

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **OCTOBER 24, 2002** at 1:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

PRESENT:

Norman Gardner, Chairman
Gloria Lindsay Luby, Vice Chair & Councillor
A. Milliken Heisey, Q.C., Member
Benson Lau, M.D., Member
Frances Nunziata, Member & Councillor

ALSO PRESENT:

Michael Boyd, Acting Chief of Police
Albert Cohen, Legal Services Division, City of Toronto
Deirdre Williams, Board Administrator

#P261. The minutes of the meeting held on September 26, 2002 were approved.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

#P262. MOMENT OF SILENCE

A moment of silence was observed in memory of Corporal Antonio Arseneault, a Quebec Provincial Police Officer who died in a traffic collision while on duty on Sunday, October 6, 2002.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

#P263. OUTSTANDING REPORT - PUBLIC

The Board was in receipt of the following report OCTOBER 9, 2002 from Gloria Lindsay Luby, Acting Chair:

Subject: OUTSTANDING REPORT - PUBLIC

Recommendations:

It is recommended that:

- (1) the Board request the Chief of Police to provide the Board with the reasons for the delay in submitting the report requested from the Service and that he also provide a new submission date for that report.

Background:

At its meeting held on March 27, 2000 the Board agreed to review the list of outstanding reports on a monthly basis (Min. No. 113/00 refers). In accordance with that decision, I have attached the most recent list of outstanding public reports that were previously requested by the Board.

Chairman Gardner noted that the outstanding report was submitted following the preparation of the foregoing report and will be considered by the Board at its next meeting.

The Board received the foregoing report.

Report that was expected for the October 24, 2002 meeting:

Board Reference	Issue - Pending Reports	Report Status	Recommendation Action Required
Memo – July 30/01 & P293/01 P32/02 P88/02 P254/02	<p>Proposed Amendments to <i>Municipal Act</i></p> <ul style="list-style-type: none"> <u>Issues:</u> review issues concerning drug-related problems and identify where the Board can propose amendments to the <i>Municipal Act</i> 	Report Due: Feb. 28/02 Extension Req's'd: Apr. 25/02 Extension Granted: Yes, Apr. 25/02 Revised Due Date: Sept. 26/02 Extension Req's'd: Sept. 26/02 Extension Granted: Yes, Sept. 26/02 Revised Due Date: Oct. 24/02 Status:.....outstanding	Chief of Police

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**#P264. REPORT OF THE ALTERNATIVES TO THE USE OF LETHAL FORCE BY
POLICE CONFERENCE 2000**

Chairman Gardner advised that the report on the *Alternatives to the Use of Lethal Force by Police Conference* held in 2000 and a discussion with the co-chairs of that conference will be re-scheduled to the November or December Board meeting.

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TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

**#P265. **AUDIT OF THE TORONTO POLICE SERVICE'S PUBLIC COMPLAINTS
PROCESS****

The Board was in receipt of the following report SEPTEMBER 10, 2002 from Jeffrey Griffiths, City Auditor, City of Toronto:

Subject: **AUDIT OF THE TORONTO POLICE SERVICE'S PUBLIC COMPLAINTS
PROCESS**

Purpose:

To respond to the request of the Toronto Police Services Board for an external audit of the public complaints process as administered by the Toronto Police Service.

Financial Implications and Impact Statement:

There may be some financial implications from the adoption of the recommendations in this report, however, the amount is not determinable at this time.

Recommendations:

It is recommended that:

- (1) the Toronto Police Services Board consider the recommendations in the report dated August 2002 entitled "Performance Audit – The Public Complaints Process – Toronto Police Service" from the City Auditor;
- (2) the Chief of Police report to the Toronto Police Services Board, within six months, with a response to each of the recommendations in the report dated August 2002 entitled "Performance Audit – The Public Complaints Process – Toronto Police Service," including a work plan and time frame for implementing the recommendations; and
- (3) this report be forwarded to City's Audit Committee for information.

Background:

The Toronto Police Service is responsible for administering the investigation of public complaints, in accordance with Part V of the Ontario Police Services Act and its own internal policies and guidelines.

This report responds to a request from the Toronto Police Services Board for an external audit of the public complaints process, as administered by the Service. The terms of reference for this review was approved by the Toronto Police Services Board, and is included in Appendix 1 of the report.

Comments:

This is the first audit my office has performed on the Toronto Police Service's public complaints process. Significant background work and research was therefore required to gain the necessary understanding of the complaints process, the applicable legislation, internal policies and procedures, and the practices of other police jurisdictions, such that we could conduct a proper and effective audit.

The scope of this audit focused on conduct related complaints against police officers, which represent the majority of complaints received by the Toronto Police Service. The audit was performed in the context of the current provincial legislation.

In conducting this audit, my office received the full co-operation of the Toronto Police Service.

Conclusions:

Generally our audit found that in administering the public complaints process, the Toronto Police Service is in compliance with Part V of the Police Services Act, as well as its own policies and guidelines. Improvements have been recommended to further enhance the public complaints process and make it more effective towards achieving the business plan objectives of the Service.

Detailed observations, conclusions and recommendations resulting from this audit are included in the report dated August 2002 entitled "Performance Audit – The Public Complaints Process – Toronto Police Service."

Contact:

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Mr. Jeffrey Griffiths and Mr. Tony Veneziano, City of Toronto – Audit Services, were in attendance and discussed the audit of the Toronto Police Service’s public complaints process with the Board.

The following persons were in attendance and made deputations to the Board:

- Stephen McCammon ***
Associate Counsel, Canadian Civil Liberties Association
- John Sewell ***
Toronto Police Accountability Coalition
- Andre Fiset ***

*** written submissions also provided; copies are on file in the Board office.**

The Board approved the following Motions:

- 1. THAT the deputations and written submissions be received;**
- 2. THAT Chief Fantino implement recommendation no. 2 in the City Auditor’s report as soon as practicable;**
- 3. THAT Chairman Gardner and Chief Fantino provide reports to the Board in response to recommendation no. 3 in the City Auditor’s report and that they be submitted for the November 21, 2002 meeting;**
- 4. THAT the Board defer consideration of the remaining recommendations contained in the City Audit report for one month to allow members of the public and other community groups a better opportunity to review the report;**
- 5. THAT the Board invite the Canadian Civil Liberties Association and the other deputants to make further deputations at the November 21, 2002 meeting, if desired.**

Subsequent to the Board meeting, Mr. Griffiths advised the Board Administrator that recommendation no. 20 in his report should have recommended that the Board communicate concerns to the Ministry of Public Safety and Security rather than the Ministry of the Attorney General.

Performance Audit – The Public Complaints Process – Toronto Police Service

EXECUTIVE SUMMARY

The Toronto Police Service provides various policing services to the community. In providing these services, the police are in contact with the public when responding to emergency calls, during investigations, or when patrolling City streets and neighbourhoods. In addition to responding to over 800,000 calls annually, members of the Toronto Police Service have numerous other contacts with the public in conducting detective investigations, traffic and parking enforcement, and special events control.

The Toronto Police Service is authorized to enforce laws and maintain order in a number of ways, such as issuing verbal warnings and commands, as well as making arrests which, in some cases, requires the use of physical force. The vast majority of encounters between police officers and members of the public are conducted without altercation or complaint. However, when members of the public believe police officers have acted improperly, they may seek redress through the public complaints process. In 2000, the Toronto Police Service dealt with 814 complaints, the majority of which (734) related to the conduct of police officers. The balance of the complaints (80) related to the policies of or services provided by the Toronto Police Service.

The administration of complaints filed by members of the public relating to the conduct of a police officer and the policies of or services provided by a police service is governed by Part V of the Ontario Police Services Act.

The objectives of a properly administered complaints process should extend beyond the punitive component of identifying office misconduct and disciplining individual officers. An effective public complaints process can help identify problem areas, foster accountability and ultimately contribute to effecting organizational change. This in turn can positively impact the overall culture of the police service and the quality of policing provided to the public.

An external audit of the Toronto Police Services public complaints process was requested by the Toronto Police Services Board. This report responds to that request, and is the result of an audit performed by the City Auditor who is independent of the Chief of Police and the Toronto Police Services Board.

Procedures performed in completing this audit included interviews with complainants, members of the general public, police officers, representatives from the Toronto Police Association and special interest groups; surveys of other jurisdictions; and the review of 94 complaint files from 2000 and 2001 maintained by the Toronto Police Service.

A summary of our more significant findings are as follows:

- the Toronto Police Service is in compliance with Part V of the Ontario Police Services Act. In our opinion, investigations in regard to public complaints were conducted thoroughly and are administered within prescribed timelines;

- public complaints are properly classified, reasonable efforts were made to gather the necessary evidence needed to complete investigations, and the disposition of complaints was appropriate based on the evidence contained in the complaint files reviewed;
- access to the complaints process by the public could be improved by making information on the process, including complaint forms, available in languages other than English;
- information on the public complaints process should be available at convenient locations throughout the City such as City of Toronto civic centres and public libraries;
- information on the complaints process, including public complaint forms, should be available on the Internet web sites of both the Toronto Police Service and the Toronto Police Services Board;
- there is a need to ensure police officers, including officers in charge, are aware of their responsibilities in regard to the public complaints process. In particular, there is a need to clarify the responsibilities of officers in charge in relation to the informal resolution of complaints;
- written guidelines regarding the classification of complaints at the intake stage should be developed, and the classification of complaints should be subject to supervisory review on a random basis by senior staff of the Professional Standards Division;
- files for complaints that are informally resolved should be reviewed by Unit Commanders prior to a final decision being made on the complaint to ensure that files are complete and contain appropriate information to support conclusions;
- files for complaints, which have been informally resolved, should be retained until completion of the annual audit of the complaints process;
- interviews with complainants be audiotaped where possible. The audiotaping of interviews should only be conducted with the approval of the complainant;
- discipline imposed against police officers is not being monitored. In two out of the ten files we reviewed where complaints were substantiated, discipline as adjudicated was not imposed;
- quality assurance surveys of complainants and police officers be conducted on a regular basis to obtain ongoing feedback on the complaints investigation process. Issues identified as a result of this process be appropriately addressed;
- specific concerns raised by police officers, in regard to the complaints process, be addressed by the Chief of Police; and
- the Professional Standards Information System be expedited as soon as possible, and reporting requirements clearly defined.

Information on each of the above issues is contained in the body of this report.

Our audit was conducted in the context of the Ontario Police Services Act. Part V of the Act contains specific provisions relating to the administration of the public complaints process. Based on the interviews we conducted during the course of this audit, concerns were expressed in relation to certain provisions in the Act. Specifically, two issues were raised from our interviews with various individuals and organizations:

- the investigation of public complaints against police officers by the Chief of Police. Certain individuals and organizations contend that civilian oversight provides a more thorough and objective investigation of complaints than those conducted by the police; and
- the current provincial legislation only allows the individual directly affected by the conduct of a police officer to lodge a complaint. Third-party witnesses to an event, are not permitted to file a complaint against a police officer. A total of 29 third-party complaints (3.5 percent) were filed with the Toronto Police Service in 2000. The number of potential third-party complainants who did not formalize a complaint when informed of the provisions of the legislation is not known.

One of the objectives in the Toronto Police Service's business plan for 2002 - 2004 is to attain a high degree of public confidence in the impartiality of the public complaints process. Public confidence in the system is a fundamental principle in the administration of an effective complaints process. If members of the public lack confidence in the process, it is unlikely that they will file a complaint. The concerns expressed above, which are driven by the current provincial legislation, negatively impacts the ability of the Toronto Police Service to achieve the objectives of its business plan. While a detailed study of the merits or otherwise of current legislation is outside the scope of this audit, this matter is an issue which requires attention.

This audit makes a number of recommendations to improve the current public complaints process. The number of recommendations should not be viewed as an indication of significant problems in the Toronto Police Service's public complaints process. Rather, the recommendations taken collectively represent a series of enhancements which, if acted upon, will contribute to improving the overall efficiency and effectiveness of the public complaints process.

In conclusion, it is suggested that the Chief of Police be requested to provide a written response within six months to the Police Services Board with regard to the recommendations contained in this report. The report prepared by the Chief of Police should include a specific work plan and time table for the implementation of the recommendations where appropriate.

RECOMMENDATIONS

The following is a list of recommendations corresponding to those contained in the body of this report. The page number that follows each recommendation indicates the page on which the background information supporting the recommendation can be found.

- 1. The Chief of Police ensure that information on the public complaints process and the standard complaint forms be available in languages other than English. Such material be available in languages appropriate to the cultural make up of the City.**

Page 16
- 2. The Chief of Police give consideration to making informational material on the public complaints process available at convenient locations throughout the City, such as City of Toronto civic centres and public libraries. In addition, the Chief of Police ensure that information on the complaints process is readily accessible at all police divisions.**

Page 16
- 3. The Toronto Police Services Board include information on the public complaints process on its Internet web site. In addition, the Toronto Police Service and the Toronto Police Services Board make public complaint forms available on their respective web sites.**

Page 17
- 4. The Chief of Police ensure all officers, particularly officers in charge, are aware of:**

 - their responsibility in providing information on the public complaints process to members of the general public; and**
 - the importance of creating an environment where the reporting of police officer misconduct is as stress free as possible for members of the general public.**

Page 18
- 5. The Chief of Police establish clear written guidelines for the classification of all complaints and direct senior staff of the Professional Standards Division to review the classification of complaints on a random basis.**

Page 19
- 6. The Chief of Police clarify the roles and responsibilities of officers in charge with respect to the complaints process, ensure they have the necessary knowledge of the process, and emphasize the importance and benefits of their active involvement in informally resolving less serious complaints as soon as they are reported.**

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- 7. The Chief of Police direct that all complaint files relating to informal resolutions be forwarded to the Professional Standards Division for review. Deficiencies identified during the review process be communicated to the respective officers in charge for follow-up with the appropriate Unit Complaints Coordinator. Corrective action be communicated to the Professional Standards Division.**

Page 21
- 8. The Chief of Police direct that information from complaint files which have been subject to informal resolution be retained such that problem areas can be readily identified and appropriate action taken.**

Page 21
- 9. The Chief of Police postpone the destruction of files relating to complaints, which have been informally resolved, until completion of the annual audit of the public complaints process.**

Page 21
- 10. The Chief of Police direct the Professional Standards Division to monitor the withdrawal of public complaints in all police divisions to ensure that withdrawals are not used as a means of expeditiously resolving complaints. Where withdrawn complaints at certain divisions are inordinately out of line, the Professional Standards Division determine the reasons and, where appropriate, take corrective action.**

Page 22
- 11. The Chief of Police ensure that all Unit Complaints Coordinators are aware of the level of documentation required for investigative files, and that such files are clear, concise and presented in a manner which supports the final conclusions of the investigations. Where appropriate, training be provided to meet this objective.**

Page 25
- 12. The Chief of Police direct Unit Commanders to review all public complaint investigation files in their respective divisions before signing off, to ensure that the files are complete, that all appropriate investigative procedures were performed, and that the investigations are free of bias. This review should be conducted prior to the final adjudication of the complaint.**

Page 25
- 13. The Chief of Police direct the Professional Standards Division that interviews with complainants be audiotaped where possible. Audiotaping of interviews only be conducted with the written approval of the complainant. If a complainant does not wish to be audiotaped, this fact be included in the complaint file.**

Page 26

14. The Professional Standards Division, on a sample basis, review audiotaped recordings of interviews to ensure that investigations are complete, thorough and free of bias. Any problems identified during this process be communicated to senior staff and appropriate action, including training, be initiated.

Page 26

15. The Chief of Police direct that a conflict of interest declaration be signed by investigative officers on appointment to the Public Complaints Investigation Bureau or assignment to a Unit Complaint Coordinator position. Specific guidelines relating to what constitutes a conflict of interest should be developed and communicated to investigators.

Page 26

16. The Chief of Police develop, where public complaints are substantiated, internal controls to ensure that the appropriate and necessary disciplinary action is imposed on police officers. In addition, the Chief of Police ensure that the information pertaining to disciplinary action taken is retained for the required time period in the subject officer's file. Disciplinary action taken be reported to the Professional Standards Division.

Page 27

17. The Chief of Police disclose the range of discipline imposed on police officers in the Professional Standards Division Annual Public Report prepared by the Professional Standards Division.

Page 28

18. The Chief of Police give consideration to the retention of outside legal representation for the complainant at formal disciplinary hearings, where appropriate.

Page 28

19. The Chief of Police develop a plan to measure the performance of the Toronto Police Service relative to its business plan as it relates to the complaints process. Such a plan to include a recommendation relating to the reporting of the results of this process.

Page 29

20. The Toronto Police Services Board:

- consider the concerns raised by the general public with respect to the complaints process, specifically, the administration of the public complaints process by the police and the ability to investigate complaints filed by third parties; and**
- take the necessary action to deal with these issues, including communicating these concerns to the Ministry of the Attorney General for consideration and appropriate action.**

Page 30

- 21. The Chief of Police review the complaint investigation process to ensure that the concerns identified by both the general public and complainants, as outlined in this report, are appropriately addressed.**

Page 31
- 22. The Chief of Police direct the Professional Standards Division to solicit feedback from complainants and police officers involved in public complaints, and that the survey results be returned directly to the Complaints Review Unit for analysis and the identification of any issues or deficiencies that need corrective action.**

Page 32
- 23. The Chief of Police review the concerns of officers relating to the public complaints process as identified in this report, and take appropriate action to address these concerns.**

Page 34
- 24. The Chief of Police expedite the implementation of the Professional Standards Information System and ensure that the informational requirements of the system are clearly defined to meet the needs of the Professional Standards Division.**

Page 35
- 25. The Chief of Police direct Toronto Police Service, Legal Services to maintain information on civil litigation that relates to public complaints and to report this information to Professional Standards Division, such that the risk and cost of not effectively dealing with public complaints is monitored on a regular basis.**

Page 36
- 26. The Chief of Police direct the Professional Standards Division to develop a time tracking system to capture the amount of time investigators spend on the investigation of public complaints, such that the resources deployed in performing these investigations can be more effectively managed.**

Page 36
- 27. The Chief of Police report to the Toronto Police Services Board, within six months, with a response to each of the recommendations contained in this report, including a specific work plan and timetable for the implementation of the recommendations, as appropriate.**

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**#P266. UNIVERSITY OF TORONTO – TERMINATION OF SPECIAL
CONSTABLE STATUS FOR MICHAEL PAGNIELLO**

The Board was in receipt of the following report SEPTEMBER 24, 2002 from Julian Fantino, Chief of Police:

Subject: UNIVERSITY OF TORONTO POLICE – TERMINATION OF SPECIAL
CONSTABLE STATUS OF MICHAEL PAGNIELLO

Recommendation:

It is recommended that:

- (1) the Board receive the notice of resignation of special constable, Michael Pagniello, from the University of Toronto Police at Scarborough; and
- (2) that the Board notify the Ministry of Public Safety and Security (the “Ministry”) of the resignation and termination of special constable status for Michael Pagniello.

Background:

At its meeting on October 18, 2001, the Board approved a request to appoint Michael Pagniello as a special constable with the University of Toronto Police (Board Minute P286/01, refers). The Ministry approved the appointment until September 21, 2006 or until the special constable was no longer in the employ of the University of Toronto.

Appended to this report is a letter dated August 21, 2002, from Mr. Darcy A. Griffith, Manager of Police Services, University of Toronto Police at Scarborough, advising the Board that Michael Pagniello resigned from his employment with the University of Toronto Police at Scarborough.

It is therefore recommended that the Board receive the notice of resignation of special constable Michael Pagniello, from the University of Toronto Police at Scarborough and that the Board notify the Ministry of the resignation and termination of special constable status for Michael Pagniello.

Deputy Chief Michael Boyd, Policing Support Command, will be in attendance to respond to any questions the Board may have.

The Board approved the foregoing.



University of Toronto at Scarborough

University Police Services

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21 August 2002

Gord Barratt
Staff Sergeant
C.P.S.U. Special Constable Liaison Section
Toronto Police Service
40 College Street
Toronto, ON
M5G 2J3

Re: Resignation of Special Constable from University of Toronto Police at Scarborough

Dear S/Sgt. Barratt,

Effective immediately Michael Pagnello has resigned from his employment with the University of Toronto Police at Scarborough.

As such, could you please amend your records to reflect this change of status.

Thank you in advance for your assistance with this matter. Should you have any questions or need any additional information please contact me at 416-287-7398.

Sincerely,

Darcy A. Griffith
Manager of Police Services
University of Toronto Police at Scarborough

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#P267. HRMS V8.0 UPGRADE

The Board was in receipt of the following report OCTOBER 7, 2002 from Julian Fantino, Chief of Police:

Subject: HRMS V8.0 UPGRADE

Recommendation:

It is recommended that:

- (1) the Board receive this update on the upgrade of the Human Resources Management System to Version 8.0 (HRMS V8.0), and;
- (2) the Board approve extension of the services of PeopleSoft Canada, Inc. for this project to December 16, 2002, at a cost of \$250,000, and;
- (3) the Board authorize the Chairman to execute the Statements of Service, approved as to form by the City Solicitor, for the consultants required.

Background:

The Board at its meeting on June 27, 2002 (Minute No. P185) was in receipt of an update report on the upgrade of the HRMS system to Version 8.0 and the implementation of TRMS, the new time resource management system for the Service. The purpose of this report is to further advise the Board on the Version 8.0 upgrade, and to obtain approval for an extension of the services of PeopleSoft Canada to bring this project to a successful conclusion.

HRMS is the storage and retrieval system for all significant employee information and will be the employee data source for the operation of TRMS. It has been totally revamped to reflect greater organizational detail and to provide more timely information about employees relating to their rank, job code, leaves, transfers, promotions, discipline, and other changes in status. Its web-based architecture will be more user-friendly and will improve system response time significantly in the divisions and units.

The Upgrade Project is being conducted by a team of experienced Service personnel and PeopleSoft specialists. Some highlights of the business improvements achieved or near completion include the following:

- implementation of a new organizational structure in HRMS which will allow reporting down to the platoon level. This will enhance the ability of units to manage staffing and budgeting, and eliminate the need for shadow systems units are currently using to capture this information;
- implementation of position management. This will also support staff planning and budgeting;

- removal of over 700 customizations in the system. This will reduce overall operating costs by simplifying future upgrades;
- introduction of data entry at source. This will streamline business processes, eliminate paperflow, provide more timely and accurate data, and eliminate the need for some shadow systems;
- introduction of new functionality. All course enrollments will now be done on-line by Training & Education, and various functions related to record of employment, recruitment, and compensation & benefits will be automated.

The original timeframe contemplated for this project was about eleven months. It was understood that this would be a very complex effort, involving extensive revision of the HRMS and linking it to the new TRMS system so that both would interact in a seamless manner. As is generally true of such large projects, it was anticipated that some challenges would emerge during the life of the project that could affect the intended schedule. With respect to the Upgrade, several such concerns have been identified, and the resources needed to address them will contribute to a modest extension of the project timeline. These include the impact of a change in the vendor supporting the change management function, as noted in the previous report to the Board in June. Change management has involved a review of existing business processes, providing input on a communication strategy, and the development of over 90 training modules. Although the new vendor had previous experience with the organization, this unanticipated break in continuity has added a delay to this project. Implementation of HRMS V8.0 has also coincided with the installation of a new database platform, DB2. The transition from Oracle to DB2 has required additional work for data conversion and testing and will require further technical support to achieve full, satisfactory completion. Lastly, the project has been affected by the ratification of the new collective agreements. Their provisions required additional system adjustments to accommodate the salary increase, benefit and leave changes, revisions to the constable reclassification system, and retroactive payments.

The total funding required for this additional work is \$250,000 and the Chief Administrative Officer has certified that funds are available in the Capital and Operating Budgets for this amount. Subject to funding approval, the consulting contracts would be affected as follows:

Role	Current Contract Expiry	Extension Requested
HRMS Project Manager	November 15, 2002	December 16, 2002
HR Functional Lead	November 15, 2002	November 21, 2002
Payroll Functional Lead	October 4, 2002	December 6, 2002
Technical Lead (TRMS/HRMS interface)	October 4, 2002	November 22, 2002

The services supporting this project have been provided under an umbrella Consulting Services Agreement and separate, subsidiary Statements of Service for each consultant, which were prepared with the assistance of the City Solicitor. It is recommended that the Board authorize the Chairman to execute Statements of Service, approved as to form by the City Solicitor, for the services noted above.

This project is now reaching its final phase and the remaining milestones to completion include the following:

- delivery of training to over 300 TPS members;
- parallel testing to validate the results of the new version against the existing version, particularly with respect to payroll support, and to simulate new organizational roles and responsibilities;
- conversion of a significant volume of data from the Oracle platform to DB2.

Approval of the services requested in this report will enable the Service to bring this major project to a successful conclusion.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command, will be in attendance to respond to any questions the Board may have in regard to this matter.

The Board approved the foregoing and the following Motion:

THAT Chief Fantino provide a report to the Board including:

- a “snapshot” of the current status of the project and a solid identification of real timelines for implementation; and
- the total cost for the project and any projected future costs including technology upgrades and potential further delays.

Mr. Frank Chen, Chief Administrative Officer, advised the Board that, in future, all reports submitted to the Board on similar projects related to information technology will automatically include implementation timelines and cost projections as noted in the foregoing Motion.

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**#P268. REQUEST FOR FUNDS: AUXILIARY PROGRAM - 45th ANNIVERSARY
DINNER**

The Board was in receipt of the following report SEPTEMBER 25, 2002 from Julian Fantino, Chief of Police:

Subject: APPRECIATION DINNER FOR SERVICE AUXILIARY MEMBERS

Recommendation:

It is recommended that: the Board approve the allocation of \$15,000.00, from the Board's Special Fund, to host an appreciation dinner for the Service's Auxiliary members.

Background:

Since 1957, the Auxiliary program has been a valued component of the Toronto Police Service. This year marks the 45th anniversary of the Auxiliary program and a celebratory dinner is being planned, to be held this December, to recognize the Service's Auxiliary members.

In actual fact, the Auxiliary Program commenced in September of 1956, at which time it was called the Civil Defence Auxiliary. With amalgamation in 1957, the program was renamed the Toronto Police Auxiliary Force. It is worth noting then that the start of the 45th anniversary of the Auxiliary program coincides with the United Nations proclaimed International Year of Volunteers (2001).

In October, 1997 (Board Minute 152/97, refers) the Board sponsored and approved the allocation of \$15,000.00 to host the 40th Anniversary Appreciation Dinner. The 1997 budget anticipated the attendance of all Auxiliary members. It is expected that some of the requested monies for the 2002 event will be returned to the Board, as was the case in 1997, when \$7,000.00 of the requested \$15,000.00 was returned.

Auxiliary members volunteer their time to assist the Service in areas that include community-policing initiatives, special events, parades, searches for missing persons and emergency call-outs.

At present, there are 390 Auxiliary members. On average, Auxiliary members volunteer approximately 40,000 hours yearly. An appreciation dinner has a positive impact on the morale of the Auxiliary members who continue to contribute long hours to support the needs of the Service. Sponsorship of this event will demonstrate the Service's commitment to volunteerism and will recognize the hard work and dedication of Auxiliary members.

Community Policing Support will host the event that is tentatively scheduled for Monday, December 2, 2002, at the Rembrandt Hall in Scarborough. Members of the Police Services Board, Command Officers and other community leaders will also be invited to the celebration.

It is therefore recommended that the Board approve the allocation of \$15,000.00, from the Board's Special Fund, to host the 45th Anniversary Auxiliary Appreciation Dinner in December, 2002, subject to the availability of funds at that time. Any monies not utilized for this event will be returned to the Board.

Deputy Chief Michael Boyd, Policing Support Command, will be in attendance to answer any questions the Board may have.

The Board approved the foregoing.

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**#P269. COMMUNITY DONATION: LAPTOPS AND MULTIMEDIA
PROJECTORS FOR No. 42 DIVISION**

The Board was in receipt of the following report SEPTEMBER 12, 2002 from Julian Fantino, Chief of Police:

Subject: DONATION OF LAPTOPS AND MULTIMEDIA PROJECTORS

Recommendation:

It is recommended that: the Board accept the donation of six (6) used I.B.M. 380XD laptop computers and six (6) used Lightware Inc. VP800 LCD PowerPoint projectors, valued now at approximately \$5,200.00, from Toyota Canada Incorporated, to be used by members of the Toronto Police Service for community policing and crime prevention presentations.

Background:

The Toronto Police Service, No. 42 Division, is heavily involved with the community in dealing with presentations surrounding issues of youth violence/gang activity, crime prevention and domestic violence. The presentations are given by a number of No. 42 Division sub-units to a variety of community groups and agencies. These presentations promote a positive police/community relationship and are also aimed at improving the quality of life for the community within No. 42 Division.

This equipment allows for high quality, professional presentations, which are most often performed off-site, at various community locations, which are not equipped for PowerPoint presentations.

The donated equipment will be provided to other units within the Service that have a similar need to perform community based policing and crime prevention presentations, on an as need basis.

The proposed donated equipment and related data specifications have been examined by 42 Division's technical co-ordinator, who has conferred with the customer service co-ordinator of Information Technology Services. All parties report that the equipment meets the Service's needs and support the acceptance of this donation. Information Technology Services reports that the insurance and maintenance costs will be covered under the current Service policy.

The donation is consistent with Service Policy 18-08 "Corporate Donations", and is in harmony with the 2002-2004 Service Priorities: 'Community safety and satisfaction'. Toyota Canada does not require a tax receipt.

Deputy Chief Steven Reesor, Policing Operations Command, will be in attendance at the meeting to answer any questions.

Acting Staff Inspector Wayne Peden, No. 42 Division, was in attendance and responded to questions by the Board about this report.

Deputy Chief Steven Reesor advised the Board that the use of the donated equipment would be shared with other divisions as required and not reserved solely for No. 42 Division.

Chairman Gardner noted that all items that are donated to the Service are approved by the Board with the understanding that the donated items will be available for use on an as-needed basis by any unit within the Service.

The Board approved the foregoing and agreed to send of letter of appreciation to Toyota Canada Inc.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

#P270. 2001/2002 AUDIT WORKPLAN - UPDATE

The Board was in receipt of the following report OCTOBER 7, 2002 from Jeffrey Griffiths, City Auditor, City of Toronto:

Subject: AUDIT WORK PLAN

Purpose:

To update the members of the Toronto Police Services Board with specific information on the audit projects currently in progress in relation to the Toronto Police Service.

Financial Implications and Impact Statement:

There are no financial implications arising from the adoption of this report.

Recommendations:

It is recommended that this report be received for information and forwarded to the City's Audit Committee for information.

Background:

At its meeting on May 21 and 22, 2002, City Council approved the establishment of an Auditor General position for the City. Council further requested that a report be prepared by the City Auditor and the Chief Administrative Officer outlining a transition plan for the audit process as it currently exists to one which includes an Auditor General position, as well as an internal audit function in the City's Chief Administrator's Office.

The transition plan will likely impact the City Auditor's role in regard to the audit work conducted for the Toronto Police Services Board. Preliminary discussions with senior staff of the Toronto Police Service have taken place in regard to this matter.

Comments:

Regardless of the contents of the Auditor General transition report, the City Auditor's office is committed to the completion of the following projects at the Toronto Police Service:

- the review of the public complaints process;
- opportunities for civilianization;
- the review of the Human Resource Management System and the Professional Standards Information System (HRMS and PSIS); and
- the follow-up of the Review of the Investigation of Sexual Assaults.

Details on each of these projects are as follows:

1. Complaints Review

This report will be placed on the October agenda of the Toronto Police Services Board.

2. Civilianization Report

We have been provided information by the Chief Administrative Officer of the Toronto Police Service in regard to the civilianization of certain uniform positions. We have arranged to meet with the Chief Administrative Officer to discuss this matter and obtain additional information. In this context, it is our intent to issue a report on the matter to the Toronto Police Services Board prior to year end.

3. HRMS and PSIS

Enhancements to the HRMS and PSIS systems have not yet been implemented by the Toronto Police Service. Consequently, we are unable to conduct any work on this review at this time.

4. Review of the Investigation of Sexual Assaults

This follow-up review will commence over the next month or so.

Conclusions:

The audit work currently in progress is due to be finalized by the year end.

The implementation of the Auditor General's position at the City will impact the services provided by the City Auditor to the Toronto Police Service. The impact will be reported to the Board at a later date.

Contact:

Jeffrey Griffiths, City Auditor, Tel: (416) 392-8461, Fax: (416) 392-3754

E-Mail: Jeff.GRIFFITHS@city.toronto.on.ca

The Board approved the following Motion:

THAT the Board receive the foregoing report from the City Auditor and, in the absence of a separate report identifying new audits to be conducted in 2002 and pending the report on the impact of the implementation of the Auditor General's position, the continuation of the four audit projects noted in the foregoing report will be considered the basis for the 2002 Audit Workplan.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

#P271. CHANGES TO THE *CRIMINAL CODE* DUE TO BILL C-15A

The Board was in receipt of the following report OCTOBER 4, 2002 from Julian Fantino, Chief of Police:

Subject: CHANGES TO THE CRIMINAL CODE DUE TO BILL C-15A

Recommendation:

It is recommended that: the Board receive the following report for information.

Background:

At its meeting on July 31, 2002 the Board requested Chief Fantino review the changes that have been made to the *Criminal Code of Canada* as a result of Bill C-15A and submit a report with his comments (Board Min. No. P211/2002 refers). This report will provide information on the new *Criminal Code of Canada* sections and comments on the changes.

On June 10, 2002 Bill C-15A received Royal Assent. One of the purposes of this Bill was to enhance the protection and safety of children in our community. This resulted in changes to the *Criminal Code of Canada* pertaining to sexual exploitation, Internet luring and child pornography.

New Offences:

The new offences created by Bill-C15A are outlined below and each is followed by comments.

(1) Child Pornography on the Internet: Section 163.1(3) *Criminal Code of Canada*

This section specifies offences that have a maximum penalty of 10 years imprisonment. The new offences are:

- transmit** child pornography from one person to another;
- make available** child pornography. (This section applies when a person posts child pornography material on a web site or offers information on where to find it.)
- export** child pornography;
- possess child pornography for the purpose of** transmitting, making available or exporting.

This section also includes an offence that is punishable by up to 5 years imprisonment:

- accessing** child pornography on the Internet.

The addition of section 163.1(3) to the *Criminal Code* appears, at this time, to adequately address the concerns of the Police regarding offenders who access, save and distribute child pornography on the Internet. The legislation has resulted in a welcome change to the *Criminal Code*.

(2) Internet Luring: Section 172.1 *Criminal Code of Canada*

Predators mask their identity and pretend to be children or young adults in order to lure children into situations where they could be exploited. The new luring offence makes it illegal to communicate with a child for the purpose of committing a sexual offence against that child.

The section is broken down into different offences depending on the age of the victim.

- (a) A person who is, or the accused believes is under the age of 18 years for the purpose of facilitating the following offences; sexual exploitation, incest, make, possess distribute child pornography, procuring for the purpose of prostitution, procuring, prostitution under 18 years, sexual assault, sexual assault causing bodily harm, sexual assault with a weapon or aggravated sexual assault.
- (b) A person who is or the accused believes is under the age of 16 years for the purpose of facilitating the offence of abduction of person under 16 years.
- (c) A person who is, or the accused believes is under the age of 14 years for the purpose of facilitating the following offences; sexual interference, invitation to sexual touching, bestiality in the presence of person under 14 years, indecent act or abduction of person under 14 years.

The changes to Section 172.1 of the *Criminal Code* adequately address the issue of victim age by creating different offences depending on the age of the victim.

(3) Sentencing Provisions: Section 161 *Criminal Code of Canada*:

The new legislation has resulted in strengthening of the sentencing provisions. These new amendments include crimes related to child pornography and Internet luring as offences for which an offender would be subject to either a prohibition order that could last up to a lifetime or a one-year peace-bond. The changes also mean that child pornography and luring offences have been added to the list of convictions that are a prerequisite to an application for Long-term Offender designation under Section 753.1 of the *Criminal Code*.

This section is also welcomed by the Police to facilitate the monitoring of activities of offenders. Monitoring of offenders is a laudable goal as long as the resources to support this monitoring accompany the sentencing. The other concern with monitoring offenders is tracking their movements between provinces. Since a National Sex Offender Registry (SOR) has not yet been created there is no provision for monitoring offender movement across Canada. Ontario and Alberta have SOR systems in place that monitor the locations of offenders within their boundaries.

(4) Deleting child pornography from a Web Site: Section 164.1(5) *Criminal Code of Canada*

Bill C 15-A adds a provision for the courts to order a custodian of a computer system such as an Internet Service Provider (ISP) to remove from its server any child pornography material or a link to such material.

This Section is welcome as it attempts to eliminate child pornography and hamper those trying to get access to child pornography but it does cause concerns because it creates an additional step to the removal of child pornography from the Internet and does not go far enough in placing responsibility on the Internet Service Provider (ISP). The practice has been for the Toronto Police Service to contact the ISP, and request the removal of the material and if they refuse they are subject to criminal charges. This section now potentially creates an additional step of having to obtain a court order before ensuring the removal of child pornography from the Internet.

The section needs to be strengthened so Internet Service Providers are required to “police” themselves to ensure they do not store child pornography or provide links to it. When an ISP provides their services to individuals who are interested in child pornography they are in fact, in possession of child pornography or facilitating access to it and therefore committing a criminal offence. An absolute prohibition of possession of child pornography should be the responsibility of the Internet Service Provider.

(5) Forfeiture: Section 164.2(1) *Criminal Code of Canada*

This provision allows a judge to order the forfeiture of any materials or equipment used in the commission of a child pornography offence.

Equipment and materials are a significant component in child pornography on the Internet. An offender’s access to this equipment and materials needs to be severely restricted in order to prevent a continuation of the offence(s). Leaving the forfeiture of that equipment and materials to the discretion of the courts does not adequately address the importance of these items. An automatic forfeiture upon conviction would better reflect the role of the equipment and materials in these offences.

(6) Child Sex Tourism: Section 7(4.1) *Criminal Code of Canada*:

It is now possible to prosecute, in Canada, Canadian citizens and permanent residents who have committed sexual offences against children in a foreign country, without first obtaining a formal request from that country to prosecute.

The inclusion of this section addresses the concerns of the Police.

Discussion:

The legislation, as currently written, is a positive message to the community that the exploitation of children will not be tolerated. It also gives law enforcement several tools to prosecute individuals who engage in child pornography. The specific concerns raised by each of the new *Criminal Code*

sections is addressed above. There are also several additional issues that arise such as the age of consent, responsibilities of Internet Service Providers, evidentiary issues, submissions to the National DNA databank and a National Operational Strategy that will need to be addressed by amendments to or subsequent legislation.

The age of consent to be involved in recording consensual sexual activities should be raised. It is now legal for an adult to have consensual sexual interaction with a fourteen (14) year old and record these activities. Persons under the age of eighteen (18) years may not be aware of the long-term implications of participating in sexual activities that are recorded. The Sex Crimes Unit is currently investigating an extortion that involved a fourteen (14) year old having consensual sex with her eighteen (18) year old boyfriend. The boyfriend had threatened to show the video to her family and put it on the Internet unless the complainant works as a prostitute for him.

Internet Service Providers should be required to keep files on all of their Internet traffic for six (6) months. They regularly destroy records after thirty (30) days. When the Toronto Police Service is notified by another agency that a person in Toronto has committed an offence over the Internet, it is often several months after the offence has taken place.

Currently, a search warrant is required to obtain subscriber information from an Internet Service Provider. There is a significant amount of police resources expended to prepare these warrants as it takes about sixteen (16) hours of paperwork to obtain a search warrant to identify the subscriber. To streamline the investigative process, a sworn affidavit before a Justice (as it is in the U.S.A.) would be an appropriate alternative to a search warrant to determine who was using a specific Internet service at a specific time. The preparation of an affidavit takes significantly less resources (time and personnel) to complete. An affidavit would significantly streamline the investigative process. This issue is covered within the Lawful Authorized Electronic Surveillance process currently being developed by the Justice Department.

Changes and guidelines are required for the disclosure process. Forensic investigators are required to view all images seized. A provision is required to allow for "sampling" of the evidence. This process could be likened to large shipments of drugs, only a small portion is tested to determine existence of the offence. The same logic should apply to large seizures of evidence. The requirement for officers to view and catalogue each and every piece of evidence is the major cause of the backlog in most cases. If they were only required to retrieve a sample of the images for court purposes, there would be little or no backlog. The law should allow for sampling.

At this time, child pornography offences are classified as Secondary offences for the purposes of the DNA Identification Act (Bill C-3 and Bill S-10) and therefore, require a court order to have an offender submit DNA samples for the DNA databank. Approximately 40% of offenders involved in child pornography have also been involved in abusing children. Changes to the DNA Identification Act are required to re-classify child pornography offences as Primary offences, therefore, upon conviction, offenders would automatically be required to submit a DNA sample to the databank.

The investigative response by Canadian policing agencies to international requests for assistance in Internet investigations has been uncoordinated and ineffective. The lack of co-ordination has caused frustration for both Canadian and international investigators. The nature of the Internet, its availability across Canada and around the world, makes a co-ordinated national response a necessity. The development of a National Operational Strategy is essential to effectively investigate and prosecute individuals who engage in the abuse and exploitation of children.

Bill C-15A is an essential piece of legislation that will assist in the prosecution of offenders who engage in the exploitation of children through the Internet. As a community and a country we are moving slowly in the right direction. But, as pointed out in the above discussion topics, the legislation needs to be further enhanced and strengthened to improve the safety of our children.

Deputy Chief Michael Boyd, Policing Support Command, will be in attendance to answer questions from Board members.

The Board received the foregoing and approved the following Motion:

THAT the foregoing report be forwarded to the Minister of Justice and Attorney General of Canada, the Ontario Association of Police Services Boards and members of Toronto City Council for information.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

**#P272. SERVICE IMPROVEMENTS AND ALTERNATIVE SERVICE DELIVERY
(ASD)**

The Board was in receipt of the following report OCTOBER 3, 2002 from Julian Fantino, Chief of Police:

Subject: SERVICE IMPROVEMENT AND ALTERNATE SERVICE DELIVERY (ASD)

Recommendation:

It is recommended that:

1. the Board receive this report;
2. the Board forward a copy of this report to the City of Toronto Chief Administrative Officer.

Background:

Toronto City Council, at its meeting of June 18, 19 and 20, 2002, adopted Clause No. 1 of Report No. 10 of the Policy and Finance Committee, headed "Service Improvement and Alternate Service Delivery Work Program (ASD)". Recommendation No. 5 of the report states:

"Agencies, Boards and Commissions be required to report to the Chief Administrative Officer on ASD strategies which they have developed or are developing so that consistency of these strategies with the City's ASD program can be assessed".

In November 2001, Council approved an Alternative Service Delivery Policy Framework, which differentiated between Service Improvements and Alternative Service Delivery. The following is information contained in the Council approved framework.

Service Improvements are initiatives which address level of service, delivery to the right residents or clients, funding and form part of the usual business planning and budgeting processes, targeting the departmental activity level for efficiency improvements. Examples of service improvements include internal reorganisation, streamlining and process re-engineering.

ASD is defined as "the creative and dynamic process of public sector restructuring that improves the delivery of services to clients by sharing government functions with individuals, community groups, private sector and other government entities". Examples of ASD include delivery through non-profit organisations, delivering through governance structures outside the core departmental structure, partnering with other governments and non-profits and contracting out.

ASD differs from service improvements in that ASD reviews focus on a whole program or service while service improvements focus on activities and sub-activities. Second, ASD involves rethinking the role in a program or service where service improvements typically seek to achieve improved efficiencies within that role. Third, because of these differences ASD reviews should have the potential for greater achievements in service quality, efficiency and cost savings than service improvements.

Service Improvement and ASD in the Toronto Police Service

Service Improvement:

The Toronto Police Service is responsible for delivering policing services to a dynamic and very diverse community and is continually examining its operations in order to gain efficiencies and deliver the best possible service to the public. To effectively identify the demands and challenges of our community, the Service performs a comprehensive environmental scan every two years, with an update of the main data in other years. The scan process includes extensive public and internal consultation, research and statistical analysis. To this end, the Service develops priorities that represent those areas within our mandated responsibilities to which we will give special emphasis. The Service priorities are then applied during the annual planning and budgeting process to evaluate service changes and new initiatives. Moreover, in March 2000, I initiated a 90-day review of the Service. The review was very comprehensive and covered a broad variety of issues, including staffing, human resource procedures, enforcement strategies and priorities, budget issues, supervisory structures, police uniforms and the relationship between the Service and the community. Recommendations from the review, that were approved by the Command, have/will be implemented and these have resulted in efficiency improvements, streamlining of processes and more accountability.

Alternative Service Delivery (ASD):

The nature of police work does not lend itself to many ASD options however, where the potential exists the Service has and will continue to pursue these. Currently, the Service is examining two programs, the school crossing guard program and custodial and maintenance services, that would be in line with the City's ASD initiative.

The school crossing guard program is the responsibility of the Service. This includes the hiring of crossing guards, evaluation of crossing guard locations, administration and accountability for the program. In most municipalities, the school crossing guard program is the responsibility of the municipality or the school board and it is the Service's position that this should also be the case in the City of Toronto. Attempts to transfer responsibility for function from the Service to the municipality or school board appear to be very long term. Therefore, the Service is pursuing the potential of hiring an external organisation to take responsibility for the school crossing guards while the Service will maintain the safety survey and financial control of the program. It is the Service's expectation that by having an external organisation manage the school crossing guards efficiencies (e.g. redeployment of staff) will be realised with some cost savings achieved. A request for information (RFI) was issued in September 2002 as per the Board's direction to investigate which external agencies would be interested in bidding for the program. Once information is

received from the RFI the Service will be in a position to report to the Board on the potential of utilising an external agency.

The City's Corporate Services Department on a cost recovery basis currently provides custodial and maintenance services to the Service. In effect, the Service is contracting these services from the City. The 2003 estimated cost recovery amount, by the City's Corporate Services Department from the Service, is \$12.5M of which the custodial and maintenance portion is over \$5M. The Service has conducted studies, utilising external consultants, to review alternate service delivery options for custodial and maintenance services. The results of these studies indicate that there are substantial savings (up to \$2.5M annually) to be gained by the Service by contracting out the custodial and maintenance services to an established specialised contractor. The savings are substantially a result of the difference in wages paid by the City versus a contractor.

The issue of contracting out custodial and maintenance services has been ongoing since 1995. Although some savings with the City have been achieved through proper training, better supervision, more efficient cleaning standards and the establishment of a proper schedule of work, the largest additional potential saving can only be achieved through the contracting out of services. In 1998, the Board approved a request (Brd. Min. No. 57/98 refers) for the Service to enter into discussions with the City regarding the contracting out of custodial and maintenance services. The Emergency & Protective Services Committee, at its meeting of March 23, 1999 referred the matter of the contracting out of custodial and maintenance services to the Corporate Services Committee. The Corporate Services Committee, at its meeting of April 22, 1999 requested the City CAO to explore the feasibility of contracting out custodial and maintenance services for all police facilities in the context of short and long term cost savings. Discussions between Service staff and the City CAO have taken place towards developing a framework for contracting out the custodial and maintenance services. The City CAO was to forward a report to the City Policy & Finance Committee and include the impacts of contracting out all City custodial and maintenance services. This report has yet to go forward.

The benefits to the Service of contracting out go beyond the cost savings. Staffing problems associated with hiring, terminating, sickness, absenteeism, etc. will be the responsibility of the contractor. WSIB issues will be the responsibility of the contractor, facility supervision will be enhanced and the contractor will continually be looking for more effective ways to deliver service in order to remain competitive.

Given the ongoing funding pressures faced by the City and in turn by the Service, it is critical that the Service proceeds with the contracting out of custodial and maintenance services. Savings obtained by contracting out would assist the Service and City in offsetting budget pressures. Therefore, the Service's 2003 operating budget request will include the contracting out of custodial and maintenance services to be phased in during 2003.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command will be in attendance to answer any questions the Board may have.

cont...d

The Board received the foregoing and approved the following Motion:

THAT the Board request the City's Chief Administrative Officer to provide a report to the Board on the status of the outstanding report that was to be forwarded to the Policy and Finance Committee regarding the contracting out of custodial and maintenance services.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

#P273. SEMI-ANNUAL REPORT: GRANT APPLICATIONS AND CONTRACTS

The Board was in receipt of the following report OCTOBER 2, 2002 from Julian Fantino, Chief of Police:

Subject: SEMI-ANNUAL REPORT – GRANT APPLICATIONS AND CONTRACTS

Recommendation:

It is recommended that: the Board receive the following report.

Background:

At its meeting of February 28, 2002, the Board granted standing authority to the Chairman, Police Services Board, to sign all grant and funding applications and contracts on behalf of the Board (BM #P66 refers). The Board agreed that a report would be provided on a semi-annual basis summarizing all applications and contracts signed by the Chairman.

This report, which covers the period of March 1, 2002 to September 30, 2002, is attached for the Board's information. The report is comprised of three sections:

- Appendix A – New Grant Applications, which includes all grant funding applications signed or submitted during the period covered in the report; and
- Appendix B – New Grant Contracts, which includes all grant funding contracts signed or awarded during the period covered in the report; and
- Appendix C – Grants Inventory, which lists all current grant awards.

The next semi-annual report will be submitted for the April 2003 Board meeting.

Recently, the Command approved an internal process for the application and administration of grants. This standardized process will ensure the prudent and effective management of grants on a consistent basis. Included in the administrative phase of the process, is the semi-annual report to the Board.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command will be in attendance to answer any questions the Board may have.

The Board received the foregoing.

Appendix A
New Grant Applications
March 1, 2002 to September 30, 2002

Name and Description of Grant	Amount of Funding	Grant Term	Status
<p>“Assisting and Preventing Child Victims of Sexual Abuse through Focused Investigation of Child Pornography Cases”</p> <p><i>In March 2002, TPS submitted a proposal to the Attorney General requesting the allocation of funding from the Victims’ Justice Fund to the above-named project. As this potential grant was unsolicited and no formal application process existed, the Chairman’s approval of the application was not required. The project is a two-year pilot project that will address the growing demand for Child Pornography Investigations culminating from the dramatic increase in this crime via the internet. The program involves a collaborative partnership between the Sex Crimes Unit, the Intelligence Unit and Victim Services.</i></p>	<p>\$2,000,000</p>	<p><i>April 1, 2002 to March 31, 2004</i></p>	<p><i>The Service is in receipt of a draft contract from the Ministry of Public Safety and Security (who are administering the grant) and the contract review and revision process is underway. Once the contract has been finalized, the Chairman’s signature will be requested.</i></p>
<p>Joint Emergency Preparedness (J.E.P.P.) Program</p> <p><i>In September 2002, TPS submitted three applications, signed by the Chairman, for the J.E.P.P. 2003/2004 program. J.E.P.P. is a Federal/Provincial Joint Program that provides partial funding (generally 45%) for projects that enhance the national emergency response capability. The three applications include:</i></p> <p>Emergency Management Response Capability <i>The purchase of equipment to assist the Public Safety Unit in their response at the scene of a disaster or major event. The TPS share of funding has been included in the 2003 Operating Budget Submission.</i></p> <p>Dialogic Communication System <i>An emergency notification and information system utilizing a software package that may contact any form of telephone or internet based device. The system will be utilized for contact with auxiliary officers. The TPS share of funding has been included in the 2003 Operating Budget Submission.</i></p>	<p><i>J.E.P.P. share at 45% (TPS must cover balance)</i></p> <p>\$86,164</p> <p>\$17,634</p>	<p><i>April, 2003 (upon notification of approval) to March 31, 2004</i></p>	<p><i>Based on the schedule communicated to TPS by Emergency Measures Ontario, it is anticipated that notice of funding approval will be given in April of 2003.</i></p> <p><i>See above.</i></p> <p><i>See above.</i></p>

Appendix A
New Grant Applications
March 1, 2002 to September 30, 2002

Name and Description of Grant	Amount of Funding	Grant Term	Status
<p>Police Command Centre <i>TPS is seeking J.E.P.P. funding for the Police Command Centre improvements. The TPS share of funding has been included in the Capital Budget Submission.</i></p>	<p>\$326,250</p>		<p><i>See above.</i></p>
<p>Reduce Impaired Driving Program (R.I.D.E.) <i>In January 2002, the Service applied for funding from the 2002/2003 R.I.D.E. Program (BM #P66 refers). Historically, TPS has been approved for allocations of approximately \$100,000 and approval has generally been received in July following the application.</i></p>	<p>\$166,985</p>	<p><i>April 1, 2002 to February 28, 2003</i></p>	<p><i>Notification of the TPS R.I.D.E. funding allocation and the related contract has not yet been received. The Ministry is experiencing delays due to the labour disruptions that ended in May and anticipates sending communication to grantees at the end of October.</i></p>

Appendix B
New Grant Contracts
March 1, 2002 to September 30, 2002

Name and Description of Grant	Amount of Funding	Grant Term
<p>Joint Emergency Preparedness (J.E.P.P.) Program</p> <p><i>The application for Marine Rescue Equipment, submitted for the above-noted program for the 2002/2003 funding period (BM #66 refers), was approved in April 2002. Although a contract is not required for the J.E.P.P. program, the approval of the grant funding is included here for the Board's information.</i></p>	\$62,055	April 2, 2002 to March 31, 2003
<p>Municipal Police Service Technology Grant</p> <p><i>The contract, for which funding was applied for in January 2002 (BM #P66 refers), was signed by the Chairman in March 2002. The funding is in support of the development and implementation of electronic information sharing exchanges. The first phase of the project involves an evaluation that will determine the scope of the project. If this evaluation determines that the project should not proceed, the remaining funds will be returned to the grantor.</i></p>	\$3,000,000	March 28, 2002 to December 31, 2005
<p>New Initiative Fund (N.I.F.) Program</p> <p><i>The application for Search/Rescue and Recovery Dive Team Equipment and Training, submitted for the above-noted program for the 2002/2003 funding period, was approved in May 2002. Although a contract is not required for the N.I.F. program, the approval of the grant funding is included here for the Board's information.</i></p>	\$131,139	May 28, 2002 to March 31, 2003
<p>Youth Referral Program</p> <p><i>The contract, for which funding was applied for in June 2001 (BM #P66 refers), was signed by the Chairman in March 2002. The project is a two-year pilot project to provide diversion and accountability options for youth accused of committing less serious offences.</i></p>	\$766,143	January 2, 2002 to December 31, 2003

Appendix C
Grants Inventory
As at September 30, 2002

Name and Description of Grant	Amount of Funding	Grant Term
Community Policing Partnership (C.P.P.) Program	\$7,530,000	April 1, 2002 to March 31, 2003 (permanent program)
Joint Emergency Preparedness Program (J.E.P.P) – Marine Rescue Equipment	\$62, 055	April 2, 2002 to March 31, 2003
Municipal Police Service Technology Grant	\$3,000,000	March 28, 2002 to December 31, 2005
New Initiative Fund (N.I.F.) Program - Search/Rescue and Recovery Dive Team Equipment and Training	\$131,139	May 28, 2002 to March 31, 2003
Youth Crime and Violence Initiative Program - Street Gang Investigative Surveillance Equipment	\$30,000	November 1, 2001 to November 1, 2002
Youth Crime and Violence Initiative Program - Serious Teen Offender Program (S.T.O.P.)	\$18,740	September 1, 2001 to September 1, 2002 (program extension requested)
Youth Crime and Violence Initiative Program - Violence from Silence Video	\$15,630	September 1, 2001 to September 1, 2002 (program extension requested)
Youth Referral Program	\$766,143	January 2, 2002 to December 31, 2003

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

**#P274. ANNUAL REPORT: POLICE CO-OPERATIVE PURCHASING GROUP
(PCPG)**

The Board was in receipt of the following report SEPTEMBER 23, 2002 from Julian Fantino, Chief of Police:

Subject: POLICE COOPERATIVE PURCHASING GROUP (PCPG) STATUS REPORT

Recommendation:

It is recommended that: the Board receive this report.

Background:

The Police Co-operative Purchasing Group (PCPG), with its two sub-committees Clothing and Equipment and Fleet, is continuing with its mandate of seeking opportunities to purchase common police products from suppliers who have demonstrated their ability to work with the Group in supplying the best quality product at the most competitive cost. The PCPG website (hosted under the OACP website) continues to be a good source of information on activities of the Group and its Sub-Committees. The website includes updated specifications and purchase agreements available to all police agencies in Ontario, as well as guidelines, minutes of meetings, and a bulletin board for upcoming events or items for sale. This is particularly helpful to agencies outside the Greater Toronto Area that are unable to attend meetings on a regular basis.

The Committees continue to research and test new products and update specifications to meet police requirements and to ensure compliance to the Adequacy Standards Legislation. The Fleet Sub-Committee continues to look at the feasibility of standardizing specifications for non-patrol vehicles (investigating and administrative use) to increase the volume and reduce vehicle costs. Future years could see the standardization of surveillance type vehicles. The Clothing and Equipment Sub-Committee achieved a significant objective in 2002 by way of developing five (5) standards of body armour ranging from lightweight to tactical. The PCPG has issued a tender using these new standards. The results of this tender will be known in November/December of this year.

The 2002 year was an option year for uniform clothing & equipment and ammunition. Therefore, there were no additional savings for these items in 2002. The tire contract, which expired at the end of 2001, was re-tendered which resulted in a price increase of 2 ½ to 3% (approximately \$12,000.00) on the most common size tires used by the various Police Services throughout the Province. Although the tire contract resulted in a price increase, it is our view that the combined volume of the PCPG kept this increase to a minimum.

Frank Chen, Chief Administrative Officer, Corporate Support Command, will be at the meeting to answer any questions.

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

**#P275. ANNUAL REPORT: STAFFING CHANGES WITHIN CORPORATE
INFORMATION SERVICES**

The Board was in receipt of the following report OCTOBER 7, 2002 from Julian Fantino, Chief of Police:

Subject: STATUS OF STAFFING CHANGES WITHIN CORPORATE INFORMATION
SERVICES UNIT (CIS)

Recommendation:

It is recommended that: the Board receive this information.

Background:

The Board, at its meeting of March 31, 1997, requested a status report in October of each year on the status of staffing changes within the new CIS unit. This report is to include a financial statement on the Occurrence Re-engineering Project which clearly identifies all savings to date, including staffing (BM#107/97 refers).

On September 26, 2002, the Police Services Board requested that a detailed status report on Occurrence Re-engineering also known as "eCOPS" be provided at the November 21, 2002 Board Meeting (BM#P258/02 refers).

Due to the correlation of CIS staffing changes within the eCOPS project, this information shall be included in the eCOPS status presentation at the November 21, 2002 Board meeting. This will allow for the opportunity to clearly demonstrate the various initiatives within this project and how they each correspond.

Mr. Frank Chen, CAO, Corporate Support Command, will be in attendance to answer any questions.

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

#P276. TORONTO POLICE SERVICE GROUP BENEFITS PLAN CONTRACT

The Board was in receipt of the following report OCTOBER 15, 2002 from William Gibson, Director, Human Resources:

Subject: TORONTO POLICE SERVICE GROUP BENEFITS PLAN CONTRACT

Recommendation:

It is recommended that:

- (1) the Board award the contract for the Toronto Police Service Group Benefits Plan to Manulife Financial for a five year period, effective January 1, 2003 to December 31, 2007, and;
- (2) subject to the approval of recommendation no. 1, the Board authorize the Chairman to execute all documents, including contracts, on behalf of the Board, which are satisfactory as to form by the City Solicitor.

Background:

This report is being submitted to recommend that the contract for the Toronto Police Service Group Benefits Plan be awarded to Manulife Financial for a five year period, commencing January 1, 2003. Our current contract with Clarica Insurance Co. expires on December 31st, 2002 and the recommendation to change carriers is based on the results of a competitive bidding process. An alternative option of securing these services through Manulife in its capacity as current provider for the City of Toronto was also explored, but was found to be not feasible.

Given Manulife's standing as the established carrier for the City, a decision was made to initially review the possibility of accessing its services for any potential cost savings. The firm of Wm. Mercer was engaged for this purpose, but its findings indicated that this approach would not be cost effective. The fee structure developed by Manulife for the City is based on the benefit plan and claims experience of the City's employees. Applying those rates to the TPS yielded an estimated cost for 2002 that was \$200,000 higher than that expected under our contract with Clarica. In addition, Manulife's price guarantees with the City are valid only to the end of this year, which would expose the Service to the likelihood of higher rates after that time.

It was clear from this study that it was in the best interests of the Board to pursue a competitive bidding process, and a Request For Proposals was issued through the City of Toronto Purchasing Department. A total of seven companies responded, and with the assistance of Wm. Mercer these were short-listed to three firms for an interview and presentation component. All bids were evaluated on criteria that assessed the following:

- relevant experience and general qualifications
- experience of the team administering the contract and its ability to provide proactive and effective service
- claims adjudication and administrative resources and processes
- competitive costs based on expenses, pooled premiums, pooling charges, reserving and other financial arrangements
- ability to produce timely and useful management reports
- health and dental cost control and employee education capabilities

The interviews were conducted by senior staff from Human Resources and Finance & Administration, and were held with Great West Life, Manulife Financial, and Liberty Health. Clarica ranked sixth in the initial evaluation, in part due to its high costing, and did not advance to this stage. Overall, combining both financial and non-financial criteria, Manulife scored the highest and is recommended as the company most qualified to meet our requirements. It was the second lowest bidder of the three finalists, but scored very favourably on its capacity to administer claims in a way that will minimize extraneous costs, employee complaints, and other disruptions. The difference between Manulife and Liberty Health, the lowest bidder of the finalists, was less than \$60,000 annually, or about 0.2% of the expected benefit costs. Manulife has demonstrated its ability to effectively handle groups of our size, and presented a well thought out plan for transition from our present carrier, a vital step for maintaining uninterrupted service. Reference checks on this company were also very positive, both with respect to its operations as an organization and with respect to the individual representatives who will be supporting this contract. Accordingly, we are recommending that the Board award this service to Manulife Financial for the five year period of January 1, 2003 to December 31, 2007. The contract will cover the benefits provided for in our Collective Agreements, including health, dental, semi-private hospital, long term disability, and group life, for both active members and retirees, as applicable. Operation of the contract will be carefully monitored by Compensation and Benefits through receipt of data reports from the company and regular liaison with the service team, to detect trends and anticipate any issues that may be of concern.

In view of the possibility that finalizing the formal contract may extend beyond the scheduled start date, it is also recommended that the Board authorize the Chairman to execute all documents, including contracts, on behalf of the Board, which are satisfactory as to form by the City Solicitor. This will facilitate a timely changeover and continuation of services.

Should the Board adopt these recommendations, the Toronto Police Association and the Senior Officers Organization will be notified in accordance with their respective Collective Agreements.

I will be in attendance at the meeting to respond to any questions the Board may have in regard to this matter.

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

**#P277. AWARD OF CONSTRUCTION CONTRACT FOR CENTRALIZED
DRUG SQUAD FACILITY**

The Board was in receipt of the following report OCTOBER 10, 2002 from Julian Fantino, Chief of Police:

Subject: **AWARD OF CONSTRUCTION CONTRACT FOR CENTRALIZED DRUG
SQUAD FACILITY**

Recommendation:

It is recommended that: the Board approve the award of the construction work for the Centralised Drug Squad facility to Alpeza General Contracting in the amount of \$1,578,200 inclusive of all taxes, plus any unforeseen extras to the contract.

Background:

The Toronto Police Services Board as part of the approval process for the 2002 to 2006 Capital Budget approved funding to renovate a facility for the Centralised Drug Squad.

On September 13, 2002 at the request of the Toronto Police Service, Purchasing Support Services, the City of Toronto, Management Services, Purchasing and Materials Supply Division issued a "Request for Quotation" (RFQ 3907-02-5326) for renovations to a Police facility. The tender closed on September 27, 2002. In accordance with the Board's prior approval (BM# 384 August 31, 2000) the RFQ was issued to the Service's five contractors with Vendor of Record status. The Service received four quotations.

Alpeza General Contracting, being the lowest bid submitted, was found to be in compliance with the tender documents.

The Chief Administrative Officer, Corporate Support Command, has certified to the availability of the funds in the TPS Capital program to complete the project. Therefore, it is recommended that the Board approve the award of the construction work for the Centralised Drug Squad to Alpeza General Contracting being the submission with the lowest cost meeting specifications.

Following this award, the Contractor will start work immediately. The planned completion date is January 31, 2003 with occupancy soon there after.

Mr. Frank Chen, CAO Corporate Support Command will be in attendance to answer any questions the Board may have.

The Board approved the following Motion:

THAT the foregoing recommendation be approved with the following amendment: deleting “plus any unforeseen extras to the contract” and adding “in accordance with the terms of the Board’s Purchasing By-Law No. 100” so that it now reads as follows:

THAT the Board approve the award of the construction work for the Centralized Drug Squad facility to Alpeza General Contracting at an amount not to exceed \$1,578,200.00 including all taxes and in accordance with the terms of the Board’s Purchasing By-Law No. 100.



Toronto Police Services
Facilities Management
40 College Street
Toronto, ON M5G 2J3
Attn. Mr. Enrico Pera, Acting Manager

RE: Quotation Request No. 3907-02- 5326 "Renovations at Toronto Police Services Facility, 160 Duncan Mill Road, Toronto"

Dear Mr. E. Pera;

This letter is to confirm that Alpeza General Contracting Inc. guaranties that the above noted project will be completed on the time as requested in the specifications, assuming that 26 days delay in commencement of the project will extend the completion date by the same. This will confirm the completion date of this project at the end of January' 2003.

In order to expedite a shorter schedule it would be greatly helpful that a letter of intent be issued as soon as possible so that we in return can issue the same to our subtrades to commence with the production of shop drawings and that the required equipment can be ordered. This will result in shortening the schedule a few weeks to the beginning of January'2003.

If you have any question please contact undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read "John Alpeza".

John Alpeza, President
Alpeza General Contracting Inc.



October 10, 2002

Toronto Police Services
Facilities Management
40 College Street
Toronto, ON M5G 2J3
Attn. Mr. Enrico Pera, Acting Manager

RE: Quotation Request No. 3907-02- 5326 "Renovations at Toronto Police Services Facility, 160 Duncan Mill Road, Toronto"

Dear Mr. E. Pera;

Please be advised that our bid for the above noted project was based as per specifications and drawings. We have not proposed or included any alternative equipment or materials.

We trust the above is satisfactory.

Yours truly,

A handwritten signature in black ink, appearing to read "John Alpeza".

John Alpeza, President
Alpeza General Contracting Inc.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

**#P278. TORONTO POLICE SERVICES BOARD – 2002 OPERATING BUDGET
VARIANCE AS AT AUGUST 31, 2002**

The Board was in receipt of the following report OCTOBER 9, 2002 from Norman Gardner, Chairman:

Subject: 2002 OPERATING BUDGET VARIANCE FOR THE TORONTO POLICE SERVICES BOARD, AS AT AUGUST 31, 2002

Recommendation:

It is recommended that:

- 1) the Board receive this report, and
- 2) the Board forward a copy of this report to the City Chief Financial Officer and Treasurer.

Background:

Toronto City Council, at its meeting of March 4 to 8, 2002, approved the 2002 Toronto Police Services Board Operating Budget at a net amount of \$1,291,000, an increase of 2.4% over the 2001 Net Operating Budget. The Council-approved budget provides sufficient funding to maintain current services.

2002 Operating Budget Variance

As at August 31, 2002, the Board is projecting a zero variance. This is unchanged from the variance reported for June.

STAFFING

The staffing budget for the Board office is \$726,900, or 56.3% of the total net budget. No variance is anticipated in this category.

The recent Association contract settlement has had a minimal impact on the Board office budget (less than \$5,000). When all outstanding salary settlements have been determined for 2002, a recommendation will be made to request a draw from the City's Accounts to the Board office through an in-year budget adjustment.

NON-SALARY ACCOUNTS

The non-salary budget for the Board office is \$564,100. The majority of the Board's costs are related to arbitration and grievance hearings. No variance is anticipated in these accounts at this time.

The Board received the foregoing and agreed to forward a copy to the City Chief Financial Officer and Treasurer and the Policy and Finance Committee for information.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

**#P279. TORONTO POLICE SERVICE – 2002 OPERATING BUDGET
VARIANCE AS AT AUGUST 31, 2002**

The Board was in receipt of the following report OCTOBER 9, 2002 from Julian Fantino, Chief of Police:

Subject: 2002 OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO
POLICE SERVICE AS AT AUGUST 31, 2002

Recommendation:

It is recommended that:

- (1) the Board receive this report;
- (2) the Board forward this report to the City Chief Financial Officer and Treasurer, and to the City Policy and Finance Committee (P&F).

Background:

Toronto City Council, at its meeting of March 4 to 8, 2002, approved the Toronto Police Service (TPS) Operating Budget at a net amount of \$587.2 Million (M), an increase of 1.5% over the 2001 Net Operating Budget. The Council-approved budget provides sufficient funding to maintain current services. The budget also provides additional funding for the creation of an Anti-Gang Unit in the amount of \$0.7M as well as funding for costs related to the City taking over Provincial Offences Act courts. In addition to the approved budget, City Council also approved one-time funding for World Youth Days at a net amount of \$2.7M bringing the Service's total operating budget to \$589.9M.

At its August 20, 2002 meeting, the Board approved a request to increase the TPS budget by \$18.8M, to reflect the Association salary settlement, bringing the total 2002 net budget to \$608.7M.

2002 Operating Budget Variance

As at August 31, 2002, the Service is projecting a year-end surplus of \$0.5M. This surplus is unchanged from that reported in the July 31, 2002 variance report.

STAFFING

Net savings of \$0.2M are projected for salaries to year-end (which is unchanged from last month).

The Service continuously evaluates staffing data and the related impact on the Service's expenditures. The projected uniform separations for 2002 is currently estimated at 325. As at August 31, 2002 there were 269 separations compared to 339 at the same point in time last year. The Service will continue to evaluate data as it becomes available and any impact on separation figures will be reported in future variance and Human Resource strategy reports. At this time, the gross savings as a result of separations is estimated at \$5.2M. These gross savings are unchanged from those reported last month.

As identified in previous variance reports, the Service has embarked on in-year strategies to cope with the staffing shortfall (as compared to the approved target strength). These strategies include the increased use of overtime and callbacks, and the granting of fewer days off. In addition, the Service is attempting to increase the number of lateral entries through aggressive recruiting, incentives to attract and retain new hires (e.g. lieu time credits) and the hiring of part-time police officers. These actions result in a projected 2002 cost of \$4.9M (unchanged from last month). Details of separations and hiring along with staffing strategies were provided in the Human Resource Strategy report at the Board meeting of May 30, 2002 (Board Minute #P136 refers).

The Service has incurred additional salary expenses related to policing protests at the PC Convention and providing increased resources during the OPSEU strike (for a total cost of \$0.6M). However, costs related to policing World Youth Day have proven to be somewhat less than originally expected. Final calculations are still pending, but current estimates indicate savings of \$0.5M. These events result in a net cost of \$0.1M.

The net impact of the above on the staffing budget is a \$0.2M favourable variance.

BENEFITS

A net savings of \$0.3M is projected in the benefits category to year-end, also unchanged from last month. As a result of cost containment initiatives initiated during 2001, the Service has continued the favourable trend in medical and dental costs and is projecting a \$0.8M favourable variance for benefits. However, additional costs for WSIB in the amount of \$0.5M result in a net savings of \$0.3M.

SALARY SETTLEMENT IMPACT

As discussed in previous variance reports, the City set aside \$14.6M to cover any TPS salary increases. The cost of the Toronto Police Association salary settlement is \$18.8M, leaving a \$4.2M shortfall compared to the funding set aside by the City. The City has requested that the Service absorb the \$4.2M variance. All attempts have been made to maximize the Service surplus and it is the Service's position that further cost reductions cannot be made without significantly affecting operations (details were provided at the September Board meeting, minute

P246/02 refers). At this time, the Service is projecting a \$0.5M surplus which can be applied to the \$4.2M variance. The Service will continue to control costs where possible and return any year-end surplus funds to the City to help offset the above variance.

The \$4.2M variance does not include outstanding 2002 potential salary settlements for Senior Officers, Command Officers and Excluded staff. These could amount to an additional variance of \$0.6M.

SUMMARY

As at August 31, 2002 a favourable variance of \$0.5M is projected. The Service continues to monitor and control expenditures and any further impact on the surplus will be reflected in future variance reports.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command will be in attendance to answer any questions the Board may have.

The Board received the foregoing and agreed to forward a copy to the City Chief Financial Officer and Treasurer and the Policy and Finance Committee for information.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

**#P280. TORONTO POLICE SERVICE PARKING ENFORCEMENT UNIT – 2002
OPERATING BUDGET VARIANCE AS AT AUGUST 31, 2002**

The Board was in receipt of the following report OCTOBER 9, 2002 from Julian Fantino, Chief of Police:

Subject: 2002 OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO
POLICE PARKING ENFORCEMENT UNIT AS AT AUGUST 31, 2002

Recommendation:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward this report to the City Chief Financial Officer and Treasurer, and to the City Policy and Finance Committee (P&F).

Background:

Toronto City Council, at its meeting of March 4 to 8, 2002, approved the Parking Enforcement Operating Budget at a net amount of \$26.5 Million (M) which is the same amount approved by the Toronto Police Services Board at its meeting of December 13, 2001. The Council approved budget provides sufficient funding to maintain current services and also provides additional funding for the hiring of an additional 48 Parking Enforcement Officers.

At its August 20, 2002 meeting, the Board approved a request to increase the Parking Enforcement budget by \$0.8M to reflect the Association salary settlement, bringing the total 2002 net budget to \$27.3M.

As at August 31, 2002 no variance is projected.

Salaries & Benefits

Attrition is in line with what was projected during the budget process. Parking Enforcement has hired the first group of Parking Enforcement Officers from the approved staggered hire of 48 additional Parking Enforcement Officers.

Parking Tag Revenue

Budgeted revenue from parking tags is \$69.9M, which includes additional revenue of \$3.2M due to additional staff. As of August 31, 2002 no variance is projected.

Salary Settlement Impact

As discussed in the June variance report, the City set aside \$0.5M to cover any Parking Enforcement salary increases. The cost of the Toronto Police Association salary settlement is \$0.8M, leaving a \$0.3M shortfall compared to the funding set aside by the City. The City has requested that Parking Enforcement absorb the \$0.3M variance. Parking Enforcement cannot reduce costs without negatively impacting revenues from parking tags. At this point Parking Enforcement is projecting no surplus. However, Parking Enforcement will continue to control costs where possible and return any year-end surplus funds to the City to help offset the above variance.

Deputy Chief Mike Boyd, Policing Support Command, will be in attendance to answer any questions the Board may have.

The Board received the foregoing and agreed to forward a copy to the City Chief Financial Officer and Treasurer and the Policy and Finance Committee for information.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

**#P281. EFFECT OF THE CITY OF TORONTO AUDITOR GENERAL'S OFFICE
UPON THE TORONTO POLICE SERVICE**

The Board was in receipt of the following report SEPTEMBER 20, 2002 from Julian Fantino, Chief of Police:

Subject: EFFECT OF THE CITY OF TORONTO AUDITOR GENERAL'S OFFICE ON
THE TORONTO POLICE SERVICE

Recommendation:

It is recommended that:

1. The Board approve the request for the supplement of \$360,500 for the 2003 operating year from the City of Toronto in order to restore the Toronto Police Service's internal audit function.
2. A copy of this report be forwarded to the City of Toronto's Chief Administrative Officer for inclusion in the 2003 operational budget process.

Background:

On March 27, 2000, the Board approved the use of City Audit Services as the Board's and Service's principal internal auditor. Plans were made to downsize the then unit of Policing Standards and the sum of \$321,200, representing civilian salaries and benefits, was turned over to the City in 2000 and used to increase the staff levels with the City Auditor's Office.

At the time of this transfer, the then Policing Standards Unit was performing audit work solely as directed by the Chief of Police and Command Officers. No audit work was being carried out on behalf of the Toronto Police Services Board. The only work requested by the Toronto Police Services Board and conducted by the Policing Standards Unit related to the review of the Intelligence Data Base and had last been reported on in February 1998. Therefore, the transfer of the \$321,200 resulted in a direct decrease of the Toronto Police Service's operating budget for 2000.

On April 3, 2002, the Toronto Police Service was notified by the City Auditor, Mr. Jeffrey Griffiths, that as a result of his forthcoming appointment to the role of Auditor General for the City, he would no longer be able to perform internal audit work for the Toronto Police Service. This change was also confirmed by Shirley Hoy, Chief Administrative Officer for the City of Toronto in her letter to Staff Superintendent David Dicks of Professional Standards, dated September 4, 2002. (Letter attached)

On May 23, 2002, Toronto City Council approved the creation of the Auditor General's Office and a steering committee was set up to deal with transition issues under the direction of the City of Toronto's Chief Administrative Officer.

As a result of this change, the Toronto Police Service will now have to perform its own internal audit work once more. In order for the Toronto Police Service to fulfil this task in an effective and efficient manner, the civilian positions which were deleted in 2000 will have to be reinstated and funding returned from the City of Toronto. The supplement requested is meant to restore funding that previously existed within the operating budget of the Toronto Police Service to carry out the internal audit function.

The re-establishment of the audit function within the Toronto Police Service will assist senior management in identifying, evaluating and managing risk related issues that represent potential and existing liabilities from a corporate perspective. In addition, this function will assist in ensuring that programs and projects of the Service are consistent with the long and short-term goals and objectives and ensure that changes are made when deficiencies or non-compliance are discovered.

The amount returned to the City of Toronto in 2000 was for a total of \$321,200. Taking into account yearly salary increase as per the Toronto Police Service Collective Agreements, the corresponding amount for 2002 is calculated as \$360,500. This is the amount of the supplement that is being requested from the City of Toronto. A business case relating to the return of these funds is attached to this Board submission.

Staff Superintendent David Dicks, Professional Standards, will be in attendance to answer any questions the Board may have in regard to this matter.

Mr. Jeffrey Griffiths, City Auditor, was in attendance and responded to questions by the Board about this report.

The Board approved the following Motions:

- 1. THAT the Board approve the foregoing report *in principle only* pending the release of the City CAO's review and on the basis that there is a decision to delete the audit function currently provided to the Service; and**
- 2. THAT the Board provide a copy of this report to the Policy and Finance Committee for information at its November 14, 2002 meeting.**



Chief Administrator's Office
Shirley Hoy, Chief Administrative Officer

100 Queen Street West
City Hall, 11th Floor, East Tower
Toronto, ON M5H 2N2

Tel: 416-392-3551
Fax: 416-392-1827

September 4, 2002

Staff Superintendent David Dicks
Professional Standards
Toronto Police Service
40 College Street
Toronto, Ontario
M5G 2J3

Dear Staff Superintendent Dicks:

Re: Impact of Newly Created Auditor General's Office on the Toronto Police Service

Thank you for your letter of July 4th, 2002.

We are proceeding with the implementation of the Auditor General function as approved by Council. This work will include a determination of the resources that will be necessary both in the Auditor General's Office and in the internal audit function to be located in my office. As you state in your letter, this implementation will affect the internal audit services that the Toronto Police Service has been receiving from the City's Audit Department.


At this stage we do not anticipate providing internal audit services to the Toronto Police Service upon implementation of the new structure. If this is the decision made as a result of our review we are prepared to recommend to City Council that the portion of the funds related to internal audit services provided to the Chief of Police which were transferred to the City's Audit Department in 2000 be restored to the Toronto Police Service.

As it is likely that the new Auditor General will continue to provide services to the Police Services Board and to undertake work at the request of the Board or of Council, it would be appropriate to maintain that portion of the funds related to this work within the Auditor General's budget.

Our goal is to complete the review by November, 2002 at which time a recommendation on the level of funding for all auditing functions will be forwarded to the Policy and Finance Committee for consideration during the 2003 budget process.

We have had initial discussions with Dana Styra from your office and we welcome her continuing input over the next couple of months. We will keep you informed as the work progresses. Any questions or concerns can be directed to Lynda Taschereau, Senior Corporate Management and Policy Consultant, at 392-6783.

Yours truly,


Shirley Hoy
Chief Administrative Officer

cc: Mr. Jeffrey Griffiths, Auditor General, City of Toronto

*Copy to: Chief
M. Chen and
Dana for info*

Toronto Police Service

Effect of the Auditor General's Office re: the Toronto Police Service



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1. BUSINESS CASE GENERAL INFORMATION

Name: Effect of the Auditor General's Office re: the Toronto Police Service

Start Date: Funding required as soon as possible.

End Date: Since the internal audit function would now be once again performed internally, funding would be required indefinitely.

Command: Professional Standards

Business Case Author: Dana Styra

Secondary Contact: Steven Clarke

ITS Contact: N/A

Facilities Management Contact: N/A

Original Submission Date: May 16, 2002

Latest Submission Date:

Type of Project: Operating

Funding Source: City

2. EXECUTIVE SUMMARY

On March 27, 2000, the Board approved the use of City Audit Services as the Board's and Service's principal internal auditor. Plans were made to downsize the then unit of Policing Standards and the sum of \$321,200, representing civilian salaries, was turned over to the City in 2000 and used to increase the staff levels within the City Auditor's Office.

At the time of this transfer, the then Policing Standards Unit was performing audit work solely as directed by the Chief of Police and Command Officers. No audit work was being carried out on behalf of the Toronto Police Services Board. The only work requested by the Toronto Police Services Board and conducted by the Policing Standards Unit related to the review of the Intelligence Data Base and had last been reported in February 1998.

On April 3, 2002, the Toronto Police Service was notified by the City Auditor, Mr. Jeffrey Griffiths, that as a result of his forthcoming appointment to the role of Auditor General for the City, he would no longer be able to perform audit work on behalf of the Chief of Police. As a result, the Service will have to re-staff the civilian positions it gave up in order to fulfill its governance and internal auditing responsibilities. This change was also confirmed by Shirley Hoy, Chief Administrative Officer for the City of Toronto in her letter to Staff Superintendent David Dicks of Professional Standards, dated September 4, 2002. (Letter attached)

The amount returned to the City of Toronto in 2000 was for \$321, 200. Taking into account yearly salary increases as per the Toronto Police Service Collective Agreements, the corresponding amount for 2002 is \$360,500. This supplement amount is being requested from the City of Toronto.

The re-staffing of these positions will allow the Service to re-establish the internal audit function. This function will be instrumental in ensuring the Service objectives and goals are achieved by bringing a systematic and disciplined approach to the evaluation and improvement of the effectiveness of the risk management, control and governance processes.

3. BACKGROUND

3.1 Description and Scope

On April 3, 2002, the Executive Review Committee of the Toronto Police Service met with the City Auditor, Mr. Jeffrey Griffiths, to discuss on-going audit issues related to the Service. At this meeting, Mr. Griffiths explained to the Committee that as a result of his forthcoming appointment to the role of Auditor General for the City, he would no longer be able to perform reviews or internal audit work on behalf of the Chief of Police.

As a result, the Service will now have to re-staff the civilian positions it gave up in 2000 in order to fulfill its governance role and internal auditing responsibilities.

City Council, at its May 2002 meeting, approved the creation of the Auditor General's Office. Following the acceptance of this motion, all internal audit work being carried out by the City Auditor on behalf of the Chief of Police will cease. It is therefore imperative to restore the funding as soon as possible.

In order for the Toronto Police Service to fulfill its internal audit mandate in an effective and efficient manner, civilian positions will have to be re-filled and training provided in a timely fashion. As with any transition, there are always start-up costs and a learning curve to overcome, so the sooner these vacancies can be filled, the sooner the internal audit and review work can begin.

3.2 Context

On March 27, 2000, the Board approved the use of City Audit Services as the Board's and Service's principal internal auditors. This was a major change for the Service since an audit function had been in existence in various forms within the Toronto Police Service since the 1970's. On that date, the Policing Standards unit consisted of seven civilian and fourteen uniform members. Plans were made at that time to downsize the unit and turn over the functions to the City Auditor's Office.

The majority of the staff in the unit was then transferred to fill front line policing vacancies. Three uniform positions were retained to complete compliance reviews, quality assurance testing and meet the requirements of the Provincial Adequacy Standards.

The sum of \$321,000, representing civilian salaries, was turned over to the City in 2000 and used to increase staff levels within the City Auditor's Office. The equivalent amount in terms of 2002 salary rates is \$360,500. This is the amount that the Toronto Police Service is requesting to be returned so that the previously deleted positions can be re-stored.

We are now requesting that this funding, plus the yearly percentage wage increases since 2000 to 2002, be returned to the Toronto Police Service so that the internal audit and review function can be re-established within the Quality Assurance (QA) unit.

The re-establishment of this unit will ensure that senior management can continue to effectively identify, evaluate and manage risk-related issues that represent potential and existing liabilities from a corporate perspective. It will enable the Chief of Police to conduct necessary reviews, research and identify and implement best practices in policing and business.

The role of the re-established function will be to provide an independent, objective assurance and consulting activity designed to add value and improve the Service's operations. This function will help the Service to accomplish its objectives and goals by bringing a systematic and disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

3.3 Dependencies

The Service is dependant on regaining the salary amount previously turned over to the City in order for the Chief of Police to effectively ensure that the Service's mission, goals and objectives are met. This will be accomplished by ensuring that the re-established positions:

- Assist the Chief of Police in the governance of the Toronto Police Service as prescribed in "Duties of Chief of Police" Section 41(1) of the Ontario Police Services Act.
- Assist the Chief of Police to ensure that the Toronto Police Service's vision, mission and values are adhered to through verification of compliance to Service Procedures and Rules.

- Provide an independent and objective review of the Toronto Police Service's operations through a professional and systematic approach as prescribed by Section 35 of the Adequacy Standards Regulation, of the Ontario Police Services Act.

4. IMPACTS

The re-establishment of the audit function within the Toronto Police Service will assist senior management in identifying, evaluating and managing risk related issues that represent potential and existing liabilities from a corporate perspective. In addition, it will allow for special reviews and research to be conducted along with benchmarking best practices in policing and the business environment.

The restored audit function will evaluate units, divisions and functional activities within the Service with respect to:

- i. The Ontario Police Services Act,
- ii. The Ontario Regulation for Adequacy Standards and other applicable legislation and programs,
- iii. Service Policies, Rules, Procedures and Routine Order,
- iv. Any other policies, plans or regulations as set out by the Chief of Police,
- v. Established risk management criteria and integrity issues.

The audit function will ensure that programs and projects of the Service are consistent with the long and short-term goals and objectives and that they are achieved efficiently and effectively. The function will also direct changes to be made when deficiencies or non-compliance is discovered and be in-charge of monitoring and evaluating the implementation of such changes.

In addition, the overall Toronto Police Service will be benefited by re-establishing this function since it will be able to provide specific expertise and professional advise to other internal units.

4.1 Assumptions

The amount returned to the City of Toronto in 2000 was for a total of \$321,200. Taking into account regular yearly salary increases as per the Toronto Police Service Collective Agreements, the corresponding amount for 2002 is \$360,500.

4.2 Information Technology Impact

None

4.3 Cost

The following summary represents the amount returned to the City of Toronto in 2000 and the corresponding accounts from which the funds were taken. The final amount shown - \$360,500, is the corresponding amount in terms of 2002 dollars and includes the cost of benefits.

Account	Yearly	Return	Supplement
	2000	2000	2002
1505	\$39,281	\$0	\$0
1505	\$43,535	(\$43,535)	\$48,287
1505	\$40,194	(\$40,194)	\$44,547
1505	\$61,022	(\$57,896)	\$67,678
1505	\$55,175	(\$55,175)	\$61,188
	\$239,207	(\$196,800)	\$221,700
1502	\$57,107	(\$58,200)	\$65,066
1502	\$96,622	\$0	\$0
1505	\$31,842	\$0	\$0
1505	\$38,654	(\$38,700)	\$42,884
	\$70,496	(\$38,700)	\$42,884
	\$463,432	(\$293,700)	\$329,650
Benefits at 9.36%		(\$27,500)	\$30,850
Total		(\$321,200)	\$360,500

4.4 Project Benefits

At this time, the financial benefits are unquantifiable, however, other intrinsic benefits would far outweigh the salary costs. Some of these benefits would include:

- The ability of the Service to conduct operational and financial reviews and audits, thus ensuring that risk and liabilities are properly managed and kept to a minimum.
- The ability of the QA unit to be available for the staff development program. The unit could serve to train uniform personnel for leadership roles in the Service.
- The Service would be able to train uniform staff to conduct operational reviews while retaining the ability to deploy QA personnel to areas of need in a crisis situation or when the Chief deems it necessary to reduce non front-line officer to serve officer and community safety needs.
- A core group of civilian members would be available to provide advice and expertise in their specialty areas.

- The QA unit would continue to be the liaison between the Service and the Auditor General's Office and continue to track the implementation of recommendations.

4.5 Financial Summary

Due to the inability to quantify specific benefits at this time, the overall costs reflect salaries and related benefits amounting to \$360,500.

4.6 Non-Financial Impacts

4.6.1 2002 – 2004 Service Priorities

4.6.1.1 Youth Violence and Victimization of Youth

4.6.1.2 Organised Crime

4.6.1.3 Traffic Safety

4.6.1.4 Drug Enforcement and Education

4.6.1.5 Human Resource Development

4.6.1.6 Service Infrastructure

4.6.1.7 Community Safety and Satisfaction

The re-establishment of an auditing function within the Toronto Police Service creates an opportunity for the Service to review whether the objectives of the service priorities are being met in an efficient, effective and economical manner and to make recommendations for improved service delivery.

No single Service priority can be singled out as being directly affected by the re-establishment of an audit function. However, because of the close link between certain of the Service priorities and the mandated Service delivery areas set out in the provincial adequacy standards regulation and accompanying policing standards guidelines, the Service priorities as a whole will be better met through the implementation of an independent, systematic audit function.

Service priorities that are closely linked to the requirements of Adequacy Standards include

- Youth Violence and Victimization of Youth
- Organised Crime
- Traffic Safety
- Drug Enforcement and Education

Section 35 of Regulation 03/99 (Adequacy and Effectiveness of Police Services) made under the Police Services Act, requires the chief of police to establish a quality assurance process relating to the delivery of adequate and effective police services, and compliance with the Act and its regulations.

The ability of QA to conduct compliance reviews for the purposes of adequacy standards, provide timely review of issues arising in the course of business, and to handle other regularly scheduled work will be greatly enhanced through the re-establishment of the audit function.

4.6.2 Other Factors (not addressed above in Service Priorities)

4.6.2.1 Community-Based Crime Prevention

4.6.2.2 Community Patrol

4.6.2.3 Criminal Investigation

4.6.2.4 Community Satisfaction

4.6.2.5 Emergency Calls

4.6.2.6 Violent Crime and Clearance

4.6.2.7 Property Crime and Clearance Rates for Property Crime

4.6.2.8 Assistance to Victims

All of the issues identified in categories 4.6.2.1 through 4.6.2.8 are identified within the adequacy regulation and guidelines and for each, a process or reporting requirement exists. Quality Assurance is directly responsible for assessing the Service's compliance with these requirements. The re-establishment of the audit function will enhance the ability of QA to perform this function.

4.6.3 Legislated Responsibility

Ontario Regulation 03/99 (Adequacy and Effectiveness of Police Services) was made pursuant to the Police Services Act and came into effect on January 01, 2001. The intent of the regulation is to ensure that all police services in the province deliver the same core functions to the community in a similar manner. Compliance with the entire regulation is mandatory for all police services.

The core functions of policing are identified as: Law Enforcement, Victim's Assistance, Administration and Infrastructure, Crime Prevention, Public Order Maintenance, and Emergency Response Services.

Supplementing the regulation are a series of policing standards guidelines based on the core policing functions and designed to establish a 'best practices' approach to service delivery. Compliance with the guideline material is optional but strongly recommended by the Policing Services Division of the Ministry of the Public Safety and Security.

While a timetable for compliance measurement is not specifically mentioned in the regulation, QA has developed a three year cycle of testing based on a risk assessment of Adequacy Standards issues.

4.6.4 Risk Associated with Not Funding/Undertaking Project

4.6.4.1 Risk to Public or Officer Safety

4.6.4.2 Risk to Organization or Public Confidence

4.6.4.3 Financial Risk

The reasons Ontario Regulation 03/99 were introduced was specifically to ensure that the above-named risks were identified and managed by all police services throughout Ontario. Due to the cutbacks made in 2000, the QA unit has been unable to address all of the risk-related issues on a timely basis.

Re-staffing the unit would provide personnel who could address such issues and provide recommendations for areas of non-compliance or areas where risks have been identified but have not yet been subject to operational reviews. Personnel assigned to the QA unit would ensure that operational reviews include an analysis of the above factors thereby minimizing risk to the organization and the public.

5. Alternative Solutions Considered

Alternative solutions have already been tested (ie. out-sourcing of the internal audit function) and due to the conflict of interest that arises for the Auditor General's Office to perform any internal audit functions, the only solution is to return this function to the Toronto Police Service.

6. Recommendations

Based on the preceding analyses, it is recommended that:

1. An increase of \$360,500 in the operating budget for fiscal year 2002 above current levels to cover such costs as salaries and benefits as detailed in the business case be approved.
2. That implementation of re-staffing internal audit positions begin immediately and be completed as soon as possible.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

#P282. CORRESPONDENCE

The Board was in receipt of a summary of the public correspondence received in the Board office between September 10, 2002 and October 8, 2002. A copy of the summary is on file in the Board office.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

#P283. RACE RELATIONS

The Board approved the following Motions in response to articles that were printed in The Toronto Star on October 19, 20 and 21, 2002 which allege that, following a Toronto Star investigation into race and crime, based upon police crime data obtained through a Freedom of Information request, the Toronto Police Service treats black people more harshly than white people:

1. THAT the Chief provide the Board with a report on all initiatives the Service has developed since 1989 in the following areas of race relations:
 - community outreach
 - recruiting
 - diversity training and anti-racism training
 - current policies and procedures
 - bias in policing and minority recruitment and hiring
2. THAT the Board request the Toronto Star to provide the Board with a copy of the report of the complete statistical analysis of the data it received from the Toronto Police Service and that the Toronto Star also identify the expert or experts it consulted; and
3. THAT the Board request Board staff to re-examine the Board policy prohibiting the keeping of race-based statistics and determine what the reasons were for the policy and whether the reasons are still valid today.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 24, 2002**

#P284. ADJOURNMENT

Norman Gardner
Chairman