



The following *draft* Minutes of the meeting of the Toronto Police Services Board held on August 14, 2003 are subject to adoption at its next regularly scheduled meeting.

The Minutes of the meeting held on July 17, 2003 previously circulated in draft form were approved with one amendment. Mr. A. Milliken Heisey, Q.C., requested that the Motion contained in Minute No. P206/03 regarding a policy governing cost-recovery be revised to specifically address boating or aviation on Lake Ontario. The Board agreed to amend Minute No. P206/03 accordingly.

**MINUTES OF THE PUBLIC MEETING** of the Toronto Police Services Board held on **AUGUST 14, 2003** at 1:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

**PRESENT:**

**Gloria Lindsay Luby**, Councillor & Acting Chair  
**A. Milliken Heisey, Q.C.**, Member  
**Mel Lastman**, Mayor & Member  
**Allan Leach**, Member  
**Frances Nunziata**, Councillor & Member

**ALSO PRESENT:**

**Julian Fantino**, Chief of Police  
**Albert Cohen**, City of Toronto - Legal Services Division  
**Deirdre Williams**, Board Administrator

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P208.           OUTSTANDING REPORTS - PUBLIC**

The Board was in receipt of the following report JULY 29, 2003 from Gloria Lindsay Luby, Acting Chair:

Subject:           OUTSTANDING REPORTS - 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 reports requested from the Service and that he also provide new submission dates for each 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.

**The Board approved the foregoing.**

**Reports that were expected for the August 14, 2003 meeting:**

Board Reference	Issue - Pending Reports	Report Status	Recommendation Action Required
#P524/00	<p><b>Annual Report</b></p> <ul style="list-style-type: none"> <li>• <u>Issue:</u> an annual report to the Board report is required under the adequacy standards regulation</li> <li>• to be submitted in June each year</li> <li>• <u>Issue:</u> the Board is required to publish the Governance Plan, listing the Board’s goals and accomplishments, as part of the Annual Report</li> <li>• Board to forward to Council through Policy &amp; Finance Cttee.</li> </ul>	<p>Next Report Due: June 19/03            Extension Reqs’d:            Extension Granted:            Revised Due Date:  <b>Status:.....Outstanding</b></p>	<p>Chief of Police</p> <p>Chairman, Police Services Board</p>
#P342/02	<p><b>“60/40” Staffing Model</b></p> <ul style="list-style-type: none"> <li>• <u>Issue:</u> semi-annual public reports on the implementation of the “60/40” staffing model in police divisions</li> <li>• reports submitted in conjunction with the confidential reports in Feb. &amp; Aug.</li> </ul>	<p>Report Due: Aug. 14/03            Extension Reqs’d:            Extension Granted:            Revised Due Date:  <b>Status:.....Outstanding</b></p>	<p>Chief of Police</p>
Memo – Mar. 12/03	<p><b>Collection of Outstanding Accounts &amp; Use of Bailiffs</b></p> <ul style="list-style-type: none"> <li>• City Council requested reasons why bailiffs are not used as a last resort for the collection of outstanding receivables.</li> </ul>	<p>Report Due: Aug. 14/03            Extension Reqs’d:            Extension Granted:            Revised Due Date:  <b>Status:.....Outstanding</b></p>	<p>Chief of Police</p>

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TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P209. PROFESSIONAL STANDARDS – 2002 ANNUAL REPORT**

The Board was in receipt of the following report JULY 25, 2003 from Julian Fantino, Chief of Police

Subject: PROFESSIONAL STANDARDS 2002 ANNUAL REPORT

Recommendation:

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

Background:

At its meeting of June 13, 1996, the Board approved the replacement of all previously submitted Professional Standards reports with a singular report to be submitted on a semi-annual basis. (Board Minute 199/96 refers) Additional reporting requirements, as outlined in Direction 32 of the *Toronto Police Services Board's Complaints Policy Directive* have been integrated into the appropriate sections of the report. (Board Minute 260/99 refers) Finally, the semi-annual reporting requirements for suspect apprehension pursuits have been incorporated into the report as a separate section (Board Minute 233/2000 refers). The *Toronto Police Service Professional Standards 2002 Annual Report* is appended.

It is recommended that the Board receive this report for information.

Staff Superintendent David Dicks of Professional Standards will be in attendance to answer any questions if required.

**Acting Staff Superintendent Roy Pilkington and Ms. Susan Deane, Professional Standards, were in attendance and delivered a presentation to the Board on the highlights of the Professional Standards 2002 Annual Report.**

**Chief Fantino also updated the Board on the following additional information:**

- the number of calls in which the Toronto Police Service responds involving “persons with guns” – average of five daily;
- the number of calls in which the Toronto Police Service responds regarding “sounds of gun shots” – average of three daily; and
- the number of calls to the Toronto Police Service reporting “shootings” – average of one every 31 hours.

**While reviewing the data regarding complaints made by members of the public and the trend indicators presented with respect to those complaints, the Board noted that it would be helpful to determine how the number of complaints against members of the Toronto Police Service compares to the number of complaints against members at other similarly-sized police services.**

**The Board received the foregoing and requested that an appropriate comparator or baseline be identified and included, if possible, in future annual reports so that the Board can better assess the complaints data.**

## Executive Summary

The *Toronto Police Service Professional Standards Report* was designed to amalgamate all Professional Standards reporting requirements into a single report to facilitate comparison, examination of trends, and a more comprehensive analysis of officer conduct and discipline. The proposed report format, based on the anticipated data capture and analysis capabilities of the Professional Standards Information System (PSIS), was approved by the Board at its meeting of June 13, 1996 (Minute 199/96 refers). However, due to the delayed implementation of the PSIS, the *Toronto Police Service Professional Standards Report* remains a transition report. As far as possible, this report is ordered in the approved reporting format, however, its scope reflects the more limited capabilities of the existing user-specific Professional Standards systems. Revisions to the appropriate sections of the *Toronto Police Service Professional Standards Report*, as required by Direction 32 of the *Toronto Police Services Board's Complaints Policy Directive*, have been incorporated into this report (Board Minute 5/98 refers). It should be noted, however, that until such time as historical data can be generated for the newly defined classifications and indicators, trend analysis will be limited to those areas where there is appropriate and comparable historical data.

### Highlights

- During 2002, a total of 704 complaints were made by members of the public – 683 complaints about officer conduct, 7 about Service policy and 14 about the level of service provided. The number of complaints in 2002 reflects a 5.1% decrease from the number of complaints in 2001, but remains well above the levels experienced in 1998 and 1999.
- Over the past two decades there have been significant variations in the annual level of external complaints, however, a calculated trend line indicates that the overall level of public complaints has tended to increase only very slight over the period, about 3% over 20 years.
- During 2002, almost three quarters of all complaints made by members of the public were about officer conduct of a less serious nature, one quarter were about officer conduct of a serious nature and about 3% were about the policies and level of service provided by the Toronto Police Service.
- The Police Services Act provides that if a complainant is not satisfied with either the classification or disposition of their complaint, the complainant may request the Ontario Civilian Commission on Police Services (OCCPS) to review the classification or disposition decision and, if appropriate, reclassify the complaint or overrule the Service's disposition. Of the 704 complaints classified in 2002, the complainant challenged ten classifications – five were returned for further review and one file is outstanding. During the reporting period, 101 complainants requested OCCPS review disposition decisions; 20 decisions were returned by OCCPS for further investigation and seven files are outstanding.
- A total of 576 officers were cited as subject officers in a total of 704 complaints during 2002; approximately one in every 9 officers was involved in a complaint.

- A review of the 659 complaints concluded in 2002 showed that, on average, complaints were concluded within 60 days of being received by this Service, down significantly from the 73 days reported in 2001. More than half of the complaints were concluded within 50 days and about one in four complaints were outstanding more than 90 days.
- During 2002, a total of 125 charges, relating to 68 cases of alleged misconduct, were laid against a total of 54 Toronto Police Service officers. The number of cases opened during 2002 reflects a 45% increase over the 47 cases opened in 2001, but only about 6% more than the average number of cases opened during the previous five years. On the other hand, the number of charges laid during 2002 reflects an 18% decrease from the previous year and a 40% decrease from the average number of charges laid in the previous five years.
- The number of cases opened each year since 1992 has tended to decrease, as compared to the number of charges which has tended to increase, but with significant variation. The number of cases opened in 2002 lies above the trend line, but the number of charges laid in 2002 lies below the trend line.
- Police Services Act charges were laid against 54 individual officers, about one in every 95 officers of this Service. Unlike previous years where a large portion of the total charges relate to very few officers, only one officer was charged with more than five charges during the period.
- During 2002, a total of 56 cases (203 charges) were concluded. On average, these cases were open less than 14 months, however, the duration ranged from about three months to slightly more than five years. For cases concluded during this period where there was no criminality involved, the average duration was about 10 months, as compared to cases where criminality was involved, which were outstanding an average of 21 months.
- A total of 1,885 Use of Force Reports was submitted during 2002, the highest number of reports submitted since the Use of Force Regulation became effective in 1993. The current level is only slightly higher (2.3%) than the 1,842 reports submitted during 2001, but about 16.5% higher than the average number of reports submitted in the previous five years.
- Firearms, including semi- or fully-automatic weapons and shotguns, and edged weapons, almost exclusively knives, are consistently the most likely subject weapons encountered by police officers and account for more than 70% of weapons found in the possession of subjects.
- Of the 864 injuries reported relating to an incident where force was used, almost one third of all injuries were sustained by police officers and about 4% were sustained by third parties.
- During 2002, the Special Investigations Unit (SIU) was consulted on 41 files; the SIU withdrew from 6 files and invoked its mandate to investigate 35 files. In all of the 34 investigations completed to date, the SIU found no criminality on the part of the police officers.

- During 2002, a total of 354 Service Awards were presented to members of the Toronto Police Service - two Merit Marks, three Chief of Police Awards, 44 Chief of Police Excellence Awards, 69 Commendations, and 236 Teamwork Commendations. A total of 808 Service members were presented long service awards to recognise twenty, twenty five, thirty and forty years of dedicated service by police officers, civilians, and auxiliary police officers.
- During 2002, a total of 180 Fail to Stop Reports(Pursuits) were submitted to Professional Standards, a slight decrease from the 183 reports submitted in 2001; the number of suspect apprehension pursuits reported in each of the past five years has tended to decrease, although significant variation about this trend is evident.
- In almost seven in ten pursuits, officers cited ‘Criminal Offences’ as the reason for pursuing a vehicle. In 56% of reported pursuits, the vehicle was stopped. A total of 35 injuries were sustained, mostly by suspects, in a total of 21 pursuit related personal injury collisions.
- The following table summarises the single most frequent data occurrence for each trend indicator, by reporting section. (Data may not be considered to be correlated.)

	<b>Public Complaints</b>	<b>Discipline Charges</b>	<b>Use of Force</b>
<b>Subject Officer</b>			
Length of Service	Less than 5 years	More than 25 years	Less than 5 years
Function		Divisional Uniform	
Rank	Constable	Police Constable	
Attire			Uniform
Assigned Duties			Patrol
<b>Incident</b>			
Command	Policing Operations	Policing Operations	Policing Operations
Time of Incident			00:00 to 01:00 hours
Source/Origin	Professional Standards	Internal Affairs	
Duty Status		Off-duty	
Premise/Location	Street		
Precipitating Factor	Investigation		
Type of Force Used			Handgun drawn and pointed
Report Type			Individual



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**#P210. RATE OF PAID DUTY ADMINISTRATIVE FEE**

**Declaration of Potential Interest: Mayor Lastman indicated that he may have an interest in this item as his son is the President of the Kennedy Road BIA and did not participate in the consideration of this matter.**

The Board was in receipt of the following:

- Motion submitted by Mr. Allan Leach to reconsider the matter approved by the Board at its March 27, 2003 meeting (Minute No. P72/03 refers);
- report, dated July 22, 2003, from Albert Cohen, Director, Litigation, City of Toronto, regarding administrative fees for paid duties; and
- written submission, dated August 07, 2003, from Mr. Rino Bisceglia, Store Manager, LCBO #186, Liquor Control Board of Ontario.

The Board considered the following Motion submitted by Mr. Allan Leach:

THAT, in accordance with section 24(1) of the Board's Procedural By-Law, the Board reconsider its decision to reduce the rate of the paid duty administrative fee for non-profit organizations from 15% to 8% (Minute No. P72/03 refers).

The Board approved the foregoing Motion and the matter was re-considered.

The Board noted that the purpose of charging the users of paid duties a fee is to recover the internal costs incurred by the Service for the service it performs to administer the paid duties system. The Board discussed the importance of charging a fee which reflects full cost-recovery for that service performed and noted that the Board had previously set the fee at a rate of 15% on the basis that the Service advised the Board that a rate of 15% represented full cost-recovery. The Board also noted the importance of charging the same fee for all users of paid duties so that all users of paid duties are treated equally.

The Board considered the following Motions:

1. THAT the Board reinstate an administrative fee for paid duties at a rate of 15% for all users of paid duties;

2. THAT the Board receive the report from Mr. Cohen and the written submission from Mr. Bisceglia; and
3. THAT the Board receive the following Motion from the March 27, 2003 meeting regarding the paid duty administrative rate (Min. No. P72/03 refers):

THAT the Board defer further consideration to reduce the administrative fee rate applicable to all BIA's in the City of Toronto pending a report from the City of Toronto – Legal Services Division.

In accordance with section 22 of the Board's Procedural By-Law, a request that the vote on the foregoing Motions be recorded was received.

The voting was recorded as follows:

For

Acting Chair Gloria Lindsay Luby  
Mr. Allan Leach  
Mr. A. Milliken Heisey, Q.C.

Opposed

Councillor Frances Nunziata

The foregoing Motions were approved.

A copy of the report from Mr. Cohen is appended to this Minute for information and a copy of the written submission from Mr. Bisceglia is on file in the Board office.

**The Board was in receipt of the following report, dated July 22, 2003, from Albert Cohen, Director, Litigation, City of Toronto --Legal Services Division:**

Subject: ADMINISTRATIVE FEES FOR PAID DUTIES

Recommendation:

It is recommended that the Board direct Board staff, in consultation with the Chief of Police, to develop criteria to govern the Board's consideration of requests for exemptions from, or reductions in, administrative fees for paid duties, and report back to the Board on the matter.

Background:

At its meeting held on March 27, 2003, the Board adopted a recommendation contained in a report from the Chief of Police for a reduction in the administrative fee for paid duties paid by non-profit organizations from 15% to 8%.

In adopting that recommendation, the Board requested the City Legal Division to report on the possibility of reducing the administrative fee rate paid by business improvement associations in the City of Toronto (BIAs). Among other things, the Board further requested that such report include comments on the most appropriate course of action for the Board to pursue if it considers any further reductions in the administrative fee rate.

Discussion:

If the Board elected to eliminate or impose a lesser administrative fee on BIAs and absorb the shortfall within its budget or recoup the shortfall by increasing the fees on other users of the paid duties system, two principal concerns arise. These are:

(i) Given that BIAs are business associations that are designed to promote and enhance the businesses in their areas, there is a possible argument that a reduction in fees might constitute bonusing contrary to the terms of section 106 of the *Municipal Act, 2001*. That section prohibits a municipality from assisting directly or indirectly a "commercial" enterprise" through the granting of bonuses for that purpose. The section specifies that prohibited assistance includes giving a total or partial exemption from any levy, charge or fee. Although the legal analysis of the matter is beyond the desirable scope of this report, in my opinion, section 106 is extremely unlikely to apply to prohibit the Board's reduction of administrative fees on BIAs.

cont...d

(ii) If the Board chose to reduce the fees on BIAs, then it might receive requests from other organizations for a reduction or elimination of administrative fees. Unless the Board has articulated the principles by which it would grant a request for reduction or exemption, it may be difficult to justify the reason why BIAs receive a reduction but another organization may not. Therefore, in the Board's evaluation of the request by the BIAs, it is recommended that it first determine the considerations that would guide the Board in reaching a decision that would apply in other similar situations. It is further recommended that the Board request Board staff, in conjunction with the Chief, to develop criteria for the Board's guidance and report back to the Board on the matter.

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**#P211. COMMUNITY DONATION: THREE ROADSIDE SCREENING  
DEVICES FOR THE TORONTO POLICE SERVICE'S R.I.D.E.  
SPOTCHECK PROGRAM**

The Board was in receipt of the following report JULY 14, 2003 from Julian Fantino, Chief of Police:

Subject: COMMUNITY DONATION: THREE ALCOTEST 7410 GLC ROADSIDE  
SCREENING DEVICES

Recommendation:

It is recommended that: the Board approve a donation of three Alcotest 7410 GLC Roadside Screening Devices, at a value of \$4,467.00 (taxes included), from Mothers Against Drunk Driving (MADD), to support the Toronto Police Service's R.I.D.E. Spotcheck Program.

Background:

The Toronto Chapter of MADD is very active in its efforts to create awareness about the issue of drinking and driving. The chapter would like to donate three Alcotest 7410 GLC Roadside Screening Devices to be used for the R.I.D.E. Spotcheck Program.

Throughout the year, the R.I.D.E. Spotcheck Program is conducted across the city and is instrumental in removing drinking drivers from our roadways. MADD has been a long time supporter of Toronto's R.I.D.E. program and regularly makes donations to fund R.I.D.E. Spotcheck callbacks.

The specifications for the equipment is as follows: three Draeger Model 7410 GLC Alcotest Approved Screening Devices, complete with 12 volt DC adapters for motor vehicles. This equipment meets the standards set out by the Toronto Police Service, and is the same type of roadside screening device currently used by the Service. This equipment will be an addition to the current Service inventory. The value of the proposed donation is \$3,885.00 before taxes, \$4,467.75 including GST and PST.

The Service is committed to eliminating impaired driving on Toronto's roadways and the additional roadside screening devices will provide officers on the R.I.D.E. Spotchecks with an invaluable tool in the continued effort against drinking and driving. This donation is one more example of the valuable partnership that has developed between our two organizations and I request the Board approve the donation as offered.

This request meets the criteria as outlined in the Policy Directive 18-08 governing “Donations” and a tax receipt is not required. This donation creates positive interaction between the community and our Service and works to further the Service Priorities of Community Safety and Satisfaction and Traffic Safety.

Deputy Chief Michael Boyd, Policing Support Command, will be in attendance to answer any questions if required.

**Acting Chair Gloria Lindsay Luby introduced Ms. Carolyn Swinson and Ms. Joyce Westlake, Co-Chairs of the Toronto Chapter of M.A.D.D., and expressed to them the Board’s appreciation for the generous donation. Acting Chair Lindsay Luby also noted that the Toronto Chapter of M.A.D.D. has donated a total of \$31,000 for the purpose of funding R.I.D.E. “callback” programs since 2000.**

**The Board approved the foregoing report.**

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**#P212. COMMUNITY DONATION: \$25,000 TOWARDS THE COST OF  
HOSTING THE 2003 INTERNATIONAL CONFERENCE ON  
EXPLOITED CHILDREN**

The Board was in receipt of the following report July 02, 2003 from Julian Fantino, Chief of Police:

Subject: CORPORATE DONATION: MICROSOFT CANADA CORPORATION

Recommendation:

It is recommended that: the Board accept a cash donation of \$25,000.00 from Microsoft Canada Corporation to support the Toronto Police Service's efforts to provide training in the form of an International Conference focusing on the Exploitation of Children.

Background:

The Sex Crimes Unit (formerly the Sexual Assault Squad) has conducted numerous conferences/seminars that have provided current and informative training for police representatives and members of the community on issues relating to the investigation of sexual assault occurrences. These conferences/seminars have been conducted successfully for six years.

The theme of this year's conference is "Exploited Children – Their Future is Now". It is scheduled for September 22-26, 2003 at the Sheraton Centre Toronto Hotel situated at 123 Queen Street West, Toronto. We are working towards an attendance of 350 people. The goal of this conference is to assist those individuals involved in investigations resulting from the exploitation of children such as law enforcement, social service workers and child-care workers.

The 2003 International Conference on Exploited Children supports several of the Toronto Police Service – Service Priorities. The international nature of this conference is an example of the Service's efforts to continue partnerships with other law enforcement agencies (international, national and regional) to work co-operatively to disrupt and dismantle organized crime groups (such as paedophile rings). It is a means to address the Service Priority to improve the safety and security needs of those most vulnerable to victimization, including children and youth. This conference supports the Service's response to crimes that involve computers. It is also a setting where partnerships can be developed between individuals working in the field of child exploitation and victimization (such as between police, social services workers and children's aid workers).

The following individuals are scheduled to participate in the Conference. Emily Vacher a F.B.I. Special Agent from Innocent Images Task Force out of Baltimore will discuss how Paedophiles identify child victims over the Internet. Nick Webber and Brian Underhill from the United Kingdom National Crime Squad will discuss the world-wide dismantling of the paedophile group “The wOnderland Club” and accessing information from computers. Dr. Peter Collins from the Ontario Provincial Police, Behavioural Sciences Section, Forensic Psychiatry Unit will discuss Paedophilia and Deviant Behaviours. Jane Stevenson from the United Kingdom National Crime Squad will discuss the Effects of Viewing Child Pornography on Investigators. Lieutenant Steve Smith of the L.A. County Sheriff’s Office will discuss Abduction and Use of the Amber Alert System. Detective Sergeant Paul Gillespie of the Toronto Police Service Child Exploitation Section will discuss best practices of child exploitation investigations. Detective Reuben Stroble of the Toronto Police Service Child Exploitation Section will discuss issues of child prostitution.

Microsoft Canada Corporation has generously offered to donate \$25,000.00 to the Toronto Police Service to be used towards the operational expenses of the Sex Crimes Unit International Conference on Exploited Children. The donation will be used to support the financial responsibilities incurred in presenting the Conference such as the cost of registration and training materials and fees for speakers and/or presenters. This donation is in compliance with the Service Procedure 18-08, governing Donations. Microsoft Canada Corporation requires a tax receipt.

It is recommended that the Board accept a cash donation of \$25,000.00 from Microsoft Canada Corporation to support the Toronto Police Service’s efforts to provide training in the form of an International Conference focusing on the Exploitation of Children.

Deputy Chief Michael Boyd of Policing Support Command will be in attendance to respond to any questions, if required.

**The Board approved the foregoing.**



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**#P213. RESULTS OF COMMUNITY CONSULTATION – JUNE 04, 2003**

The Board was in receipt of the following report JULY 21, 2003 from Gloria Lindsay Luby, Acting Chair:

Subject: RESULTS OF COMMUNITY CONSULTATION – JUNE 4, 2003

Recommendation:

It is recommended that:

- (1) the Board forward a copy of this report to the Chairs of the various Community Police Liaison Committees (CPLC's) for information; and
- (2) the Board host a Community Consultation meeting with the CPLC Chairs in the Fall of 2004.

Background:

At its meeting held on December 11, 2002, the Board was in receipt of a report from the Chairman dated November 12, 2002, containing a number of recommendations with regard to the results of the October 11, 2002 Board Governance Retreat. The Board approved the report which included among others, the following recommendation:

1. The Board host a mid-year evening Community Consultation meeting and invite the CPLC Chairs to attend.

The above-mentioned recommendation was in response to the Board's interest in improving its accessibility and exposure with those that they serve and to increase the public's understanding of the role of the Board. It was recommended that a meeting with CPLC Chairs in addition to the current Board sponsored CPLC Annual Conference were tools available to the meet the Board's objectives.

Therefore on June 4, 2003, the Board held a community consultation meeting with the CPLC Chairs at Toronto City Hall. In attendance from the Board were Chairman Gardner, Councillor Frances Nunziata and Dr. Benson Lau. Also in attendance was Deputy Chief Reesor, Service personnel from the various Community Response Units, and representatives from all but one CPLC.

Following opening remarks and introductions, deputations were received from the Chairs (or designates) representing the following Divisional CPLC's; 11D, 12D, 13D, 14D, 22D, 23D, 31D, 32D, 33D, 41D, 42D, 51D, 52 China Town, 52D, 53D and 55D.

The topics or themes that were raised by the CPLC Chairs included the following:

### **Community Volunteer and Consultation Manual (2002)**

It was suggested that the Community and Volunteer Manual (2002) received by the Board in June 2002 put too many restrictions on the memberships of the CPLC's, for example, requiring potential members to provide a police reference check in order to be eligible to be involved in a CPLC.

### **Relationship with the Toronto Police Service**

All of the deputants indicated that they had excellent working relationships with the Divisional Community Response Unit personnel however some voiced concerns regarding the need for more officers in their respective divisions.

### **Community Issues**

Each CPLC Chair presented police related issues that concern the residents in their community. Issues such as panhandling, homelessness, auto thefts, prostitution, drugs and youth crime were common to many of the communities represented.

### **CPLC Events and Recent Accomplishments**

It was evident from the presentations that the CPLC's are determined to find innovative ways to aid the police in making their communities safe and increase a sense of community pride. Many successful events such as community clean up days, fundraisers, open houses, town hall meetings and community walk-a-bouts were some of the activities planned by the various CPLC's. In addition, many CPLC's provide services such as an auto theft program, the Autodialler and graffiti eradication programs to their communities.

Upon the completion of the deputations, Deputy Reesor addressed the meeting and responded to the issues that were raised by each individual CPLC representative. He acknowledged the uniqueness of each of the divisions and the issues that concern them. He indicated that the CPLC's and the work that they perform for the community is very important to the Toronto Police Service and thanked them for their continued interest in policing issues.

The Board members and the CPLC participants all agreed that the community consultation meeting was a worthwhile event. It provided an opportunity to share information; learn more about the role of Board, the CPLC's and the communities that they both serve. Therefore, I am recommending that the Board conduct a future community consultation meeting with the CPLC Chairs in the Fall of 2004.

**The Board approved the foregoing.**

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**#P214.           RESPONSE TO THE CORONER'S JURY RECOMMENDATIONS FROM  
THE INQUEST INTO THE DEATH OF FRANCIS ARTHUR BOUKU**

The Board was in receipt of the following report JULY 18, 2003 from Julian Fantino, Chief of Police:

Subject:        RESPONSE TO THE CORONER'S JURY RECOMMENDATIONS FROM THE  
                  INQUEST INTO THE DEATH OF FRANCIS ARTHUR BOUKU

Recommendations

It is recommended that:

- (1)           the Board approve this response to the Coroner's jury recommendations from the inquest into the death of Francis Arthur Bouku;
- (2)           the Board Administrator forward a copy of this report to the Chief Coroner for Ontario.

Background:

On July 30, 2001, Mr. Francis Bouku was arrested by the Toronto East Drug Squad on a drug-related matter. During the arrest it was observed that Mr. Bouku was concealing a baggie in his mouth, and after being repeatedly directed to remove the object, a struggle ensued during which time Mr. Bouku spit out the baggie. Examination of the baggie revealed small perforations and a crystalline substance, believed to be cocaine, had escaped onto the ground.

The arresting officer asked Mr. Bouku if he had swallowed any of the contents of the baggie, and Mr. Bouku indicated that he had not ingested any of the substance. Uniformed officers testified that Mr. Bouku responded to their questions about his identity and did not appear to be in any distress. Mr. Bouku was transported to 55 Division by way of 54 Division marked police vehicle and uniformed officers. The transporting officers were unaware of the perforated baggie that was removed from the accused's mouth.

Mr. Bouku arrived at 55 Division and during the booking process, the Officer in Charge (OIC) questioned him as to whether or not he had recently consumed alcohol or any type of drug. Mr. Bouku advised that he had been using cocaine and marihuana about two hours earlier, and indicated that he was taking anti-psychotic and anti-depressant medication, as well. Following assessment of his mental, physical and emotional state, Mr. Bouku was secured in an interview room in the Major Crime Unit. The officers who transported him were instructed to 'keep an eye on' Mr. Bouku. The transporting officers periodically checked on the accused prior to leaving the station and reported that he appeared to be fine.

When members of the Toronto East Drug Squad arrived at 55 Division, the OIC was advised of the circumstances of the arrest. The OIC was informed that Mr. Bouku had concealed a baggie, suspected of containing cocaine, within his mouth. At that time, the OIC instructed the officers to take Mr. Bouku to the hospital as a precautionary measure. When an officer from the Toronto East Drug Squad entered the interview room at 7:30 p.m., Mr. Bouku was lying on the floor, agitated and unresponsive. An ambulance was called and transported Mr. Bouku to the hospital with abnormal vital signs. The attending paramedics did not provide any treatment and later testified that he was not in a state of immediate distress.

Upon arrival at the hospital, Mr. Bouku was immediately treated with medication to calm him down, and given charcoal in order to try and absorb some of the cocaine he had ingested. At approximately 10:27 p.m., almost two and one-half hours after arriving at the hospital, Mr. Bouku passed away. The cause of death was determined as accidental 'Acute Cocaine Toxicity'.

Dr. Margaret Thompson, a toxicologist and emergency room physician, testified as an expert at the inquest that no amount of medical intervention could have changed the outcome in this case given the very high concentration of cocaine in Mr. Bouku's blood. Dr. Thompson further testified that had Mr. Bouku received charcoal treatment within one to ten minutes of ingesting the cocaine he might have survived. However, Dr. Thompson also frankly stated that this never would have happened in reality given the time that is required to transport someone to hospital, the time that a person has to wait in hospital, and the time that is required in order to administer the charcoal. Dr. Thompson's evidence was that it was inevitable that Mr. Bouku would have died.

On January 15, 2003, at the conclusion of a six-day inquest, the jury made seven recommendations; five of which are directed at the Toronto Police Service.

## **Response to Coroner's Jury Recommendations**

### **Recommendation #1**

*The Toronto Police Service should ensure that Policies and Procedures regarding transporting arrested persons who have ingested a potentially harmful substance to a hospital are reviewed and understood by all officers, with an emphasis on erring on the side of caution where there is reason to believe that ingestion may have taken place.*

### **Response:**

The Toronto Police Service is in compliance with this recommendation. In order to fully respond to the first recommendation, it is necessary to demonstrate that Service procedures contain the required direction to members; and secondly, that these procedures are available and understood by officers.

## **Service Procedures and Medical Advisory Notes**

Service procedures that refer and directly relate to this recommendation are, “Transportation of Persons in Custody” (01-03) and “Persons Detained In Custody” (03-01). These procedures were reviewed and meet or exceed the recommendations and contain the required direction.

The Toronto Police Service has developed a document entitled “Medical Advisory Notes”. This document is a compilation of medical notes taken from various Service procedures. The Medical Advisory Notes ensures a Service-wide, consistent approach to providing the optimal level of safety, health and well being of persons entrusted into our care. This document was published on Routine Orders on 2003.03.11 (R.O. #2003.03.11-0314). Prior to its publication, the Coroner's Office was included in this review. The following highlights from the aforementioned procedures and the Medical Advisory Notes demonstrate compliance with this recommendation:

- (a) When a person in custody is brought into the station, the Officer in Charge (OIC) shall be responsible for evaluating the physical and mental state of each prisoner. The OIC shall inquire into any existing medical condition, illness or drug use.
- (b) In addition, in order to assist the OIC in completing their assessment of an individual to determine if medical attention is required, a list of some circumstances which may impact upon the health of the individual are provided. Furthermore, access to medical professionals is available to assist the OIC in completing his/her assessment of the individual through the services provided by Tele-health Ontario, and the Ontario Regional Poison Control Centre.
- (c) The “Medical Advisory Notes” of these Procedures direct that “...Where a prisoner appears ill, shows symptoms of distress or adverse reaction (or reports any of these symptoms) as a result of drug use, or for any other reason, further medical advice shall be sought and/or the prisoner shall be transported to the hospital for a medical examination.”
- (d) It further states: “In cases where a prisoner has taken a drug, or other controlled substance, or is suspected of prior to arrest, but shows no outward signs or symptoms of distress or adverse reaction, the OIC shall make further inquiries in order to determine whether additional medical treatment is required.”
- (e) If the individual is accepted at the police station, further direction is provided to compel the OIC to monitor the person more closely, and record the results of the checks until such time as the OIC is satisfied that the individual is not at risk. Prisoners who have ingested hard drugs such as cocaine and heroin, shall be monitored more closely for at least three hours commencing from the time the drug was taken.
- (f) In addition to the criteria set out above, the Medical Advisory Notes provide information to police officers regarding other known medical issues such as Positional Asphyxia, Excited Delirium, contact with body fluids, airborne diseases, and suicidal or intoxicated persons.

- (g) If at any time, the prisoner's condition changes, or there is concern regarding the health of the person, members shall notify the OIC who shall re-evaluate the prisoner's condition.

## **Training And Education**

The Toronto Police Service is a rich and diverse environment in which teaching and learning are institutionally and culturally embedded within the organization within which "continuous-learning" is encouraged and promoted. This Service incorporates organizationally planned functions that are designed to facilitate knowledge and skill acquisition, including the learned importance of the job-related Policies and Procedures. The Service ensures that its Policies and Procedures are reviewed and examined by members through ongoing training and educational sources. Practical methodology is incorporated within this process to ensure that all front line officers are in compliance.

The following points are highlights from the established training and education programme that support the position of compliance in relation to recommendation #1:

- (a) The training and educational sources includes the following, and is not limited to: regularly published Routine Orders; the "Ten-Four" memorandums authored by Chief Fantino; Intranet; courses available through C.O Bick Police College; "LiveLink" television; "OutReach", and the "RollCall" training sessions.
- (b) Training Sergeants have been assigned to all divisions within the Service and are utilized as an additional support method ensuring that officers review and understand all Policies and Procedures. The Training Sergeants assist in the delivery and monitoring of all "OutReach" programmes.
- (c) The "OutReach" training programme consists of televised broadcasts delivered via the "LiveLink Television Network" (LTN). Following the telecast unit, Training Sergeants review the material discussed to provide a forum for topic discussion and questions. The LTN presentations are developed in conjunction with Toronto Police Service priorities and input from front line officers.
- (d) "Rollcall" provides pertinent material on current issues at the Unit level. Specific scenarios are discussed and the questions raised by participants are used to reinforce key points. The "RollCall" training initiative, along with the "Booking Hall Officer Course" and other front line training is part of the on-going training offered to police officers. These programmes are currently being delivered and are designed to ensure familiarity and compliance to Rules, Policies, Procedures, and the best practices surrounding arrest, control, and detention of prisoners.

The Training and Education Unit is developing "RollCall" training on Service Procedure entitled "Transportation of Prisoners" (01-03) to be delivered at the Unit level in the near future.

The Toronto Police Service is committed to providing a dynamic educational structure that includes a wide scope of sources. Through commitment to educational development, this Service will continue to provide its members with innovative educational tools and forums to ensure a high level of excellence is maintained in our commitment to intelligence-led policing.

### **Recommendation #2**

*The Toronto Police Service should create a policy or procedure which directs that when a person is known to have had a potentially harmful substance, which was in a wrapper or some sort of container, in their mouth and the wrapper or container is perforated or damaged when removed from the mouth, that person should be treated as if they have ingested the substance.*

### **Response:**

The Toronto Police Service is in compliance with this recommendation as reflected in the “Medical Advisory Notes.”

When considering the need for further medical attention, the OIC should refer to the Medical Advisory Notes to assist him in assessing the circumstances, which may impact upon the health of the person. The following excerpts from the Medical Advisory Notes addressed recommendation #2.

The Officer in Charge “should be cognizant of some circumstances which impact on the health of the individual:

- *where a drug that is not designed to be swallowed has been swallowed by an individual (i.e. for the purpose of concealing or transporting), or held in the mouth in such a way that the drug is exposed (i.e. no wrapper, or damaged wrapper)*
- *where the individual cannot recall what drugs, quantity, or when the drugs were taken*
- *where the quantity of drugs taken suggests a possible overdose (i.e more than prescribed)”*

### **Recommendation #3**

*The Toronto Police Service should take steps as soon as possible to educate the officers that crack cocaine is water-soluble and cannot be safely held in the mouth without risk of ingestion. It is also recommended that drug squad officers receive further education on the possible harmful side effects of street drugs.*

### **Response:**

The Toronto Police Service agrees with this recommendation. As a result of this inquest, the following steps will be taken to implement it.

- (a) The principle introductory training for Toronto Drug Squad officers is delivered via the Ontario Police College (OPC). The OPC has been advised of the content of this recommendation and has committed to revising their Drug Investigation Course to reflect all components of this recommendation.
- (b) The Toronto Police Service, Training and Education Unit delivers a one-week course called: “Plainclothes Drug Course.” This course is delivered to investigators who are not Drug Squad officers, but are front line officers likely to become periodically involved in some drug investigations. This course has been revised to include the content in this recommendation.
- (c) The Toronto Police Service Drug Squad also has an internal training officer. The training officer will ensure an internal training initiative is developed to immediately circulate the recommended information to all present Toronto Police Service Drug Squad officers.
- (d) In addition to these initiatives, the Outreach Section of the Training and Education Unit, is currently developing a training programme that will be delivered to the Training Sergeants at all Toronto Police Service divisions to ensure the recommended information is disseminated to all front line officers in a timely fashion.

#### **Recommendation #4**

*The Toronto Police Service should develop a policy or procedure for monitoring prisoners who are deemed persons who should be watched for signs of illness or medical distress. The policy or procedure should indicate who is responsible for monitoring, how often the prisoner should be checked and that the monitoring is to be documented.*

#### **Response:**

Service procedures that refer and directly relate to this recommendation are, “Persons Detained In Custody” (03-01) and “Booking Hall/Central Lockups” (03-02). These procedures were reviewed and meet or exceed the recommendation.

The following points are excerpts from the Procedure, “Persons Detained in Custody” (03-01) and demonstrate compliance with the recommendation. The Booking Officer’s duties regarding the safety of prisoners include the following:

*“After lodging the person in police cells shall...*

- *check the condition of persons detained in custody and
  - use a target of 30 minutes between cell checks having regard for all the circumstances during the tour of duty
  - record the checks on the Unit Commander’s Morning Report (UCMR) template labeled ‘Cell Checks’
  - notify the OIC of any change in condition of persons in custody”*



The following points are excerpts from the Procedure “Persons Detained In Custody” (03-01) and the Officer In Charge’s duties regarding the safety of prisoners include the following:

*“When receiving a person for lodging in police cells shall ensure...*

- *that individuals suspected of having suicidal or violent tendencies or serious medical conditions are more closely monitored and checked as frequently as possible”*

*“After the person is lodged in police cells shall ensure...*

- *cell checks and their recordings are completed in accordance with this procedure*
- *the physical and medical condition of persons in police cells are reviewed with the relieving OIC, at the change of shift”*

*“Prior to transporting a person to a lock-up, criminal court or detention centre shall...*

- *indicate on the face of the crown envelope in red and advise the OIC of the receiving facility the person has*
- *known or suspected suicidal tendencies*
- *violent tendencies, and/or*
- *a serious medical condition”*

The following points are excerpts from the Procedure “Booking Hall/Central Lock-Ups” (03-02) and demonstrate compliance with the recommendation. The Designated Operator’s duties regarding the safety of prisoners include the following:

*“After the person has been lodged in a cell shall...*

- *monitor the person*
- *immediately record any emergency incident involving the person including*
  - *sickness and medical treatment*
  - *any injury or attempt suicide*
  - *any assault, aggressive or bizarre behaviour*
  - *any other incident as determined by the officer in charge”*
- *notify the officer in charge in the event of an emergency situation*

### **Recommendation #5**

***The Toronto Police Service should create a policy or procedure that on all occasions an arresting officer should be present at the police station while the suspect is being booked.***

### **Response:**

The Toronto Police Service does not support this recommendation.

In most cases, the arresting officer is present during the booking process; however, this may not always be operationally possible due to exigent circumstances. In instances where a prisoner is to be transported to a police station by a member other than the arresting officer, the Toronto Police Service procedures require that the transporting officer, be apprised of, and record the following information in their memorandum book:

- arresting officer's name
- reason for the arrest and continued detention
- requesting member's name, badge number, rank and unit
- person's name and charge
- any other relevant details

In this way, pertinent information relative to the safety of the individual is given to the transporting officer(s).

Furthermore, upon arrival at the police station with a person in custody, the transporting officer(s) is required to advise the OIC of the following information:

- the reason(s) for the arrest
- the reason(s) for continued detention
- any other pertinent information relating to the person or to the arrest including, but not limited to known or suspected suicidal tendencies
- violent tendencies
- serious medical conditions

### Conclusion

The Toronto Police Service recognizes that persons in our custody may have previously ingested various substances or may injure or cause harm to themselves. It is our duty to ensure that these individuals have neither the means nor the opportunity to carry out these acts. Through enhancements to our training, communications, facilities and equipment such as superior monitoring systems, we continue to improve the safety of all individuals in our custody. Continued procedural enhancements and training will further the safety of all prisoners and the officers entrusted with their care.

The Toronto Police Service thanks the jury for its recommendations.

It is recommended that the Board approve this response to the Coroner's jury recommendations from the inquest into the death of Francis Bouku, and that the Board Administrator forwards a copy to the Chief Coroner for Ontario.

Mr. Frank Chen, CAO – Policing, Corporate Support Command, will be in attendance to answer any questions concerning this report.

**The Board approved the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P215. REQUEST FOR REVIEW OF COMPLAINT ABOUT POLICE SERVICE  
(TPS FILE No. 2002-EXT-0652) – POLICE RESPONSE TO CALLS FOR  
SERVICE**

The Board was in receipt of the following report JULY 14, 2003 from Julian Fantino, Chief of Police:

Subject: REQUEST FOR REVIEW OF A COMPLAINT ABOUT POLICE SERVICE  
(TPS FILE NO. 2002-EXT-0652)

Recommendation:

It is recommended that:

- (1) The Board receive the service complaint summarized in this report;
- (2) The Board determine whether to concur with my decision that no further action be taken with respect to this complaint; and
- (3) The complainant and myself be advised of the outcome of the Board's review

Background:

The Toronto Police Services Board has received a request to review my disposition of a complaint about the service provided by the Toronto Police Service.

Legislated Requirement:

The *Police Services Act* establishes that the Chief of Police is responsible for adjudicating complaints with respect to policies and service of the Toronto Police Service. Once the Chief of Police has determined that no further action will be taken regarding a complaint, the complainant must be notified and provided with the reason for the decision. The complainant must be further advised that an opportunity exists to request that the Board review the decision of the Chief. In reviewing a policy or service complaint, the Board has procedural options. The Board may:

- Review the complaint and take any action, or no action, in response to the complaint, as it considers appropriate; or
- Appoint a committee of at least three Board members who will review the complaint and provide recommendations to the Board; or
- Hold a public meeting with respect to the complaint.

## Nature of the Complaint and Discussion

The nature of the complainant's allegations are summarized below:

- On December 4, 2002, a complaint was received by the Toronto Police Service from the complainant. It was subsequently classified as "frivolous" by the Complaints Review Unit and deemed to require no further action in accordance with section 59(3) of the *Police Services Act*.
- On December 19, 2002, the complainant appealed this classification to the Ontario Civilian Commission on Police Services (OCCPS). A review was conducted and OCCPS deemed that the complaint should be investigated.
- On February 7, 2003, the file was assigned to 14 Division for investigation. After an initial review of the file it was believed that the complaint, on its face, showed that the complainant had emotional problems. These issues however did invalidate the fact that the complainant might have a valid concern.
- The complainant states that on two occasions he had his mail opened by unknown parties. He did not believe that anything was taken but was concerned for his privacy. When he requested police to attend he alleged the police did attend but did not fully investigate the incident or apprehend the offenders.
- On December 2, 2002, at 8:12 p.m. the complainant reported to the police reporting that someone had opened his mail but was unsure if anything was stolen. This call was transferred to the Alternate Response Unit for a report to be taken. The complaint was placed in the "queue" waiting for officer availability. An officer from the ARU contacted the complainant at 8:43 p.m. According to the call history, he arranged for an officer to attend the complainant's address the next morning so they could speak with the building management. The building management were to be spoken with as the complainant now stated that they were holding his mail until he paid his rent.
- The complainant's common law-wife, contacted police at 9:01 p.m. regarding the same incident. This call was cross-referenced with the original call and then closed as it was to be dealt with the next morning.
- At 9:22 p.m. the complainant called police again, stating that the building management had received the mail opened and alleging that it was the "postman" who had opened it. His common law-wife contacted police at 9:45 p.m. regarding the same incident and it was cross-referenced with the other calls. It would appear that having officers attend the next morning no longer appealed to the complainant and primary response officers were detailed to attend the address.

- Officers from 14 Division primary response were detailed to see the complainant at 9:52 p.m. These officers attended the address and could not initially find the complainant but later located him in the building. A review of the officers' notes and call history show that they classified the complainant as an Emotionally Disturbed Person and no report was taken in respect to the theft of mail.
- On Friday February 7, 2003, Detective McLane (1300) of 14 Division received a telephone call from the complainant. In this conversation he stated that police were following him and wire-tapping his phone conversations. He believed the best way to speak with him was to attend his residence on February 11<sup>th</sup>, 2003. In order to avoid detection Detective McLane was instructed to just "show up" without calling. He was further advised that he should bring a "bible" in order that the complainant could swear on it.
- On February 11<sup>th</sup>, 2003 Detective McLane (1300) and Detective Sutcliffe (2931) attended at the complainant's address, a local group home for people living with emotional problems. The complainant advised the officers' that his complaint against the police goes back a long way, as every dealing he has had with officers had elements of misconduct. He furthered this by saying the police were responsible for administering nerve gas through his toilet.
- The complainant also stated that the police have been responsible for putting cigarette burns in his pants and leaving cyanide tablets for him.
- When requesting information specifically about what OCCPS detailed as a service complaint, i.e. the mail being opened, the complainant stated he believed police were involved in this as well as the staff of the residence. At first he stated that all the envelopes were ripped open, then claimed they were slit open and then that they were either steamed, or chemically treated open.

### The Chief's Decision and Reason

The service complaint was investigated by Detective Darrin Sutcliffe (2931), 14 Division Unit Complaints Co-ordinator and the findings were reported through the appropriate chain of command to the complainant and myself. On March 7, 2003, the Service corresponded with the complainant to advise that the complaint had been reviewed and that no further action would be taken. The Service gave the following reason for the decision:

As a result of the investigation and careful review of the facts, I have found insufficient evidence to support the allegations you have made. Therefore, based on the information available, it is my decision that no further action is taken in this matter.

## Conclusion

Pursuant to the notification of the status and determination of the complaint from the Service, the complainant requested that the Board review my decision. It is the Board's responsibility to review my reason and determine whether it is satisfied that my decision to take no further action is reasonable.

I, therefore, recommend that the Board determine whether to concur with my decision that no further action is taken with respect to the complaint and that the complainant and myself be notified of the outcome of the Board's review.

Staff Superintendent David Dicks of Professional Standards will be in attendance to answer any questions that the Board members may have.

**The Board received the foregoing report and concurred with the decision of the Chief of Police that no further action be taken with respect to this complaint.**

**A copy of the Service's letter to the complainant which contains the Chief's decision and the results of the investigation was provided to the Board during the in-camera meeting (Min. No. C148/03 refers).**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P216. TERMS OF REFERENCE – FOLLOW-UP REVIEW OF THE PARKING  
ENFORCEMENT UNIT**

The Board was in receipt of the following report JULY 15, 2003 from Jeffrey Griffiths, Auditor General, City of Toronto:

Subject: TERMS OF REFERENCE – FOLLOW-UP REVIEW OF THE PARKING  
ENFORCEMENT UNIT

Purpose:

To provide the Toronto Police Services Board with the Terms of Reference for the follow-up review of the Parking Enforcement Unit.

Financial Implications and Impact Statement:

There are no financial implications resulting from the receipt of this report.

Recommendations:

It is recommended that this report be received for information.

Background:

In January 2000, the City Auditor issued an audit report entitled “Review of Parking Enforcement, Toronto Police Service”. A normal part of our audit process is the follow-up of audits previously completed to ensure that issues identified have been addressed. The 2003 Audit Work Plan of the Auditor General included a follow-up review of the Parking Enforcement Unit.

Comments:

The attached Terms of Reference provide the objectives for the follow-up review to be conducted by the City Auditor General’s Office.

Conclusion:

My office is in the process of conducting a follow-up review of Parking Enforcement Unit at the Toronto Police Service and will be reporting directly to the Police Services Board on the results of this review.

Contact:

Tony Veneziano  
Director, Auditor General's Office  
Tel: (416) 392-8353  
Fax: (416) 392-3754  
E-Mail: [TVenezia@toronto.ca](mailto:TVenezia@toronto.ca)

Sonia Villanueva  
Senior Audit Manager, Auditor General's Office  
Tel: (416) 392-8473  
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E-Mail: [SVillanu@toronto.ca](mailto:SVillanu@toronto.ca)

**The Board received the foregoing.**





AUDITOR GENERAL'S OFFICE  
TERMS OF REFERENCE

Department/Board: Toronto Police Service  
Unit: Parking Enforcement Unit  
Project Name: Follow-up Review of the Parking Enforcement Unit  
Year of Audit: 2003  
Project Code: 03-BPS-01

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A. Introduction/Background

A review of the Parking Enforcement Unit was conducted in 1999 as part of the 1999 Audit Work Plan. The City Auditor issued a report, dated January 4, 2000, entitled "Review of Parking Enforcement, Toronto Police Service", outlining the results of the review. The report contained 27 recommendations, 25 of which were directed to the Chief of Police or the Parking Enforcement Unit. The other two recommendations were directed to City staff.

A normal part of our audit process is the follow-up of audits previously completed to ensure that issues identified have been addressed. The 2003 Audit Work Plan included a follow-up review of the Parking Enforcement Unit.

B. Financial/Operational Highlights

The Parking Enforcement Unit of the Toronto Police Service is responsible for the enforcement of the City's parking by-laws, handling of officer complaints and responding to service calls. In 2002, the Unit issued over 2.6 million parking tags for infractions under Part II of the Provincial Offences Act. This level of parking tag issuance, representing over 90 per cent of total tag issuance in the City, generates approximately \$54 million in revenue to the City based on a projected final collection rate of 80 per cent and an average tag value of \$26.00.

The costs of the Parking Enforcement Unit, approximately \$27.1 million in 2002, are recovered from the City on a fee for service basis and are provided in the City's Non-Program Expenditure budget.

The 2003 Operating Budget of the Parking Enforcement Unit of \$29.9 million includes a provision for 48 additional parking enforcement officers and a projected tag issuance of 2.8 million. This level of parking tag issuance is estimated to generate over \$58 million in revenue to the City based on a projected final collection rate of 80 per cent and an average tag value of \$26.00.

C. Audit Objectives and Scope

The objectives of this review are to assess the extent of implementation of the recommendations outlined in the January 2000 City Auditor's report on the review of the Parking Enforcement Unit and recommend further action, if any, on areas that have not been satisfactorily addressed.

Our audit work will include a review of the Toronto Police Service's report on the status of implementation of the audit recommendations, interviews with appropriate staff of the Parking Enforcement Unit and City departments, an examination of relevant documents and records, and other procedures we deem necessary.

D. Expected Reporting Date

Toronto Police Services Board Meeting

October 2003

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P217. UPDATE: TORONTO POLICE SERVICE - SECURITY AT THE  
ROLLING STONES CONCERT – JULY 30, 2003**

The Board was in receipt of the following report JULY 24, 2003 from Gloria Lindsay Luby, Acting Chair:

Subject: UPDATE: TORONTO POLICE SERVICE SECURITY PLAN FOR THE  
ROLLING STONES CONCERT – JULY 30, 2003

Recommendation:

It is recommended that the Board receive this report.

Background:

At its meeting held on July 17, 2003, the Toronto Police Services Board requested a report from Chief of Police Julian Fantino on the status of security arrangements for the Rolling Stones Concert which is scheduled to take place in Downsview Park on Wednesday, July 30, 2003. The Board further requested that the report be prepared in time to be submitted to Toronto City Council for its July 22, 23 and 24, 2003 meeting (Min. No. P189/03 refers).

Chief Fantino provided the report, dated July 21, 2003, as requested, and I then forwarded a report to Toronto City Council for information. Since the next regularly scheduled Board meeting will take place after the Council meeting, Council was advised that the Board had not reviewed the report but that it would be provided to the Board for review at its August 14, 2003 meeting.

A copy of my report, dated July 21, 2003, to Council is attached for information.

**The Board was also in receipt of the following:**

- **copy of correspondence, dated July 28, 2003, from Acting Chair Gloria Lindsay Luby to Mr. Dennis Mills, MP, recommending that the net additional costs incurred by the Toronto Police Services Board be absorbed by the federal government or the event organizers; and**
- **copy of correspondence, dated July 25, 2003, from The Honourable Wayne Easter, Solicitor General of Canada, responding to correspondence, dated July 23, 2003, from Chief of Police Julian Fantino regarding the costs associated with policing the Rolling Stones concert.**

**Copies of the abovenoted correspondence are appended to this Minute for information.**

July 21, 2003

To: Toronto City Council

From: Gloria Lindsay Luby, Acting Chair

Subject: Security Plan for the July 30, 2003 Rolling Stones Concert  
Reference: Clause J(23) from the Council Meeting held on June 24, 25 and 26, 2003.

Purpose:

The purpose of this report is to respond to the request for a report on the security arrangements for the Rolling Stones Concert to take place in Downsview Park, Toronto, on Wednesday, July 30, 2003.

Financial Implications and Impact Statement:

There are no financial implications in regard to the receipt of this report.

Recommendation:

It is recommended that Toronto City Council receive this report.

Background:

At its meeting held on July 17, 2003, the Board was in receipt of a report (dated July 15, 2003) containing a request for a report from Chief of Police Julian Fantino on the security plans developed by the Toronto Police Service with regard to the July 30, 2003 outdoor music concert by the Rolling Stones.

The report to be prepared by Chief Fantino is in response to Council's request for information on the status of security arrangements, including crowd management. Council further requested that this information be provided to its July 22, 23 and 24, 2003 meeting for consideration.

Conclusions:

A copy of Board Minute No. P189/03, in the form attached as Appendix "A" to this report, containing the July 15, 2003 report is provided for information.

A copy of the report prepared by Chief Fantino (dated July 21, 2003) in response to the July 15, 2003 request, in the form attached as Appendix "B" to this report, is also provided for information. Given the limited time available to respond to Council's request for a report on the security arrangements at the concert, the Board members have not had an opportunity to review the Chief's report prior to the July 22, 23 and 24, 2003 Council meeting. This matter will be reviewed by the Board at its next regularly scheduled meeting.

Contact:

Chief of Police Julian Fantino  
Toronto Police Service  
Telephone no. 416-808-8000  
Fax. No. 416-808-8002.

(signed)

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Gloria Lindsay Luby  
Acting Chair

List of Attachments:

Appendix A - Board Minute No. P189/03  
Appendix B - Chief's report dated July 21, 2003

a: rollingstones.doc

## APPENDIX "A"

### THIS IS AN EXTRACT OF THE MINUTES OF THE MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON JULY 17, 2003

#### **#P189. REQUEST FOR REPORT: SECURITY PLAN FOR THE JULY 30, 2003 ROLLING STONES CONCERT**

The Board was in receipt of the following report JULY 15, 2003 from Gloria Lindsay Luby, Acting Chair:

Subject: REQUEST FOR REPORT: SECURITY PLAN FOR THE JULY 30, 2003  
ROLLING STONES CONCERT

#### Recommendations:

It is recommended:

- (1) that the Board request that Chief Fantino report to City Council on the status of the security arrangements for the Rolling Stones Concert to take place in Downsview Park, Toronto, on July 30, 2003;
- (2) that the report noted in recommendation no 1 be provided to the Acting Chair by the end of the business day on July 21, 2003;
- (3) that the Board authorize the Acting Chair to review, on behalf of the Board, the report noted in recommendations no. 1 and 2 and prepare the appropriate report to Toronto City Council for consideration at its meeting on July 22, 2003; and
- (4) that a copy of the report forwarded to Toronto City Council be provided to the Board for information at its next regularly scheduled meeting.

#### Background:

The "Rolling Stones" are scheduled to perform an outdoor music concert at Downsview Park in north Toronto on July 30, 2003 and it is anticipated that as many as 500,000 people may attend the event. Given the impact an event this size will have upon, among others the police and transit services in the City of Toronto, Toronto City Council has requested information on the status of the security arrangements, including crowd management, developed by the Toronto Police Service.

I have attached a copy of Clause J(23) from the Council meeting held on June 24, 25 and 26, 2003 which contains the following request:

THAT the Chief of Police, Toronto Police Service, be requested to submit a report to the July 22, 2003 Council meeting on the status of the security arrangements for the Rolling Stones Concert at Downsview Park, including crowd management.

In order to respond to the request by Council, I am recommending that Chief Fantino be requested to report on the issues raised by Council as noted above and, consistent with the Board's responsibility to report to Council, I be authorized to forward Chief Fantino's report to Council on behalf of the Board for consideration at its July 22, 2003 meeting.

Given the restrictive time period to respond to this request and, further, given that the next regularly scheduled meeting of the Board will take place after the Rolling Stones Concert, the Board will not have an opportunity to formally receive the Chief's report prior to forwarding it to Council. However, a copy of the report forwarded to Council will be provided to the Board for information at its August 14, 2003 meeting.

**Staff Superintendent Gary Grant, Area Field, was in attendance and updated the Board on the operational plan developed by the Toronto Police Service which includes a planning committee that was established and includes representatives of the following agencies:**

- **Toronto Police Service;**
- **Toronto Fire Services;**
- **Toronto Emergency Medical Services;**
- **Toronto Transit Commission;**
- **City of Toronto;**
- **Peel, York, and Durham Police Services and the OPP; and**
- **Department of National Defence.**

**Staff Supt. Grant advised that the Service and the planning committee are working to ensure the safety and security of the public members attending the concert and the safety of approximately 1200 police officers who will be patrolling Downsview Park and the subway stations and assigned to strategic traffic points. Although 800 of those officers will be paid duties, the total costs that will be incurred by the Service to police the concert are currently estimated to be \$500,000.**

**Chief Fantino also provided the Board with details about the security plan for the concert and indicated that the event organizers were responsible for determining the items that persons attending the concert would be prohibited from bringing into Downsview Park.**

cont...d

**A list identifying the prohibited items had been posted publicly on the event organizers' website for the past month. Although Chief Fantino was not involved in determining which items would be prohibited, he did add two to the list: drugs and alcohol. He further advised the Board that, after publicly disclosing the list, as a courtesy to the members of the public attending the concert, earlier this week, he believes that he has been unfairly portrayed in subsequent news reports which did not clarify that the original items on the prohibited list were determined by the event organizers and not him. He reiterated that, while the Service is working to ensure that there is peace and enjoyment at the concert, personal safety would not be compromised.**

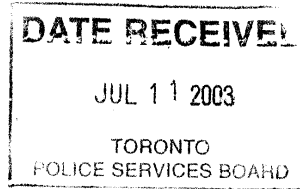
**The Board approved the following Motions:**

- 1. THAT the Board approve the foregoing report;**
- 2. THAT the Board write to the federal government representative for this event, Mr. Dennis Mills MP, recommending that the net additional costs incurred by the Toronto Police Services Board be absorbed by the federal government or the event organizers,**
- 3. THAT Chief Fantino be requested to provide a report to the Board following the July 30, 2003 concert containing the actual costs incurred by the Service; and**
- 4. THAT the report noted in Motion No. 3 containing actual costs be forwarded to the federal government or the event organizers for reimbursement of the costs, if necessary.**



Ref: 2003-09-J(23)

Councillor Lindsay Luby  
Acting Chair  
Toronto Police Services Board  
40 College Street, 7th Floor  
Toronto, Ontario  
MSG 2J3



Dear Acting Chair Lindsay Luby:

City Council, at its meeting held on June 24, 25 and 26, 2003, adopted, as amended, the following Motion:

**J(23) Road Closures and Restrictions for Outdoor Concert - Downsview Park  
- July 30, 2003**

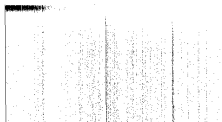
Moved by: Councillor Feldman

Seconded by: Councillor Augimeri

“WHEREAS the City of Toronto has supported the presentation of an outdoor concert at Downsview Park on July 30, 2003; and

WHEREAS the Transportation Services Division has identified several roadways where temporary closure or lane restrictions are required to ensure the safety of attendees to the outdoor concert and adequate traffic circulation in the adjacent neighbourhoods;

**NOW THEREFORE BE IT RESOLVED THAT** the closures and restrictions identified in the following list of streets be approved:



Roadway	Direction	Limits	Date/Time
W. R. Allen Road	Northbound	Highway 401 to Kennard Avenue	12:01 a.m. July 30 to 5:00 a.m. July 31
W. R. Allen Road	Southbound	Steeplechase Drive to Highway 401	12:01 a.m. July 30 to 5:00 a.m. July 31
Wilson Avenue	Eastbound	Dufferin Street to Wilson Heights Boulevard	9:30 p.m. July 30 to 5:00 a.m. July 31
Wilson Avenue	Westbound	Wilson Heights Boulevard to Dufferin Street	12:01 a.m. July 30 to 5:00 a.m. July 31
Sheppard Avenue West	Eastbound	Chesswood Drive to Wilson Heights Boulevard	12:01 a.m. July 30 to 5:00 a.m. July 31
Sheppard Avenue West	Westbound	Wilson Heights Boulevard to Chesswood Drive	9:30 p.m. July 30 to 5:00 a.m. July 31
Transit Road	Northbound	Wilson Avenue to W. R. Allen Road	12:01 a.m. July 30 to 5:00 a.m. July 31
Transit Road	Southbound	W. R. Allen Road to Wilson Avenue	12:01 a.m. July 30 to 5:00 a.m. July 31

**AND BE IT FURTHER RESOLVED** THAT the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required;

**AND BE IT FURTHER RESOLVED** THAT the Chief of Police, Toronto Police Service, be requested to submit a report to the July 22, 2003 Council meeting on the status of the security arrangements for the Rolling Stones Concert at Downsview Park, including crowd management."

Yours truly,

  
for City Clerk

M. Toft/cd

Sent to: Commissioner of Works and Emergency Services  
Chief of Police, Toronto Police Service  
Acting Chair, Toronto Police Services Board



## APPENDIX "B"

July 21, 2003

To: Acting Chair and Board Members  
Toronto Police Services Board

From: Julian Fantino  
Chief of Police

Subject: UPDATE ON STATUS OF SECURITY ARRANGEMENTS FOR ROLLING  
STONES CONCERT FOR TORONTO CITY COUNCIL

### Recommendation:

It is recommended that:

- (1) The Board receive this report for information purposes and
- (2) The Board forward this report to Toronto City Council for information

### Background:

The Board at its meeting on July 17, 2003 received an update on the status of the security arrangements for the Rolling Stones concert. The concert is scheduled to take place at Downsview Park on July 30, 2003 and is expected to attract in excess of 500,000 people.

The Board made a series of recommendations (BM #P189 refers), two of which are:

- (1) that the Board request that Chief Fantino report to City Council on the status of the security arrangements for the Rolling Stones Concert to take place in Downsview Park, Toronto, on July 30, 2003;
- (2) that the report noted in recommendation no 1 be provided to the Acting Chair by the end of the business day on July 21, 2003;

Staff Superintendent Gary Grant and Staff Superintendent Kim Derry have been assigned duties as the Operational Commanders for the concert. An operational plan has been developed by the Toronto Police Service which includes a planning committee that was established and includes representatives of the following agencies:

Toronto Police Service;  
Toronto Fire Services;  
Toronto Emergency Medical Services;

Toronto Transit Commission;  
City of Toronto;  
Peel, York, and Durham Police Services and the OPP;  
Department of National Defence, and  
The concert's promoters.

The Service and the planning committee are working to ensure the safety and security of the public attending the concert and the safety of approximately 1200 police officers who will be patrolling Downsview Park and the subway stations. Officers will also be assigned to strategic traffic points around the site. To accomplish this extraordinary demand on the Service's resources, it is necessary to put the entire Service on 12 hour shifts for the duration of the event. In addition, the concert promoters have hired almost 1200 private security personnel to handle the entry points and several security locations inside the site.

The concert promoter established a list identifying items that they were prohibiting from the site. This list has been posted publicly on the event organizers' website for the past month. The Service was not involved in determining which items would be prohibited, but was involved in making the list more public through the media. A few Councillors were very vocal about the items on the list and directed undeserved and uninformed criticism at the Toronto Police Service. It is important to note that, while the Service is working to ensure that there is peace and enjoyment at the concert, personal and officer safety will not be compromised.

Our planning priority was, and continues to be public and Officer safety. The promoter and the artists are very concerned with security arrangements, as we are, and have imposed conditions of entry which will be strictly enforced by the security staff retained by the promoter. Police will assist as requested. Ticket sales have been capped at 500,000.

Police will increase patrols in the area during the days leading up to the event. Police and security officers will ensure any early arrivals do not cause a safety concern to themselves or anyone else. On the night before the concert, patrols in the area will again be increased, and the police will work in conjunction with site security and organizers.

Gates to the site open at 8:00 a.m. on July 30. Every concert goer will be subjected to a thorough search by event security as a condition of entry. They will file through chutes and place all their belongings on tables.

There are three entrances:

- Chesswood Rd. east of Sheppard Ave. W.,
- Wilson Avenue, west of the Allen Road, and
- Sheppard Ave. W., east of the Allen Road

The Command Post for the event will be located in Building 2, behind the stage area. There will be 5 Mobile stations situated strategically in an arc around perimeter of the crowd. These stations will be set up in conjunction with EMS and food, water, and sunscreen will be available for event staff.

Liquor sales will be conducted by the event promoter at six areas throughout the site. The service of liquor will start at 2:00 pm and will end at 8:00 pm. Each of the six areas will also be randomly closed for one hour during the event. The total number of people allowed in these areas is limited to 80,000. Plainclothes officers will be enforcing the Liquor Licence Act in respect of the licence issued to the promoters.

The event is scheduled to end at 11:00 pm. Maximum staffing will be available on and off site at this time. The TTC will operate a shuttle between Wilson Heights. and Yonge Subway to diffuse the crowd to two subway lines.

There will be a strong police presence at the Downsview Station and at the Wilson Station. Entry to the system will be staged to avoid over crowding. Many buses will be available to transport concert goers from the site to Yorkdale where other modes of transportation can be accessed such as taxis, personal vehicle pick ups, Subway, and GO Transit.

There will be several roads closed before, during, and after the event. The Allen Road will be closed for pedestrian traffic to walk to and from Yorkdale to access transportation. Several other roads will be closed at various times to accommodate the expected huge pedestrian volume. The closures will be detailed on our website and the public will be informed through a series of joint media conferences planned to start on July 28.

With this event having so many components, development and planning of the entire event remains very fluid. The planning group is diligently dealing with emerging issues and finalizing the operational plans.

We are confident that we will achieve our goal of attaining the safety of all concert goers, event staff and emergency service personnel. On my behalf, Staff Superintendent Gary Grant will be in attendance at the Council meeting to answer any questions Councillors may have.

Respectfully submitted,

(signed)

Julian Fantino  
Chief of Police

jf/se

**The Board was also in receipt of the following report AUGUST 13, 2003 from Julian Fantino, Chief of Police:**

Subject: JULY 30, 2003 ROLLING STONES CONCERT

Recommendation:

It is recommended that: the Board receive this report.

Background:

At its meeting of July 17, 2003 (Board Minute P189/03 refers) the Board requested a report on the actual costs incurred by the Service for the July 30, 2003 Rolling Stones Concert.

On July 30, 2003, the Rolling Stones and several other musical groups hosted an event at the Downsview Park site in support of Toronto in light of recent hardships the city has encountered due to SARS. This event had a significant impact on police and other city resources, as over 450,000 fans attended the all day event. Police resources were required to ensure public safety on the event grounds and the grounds surrounding the site, affect road closures and divert traffic, staff nearby TTC surface and subway routes, and provide overall planning and co-ordination assistance.

Security for this event was provided by the Toronto Police Service, neighbouring police services (Durham, OPP, Peel and York) and private security. A total of 1,064 Toronto Police Service staff were assigned to the event in an "on duty" capacity. The neighbouring police services provided a total of 170 members working on duty for the event.

Additionally, the Toronto Police Service supplied 457 Paid Duty members to the event. The neighbouring Police Services provided a total of 278 Paid Duty members (Durham – 46, O.P.P. – 69, Peel – 81 and York – 82).

Although the event itself lasted about 12 hours, staff were required to accommodate fans arriving and departing in the hours preceding and following the event. This was accomplished by dedicating a city-wide divisional evening shift platoon to the Downsview concert on 12 hour shifts, and assigning the day and night divisional platoons to 12 hour shifts (including overtime) for primary response duties.

Total TPS costs for the event were \$580,000, with unbudgeted incremental costs of \$215,000. The overall policing costs for the event amounted to \$1,215,000 as summarized below.

**cont...d**

TPS Staffing – On Duty		\$365,000
TPS Incremental Costs		
Overtime	\$227,000	
Non Salary	\$25,000	
Less Paid Duty Admin Fee Recovery	(\$37,000)	
Total TPS Incremental Costs		<u>\$215,000</u>
<b>Total TPS Expense</b>		<b><u>\$580,000</u></b>
Other Police Services’ Estimated Expenses (covered by those Services)		\$147,000
Paid Duty Staffing Costs (covered by event sponsors)		<u>\$488,000</u>
Total Policing Expense		<u>\$1,215,000</u>

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

**Staff Superintendent Gary Grant, Area Field, was in attendance and provided the Board with a presentation on the operational results of policing the Rolling Stones Concert on July 30, 2003. He advised the Board that despite the large crowds there were only a few arrests during the 12-hour event. The massive exit by the crowds at the end of the evening was orderly and unexpectedly swift.**

**The Board was advised that the total unbudgeted incremental cost incurred by the Toronto Police Service with respect to policing the concert was \$215,000 which is less than the \$500,000 which was originally projected.**

**The Board approved the following Motions:**

- 1. THAT the Board receive the report from Acting Chair Lindsay Luby dated July 24, 2003 and the report from Chief Fantino dated August 13, 2003;**
- 2. THAT the Board receive the copy of correspondence from Acting Chair Lindsay Luby to Mr. Mills dated July 28, 2003 and the copy of the correspondence from the Solicitor General to Chief Fantino dated July 25, 2003;**

cont...d

3. **THAT the Board correspond with the federal government and the event organizers requesting reimbursement in the amount of \$215,000, which represents the total net actual costs incurred by the Toronto Police Services Board. Requests for reimbursement shall be sent to the following:**
  - **Mr. Dennis Mills, MP**
  - **Senator Jerry Grafstein**
  - **The Honourable Ernie Eves, Premier of Ontario**
  - **The Honourable Alan Rock, Minister of Industry**
  - **The Honourable Wayne Easter, Solicitor General of Canada**
  
4. **THAT a copy of the foregoing be provided to the City of Toronto – Policy and Finance Committee for information.**





## Toronto Police Services Board

40 College Street, Toronto, Ontario, Canada. M5G 2J3  
(416) 808-8080 FAX (416) 808-8082  
www.torontopoliceboard.on.ca



July 28, 2003

Mr. Dennis Mills, MP  
Toronto - Danforth  
170 Danforth Ave.  
Toronto, Ontario M4K 1N1

Dear Mr. Mills:

**Re: Rolling Stones Concert - July 30, 2003, Toronto, Ontario**

At its meeting on July 17, 2003, the Toronto Police Services Board received an update by Chief of Police Julian Fantino on the security plan developed by the Toronto Police Service for the Rolling Stones Concert which is scheduled to take place in Toronto on Wednesday, July 30, 2003.

The Board was advised that up to 1200 police officers will be assigned to police the concert and, although many of those officers will be paid duties, the total costs that will be incurred by the Toronto Police Service are currently estimated to be \$500,000.

The Board subsequently approved, among others, the following Motion:

**THAT the Board write to the federal government representative for this event, Mr. Dennis Mills MP, recommending that the net additional costs incurred by the Toronto Police Services Board be absorbed by the federal government or the event organizers.**

The foregoing recommendation is forwarded to you for consideration on behalf of the Toronto Police Services Board. It would be appreciated if you would keep me apprised of any decisions that are made with regard to this matter.

Yours truly,

A handwritten signature in cursive script, appearing to read "Gloria Lindsay Luby".

Gloria Lindsay Luby  
Acting Chair

cc: Chief of Police Julian Fantino  
attachment: Minute No. P189/03

**DATE RECEIVED**  
JUL 31 2003  
TORONTO  
POLICE SERVICES BOARD

Solicitor General  
of Canada



Solliciteur général  
du Canada

Ottawa, Canada K1A 0P8

**TORONTO POLICE SERVICE**  
OFFICE OF THE CHIEF OF POLICE  
REGISTER # 2032 / 2003  
PROCESSED BY # DS  
DATE 2003 / 07 / 28

Mr. Julian Fantino, C.O.M.  
Chief of Police  
Toronto Police Service  
40 College Street  
Toronto, Ontario  
M5G 2J3

25 JUL 2003

Dear Chief Fantino:

Thank you for your letter of July 23, 2003, regarding your request for federal funding to assist the Toronto Police Service in covering policing costs for the "Molson Canadian Rocks for Toronto" concert.

To stimulate the tourism and hospitality industries as a result of Severe Acute Respiratory Syndrome (SARS), the Government of Canada has committed \$41 million. Of this total, \$13.5 million has been dedicated to initiatives designed to attract visitors to the Greater Toronto Area, including the Toronto Tourism Recovery Alliance and announced funding for the Toronto Waterfront Revitalization Corporation (TWRC). These initiatives are part of the Government of Canada's announced commitments of \$360 million to ensure the health and safety of Canadians, and of visitors to our country following the SARS outbreak.

On June 25, 2003, the federal government announced that it would provide \$3.5 million to the TWRC to assist with the preparation of a site to host a major concert in Toronto. The TWRC is jointly funded by the City of Toronto, the Province of Ontario, and the Government of Canada. In its application for the \$3.5 million grant for the concert, the TWRC advised that all levels of government would be contributing to the event and that an in-kind contribution would be made by the City of Toronto to provide key services including policing, emergency services and clean-up. Any change to this arrangement would run the risk of compromising this grant.

Canada

July 31/03  
for public agenda  
JL

.../2

The federal government's security cost framework policy is specifically limited to providing reimbursement to municipalities and/or provinces for extraordinary, justifiable and reasonable security-related expenses incurred as a result of hosting a Prime Minister or Minister-led international meeting where Canadian Security Intelligence Service (CSIS) and Royal Canadian Mounted Police (RCMP) threat assessments have identified a significantly high level of risk associated with the meeting. Based on the threat assessments, the federal government may designate the meeting as eligible for financial assistance. The Toronto rock concert does not meet the established criteria and is therefore not eligible for designation or reimbursement under this framework.

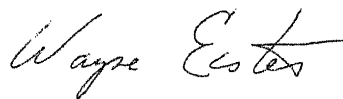
As part of its general duty to preserve the peace and to protect life and property, the police force of jurisdiction is responsible for providing security for any local private event such as a rock concert.

With respect to Canadian VIPs and Internationally Protected Persons, the RCMP has a federal mandate to protect these dignitaries, and will provide protective services to foreign dignitaries attending the concert upon receiving a request from the Department of Foreign Affairs and International Trade.

I have taken the liberty of forwarding a copy of your letter and my response to my colleague, the Honourable Allan Rock, Minister of Industry, so that he may be aware of your request. I have also forwarded a copy of my response to Mr. Dennis Mills, Senator Jerry Grafstein and Ms. Gloria Lindsay Luby.

I trust that this information will assist in clarifying our position on this matter.

Sincerely,



Wayne Easter, P.C., M.P.

*COPY TO: T.P.S.B.*

*[Signature]*  
*03/07/29*



## Toronto Police Service

40 College Street, Toronto, Ontario, Canada. M5G 2J3  
(416) 808-2222 FAX (416) 808-8202  
Website: www.TorontoPolice.on.ca



Julian Fantino  
Chief of Police

File Number: .....

July 23, 2003

The Honourable Wayne Easter, PC., M.P.  
Solicitor General of Canada  
340 Laurier Avenue West  
Ottawa, Ontario  
K1A 0P8

Dear Solicitor General:

As you know, in an effort to revitalize the economy of the City of Toronto after the recent SARS epidemic, Mr. Dennis Mills, M.P. and Senator Jerry Grafstein have developed a one day concert, now known as "Molson Canadian Rocks for Toronto" featuring the Rolling Stones.

It is anticipated that 500,000 people will attend the concert at Parc Downsview Park in Toronto. Media from around the world will be broadcasting all or parts of the concert. It is hoped that the publicity internationally will encourage businesses and tourists to again consider Toronto and Canada as an attractive destination.

The magnitude of this concert - the 500,000 people travelling to, participating in and leaving the venue. pose very significant and serious public safety issues for law enforcement.

In addition to the usual crowd management issues, the potential threat of terrorism on this event with the numbers of people present and the international media interest pose significant risks which must and will be addressed.

The nature and size of this event has also attracted a large number of VIPs and Internationally Protected Persons who must also be provided security.

The demands that I have mentioned have required that the front-line officers of the Toronto Police Service be placed on 12-hour shifts in order to provide the required level

*To Serve and Protect • Working with the Community*

of staffing. Although we have received assistance from our neighbouring Police Services, the requirement for 12-hour shifts is necessary to provide the appropriate level of security for the patrons and the VIPs attending the concert, while maintaining appropriate policing services to the rest of the city.

The additional unbudgeted costs of the required security staffing by the Toronto Police Service is estimated to be \$500,000.

I am formally requesting that the Federal Government provide funding to the Toronto Police Service to cover the estimated. additional \$500,000 policing costs for this event.

Having regard to the purpose of this event and the international scrutiny it will receive, I am sure that you will agree with me that it is absolutely vital that the appropriate security measures be taken and that no incidents occur to the detriment of the success of this event.

I appreciate the leadership of the Federal Government in this initiative and I look forward to your response.

Yours truly,



Julian Fantino, C.O.M.  
Chief of Police

JF:ko

cc: Mr. Dennis Mills, M.P.  
Senator Jerry G-rafstein  
A/Chair Gloria Lindsay Luby, Toronto Police Services Board



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P218. TORONTO POLICE SERVICE - 2003 OPERATING BUDGET  
VARIANCE AS AT JUNE 30, 2003**

The Board was in receipt of the following report JULY 21, 2003 from Julian Fantino, Chief of Police:

Subject: 2003 OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO  
POLICE SERVICE AS AT JUNE 30, 2003

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 (P&F) Committee.

Background:

Toronto City Council, at its meeting held on February 24 to February 28 and March 3, 2003, approved the Toronto Police Service (TPS) Operating Budget at a net amount of \$634.6 million (M), which is the same amount as the revised budget approved by the Toronto Police Services Board at its meeting of February 20, 2003 (Board Minute # P36/03 refers). This represents an increase of 4.2% over the 2002 Net Operating Budget. The Council-approved budget provides sufficient funding to maintain current services. The budget also provides additional funding for the creation of a Strategic Traffic Enforcement Measures (STEM) Team in the amount of \$0.7M as well as funding for costs related to the 2002 to 2004 Toronto Police Association salary settlement.

2003 Operating Budget Variance

As at June 30, 2003, the Service is projecting a year-end shortfall of \$0.6M, which is \$0.3M more than reported previously.

STAFFING

A net shortfall of \$1.3M is projected for staffing costs to year-end, which is \$0.8M more than reported previously.

It is currently projected that there will be 140 uniform separations in 2003 compared to the original budget estimate of 300 for the year. As at June 30, 2003, there were 91 separations, compared to 239 at the same point in time last year. As a result of the projected decrease in separations, planned hires have been reduced to 185 recruit hires in 2003 compared to the original budget estimate of 379.

Premium pay expenditures are estimated to be \$0.6M over budget, which is \$0.3M more than reported last month. This increase is primarily due to the increased requirement for use of overtime in conducting recent high profile investigations such as the child abduction and murder in Toronto's west end and the plane crash in the Toronto harbour.

On July 30, 2003 the Rolling Stones and several other musical groups will be hosting an event at the Downsview Park site in support of Toronto in light of recent hardships the city has encountered due to SARS. This event will have a significant impact on police and other city resources, as over 500,000 fans are expected to attend the all day event. Although current security plans intend to maximize the use of paid duty police officers and police officers from neighbouring jurisdictions, it is estimated that the impact on the Service will be in excess of \$0.5M. The majority of this impact will be non-budgeted premium pay costs for members staffing the event.

#### BENEFITS

A savings of \$0.5M is projected for medical and dental benefits which is \$0.5M more than reported previously. This savings is attributable to decreased costs resulting from previous years' cost containment initiatives.

#### NON-SALARIES

Non-salary accounts are projected to be under spent by \$0.2M, which is the same as reported previously.

#### SUMMARY

As at June 30, 2003, the total Service projected year-end unfavourable variance is \$0.6M. If the impact from the Rolling Stones support Toronto event was to be removed, then the projected year-end unfavourable variance would be \$0.1M. The Service will continue to control costs and defer discretionary expenses where possible in an attempt to offset the above variance.

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.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P219. SEMI-ANNUAL REPORT: JANUARY – JUNE 2003: LABOUR  
RELATIONS COUNSEL AND LEGAL INDEMNIFICATION**

The Board was in receipt of the following report July 17, 2003 from Julian Fantino, Chief of Police:

Subject: SEMI-ANNUAL REPORT: JANUARY - JUNE 2003 - LABOUR RELATIONS  
COUNSEL AND LEGAL INDEMNIFICATION

Recommendation:

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

Background:

At its meeting on January 25, 2001, the Board approved a Policy Governing Payment of Legal Accounts which provides for a semi-annual report relating to payment of all accounts for labour relations counsel, legal indemnification claims and accounts relating to inquests which were approved by the Director, Human Resources and the Manager, Labour Relations (Board Minute No. P5/01 refers).

During the period of January 1, 2003 to June 30, 2003, 4 accounts from Hicks Morley Hamilton Stewart Storie for labour relations counsel totalling \$161,005.26 were approved for payment by the Director, Human Resources and the Manager, Labour Relations.

During the same period, 40 accounts relating to legal indemnification were paid totalling \$293,068.16 and one account relating to an inquest was paid totalling \$22,836.77.

Therefore, during the period of January 1, 2003 to June 30, 2003, a total of \$476,910.19 was paid in settlement of the above accounts.

Mr. William Gibson, Director, Human Resources, will be in attendance to respond to any questions the Board may have in regard to this matter.

**The Board received the foregoing.**



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P220. SEMI-ANNUAL REPORT: JANUARY – JUNE 2003: PARKING  
ENFORCEMENT UNIT ABSENTEEISM**

The Board was in receipt of the following report JULY 9, 2003 from Julian Fantino, Chief of Police:

Subject: INFORMATION REQUESTED BY THE CITY OF TORONTO POLICY AND  
FINANCE COMMITTEE RELATING TO PARKING ENFORCEMENT UNIT  
ABSENTEEISM

Recommendation:

It is recommended that:

- (1) the Board receive the following report for information; and
- (2) the Board forward a copy of this report to the City of Toronto Policy and Finance Committee for its information.

Background:

The City of Toronto Policy and Finance Committee has requested semi-annual reports on Parking Enforcement Unit Absenteeism. This report consists of the information pertaining to the first half of the year 2003.

Effective January 1, 2003, the Unit has implemented the full attendance management program and has undertaken to closely monitor individual officer attendance. This program focuses on both members who have a higher absenteeism rate (excluding any chronic illness) and recognition for members with a perfect attendance record (Board minute #P220/02). Based on the attendance patterns for the first quarter of 2003, letters were submitted to members who fall within the following criteria.

*Criteria:*

*Where a member is absent due to illness three (3) or more times (separate incidents) the supervisor shall submit a letter, unless there are mitigating circumstances, in which case the supervisor shall provide a TPS 649 (Internal Correspondence) to the Unit Commander outlining the reason(s) for exclusion.*

*Where a member is absent due to illness two (2) or more times for a total of four (4) days or more, the supervisor will discuss the reason for the absences with the member. The supervisor will outline the provisions of the Attendance*

*Management Program policy and submit a TPS 649 (Internal Correspondence) to the Unit Commander stating that the member has been reminded of the provisions.*

*Where a member is absent due to illness (one incident) for more than three (3) days, aside from the Service requirement to provide a doctor's note, the Attendance Management Program will not be triggered. The member need not be spoken to unless there are other factors to be taken into account.*

*The supervisors have been assigned the responsibility of ensuring that sick members comply with all Service requirements. The individual cases are reassessed when specified by the Service's Medical Advisory Service and the Unit takes the required steps to return the employee to work at the earliest opportunity, as their situation permits.*

The analysis for the second quarter of 2003 is currently underway and the data from the first quarter 2003 will be considered in order to effectively manage any patterns that may develop.

The Unit continues to monitor the sick days of individual officers by utilizing the following structured procedure on a micro level:

- (a) 3<sup>rd</sup> day sick – phone call to the officer at residence
- (b) 4<sup>th</sup> day sick – home visit; and
- (c) 4 or more days sick – doctor's note required.

This report is for the January to June 2003 period. The monthly absenteeism rates are provided in table #1, and the actual figures are reported in table #2 (appendix A refers). The average number of sick days per officer are also included in table #2, as requested by the Board (Board Minute #P334/2001). In order to highlight absenteeism patterns, the reporting is grouped into four categories: Injured on Duty (IOD), Long Term Sick, Short Term Sick, and Dependent Sick. IOD represents staff members who were injured while performing their duties. Long term sickness represents staff who remained sick for two or more months, Dependent sick represents time taken off due to illness of a dependent family member, and Short Term Sickness represents all other sickness.

The January to June 2003 overall absenteeism rate is 4.7 %, down by 0.9 percentage points from last years rate (table #3, appendix A refers). The Parking Enforcement Unit has set a ceiling of 4% for short-term absenteeism. The 2003 short-term absenteeism year to date total is 2.5%, which is 1.5 percentage points below the set ceiling.

City departments and agencies have used different criteria for determining absenteeism and there are no specific guidelines for calculating the absenteeism rate. The year 2000 City Audit Report on the Parking Enforcement Unit recommended that:

*“the City’s Executive Director, Human Resources, report to the Administration Committee by September 30, 2000 on a framework for reporting absenteeism across the corporation, which should include the development of appropriate definitions and reporting guidelines, to enable a meaningful comparison of absenteeism among the various departments, agencies, boards and commissions;” (Recommendation # 17, City Audit Report 2000 - Parking Enforcement Unit)*

To date, no specific guidelines have been provided, therefore comparison with other city departments absenteeism rates is not included in this report.

It is recommended that the Board receive this information and that this report be forwarded to the City of Toronto Policy and Finance Committee for its information.

Deputy Chief Michael Boyd, Policing Support Command, will be present at the Board meeting to address any questions.

**The Board received the foregoing.**

**Appendix A.**  
**Table #1.**

**Parking Enforcement Unit Absenteeism**  
**January – June 2003**  
**Absenteeism Rate**

<b>TYPE</b>	<b>January</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>Average</b>
Injured on duty	2.0%	1.3%	0.9%	1.7%	1.4%	1.4%	<b>1.5%</b>
Long term sick	0.7%	0.4%	0.1%	0.1%	0.5%	0.7%	<b>0.4%</b>
Short term sick	2.8%	2.2%	2.6%	2.9%	2.4%	2.1%	<b>2.5%</b>
Dependent Sick	0.4%	0.7%	0.4%	0.2%	0.4%	0.2%	<b>0.4%</b>
<b>TOTAL</b>	<b>5.9%</b>	<b>4.6%</b>	<b>4.0%</b>	<b>4.9%</b>	<b>4.5%</b>	<b>4.4%</b>	<b>4.7%</b>

**Table #2.**

**Parking Enforcement Unit Absenteeism  
January – June 2003  
Sick Shifts Summary Actual Figures**

<b>TYPE</b>	<b>January</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>Average</b>	<b>AVG./ Person</b>
Injured on duty hrs.	1,484	887	603	1,202	980	958	1,019	15.0
Injured on duty shifts	186	111	75	150	123	120	127	1.9
Average Persons/Day	6	4	2	5	4	4	4	NA
Long term sick Hrs.	556	238	94	80	326	480	296	4.3
Long term sick shifts	70	30	12	10	41	60	37	0.5
Average Persons/Day	2	1	0	0	1	2	1	NA
Short term sick hrs.	2,089	1,477	1,774	2,039	1,679	1,421	1,746	25.7
Short term sick shifts	261	185	222	255	210	178	218	3.2
Average Persons/Day	8	7	7	8	7	6	7	NA
Dep. Sick hrs.	340	447	266	153	252	158	269	4.0
Dep. Sick Shifts	43	56	33	19	32	20	34	0.5
Average Persons/Day	1	2	1	1	1	1	1	NA

Source: DIMS, PINS.

Parking is 7 Days 24 hrs. operation and shifts range from 10, 8 and 7 hrs.

An average/ shift is taken at 8 hours.

**Table #3. Parking Enforcement Unit Absenteeism  
1999 – June 2003**

	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>Jan to Jun 2003</b>
<b>Total</b>	<b>6.7%</b>	<b>5.3%</b>	<b>6.1%</b>	<b>5.6</b>	<b>4.7</b>

Source: Parking Information System, PINS

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P221. ENHANCED EMERGENCY MANAGEMENT AND RESPONSE TO  
FEDERAL AND PROVINCIAL FUNDING OPPORTUNITIES**

The Board was in receipt of the following report JULY 15, 2003 from Julian Fantino, Chief of Police:

Subject: FEDERAL AND PROVINCIAL FUNDING REPORT: JULY 2003,  
ENHANCED EMERGENCY MANAGEMENT

Recommendation:

It is recommended that: the Board not submit a request for funds to either the Federal or Provincial governments in relation to Emergency Planning over and above the Joint Emergency Preparedness Program (JEPP).

Background:

At its meeting on Thursday, AUGUST 14, 2003 (Board Minute #P154 refers), I was asked to submit a report on whether the Board should submit a request for funds to either the Federal or Provincial Governments in relation to emergency preparedness, specifically addressing the programs identified in correspondence received by the Police Services Board from The Honourable John McCallum, Minister of National Defence, and The Honourable Allan Rock, Minister of Industry.

The majority of the funds identified in the programs referred to in the Ministers' letters have already been earmarked for existing federal programs. To date, the Toronto Police Service has not directly received any of these monies.

TPS Emergency Management has contacted officials from both the Federal and Provincial governments in an effort to ascertain what funding has been directly reserved for municipal police agencies. Our Emergency Management Section took the same inquiry to representatives from both the Office of Critical Infrastructure and Emergency Preparedness (OCIPEP), which is part of the Department of National Defence, and Emergency Management Ontario. Neither the Federal nor Provincial representatives have been able to confirm that any specific funding has been reserved for the Toronto Police Service in support of emergency management and preparedness.

To date, all of the funding we have received and utilized for emergency preparedness has been from the City and our own police budget.

Of the funding sources identified in the letters from both Federal Ministers, TPS has already pursued the only funding mechanism available to us, that being the Joint Emergency Preparedness Program (JEPP).

JEPP Grant

JEPP was established in October 1980 to enhance the national capability to manage all types of emergencies and ensure a reasonably uniform emergency response and recovery capacity across Canada. The Department of National Defence through OCIEPEP administers JEPP.

JEPP consists of a reimbursement formula from the Federal Government of 45% of the total project costs. Funding caps, based on the specific type of project and community demographics, are also imposed. Applications may also be approved both in part and whole. It is important to note that JEPP applicants must pay 100% of the project costs before they receive a reimbursement. JEPP projects are proposed annually by the provincial and territorial governments and selected for funding based on national and regional priorities.

In the 2001 Federal Budget, the Government of Canada allocated an extra \$10 million in JEPP funding over two fiscal years (2001-2002 and 2002-2003) to support provinces and territories in building their response capacity for Chemical, Biological, Radiological and Nuclear (CBRN) incidents. An extra \$20 million over a six-year period (2001-2007) has been committed to help provinces and territories expedite the development of Heavy Urban Search and Rescue (HUSAR) response capabilities. These monies cannot be applied for, as they have already been allocated.

The JEPP grants that have been submitted by TPS with respect to emergency management & preparedness are as follows:

<b>Grant</b>	<b>Total Cost</b>	<b>TPS portion</b>	<b>JEPP portion</b>
<b>Police Command Centre</b>	<b>\$725,000.00</b>	<b>\$398,750.00</b>	<b>\$326,250.00</b>
<b>Emergency response equipment - Public Safety Unit</b>	<b>\$191,475.00</b>	<b>\$105,311.25</b>	<b>\$86,163.75</b>
<b>Autodialer Communication System for Emergency response</b>	<b>\$35,304.00</b>	<b>\$19,417.00</b>	<b>\$15,886.00</b>
<b>Emergency Rescue Equipment – Marine Unit</b>	<b>\$124,109.00</b>	<b>\$62,054.45</b>	<b>\$62,054.55</b>
<b>Total</b>	<b>\$1,075,888.00</b>	<b>\$585,533.00</b>	<b>\$490,354.00</b>



The City of Toronto has a number of JEPP (2002 – 2003) applications awaiting approval. These include:

- Heavy Urban Search and Rescue (HUSAR) as administered by the Toronto Fire Service (TFS), has submitted an application for purchasing capital equipment in support of joint team operations including TFS, EMS and TPS partners, (Costing \$1,460,061.00 with the JEPP portion at \$1,095,450.00).
- Chemical, Biological, Radiological and Nuclear (CBRN) application for the joint CBRN (TPS, TFS and EMS partners) team as administered by TFS, (Costing \$2,430,788.70 with the JEPP portion at \$1,833,091.50). This JEPP application includes the purchase of 310 Saratoga-Hammer ensembles suitable for the Public Safety Unit (PSU) and the Emergency Task Force (ETF) use. The Saratoga-Hammer ensembles consist of gloves, boots, hoodover and an air-purifying respirator, all of which are resistant to chemical warfare agents. If the JEPP application is unsuccessful there are no provisions for funding this purchase other than the Service finding monies within its existing budget.
- Emergency Management in support of Emergency Management Programs (Works and Emergency Services) (Costing \$289,600 with the JEPP portion at \$129,870).
- Toronto Public Health has two applications;
  - (1) Emergency plans and training (Costing \$311,000.00 with the JEPP portion at \$25,000)
  - (2) The construction of a Public Health Emergency Operations Centre (Costing \$469,870.00, with the JEPP portion at \$211,411.00).
- Emergency Medical Services (EMS) has four applications;
  - (1) Mass Casualty Software (Costing \$20,000 with the JEPP portion at \$9,000);
  - (2) Weapons of Mass Destruction Response Team (Costing \$837,995 with the JEPP portion at \$379,127.75);
  - (3) EMS JEPP application is for a telecommunications Autodialer (Costing \$76,295 with the JEPP portion at \$34,324.00)
  - (4) An EMS Health Care Emergency Operations Centre (Costing \$380,870.00 with the JEPP portion at \$171,391.50).

#### Disaster Financial Assistance Arrangements (DFAA) & Ontario Disaster Relief Assistance Program (ODRAP)

In his letter dated April 25, 2003, Minister Rock referred to the Disaster Financial Assistance Arrangements (DFAA) as an additional source of funding for emergency management and preparedness. The DFAA is essentially a financial assistance plan whereby the Federal Government provides emergency financial assistance to Provincial Governments for recovery purposes *after* a major emergency or disaster has occurred.

In Ontario, a similar program entitled Ontario Disaster Relief Assistance Program (ODRAP) is intended to alleviate the hardship suffered by private individuals, businesses whose property has been damaged in a sudden and unexpected natural disaster.

TPS is not eligible for funds from either program.

## Conclusion

It is recommended that: the Board take no further action on these letters. The majority of the funding sources addressed in the letters have been earmarked for existing programs. TPS has already undertaken to identify and apply for any Federal and Provincial funding sources available to us.

Deputy Chief Michael Boyd, Policing Support Command, will be in attendance to answer any questions if necessary.

**The Board received the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P222. QUARTERLY REPORT: APRIL – JUNE 2003: TORONTO POLICE  
SERVICES BOARD'S SPECIAL FUND**

The Board was in receipt of the following report JULY 18, 2003 from Julian Fantino, Chief of Police:

Subject: TORONTO POLICE SERVICES BOARD'S SPECIAL FUND UNAUDITED  
STATEMENT FOR THE PERIOD 2003 APRIL 01 TO 2003 JUNE 30

Recommendation:

It is recommended that: the Board receive the report on the Toronto Police Services Board's Special Fund unaudited statement for their information.

Background:

Enclosed is the unaudited statement of receipts and disbursements with respect to the Toronto Police Services Board's Special Fund for the period 2003 April 01 to 2003 June 30.

As at 2003 June 30, the balance in the Special Fund was \$363,722. During the quarter, the Special Fund recorded receipts of \$48,455 and disbursements of \$58,845 for a net deficit of \$10,390 over the fund balance of \$374,112 at the end of the first quarter.

The net deficit was due to the decrease in auction proceeds deposited by the Property And Evidence Management Unit to the Board Special Fund.

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 approved the following Motion:**

**THAT the Chief be requested to submit a report to the November 20, 2003 Board meeting with respect to the Toronto Police Service using eBay as its sole auction provider and that the report include, but not be limited to:**

- details of the contractual agreement including all terms and conditions;
- a comparison of revenue generated and costs associated to auctions held over the previous five years;
- an evaluation of the eBay auction process to date;
- an assessment of all other auction options available with a recommended preferred option identified; and
- whether the eBay auction process is in compliance with Section 132(4) of the *Police Services Act* and Toronto Police Service Procedure 09-01.













**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P223. GOVERNMENT'S RE-ELECTION PLATFORM TO INCLUDE  
MUNICIPALITIES IN THE *TAXPAYER PROTECTION ACT***

The Board was in receipt of the attached correspondence JUNE 26, 2003 from Mr. D.K. Robinson, Q.C., President, Ontario Association of Police Services Boards, to The Honourable Ernie Eves, Premier of Ontario, regarding the Ontario Association of Police Services Boards' response to the government's re-election platform.

**The Board received the foregoing.**

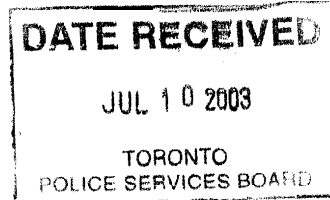


**ONTARIO ASSOCIATION OF  
POLICE SERVICES BOARDS**  
"Commitment to Excellence in Civilian Police Governance"

10 Peel Centre Drive, Brampton, Ontario L6T 4B9  
Tel. 905-458-1488 1-800-831-7727 Fax 905-458-2260

June 26, 2003

Premier Ernie Eves  
Whitney Block, 6<sup>th</sup> Floor  
99 Wellesley Street West  
Toronto, ON M7A 1A1



Dear Premier,

I am writing to you on behalf of the Ontario Association of Police Services Boards (OAPSB). The OAPSB represents over 80 percent of all police services boards across Ontario. As you know, police services boards are an integral part of the municipal governance system as we provide civilian oversight to the police services within our communities. Part of our role is to prioritize and budget for the provision of police services. You may not be aware that policing services accounts for approximately 25 percent of the full municipal annual operating budgets, so this is a very key part of our mandate on behalf of municipal councils and the community.

The purpose of this letter is to advise you of the OAPSB's position with regard to your government's re-election platform to include municipalities in the Taxpayer Protection Act in such a manner as to require municipalities to hold a referendum on tax increases. As you will see from the attached resolution, the OAPSB has strong concerns with this proposal and through this resolution, it is seeking to see this whole concept eliminated from the government's re-election platform. Considering the fact that policing services make up for a very large proportion of the municipal budget, I think you can appreciate our reasons. The resolution also seeks your support for a study of the provincial municipal revenue framework, in cooperation with AMO. While we understand your initial response to this proposal has been unfavourable, we do wish to register the OAPSB's support for the concept.

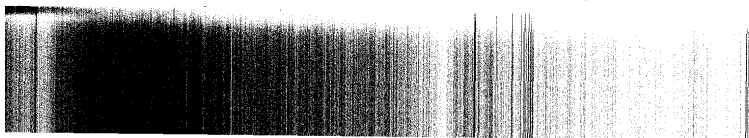
Your careful consideration of this resolution is sincerely appreciated.

Yours truly,

D. K. Robinson, Q.C.  
President

c.c. Ontario Cabinet  
AMO  
OACP  
PAO  
Board of Directors - OAPSB

*July 29/03  
Full agenda for info  
J*





## RESOLUTION

*Whereas municipal governments and their special purpose bodies take their responsibility to provide for the health and safety of their communities very seriously*

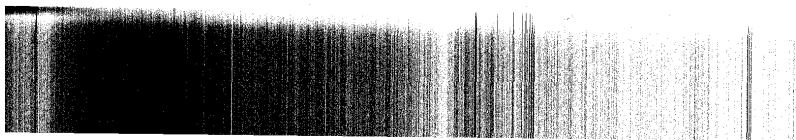
*And Whereas municipal governments and their special purpose bodies do what they can to control taxes within a heavily regulated provincial policy environment*

*And Whereas municipalities are significantly constrained by the current provincial-municipal revenue framework and the property tax system*

*And Whereas the governing party's proposal to require a referendum through amendments to the 'Taxpayer Protection Act' for any increases to municipal property taxes is unworkable and very costly, especially in light of the fact that budget pressures come in large part from provincially mandated program and service requirements*

*And Whereas it is the experience of Police Services Boards across the province that budget pressures continue to grow due to legislation changes, regulation changes and the downloading of service requirements from both the province and the federal government, which makes assuring the security and safety of communities an increasing challenge*

*Therefore be it resolved that the proposal to amend the Taxpayer Protection Act to include municipalities be eliminated from the Government's election platform and replaced with a proposal that the province will work with AMO and its municipal partners to jointly review the current provincial municipal revenue framework with a view to addressing the pressures facing municipalities and further that the study make recommendations on the redistribution of operational responsibilities and sharing of financial resources to avoid tax increases at both the provincial and municipal levels of government.*



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P224.           CORRESPONDENCE**

The Board was in receipt of a summary of the public correspondence received in the Board office between June 30, 2003 and July 23, 2003. 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 AUGUST 14, 2003**

**#P225. BOARD POLICY: NON-ACCEPTANCE OF A FEE, ADVANCE, GIFT  
OR PERSONAL BENEFIT BY BOARD MEMBERS**

The Board was in receipt of the following report JULY 29, 2003 from Gloria Lindsay Luby, Acting Chair:

Subject: BOARD POLICY: NON-ACCEPTANCE OF A FEE, ADVANCE, GIFT OR  
PERSONAL BENEFIT BY BOARD MEMBERS

Recommendation:

It is recommended that:

- (1) the Board approve the policy contained in this report, governing non-acceptance of fees, advances, gifts or personal benefits by Board members,
- (2) this policy be reviewed by Board staff, in consultation with Mr. Albert Cohen, Director, Litigation, City of Toronto - Legal Services Division, no later than January 2004; and,
- (3) any necessary amendments be forwarded to the Board for consideration.

Background:

The following legislation currently governs the receiving of gifts and benefits by members of the Toronto Police Services Board:

- (i) the *Municipal Conflict of Interest Act*;
- (ii) the *Police Services Act*, O. Reg. 421/97 – Members of Police Services Boards – Code of Conduct (the “Board Code”)

In comparing the relevant legislation to current Board policies, it was identified that a Board policy is required to provide further guidance and clarity to Board members.

The recommended policy is adapted from the City of Toronto policy for Members of Council. In addition to reflecting the wording of the City’s policy, the recommended policy also reflects the wording used in the Province of Ontario’s *Members’ Integrity Act*.

It is recommended that the Board adopt the following policy:

*No Board member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office.*

To ensure that this policy reflects the fact that Police Services Board members have different roles and responsibilities and may bear different community expectations from those of Councillors or Members of the Provincial legislature, I recommend that the policy be reviewed by Board staff, in consultation with Mr. Albert Cohen, Director, Litigation, City of Toronto - Legal Service Division, no later than January 2004 and that any necessary amendments be recommended to the Board.

This review will consider issues such as:

- how the policy can be monitored and enforced,
- whether a requirement for disclosure should be adopted,
- whether the policy should be extended to Board staff or to family of Board members,
- whether the Board wishes to consider exceptions to the policy, and
- if exceptions are appropriate, should a monetary limit be applied.

Among the City of Toronto's exceptions to the policy are:

- compensation authorized by law
- gifts or benefits that normally accompany the responsibilities of office which are received as an incident of protocol, custom, or social obligations
- suitable mementos of a function honouring the member;
- food, lodging, transportation and entertainment provided by other levels of government
- food and beverages consumed at banquets, receptions or similar events

**The Board approved the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P226. BOARD POLICY: REPRESENTATION ON THE ONTARIO  
ASSOCIATION OF POLICE SERVICES BOARDS – BOARD OF  
DIRECTORS**

The Board was in receipt of the following report AUGUST 01, 2003 from Gloria Lindsay Luby, Acting Chair:

Subject: REPRESENTATION ON THE ONTARIO ASSOCIATION OF POLICE  
SERVICES BOARDS - BOARD OF DIRECTORS

Recommendations:

It is recommended:

- (1) THAT the Board approve a policy designating the Chair of the Toronto Police Services Board as its representative on the Board of Directors of the Ontario Association of Police Services Boards (“OAPSB”) and that the Vice-Chair be designated as the Toronto Police Services Board’s alternate representative; and
- (2) THAT, during the period of time that the current Vice-Chair, Councillor Gloria Lindsay Luby, is fulfilling the responsibilities of Acting Chair and there is no Acting Vice-Chair, the Board designate one member to act as the alternate on the occasions when the Acting Chair is unable to attend meetings held by the OAPSB Board of Directors.

Background:

The Ontario Association of Police Services Boards (“OAPSB”) (formerly the “Municipal Police Authorities”) was established in 1962 and operated primarily on a volunteer basis until 1985 when an administrative office was created and the growth of the OAPSB membership continued to a point where it included almost every police services board in Ontario. The OAPSB is a non-profit association which provides a variety of services designed to assist police services boards in Ontario discharge their required duties under Part III of the *Police Services Act*.

The OAPSB operates with an annual budget derived from membership dues paid by the police services boards which enrol each year. The 2003 membership includes a total of 164 police services boards representing municipal police services boards; boards whose municipalities receive police services from the Ontario Provincial Police; and First Nations boards.

cont...d

### Recent Issues Considered by the OASPB:

In recent years, the OAPSB has been actively involved with a number of complex issues that have assisted police services boards in Ontario. In many cases, due to the size of the Toronto Police Service and the challenges it faces policing the City of Toronto - the largest and one of the most dynamic cities in Canada - the Toronto Police Services Board has benefited specifically and greatly through its association with the OAPSB. Some of these issues include:

- cost-recovery for training and equipment costs incurred by boards whose police services members may be first-responders to incidents involving acts of terrorism;
- Ontario Municipal Employees Retirement System (“OMERS”) 25-year pension proposals;
- the need for financial assistance following legislation requiring local police services to provide court security within their jurisdictions;
- training for new board members; code of conduct and other issues related to board members and employees;
- the need for financial assistance to offset significantly increased costs incurred by police services due to critical backlogs in the courts;
- intensive lobbying which eventually led to legislation requiring all municipalities in Ontario to pay for their policing;
- the development of a performance management system for chiefs of police and a comprehensive chief selection process;
- OMERS Type 3 Surplus and the decision to add an OAPSB member to the OMERS Board representing police employers; and
- the need for financial assistance for new provincial policing initiatives which resulted in phase-in periods in order to reduce the financial impact to local boards.

### OAPSB Board of Directors:

The Board of Directors is responsible for the management of the OAPSB’s work. The directors participate in meetings and help prepare the strategic direction and goals for the OAPSB and often meet with the Assistant Deputy Minister of Public Safety and Security and representatives of other stakeholder groups, such as the Ontario Association of Chiefs of Police and the Ontario Provincial Police to discuss issues of mutual concern.

The Board of Directors meets approximately three to five times each year on an as-needed basis and usually at locations within the Greater Toronto Area. There are currently 15 directors and, while they may represent specific zones within Ontario, they work together in the best interests of all police services boards across the province. Each of the 15 directors has voting privileges.



Representation by the Toronto Police Services Board:

The OAPSB has automatically designated seats on its Board of Directors for the representatives of the largest police services boards in Ontario and, in the case of Toronto, the Chair has traditionally, but informally, undertaken this role. The Vice-Chair has traditionally substituted for the Chair with the same single-vote shared privilege.

Toronto Police Services Board Policy and Recommendations:

It is recommended that the Board now formally approve a policy requiring the Chair to represent the Toronto Police Services Board on the OAPSB Board of Directors and that the Vice-Chair be designated the alternate when the Chair is unable to participate.

During the time when the current Vice-Chair is fulfilling the responsibilities of Acting Chair and there is no Acting Vice-Chair, there is a need to ensure that the interests of the Toronto Police Services Board are maintained at the OAPSB Board of Directors' meetings.

The Acting Chair has agreed to participate on the OAPSB Board of Directors and will have the same voting privileges extended to the Chair. However, the OAPSB has recently advised that it requires a formal Motion approved by the Toronto Police Services Board designating one specific member to participate on behalf of the Toronto Police Services Board on any occasions when the Acting Chair is unable to participate if the Toronto Police Services Board wishes to retain its single-vote shared privilege.

I am therefore recommending:

- (1) THAT the Board approve a policy designating the Chair of the Toronto Police Services Board as its representative on the Board of Directors of the Ontario Association of Police Services Boards and that the Vice-Chair be designated as the Toronto Police Services Board's alternate representative; and
- (2) THAT, during the period of time that the current Vice-Chair, Councillor Gloria Lindsay Luby, is fulfilling the responsibilities of Acting Chair and there is no Acting Vice-Chair, the Board designate one member to act as the alternate on the occasions when the Acting Chair is unable to attend meetings held by the OAPSB Board of Directors.

**The Board approved recommendation no. 1 and, with respect to recommendation no. 2, designated Mr. A. Milliken Heisey, Q.C., to act as the alternate on the occasions when the Acting Chair is unable to attend meetings held by the OAPSB Board of Directors. Mr. Heisey verbally indicated acceptance of this role.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P227. AMENDMENT TO THE CONTRACT FOR EASTERN CONSTRUCTION  
CO. LTD. FOR CONSTRUCTION MANAGEMENT SERVICES AT THE  
NEW No. 51 FACILITY**

The Board was in receipt of the following report JULY 31, 2003 from Julian Fantino, Chief of Police:

Subject: AMENDMENT TO PURCHASE ORDER 6006198 EASTERN  
CONSTRUCTION – NEW 51 DIVISION FACILITY

Recommendation:

It is recommended that: the Board approve the amendment to Purchase Order No. 6006198 to Eastern Construction Company Limited in the amount of \$300,000, all taxes included, associated with the provision of construction management services for the new 51 Division facility from June 2003 to December 2003.

Background:

The Toronto Police Services Board at its meeting of November 6, 2001 (BM# P326/01 refers) approved the award of the Construction Management Services Quotation to Eastern Construction in the amount of \$678,495, all taxes included. This amount reflected the cost to provide construction management services to June 2003. Subsequently, the Board at its meeting of December 11, 2002 (BM#P337/02 refers) amended the original purchase order by increasing the award to Eastern Construction by \$300,000 to cover disbursement cost which was not included in the original award. This brought the construction management cost to \$978,495.

Since then, due to unforeseen circumstances the project has encountered delays that are reflected in additional costs associated with the provision of construction management services. The TPS and City Project Manager have been in discussions with Eastern Construction regarding the amount of additional fees appropriate for the delay-related work and the amount of time required to complete the project. As a result, this report was not brought forward to the Board for its consideration previously pending a satisfactory resolution of the fee and completion date issues.

The following outlines the major items that caused the construction delays:

1. The extreme weather conditions during the winter of 2002-2003. The weather conditions delayed the historical restoration work, the required demolition and the installation of the foundation (caissons).
2. The removal of underground obstructions. The existing foundations proved to be much larger and more extensive than previously identified.

3. The City of Toronto municipal labour strike in June 2002. City staff was not available for approvals, inspections, etc. related to the project.
4. The identification of asbestos containing roof tiles and there subsequent removal. The quantity of roof tiles involved was small and related to a previous repair; however, the entire structure had to be surveyed before remediation could take place.
5. The final connection of site services. An approved City contractor is required to connect site services such as water and storm water utilities. When requested the City did not provide timely approvals and could not make a contractor available for several weeks.
6. The concrete form work and masonry tenders had to be re-tendered because no bid submissions were received the first time City Purchasing issued the tender call.

The above noted items were not preventable, and as they have extended the construction period from June 2003 to December 2003, an increase to the construction management fee is warranted. The increase will cover Eastern Construction's fixed site costs and staffing costs. This recommended increase of \$300,000 would revise the total award to Eastern Construction to \$1,278,945, including all taxes and disbursements. The construction cost of this project is \$16,300,000.

The proposed fee increase has been reviewed by the TPS and the City's Project Manager and is deemed to be fair and reasonable. The Chief Administrative Officer has certified to the availability of funds in the TPS Capital Program, which has a built-in contingency component in the approved Capital Budget to cover this increased cost. Even with this increase, the overall cost is within the approved budget.

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

**Mr. Frank Chen, Chief Administrative Officer, was in attendance and responded to questions by the Board about this report. Mr. Chen assured the Board that funds to support this expenditure are available in the capital budget.**

**The Board approved the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P228. TORONTO POLICE SERVICE – YOUTH REFERRAL PROGRAM**

The Board was in receipt of the following report JULY 29, 2003 from Julian Fantino, Chief of Police:

Subject: JOINT REPORT ON THE TORONTO POLICE SERVICE YOUTH REFERRAL PROGRAM FROM THE CHIEF OF POLICE AND THE CITY OF TORONTO, COMMISSIONER OF COMMUNITY AND NEIGHBOURHOOD SERVICES

Recommendation:

It is recommended that:

1. the Board receive this report for information,
2. the Board forward this report to the City of Toronto, Policy and Finance Committee,
3. the Board request:
  - (i) the City to enter into discussions with other levels of government on the establishment of an inter-governmental agreement that would support the TPS Youth Referral Program on an ongoing basis; and
  - (ii) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

In 2002, The Toronto Police Service received funding from Justice Canada to pilot a Youth Referral Program until December 31, 2003. The program was designed in anticipation of new provisions within the new Youth Criminal Justice Act (YCJA) to deal with less serious young offenders for less serious offences.

At its June 24, 25 and 26 meeting, City Council adopted a report, “Youth Criminal Justice Act – the Extra-judicial Process”, (Clause No. 19a) in Report No.4 Policy and Finance Committee from the Commissioner of Community and Neighbourhood Services that endorsed the principle of the new YCJA and its implementation in the Toronto Police Service (TPS) Youth Referral Pilot Program. The report recommended that the City request senior levels of government to support, promote and fund the full implementation of the extra-judicial processes available under the YCJA, including funding for city-wide expansion of the TPS Youth Referral Program upon the conclusion of the pilot. No response to the request has been received.

On July 15, 2003, the Task Force on Community Safety requested the Commissioner of Community and Neighbourhood Services and the Chief of Police to submit a joint report to the Toronto Police Service Board for consideration and recommendations thereon to the Policy and Finance Committee with respect to the current status of the TPS Youth Referral program. This report is a response to the request.

This report has been prepared in conjunction with staff of Community and Neighbourhood Services. The Commissioner of Community and Neighbourhood Services has reviewed the report and concurs with its content.

#### Comments:

This report provides an overview of the current status of the TPS Youth Referral Program, including the provincial and federal positions on continued funding, the impact that the program is having on community safety and the implications should the program not be continued.

#### Program Rationale:

The TPS Youth Referral Program is a pilot project in 13, 31, 32, 33, 41, and 42 Divisions in partnership with Operation Springboard, a community agency that operates various programs directed at youth aged 12-17 who have come into conflict with the law. The program began in April 2002 as a pilot to deal with less serious young offenders for less serious criminal offences. The new YCJA came into effect one year after the commencement of the TPS Youth Referral Program. The YCJA compels investigating officers to consider extra-judicial measures that are community based such as the TPS Youth Referral Program. The program has been identified as an emerging best practice in the implementation of the Youth Criminal Justice Act, particularly with respect to prevention, applying meaningful consequences, providing alternatives to the courts, offering rehabilitation and integration. The TPS Youth Referral Program provides police officers with options that are not reliant on the formal youth justice court system by offering access to a centralized network of effective community-based interventions for youth.

The values and principles of the new Act are modelled in the TPS Youth Referral Program ensuring that the needs of young people, victims and the broader community are considered through an integrated program model.

Young people are provided with swift and appropriate means by which to make amends for their actions while also addressing some of the underlying issues related to their involvement with police. Youth face consequences that promote responsibility and accountability to the victim and the community and teach positive values by helping the young person understand the effect of his or her actions.

The benefits to the city include a growing network of new urban partnerships between police, community and local business that is responsive to youth issues using both prevention and intervention approaches. The common interests of Community and Neighbourhood Services Department and the Toronto Police Service align in their support for the TPS Youth Referral Program through their mutual aim to improve community safety using effective community based interventions.

In Toronto, approximately 8,000 young people are arrested each year, 5,000 of which are charged with non-indictable offences. Since the TPS Youth Referral Program began in April 2002, over 950 young people have been involved. A significant number of young people would be eligible for the TPS Youth Referral Program participation if the program was expanded citywide resulting in substantial benefits for the community, victims, young people and the courts by relieving congestion in the court system.

#### Federal Contribution:

The federal government, through Justice Canada, has set aside up to \$950 million over five years ending in the fiscal year 2004-2005 for implementation. Justice Canada's Youth Justice Renewal Initiative, established to support the implementation process, will continue to be administered by the federal government until 2005. Justice Canada's implementation plan includes funding pilot programs. It is expected that once such programs are established across the country, they will be "self-funded" through the savings accrued by provinces and territories at the court/corrections level.

Toronto Police Services received a total of \$770,000.00 in one-time grants for the two-year pilot (2002 and 2003) from two co-ordinated federal sources: Justice Canada's National Crime Prevention Centre's Crime Prevention Investment Fund (\$85,000.00 annualized) and the Youth Justice Renewal Fund (\$300,000.00 annualized).

In May, 2003, TPS submitted a request to the Department of Justice requesting a three-month extension in the hope of obtaining additional time to find new funding sources and gathering more data for the evaluation being undertaken by Professor Anthony Doob from the Centre of Criminology at the University of Toronto. Justice Canada's Innovative Pilot Review Committee responded to TPS denying the request for a three-month extension indicating that the two-year time frame given to pilot the project was sufficient for the purposes of the evaluation.

The Department of Justice, including both the Youth Justice Renewal Fund and the National Crime Prevention Centre has indicated that it is not prepared to extend funding.

#### Provincial Contribution:

The new YCJA offers provinces and territories flexibility to address the unique needs, problems and differences of their communities and systems. Some of the programs under the legislation are mandatory, others are optional. The pre-sentence extra-judicial programs including the

Toronto Police Service Youth Referral Program are optional. Despite savings accrued at the court/correction level, the Province of Ontario is not currently funding optional programs under the new Act. The Ministry of Public Safety and Security has stated that that it views the support of such programs as the joint responsibility of all levels of government and other stakeholders.

#### City Contribution:

The City of Toronto is currently supporting the TPS Youth Referral Program through the provision of in-kind supports including training for Toronto Police Service officers and daily operational administrative supports for the program. TPS estimates that the sum of in-kind costs incurred to date total approximately \$34,000.00. If funding is identified to continue the pilot program and/or expanded city-wide, the Toronto Police Service Youth Referral Program Manager position (\$85,000.00) could be maintained after the funding period ends within existing resources.

The City supports many of the existing community based organizations that are available to the Toronto Police Services Youth Referral Program including those that provide workshops, skills enhancement and counselling.

#### Toronto Police Service Youth Referral Program Impact:

Professor Doob has been contracted by Justice Canada to evaluate the pilot. The results of this evaluation will assist Justice Canada in developing models to be used nationally. Initial findings are preliminary and are not at the reporting stage. The program data appear to show that almost all of the 951 young people referred to the program between April 2002 – June 2003 (522 males and 429 females) have completed the program successfully and most of them have done so in less time than it would have taken for youth to have their disposition imposed by the court. It is not unusual for the court process to take 18-months. By comparison, the young person referred to the TPS Youth Referral Program by Police will be seen within five days and will have completed their consequences within a two-month period.

It is widely recognized that timely interventions have a more meaningful and long lasting impact upon youth as opposed to addressing and repairing the harm done many months after the occurrence. Over 254 interventions that address underlying issues have been made to services including anger management, counselling, educational supports and employment workshops. Victims also benefit from the timely response thereby diminishing longer term impacts complicated by long drawn-out court processes.

The community experiences substantial benefits directly and indirectly. The program has logged over 10,000 hours of community volunteer services in local neighbourhoods including senior homes, food banks, community centres, parks and many other settings. Existing organizational networks that contribute to public safety are being strengthened and broadened, bringing together local employers, community, police and youth justice professionals.

### Future Approaches to Funding: An Inter-Governmental Agreement:

Currently there is no agreement by the provincial or federal governments to fund the TPS Youth Referral Program. The Ministry of Public Safety and Security has expressed support for shared responsibility for funding of the TPS Youth Referral Program between all levels of government and the private sector when asked about funding the TPS Youth Referral Program. The Task Force on Community Safety has recommended that Council approach senior levels of government to discuss the establishment of an inter-governmental agreement to maintain the program on an ongoing basis.

### Conclusions:

The TPS Youth Referral Program demonstrates sound and effective approaches to early intervention with youth that come into conflict with police for less serious criminal offences. The program balances the need to provide young people with proportionate consequences to their offence committed simultaneously with the need to address underlying issues that provoke police contact. Initial findings indicate that the program is a valuable service to all stakeholders including young people, victims, the broader community and police.

However there is no funding available for the program after the December 31, 2003 deadline. While ongoing program funding is the responsibility of senior levels of government, the City can promote their support by convening inter-governmental discussions that seek to reach the goal of sustained and expanded funding for the TPS Youth Referral Program.

Deputy Chief Steven Reesor, Policing Operations Command and Ms. Tracy Sheridan, Community Development Officer, City of Toronto Community and Neighbourhood Services will be in attendance to answer any questions.

**The Board approved the foregoing.**



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P229. USE OF BAILIFFS FOR THE COLLECTION OF OUTSTANDING  
RECEIVABLES**

The Board was in receipt of the following report JULY 22, 2003 from Julian Fantino, Chief of Police:

Subject: REQUEST FOR RESPONSE TO COUNCIL MOTION - AUDIT COMMITTEE  
RECOMMENDATION

Recommendation:

It is recommended that:

1. The Board receive this report for information, and
2. The Board forwards this report to City of Toronto Council for their information.

Background:

The Board, at its meeting of February 28, 2002, received a report (Board Minute #P38/02 refers) containing the Service's comments regarding the revenue controls review performed by the City Auditor. At its meeting of June 27, 2002, the Board received a report (Board Minute #P168/02 refers) containing details of the corrective actions pertaining to each of the City Auditor's recommendations.

Further to the above, at its meeting of December 11, 2002, the Board received a report (Board Minute #P344/02 refers) outlining the corrective action taken by the Service to improve the monitoring and collection process for outstanding accounts receivable. This report was forwarded to the City of Toronto Audit Committee as Clause No. 2 contained in Report No. 1 and was adopted without amendment by the City of Toronto Council at its meeting held on April 14, 15 and 16, 2003. However, Council included a motion that the Toronto Police Services Board responds as to why bailiffs are not used as a last resort for the collection of outstanding receivables beyond 90 days.

Bailiffs have never been used at the Toronto Police Service because our previous financial control By-law 100 did not explicitly allow their use. The Service By-law 100 was mirrored against the City of Toronto by-law, which only allowed bailiffs to be used by the Revenue Services division for the collection of overdue property taxes. The use of bailiffs is otherwise limited to the repossession of property. It is therefore this lack of authorization that prevented the Service from engaging the services of an outside agent to collect monetary amounts receivable.

Several years ago, the City of Toronto enacted their new financial control by-law, which now extended the use of bailiffs or collection agencies to all corporate receivables. To mirror the City by-law, the Toronto Police Service enacted Financial By-law 147 (Board Minute #P132/03 refers). The new by-law makes significant changes to the authorization of the Chief, the Chief Administrative Officer and the Director, Finance and Administration in managing uncollectible accounts, including the methods used to collect delinquent amounts.

The City of Toronto recently engaged the services of two separate collection agencies to administer all delinquent receivables except for water and taxes which are provided for separately. The Service intends to utilize the services of these agencies, however, the City is still in the process of finalizing contracts with these service providers. It is anticipated that the Accounts Receivable listing will be cleared of delinquent accounts by the end of the 2003 fiscal year.

Mr. Frank Chen, Chief Administrative Officer, will be available at the Board meeting to answer any questions the Board may have.

**The Board received the foregoing and agreed to forward a copy to the City of Toronto - Audit Committee.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P230. AMENDMENTS TO THE *CRIMINAL CODE OF CANADA* WITH  
REGARD TO FIREARM-RELATED CRIMES AND THE  
RECOMMENDATIONS TO THE ATTORNEY GENERAL WITH  
REGARD TO THE ADMINISTRATION OF THE LEGISLATION  
RELATING TO FIREARMS**

The Board was in receipt of the following report MARCH 13, 2003 from Julian Fantino, Chief of Police:

Subject: AMENDMENTS TO THE CRIMINAL CODE OF CANADA WITH REGARD  
TO FIREARM RELATED CRIMES AND THE ADMINISTRATION OF THE  
LEGISLATION RELATING TO FIREARMS

Recommendation:

It is recommended that:

- 1) the Board agree to the recommendations contained in 'Appendix A' and forward a copy of this report to the Minister of Justice of Canada for his consideration with regard to amending the Criminal Code to provide for stronger penalties for gun-related crimes; and
- 2) that the Board agree to the recommendations contained in 'Appendix B' and forward a copy of this report to the Attorney General of Ontario for his consideration to improve the administration of the legislation relating to firearms for the Attorney General's consideration.

Background:

The Board at its meeting of January 30, 2003, received a report from Mayor Mel Lastman, which addressed his concerns about gun-related crimes in the City of Toronto and the importance of amendments to the Criminal Code to address penalties for gun-related crimes. (Board Minute No.'s C211/02 and P26/03 refer).

I have considered the issues identified by the Mayor in his report; specifically Stronger Sentences, State of Florida Legislation, Illegal Possession of Firearms and the Administration of the Legislation. Appendices A and B, contain specific recommendations to amend the Criminal Code of Canada to provide for stronger penalties for gun-related crimes and enhancements to the administration of the legislation relating to firearms.

Recommendation #2 of Appendix A, sets out a proposal for an amendment to Section 85 of the Criminal Code of Canada with regard to the using of a firearm in the commission of an offence. Whereas the current minimum sentence varies from one to three years, dependent upon previous convictions, the proposed amendment would establish a minimum ten year sentence upon conviction for any violation of Section 85.

Presently, the possession of a firearm with ammunition is prosecutable only where the firearm is prohibited or restricted. Recommendation # 3 of Appendix A, proposes that Section 95 of the Criminal Code of Canada be amended to expand this coverage to all firearms regardless of their designation.

The existing regulations related to firearms are obscure. Persons lacking specific training and knowledge of the intricacies of the legislation encounter significant difficulty in understanding and therein complying with the regulations. Recommendations #4 and #5 set out in Appendix A, propose amendments to the Firearms Act to enhance clarity in the requirements for safe storage, handling and display of firearms.

There are a number of issues surrounding the administration of the regulations regarding firearms that are addressed in the recommendations set out in Appendix B. One of the primary concerns in the administration of the regulations is the lack of an enforcement component within the office of the Chief Firearm Officer for the Province of Ontario. Recommendation # 4 of Appendix B, proposes that the Chief Firearm Officer conduct inspections and actively enforce the regulations of the Firearms Act as it applies to persons, licenced firearm businesses and collectors.

Gun violence on our streets is a major concern to our community and a priority of this Service. As such, I have directed certain initiatives to be undertaken to curtail this activity. A detailed report on these strategic initiatives is contained in Appendix C. These initiatives include a comprehensive analysis of firearm related occurrences and proactive strategies such as Operation Save-A-Life, designed to provide incentives for the surrender of unwanted firearms, and Operation Gun Stop, which in part expanded the Federal amnesty to provide immunity from firearm possession offences not previously covered.

These proactive strategies are accompanied by the creation of permanent Gun and Gang Task Force units, mandated to address the escalation of violent crime involving firearms. These two units, in partnership with other Service units and various Police Services from across Ontario, have successfully completed a number of high profile investigations targeting the most violent persons, gangs and crime groups involved in the commission of violent firearm related crimes. The arrests and firearms seizures resulting from these investigations, and a number of ongoing and future investigations, will significantly impact violent crime in the City of Toronto.

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

Mayor Mel Lastman described to the Board his concerns about the increase in the use of firearms in crimes in the City of Toronto and the impact these crimes have on the community. He encouraged the Board to support the recommendations outlined in the foregoing report from Chief Fantino.

Mayor Lastman also discussed legislation enacted in the State of Florida commonly referred to as “10-20-Life” which refers to automatic graduated levels of sentencing upon convictions for various crimes involving the use of firearms.

Chief Fantino described how the Service is responding to the increase of crimes involving firearms and advised that additional officers have been transferred to a new unit that is specifically investigating “guns, gangs and drugs”.

The Board approved the foregoing report and the following Motions:

1. THAT the report to the Minister of Justice also include a recommendation that the federal government consider increasing sentences involving firearms similar to the Florida “10-20-Life” legislation outlined, as amended by the Board, as follows:

**10 Years** – if a person is convicted of an indictable offence and possesses a firearm, he or she will be sentenced to a minimum of ten years in prison without parole;

**20 Years** – if a person is convicted of an indictable offence and he or she discharges a firearm, he or she will be sentenced to a minimum of 20 years in prison without parole; and

**25 to Life** – if a person is convicted of an indictable offence and he or she discharges a firearm which resulted in death or great bodily harm to any person, he or she will be sentenced to not less than 25 years in prison.

2. THAT the Chief of Police report to the Board on the use of illegally imported firearms in Toronto crime and whether there are initiatives that may be undertaken, in cooperation with the federal government and possibly weapons manufacturers, to curb the illegal importation of firearms into Canada, from the United States.

## APPENDIX A

### Proposed amendments to the Criminal Code of Canada

#### Recommendations:

1. **That the Criminal Code of Canada be amended to add offences and provide increased sentences for individuals convicted of carrying a firearm while involved in other criminal activity.**

#### RATIONALE

Investigations across the Service have identified the magnitude of the proliferation of firearms in the City of Toronto. Possession of a firearm is a significant intimidation factor used by the possessor in the conduct of drug related and other criminal acts, and poses a significant threat to the safety of police officers.

The possession of a firearm should be an additional charge to the primary offence and included during sentencing as an aggravating factor.

2. **That the Criminal Code of Canada be amended to provide increased minimum sentences of 10 years imprisonment for individuals convicted under Section 85 of the Criminal Code.**

#### RATIONALE

Section 85 of the Criminal Code of Canada:

##### Using firearm in commission of offence

85. (1) Every person commits an offence who uses a firearm

- a) while committing an indictable offence, other than an offence under 220 (criminal negligence causing death, 236 (manslaughter), 239 (attempted murder), 244 (causing bodily harm with intent -- firearm), 272 (sexual assault with a weapon), 273 (aggravated sexual assault), 279 (kidnapping), 279.1 (hostage-taking), 344 (robbery) or 346 (extortion),
- b) while attempting to commit an indictable offence, or
- c) during flight after committing or attempting to commit an indictable offence,

whether or not the person causes or means to cause bodily harm to any person as a result of using the firearm.

Using imitation firearm in commission of offence

(2) Every person commits an offence who uses an imitation firearm

- a) while committing an indictable offence,
- b) while attempting to commit an indictable offence, or
- c) during flight after committing or attempting to commit an indictable offence,

whether or not the person causes or means to cause bodily harm to any persons as a result of using the imitation firearm.

### Punishment

(3) Every person who commits an offence under subsection (1) or (2) is guilty of an indictable offence and liable

- a) in the case of a first offence, except as provided in paragraph (b), to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of one year;
- b) in the case of a first offence committed by a person who, before January 1, 1978, was convicted of an indictable offence, or an attempt to commit an indictable offence, in the course of which or during flight after the commission or attempted commission of which the person used a firearm, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of three years; and
- c) in the case of a second or subsequent offence, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of three years.

### Sentences to be served consecutively

(4) A sentence imposed on a person for an offence under subsection (1) or (2) shall be served consecutively to any other punishment imposed on the person for an offence arising out of the same event or series of events and to any other sentence to which the person is subject at the time the sentence is imposed on the person for an offence under subsection (1) or (2).

Based on the increased number of occurrences involving firearms, be it murder, robbery or shootings, it is obvious that persons involved in these activities have no concern for human life and are not deterred by the current punishment available under the criminal code for using a firearm. It is suggested that the imposition of a minimum 10-year mandatory sentence would act as a deterrent. Furthermore, sentences for repeat offenders should also be increased.

**3. That Section 95 of the Criminal Code of Canada be amended to include all firearms.**

**RATIONALE**

**Section 95 of the Criminal Code reads as follows:**

Possession of prohibited or restricted firearm with ammunition

95. (1) Subject to subsection (3) and section 98, every person commits an offence who, in any place, possesses a loaded prohibited firearm or restricted firearm, or an unloaded prohibited firearm or restricted firearm together with readily accessible ammunition that is capable of being discharged in the firearm, unless the person is the holder of

(a) an authorization or a licence under which the person may possess the firearm in that place; and

(b) the registration certificate for the firearm.

Through the various calls attended and investigations conducted by the Toronto Police Service, history shows that persons involved in criminal activity do not limit their illegal firearm use to restricted or prohibited firearms. On many occasions, these persons are using any firearm available to them including those classified as non-restricted.

Section 95 allows for a maximum sentence of 10 years, a 1 year minimum when proceeded by indictment and a 1 year maximum on summary conviction.

Under the current legislation, an individual arrested with a loaded non-restricted firearm would likely be charged with Careless Use of a Firearm, under Section 86(1) of the Criminal Code, for transporting a firearm contrary to the Safe Handling, Storage and Transportation of Firearm Regulations. Obviously, if a person involved in criminal activity is carrying a load non-restricted firearm, the purpose is to further their illegal dealings.

Section 86(3) allows for a maximum sentence of five years for the second or subsequent offence.

- 4. That the current regulations of the Firearms Act governing the safe handling, storage, and display of firearms by an individual be amended to clearly outline the legal requirements of safe storage, including the proper definition of a “container”.**
- 5. That the current regulations of the Firearms Act governing the safe handling, storage, and display of firearms by an individual be amended with the added requirement that all types of ammunition must be stored in a locked container.**



## **RATIONALE**

The Regulations of the Firearms Act governing storage, display, transportation and handling of firearms by individuals reads as follows regarding the storage of firearms and ammunition:

### **Storage of Non-Restricted Firearms**

5. (1) An individual may store a non-restricted firearm only if

- (a) it is unloaded;
- (b) it is
  - (i) rendered inoperable by means of a secure locking device,
  - (ii) rendered inoperable by the removal of the bolt or bolt-carrier, or
  - (iii) stored in a container, receptacle or room that is kept securely locked and that is constructed so that it cannot readily be broken open or into; and
- (c) it is not readily accessible to ammunition, unless the ammunition is stored, together with or separately from the firearm, in a container or receptacle that is kept securely locked and that is constructed so that it cannot readily be broken open or into.

### **Storage of Restricted Firearms**

6. An individual may store a restricted firearm only if

- (a) it is unloaded;
- (b) it is
  - (i) rendered inoperable by means of a secure locking device and stored in a container, receptacle or room that is kept securely locked and that is constructed so that it cannot readily be broken open or into, or
  - (ii) stored in a vault, safe or room that has been specifically constructed or modified for the secure storage of restricted firearms and that is kept securely locked; and
- (c) it is not readily accessible to ammunition, unless the ammunition is stored, together with or separately from the firearm, in
  - (i) a container or receptacle that is kept securely locked and that is constructed so that it cannot readily be broken open or into, or

- (ii) a vault, safe or room that has been specifically constructed or modified for the secure storage of restricted firearms and that is kept securely locked.

#### Storage of Prohibited Firearms

7. An individual may store a prohibited firearm only if

- (a) it is unloaded;
- (b) it is
  - (i) rendered inoperable by means of a secure locking device and stored in a container, receptacle or room that is kept securely locked and that is constructed so that it cannot readily be broken open or into, and, if the prohibited firearm is an automatic firearm that has a removable bolt or bolt-carrier, the bolt or bolt-carrier is removed and stored in a room that is different from the room in which the automatic firearm is stored, that is kept securely locked and that is constructed so that it cannot readily be broken open or into, or
  - (ii) stored in a vault, safe or room that has been specifically constructed or modified for the secure storage of prohibited firearms and that is kept securely locked; and
- (c) it is not readily accessible to ammunition, unless the ammunition is stored, together with or separately from the firearm, in
  - (i) a container or receptacle that is kept securely locked and that is constructed so that it cannot readily be broken open or into, or
  - (ii) a vault, safe or room that has been specifically constructed or modified for the secure storage of prohibited firearms and that is kept securely locked.

After reading the above regulations, it is obvious that unless an officer has received specific training on the Regulations of the Firearms Act, it is difficult to arrive at a clear understanding of the storage requirements for firearms and ammunition and what is the true definition of a container.

Front line police officers or the public, not having received specific training on the applicable Regulations, can not reasonably be expected to make a correct determination on the storage requirements for firearms and ammunition. Therefore, the Regulations should be amended so that a lay person can interpret them.

6. **That the current Regulations of the Firearms Act governing the safe handling, storage, transportation and display of firearms by a business, be amended to require businesses to adhere to more stringent display and storage regulations.**

#### **RATIONALE**

There are a number of concerns regarding both the storage and display regulations for businesses.

##### Storage

The Regulations, with respect to Storage of Firearms, allow business owners to store their firearms *in a location that is readily accessible only to the owner or an employee of the business; and it is stored on premises where there is an electronic burglar alarm system, and every window that can be opened, and every exterior door, can be securely locked.* This can include behind the counter or a room off the main business area, however, when in this area, the firearms do not have to be secured. This can be extremely hazardous in the event of a robbery. Regardless of the alarm requirements, the firearms will be easily accessible in the event of a Break and Enter.

It is therefore suggested that all firearms within a business, primarily a storefront operation, be secured at all times unless they are being shown to a customer or actively worked on by an employee.

##### Display

Upon examination of the display regulations and a comparison of the differences between the requirements for non-restricted versus restricted and prohibited firearms, it is difficult to understand why the regulations for the non-restricted firearms appear to be more stringent than the restricted/prohibited requirements. It is suggested that restricted and prohibited firearms should be stored with a secure locking device, secured to the display cabinet via chain or cable, and that the display case should be made of a material that cannot be readily broken into.

7. **That the Criminal Code of Canada be amended to create a Reverse Onus burden of proof with respect to the authorisation to possess a firearm.**

#### **RATIONALE**

Currently, where an individual is charged under Section 91 or 92 of the Criminal Code, the Crown is required to produce documentation, through the police, that proves an arrested party was not authorised to possess, transport or carry a firearm. This has occurred in relation to accused persons who have lengthy criminal records and/or are prohibited from possessing firearms and would never be issued a firearm licence.

The criminal code should be amended to clearly place the onus on the accused to prove authority to possess.

## **APPENDIX B**

### **Improvements to the Administration of Firearms Legislation**

#### **Recommendations**

- 1. That the Minister of Public Safety and Security direct the Chief Firearms Officer for the Province of Ontario to follow the requirements of Section 116 of the Criminal Code of Canada when an individual is arrested and subsequently released on an Judicial Interim Release Order and ordered not to possess any firearms, ammunition and explosives.**

#### **RATIONALE**

Section 116 of the Criminal Code reads as follows:

Authorizations revoked or amended

116. Every authorization, licence and registration certificate relating to any thing the possession of which is prohibited by a prohibition order and issued to a person against whom the prohibition order is made is, on the commencement of the prohibition order, revoked, or amended, as the case may be, to the extent of the prohibitions in the order.

In June 2002, the Toronto Police Service opted out of the Firearm Licencing Program operated by the Chief Firearms Officer for the Province of Ontario (CFO) At that time, the policy of the CFO was to disregard the requirements of Section 116. The CFO was of the opinion that revocation of the persons' firearms licence would be too harsh as the matter before the courts was only an accusation at that point.

The CFO advised firearm officers in the Province to place the individual's Firearm Licence "Under Review". Originally, Firearms Officers for the Toronto Police Service believed that the "Under Review" status in effect "Suspended" the licence and that status would appear on CPIC if the accused subsequently had contact with the Police. Firearm Officers of the Toronto Police Service were subsequently advised by Legal Counsel for the Chief Firearms Officer that there was no authority in law to place a licence under review, and they were instructed to follow the policy of the Chief Firearm Officer. Legal Counsel advised that the only licence status permitted through the Firearms Act was "Valid" or "Revoked".

As a result, the CFO's current directive leaves a potential Public Safety concern that could effect the citizens in the City of Toronto and the rest of Canada.

2. **That the current Firearms Legislation be changed to allow the legal authority for a Firearms Officer to place a licence “Under Review” or “Suspend” a Firearms Licence when the Licence Holder is under investigation relating to a Public Safety or Criminal Code matter.**
3. **That when a licence is placed “Under Review” or “Suspended”, that licence status must be reflected in CPIC to alert front line officers who may be in contact with the individual.**

### **RATIONALE**

This recommendation would allow a Firearms Officer to suspend a Firearm Licence as opposed to revoking it. Upon revocation of a licence, the licence holder must be served documentation and advised of the court process available to him/her to appeal the revocation. Providing the legal authority to “Suspend” will provide the Firearms Officer an opportunity to properly investigate the issue in question, possibly resolving the issue while protecting the public and avoiding an unnecessary court proceeding.

4. **That the Minister of Public Safety and Security direct the Chief Firearm Officer for the Province of Ontario to conduct inspections and actively enforce the regulations of the Firearms Act, including licenced firearm businesses and collectors.**

### **RATIONALE**

Currently, the Office of the Chief Firearms Officer for the Province of Ontario operates solely as an administrative body and will not participate in any type of enforcement. In addition there are no active inspections being conducted on gun collectors and the CFO has previously indicated that they were going to inspect firearm businesses once every three years. The currently policy of the CFO is to forward any enforcement issues to the local police service for the area involved, suggesting the local police service conduct the investigation. Unless specific members are designated as Firearm Officers, police services are not permitted to conduct inspections.

The current Firearms Act regulations regarding businesses are somewhat complex and most police services do not have personnel trained in the current business regulations that would allow them to conduct a proper investigation into the parties involved. Over the past few years, the Toronto Police Service and Provincial Weapons Enforcement Unit have been involved in large-scale criminal investigations involving firearm businesses in the City of the Toronto. These investigations include:

- Project Replica – store owners selling starter pistols and advising the buyer how to alter the pistol to live and then selling ammunition for the firearm.
- Project Driveshaft - Firearm business in Toronto smuggling firearm parts and receivers of M1 Garand rifles to the USA
- Project TUG - Internal theft from a firearm manufacturing plant in the Scarborough area.

- 5. That the Minister of Public Safety and Security direct the Chief Firearm Officer for the Province of Ontario to identify and advise police services of locations within their jurisdiction where 10 or more firearms are stored.**

#### **RATIONALE**

It is a unit specific policy of the Gun Task Force that upon becoming aware of an address that has a large number of guns stored at the location, the address is to be flagged by the Special Address System.

Entering this information into the Special Address System will ensure front line officers are alerted to the storage of a large number of firearms at the given location in the event a call is received for a Break and Enter in Progress, Domestic Violence, or other urgent matter.

Currently, there is no automated system that will alert police to this fact. Officers seeking to determine if a licenced firearm owner or firearms are registered to a specific address must make an enquiry through CPIC using CFRO (Canadian Firearm Registry On-line).

- 6. That the Minister of Public Safety and Security direct the Policing Services Division to distribute to all Police Services, a policy applying to Section 115 of the Criminal Code of Canada.**

#### **RATIONALE**

Section 115 reads as follows:

##### **Forfeiture**

**115. (1) Unless a prohibition order against a person specifies otherwise, every thing the possession of which is prohibited by the order that, on the commencement of the order, is in the possession of the person is forfeited to Her Majesty.**

This section of the Criminal Code is relatively new and has not been used to its full potential. Police Services appear reluctant to use this section and there is no clear policy on how it should be administered. A policing standards directive that outlines procedural issues would assist in this section being properly utilised. This section allows automatic forfeiture and should be promoted by the Policing Services Division.

- 7. That the Minister of Public Safety and Security direct the Chief Firearms Officer for the Province of Ontario to establish a policy that requires Firearms Officers to confirm the address of a person requesting an Authorisation To Transport or registering firearms to an address, by comparing the address information with Ministry of Transportation records before the transfer is authorised.**

#### **RATIONALE**

The current Firearm Legislation requires that a licenced firearm owner have their restricted and/or prohibited firearms registered to their residence (home address) or a place approved by the Chief Firearms Officer.

Through a number of investigations, members of the Toronto Police Service have found that licensed individuals had firearms registered to locations other than their home residence. When looking into these cases, investigators were advised that the addresses given were not verified using the MTO system due to a backlog of outstanding files. Individuals would register their guns to other addresses. Once the Firearms Officer approved the transfer, the registration in reality was legal because a representative of the Chief Firearms Officer had approved it, thereby complying with the legislative requirements.

- 8. That the Director of CPIC (Canadian Police Information Centre), add to CPIC via CFRO, information relating to all firearm Transfer Authorisation Numbers, Authorisations to Transport, Authorisations to Carry and Firearm Business information such as business employees, so that it is available to front line and investigative officers 24 hours a day, seven days a week.**

#### **RATIONALE**

Currently, limited firearm licence and registration information is available to police agencies through CPIC using CFRO. On a daily basis, there are numerous permits issued by the Chief Firearms Officer and the Canadian Firearm Registry allowing the citizens of Ontario and Canada to possess, move and carry firearms.

In order for a citizen to move a restricted or prohibited firearm, the citizen must be in possession of an Authorisation to Transport (permit). Armed Guards employed by companies such as Brink's and Securcor, who carry loaded firearms as part of their job, must be in possession of an Authorisation to Carry. In some cases, employees of firearm businesses such as gunsmiths and sporting good stores can move or transport firearms based on the conditions of the Firearms Licence issued to the business. None of this information is readily available to the police.

Police can only access this information by contacting the Chief Firearms Officer or Canadian Firearms Registry, during business hours. This requires a front line officer or an investigator to speak to a person from these offices on the phone. When dealing with a criminal investigation or investigations dealing with sensitive matters, the possibility of the investigation becoming common knowledge is increased, thereby jeopardising the investigation and possibly the safety of the officers involved.

**APPENDIX C**

**TORONTO POLICE SERVICE**



**FIREARM ENFORCEMENT**

**INITIATIVES**



The violence and murders experienced in the City of Toronto thrive on the inextricable link between gangs, guns and drugs. Fuelled by the drug economy, the goals of these violent gunmen are money, power and supremacy. They repeatedly inflict violence upon our communities while demonstrating complete disregard for life and utter contempt for the law.

These individuals use illegal firearms as their source of power, whether it is to establish or maintain their criminal enterprise or to resolve disputes with others. The escalation in the use of firearms and the violence resulting from their indiscriminate use has resulted in an increased number of shootings and associated crimes.

To effectively address this problem those who use firearms for criminal purposes must be removed from our communities. The Toronto Police Service is committed to addressing the issue of gun violence. This report describes a number of programs and initiatives developed and implemented by the Toronto Police Service to combat the illegal use of firearms.

### **Understanding Gun Crime**

- Intelligence indicates that half (50%) of all firearm-related homicides during 2002 involved a gang member or associate.
- In 2002, a total of 2774 firearms and 215,463 rounds of ammunition were seized by the Toronto Police Service.
- Crime analysis indicates that the three components; guns, gangs, and drugs, are increasingly linked to violent crimes within the Greater Toronto Area.
- Intelligence indicates that both drug users and traffickers are more likely to be armed with firearms, and likely to engage in violence through the use of firearms.
- Additionally, there is an increase in the number of persons identified as being associated to gangs, or affiliated with gangs within the City of Toronto. These gang members, and affiliates are increasingly armed with firearms. There are 927 profiled gang members in Toronto
- 25% of shooting victims during 2002 had firearm charges in their criminal history.
- 42% of shooting related homicide victims in 2002 were under a firearm prohibition order at the time of their death.
- 46% of shooting victims in 2002 had a firearm prohibition in their criminal history.
- A comparative hot spot analysis of Gun Calls for service and Homicides by Shooting indicated a strong geographic correlation.
- 11 % of all profiled gang members have multiple firearm prohibitions.

- While the age range of those charged with firearms and drug offences varies from 12 to over 48, the majority of offenders are within the age of 18 to 29.
- 18% of individuals charged with firearm offences during 2002 were on some form of Recognizance.
- 33% of all persons accused in shooting-related homicides during 2002 were on a firearms prohibition.

### **Toronto Police Service Firearm Initiatives**

A comparative analysis of accused persons charged with firearm related offences during the periods January 01 – June 30<sup>th</sup> 2001 and 2002, identified an increase of 70.09% in the number of accused persons, rising from 232 to 331 respectively. Since October 2000 the Service has undertaken the following initiatives to address firearms activity in our community:

#### **OPERATION SAVE-A-LIFE**

*Operation Save-A-Life*, was a campaign that offered \$50.00 to gun owners who are residents of Toronto and who wished to surrender their unwanted firearms. The Toronto Police Service facilitated the safe disposal of these firearms. Although the program did put a strain on the Service's resources, it was a valuable public and officer safety initiative. The program, which commenced on October 4<sup>th</sup>, 2000, has resulted in a total of 1797 firearms being surrendered.

Although these firearms were lawfully owned, unwanted or unattended firearms always have the potential to end up in the hands of the criminal element. This program ensured the safe disposal of these firearms, and therein eliminated the potential for these firearms to become 'crime guns'.

#### **OPERATION GUN STOP**

On Monday, January 28<sup>th</sup>, 2002, the Toronto Police Service commenced Project Gun Stop. This project involved a five-point plan to address the escalating and indiscriminate use of firearms in our community. The five points were:

- a gun amnesty
- a gun task force
- a gun court
- enhanced reward program and
- enhanced witness protection program

The Chief of Police and the Crown Attorney for the Toronto Region declared a local amnesty that ran from January 24<sup>th</sup>, 2002 through to March 31, 2002. This local amnesty was established to provide immunity from firearm possession offences not covered by the federal amnesty. The Toronto Raptors, as the profile community business partner, endorsed the amnesty program by providing free tickets to Raptors' games as an incentive to surrender firearms. A total of 112 firearms were surrendered as a result of the amnesty.

A temporary "Gun Task Force" was created, within Special Investigation Services, to specifically target violent criminal gunmen, and the firearms in their control. The Gun Task Force was staffed with the members of the Street Violence Task Force, COR Unit, Community Policing Support Unit, 42 Division, and the Ontario Provincial Police – Provincial Weapons Enforcement Unit. In addition, each division prepared an operational plan specific to their divisional requirements, establishing their own dedicated personnel.

Meetings were held at the commencement of Project Gun Stop to discuss the establishment of a Gun Court. The Crown Attorney for the Toronto Region was tasked with designating assistant crown attorneys at each court location in the Toronto Region to specialize in prosecuting firearm offences. All cases involving firearms were to be assigned to these designated firearm prosecutors in order to standardise and improve the effectiveness of prosecutions. Members of the Toronto Police Service Gun Task Force have provided training to Assistant Crown Attorneys on firearms legislation and investigations. This initiative is still in the developmental stages.

During Operation Gun Stop a number of high profile firearm crimes were brought to the attention of the public through media releases. Discussions with the Attorney General's Office took place to enhance the witness protection program in order to provide proper protection to members of the public who come forward with information on violent firearm offenders. No changes have been developed as of this date.

Operation Gun Stop concluded on Sunday, April 28<sup>th</sup>, 2002. This enforcement initiative resulted in 1,298 arrests, 2,328 charges laid, 364 firearms seized and the recovery of 82,493 rounds of ammunition. This co-operative investigative environment and information sharing between all stakeholders directly enhanced community and officer safety through increased enforcement of firearm offences in the City of Toronto.

This model of co-operative policing has resulted in the Street Violence Task Force being re-focused to become the new permanent Gun Task Force.

## **GUN TASK FORCE**

A permanent Gun Task Force (G.T.F.) has been implemented to address the escalation of violent crime associated to individuals, criminal organizations/gangs, focussing on firearms and weapon related criminal acts.

Input from the divisions, specialized units, and Intelligence Support will identify persons/gangs for enforcement action.

The mission of this enforcement initiative is to:

- Target the most violent individuals, gangs/crime groups and their members through intelligence lead policing.
- Identify the persons responsible for the violent crimes involving firearms.
- ***Stop the shootings and murders that are associated to gunmen, gangs and gang activity.***
- Locate and remove the firearms responsible for these acts of violence.
- Bring the persons responsible for these acts of violence to justice.
- All individuals, gang members, including youths, will be subject to the same zero tolerance, high impact street enforcement.

During the period of May 1, 2002 to December 31, 2002 members of the Gun Task Force arrested 94 persons for firearm offences. Furthermore, a total of 399 firearms and 105,105 rounds of ammunition were seized.

The Gun Task Force has participated in the following projects:

- **Project Re-Direct:** Service-wide initiative to target high gun violence locations across the city.
- **Kartoon:** The Gun Task Force assisted the Holdup Squad and York Regional Police Service with Project Kartoon, an investigation into the robbery and homicide at Ontario Sporting Goods in York Region.
- **Project R & R:** The Gun Task Force assisted the Gang Task Force in this project which identified violent individuals who were subject to immigration enforcement.

## **GANG TASK FORCE**

A permanent Gang Task Force (G.T.F.) has been established to address the escalation of violent crime associated to criminal organizations/gangs, focussing on firearms and weapon related criminal acts.

Input from the divisions, specialized units, and Intelligence Support identifies persons/gangs for enforcement action.

The mission of this enforcement initiative is to:

- Target the most violent individuals, gangs/crime groups and their members through intelligence lead policing.
- Identify the persons responsible for the violent crime associated to these gangs and individuals.
- ***Stop the shootings and murders that are associated to gunmen, gangs and gang activity.***
- Locate and remove the firearms responsible for these acts of violence.
- Bring the persons responsible for these acts of violence to justice.
- All individuals, gang members, including youths, will be subject to the same zero tolerance, high impact street enforcement.

During the period of May 1, 2002 to December 31, 2002, members of the Gang Task force arrested 302 persons and seized 88 firearms.

The Gang Task Force has participated in the following projects:

- **Kartoon:** The Gang Task Force assisted the Holdup Squad and York Regional Police Service with Project Kartoon, an investigation into the robbery and homicide at Ontario Sporting Goods in York Region.
- **Project R & R:** The Gang Task Force lead this project which identified violent individuals who were subject to immigration enforcement.

## **FIREARMS ENFORCEMENT**

Members of the Toronto Police Service are currently seconded to the Provincial Weapons Enforcement Unit and Criminal Intelligence Services of Ontario. These officers are involved in complex investigations into the smuggling and trafficking of firearms and co-ordinating firearm tracing investigations. The tracing of crime guns aids in determining how they arrived on the streets of Toronto and identify those entities that engage in the illicit trafficking of them.

A number of firearm trafficking investigations are ongoing at this time.

## **IMPACT TASK FORCE**

The Impact Task Force is the latest enforcement initiative undertaken by the Service to combat gun related violence. This is a multi-disciplinary unit, comprised of personnel from Special Investigation Services, the Toronto Drug Squad and Intelligence Support.

Impact Task Force enforcement initiatives are intelligence-led, driven by information developed from within as well as from the field and the public. Information is analysed by Intelligence Support and disseminated for prioritization and enforcement action to the Detective Sergeants who comprise the Operational Management Team. The purpose is to identify, target and remove these criminals before they can commit further acts of violence.

The multi-disciplinary composition of the Impact Task Force provides the Operational Management Team with the flexibility to select the most suitable enforcement tactic for any given situation or simultaneous situations. Since its inception the Impact Task Force has arrested 114 individuals and seized 15 firearms.

As of March 17<sup>th</sup>, the Impact Task Force staffing was reduced due to resource constraints. The Task Force is continuing temporarily with staff from Special Investigation Services and Intelligence Support.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P231. CLOSED-CIRCUIT SECURITY CAMERAS**

Mayor Mel Lastman noted that the issue of closed-circuit security cameras was reported in the media during the past week and he expressed to the Board his comments about the benefits of the use of closed-circuit security cameras at several key public locations in the City of Toronto. Mayor Lastman also indicated that he believed Business Improvement Areas (BIA's) and residents' groups would be willing to participate in cost-sharing projects with the city or the police in order to ensure the continued use of these cameras or to establish additional cameras in their areas.

Chief Fantino advised the Board that the Toronto Transit Commission has used security cameras for many years and that cameras have also been situated at Police Headquarters, City Hall, housing developments and many other public places.

The Board requested Chief Fantino to review the issue of closed-circuit security cameras again and provide a report to the Board with information and recommendations on the following:

- the number of people who have been captured by the Toronto Police Service which can be directly attributed to the use of closed-circuit security cameras;
- identify specific locations for the cameras and the total costs that would be incurred;
- options on who would be responsible for operating the cameras and who would monitor the cameras;
- who would be responsible for providing the required funding;
- identify how businesses in the City of Toronto can be approached and encouraged to become more involved with closed-circuit security camera projects;
- identify how the costs associated with the cameras can be shared with BIA's; and
- whether the City can impose charges or levies through a by-law upon business owners in the areas of Toronto which experience serious problems in order to recover costs related to police response particularly when the problems have occurred as the direct result of the operation of those businesses.

The Board also requested that Chief Fantino consult with representatives of the Toronto Association of Business Improvement Areas (TABIA) with respect to the preparation of the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P232.           TRAFFIC FATALITIES INVOLVING PEDESTRIANS**

Chief Fantino advised the Board on the circumstances of the death of a 65-year old woman who was walking through a pedestrian crossover on Scarlett Road and was struck by a passing motor vehicle yesterday afternoon.

Chief Fantino also expressed concern about the increasing number of pedestrians who have been injured or killed in traffic-related incidents to-date this year. He said that many motorists are ignoring the rules of the road and that police officers observe violations on a regular basis. He also indicated that the Service would like to work with City of Toronto – Transportation Services to examine the current traffic controls in place, such as traffic signals or flashing lights, and develop recommendations, where possible, to improve safety for pedestrians in the City of Toronto.

The Board requested that Chief Fantino, in partnership with the General Manager, City of Toronto – Transportation Services, review the current legislation and provide a report to the Board for a future meeting containing recommendations for the Board to approve and forward, where necessary, requests for amendments to the legislation in order to improve safety for pedestrians in Toronto.



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003**

**#P233.        ADJOURNMENT**

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Gloria Lindsay Luby  
Acting Chair