July 14, 2020

Toronto Police Services Board

Virtual Town Hall Meeting

Toronto, Ontario

**VIRTUAL TOWN HALL MEETING SUBMISSION**

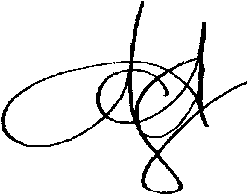
Please find attached documents in support of Across Boundaries: An Ethnoracial Mental Health Centres’ submission on July 16th, 2020.

Howard F. Morton will present on behalf of Across Boundaries.

The attachments are as follows:

* Communique re implementation of Inquest recommendations – (Oct. 3rd, 2017)
* Coalition Response to Mayor Tory – (June 28, 2020)
* Inquest Verdict – (June 30, 2017)

Sincerely,



Aseefa Sarang

Executive Director

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**C O M M U N I Q U E**

**Implement Recommendations of Andrew Loku Inquest: Coalition Asks Province**

**Press Conference: October 3rd, 2017**

At a press conference held at Queen’s Park on Tuesday, October 3rd, a coalition of mental health service providers, supportive housing providers and community activists called upon the Ontario government to implement forthwith the inquest jury recommendations. These recommendations address the urgent need to completely modify and restructure police culture and structure (as testified to by Dr. Kwame McKenzie at the inquest and reflected in jury recommendation number twelve), and the manner in which officers engage in situations involving mental health, race and the intersectionality of same, particularly anti-Black racism.

On June 30, 2017, the Coroner’s jury made 39 recommendations arising out of its consideration of four weeks of evidence concerning Mr. Loku’s death at the hands of police in circumstances involving the intersectionality of race and mental health. While these recommendations do not address the full gamut of changes needed to address the critical issues that arise in this regard, they signal an important start, and should be implemented without delay with the exception of the use of tasers which is controversial.

Seventeen of the thirty-nine recommendations address the issue of policing and race. And in several of its recommendations, the jury chose to specifically address the issue of anti-Black racism.

This province has a long history of non-responsiveness to inquest jury recommendations. A lack of meaningful response to the Loku recommendations by the Government and all responsible agencies quite simply will not be tolerated.

The recommendations are directed specifically at the Ministry of Community Safety and Correctional Service, the Ministry of Health, the Toronto Police Service, the Toronto Police Services Board, and CMHA.

Coalition members have written to Premier Wynne, requesting a meeting with her and the involved Ministers to impress upon the government the need for leadership in ensuring full and expeditious implementation and to determine how it plans to do so.

The letter to Premier Wynne was released at the press conference.

On behalf of the undersigned:

1. Anti-Black Racism Network
2. Accommodation, Information and Support Inc. (AIS)
3. Across Boundaries: An Ethnoracial Mental Health Centre
4. Addictions and Mental Health Ontario
5. Black Coalition For AIDS Prevention
6. Canadian Civil Liberties Association
7. Canadian Mental Health Association
8. Colour of Poverty - Colour of Change
9. Dream Team
10. Empowerment Council
11. Fife House
12. [Houselink Community Homes](http://www.houselink.on.ca/)
13. Human Rights Legal Support Centre
14. Law Union of Ontario
15. Madison Community Services
16. Mainstay Housing
17. Ontario Council of Agencies Serving Immigrants
18. Parkdale Queen West Community Health Centre
19. Peel Coalition Against Racial Discrimination (PCARD )
20. Reconnect Community Health Services
21. Regeneration Community Services
22. Street Haven
23. Street Health
24. Taibu Community Health Centre
25. Unifor
26. Urban Alliance for Race Relation
27. Wellesley Institute
28. York Youth Coalition(YYC)
29. Abdillahi, Idil
30. Chow, Olivia
31. Councillor Mike Layton
32. Councillor Joe Mihevc
33. Councillor Michael Thompson
34. Cressy, Gordon
35. Ewart, Doug
36. Galabuzi, Grace-Edward
37. MPP Peter Tabuns
38. Mukherjee, Alok
39. Roach, Kikelola
40. Singh J.D., Knia
41. Singh, Anne-Marie

**QUOTES FROM SIGNATORIES**

“Anti-Black racism, for the first time in the history of inquests, was identified and named in the death of Andrew Loku. In the face of historical non-responsiveness to inquest recommendations we urge the Government of Ontario to show leadership in working with the community to implement the recommendations that will not only improve the experiences but more importantly save the lives of individuals from racialized and Black communities living with a mental health or addiction issue and their interactions with the Police.”

* *Aseefa Sarang*

*Executive Director*

*Across Boundaries: An Ethnoracial Mental Health Centre*

“The tragic shooting death of Andrew Loku should never have occurred. It took place within a police culture that raises troubling questions about policing, mental health, systemic racism and other forms of discrimination. It is imperative that the government take all possible measures to prevent future deaths of this kind. That is the very purpose of the inquest – and the government must move swiftly to implement the jury recommendations and report publicly on their implementation.”

* *Noa Mendelsohn Aviv, LL.B., LL.M.  
  Acting Executive Director, Canadian Civil Liberties Association*

"Coroner's inquest recommendations are meant to prevent further deaths. Yet, deaths at the hands of the police have continued, and recommendations made by the coroner's juries go unheeded. It is time for the province to get serious and take responsibility for ensuring that recommendations, such as those related to anti-Black racism in policing and gathering of data on deaths in police interactions are implemented. Otherwise, public will lose confidence in the utility of these inquests."

* *Alok Mukherjee*

*Distinguished Visiting Professor*

*Equity & Community Inclusion, and,*

*Department of Criminology*

*Ryerson University*

“The Jury has presented a thoughtful, broad, comprehensive and timely set of recommendations on how to better protect the public when mental health issues are involved,” said Councillor Michael Thompson, Scarborough Centre, Ward 37. “Toronto’s sociological profile is changing rapidly, and current approaches have fallen behind. Sweeping changes are needed to ensure that policing, corrections and health services are prepared to help and protect people who are dealing with mental health crises, no matter what their backgrounds.”

* *Michael Thompson*

*Chair, Economic Development and Culture Committee*

*Chair, Invest Toronto*

*Councillor, Scarborough Centre*

*Ward 37*



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June 28, 2020

To:

Mayor John Tory

City Councillors

Chair, and Members, Toronto Police Services Board

The Andrew Loku Coalition

We, the undersigned, write on behalf of Across Boundaries and The Andrew Loku Coalition (consisting of mental health service providers, supportive housing providers, academics and community groups and members), who in October 2017 called on the Government of Ontario, the City of Toronto and the Toronto Police Services Board to forthwith implement all of the June 2017 Loku Inquest recommendations (attached is our October 3, 2017 communique).

Andrew Loku was a father of five from Sudan, receiving mental health and housing supports from Across Boundaries and CMHA Toronto. He had been a participant of the two organizations for 9 years and on the night of July 5, 2015 Andrew Loku was killed by the Toronto Police who were responding to a noise issue related to his mental health. An inquest was held in this death and 39 recommendations were released on June 30th 2017.

On June 25, 2020 Mayor Tory released 18 recommendations to address the current community demands for better responses to Black, Indigenous and marginalized individuals in distress who are attended to by the police.

Having reviewed the motion, the Coalition is able to support item 3 only, “provide a line-by-line breakdown of the Toronto Police Service’s existing budget at the outset of the Board’s annual budget process”.

The rest of the items are problematic and continue to perpetuate systemic racism against Black, Indigenous and marginalized communities. They attempt to delay, if not resist, serious, meaningful transformative action. They reflect historical platitudes, “requests” for “plans” and “consultations” and suggestions for improved training, all of which have been proposed and echoed for years, yet have utterly failed to result in meaningful reform with respect to the intersectionality of anti-Black racism and mental health within the current policing model. They propose re-investments into existing initiatives without community consultation, risking the recreation of continued problematic racist structures that do not help restore faith in the system.

Furthermore, the motion urges adoption rather than **implementation** of “all of the recommendations directed to the Toronto Police Service from the 2017 Andrew Loku Inquest”. The Loku jury made 39

recommendations aimed at the Toronto Police Services, Toronto Police Services Board, and various Provincial ministries. Seventeen of those recommendations specifically dealt with racism, anti-Black racism, and implicit bias within the Toronto Police Service – link to recommendations: (<https://www.mcscs.jus.gov.on.ca/english/Deathinvestigations/Inquests/Verdictsandrecommendations/OCCInquestLoku2017.html>)

We are deeply concerned that the only item which refers to the Loku recommendations, that is, # 11, is a mere request to the Chief to “adopt” the Loku recommendation directed to the Toronto Police Service. Mere adoption is unacceptable. The item should have called for implementation and should have called for the Police Services Board, of which the Mayor is a member, to implement the Loku recommendations directed to it. We fail to understand the obviously purposeful wording used.

We do not support item # 11 as presently worded.

We expect City Council to advance strong, meaningful transformative action through an amendment to the Mayor’s motion as follows:

* require implementation of **all** of the recommendations that fall within the City’s jurisdiction;
* take action to establish immediately an alternative, community-based civilian model of response to non-violent mental health crises;
* direct the Mayor and Councillors in their role as members of the Toronto Police Services Board to ensure full and immediate implementation by TPS of all recommendations from the Iacobucci review, the Andrew Loku Inquest and the Ontario Human Rights Commission’s report related to racism, anti-Black racism and implicit bias in policing; and,
* initiate immediate discussion with relevant institutions to advocate for the implementation of those changes and processes which fall outside the City’s purview.

Now is the time for concrete, immediate action. Anything less is unacceptable.

On Behalf of the Coalition:

Aseefa Sarang, Executive Director, Across Boundaries

Idil Abdillahi, Assistant Professor, Ryerson University

Howard F. Morton, Q.C.

Alok Mukherjee, Author, with Tim Harper, Excessive Force: Toronto’s Fight to Reform City Policing (2018)

**Supported by:**

Ali, Shaheen, Retired Mental Health Planner, Promoter, Anti-Racism Consultant

Atungo, Simone, Board Member, Across Boundaries

Badsha, Mohamed, CEO, Reconnect Community Mental Health Centre

Chow, Olivia, Academic Lead, Institute For Change Leaders

Douglas, Debbie, Executive Director, Ontario Council Of Agencies Serving Immigrants (OCASI)

Fakunle, Babatunde, Board Member, Across Boundaries

Harriott, Dawnmarie, Board Member, Across Boundaries

Hunt, Alison, Executive Director, Regeneration Community Services

Khalid, Fizza, Board Member, Across Boundaries

Robertson, Angela, Executive Director, Parkdale Queen West Community Health Centre

Singh, Anne-Marie, Associate Professor of Criminology, Ryerson University

Sun, Fay, Board Member, Across Boundaries

Swadron, Marshall, Chair - Mental Health Legal Committee

Zine, Jasmine, Professor, Sociology/Muslim Studies, Wilfrid Laurier University

Chai-Tikvah Foundation

Canadian Mental Health Association, Toronto

Dixon Hall

Fred Victor

Habitat Services

Houselink Community Homes

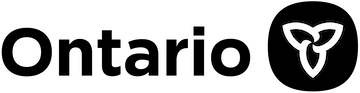
House of Compassion

LOFT Community Services

Madison Community Services

Progress Place

St. Jude Community Homes

**[](http://www.ontario.ca/en/residents/index.htm?_ga=2.115888326.1931187736.1594756635-151729216.1594756635)**

* [**Ontario.ca**](http://www.ontario.ca/)
* [**Français**](https://www.mcscs.jus.gov.on.ca/french/Enqu%C3%AAtesurlesd%C3%A9c%C3%A8s/Enqu%C3%AAtes/VerdictsetRecommandations/BCCEnqu%C3%AAteLoku2017_fr.html)

**Ministry of the  
Solicitor General**

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# OCC Inquest - Loku 2017

* [**Print**](https://www.mcscs.jus.gov.on.ca/english/Deathinvestigations/Inquests/Verdictsandrecommendations/OCCInquestLoku2017.html)

# Office of the Chief Coroner Verdict of Coroner's Jury

## Office of the Chief Coroner

### The Coroners Act - Province of Ontario

**Surname:** Loku  
**Given name(s):** Andrew  
**Age:** 45

**Held at:** Toronto  
**From:** June 5  
**To:** June 30, 2017  
**By:** Dr. John Carlisle, Coroner for Ontario  
having been duly sworn/affirmed, have inquired into and determined the following:

**Name of deceased:** Andrew Loku  
**Date and time of death:** July 5, 2015 at 12:25 a.m.  
**Place of death:** 502 Gilbert Avenue, Toronto  
**Cause of death:** Gunshot wounds to the left chest  
**By what means:** Homicide

(Original signed by: Foreperson)

The verdict was received on the 30 of June, 2017  
**Coroner's name:** Dr. John Carlisle  
(Original signed by coroner)

We, the jury, wish to make the following recommendations:

### Inquest into the death of:

Andrew Loku

### Jury Recommendations

#### To the Toronto Police Service:

1. Using reputable, external educators and other experts, TPS should ensure that the Service develops and implements annual/regular training at division and platoon meetings with a focus on the equitable delivery of policing services. The training should acknowledge the social inequities and challenges faced by racialized communities and consumer survivors who have experienced mental health challenges and equip officers with skills needed to provide appropriate responses and service delivery. Training topics should include, but not be limited to:

* Bias-free service delivery
* Social disparity
* Equitable outcomes for all
* Stress and fear inoculation techniques
* Mindfulness techniques
* De-escalation
* Crisis communication
* Negotiation
* Implicit bias
* Trauma informed approaches
* Anti-Black Racism
* Visible and invisible disabilities

1. Measure the effectiveness of the above mentioned training in anti-Black racism and persons in crisis by requiring both a written and oral exam of the participants. Failure in such exams should result in requiring re-attendance at such training.
2. Mandate that all officers complete the Implicit Association Test as part of initial and requalification training.
3. TPS should continue to emphasize the importance of planning in a crisis situation to identify the lead in communication.
4. Expose or continue to expose officers in training to the perspectives and lived experience of racialized communities, the Black community and individuals with mental health issues and/or addictions.
5. Review the Intercultural Development Program deployed by the Toronto Police Service and consider the continued use of the Intercultural Development Inventory or other similar tool, as well as in-house intercultural competence facilitators, to further the intercultural competence of Toronto Police Service members.
6. Amend the annual Use of Force recertification to include qualification in areas such as mental health and/or addictions, anti-racism, particularly anti-Black racism, implicit and unconscious bias, fear inoculation, de-escalation and crisis communication.
7. Continue to emphasize that where the police challenge is issued and the subject does not comply, where possible, alternative methods of communication, de-escalation, disengagement and containment should be attempted. For example, consider making it clear that lethal force will be used if commands aren’t obeyed.
8. Consider the use of trained de-briefers to be deployed following exceptional critical incidents, having regard to any SIU investigation and the rights of officers, with a view to using the knowledge gained to inform de-escalation training. If resources permit, consider using the de-briefers in situations with positive outcomes as well as negative ones, even if they are less serious incidents, in order to learn from those occurrences.
9. Require Coach officers and Supervisory officers take the 5-day Mobile Crisis Intervention Team training. Make mental health and/or addictions and policing of racialized communities, in particular Toronto’s Black community, a key component of Coach Officer training.
10. Ensure that all patrol cars are equipped with less lethal weapons, e.g., CEW, sock or beanbag guns and that all officers are trained in the use of such weapons along with defensive equipment such as shields and helmets.
11. Undertake a structural/cultural review and analysis to ensure that the Service has a clear policy with respect to serving and protecting persons with mental health or addiction issues and/or racialized persons, in particular, Black persons. The Chief's review and analysis should include input from experts in this field together with persons in the communities falling within the above-mentioned descriptors. Following this, the Chief shall clearly state the TPS policy and communicate it in detail to all officers and employees. The Chief shall ensure that all members through continuous training have a clear understanding of the Chief’s mandate in this regard.  Failure to follow the Chief’s mandate should have consequences and sanctions.
12. When making decisions about promotions, supervisors should consider an officer’s skill and experience in dealing with Emotionally Disturbed Persons (EDPs), members of the Black community and racialized communities, including their ability to de-escalate and negotiate during crisis situations.
13. Encourage the Toronto Police Service to make use of the Gerstein Crisis Centre police telephone line when interacting with a person in crisis.
14. Consider additional funding and training for 911 operators in order to improve their skills in extracting more pertinant information during an emergency call. Consider beginning the de-escalation process during a 911 call.

#### To the Toronto Police Service Board:

1. Maintain its existing committee on mental health in ongoing partnership with members of the mental health community (throughout this document, ‘mental health community’ means to include the phrase in particular people who have been directly affected by mental health issues), the Toronto Police Service and subject matter experts.
2. Establish a new committee to consider possible or identified disparities in services and outcomes for racialized persons and consider interventions to address any such disparities. The committee should include representatives of the Toronto Police Service, subject matter experts and members of racialized communities, including the Black community. The committee should consider the intersectionality of mental health and race both in terms of member composition and issues to be addressed.
3. Conduct a pilot study of two divisions (preferably 14 and 51 division) where there would be more intensive community involvement, education, and training (keeping in mind resourcing) concerning interactions with people who have racial and/or mental health and/or addiction differences to determine whether this has a positive impact on reducing ‘use of force’ incidents.

#### To the Canadian Mental Health Association (CMHA -Toronto Branch):

1. Offer education to the appropriate building superintendents and managers on information sharing policies; in particular, what sort of information ought to be shared with CMHA (Toronto Branch) housing or support workers about CMHA (Toronto Branch) residential clients. In addition, it should deliver in-service training on how to better serve these clients.
2. Together with Across Boundaries study ways of ensuring that clients are able to access the services that they require across multiple agencies so that clients don’t ‘fall through the cracks’.

#### To the Ministry Of Health and Long Term Care/LHIN's:

1. Fund a province-wide telephone crisis support line staffed by people trained in crisis intervention or peer support to be available to clients in supportive housing and community mental health and addiction programs, 24 hours a day, 7 days per week.
2. Provide additional funding for a sufficient number of nurses to staff Mobile Crisis Intervention Teams (MCIT) in Toronto, 24 hours a day in each police division.
3. Together with the Toronto Police Service, explore all possible avenues to assess whether MCITs could be available as first responders in crisis situations, specifically including situations where weapons are involved.
4. Fund and create a program to provide appropriate housing support to individuals suffering from noise sensitivity.

#### To the Ministry Of Community Safety And Correctional Service:

1. Using a research based approach, update provincial standards for de-escalation, crisis communication and bias-free police training.
2. Provide funding to research and establish appropriate benchmarks for measuring effectiveness and outcomes of current police response to persons in crisis.
3. The Ontario Police College should consider additional training for police officers on de-escalation techniques, implicit bias awareness training, crisis intervention, mechanisms for combating stressful encounters and negotiation techniques.
4. Consider requiring annual de-escalation, crisis communication and bias-free policing requalification, separate from any ‘use of force’ requalification based on developed provincial standards.
5. Establish a provincial standard for the collection of race-based data pertinent to all interactions involving police and persons in crisis, including as a sub-set those interactions resulting in an application of use of force. This standard should be applicable to police services across the province and must include sustained funding for research to establish appropriate benchmarking for, the collection of and analysis of the data by an independent auditor.
6. Establish a provincial standard for the collection of data concerning emotionally disturbed persons pertinent to all interactions involving police and persons in crisis, including as a sub-set those interactions resulting in an application of use of force. This standard should be applicable to police services across the province and must include sustained funding for research to establish appropriate benchmarking for, the collection of and analysis of the data by an independent auditor.
7. Once the data in recommendations 29 and 30 has been analyzed and interpreted, the results should be made public in an accessible format. The data should be collected in a manner consistent with human rights principles and in consultation with affected communities and appropriate experts about the purpose, use, benefits and methods of collecting data.
8. The Police Services Act - Use of Force Report (UFR Form 1 2013/12, or its successor) should be amended to include the collection of race-based data including perceived race.
9. The Use of Force Report (or its successor) should be redesigned to require officers to set out what de-escalation techniques were attempted before force was used.
10. Establish a provincial standard, in conjunction with police services and accredited academic institutions, for measuring the effectiveness of police training.  This standard should be applicable to police services across the province and must include sustained funding for research to establish appropriate benchmarking for the collection and analysis of data. The province should ensure that any trends or indicators that are subsequently identified be used to inform the provincial standard on an ongoing basis. Data will be used to inform police training in municipalities that provide training additional to the Ontario Police College.
11. Fund and continue to study the use and deployment of less-lethal use of force options such as, the CEW, sock rounds and the use of defensive equipment such as helmets and shields and to study the expanded use and deployment and related training on less-lethal use of force options to front-line officers as well as specialized teams.
12. Ensure that all front-line or “primary response” officers are trained and equipped with conductive energy weapons (CEWs known as “Tasers”).
13. Study and consider implementing de-escalation techniques as used in other jurisdictions, particularly those in the U.K. for example, study and consider equipping officers with less lethal weapons.
14. Create a program to encourage, fund and support the participation of members of the mental health and addictions community, racialized communities and the Black community in training at the Ontario Police College, the Toronto Police College and the divisional level, and to participate in any standing or advisory committees.
15. Rename the Use of Force Model (e.g. Compliance Model) and redesign it to incorporate and emphasize communication, de-escalation, disengagement and containment and that the use of lethal force is a last resort.