' finding that out of thirtyseven valid instances of police abuse (directly witnessed by impartial researchers) only one ever became the object of an official complaint (Reiss, 1978, page 18). This general conclusion that only a small portion of real police abuses ever find their way into formal complaints is buttressed by a Canadian survey performed by the Canadian Civil Liberties Education Trust in January of 1970 under the research coordination of Sidney B. Linden. In five Canadian cities (including Toronto); several hundred defendants were randomly selected for interviews. All

were asked whether they had been assaulted or injured²⁰ by police. Approximately one quarter said yes. Of those who said yes, less than 12% either had made or were intending to make an official complaint or to take any other form of action. Significantly, focusing only on defendants who had been cleared of all charges, the percentage of those who said they had been assaulted who either had made or were intending to make some complaint or other action was 17%, only slightly higher than the 12% level for all defendants.²¹ Since the above figures (the only relevant ones given) apply only to those who claimed to have been assaulted by police, they may well overestimate the proportion of grievances that were formally protested; persons with lesser grievances were probably even less prone to take action.

The two studies, Reiss and CCLA, compliment each other nicely, indicating that a considerably greater number of legitimate complaints exist than are ever formally claimed. They form an extreme contrast with the findings of the Toronto Police Force's Complaints Bureau that only 1.5% of complaints (in what Commissioner Linden implies is a typical period) are valid, or justified. If we apply these two yardsticks, which are admittedly not strictly comparable, to the 182 complaint cases covered in this Study, we then conclude that the number of valid, worthy complaint cases lies somewhere between three (3) (the Bureau's extrapolated position) and six thousand seven hundred seventy one (6,734) (extrapolating from Reiss, and assuming many truly worthy complaints are never made). Purists may object to the lack of strict comparability, but the necessary point is made.

How can this incredible disparity be narrowed? To begin with, not all assertions deserve to be treated with equal

²⁰ The exact wording of the relevant question is not given in the report, and several terms are used to describe it, including "hurt," "attacked," and "injured."

²¹ The reasons mentioned for not taking action centered around its futility: "What good would it do?" "No witnesses" "My word against theirs" (Education Trust, 1971, page 32).

seriousness. Reiss had no axe to grind or special interest to uphold; the Bureau obviously did. But rejecting the Bureau's position does not advance our analysis very far. To resolve the credibility question one might choose to rely on the findings of the Morand Report. Certainly the Morand Royal Commission had some cardinal virtues. It was thorough, it had both legal power (e.g., to summon reluctant witnesses) and financial resources for adequate investigation, and it was, essentially, unbiased.

Justice Donald Morand investigated complaints in Toronto involving twenty-two individuals. The number of complaints did not coincide with the number of individuals who complained; some complainants were dealt with together as a single incident of alleged abuse. Morand found that eleven, or one-half of the allegations of misconduct, could be verified; in each of these the policemen lied, altered duty books, and/or concealed evidence. In one case where it was deemed that the incident had not occurred, the policemen involved lied nevertheless. In three cases it was deemed that the incident alleged had occurred but that the police were technically (i.e. marginally, legalistically) justified in their use of force.

The Morand Report would perhaps be the definitive study of complaint reliability were it not that its case selection was not truly random. The complaints it so carefully investigated were largely derivative of the exposés unveiled in the Globe and Mail, and these in turn were preselected for journalistic impact.²² To say this is not to fault either Morand or the Globe and Mail; the latter performed an important service by bringing the problem to public attention, and the former created what may still be considered the model of how to investigate complaint reliability. The difficulty is simply that what constitutes good, even excellent, journalism does not necessarily permit good scientific inquiry.

What is missing is a Morand-style inquiry on a random

²² In addition, Morand did not choose to report on all of the cases that came to his attention but only those that appeared "representative" (intuitively) of the allegations he heard.

sample, or even a reasonably random sample, of complaints in Toronto. Failing this, and there simply is nothing of the sort available, what alternative can be employed? Are we forced to rely on personal impression? Fortunately there does seem to be a viable alternative that can be suggested as an aid in deciding the overall trustworthiness of citizen complaints as a whole, although it is not as conclusive as a randomized Morand inquiry would be. We can think of an approach that might be termed noncollusive statistical congruence of complaints. We search for patterns in the complaints, not produced by agreement or planning among complainants, that corresponds with hypotheses either of widespread lying or widespread veracity. The following sections elaborate on this notion by means of two examples.

A. The Hold-up Squad and "Dry Submarining"

"Dry submarining" is a torture practice (to call a spade a spade) familiar to Amnesty International for its use in certain countries in Latin America. It consists of handcuffing the person, usually naked, and then tightening a plastic bag over his head so that he begins to suffocate. The panic, struggling reaction that follows is completely involuntary; the urge to struggle and the sheer dreadful panic is reflexive and cannot be controlled even by suicidally inclined victims. Terror usually ensues within 20 to 30 seconds. The suffocation is sometimes continued until the person loses consciousness. After the first application, the person is revived, given a breather, and then undergoes the process again. And again, until the victim does what is required -- usually sign a confession of guilt. After a few applications there is evidently great pain throughout the rib cage, in addition to terror.²³ The process rarely leaves any

²³ "Wet submarining" is very similar except that the person's head is held under water to produce the same effect.

visible marks of abuse.²⁴

In 1981, a body of Toronto defence attorneys appealed to Amnesty International to investigate complaints made to some of them that the hold-up squad of the Metropolitan Toronto Police Force was employing "dry submarining" to extract forced confessions. In 1982, C.I.R.P.A. also appealed to this international body, and was informed that it was awaiting the outcome of Commissioner Linden's own inquiry on the matter before proceeding. An appeal to Ontario Attorney General Roy McMurtry by the Ontario Criminal Lawyers Association to form an impartial commission of investigation concerning these complaints was rejected. Commissioner Linden is himself awaiting the outcome of a trial of one of the complainants (already in its sixth month and still proceeding) before making his own decision. This is where the matter stands at present, legalistically speaking. The difficulties cited in an earlier section have so far effectively discouraged civil or criminal action by the complainants.

What are the factors embedded in the complaints about "dry submarining" that support their credibility? (1) The complaints occurred at different points in time, and were made by four isolated clusters of individuals. (There were 18 detailed complaints.) These clusters of persons were completely unknown to one another. Thus it is difficult to see how collusion could have occurred. This is especially true since (2) the complainants described an extremely peculiar practice, one which is not common knowledge in this country, or even easy to think up. Probably most of the readers of this Study never heard of "dry submarining" until a moment ago, and readers of this Study are in all probability persons with far greater breadth of knowledge and information than the complainants. Not only did all complainants describe some peculiar practice, furthermore, they all described the same experience. The probability of four truly noncollusive

²⁴ Rarely, burst capillaries appear in the eyes, but this only takes place after some three minutes without oxygen, so that in practice it hardly ever is found.

clusters simply dreaming up independently the same extraordinary description is vanishingly, astronomically small.

All of the complaints were made before any of the details appeared in the mass media, so that later cases cannot merely have copied what they read or heard. When it is recalled that all complained of the same horrible practice, having the same arcane content, that none of the clusters knew any of the others, and that they all complained before the practice first appeared in the media, one's acceptance of at least the general outlines of their descriptions is greatly increased. In addition (3), contrary to what an hypothesis of fraudulent claims would lead one to expect, when the mass media finally did get hold of the story and publicize it widely, instead of a "bandwagon" developing and complaints increasing, no further claims of "dry submarining" surfaced. The apparent reason for this is that very great "heat" was applied to the hold-up squad and it suddenly went on its best behavior. Fearing prosecution, the squad in fact hired a prominent attorney, Edward Greenspan, to defend it. As the practice itself ceased, so did new complaints. The relation between the onset of press coverage and the termination of new complaints is thus exactly the opposite of the bandwagon that would be anticipated if complaints were fraudulent and exactly in accord with the hypothesis of their validity. (4) Finally, all of the independent clusters of complainants not only described the same procedure but also pointed out the same unit of the Force as responsible: a small, specialized group known as the hold-up squad. No complainant cluster mentioned another unit; all were found to have been interrogated by the same small group of men.

With each additional factor, the credibility of the complaints is multiplied; when all four are considered together the effect is overwhelming. On the assumption that the above-mentioned facts are substantially correct, this Study will henceforth assume that the hold-up squad as a unit has been involved

in extremely serious malpractices. This is not to say that every scintilla of claim from the complaints is well founded -- maybe the hold-up squad simply threatened to do "dry submarining." But even a threat of this sort -- which is the least offensive act that could have resulted in such complaints -- is a dire abuse. Furthermore, it is not essential that the above-mentioned facts be true without exception. Even if, say, there are small discrepancies in descriptions of the practice, or a small article is found to have appeared somewhere before the complaints ceased, the conclusion need not be changed. Only if there was opportunity for substantial collusion, or if there was substantial media coverage of the early complaints, would a reassessment be in order.

If we can generalize a bit, we have a situation in which a body of complainants who are not in collusion describe, in a highly similar fashion, an extremely peculiar malpractice that has not yet been covered in the media, and are invariably found to have been interrogated by the same police unit. Further, when publicity starts the complaints stop. Whenever such a concatenation of events occurs, whatever the specific details might be, this study maintains we are justified in according a high degree of validity to the claims of misconduct. In point of fact, the presence of all factors is probably not essential. Either of the following would be sufficient to make malpractice highly probable.

- (a) Noncolluding complainants describe a highly peculiar practice not reported in the media, or
- (b) Noncolluding complainants describe a commonplace malpractice, and all point to a single small unit.

In a sense, then, the example we have just covered is almost excessive in its supportive indications.

The approach just described relies on detecting patterns among cases. In all probability none of it could be used in a case at law. The situation in law is very different from, and

must be distinguished from, the situation concerning overall evaluation of the credibility of complaints. The reason for the difference is that the rules of legal evidence in a criminal court are not the same as the rules of valid empirical inquiry. There are two excellent bases for the distinction.

(a) A criminal court is charged with responsibility for determining guilt or innocence, and within our legal system there must be proof of guilt beyond a reasonable doubt. An empirical inquiry, on the other hand, must consider all alternatives equally, and conclude in line with the preponderance of evidence. For the present example, it would be very hard to convict a police officer of "dry submarining" because this practice deliberately leaves no visible marks of abuse and because, if performed, it would be done within the confines of a police station with no outside witnesses. A criminal court would, in such circumstances, be obliged in most cases to acquit, because proof beyond reasonable doubt could not be obtained. In terms of empirical inquiry, on the other hand, the reliance on preponderance of evidence as the criterion of decision might lead to a different conclusion.

(b) This possibility is intensified when another distinction between legal and empirical decisions is made clear. In situations in which individual police defendants are each charged with harming different persons, on different occasions, it is impossible in criminal trial procedure to introduce purely statistical evidence showing an overall pattern of conduct in the organizational unit to which all defendants belong.²⁵ In empirical fact-finding inquiry, on the other hand, such a pattern would not only be acceptable as evidence but deliberately investigated.

For the two reasons above (primarily), a criminal court would be unable to convict on the basis of the very same statistical-pattern-evidence that could make an overwhelming case for

²⁵ Even if the officers are charged with conspiracy, there cannot be any reliance on such a statistical pattern as evidence.

an empirical fact-finding inquiry. Given the very different objectives of a court and an inquiry, such a divergence is entirely understandable. It also accounts for the urgency with which the Criminal Lawyers Association has called for an independent inquiry into the hold-up squad matter: as attorneys they sense the impossibility of adequate investigation of the complaints in a courtroom context, since the main strength of the complaints lies in forming a strong but purely statistical pattern.

B. Concentration of Complaints in 52 Division

The reader may say at this point that the guidelines given above are all very well when the circumstances fit, but most complaints do not fall into such a pattern. Most complaints are simply not about unique and unusual practices. What can be done to determine the credibility of these complaints? One strategy is to attempt to detect some pattern in the complaints that cannot be the result of collusion among complainants yet corresponds with or conforms to theoretical expectations. If such pattern or patterns can be detected there would be strong indication of the essential soundness of complaints, although no indications regarding the possibility of exaggeration.²⁶ A companion strategy is to attempt to detect patterns in the complaints that correspond with informal nonstatistical impressions, held by defence attorneys, of problem areas. If, for example, it were common knowledge in informed legal circles in Toronto that certain units or individuals in the Force tended to be trouble spots, and the complaint pattern substantiated this, then the correspondence would lend additional credibility to the complaints. In the paragraphs that follow, both strategies will be focused on a single topic.

²⁶ Those conversant with social research methodology will recognize an affinity here with the strategy of construct validation.

For several years one division within the Force has gained considerable notoriety in knowledgeable circles. The excesses of 52 Division have been frequently acknowledged in the community of defence attorneys in Toronto. C.I.R.P.A. sent some 10,000 advisory notices to persons living within this division's area -- the only such campaign it has conducted and a reflection of its concern with the unique situation for this one division. Some members of the Law Union of Ontario have been very concerned. Turning now to citizen complaints, a similar pattern appears; the predominance of 52 Division is remarkable. (1) Commissioner Linden's Interim Report (for the period of late 1981) broke down complaints by unit involved and found that this one division (out of 18) accounted for some 20% of all complaints received. The next highest unit received only 9.4%, and the average for all other units was 4.7%. (2) For C.I.R.P.A. data, 52 Division accounts for 24% of all complaints received. For the specific period covered by Linden's Interim Report (late 1981), C.I.R.P.A. data gives a figure of 25.4%. Clearly, there is general correspondence between Linden's figure and C.I.R.P.A.'s, and, more significantly, between the complaint data and informed opinion. This lends the complaints additional credibility.

But, it might be objected, is it not possible that these informed impressions among the legal cognoscenti about problem units are themselves derived in part from complaints? That contamination is not only possible, it is virtually certain. Regardless, therefore, of what these statistics show directly about the nature of policing in 52 Division (which will be discussed separately), can the correspondence still be used to bolster complaint credibility, in view of the contamination just mentioned? Of course there are several sources of information for the legal community; complaints constitute but one source among many. Information concerning division policy, or concerning the attitudes of senior police officials, comes to be widely shared. It would seem that the excellent correspondence

should be accepted as a low-level indicator of complaint credibility, but one should ask if there are other indicators relative to 52 Division.

Before we look at additional indicators, let us assume for the moment that most complaints are fraudulent. If that is so then one obvious possibility would be a purely random distribution of the police units implicated. Division 52 would come up for mention no more frequently than other units. We already know how far that is from the reality. But maybe, continuing to assume fraudulent complaints, the number associated with a given unit is related to the number of arrests made by that unit. Division 52 does have considerable more men than other divisions and performs more arrests. But it is highly questionable whether these differences can account for the extraordinary difference in complaints found in both Linden and C.I.R.P.A. data. In Linden's 1981 data, each of the other 17 divisions received, on average, only 24% of the number of complaints made concerning 52 Division. Even the second highest level of complaints was only 48% of the level for 52 Division. Shifting to C.I.R.P.A. data -- since Linden did not report trends -- there is considerable consistency period by period in the high level of complaints relating to 52 Division.²⁷ These overwhelming statistical patterns are very difficult to account for by invoking the size difference between 52 Division and other units.

The case for credibility has become stronger; it seems reasonably clear that the distribution of complaints among police units is not random or arbitrary. But the pattern of complaints observed could still conceivably be based on causes other than truthful accounts. Maybe, for instance, certain types of people live within 52 Division's area, and maybe these people are more likely to complain than others. Or, since there is some night-life in the area, with many kinds of activities carried on that

²⁷ This stability persists up to a crucial period to be discussed momentarily.

are recognizably different from activities found elsewhere, maybe this is what leads to more complaints for 52 Division. This latter argument is Commissioner Linden's position in both his Interim Report and his Annual Report.

A preliminary point is that cross-tabulation reveals that 52 Division actually has a lower proportion of its complaints arising during night hours than do other units of the Force. (See details in a special section of Part X.) Thus the level of night activity in the area cannot qualify as an excuse.

To examine the general argument closely, what if there were a change in command of 52 Division, and thereafter the unit's proportion of citizen complaints dropped precipitously? The same people would still be living in the area. The same activities would still be going on there. Only an aspect of the police force itself would have changed. C.I.R.P.A. had in fact argued for a change in command of 52 Division before the Police Commission. If this change were accompanied by a major and stable decline in complaints it would be hard to argue against both (1) an improvement in 52 Division's practices and (2) the overall credibility of citizen complaints. As the reader will doubtless have guessed, this set of shifts in both leadership and complaint level is precisely what has occurred. The Division's leadership has changed, by retirement and by transfer. And C.I.R.P.A.'s record of complaints relating to this unit has dropped dramatically at the same period in time as these occurred. The data show a before and after drop of somewhere between 8 to 15% in the percentage of total complaints in Toronto that apply to 52 Division.²⁸ This represents a dramatic

²⁸ Depending on one's choice of the exact dividing date, the Division's Complaints drop from 28% to 13%, from 27% to 15%, or from 26% to 18%, of total complaints. The exact dividing date chosen is somewhat arbitrary because retirements and replacements are announced well in advance of the actual day, and persons in organizations begin at once to adjust their thinking and behavior to the new situation. All of the potential dividing dates (those near the date of retirement, including that date) display the same pattern.

change on the order of 30 to 50% in 52 Division's share of complaints.²⁹ Linden's data is not set up to show trends, but with considerable clumsiness we can find a comparable pattern by comparing 52 Division's standing in the Interim Report (for late 1981) and its standing in the Annual Report (for 1982). As mentioned, in the Interim Report, 52 Division accounted for 20% of complaints. In the Annual Report it accounts for 14.7%, a drop of 26.5%. Whereas in the Interim Report the second highest division had only 48% of 52 Division's number of complaints, in the Annual Report the second highest division has 78% of 52 Division's number of complaints. At first this shift, while significant, does not seem to compare with the magnitude of the shift observed by C.I.R.P.A., but it must be remembered that we are using data from Linden that were not set up for the purpose of such a comparison. The leadership change occurred around the middle of 1982 but we do not have data from Linden with this breakdown: the Interim Report covers late 1981 and the Annual Report covers all of 1982, both before and after the leadership change.³⁰ A moment's reflection will show that the probable effect of this is to dilute the magnitude of any shift. Insofar as it can be used, Linden's data seem to support the conclusion

²⁹ For example, if one uses the end of June, 1982, as one's dividing date, 52 Division had 27% of all complaints before that date and 15% after it, a decline of 12%. There was therefore a change of 44% (that is, $12\%/27\% \times 100$) in the Division's share of complaints. Percentages for other dividing dates are calculated in similar fashion.

³⁰ This is a typical sort of problem encountered in the secondary analysis of someone else's data.

from C.I.R.P.A.³¹

This correspondence in time between leadership changes and a clear shift in the number of complaints cannot be accounted for by collusion among complainants, by the type of people and activities within the Division's area, or by size differences in manpower or arrests. It can be accounted for by assuming (1) that a substantial proportion of complaints possess some validity, and (2) that the earlier high percentage of complaints from 52 Division reflected real differences in conduct, not merely artifacts of neighborhood differences.

Once again it proves possible, by examination of statistical patterns, to demonstrate an overall credibility of citizen complaints, without being able to substantiate any single, particular complaint.

Conclusion on Complaint Credibility

Taken in combination, the separate analyses above strongly suggest that a reasonably high proportion of Toronto citizen complaints are not simply invented or totally falsified. The patterns that appear would be extremely hard to explain if complaints were made up out of whole cloth. This can say nothing, unfortunately, about the extent of exaggeration in various complaints. The Morand report, although not a broad or random sample, adds additional support to the above conclusion, because

³¹ We have no way of knowing from C.I.R.P.A. data whether or not there has been a shift in the frequency of minor complaints (discourtesy, use of obscenity, poor appearance, and so forth). Although the Bureau evidently receives a substantial number of such calls, C.I.R.P.A. receives them but rarely, probably because it is obvious that a non-governmental body will do nothing about them. Because C.I.R.P.A. receives very few minor complaints there has been no need to distinguish trends in trivial complaints from trends in serious claims. On the other hand, were Linden to publish trend data -- which would be worthwhile -- there would be a distinct need to distinguish the two trends.

its thorough investigation also confirmed (in one way or another) the majority of the complaints it examined. So, indirectly, do patrol studies such as those of Reiss, in a somewhat different way.

Complaint credibility has implications beyond the mere reasonableness of studying complaint data. Without making claim to the veracity of any particular complaint, the according of validity to widespread patterns of complaints means that (a) problem units within the Force can be detected. We have already seen illustrations of this in the material just reviewed. (b) Trends involving newly emerging problems can be detected by comparisons of complaints over time. Commissioner Linden's annual statistical reports hold out some promise in this regard, if appropriate attention is paid to the content of complaints in developing statistics. Optimistically, declines in existing problems could also be detected in this fashion. (c) Complaints can isolate persisting relationships that have hitherto received little attention. Thus when, for example, there was a very strong relationship reported by C.I.R.P.A. complainants between severity of abuse and employment of handcuffs, it is unlikely that such a pattern is totally absent from the Force. In this way the need for remedial measures can be pinpointed.

PART VI. METHODOLOGY OF THE STUDY

Introductory Note for Nonprofessional Readers

The author is a social science professional, and this section has been written primarily for other social science professionals. Other readers may nonetheless find parts of the section interesting, for instance the description of the types of data collected and the discussion of the sample. Especially recommended for nonspecialists is the first part of the discussion of the measure of association used in the study (chi square), which is deliberately written in non-technical language and will definitely aid in following the rest of the study. It explains what is meant when a finding is said to be "statistically significant," in the context of this study.

The Measures Used, and Their Validity and Reliability

The measures obtained from complainants by C.I.R.P.A. include:

- (1) Gender/Gender Preference of Complainant (male, female, gay, lesbian). The last two were recorded only when complainant volunteered them.
- (2) Date of Incident. Hence, by derivation, day of the week, calendar period.
- (3) Time of Day of Incident. (hour of 24-hour clock).
- (4) Charge(s) Laid Against Complainant. Up to a maximum of three charges were recorded, using the Force's own offence code. Three proved sufficient.
- (5) Officer's Unit. Up to three units could be recorded, but this capacity was never needed. When unit was not known, an officer's name or badge number was entered when known. Occasionally, a cruiser license number was entered.

- (6) Type of Police Misconduct Alleged. (coded into nine categories). Up to three separate listings possible for each complainant.
- (7) Severity of Misconduct. (coded 1 to 9). Each listing of misconduct in (6) was so coded.
- (8) While in Handcuffs? (yes or no) for each listing of misconduct in (6).
- (9) Locale of Misconduct. (in home, outside home, on street, in police car, station parking, station common, station interrogation, cell area, other) for each listing in (6).
- (10) Delay Between First Contact and Onset of Misconduct. (immediate, closest to 15 minutes, closest to 30 minutes, closest to 1 hour, closest to 2 hours or more) for each of the three possible listings of misconduct in (6).

In addition to the above measures, an effort was made to obtain information on personal characteristics of the complainant -- age, socio-economic status, and ethnicity -- and to follow through for each complainant the eventual disposition of the claim. However, in a major disappointment, these items of information proved impossible to obtain in sufficient number to allow meaningful analysis. People telephoning C.I.R.P.A. in a distraught condition simply prove unhelpful to questions on topics of this sort, which are sensitive in the best of times. Some evidently fear, absurdly, that if they admit they are young or of an ethnic minority that C.I.R.P.A. may deny them help or lose interest. To compound the problem, C.I.R.P.A.'s answering persons become apprehensive about losing the trust of complainants if they press such questions.

As for case disposition, this is still a viable topic for future study when/if funds become available. It requires a very high follow-up effort through repeated phonings (as cases are repeatedly delayed, e.g.) of a population with a high proportion of transients and incarcerated persons, who prove enormously difficult to maintain contact with. A further practical difficulty in follow-up is non-cooperation, possibly due to fear of

police retaliation, or to general hopelessness and a desire to forget. Linden's Office also experienced major difficulties in keeping track of their own cases, ultimately being able to report on the outcome of only 32 of 206 cases in which charges were laid (Linden, 1983, page 77).

* * * * *

Our discussion of validity and reliability will proceed without reference to the fact that, out of nearly 200 complainants, some are doubtless either exaggerating or outright falsifying their claims. The technical notions of validity and reliability simply do not deal with the problem of deliberate deception, which can occur with respect to many topics of investigation within the social sciences.

With respect to validity, all of the measures used in the present study are comparatively simple, straight-forward issues of fact; there are no compound measures or indices with the possible exception of severity. Face validity, therefore, seems a reasonable assumption. There is almost certainly an underestimation of the proportion of lesbian and homosexual complainants because this proportion is derived strictly from self-reporting, and therefore relies on self identities and willingness to disclose. Had adequate data on socio-economic status or minority status become available there might have been serious issues of validity.

With respect to reliability, no investigation of stability or precision of the measures was undertaken or felt necessary, again with the possible exception of severity. There may be "heaping" of responses on certain hours of the day, time intervals, or even days of the week, due to memory problems.

The severity measure seems susceptible to considerable "wobble," due both to various interpretations of what is meant and to different subjective levels of comparison. It is

extremely difficult under the circumstances to ascertain the extent of these problems, and the measure has been retained because of its obvious importance to the analysis. Conclusions involving severity should, however, be treated with some caution in view of these potential problems.

The Sample

The sample for this study consists of 182 complete cases drawn at random from C.I.R.P.A.'s records. (The odd number is produced through rejection of several grossly incomplete files.) Although the sample is randomly drawn from C.I.R.P.A., this does not qualify it as a random sample in a larger sense.

It is always best to examine the entire population in which one is interested, and, if that is impossible or impracticable, one should ideally obtain a random sample of that population (or, more generally, a probability sample). The cases obtained for this study constitute neither a complete population nor a random sample. It is impossible to obtain a random sample of persons abused because some of these persons (perhaps a majority) will not launch an official complaint. There is not even a guarantee that the C.I.R.P.A. sample is a random sample of people who do launch an official complaint: as was brought out earlier there are several routes for such complaints, and C.I.R.P.A. may attract a certain non-random segment -- more angry persons, more minority persons, more inner city persons -- just to list a few possible differences. Wherever the data are comparable C.I.P.R.A.'s data and Linden's data will be compared, but this does not entirely eliminate the problem.

However, without in the slightest way denying the virtue of strict probability samples when and where it is possible to obtain them, to assume a purist position can be self-defeating. Clearly there are important areas for study in which such a requirement cannot realistically be met, and to reject such approaches is, stated quite simply, to preclude the study of

these topics altogether. A more realistic viewpoint would acknowledge the problem and the consequent weakness of any conclusions from the non-random data, and then go on to consider complaint data in conjunction with patrol observation data (described earlier, in Part I) as two ways to gradually get a closer approximation on a major social problem.³²

One can anticipate misuse of the frank and open discussion of methodological difficulties contained in this section as a springboard for politically motivated attacks on the value of the study and/or its findings. So perhaps it is well to point out that whatever weaknesses inhere in the present study are magnified many times over in the usual treatments of the subject of police conduct based on testimonials or impressionistic interviews. For all its weaknesses the present investigation must be considered light-years ahead of such alternatives. In short, we have an important topic that simply cannot be investigated in the ideal way. The present study must be evaluated in comparison with realistic alternatives available for the same topic.

The Measure of Association

Throughout this study the strength of associations between variables was examined by the use of the statistic chi square, in particular the chi square goodness of fit test. This occasions two explanations in the paragraphs following, one for lay readers and one for professionals. Lay readers are advised to read the first paragraph below and not the second; professionals should focus on the second paragraph.

(a) For those readers who are not familiar with chi square or, more generally, with statistical inference, it is impossible to explain the entire process but quite possible to describe the meaning of the end result. Simply put, the end result of a chi

³² This is also the resolution followed by Commissioner Linden in presenting considerable data in his Interim and Annual Reports. It should be clear that his data do not constitute a random sample either.

square goodness of fit test is a single statement of the probability that the observed connection between two variables is due only to chance. Thus we might look at the two variables sex and severity of reported misconduct and observe (informally at first) that males seem to be treated differently than females -- with greater severity, let us say. When we "turn the crank" of the chi square test procedure we get a precise statement that the probability of this pattern being due to chance alone is less than some number -- say, less than one in a thousand. That can give one an excellent feel for just how strongly the two variables are associated. Conversely, of course, we might have taken the same two variables, sex and severity, and come to a conclusion of no significant association. That is the basic idea of statistical inference, at least in terms of the present problem. The paragraph below notes that the conditions for using chi square are not strictly met in this study, and therefore numerical probability should not be taken literally. Nevertheless, as noted above, it can give an excellent rough feel for the situation, highlighting or spotlighting certain relationships.

(b) Professionals will recognize that the present study does not meet all conditions for the use of the chi square test, or indeed for any form of statistical inference, in that the data were not obtained from a probability sample or from random assignment to conditions. However several writers in the last decade have championed the use of statistical inference measures, even where not strictly applicable, as a quick, clear method of seeing the extremity of relationships -- their departure from expected patterns of association -- provided it is made clear that the strict conditions for their use have not been met, that the probability statement is not to be accepted literally, and that no reference is made to rejecting the null hypothesis. That is what we will do here.

PART VII. GENERAL FINDINGS FOR ONE VARIABLE AT A TIME
(UNIVARIATE ANALYSIS)

Sex and Sexual Orientation of Complainants

Complainants categorized themselves at the time of the complaint into one of four sexual/sexual orientation categories. (These categories were typically offered to the complainant by the C.I.R.P.A. volunteer manning the telephone.) Responses break down as shown in Table 1.

Table 1. Sex and Sexual Orientation of Complainants (Percent)

male	67.6
female	22.4
gay	7.1
lesbian	2.9
	100.0%

There are two distinct points of interest here: the distribution by sex and the proportion of homosexual complainants. With respect to sex, the ratio of male to female complainants is almost exactly 3 to 1.³³ This predominance of male complainants corresponds to the predominance of males in arrest statistics but also corresponds to apparently heavier abuse of males that is revealed in a later section.

To avoid possible confusion of terms we will henceforth refer to male homosexuals as gays, female homosexuals as lesbians, and both together as homosexuals. C.I.R.P.A. statistics show one out of ten complainants as homosexual, a proportion that

³³ By comparison, Linden's 1982 complaint data show a sex ratio of 4 to 1.

corresponds roughly to anonymous surveys of sexual orientation for the general population. What does this mean in terms of differential treatment by sexual orientation?

(a) There can be little doubt that homosexuals are a target of special dislike by large segments of Toronto police. This shows up clearly in the choice of terms of abuse that appear in complaints -- sometimes directed at heterosexuals. Again and again such epithets as fag, queer, queen, and so forth emerge as the terms of greatest contempt and hostility in current use by Toronto police -- to judge from the content of complaints. The special dislike shows up clearly in several virulent articles that appeared in News and Views, the in-house publication of the Toronto Police Association. Finally, it shows in the choice of homosexual locales such as bathhouses as direct targets of police raids, some of which required an extraordinary diversion of effort and manpower, as well as in blatantly discriminatory raids on the gay press. Thus there can be little doubt that the higher proportion of homosexuals in the complainant population than in the general population of Toronto is a reflection of an unfortunate reality.

(b) This conclusion is reinforced when it is recalled that a considerable proportion of homosexuals are ordinarily extremely reluctant to reveal their identity as such. C.I.R.P.A. in no way insisted that they do so; it merely asked for sexual orientation as one question among many, and it obviously had no way to check veracity. Under such circumstances, to receive a figure of ten percent is extremely significant.

(c) In counterbalance to item (b), there may be a greater propensity of homosexuals to complain because of "consciousness raising" that has taken place within their community. This, of course, would primarily lead to a higher level of complaints from homosexuals and not necessarily to a higher level of self-identification as homosexuals. Nevertheless it must be considered a partial counterbalance to (b) because the one leads to an

overestimation of the abuse of homosexuals and the other to an underestimation.

Taking all factors into account, especially the very high figure of ten percent of complainants and the marked and open hostility of police toward homosexuals, there can be little doubt that homosexuals suffer police abuses out of proportion to their numbers. There is one additional point of interest: the male-female ratio for homosexual complainants is almost identical (3 to 1) to the ratio for heterosexual complainants.

Year, Month, Time of Day of Incident

When did incidents tend to occur? C.I.R.P.A. carefully distinguished the time of the reporting of an incident from the time of the incident itself. With respect to the latter there is interest in the year, month, day of the week, and hour of the day, of incidents. Before proceeding further, day of the week must be eliminated because the computer on several runs, and even after extensive adjustments, was unable to produce other than nonsensical tabulations for day of the week. Reluctantly, it has been eliminated from this discussion.

Table 2. Year of Occurrence (Percent)

1979	1.2
1980	5.3
1981	46.5
1982	47.1
	100%

The year of occurrence really tells us nothing about incident tendencies because C.I.R.P.A. has been in existence for such a short period of time. (The 1979 and 1980 cases represent complaints occurring prior to C.I.R.P.A.'s inauguration that have been accepted as data because of clear documentation.) What the

year breakdown shows is simply the amount of C.I.R.P.A. data for this study occurring in the years shown.

Table 3. Month of Occurrence (Percent)

Jan.	12.4	July	7.1
Feb.	4.7	Aug.	7.7
March	4.7	Sept.	16.0
April	5.3	Oct.	9.5
May	6.5	Nov.	10.7
June	7.1	Dec.	8.3

100%

The month breakdown at first appears very puzzling until it is seen as partially an artifact of publicity surrounding C.I.R.P.A. at different times. C.I.R.P.A. was inaugurated with considerable fanfare in the month of September, 1981, the month with sixteen percent of the complaints.³⁴ The months immediately following September are also unusually high vis-a-vis the overall average. Clearly indicated by this means is the significance of public attention on the volume of complaints flowing to one organization (e.g., C.I.R.P.A.) versus another (e.g., the Complaints Bureau). It would be of interest to learn whether there was a corresponding dip in complaints received by the Bureau over the same period or whether the total volume of complaints increased at this time because of the availability of an alternative outlet.

³⁴ However, part of the September rise is probably genuine; Linden's Annual Report for the year 1982 also listed a slight rise for September, although it is by no means as pronounced as the statistic for C.I.R.P.A.

Table 4. Hour of Occurrence* (Percent)

1	15	7	2	13	2	19	5
2	9	8	1	14	5	20	3
3	6	9	0	15	2	21	9
4	3	10	4	16	2	22	5
5	2	11	5	17	2	23	6
6	2	12	3	18	2	24	6

* (24 hour clock)

** rounding leads to a figure of 101%^{100%**}

Before discussing the interesting points shown in the hour breakdown, a minor correction is in order. The C.I.R.P.A. form made it somewhat difficult for volunteers to think through the question of where to place an incident that occurred between 12 midnight and 1 am. Should this be the 24th hour (of the previous day) or the 1st hour (of the new day)? Different volunteers resolved this question in two ways. For this reason, it may be the case that some of the 15% seen in the first hour actually belongs in the 24th hour (of the preceding day). Note that the 15% figure is by far the highest figure in the table. It is believed that the form avoided this problem for other incident times.

The hour breakdown reveals several points of interest. For one thing, incidents producing complaints are most likely in the "wee hours" of the morning. Night time in general is far more productive of incidents than daylight hours. (Of course the hours of night vary with the season, but this does not seem to affect that conclusion.) Lowest of all are the periods of the rush-hours, with an astonishingly small percentage of complaints. One suggested explanation is that traffic control and accident investigation make such demands on police during rush hour periods that lengthy interactions with civilians are

minimized.³⁵

Complaints Made to Other Parties

Of the 182 C.I.R.P.A. cases examined, slightly less than 30% complained to additional parties outside of C.I.R.P.A. Those who made additional complaints (about the same incidents) did so as shown in Table 5. The table shows the percent choosing any given party out of all persons who went beyond C.I.R.P.A.

Table 5. Distribution of Complaints Made to Other Parties, Excluding C.I.R.P.A. (Percent)

Police Complaints Bureau	80.4
Linden's Office	21.6
Press	3.9
Criminal Charges	3.9
Small Claims Court	3.9

Note 1: Figures add to more than 100% because a few persons complained to more than one other party.

Note 2: This breakdown ignores the large number of persons who made no other complaints outside of C.I.R.P.A.

There are several points of interest here. First, a very high proportion of complainants make no additional complaints at all. Of those who do, the overwhelming number of other-party complaints are still made to the Police Complaints Bureau. (Again: if you buy a defective toaster you complain first to the toaster manufacturer.) The rarity of complaints to the press is significant.

Just as less than 30% of all C.I.R.P.A. complainants complained to another source, of those who did complain to one other source outside C.I.R.P.A. only 14% complained to two other sources. Almost all of these complained to Linden in addition

³⁵ Linden's statistics, in the Annual Report for 1982, reinforce the above findings concerning night hours. They are ambiguous concerning rush-hour periods.

to the Complaints Bureau.³⁶ Overall, those who complained to more than one source outside C.I.R.P.A. were (only 3.8% of the total number of cases. It is clear that each additional complaint takes in only a small fraction of the previous number of persons. This is significant in itself, but it is also of interest in estimating that unknown but extremely important quantity: the "dark figure" of persons who feel abused by police but do not protest at all. The Reiss and Education Trust studies would indicate that unreported abuses are far more numerous than those abuses reported, and extrapolation from the trend seen here lends some tentative support to this position.

Table 6. Number of Complaint Outlets Utilized (Percent)

Complainants using 3 outlets	4%
Complainants using 2 outlets	28%
Complainants using 1 outlet (C.I.R.P.A.)	100%
"Complainants" using no outlets	????%

Charges Laid Against Complainants

Table 7. Number of Charges Laid Against Complainants (Percent)

No charge laid	38
One charge (only)	45
Two charges	14
Three charges	3
	<u>100%</u>

As the table shows, slightly over 60% of complainants had at least one charge leveled against them by police. Of those

³⁶ Since Linden's Office was just getting underway during the time period of these cases, the percentage using his office should perhaps not be taken as indicative of the long-term trend.

charged, slightly more than one in four had multiple charges laid. It might be noted that this distribution differs dramatically from that found in Linden's Interim Report, in which only 18% of complainants had had criminal charges laid against them, and the First Annual Report, in which 34% received charges. (This will receive fuller discussion in the comparative section.) Table 8, below, displays the 21 specific charges which one or more complainants received. Also shown is the total number of cases of each charge, the percent of all complainants (182) who received a given charge, and the number who received a given charge as a percent of the total number of charges laid (149). The distribution of changes is very different from that reported by Linden's Annual Report.

We can roughly capture the seriousness of a charge by classifying it as summary or indictable. This will prove useful and important when we cross-tabulate variables. It is impractical to cross-link each of the specific charges with other variables, but feasible and useful to do so with a rough measure of the seriousness of charge. Most of the charges in Table 8 are immediately classifiable as summary or indictable; for those few that could be either, an estimate was made of which way the preponderance of cases of that charge would be, and it was classified accordingly. Another consideration is that, since some 17% of complainants received more than one charge, some could receive, say, a summary charge and an indictable charge. It seems likely that if any linkages between charge and other variables occur it is on the basis of the most serious charge. So each complainant was counted only once, even if he/she had multiple charges, on the basis of the most serious charge. We wind up with the following distribution: No charge, 38%, Summary charge(s) only, 30%, at least one Indictable charge, 32%.

Table 8. Type of Charge Received; Distribution of Charges; Percentage Distributions of Charges

Charge	Offence Code	Number of cases	% of all complainants who received charge named	% of all charges received
Loitering	10	3	1.6	2.0
Disturbance	11	7	3.8	4.7
Intoxicated	12	9	4.9	6.0
Indecent	21	2	1.1	1.3
Morality	23	2	1.1	1.3
Drugs-Possession	30	6	3.3	4.0
Drugs-Trafficking	31	3	1.6	2.0
Assault	32	14	7.7	9.4
Obstruct Police	33	8	4.4	5.4
Assault Police	34	12	6.6	8.1
Theft or Fraud	40	8	4.4	5.4
Auto Theft	41	1	.6	.7
Break & Enter	42	6	3.3	4.0
Weapon-Not Gun	50	2	1.1	1.3
Gun	51	1	.6	.7
Hold up	52	3	1.6	2.0
Traffic, not impaired	60	29	15.8	19.5
Traffic, impaired	61	16	8.7	10.7
Sued by police	70	1	.6	.7
Public mischief	71	14	7.7	9.4
Disturbing the peace	72	2	1.1	1.3
		<u>149</u>		<u>100%</u>

Complainants' Descriptions of Incidents: Type, Severity, Location

C.I.R.P.A. developed a classification of alleged misconduct shown in the categories of Table 9, below. The categories are deliberately non-exclusive in the sense that a single incident could include several categories -- e.g., shoving, punching, and homophobic components. For this reason the number of recorded instances runs to considerably more than the 182 cases in the study. A first complaint was (naturally) described by all 182 complainants (100%), an additional second complaint was given by 88 of the complainants (48% of the total), and a third complaint was given by 38 complainants (21% of the total). Table 9

provides the percentage breakdown of types of incident.

Table 9. Types of Incidents Reported
(Frequency and Percent)

	Number	Percent
Abusive	65	21.1
Racist	15	4.9
Homophobic	12	3.9
Push-Shove	57	18.5
Punch	77	25.0
Kick	37	12.0
Club	14	4.5
Gun (threat)	3	1.0
Torture	4	1.3
Other	24	7.8
	<u>308</u>	<u>100%</u>

Each component of a complaint was given a severity rating by the C.I.R.P.A. volunteer telephone contact, in consultation with the complainant. Ratings were provided for each of the 308 incidents described above, so that a given complainant might, for example, have one complaint of low severity and one complaint of high severity. The decisions were necessarily subjective but were deemed to be of great potential value. (For a discussion of the methodological aspects see Part VI.)

The severity measures will be of greatest interest in the section on cross-tabulations where they will be examined jointly with other variables; by themselves they are rather meaningless. Nevertheless it is worthwhile to examine one aspect in this section: the question of whether C.I.R.P.A. volunteers overloaded certain parts of the scale of severity. Table 10 clearly shows that this did not occur; there is a relatively even distribution across all levels of the nine-point scale.

Since a nine-point scale is cumbersome to work with, subsequent discussions involving severity use a collapsed scale of

three levels: "high," "medium," and "low." Table 10 therefore displays the distribution for this collapsed scale.

Table 10. Levels of Severity of Incidents (Percent)

Severity Level:	1	2	3	4	5	6	7	8	9 (highest)
Percent:	6.0	14.1	17.6	8.5	12.7	7.4	11.6	9.2	13.0
Collapsed Scale:	Low			Medium			High		
Percent:	37.7			28.5			33.8		

C.I.R.P.A. also inquired about the locale in which a given incident had occurred. The categories provided are displayed in Table 11. Again, the numbers shown depict the number of separate incidents alleged (minus a few missing cases), not the number of complainants. Locale information was not provided by complainants for 35 incidents.

Table 11. Locale of Reported Incident (Frequency and Percent)

	Number	Percent
In home	48	17.6
Outside home	25	9.2
On street	88	32.2
In police car	25	9.2
Station parking area	3	1.1
Station common	34	12.5
Station interrog. area	29	10.6
Station cell area	9	3.3
Other	12	4.4
	<u>273</u>	<u>100%</u>

This table is of immediate interest. Note that a majority of the incidents that produce complaints take place outside of what might be called police-controlled space (police cruisers, interrogation rooms, et cetera). Contacts on the street alone

produce close to one third of incidents. A cross-tabulation of locale with hour of day shows the single highest frequency for incidents giving rise to complaints occurs in the combination: late night/on the street.

Linden's 1982 data on incident location support the points just described.³⁷ Again the street is the most frequent locale for incidents -- even more so than for C.I.R.P.A. complainants. Again the person's home or residence is the second most frequent site. And again far fewer incidents occur within police-controlled space than outside of it. As will be seen in the cross-tabulations, however, some of the most serious allegations arise from police-controlled space; sheer percentage of complaints is only part of the picture.

Delay Between First Contact and Onset of Misconduct

Table 12 below displays the time reported by complainants between their first contact with police and the onset of misconduct. Since complainants were asked for the time to initiation of the problem, there is only one time interval per person, even though the problem might have continued for some considerable duration. (It is also possible that the first misconduct encountered was not the worst misconduct. This question was not addressed.) It is important to note that the intervals between adjacent categories are not of equal size. This aspect was based on prior experience with complainants and seems to have worked out well in terms of the responses.

³⁷ Linden's location statistics are compiled somewhat differently. Not only are there a few different categories, but also his data permit only one locale to be recorded per complainant.

Table 12. Delay before Reported Abuse (Percent)

Immediate	77.1
15 minutes	10.3
30 minutes	7.6
1 hour	3.8
2 hours	1.9
	<u>100%</u>

The overwhelming predominance of immediate trouble corresponds nicely with the uniform decline with time shown for later periods. Immediate trouble also corresponds with the conclusion from Table 11 that a majority of incidents take place outside of police-controlled space; the longer after first contact before trouble ensued the more likely a person would be within police-controlled space.

Abuse while in Handcuffs

Handcuffs are properly used as restraints to prevent assault and/or flight. Problems arise when (a) the ratchet processes of handcuffs are allowed to tighten excessively, causing severe pain in the wrists and/or numbness in the hands (b) a person is dragged around by pulling on the handcuffs, (c) a captive prisoner in handcuffs is beaten or threatened. In retrospect it would have been worth adding an additional question to differentiate the three aspects described above. As it is, the C.I.R.P.A. form asked only whether the reported abuse had occurred while the person was in handcuffs. Since this was a single yes-no question, the percentage response can be given quickly: 22% of complainants answered affirmatively. More interesting results will appear in Part IX, when use of handcuffs is associated with other variables.

PART VIII. COMPARISON OF C.I.R.P.A. AND LINDEN STATISTICS

What a Comparison Can Show

How comparable the C.I.R.P.A. and Linden data are can give us strong clues as to the comparability of C.I.R.P.A. and Linden cases. Such questions are not mere idle speculation or statistical exuberance; they have a serious intent. As was noted in the methodology section, neither this Study nor Linden's covers the complete population of all complainants. Many come only to C.I.R.P.A. and do not go to Linden; more go only to Linden and not to C.I.R.P.A. Some complainants go to both, of course, but that is not the point.

In the following section, the distributions for single variables using C.I.R.P.A. data will be compared with the distributions for the same variables using Linden data.³⁸ This will be done for all of the variables that were examined by both organizations. We will see if we can tell whether the two samples of the population of complainants agree closely. If so, we have some confidence that information from either sample can represent the other reasonably well. If the two sample differ substantially, we want to know as much as we can about how they differ -- in what specific ways they differ and where they agree. That may tell us what sorts of people or situations wind up with Linden and what sorts with C.I.R.P.A.

Some of the comparisons have already been covered in passing in earlier sections, but they should now be brought together.

³⁸ To minimize repetition, we will note here that all comparisons in this section utilize Commissioner Linden's Annual Report (1983), covering calendar year 1982, rather than his Interim Report (1982) covering late 1981. The Annual Report will henceforth be referred to as "Linden's data."

Degree of Similarity

In our examination we will at first follow the same sequence of topics used in the preceding major section (univariate analysis). We will then re-group the information into two sectors: (a) those variables for which C.I.R.P.A. and Linden data correspond, and (b) those variables for which the two sets of data differ significantly.

(1) Sex and Sexual Orientation

While the sex ratio in the C.I.R.P.A. cases was almost exactly 3 to 1, the ratio in Linden's data approximated 4 to 1 (81.6% male, 18.4% female).

Linden did not include data on the proportion of homosexual complainants, but there was information on the proportion of incidents attributed to police harassment of homosexuals. Since C.I.R.P.A. included a comparable item ("homophobic" incidents, see Table 9), the proportions can be compared. "Homophobic" incidents comprised 3.9% of C.I.R.P.A. cases and perceived "harassment by police of homosexuals" comprised 1.0% of Linden's cases. The latter is only 25.6% the size of the former. It seems clear that the proportion of complainants perceiving homophobic features in incidents (and therefore, quite likely, the proportion of homosexual complainants) is different for the two organizations, with a far higher proportion complaining to C.I.R.P.A.

(2) Time of Day

Although C.I.R.P.A.'s distribution of cases by year and by month is useful in understanding its own situation, the data is useless for comparative purposes because there are too many idiosyncratic factors involved. (See previous discussion.) With

respect to time of day, the comparative distributions are shown in Table 13, below. C.I.R.P.A.'s hourly percentages are collapsed into 3-hour segments to conform with Linden's reporting, and Linden's are rounded to the nearest whole percent to conform to C.I.R.P.A.

Table 13. Comparative Distributions on Time of Day of Incident (Percent)

Time of Day	C.I.R.P.A.	Linden (Annual Report)
12:01 to 3 a.m.	30	22
3:01 to 6 a.m.	11	6
6:01 to 9 a.m.	5	5
9:01 to noon	9	9
noon to 3 p.m.	10	9
3:01 to 6 p.m.	6	12
6:01 to 9 p.m.	10	17
9:01 to 12 p.m.	20	20
	100%*	100%

* rounding leads to a figure of 101%

These distributions are clearly close enough in general form for us to assume that their differences are due to random variation only.

(3) Charges Laid Against Complainants

We can compare charges against complainants in two distinct ways: number of persons charged and types of charges filed.³⁹

³⁹ With respect to number of charges filed there is a degree of ambiguity concerning whether any of the Linden complainants had more than one charge laid against them. Our reading of pages 77-78 of the Annual Report indicates that none were in this condition.

Table 14. Comparative Distributions on Number of Charges Laid (Percent)

Number of Charges	C.I.R.P.A.	Linden
NONE	38	66
One or more	62	34
Two or more	17	0
Three	3	0
	100%	100%

Table 14, above, indicates an astonishing difference between C.I.R.P.A. cases and Linden cases in terms of charges laid. There can be no doubt that we are dealing with two distinct groups of complainants on this dimension.

With respect to specific charges filed, comparisons are difficult because some of the categories reported in Linden (e.g., "property offence") are not the same as the specific offenses recorded by C.I.R.P.A. However, overall, it is clear that once again there are two distinct groups of complainants.

Examples:	C.I.R.P.A. -- percent	Linden --
Assault (plus Assault Police)	17.5	4.9
Public Mischief	9.4	0
Obstruct Police	5.4	21.4

The percentages given in these examples are percents of all charges received, not percents of all complainants.

Overall, in spite of the difficulty caused by different categories, there can be no question that the two sets of complainants are different in terms of charges received.

(4) Number and Type of Complaints

Rounding to the nearest whole percent, the comparison on multiple complaints appears as shown in Table 15. Linden's data

are superior in that complainants with 4 or even 5 complaints were recorded, whereas C.I.R.P.A.'s record stops at 3. There is a slight but consistent tendency for C.I.R.P.A. complainants to register more complaints.

Table 15. Comparative Distributions on Number of Complaints Reported (Percent)

Number of Complaints	C.I.R.P.A.	Linden
One	100%	100%
Two	48	38
Three	21	18
Four	Unknown	4
Five	Unknown	.5

We now turn to a comparison of the actual complaints recorded. Once again there are difficulties in terms of different complaint categories. The record on the only two comparable categories is somewhat equivocal. On the one hand, assault by police is the most common single complaint category recorded by Linden, at 48% of all complaints. If we do not count "push-shove" as an assault, the percentage of assaults recorded by C.I.R.P.A. is around 43% of all complaints, quite comparable to Linden's figure. On the other hand, the second most common complaint for Linden, at 47.8%, was "verbal abuse/incivility," which accounts for only 21.1% (or 26.0% if we include "racism") of C.I.R.P.A. complaints. The similarity between complaint categories is therefore open to some debate, and due to lack of comparability for most of the complaint categories this issue remains unresolved.

(5) Location of Incident

As described earlier in Table 11 and the surrounding text, C.I.R.P.A. data and Linden data agree on the street being the

most common locale for incidents to arise. They also agree that the home is the second most common area. And both show these two locales accounting for over 50% of incidents, so that a majority occur outside of police-controlled space -- such as cruisers, cells, or stations.

However as Table 16 demonstrates, this is only a part of the picture. Incidents in police-controlled space take up some 36.7% of C.I.R.P.A. complaints, and although this is only a minority of incident locations it is a high, substantial minority. By contrast, incidents in police-controlled space account for only 13.1% of Linden complaints, only 35.7% of the C.I.R.P.A. level. On the other hand, street incidents by themselves account for over 50% of Linden cases but only 32% of C.I.R.P.A.'s. The conclusion must be that although locations are subject to many of the same determinants for both groups of complaints, the two groups are not identical on this dimension. The difference in the proportion of locales under police control is too great to be explained purely by random variation.

Table 16. Comparative Distributions on Location of Incident (Percent)

Location	C.I.R.P.A.	Linden
On street	32.2	51.6
In home	17.6	18.1
Police vehicle	9.2	3.6
Police building	27.5	9.5
(parking area)	(1.1)	
(station common)	(12.5)	
(station interrogation)	(10.6)	
(cell area)	(3.3)	
Other/Outside home	13.6	17.2*
(public building)		(12.0)
(plaza or mall)		(3.0)
(schoolyard)		(1.0)
	100%	100%

* The figure 17.2% includes the specific items listed beneath it plus Linden's own residual "other" category.

C.I.R.P.A. and Linden Attract Different People with Different Situations

Time of day of incidents seemed similar for C.I.R.P.A. and Linden cases. And the sex ratio and the nature of complaints were ambiguous in terms of distinguishing the two groups. All of the other characteristics that could be compared show clear-cut differences.⁴⁰

Differences between C.I.R.P.A. and Linden data show up in terms of (a) personal characteristics of complainants, (b) severity of claims by complainants against police, and (c) severity of claims against complainants by police. Regarding personal characteristics, the perception of homophobic incidents is several times greater in the C.I.R.P.A. sample, and hence the proportion of homosexuals probably differs. Regarding the severity of claims against police, C.I.R.P.A. complaints locate offenses in police-controlled space far more frequently, and make multiple complaints more frequently. Regarding the severity of claims by police officers (that is, charges by police), the proportion of C.I.R.P.A. complainants with charges was three times the proportion for Linden, and the charges seemed somewhat more serious.

It is impossible to determine with existing information whether people with more extreme involvements with police tend to gravitate to C.I.R.P.A. or whether people with relatively minor police involvements gravitate to Linden (or both of the above). There is no doubt that there are systematic and fairly predictable differences between the two sets of cases.

⁴⁰ Statistical purists might feel more comfortable with tests of the statistical significance of these differences. However the central purpose of such tests is to aid decisions by providing numerical odds for debatable situations. Most of the situations here are so clear-cut that no significance tests are necessary. Significance tests turn away lay readers with arcane jargon, and since they are not necessary here they are omitted.

C.I.R.P.A. and Linden attract different people with different situations.

PART IX. CROSS-LINKAGES (BIVARIATE ANALYSIS)

We turn now to analysis of C.I.R.P.A. data using two variables at once, cross-tabulating the major variables previously examined one at a time, and adding a few additional variations.⁴¹ The first section below is the general section, looking at linkages across the board on several different topics. Following this general section are a series of special topic sections dealing with, in order of presentation, relationships involving time (night hours, shift, and end hours), additional relationships concerning 52 Division, and relationships (statistical) concerning sex of complainant.

Space limitations preclude reproducing all tables referred to in this section. In most cases, therefore, findings are verbally summarized from the original tables, with presentation of full tables reserved for interesting results not easily summarized verbally. Copies of the original print-outs may be obtained by writing to the author at the University of Western Ontario, Department of Sociology.

In some of the tables displayed, values in the margins may not exactly equal those values shown in the univariate tables presented earlier. This results from missing information that only becomes relevant when two variables are considered at once.

In each of the numbered sub-sections below, the heading indicates the two variables being examined. For example, Seriousness of worst charge (or no charge) and severity of worst reported abuse, looks at whether there is any linkage between the worst charge (if any) that a complainant was given and the severity of his worst complaint. It attempts to answer the

⁴¹ Multivariate relationships involving more than two variables might be systematically examined in another study. Some few will be referred to in passing here, but the time and effort constraints on the present research simply preclude more elaborate analysis, assuming that the quality of the data merits it.

question, "do people given more serious charges complain of (and maybe receive) worse mistreatment than persons given lighter charges or no charges at all?"

General Relationships

Before discussing relationships it is necessary to describe three measures constructed out of existing variables. Two have already been mentioned in an earlier section.

(A) Police-Controlled space is defined as: police cruiser, station common, station parking lot, station interrogation, and cell area). All other locations, including "other," are considered not police-controlled space.

(B) Seriousness of charge (against complainant). As previously discussed, this considers the most serious charge, if any, against a given complainant, and trichotomizes complainants into: those receiving no charge, those receiving summary offense charge only, and those receiving indictable offense charge.

(C) Severity of TYPE of abuse alleged. This measure is not to be confused with the "severity of abuse" measure, although the two are highly correlated. It stems from the realization that certain types of abuse (e.g., use of club or nightstick) seem likely -- in most instances -- to be more severe than other types (e.g., abusive language). Accordingly, the writer ranked the types of abuse in terms of severity, using descriptions of actual incidents provided by C.I.R.P.A. Independent ranking by C.I.R.P.A. volunteers confirmed the rank order.⁴² The rank order of severity by abuse type is as shown in Table 9 of Part VI, except that "other" is necessarily omitted as unrankable (Persons listing only "Other" as their sole type of abuse are therefore excluded in examinations of this new measure.) In

⁴² There were some cases of rank order reversals (1) between racist and homophobic, and (2) between punch and kick. The majority view was followed. In all other respects the rank orders of different raters were virtually identical.

addition to agreement among C.I.R.P.A. raters, it is clear that complainants tend to see it in more or less the same way. When severity of type of abuse is cross-tabulated with severity of (specific) incident, complainants rankings of the severity of their own incident correspond closely with rated severity of type of abuse.

It should be noted that although a high correlation is to be expected between severity of incident and type severity, there is no necessary connection. Thus we may have incidents of extreme verbal abuse and incidents of a mild kick or shove. So we are truly dealing with two distinct measures of severity, although highly correlated to be sure.

* * * * *

(1) Most severe type of abuse reported (by each person) and reported delay before abuse

Looking at Table 17 (next page) we can see a clear connection between certain particular incident types and the prevalence of delayed reactions. (Bear in mind that the table deals with the single worst incident per complainant.) There is no significant relation between severity of type of abuse reported and extent of delay. The vast majority of alleged incidents occur immediately.

(2) Seriousness of worst charge (or no charge) and percent of incidents in police-controlled space

We are considering only 3 charge levels and a dichotomy of locations. Isolating the proportion that relate to police-controlled space, we find: for complainants with no charge, 75.6% occur outside police space, for those with summary offense charge, the figure is 59.0% outside police space, and for those with indictable offense charge, 55.6% outside police space. The

Table 17. Most severe type of abuse reported (by each person) and reported delay before abuse

Worst Abuse*	Delay					
	Immed.	15min	30min	1 hr.	2 hrs	
Abusive	85.7	9.5	2.4		2.4	100%
Racist	75.0	25.0				100%
Homophobic	80.0			20.0		100%
Push-shove	75.0	13.6	4.5	4.5	2.3	100%
Punch	66.1	10.7	12.5	5.4	5.4	100%
Kick	85.1	8.1	6.8			100%
Club	73.9	13.0	13.0			100%
Gun	33.3	33.3	33.3			100%
Torture	75.0			25.0		100%

* "Other" is excluded from table for reasons explained.

more serious the charge the greater the proportion of incidents reported in police-controlled space. (However, note that for all three groups, the majority of reported incidents relate to space outside police control.) In retrospect the relationship is not very surprising: persons charged are likely to be taken into custody, hence more likely to have stayed within police space for an extended period of time.

(3) Seriousness of worst charge (or no charge) and delay before reported abuse

Here again we consider 3 charge levels and, this time, 5 possible delays (including no delay, or immediate) in reported abuse. For all 3 charge levels, the vast majority of reported incidents took place immediately, and for all 3 charge levels the percent of incidents drop quite regularly with increasing delay times.⁴³ However there was a clear contrast between delays for complainants with no charge and delays for complainants with

⁴³ Out of the 12 possible comparisons of adjacent delay times, 11 were declines and one was an increase.

summary or indictable charges: nearly 90% of complainants without charge reported that the incident occurred immediately, versus around 70% for both charge categories. There were no substantial differences in delay times for the summary and indictable cases.

Given that persons not charged will probably experience shorter contact with police (although not necessarily so), this relationship is not surprising.

(4) Seriousness of worst charge (or no charge) and severity of worst reported abuse

There was a strikingly significant relationship here: The significance test (which is not to be taken too literally with these data -- see earlier discussion) reports that the probability of the relationship observed between most serious charge and severity of worst reported abuse would occur by chance only 6 times in a thousand. However the relationship is a complex one; it is not "linear." The most severe reported abuse is found for complainants with indictable charges. The second most severe reported abuse is for complainants with no charge, while those with summary charges (intermediate seriousness) have the lowest reported severity of abuse.

(5) Seriousness of worst charge (or no charge) and reported abuse while in handcuffs

There was an extreme difference in the proportion reporting abuse while in handcuffs between complainants who were not charged and complainants who received summary or indictable charges. Only 2.3% of those with no charge complained of abuse while in handcuffs versus 23.5% for those given a summary charge and 34.8% for those given an indictable charge. The low percentage of complaints involving handcuffs for those not arrested is not intuitively surprising, since they would not ordinarily be taken into custody. Again the highest percentage of reported

abuse occurs for complainants charged with indictable offenses.

(6) Most severe type of abuse reported and reported abuse while in handcuffs

There were very significant differences between certain specific types of abuse and the proportion who reported abuse while in handcuffs. These differences are shown in Table 18, below. However, there was no clear trend regarding reported abuse while in handcuffs in terms of the severity of the type of abuse.

Table 18. Most severe type of abuse reported and reported abuse while in handcuffs. (Percent)

	<u>Worst Abuse*</u>								
	Abusive	Racist	Homo-	Push-	Punch	Kick	Club	Gun	Torture
<u>No handcuffs</u>	92.3	100	100	81.8	79.2	61.6	83.3	100	33.3
<u>Reported handcuffs</u>	7.7	0	0	18.2	20.8	38.4	16.7	0	66.7

* "Other" is excluded from table for reasons explained earlier.

(7) Severity of worst reported abuse and reported abuse while in handcuffs

There was a very significant correlation between severity of reported abuse and the proportion who reported abuse while in cuffs. The great gap was between those who reported a low severity for their worst abuse and those who reported either medium or high severity for their worst abuse. Medium severity cases had a slightly higher percentage of reported use of handcuffs than high severity cases.

(8) Seriousness of worst charge (or no charge) and most severe type of abuse reported

There was a moderate association (statistically significant, within the limits of such tests in this context) between seriousness of worst charge and severity of reported type of abuse. In general, the more serious the worst charge (from no charge through summary to indictable) the more severe the type of abuse reported.

Concerning Night-time, Shifts, and End-hours

In this section we take up relationships having to do with diurnal time -- time relating to the daily cycle. Three factors in particular will be subjected to study: night-time (versus day light hours), police shift, and end-hours (the beginning and end of police work shifts).

(A) Night hours vary, of course, with the season of the year. We decided to look closely at what might be called, clumsily, after-work-evening-and-"late-night"-hours, specifically the hours 7 p.m. to 2 a.m. For convenience these will be termed "night-hours," recognizing the lack of perfect fit. (For an hourly breakdown of incidents see the univariate section.)

(B) Police shifts for the Toronto force run from midnight to 8 a.m., from 8 a.m. to 4 p.m., and from 4 p.m. to midnight. It seems reasonable to examine whether certain relationships vary by police shift.

(C) End-hours for each police shift would be the first and last hours of the shift. Thus for a day with 3 regular shifts there are 6 end-hours. The other 18 hours can be called "middle-hours." Some theories of behavior would anticipate differing levels of tension and/or hostility during the beginning and final periods of a work shift. For ease of measurement the first and final hours were used as reasonable approximations of these periods.

It is important to note that there are more non-night hours than night hours (as we have defined them here) and more middle hours than end-hours. This makes analysis of these two topics somewhat tricky. For instance, since there are 3 times as many middle hours as end-hours, we would expect to find somewhere around 3 times as many incidents occurring during middle hours as occurred during end-hours, even if nothing special was going on.

But this is difficult to handle when one reads statistics. To facilitate matters, where necessary, data have been manipulated by different "weightings" so that a fifty-fifty split implies that nothing special is going on. For such comparisons, the greater the departure from a fifty-fifty split, the more striking the effect.

* * * * *

(1) Police shift and severity of worst abuse reported

There was a striking difference between shifts in the severity of worst reported abuses. With 54 missing observations (incomplete responses), the relationship is shown in Table 19. Severity reported is strikingly lower for the 8-4 (working day) shift, the midnight to 8 a.m. shift is intermediate, and the 4 p.m. to midnight shift highest in severity reported by a considerable margin.⁴⁴

Table 19. Police shift and severity of worst abuse reported
(Percent)

		<u>Police Shift</u>		
		<u>12 - 8</u>	<u>8 - 4</u>	<u>4 - 12</u>
<u>Severity of worst abuse reported</u>	Low	41.3	64.0	31.1
	Medium	32.6	24.0	26.7
	High	26.1	12.0	42.2
		100.0	100.0	100.0

(2) Police shift and reported abuse while in handcuffs

The percentages of complainants who reported use of hand-

⁴⁴ The 54 missing observations alter the "marginals" from values given in the univariate section. For this table, the percentages are: (1) for severity, low 38.3%, medium 25.8%, high 26.6%. (2) for shift hours, 12-8 39.8%, 8-4 21.9%, 4-12 38.3%. The working hours shift has fewest overall complaints as well as the least severe complaints.

cuffs during abuse, by police shift, were: 12-8 shift: 22.2%, 8-4 shift: 15.0%, 4-12 shift: 21.6%. Again the 8-4 shift is moderately lower than the other two shifts.

(3) Police shift and location of reported abuse

There were strong differences between police shifts in the percentages of reported abuses in various locales. However there does not seem to be any consistent pattern to the differences. Table 20 displays these highly idiosyncratic tendencies. Some of the variation is quite understandable, for example the low percentage of reported abuses in the home during working hours. Some tendencies, such as the changing percentages of reported abuses in station interrogation areas, may be a reflection of police office procedures. Some tendencies are inexplicable.

Table 20. Police shift and location of reported abuse
(Percent)

Location	Shift			
	12 - 8	8 - 4	4 - 12	
In home	40.0	14.3	45.7	100%
Outside home	35.0	10.0	55.0	100
On street	47.8	20.9	31.3	100
Police cruiser	25.0	18.8	56.3	100
Station parking		100*		100
Station common	59.3	14.8	25.9	100
Station interrog.		37.5	62.5	100
Cell area	66.7		33.3	100
Other	25.0	25.0	50.0	100

* There were only 2 cases in station parking for which shift (time of day) information was also available.

(4) Night-hours and severity of worst abuse reported

The night hours of 7 p.m. to 2 a.m. were sub-divided into 7 p.m. to 11 p.m. and 11 p.m. to 2 a.m. When these two periods plus "all other hours" were cross-tabulated with severity, the 2 night hour periods displayed a markedly higher level of severe

reports than did the "all other hours." The table roughly paralleled Table 19 (police shift by severity), and indeed can probably account for much if not all of the shift differences noted there. The 7 to 11 period, occurring during the 4 - 12 shift, was considerably higher than the 11 to 2 period, occurring for the most part in the 12 - 8 shift, which was itself considerably higher than the "all other hours" period.

(5) End-hours and number of complainants

As may be seen by reference to Table 4, end-hours of shifts accounted for 28% of all incidents. Since end hours account for only one-quarter of all hours, the "expected" level (assuming nothing unusual) would be 25%. The observed level is only slightly higher; the difference of 3% is not significant.

(6) End-hours and severity of worst abuse reported

There was a very slight tendency for greater severity during end-hours, but the differences were very small and not statistically significant.

(7) End-hours and type of abuse reported

Notice that the comparison is not for the worst type of abuse that each complainant reported but rather for all types that each person reported.

There was no general association between end-hours and severity of type of abuse.

However there were interesting connections between end-hours and the frequency of specific types of abuses. Since this is both interesting and not easily summarized, the situation is shown in Table 21, below.

Two general comments are required about this table: (1) it is weighted, since the number of end-hours is not equal to the number of middle hours (2) since some complainants did not provide time data, the number of cases is correspondingly

CONTINUED

1 OF 2

reduced. For one abuse type (reported gun threats) all 3 cases are eliminated; for another (reported torture) only 2 cases remain.

Table 21. End-hours and Type of Abuse Reported (Percent)

Type of Abuse Reported*	Time Period	
	End-hours	Middle hours
Abusive	50.0	50.0
Racist	50.0	50.0
Homophobic	66.7	33.3
Push-shove	44.8	55.2
Punch	62.0	38.0
Kick	55.8	44.2
Club	27.3	72.7
Torture	0	100(2 cases)
Other	56.3	43.7

* Gun (threat) not listed for reason described above.

(8) End-hours and police division

End-hours were also examined vis-a-vis police division, pitting 52 Division against other police divisions (taken as a whole) in percent of complaints that arose during end-hours. Division 52 had a clearly smaller percent of incidents occur during end-hours than did other divisions. Using weighting, so that 50% "should" occur during end-hours and 50% during middle hours, 44.1% of incidents involving 52 Division occurred during end-hours, while 55.9% of incidents involving other units occurred during end-hours.⁴⁵

These figures must be interpreted very cautiously because there was a very high proportion of C.I.R.P.A. cases (approximately two-thirds) that could not be included in the calculation of these statistics -- either because the police unit was unknown or the time of day was not specified. Thus, the above figures are derived from only about one third of all cases.

⁴⁵ See further discussion of 52 Division and time variables in the next section.

* * * * *

Considering the relationships involving end-hours as a whole, it seems clear that no major, systematic differences in treatment occur at these times. There are certain intriguing connections with particular types of reported abuse.

Concerning 52 Division

(1) Police division and night-hours

As noted above, 52 Division had a lower percentage of incidents during end-hours than other police units taken as a whole. One reason for this will be examined here. The highest hours for complaints for the force as a whole were night-hours, which include 2 of the 6 end-hours. It turns out that Division 52 had a lower percentage of its complaints arise during night-hours than did other units as whole, and this probably accounts for the finding respecting 52 Division and end-hours.

Using a weighted approach (see earlier discussion), the night hours 7 p.m. to 11 p.m., and 11 p.m. to 2 a.m., and the "other hours" should each account for 33.3% of total incidents. In actual fact, the night-hours 7 p.m. to 11 p.m. accounted for 39.1% of 52 Division's complaints and 35.1% of complaints for all other divisions. But the night hours 11 p.m. to 2 a.m. accounted for only 39.1% of 52 Division's total and for 53.1% of the total for all other units. Thus, night-hours account for a considerably smaller proportion of 52 Division's total complaints than they do for the complaints going to other divisions.

One major precaution with these statistics is the same as mentioned in the earlier discussion of 52 Division and end-hours: about two-thirds of cases could not be included in the calcula-

tions. (See that discussion for the reason.)

The finding that 52 Division actually has a lower proportion of its total complaints occurring during night-hours than other divisions do is significant because one persistent excuse for the division's very high complaint rate has always been that it operates in a neighbourhood with a lot of late night activity. Thus Commissioner Linden's Interim Report states that "the unusually high incidence of complaints arising out of 52 Division may be explained by its location in the downtown core, where there is considerably more activity, especially on weekends and at night when most complaints occur" (1982, p. 28). It has never been entirely clear just why this should excuse a high complaint rate, but in any event the point becomes moot when C.I.R.P.A. data reveal the comparatively lower percentage of night hours complaints for this division vis-a-vis the percentage of night hours complaints for other divisions of the force.

(2) Police division and homophobic incidents

There is a general impression among C.I.R.P.A. personnel that 52 Division was more pronounced in homophobic tendencies than other police units. Accordingly, such measures as were available have been examined on this point.

First, regarding all complaints that mentioned this form of abuse, 50% occurred in connection with 52 Division and 50% occurred in connection with all of the other units of the force. Division 52 is clearly the largest single unit of the Metro Toronto Police Force, but it in no way compares in size or in arrest statistics with all other units taken in combination.

Second, the same question was addressed with respect to the most severe type of abuse complained about. Unfortunately, after eliminating those who also complained of another matter, judged more serious, and further eliminating cases for which the officer's unit was unknown, only 4 cases remained. Very little confidence can be placed in such a comparison, but for what it is

worth 75% were associated with 52 Division and 25% (1 case) with all other units.

Finally, of those persons who identified themselves as homosexual on the sex/sexual preference question, 46.2% were associated with incidents involving 52 Division and 53.8% with all other police units.

It is not too easy to interpret these results because the distribution of incidents involving homosexuals will be a function not only of police attitudes in various divisions but also of the addresses of residences and associations of homosexuals within Toronto. All that can be said at this point, using data that were not designed to answer this specific question, is that the data are tentatively consistent with the aforementioned impression.

Concerning Sex of Complainant

Probably the most remarkable set of findings that have emerged concern the extreme and consistent differences based on the sex of the complainant.

(1) Sex of Complainant and percent charged with an offense

Only 30.4% of male complainants were not charged with any offense, versus 47.4% of female complainants. For homosexual complainants the disparity between charging of gay men and lesbian women was even stronger.

(2) Sex of Complainant and seriousness of worst charge

Of those charged with any offense, 45% of males received a less serious summary charge and 55% received a more serious indictable charge. For females these percentages were exactly reversed: 55% received a summary charge and 45% an indictable charge.

Since none of the self-indicated lesbian women was charged, the comparison cannot be made for homosexuals.

(3) Sex of complainant and severity of worst abuse reported

Each complainant had only one worst reported abuse; it was trichotomized in terms of severity into high, medium, and low. The results are as shown in Table 22.

Table 22. Sex of complainant and severity of worst abuse reported (Percent)

<u>Sex of Complainant</u>		<u>Severity of Worst Abuse Reported</u>			
		<u>Low</u>	<u>Medium</u>	<u>High</u>	
M		33.3	31.3	35.4	100%
F		60.6	12.1	27.3	100%

(4) Sex of complainant and severity of ALL abuses reported

This statistic is very similar to the one above except that here each complainant is considered in terms of all complaints made. Thus a single complainant might have one highly severe complaint and one of low severity.

Table 23. Sex of complainant and severity of ALL abuses reported

<u>Sex of Complainant</u>		<u>Severity of ALL complaints Reported</u>			
		<u>Low</u>	<u>Medium</u>	<u>High</u>	
M		31.8	34.1	34.1	100%
F		55.4	17.9	26.8	100%

(5) Sex of complainant and severity of type of abuse reported

Again the difference in reported severity by sex is overwhelmingly clear. Complaints by women are concentrated in the first 4 categories (abusive, racist, homophobic, and push-shove). A sharp divergence begins at "punch", which 31.5% of men and 16.4% of women report. For kicking, 15.2% of men and 5.5% of

women report this. As for clubbing, gun threats, and torture, these complaints and allegations are made exclusively by men.

* * * * *

There are various causal hypotheses that can be advanced to explain these strong and consistent divergencies by sex of complainant. Resolution of the actual causal linkages must be left for future research.

PART X. NINETEEN CONCLUSIONS AND SOME IMPRESSIONS

The following represent some carefully considered conclusions I have reached from the arguments presented in earlier sections. They are my own views, although, of course, many are shared by other people, including the authors of other studies.

1. Police have a very difficult job to do, under very difficult circumstances. It is amazing that they do not aggravate more people than they do. (I wonder how well I would do under such circumstances.)

2. There can be little doubt, after several careful studies, that the old approach of letting police in Toronto investigate their own complaints is wholly inadequate. Justice is not seen to be done, and, further, justice is not done in fact. An outside authority is an absolute necessity.

3. There can be no doubt, after documentation by careful governmental studies, that alteration of evidence by police in cases of citizen complaints is a common practice in Toronto. This is supported by an "ethic" in which support for one's buddy is extended from line-of-fire situations into cover-ups.

4. Studies indicate that the number of persons who feel personally victimized by police misconduct exceeds by a considerable margin -- perhaps by a whole order of magnitude -- the number of persons who actually file a formal complaint.

5. Standard procedures followed by the old Complaints Bureau were grossly unfair to the citizen complainant. Commissioner

Linden is to be greatly commended for having made several major procedural reforms.

6. Notwithstanding these procedural reforms, the present complaints process is fatally flawed by permitting independent inquiry outside of the force to begin only after 30 days have elapsed. Equity requires the reform of the existing Act to remove this feature. Other debatable features of the present arrangement are probably workable.

7. The heaping of roadblock and risk to the process of private prosecutions of police officers in Toronto has increased to the point that this is an option in name only. (I wouldn't try it, and neither would any sensible person after the reality had been explained.) It is not a real, viable avenue of citizen redress and should cease to be cited as such.

8. There is something very peculiar about the 290 allegations of assault processed by Commissioner Linden's Office in 1982. (See earlier discussion in Part II.) The ambiguity should be clarified. It is highly likely that penalties imposed for assault need to be strengthened.

9. The most "severe" sanctions recorded by Linden have been "cautions" and "counsels," but the precise, real consequences for an officer of getting a "caution" or a "counsel" on his record need to be clarified. If they do not, in reality, have any adverse consequences whatsoever then Commissioner Linden's Office will have to move to other sanctions to achieve even minimal deterrence.

10. (a) Commissioner Linden's program of research has already made valuable contributions to understanding the complaint process in Toronto. But (b) understanding (and remedial action)

will remain deficient without examination of trends (which Linden plans), cross-tabulation of variables, and the detection of officers with multiple complaints.

11. Citizen complaints are sufficiently credible that clear patterns and trends in large numbers of complaints will usually reflect real aspects of misconduct. This says nothing about possible large-scale exaggerations, nor about the veracity of any individual complaint.

12. The hold-up squad has engaged in very serious misconduct, the exact nature and extent of which should be the subject of a formal inquiry.

13. The very high level of complaints directed at 52 Division (a) can be partially accounted for by command personnel and/or command policies, and (b) definitely cannot be accounted for by the extent of night activity in the area.

14. Time of day is related to both the number of incidents alleged and to their severity. Further, the same times of day giving rise to the largest number of complaints also give rise to proportionally more serious complaints.

15. Most incidents giving rise to citizen complaints occur outside of "police-controlled space," and most occur immediately upon contact, without appreciable delay.

16. Not only do few people appeal to both C.I.R.P.A. and Linden, the two organizations attract different sorts of persons with different kinds of situations.

17. The greater the seriousness of the charge(s), if any, laid against particular complainants the greater the severity of the

reported misconduct by police. This tendency is very consistent and holds for several measures of reported misconduct.

18. There are striking differences in several measures of alleged mistreatment between males and females, and all differences are in the same direction, i.e., males reporting greater severity.

Finally, no research report would be complete without a call for further research. Accordingly,

19. Further research into the complaint process in Toronto would be very valuable in terms of possible remedial action. In particular, research is needed regarding ethnicity and age of complainants, cross-tabulation of complaint outcomes with complaint and complainant characteristics, and sophisticated analysis of causal linkages in male female complaint differences.

* * * * *

In addition to the above conclusions, which I would maintain are well grounded, I want to set down certain impressions that I have formed. Although I believe these impressions are correct, I would be the first to agree they are not supported by the kind of evidence that supports the above conclusions.

Impression 1. The principal purpose of the Complaints Bureau, its original *raison de etre*, was neither to prevent abuses nor to punish police transgressors but rather to improve public relations.

Impression 2. There is a conflicting viewpoint, and therefore a certain tension, between those who view the new Office of the Public Complaints Commissioner as, essentially, more public

relations, and those who view it as a means of reducing a real problem.

Impression 3. C.I.R.P.A. has served a significant function, as perennial critic and potential whistle-blower outside the governmental structure, considerably beyond what its size and formal influence would seem to allow. Government agencies occasionally do what it recommends -- after a decent interval, of course.

Impression 4. The Metropolitan Toronto Legal Department ("Metro Legal") has adopted a narrowly legalistic view of its own actions, ignoring broader social concerns that are also affected.

This Study has taken me three times as long, and three times as many pages, as I originally anticipated. Perhaps it is a defensive gesture to say that I believe it was worth it from my own standpoint. Hopefully, the city of Toronto and its people will find it useful.

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APPENDIX: Blank C.I.R.P.A. Complaint Form

SURNAME (Block Letters)		Day Month Year	Day Month Year
DATE OF INCIDENT		6 MONTH EXPIRY	
FIRST-NAME(S)		Date to CIRPA	Date File Closed
MAILING ADDRESS (Include postal code)		STANDARD NUMBERED LETTERS	#
Home Phone	Work Phone	SHOW #	#
LAWYER (if known)	Lawyer's Phone	SHOW DATE SENT	#
NOTES		#	#
Date Statement Rec'd.			
<input type="checkbox"/> Small Claim <input type="checkbox"/> Civil Suit		} Filed	
Date Heard In Court			
<input type="checkbox"/> SEE REVERSE			

SURNAME							INITIALS		AGE		SEX				COLOUR/ETHNIC OTHER								DATE OF OCCURRENCE				TIME			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	14	15	16	17	18	19	20	21	22	23
CHARGE VS COMPLAINANT											COMPLAINT MADE TO:																			
TYPE DISPOSITION 19 LOITER 32 ASSAULT 51 GUN 25 26 27 33 OBSTRUCT POLICE 52 HOLD UP 28 29 30 34 ASSAULT POLICE 53 HOMICIDE 31 INDECENT 40 THEFT / FRAUD 54 MORALITY 22 BAWDY HOUSE 41 AUTO THEFT 55 MORALITY 23 MORALITY 42 B & E 56 MORALITY 30 DRUGS (POSS) 50 WEAPON 57 MORALITY 31 DRUGS (TRAFFIC) 58 OTHER THAN GUN 58 ACQUITTED 59 CONVICTED											TYPE DISPOSITION 31 POLICE 1 PENDING 32 LINDER 2 THROWN OUT 33 PRESS 3 TOKEN RESPONSE 34 CRIMINAL CHARGES 4 ARBITRATED 35 SMALL CLAIM 5 SUCCESSFUL 36 LAWSUIT 6 LAWSUIT																			
VICTIM'S SOCIO-ECONOMIC STATUS				UNIT				INCIDENT				TYPE				SEVERITY				DELAY (HOURS)										
LOW CODE HIGH CODE (ANY COMBINATION) 37 38 1 WELFARE 6 IN SCHOOL 2 UNEMPLOYED 7 WORKING CLASS 3 PENSION 8 MIDDLE CLASS 4 DISABILITY 9 UPPER CLASS				-- DIVISION 1 - 1 - T - TRAFFIC 2 - 2 - D - DRUGS 3 - 3 - M - MURDER 4 - 4 51 - SPECIAL HOLDUP 5 - 5 52 - MORALITY 6 - 6 53 - INTELL. 7 - 7 54 - E.T.J. 7 - 7				1 - ABUSIVE 1 - 1 2 - RACIST 2 - 2 3 - HOMOPHOBIC 3 - 3 4 - PUSH/SHOVE 4 - 4 5 - PUNCH 5 - 5 6 - KICK 6 - 6 7 - CLUB 7 - 7 8 - SUN 8 - 8 9 - TORTURE 9 - 9				1 - YES 1 - IMMEDIATE 2 - NO 2 - 15 MIN 3 - 30 MIN 4 - 1 HR 5 - 2 HR 6 - 3 HR 7 - 4 HR 8 - 5 HR 9 - OTHER				1 - IN HOME 2 - OUTSIDE HOME 3 - ON STREET 4 - IN POLICE CAR 5 - IN PARKING 6 - IN COMMON 7 - IN INTERVJ. 8 - IN CELL AREA 9 - OTHER														
OFFICERS (IF MORE THAN 3, CODE 3RD WITH #S)											OFFICERS (IF MORE THAN 3, CODE 3RD WITH #S)																			
UNIT SERIAL NO. NAME INITIALS INCIDENT 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54											TYPE SEVERITY CLAS. LOCATION DELAY 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70																			
71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86											87 88 89 90 91 92 93 94 95 96 97 98 99 100 101																			

NOTE IN ALL CASES
 BLANK = N/A
 0 = UNKNOWN

END