

October 11, 2011

Dear Members of the Saskatoon Board of Police Commissioners:

As a citizen, I recognize that irresponsible or dangerous actions by some citizens may place other citizens at risk of harm. I support the adoption and enforcement of laws, orders and regulations to protect citizens from harm caused by the actions of others.

As a physician, I recognize that uncontrolled spread of a deadly virus in a pandemic may place many citizens at risk of severe illness and death. I support the adoption and enforcement of laws, orders and regulations to control viral spread.

As the CEO of a medical regulatory agency for 25 years, I recognized that unregulated medical practice may place patients at risk of preventable harm. I learned much of value about public protection through effective regulation during those 25 years.

- 1) I learned that, through active vigilance, it may be possible to detect imminent risk of a regulatory violation and intervene pre-emptively to prevent a violation from occurring.
- 2) I learned that, when a regulatory violation occurs, it is vital to respond rapidly to avoid ongoing risk of public exposure to harm.
- 3) I learned that failure to enforce a regulation at any point in time creates a precedent in law that may undermine capacity to enforce that regulation in the future.
- 4) I learned that regulations must be enforced evenly and without deference to any persons based upon their public profile, power and/or influence.
- 5) I learned that regulatory processes and procedures designed to protect the public must be fully transparent to the public to sustain public trust in such processes.

As a citizen of Saskatoon, I very much appreciate all of the work that the Saskatoon Police Service (SPS) does to protect me and other citizens from harm. As I reflect on the very diverse array of situations in which the SPS is expected to enforce laws, orders and regulations, I can recall instances in which it has acted in accordance with the five principles listed above.

However, I am deeply concerned about the apparent insensitivity and non-compliance with some of these principles when the SPS became aware of a plan by the PPC to hold a large indoor rally at The Saskatoon Inn on September 20<sup>th</sup>.

From previous interactions with the national leader of the PPC during his visit to Saskatoon, the SPS had full awareness of his declared opposition to Public Health Orders. The SPS also had very ample advance awareness of the planned indoor rally on September 20<sup>th</sup> and the very high probability that the masking PHO would be violated by many participants at that rally.

To date, the SPS has issued no public information about pre-emptive measures it considered and/or took to prevent PHO violations at this event.

The SPS has explained that it decided not to enforce the PHO while the rally was in progress because of concern about “escalation”. There has been no public explanation of what the SPS considered to be the balance of risks versus benefits of early intervention to minimize ongoing risk of COVID viral spread among hundreds of people for many hours.

At this point it remains unknown how many people will be charged for PHO violations at this event.

When a public announcement is made about charges, it will be very important that the SPS be publicly transparent about the criteria for determining who was charged and who was not charged. This level of public transparency will be vital to maintain public trust in the SPS.

I am requesting an opportunity to interact with the Police Commission during the course of its next meeting on October 21<sup>st</sup>.

Sincerely,

Dr. Dennis Kendel