

Complaint to the Office of the Independent Police Review Director Re: Ottawa Police Association President, Matt Skof

Ontario Civil Liberties Association
March 31, 2014

I. About the Complainant, the Ontario Civil Liberties Association (OCLA)

The Ontario Civil Liberties Association (OCLA) was founded in September 2012, and is dedicated to defending the fundamental freedoms of all people in Ontario. OCLA's Founding Principles set out the organization's position regarding the vital importance of freedom of expression in a free and democratic society.¹

OCLA is deeply concerned by Ottawa Police Association President Matt Skof's actions in writing to the president of Carleton University and to members of the Ottawa Police Service, in what appear to be outright attempts to silence a professor's criticisms of policing in Ontario.

II. Background

On March 25, 2014, an article was published in the *Ottawa Citizen* entitled "Police union demands apology for Carleton prof's 'malicious, libellous' attacks."

Letter to Carleton University President

The March 25 *Ottawa Citizen* article noted that Mr. Matt Skof, President of the Ottawa Police Association, wrote a letter to the president of Carleton University, complaining about views and comments expressed by a criminology professor, Darryl Davies, regarding policing.

In particular, Mr. Skof's January 2, 2014 letter to Mr. Davies's employer, which was written on Ottawa Police Association letterhead, included the following statements:

"Darryl Davies rushed to judgment and made what can only be described as malicious and libelous comments about these officers and the profession of policing in general";

"Mr. Davies went further and invited one of the Crown witnesses to appear and speak to his class prior to commencement of the trial";

"Mr. Davies buttressed his credibility and the overall effect of his opinion by representing himself as a 'Professor of Criminology and Criminal Justice' at Carleton University. It is my understanding that Mr. Davies does not hold that title and is an Instructor-III designation";

¹ See OCLA's Founding Principles at: <http://ocla.ca/about/founding-principles/>

“...I am calling upon Mr. Davies to apologize to our officers for his premature and unsubstantiated comments, and acknowledge the questionable use of a professional designation.”

Email to Officers

The March 25 *Ottawa Citizen* article also stated that Mr. Skof wrote an email to Ottawa Police Service officers stating that he will cut ties with several Carleton programs because of his disagreement with professor Davies’s views.

According to the newspaper article, Mr. Skof’s email also contained an email from another officer, Mr. Tran, which accused Mr. Davies of “hating police” and that Mr. Davies’s criticisms of certain police practices were disrespectful and “disgusting.”

Also according to the newspaper article, Mr. Skof’s email to police officers “echoed Tran’s concerns and said that as a result of Davies’s ‘repeated attacks’ the union will no longer be working with Carleton journalism students, or the campus radio station and will end a relationship with the Carleton School of Economics.”

III. Relevant Sections of *Regulation 268/10 of the Ontario Police Services Act*

Code of Conduct (Schedule)

Misconduct by police officers is defined by the *Ontario Police Services Act*’s “Code of Conduct” (schedule).

Relevant sections of the Code of Conduct for this complaint include but are not limited to:

2 (1) Any chief of police or other police officer commits misconduct if he or she engages in,

(a) Discreditable Conduct, in that he or she,

(xi) acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force of which the officer is a member;

Police Officer’s Oath (Section 2)

Police officers serving in Ontario swear to the following oath or affirmation of office:

2. The oath or affirmation of office to be taken by a police officer, special constable or First Nations Constable shall be in one of the following forms set out in the English or French version of this section:

I solemnly swear (affirm) that I will be loyal to Her Majesty the Queen and to Canada, and that I will uphold the Constitution of Canada and that I will, to the best of my ability, preserve the peace, prevent offences and discharge my other duties as (insert name of office) faithfully, impartially and according to law.

So help me God. (Omit this line in an affirmation.)

or

I solemnly swear (affirm) that I will be loyal to Canada, and that I will uphold the Constitution of Canada and that I will, to the best of my ability, preserve the peace, prevent offences and discharge my other duties as (insert name of office) faithfully, impartially and according to law.

So help me God. (Omit this line in an affirmation.)

IV. Summary of OCLA’s Complaint

Mr. Skof’s letter and email demonstrates that he has acted in a manner “likely to bring discredit upon the reputation of the police force (the Ottawa Police Service).”

It is our respectful submission that a police association president’s efforts to extract an apology from an individual for expression of critical views regarding police officers and the profession of policing brings discredit upon the reputation of the police force of which the association president is a member.

Such pressure, exerted through Mr. Skof’s position as president of the police union on an individual’s employer, is fundamentally wrong and runs counter to the mission of the Ottawa Police Service to uphold the Constitution of Canada and the *Canadian Charter of Rights and Freedoms*, including but not limited to the section 2(b) *Charter* guarantee of freedom of expression. Mr. Skof’s actions thus run counter to the police officer’s oath set out in section 2 of *Regulation 268/10* of the *Police Services Act*, and bring discredit upon the police force.

Mr. Skof’s actions are rendered more grotesque in the eyes of a reasonable observer by the fact that the individual critic in question, Darryl Davies, is a criminology professor at a publicly-funded university, whose societal role is to express independent views on the subject of policing. When the president of the Ottawa Police Association attempts to use his position to pressure the president of a publicly-funded university to discipline or otherwise extract an apology from a professor for expression of critical views, it casts doubt on the commitment to and respect for the principles of academic freedom and freedom of expression of the entire police force, thus bringing further discredit on the police force as a whole.

Finally, in our respectful submission that Mr. Skof's actions described above "abuse the extraordinary powers and authority police officers are granted,"² in particular in Mr. Skof's position as president of the Ottawa Police Association.

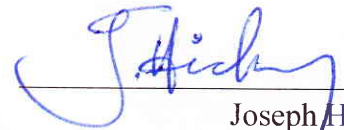
V. Request for Investigation

OCLA respectfully requests that the Office of the Independent Police Review Director (OIPRD) investigate this matter, and obtain copies of:

- i) the relevant emails that were forwarded to and sent by the president of the Ottawa Police Association;
- ii) the Ottawa Police Association president's letter to the president of Carleton University; and
- iii) the March 25 *Ottawa Citizen* article referred to above,

and provide a response regarding OCLA's submission that Mr. Skof's actions constitute a breach of the Code of Conduct for Ontario police officers.

ALL OF WHICH IS RESPECTFULLY SUBMITTED, this 31st day of March, 2014



Joseph Hickey
Executive Director
Ontario Civil Liberties Association

² Office of the Independent Police Review Directorate, "Complaints", Retrieved on March 30, 2014 from: <https://www.oiprd.on.ca/CMS/Complaints.aspx>