



Public Meeting

Thursday October 25, 2018

**Auditorium – Police Headquarters
1:00 PM**

PUBLIC MEETING – AGENDA
Thursday, October 25, 2018 at 1:00 PM
Auditorium 40 College Street, 2nd Floor

www.tpsb.ca

Call to Order

Indigenous Land Acknowledgement

Declarations of Interest under the *Municipal Conflict of Interest Act*.

1. Confirmation of the Minutes from the meeting held on September 28, 2018

Items for Consideration

2. October 11, 2018 from Mark Saunders, Chief of Police
Re: Occupational Health & Safety Implications in relation to the Legalization of Cannabis
3. October 11, 2018 from the Regulated Interactions Review Panel
Re: Review of Chief's Reports – Access to Historical Contact Data, Second Quarter 2018 (April-June)
 - 3.1. August 14, 2018 from Mark Saunders, Chief of Police
Re: Access to Historical Contact Data – Second Quarter 2018 (April – June)
4. July 9, 2018 from Mark Saunders, Chief of Police
Re: Special Fund Request – 2019 2nd World Lesbian, Gay, Bisexual, Transgender and Queer (L.G.B.T.Q.) Conference for Criminal Justice Professionals hosted by the Toronto Police Service
5. October 9, 2018 from Mark Saunders, Chief of Police
Re: eJust-Case Management System Maintenance Agreement – Sole Source Award

6. October 8, 2018 from Andy Pringle, Chair
Re: Toronto Action Plan to Confront Anti-Black Racism
7. October 11, 2018 from Andy Pringle, Chair
Re: Independent Civilian Review into Missing Persons Investigations – Account for Professional Services

Consent Agenda

8. September 4, 2018 from Mark Saunders, Chief of Police
Re: September 2018 Quarterly Report: Conducted Energy Weapon Use
9. June 26, 2018 from Mark Saunders, Chief of Police
Re: Chief's Administrative investigation: Alleged Sexual Assault of Sexual Assault Complainant 2018-H
10. June 27, 2018 from Mark Saunders, Chief of Police
Re: Chief's Administrative Investigation into the Vehicle Injuries to Mr. Areeb Zain
11. June 27, 2018 from Mark Saunders, Chief of Police
Re: Chief's Administrative Investigation into the Vehicle Death of Mr. Todd Feairs
12. July 5, 2018 from Mark Saunders, Chief of Police
Re: Chief's Administrative Investigation into the Custody Injury to Mr. Michael Dela-Cruz
13. July 10, 2018 Mark Saunders, Chief of Police
Re: Chief's Administrative Investigation into the Custody Injury to Mr. Ronald Maracle

14. July 11, 2018 from Mark Saunders, Chief of Police

Re: Chief's Administrative Investigation into the Custody Injury to Mr. Christopher Fleet

15. July 25, 2018 from Mark Saunders, Chief of Police

Re: Chief's Administrative Investigation: Alleged Sexual Assault of Sexual Assault Complainant 2018-G

Adjournment

Next Meeting

Date: Thursday, November 22, 2018 at 1:00 PM

Members of the Toronto Police Services Board

Andy Pringle, Chair
Jim Hart, Councillor & Vice-Chair
Uppala Chandrasekera, Member
Ken Jeffers, Member

Marie Moliner, Member
John Tory, Mayor & Member
Frances Nunziata, Councillor & Member

<https://www.ontario.ca/laws/statute/90m50>



Toronto Police Services Board Report

October 11, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Occupational Health & Safety Implications in relation to the Legalization of Cannabis

Recommendation(s):

It is recommended that the Toronto Police Services Board (Board) receive the following report for information.

Financial Implications:

There are no financial implications in relation to the recommendation contained within this report.

Background / Purpose:

At the August 23, 2018 Board meeting the Chief provided an update on the occupational implications of cannabis legalization and ongoing efforts by the Toronto Police Service (Service) to prepare for the enforcement issues associated with cannabis legalization. The Board received the update and approved of the following motions, which directed:

1. THAT the Board direct the Chief to provide the Board with a report concerning the occupational health and fitness for duty implications for the Service associated with the legalization of cannabis; and
2. THAT the timing of the Chief's report take into consideration that the legalization date for cannabis set by the federal government is October 17, 2018

This report is in response to the above-noted motion and provides the Board with an update on the ongoing efforts of the Service to establish Procedures in relation to the

occupational health and fitness for duty implications associated with the legalization of cannabis.

Discussion:

Approximately a year prior to the legalization of cannabis, the Toronto Police Service (Service) embarked on a comprehensive inquiry into how this new legislation would impact our members from an occupational health and safety perspective. The Service created a multi-stakeholder working group comprised of representatives from across the organization and led by a member of the Wellness Unit. With the assistance of the Service's Medical Advisor, Legal Advisor, labour experts, and available research, the working group reviewed current Procedures and governance, researched best practices from international and local perspectives, liaised with peers in the law enforcement community and beyond, and sought scientific and legal opinions with the objective of recommending an approach to prepare the Service for the legalization of recreational cannabis on October 17, 2018.

What is cannabis?

In short, cannabis can be defined as anything derived from the cannabis plant. Its active ingredients include tetrahydrocannabinol (T.H.C.) and cannabidiol (C.B.D), both of which are compounds found in varying degrees in cannabis products, depending on the strain. T.H.C. is the psychoactive compound, which results in the "high" experienced from cannabis consumption. T.H.C. is fat-soluble and is absorbed into the nervous system that can create immediate and longer-term effects on a person's executive functioning: learning, memory, concentration, attention, abstract reasoning, decision making, verbal and visual memory, visual perception, psychomotor speed, and manual dexterity. C.B.D. is not in itself psychoactive, and is responsible for the purported therapeutic and medicinal benefits of cannabis. While there are many high C.B.D. strains of cannabis, all available strains also contain T.H.C., meaning that even high C.B.D. strains may cause impairment.

Intoxication and impairment from cannabis are distinctly different by way of their duration. Intoxication can be referred to as the acute stage impact of cannabis, while impairment involves the longer term effects that follow the initial intoxication and includes the potential for impairment post-consumption. The impact of cannabis on an individual and its duration depend upon a variety of factors including variability in the dosage, frequency and manner of use, product consistency, and pharmacokinetics (how it is absorbed in the body), to name a few. Acute impairment can potentially last for up to 24 hours after consumption. Longer-term impairment and the potential for post-consumption impairment can last several weeks. At this time, the science surrounding impairment from T.H.C. is in its infancy, compared to that of alcohol impairment.

When it comes to second hand smoke, current studies indicate the risk of occupational exposure to cannabis for Service members is low. Second and third hand smoke is not likely to create a reportable exposure and impairment due to the length of time and conditions required for any effects to be realized. Studies have shown that it can take upwards of four hours of continuous exposure in an unventilated space where multiple smokers are actively smoking to show second hand absorption. Employers like the Service will benefit from more studies that create better data and measurement tools going forward.

The working group also examined the legal environment. Labour and human rights law mediate the relationship between employers, employees, trade unions and the government. They found that a “zero tolerance” approach prohibiting consumption of a legal substance outside of on-duty hours would be considered an unreasonable exercise of management rights. Furthermore, random drug testing is not widely accepted in Canada, unless evidence exists of a systemic organizational drug problem. The Service does not have evidence of a systemic drug problem. Research also revealed that post-incident and reasonable suspicion/cause drug testing is an acceptable practice, but requires clear guidelines, procedure and consistent application. These findings guided the options that the working group considered and ultimately recommended.

The working group also examined the notion of safety sensitive positions. Policing is broadly recognized as safety sensitive work, and Service members are held to a higher standard than most employees in other sectors. The challenge for the Service (and other organizations) is that the data, research, and best practices around minimizing the immediate, long-term, and potential long-term effects of recreational cannabis in the workplace are still evolving, and at this time, there remain several unknowns. These unknowns require the Service to strike a balance between respecting the legalization of recreational cannabis use and the need to ensure public and member safety in Toronto.

What is known and widely accepted is that public safety and public trust starts with Service members who are fit for duty, a common language adopted by many law enforcement agencies. In short, the Service considers fitness for duty to mean a member who is mentally, emotionally and physically able to safely and competently perform assigned duties. Every day, Service members place themselves in harm’s way, making split-second decisions in the execution of their duties. While other organizations have opted for different policies for their workplaces, the priority for the Service is the safety of those who serve Canada’s most populous city, and the security of those who live, work, and play here.

It is the Service's position that it is reasonable to have an approach that fits the Toronto environment and the expectations that Torontonians have of Service members in the performance of their duties. Specifically, because cognitive impairment from cannabis can persist for up to 28 days after the initial intoxicating effects, it is reasonable that the Service's workplace Procedure includes a strict prohibition on recreational cannabis possession and use while at work, on duty, on call, or in uniform; a strict prohibition on attending work while under the influence of or impaired by recreational cannabis; and an obligation to report any medicinal cannabis use to Medical Advisory Services in order to determine an appropriate accommodation plan.

In response to what is known at this time, and the research and analysis that the working group conducted, an interim position was recommended. This position required amendments to current governance that included language about recreational and medicinal cannabis, and the development of a Fitness for Duty Procedure that included a 28-day prohibition of recreational cannabis consumption prior to reporting for duty. These changes were supported with communication to members about the effects of recreational cannabis use and the potential for risks post-cannabis consumption. This communication was designed to assist members to make informed decisions about recreational cannabis use and their fitness for duty.

This interim solution was adopted with public and member safety in mind, despite the existence of imperfect information and differing opinions about the potential for long-term impairment post-consumption. That said, the Service remains open to any new developments in the changing cannabis landscape. It will continue dialogue with its stakeholders, including the Toronto Police Association and the Senior Officers' Organization, and will adjust and align its Procedures to any new information or tools as they are developed or discovered.

Conclusion:

The Service has amended current governance to include language about recreational and medicinal cannabis, and developed a Fitness for Duty Procedure that includes a 28-day prohibition of recreational cannabis consumption prior to reporting for duty. These changes were supported with communication to members so they could make informed decisions about recreational cannabis use and their fitness for duty.

The Service is committed to continuing research and education, and considers this an interim response to the occupational implications of cannabis legalization in Canada. The Service will continue dialogue with its stakeholders, including the Toronto Police Association and the Senior Officers' Organization; and will adjust and align its Procedures in light of any new information or tools as they are developed or discovered.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to answer any questions the Board may have in relation to this report.

Respectfully submitted,

Mark Saunders, O.O.M.

Chief of Police



Toronto Police Services Board Report

October 11, 2018

To: Members
Toronto Police Services Board

From: Ms. Audrey Campbell
Ms. Thea Herman (retired judge)
Andy Pringle, Chair

Subject: Regulated Interactions Review Panel: Review of Chief's Reports - Access to Historical Contact Data, Second Quarter 2018 (April – June)

Recommendation(s):

It is recommended that:

1. Upon receipt of a response from Justice Tulloch, the Board review the portion of its Regulated Interaction Policy requiring the retention of Historical Contact Data;
2. At the conclusion of its review, if the Board deems it essential to retain Historical Contact Data, request that the Chief eliminate operational access to the data; and
3. Pending the Board's review noted in recommendation number 1, the Chief continue to review, on an ongoing basis, the number of individuals assigned to facilitate operational access, with the view of further reducing that number.

Financial Implications:

There are no financial implications relating to the recommendation(s) contained within this report.

Background/Purpose:

Sections 13 to 16 of the Regulated Interactions Policy (the Policy) requires the Chief to develop procedures to ensure that, in accordance with the Policy, appropriate restrictions are placed on the access by members of the Service to Historical Contact Data; that historical contact data is stored in a way that leaves an auditable technological trail; and that access to historical data is authorized by the Chief in

accordance with constraints imposed on restricted records, only when access is required for a substantial public interest or complies with a legal requirement.

As established by the Board and in accordance with sections 13 to 16 of the Policy, the Regulated Interactions Review Panel (the Review Panel) comprised of Ms. Thea Herman (retired Judge), Ms. Audrey Campbell and Chair Andy Pringle is tasked with:

- a. reviewing quarterly reports submitted by the Chief for compliance with paragraphs 13 to 16 of the policy;
- b. identifying and tracking any significant trends;
- c. summarizing its review of the Chief's quarterly report, in a report to the Board including, if necessary, suggestions or recommendations for consideration by the Board; and
- d. make its summary review of the Chief's quarterly report available to the public by submitting it to the Board at the same time that the Chief's quarterly report is submitted to the Board.

The intention of the Policy is to limit access as much as possible to Historical Contact Data. As part of the business process of managing and reporting out requests for access to Historical Contact Data, the Service distinguishes between operational access and administrative access. Operational access includes those requests, submitted by a member, that meet the criteria for substantial public interest, which the Chief may deny or approve. Whereas administrative access relates to requests to which the Service must respond in order to meet legislative obligations.

Discussion:

The purpose of this report is to transmit the Chief's second quarterly report to the Board and to provide the Board with the Review Panel's summarized analysis of the Chief's report.

In its reports dated March 7, 2018 and June 27, 2018, considered by the Board at its meetings held on March 22, 2018 and July 19, 2018 respectively, the Review Panel recommended that the Board review the portion of its Regulated Interactions Policy requiring the retention of Historical Contact Data, and that, at the conclusion of the review, if the Board deems it essential to retain Historical Contact Data, request that the Chief eliminate operational access to the data. The Board approved a motion that it defer the consideration of the report from the Review Panel, until the Board has met with Justice Michael Tulloch as part of the consultation process arising from the independent review of Ontario Regulation 58/16 initiated by the Province. The Board has requested that Justice Tulloch include in his review, an assessment of the issues surrounding the retention of Historical Contact Data, including whether the language in the current Regulation surrounding the retention of and access to such data should be amended. It is unclear when the Board will receive Justice Tulloch's response. In the meantime, the Review Panel will continue to receive and review the Chief's Access to Historical Contact Data quarterly reports (Min. Nos. P46/18 and P143/18 refers).

The statistics contained in the Chief's quarterly report, "Access to Historical Contact Data – Second Quarter 2018 (April – June)," dated August 14, 2018 are self-explanatory. The Chief reports that the number of administrative access requests in the second quarter of 2018 is 699, compared to 414 in the first quarter, of which 547 were for Freedom of Information requests from the public for access to their own records. Compared to the first quarter report, the number of administrative access requests has increased by 69percent. On its face, this number has been reduced significantly than reported in 2017, due to the implementation of a new tracking system which enables the Service to better segregate only those requests that access Historical Contact Data. Although it is difficult to say conclusively, whether the number of times the data has been accessed has decreased or not, since it was not properly tracked before the implementation of the new system.

The Chief reports that there were three operational accesses in the second quarter of 2018. Two operational accesses were for legal proceedings and legal requirements and one for an ongoing investigation. The Review Panel understands that the Board has requested that Justice Tulloch include in his review an assessment of the issues surrounding the retention of Historical Contact Data. However, in the meantime, given the steady decline of operational access and in the absence of any information that supports outcomes that show access to the data was essential, the Review Panel reasserts its position that a review of whether or not it is necessary to retain operational access to the data is essential.

Further, given that the Review Panel is recommending a review of the feasibility of eliminating operational access to the data and given the low number of operational access, the Review Panel encourages the Chief to continue to review, on an ongoing basis, the number of individuals assigned to facilitate operational access, with the view of further reducing that number.

Trends

The Review Panel observes that since the start of this review process there has been a downward trend in the number of operational requests for access to Historical Contact Data. The quarter to quarter changes are:

Operational access reported January to December 2017

Q1 13
Q2 7
Q3 3
Q4 5

Operational access reported January to June 2018

Q1 2
Q2 3

- *Of the 5 requests in the first half of 2018, only one was for the purpose of an investigation*

Compared to the number of administrative access requests reported in 2017 (which averaged 1400 plus), the numbers reported in the first and second quarters of 2018 has decreased significantly due to the implementation of a new tracking system.

Conclusion:

The information provided in the Chief's 2018 second quarterly report sufficiently complies with the requirements outlined in sections 13 to 16 of the Policy.

The Review Panel reiterates its previous recommendations as noted in this report and as previously considered by the Board (Min. Nos. P46/18 and P143/18 refers).

Respectfully submitted,

Andy Pringle, Chair
&RIRP Member

Thea Herman
RIRP Member

Audrey Campbell
RIRP Member

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Toronto Police Services Board Report

August 14, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

**Subject: Access to Historical Contact Data – Second Quarter 2018
(April – June)**

Recommendation(s):

It is recommended that the Board receive the following report.

Financial Implications:

There are no financial implications relating to the information contained in this report.

Background:

At its meeting on November 17, 2016, the Board approved a policy, entitled “Regulated Interaction with the Community and the Collection of Identifying Information” (Min. No. P250/16 refers), which includes, in paragraph 16, a requirement for the Chief to provide the Board, on a quarterly basis, with a public report on requests, approvals, and purpose(s) for access to Historical Contact Data as well as whether or not access fulfilled the purpose(s) for which it was accessed.

Purpose:

The purpose of this report is to provide the Board with the requisite information for the relevant reporting quarter, in accordance with the Board policy.

Discussion:

The Service has adopted the Board policy definition of Historical Contact Data which encompasses all records within the database regardless of whether or not they would be considered Regulated Interaction Reports under the current legislation.

The Service has restricted access to all Historical Contact Data by eliminating Service-wide direct access to the database and instituting procedures and business processes which ensure access to the database is authorized by the Chief and actioned by only a small group of members specifically assigned by the Chief for this purpose.

Business Processes – Detailed in Appendices

Previous quarterly reports included details regarding the business processes implemented by the Service in accordance with, and exceeding the requirements of, the Regulation and related Board Policy. For ease of reference, the below listed sections from the previous reports are included in Appendix A.

- Regulated Interactions Review Panel
- Historical Contact Data
- Legislated Purposes for Accessing Historical Contact Data
- Data Isolation
- Access Audit Trails
- Role Based Security Access
- Operational Access
- Administrative Access
- Service Members Assigned to Facilitate Access
- Post-Access Summary Report
- Progress Report – Updates to Business Process

Detailed Data Breakdown in Accordance with Policy

This quarterly report has been prepared in accordance with the Board policy to explain the operationalization of the policy and report on the items in paragraph 16 of the policy. For this reporting period, the specific items from paragraph 16, and the respective responses, are detailed below, and encompass both:

- | | |
|---------------------------|-----|
| • Operational accesses | 3 |
| • Administrative accesses | 699 |

- 16 a. The number of requests, submitted to the Chief by Service members, for access to Historical Contact Data:

There were 3 operational requests, submitted to the Chief by Service members, for access to Historical Contact Data. This does not account for any requests that may have been denied by reviewers at other levels of the Service, prior to the Chief.

- 16 b. The number of approvals, by the Chief, for access to Historical Contact Data:

Importantly, all operational requests, including those pertaining to investigations and legal proceedings, require the approval of the Chief.

The Chief approved 3 operational requests for access to Historical Contact Data.

The Chief considers the merits of each request the Chief receives, on a case by case basis, to determine if access is required for (in accordance with Board policy):

- a substantial public interest, or
- to comply with a legal requirement.

Additionally, the Chief considers whether:

- the specified purpose can reasonably be fulfilled without providing access to the Historical Contact Data

The distinction between authorized access (administrative) and approved access (operational) is based on the requirement for compliance with law and whether or not the law affords the Chief authority to deny access.

- administrative access is authorized for a small group of select members to respond to and fulfil legal obligations for the Service's compliance with law
- operational access is approved (or denied) based upon requests for access from members (investigators) related to core Service delivery

The Chief authorized 699 administrative accesses to the database because access was required for the purpose of complying with legal requirements. The administrative accesses were authorized because the Service must comply with the law. The vast majority of the administrative accesses are comprised of Freedom of Information requests which are an example of required compliance with Provincial law (*Municipal Freedom of Information and Protection of Privacy Act*). The balance of the administrative accesses are comprised of Federal and Provincial legislative requirements with which the Service is required to comply, such as; court orders, subpoenas, motions and/or Board policy.

16 c. The purpose(s) of the requests and approvals identified in subparagraphs 16a and 16b:

The 3 operational accesses approved by the Chief were for:

Ongoing Police Investigation	1
Legal Proceedings & Legal Requirements:	2

Operational Access Total:	<hr/> 3
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The 699 administrative accesses authorized by the Chief were for:

Legal Requirement:	547
(Freedom of Information requests – from public for access to their own records)	
Legal Requirement & Legal Proceedings:	152
(subpoenas, orders, motions, etc.)	

Administrative Access Total:	<hr/> 699
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Not all legal proceedings are criminal matters initiated by Service members. Some legal proceedings are initiated by institutions or individuals external to the Service. (e.g. trials, hearings, inquests, motions, civil actions, discoveries, etc.)

Access may be required for multiple purposes and, therefore, either administrative or operational access may involve legal proceedings or a legal requirement and the difference may be based upon:

- the origin of the requirement for access
- if a legal requirement, whether obligation is on the Service and/or an individual Service member
- the unit responsible for facilitating access

- 16 d. Whether or not accessing the Historical Contact Data fulfilled the purpose(s) for which it was accessed:

The operational access to Historical Contact Data fulfilled the purpose(s) for which it was accessed in all instances.

The administrative access to Historical Contact Data fulfilled the purpose(s) for which it was accessed in all instances.

For operational access, after receiving the results of an approved access, the requesting member completes a post-access summary report explaining how access did or did not fulfil the purpose(s) for which access was approved. For administrative access the access itself fulfils the purpose of compliance with law.

- 16 e. When hard copy report forms generated before January 1, 2017 are digitized, the number of records digitized and the records management system to which the records were added:

All known hard copy Historical Contact Data had been digitized prior to the Board policy and no additional hard copy Historical Contact Data records were discovered and/or added to the records management systems during this quarter.

Summary

Table 1 below provides a summary of the above information on access to Historical Contact Data.

Table 1 - Public Report on Access to Historical Contact Data

16. Public Report on Access to Historical Contact Data				
a. Number of requests for access submitted to the Chief			702	
b. Number of requests for access authorized/approved by the Chief			702	
▪ Operational Access		3		
▪ Administrative Access		699		
c. Purpose(s) of:		Requests	Approvals	
▪ for an ongoing police investigation		1	1	
▪ in connection with legal proceedings or anticipated legal proceedings		154	154	
▪ for dealing with a complaint under Part V of the PSA or for the purpose of an investigation or inquiry under clause 25(1)(a) of the PSA		0	0	
▪ in order to prepare the annual report		0	0	
▪ for complying with legal requirement		547	547	
▪ for evaluating a police officer's performance		0	0	
Note:	Requests may be for multiple purposes and totals might exceed the values for 16a or 16b	Totals	702	702
d. Number of times accessing Historical Contact Data fulfilled the purpose for which it was accessed			702	
e. Number of hard copy records digitized (if applicable) Records management system to which added: <u>N/A</u>			N/A	

Progress Report – Updates to Business Process

As reported in 2018, the Service reviewed its business process related to access to Historical Contact Data.

As described in Appendix A of this report, the initial complement of 31 members assigned to facilitate Chief approved or authorized access to Historical Contact Data

was established with extensive consideration to the Service's obligations and has been reviewed. The total number of members assigned to facilitate operational requests has been reduced from 8 to 6.

Conclusion:

This report provides information to the Board on access to Historical Contact Data during the relevant reporting quarter. I will be in attendance to answer any questions the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

Appendices – Access to Historical Contact Data – Quarterly Report

Appendix A

Paragraph 13 through 15 of the policy require, in part:

13. The Chief shall develop procedures that ensure all Historical Contact Data is Restricted in a manner that prevents Service members from accessing it without authorization.
14. Historical Contact Data must be stored in a way that leaves an auditable technological trail.
15. Access to Historical Contact Data under paragraph 13 of this policy shall be authorized by the Chief, in accordance with the constraints imposed on records classified as Restricted, and only when access is required for a substantial public interest or to comply with a legal requirement.

In accordance with these paragraphs, as explained below, the Service has developed procedures and/or business processes to ensure access to all Historical Contact Data is restricted and the only way for a member of the Service to access the Historical Contact Data is with the express authorization or approval of the Chief. The procedures and business processes have been developed with consideration to best practices in relation to information privacy, including;

- data isolation,
- access audit trails, and
- role based security access.

Regulated Interactions Review Panel

In accordance with paragraph 18 of the Board policy, at least two weeks in advance of submitting the quarterly report to the Board, the quarterly report is made available to the Board's Regulated Interactions Review Panel (the Review Panel). The Review Panel submits, accompanying the quarterly report, a report to the Board which may include, if necessary, suggestions or recommendations for consideration by the Board. Portions of this quarterly report have been informed, and enhanced where necessary, by the Review Panel's review of the preceding quarterly report(s).

Historical Contact Data

The Board policy definition of Historical Contact Data refers to all;

- Person Investigated Card (Form 172),
- Field Information Report (Form 208),
- Community Inquiry Report (Form 306), and
- Community Safety Note (Street Check) records

submitted into the Service's records management systems prior to January 1, 2017; and may include any such submitted record whether or not it would have been categorized as a Regulated Interaction Report had it been submitted on or after January 1, 2017.

Legislated Purposes for Accessing Historical Contact Data

The Board policy, developed in accordance with subsection 12(1) of Ontario Regulation 58/16 (the Regulation) under the Police Services Act, establishes that Historical Contact Data may be accessed by Service members only with the authorization of the Chief:

when (consistent with the Regulation) access to the record is required;

- a) for the purpose of an ongoing police investigation,
- b) in connection with legal proceedings or anticipated legal proceedings,
- c) for the purpose of dealing with a complaint under Part V of the Act or for the purpose of an investigation or inquiry under clause 25 (1) (a) of the Act,
- d) in order to prepare the annual report described in subsection 14 (1) or the report required under section 15,
- e) for the purpose of complying with a legal requirement, or
- f) for the purpose of evaluating a police officer's performance;

and only when (in addition to the restrictions imposed by the Regulation) access is required for a substantial public interest or to comply with a legal requirement.

Data Isolation

The Service has introduced procedures and/or business processes to ensure Historical Contact Data, unless authorized by the Chief, is not accessible to members of the Service.

The Service has procedures and/or business processes to ensure Historical Contact Data has not, is not, and will not be used as part of the Police Reference Check or Vulnerable Sector Screening programs.

The Service has introduced procedures and/or business processes to ensure Historical Contact Data is not used to identify a person as "known to police".

Access Audit Trails

Consistent with the Board policy, Historical Contact Data has been restricted in a manner which leaves an auditable technological trail of access. The Service has ensured access to the Historical Contact Data continues to be auditable, with the ability to verify the authorization of each access, by establishing procedures and business processes, supported by the Service's records management systems, to:

- limit access capability to access the database to only members who are specifically authorized by the Chief for this purpose;
- incorporate mandatory recording of file numbers corresponding to authorizations or approvals for access to the database; and
- facilitate periodic and random audits to cross-check access with the respective authorizations or approvals.

Role Based Security Access

The Service has eliminated access to Historical Contact Data for all Service members, with the exception of a select group of members who have been authorized by the Chief

to access the database only for the purposes of facilitating the established procedures and business processes outlined below.

In operationalizing the Board policy, the Service has distinguished between operational access and administrative access to the Historical Contact Data.

Operational Access

Operational access refers to any request submitted by a member in accordance with the process outlined below, which the Chief may deny or approve.

Even if the request for access to the Historical Contact Data is approved by the Chief, access to the database is not provided directly to the requesting member. Instead, there are only eight members, specifically assigned and authorized by the Chief for this purpose, who receive and process the request thereby further ensuring the database is only accessed by those members authorized and approved by the Chief. These members then forward the results, if any, to the requesting member.

To reflect the Board policy principle of “substantial public interest”, the broader category of “ongoing police investigation” has been narrowed by limiting the types of investigations which may be eligible for access. This constraint means members may only request access for investigations involving:

- preservation of life and/or preventing bodily harm or death;
- homicides and attempts;
- sexual assaults, and all attempts (for the purpose of this standard, is deemed to include sexual interference, sexual exploitation and invitation to sexual touching);
- occurrences involving abductions and attempts;
- missing person occurrences, where circumstances indicate a strong possibility of foul play;
- occurrences suspected to be homicide involving found human remains;
- criminal harassment cases in which the offender is not known to the victim;
- occurrences involving a firearm or discharge of a firearm; and/or
- gang related investigations.

In addition to limiting the eligibility of investigations, the procedures and business process require officers to:

- explain why the specified purpose for which access is requested cannot reasonably be fulfilled without access to the Historical Contact Data; and
- have conducted all other relevant investigative queries prior to submitting their request.

For January 1, 2017, the Service implemented an interim business process (utilizing hardcopy forms) which allowed members to submit requests to the Chief, through their respective chain of command. In May of 2017, the hardcopy forms were replaced with an electronic process. The current business process for submitting a request is as follows.

A member requesting the Chief's approval for access to Historical Contact Data must submit an electronic Request to Access Restricted Records (TPS 294).

Members may not submit their request directly to the Chief. Instead, they must submit their request through their Officer in Charge where it is subjected to a series of increasing supervisory and management reviews, including:

- Unit Commander,
- Staff Superintendent, and/or
- Staff Superintendent of Detective Operations.

Each level of review is required to consider the merits of the submission, on a case by case basis, and only forwards the request for next level review when satisfied that:

- the specified purpose for which access was requested cannot reasonably be fulfilled without providing access to the Historical Contact Data; and
- all other relevant investigative queries have been conducted.

The request is then considered by the Chief and may still be denied if the Chief is not satisfied that:

- access is required for a substantial public interest, or
- to comply with a legal requirement.

Only if approved by the Chief is the request forwarded to Intelligence Services. Importantly, the approved access is facilitated by the assigned members of Intelligence services and the requesting member cannot directly access the database themselves, which ensures officers only receive relevant information, if any, from the database.

Administrative Access

Administrative access refers to access, authorized by the Chief, which is required by members in order for the Service to be in compliance with legislation.

For the administrative access, twenty-two members have been specifically authorized to access the Historical Contact Data exclusively for the purpose of, and only in response to, legal obligations (to ensure compliance with Freedom of Information requests, subpoenas, orders, motions, etc.) and one member has been specifically authorized as the technical support person assigned to records system maintenance (to facilitate the Service's compliance with Board policy).

Service Members Assigned to Facilitate Access

The Chief assigned an initial complement of 31 members to facilitate access to Historical Contact Data only as approved or authorized by the Chief.

The Service gave consideration to the distinction between access required in order for the Service to respond to external obligations (administrative access) and access requested for purposes initiated by Service members (operational access).

Consistent with the Board policy objective that access to Historical Contact Data is authorized by the Chief only when access is required for a substantial public interest or

to comply with a legal requirement, the Chief has aligned the assigned resources with the anticipated Service requirements for operational access and administrative access. Consequently, resources to access the database have been apportioned according to the anticipated volume of required access by units responsible for facilitating access.

The Service has distinguished the units responsible for facilitating administrative access from operational access to ensure all access adheres to the appropriate business process. In addition to limiting the units, the Service also limited the number of members within each of the respective units who have access to the database; while still ensuring that the Service is able to meet operational and legislative requirements.

The initial complement was established, in accordance with privacy best practices, to ensure:

- as few members as possible access the database;
- the results of any access are handled by as few members as possible; and,
- for administrative access, members and units are able to comply with legal obligations without disclosing access, or results of access, to other members or units.

This initial allocation of 31 members was implemented with extensive consideration to the Service's obligations (as itemised in the list below).

The 31 members assigned to facilitate access were selected based upon their current assignment to their respective roles within specific units of the Service. Importantly, the authorization to facilitate access remains with the assigned position and not the specific member because an individual may be re-assigned to a different role within the organization at which time the individual's access would be revoked.

The current resources for administrative access are comprised of:

- Access & Privacy – 12 members to ensure Service compliance with law (legal requirement – Freedom of Information requests)
- Legal Services – 5 members to ensure Service compliance with law (all other legal requirements)
- Business Intelligence – 5 members to ensure compliance with Board policy (verification & reporting)
- Information Technology Services – 1 member to ensure compliance with Board Policy (technical support)

For the administrative access, the 23 roles assigned facilitate access only for circumstances where the Service is compelled to access the Historical Contact Data in order for the Service to be in compliance with law and/or Board policy.

The current resources for operational access are comprised of:

- Intelligence Services – 6 members to ensure compliance with Board policy (facilitating approved requests only)

For the operational access, the six (6) civilian members of Intelligence Services have been specifically authorized to access the Historical Contact Data exclusively for the purpose of facilitating access only for those requests which have been approved by the Chief.

Post-Access Summary Report

The Service has developed procedures and business processes to ensure, upon receipt of the results of an approved operational access to Historical Contact Data, the requesting member is required to complete a post-access summary report indicating whether or not accessing the Historical Contact Data fulfilled the purpose(s) for which it was accessed.

Progress Report – Updates to Business Process

In 2018, the Service reviewed its business process, related to access to Historical Contact Data.

Members of the Service's Access & Privacy unit, responsible for ensuring the Board and Service are in legislative compliance by responding to Freedom of Information requests, have implemented, for 2018, a revised tracking mechanism for the unit.

The members have adapted their implementation to incorporate a process for identifying and reporting on the number of Freedom of Information requests that actually require access to Historical Contact Data for compliance with law, while continuing to adhere to privacy best practices in relation to information privacy.

With the implementation of this new process, the 2018 quarterly reporting of administrative access reflects only the number of Freedom of Information requests which result in access to Historical Contact Data. For greater clarity, this reporting adjustment recommended by the Board's Regulated Interaction Review Panel naturally reflects only a subset of, and not a reduction in, the total number of Freedom of Information Requests received by the Service.

While this adjustment will result in administrative access being reported as a lower number, the Service recognizes that any individual Freedom of Information request may require access to Historical Contact Data for which the requestor may not have known to ask. Members of the Service's Access & Privacy unit are responsible for ensuring the Board and Service are in legislative compliance and cannot omit disclosure of relevant Historical Contact Data whether specifically requested at the outset or discovered as necessary in the process of fulfilling the request.

To protect the privacy of individual requestors, for compliance with law and adherence with privacy best practices, each personal Freedom of Information request is processed, whenever possible, by an individual member of the Service's Access & Privacy unit and not shared with other members of the unit whereas general Freedom of Information queries may require the involvement of multiple members from APS.

The Service has established distinct business processes to reflect the difference between administrative access (access required in order for the Service to respond to external obligations) and operational access (access requested for purposes initiated by Service members). Importantly, the Service has ensured the units responsible for facilitating administrative access do not facilitate operational access and vice versa.

Totalling the 2017 approved operational requests (28) and authorized administrative accesses (5717) demonstrates the Service correctly anticipated the majority of access requirements would be for administrative access purposes.

Notwithstanding that less than one percent (1%) of total access is for operational purposes; it is important to recognize that administrative access only involves requests which are facilitated during normal business hours. Conversely, operational requests entail the facilitation of access at any time of day or night on any day of the year, because the Service's core service delivery must include contingencies for exigent circumstances such as incidents that involve preservation of life (e.g. kidnappings, amber alerts, or missing persons with Alzheimer's disease).

Therefore, while the operational access volumes are considerably lower than administrative access, for the effective delivery of police services, the Service is obligated to ensure sufficient resources are available to process an operational request at any time because operational requests are not facilitated through the process for administrative access.

It is important to note, especially in light of the low volume of operational requests in general, that members authorized to facilitate operational requests do not access the Historical Contact Data unless approved by the Chief on a case-by-case basis.

The Service remains committed to ensuring access to the Historical Contact Data is authorized only as outlined above and operationally necessary to facilitate access for a substantial public interest or compliance with a legal requirement, consistent with the Board policy. The Service has reviewed the first year of this new process and the current complement of members required for facilitation with consideration to ensuring operational business continuity.

For operational access requests over the first year, there has been an 85% reduction in requests solely for "ongoing police investigation" and a 75% reduction in requests solely for "legal proceedings", whereas the number of requests for "legal proceedings & legal requirement" has remained relatively constant.

Given the volume of operational access has decreased, the Board's Regulated Interaction Review Panel noted that "8 individuals with operational access seems high". Understanding why 8 individuals have been authorized to facilitate operational access—which they only use when facilitating a specific operational request approved by the Chief—requires recognition that, unlike administrative access where each member is accessing the HCD in relation to their own specific case file, these members only

access the HCD on behalf of other members who have had an operational request approved by the Chief.

The complement of authorized members with access simply ensures operational effectiveness—accounting for hours of operation and absences due to annual leave, training, or illness—so that an operational request approved by the Chief can be actioned. The Chief's authorization of eight (8) members to action operational requests, once approved by the Chief, does not change the number of times or number of people accessing the HCD for operational purposes because facilitation of an approved operational request requires only one (1) member to access the HCD.

At this time, the Service is reducing the number of members authorized to facilitate operational access from 8 to 6 and maintaining the current complement of members authorized to facilitate administrative access.

Consistently, less than one percent of access has been for operational purposes and this may lead to the erroneous presumption that operational access is not legally required. To comply with law, including case law, both operational access and administrative access are required. Operational requests are reviewed by the Chief and only approved when necessary for a substantial public interest or compliance with a legal requirement—consistent with the Board policy. Service members must abide by legal precedence established in case law. A blanket prohibition of operational access, instead of case by case consideration, inhibits the ability of Service members to perform their duties in accordance with law, and may be contrary to law, thereby increasing legal jeopardy for both the Service and the Board.



Toronto Police Services Board Report

July 9, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Request for Funds – 2019 2nd World Lesbian, Gay, Bisexual, Transgender and Queer (L.G.B.T.Q.) Conference for Criminal Justice Professionals hosted by the Toronto Police Service

Recommendation(s):

It is recommended that the Toronto Police Services Board (the Board) approve this report.

Financial Implications:

The Board's Special Fund will be reduced by \$80,000, less the return of any funds not used, to support and cover expenses incurred by the Toronto Police Service for hosting this conference in 2019.

Background / Purpose:

The Service provides policing services to one of the most diverse and multicultural cities in the world. The Service is the largest municipal law enforcement agency in its jurisdiction and is home to one of the largest L.G.B.T.Q. communities in North America.

In August of 2016, members of the Service attended and participated in the 1st World L.G.B.T.Q. Conference for Criminal Justice Professionals, in Amsterdam, hosted by the Dutch National Police.

Members of police organizations, public prosecution services and departments of justice, representing 26 countries and 6 continents united in Amsterdam to discuss important and relevant L.G.B.T.Q. topics. A total of 250 international criminal justice professionals came together to be inspired on how to proactively contribute to the

betterment of human rights for L.G.B.T.Q. citizens in their respective countries and organizations.

The 2nd World L.G.B.T.Q. Conference for Criminal Justice Professionals will be held at the Sheraton Centre, Toronto, from Wednesday, June 19 to Friday, June 21, 2019.

The focus of the Toronto conference will be to concentrate on criminal justice issues as they relate to L.G.B.T.Q. communities. The conference will provide an opportunity for criminal justice professionals from around the world to communicate more effectively with each other through various workshops, panel discussions, case studies and lectures to facilitate the sharing of new ideas, strategies and best practices on all subjects related to L.G.B.T.Q. criminal justice professionals.

The Toronto conference will help to establish best practice techniques and training necessary for the purpose of decreasing homophobia, transphobia and biphobia while increasing cultural diversity awareness in the workplace.

The primary purpose of the conference is to educate criminal justice professionals through dialogue as well as various programs and services that in turn result in policies, opportunities, practices and benefits in the workplace regardless of sexual orientation, gender identity and/or gender expression.

This recommendation within this report satisfies the Board's Special Fund Policy (Policy Number 112 – Special Fund) which directs, in part:

It is the policy of the Toronto Police Services Board with respect to the approval of expenditures from the Special Fund that expenditures will fall within one of the following five categories:

1. *Community Outreach*
2. *Awards and Recognition Programs*
3. *Toronto Police Amateur Athletic Association*
4. *Fitness Facilities*
5. *Consultative Committees*

Funding for the L.G.B.T.Q. Conference for Criminal Justice 2019 falls under the Community Outreach category which defines a Community Outreach Initiative as:

- a. *Initiatives benefiting children and/or youth and/or their families. Initiatives must involve members of the Toronto Police Service. For example, the project must reduce the need for policing intervention or strengthen the relationship between police and the community, particularly with marginalized youth; and*

- b. Initiatives addressing violence prevention or prevention of repetition of violence or the root causes of violence. Initiatives must involve members of the Toronto Police Service.*

Discussion:

The Service has taken a number of steps to continually improve the relationship with members of the L.G.B.T.Q. communities. These have included more inclusive hiring practices for L.G.B.T.Q. personnel, the creation of the L.G.B.T.Q. Liaison officer position, as well as the creation of the L.G.B.T.Q.2.S. Community Consultative Committee (C.C.C.).

The L.G.B.T.Q. Liaison Officer position is a dedicated fulltime Police Constable that provides community policing support to stakeholders in the community and to fellow members of the Service including, but not limited to, training on L.G.B.T.Q. issues. The L.G.B.T.Q.2.S. C.C.C. assists to better connect the Service to members of the L.G.B.T.Q. communities by improving upon effective communication methods and actively engaging members of the community in new and different ways. By fostering and building positive relationships between the police and the L.G.B.T.Q. communities, the L.G.B.T.Q.2.S. C.C.C. aids in addressing real and perceived systemic barriers that impact the relationship and also co-creates solutions to address said barriers.

The Service's Community Partnerships and Engagement Unit (C.P.E.U.), plans to extend the L.G.B.T.Q. Liaison Officer Program to all divisions across the Service. This expansion will aid in building better relationships between the Service and members of the L.G.B.T.Q. communities across the city. The expansion will also help align service delivery with local community needs and expectations, and provide a safe and accurate mechanism to address local community concerns to ensure consistency and identify systemic issues, including marginalization and discrimination.

The Service has also developed policies and procedures to better address the ongoing realities for L.G.B.T.Q. members not only externally but internally as well; such as the formation of the L.G.B.T.Q. Internal Support Network (I.S.N.), and more recently the implementation of Gender Neutral Washrooms both at the Service's Headquarters and the Toronto Police College.

Hosting the 2nd World L.G.B.T.Q. Conference for Criminal Justice Professionals will offer an unprecedented opportunity for networking with international agencies thereby, showcasing the Service's efforts and successes in the L.G.B.T.Q. communities.

Police Constable Danielle Bottineau, the Service's L.G.B.T.Q. Liaison Officer, is the lead on the planning committee which will also be comprised of members from C.P.E.U. and the L.G.B.T.Q. I.S.N.

The anticipated attendance for the conference will be approximately 250 to 300 participants. Those attending will be required to pay a registration fee of \$500.

Revenue generated from registration fees will be used to offset the costs of the conference, with the monies received from the Board's Special Fund to cover the remaining expenditure.

A sponsorship package has been put together and distributed to various agencies and organizations, but no funding has yet to be secured.

No budget currently exists in relation to the conference; this request seeks initial funding for preliminary outlay. The following table outlines the estimated costs for the 2nd World L.G.B.T.Q. Conference for Criminal Justice Professionals.

ITEM	ESTIMATED COSTS
Keynote Speakers: Travel, Accommodation, etc. (approximately 9)	\$36,000
Participant: Portfolios, Stationary, Pens, Bags, etc. (items to yet be costed)	\$10,000
Audio Visual Equipment Rental and Set up	\$24,000
Miscellaneous: Administrative costs, Advertising, Entertainment	\$10,000
TOTAL	\$80,000
Projected Revenue from Registration for 250-300 participants	\$100,000
Projected Sponsorship	\$10,000

**Total revenue generated from registration fees and sponsorships will be applied to offset the above costs. Any funds not utilized will be returned to the Board.*

Conclusion:

It is therefore recommended that the Board approve expenditures not to exceed \$80,000.00. from the Board's Special Fund to cover expenses incurred for the 2nd World L.G.B.T.Q. Criminal Justice Conference, hosted by the Service.

Deputy Chief Peter Yuen, Communities and Neighbourhoods Command, will be in attendance to respond to any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police



Toronto Police Services Board Report

October 9, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: eJust-Case Management System Maintenance Agreement – Sole Source Award

Recommendations:

It is recommended that the Board:

- (1) approve a three year sole source software support and maintenance agreement with eJust Systems Inc. for the eJust-C.M.S. (Case Management System), commencing November 5, 2018 and ending November 4, 2021;
- (2) authorize the Chief of Police to extend this agreement for two additional, one-year options period effective November 5, 2021 to November 4, 2023; and
- (3) authorize the Chair to execute any required agreements and related documents on behalf of the Board, subject to approval as to form by the City Solicitor.

Financial Implications:

The cost for software support and maintenance of the eJust system will be approximately \$697,843 annually (including taxes) for the first three years and increase to \$740,303 for the two additional option years. The cost for the first year of the agreement has been included in the Toronto Police Service's (Service) 2019 operating budget request. Future year costs will be included in the Service's respective annual operating budget request. The five year total cost of the agreement, assuming the two option years are exercised, is approximately \$3.6 Million, as summarized in Table 1 below.

The services provided are reviewed and paid for quarterly. The estimated costs are based on the current equipment configuration and list prices adjusted annually for inflation, which has been the Service's experience during the term of the current agreement.

Table 1: Estimated Annual Cost

Year	Cost (\$)	Taxes (\$)	Total (\$)
2019	617,560	80,283	697,843
2020	617,560	80,283	697,843
2021	617,560	80,283	697,843
2022	655,135	85,168	740,303
2023	655,135	85,168	740,303
Total			3,574,135

The previous five year contract term was estimated at \$3,559,500, representing a similar cost to the new term.

Background / Purpose:

The eJust-C.M.S. electronic disclosure capabilities automate and reduce time spent on manual processes. The integration of eJust – C.M.S. into the Service’s current records management system (Versadex) enables the Service to achieve optimal benefits from the two systems. The eJust-C.M.S. application also supports interoperability among justice partners, such as, the Ministry of the Attorney General (M.A.G.) and other government agencies, for example the Public Prosecution Service of Canada, that request disclosure packages from the Service.

The current agreement with eJust Systems Inc. for software and maintenance expires on November 4, 2018. This report thereby seeks approval to renew the contract for the required services.

Discussion:

The Problem and Inefficiencies:

In 2011, the Service conducted an internal divisional review with over 800 investigative officers, on the time spent preparing and disclosing evidentiary material. The review confirmed that the demands of disclosure preparation had become onerous. The time spent on the old process, a mixture of electronic folder management and the provision of hardcopy documents, was no longer an acceptable balance between the portion of time allocated to investigative versus administrative work.

Competitive Process for a Solution:

The issuance of Request for Proposal (R.F.P.) #11266853-12 in 2012, resulted in a team of subject matter experts from across the Service, selecting eJust-C.M.S. as the product that met the Service's needs for automation of process, case management, real-time reporting, as well as intra-agency and inter-agency information sharing.

At its June 15, 2012 meeting, the Board approved a five year contract award to eJust Systems Inc., for the delivery of software and maintenance in relation to the acquisition of a new case management system, with configuration and implementation of a new system expected to occur in November 2012 (Min. No. P149/12 refers).

The Benefits Achieved from the eJust – C.M.S. Solution:

Disclosure requirements increase year over year due to various judicial decisions and increased complexities of criminal investigations and prosecutions, placing more demands on investigators. eJust-C.M.S. has proven to be an effective and efficient tool in the management and disclosure of evidentiary materials. The automation of the once labour-intensive process has reduced the time that investigators spend preparing disclosure packages, as well as reducing the costs associated with the production, administration, and storage of multiple hard copy documents.

eJust Systems Inc. continuously upgrade the eJust-C.M.S. application to not only ensure compliance with all Federal, Provincial and Municipal disclosure laws, but to provide enhancements requested by the Service. As an example, in February 2018, the Service and eJust System Inc. collaborated on the implementation of the Common Information upgrade, a new Ministry of the Attorney General mandate. This upgrade also included a number of enhancements requested by the Service to further improve productivity.

Why Sole Source to eJust Systems Inc.?

The eJust-C.M.S. is utilized by a number of Canadian police services including, Kingston Police, Durham Regional Police, York Regional Police and Niagara Regional Police. Benefitting from a partnership with Versaterm (the provider of the Service's current records management system) and the M.A.G., the eJust-C.M.S. provides an efficient tool for Service members to disclose cases. The Service is not currently aware of other disclosure management systems that provide the functionality and services provided by eJust C.M.S. If another product were available, it would require, not only software changes but corresponding business process changes for disclosure operations and incur substantial licencing, customization and professional service costs. As a result of the significant costs to finding and implementing a new system, and given

the strong performance of the vendor over the past 5 years, it is recommended that the current maintenance agreement be renewed.

The support and maintenance agreement provides the Service with upgrade protection to the latest release of the software. The eJust product and the expert services required to maintain and support the solution can only be performed by eJust Systems Inc., the owner and sole supplier of the software and services. eJust System Inc. does not authorize third party agents or consultants to provide services related to the support and maintenance of its products.

Conclusion:

The recommended agreement with eJust Systems Inc. enables the support and maintenance of the eJust-C.M.S. software, required for the preparation and disclosure of evidentiary information. The renewal term being requested is for a three year period commencing November 5, 2018 and ending November 4, 2021 with an option to extend for two additional one-year periods, if and as required and at the discretion of the Chief of Police. The initial three year term of this agreement is aligned with the expiry, in 2021, of the agreement with Versterm, the provider of the Service's records management system (Versadex). This maintains continuity of the two systems given the integration points that currently exist, and at the same time provides the Service with the flexibility and time to explore other systems that may come into the market.

Mr. Tony Veneziano, Chief Administrative Officer, will be in attendance to answer any questions the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

Filename: 2018 Board Report eJust CMS Maintenance Agreement Sole Source Award.docx



Toronto Police Services Board Report

October 8, 2018

To: Members Toronto Police Services Board

From: Andy Pringle
Chair

Subject: Toronto Action Plan to Confront Anti-Black Racism

Recommendation(s):

It is recommended that the Board:

- 1) Refer this report to the Board's Anti-Racism Advisory Panel (ARAP) to inform its work in considering possible disparities in services and outcomes for racialized persons as well as the intersectionality of mental health and race; and
- 2) Forward this report to the Chief of Police for his consideration.

Financial Implications:

There are no financial implications arising from the recommendation in this report.

Background / Purpose:

At its meeting held on December 5, 6 and 7, 2017, City Council adopted a report from the Executive Committee with respect to the Toronto Action Plan to Confront Anti-Black Racism.

The minutes detailing the City's consideration of this item are available at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX29.11>

Attachment A to the report dated November 15, 2017 from the City Manager is available at this link: <https://www.toronto.ca/legdocs/mmis/2017/ex/bgrd/backgroundfile-109127.pdf>.

Appendix A to the report is available at this link:

<https://www.toronto.ca/legdocs/mmis/2017/ex/bgrd/backgroundfile-109126.pdf>

Discussion:

In considering this item, Council approved the following recommendation:

City Council forward the Toronto Action Plan to Confront Anti-Black Racism as outlined in Appendix A to the report (November 15, 2017) from the City Manager, to the Board of Health, Toronto Library Board, Toronto Police Services Board, and Toronto Community Housing Corporation Board for consideration.

The Board, at its meeting of December 14, 2017, considered a report from Chair Pringle with respect to the “Implementation of Recommendations Arising from the Inquest into the Death of Andrew Loku.” (P261/17 refers). At this report notes, three of the recommendations made by the jury in this inquest were directed to the Board, including recommendation #17 which states as follows:

Establish a new committee to consider possible or identified disparities in services and outcomes for racialized persons and consider interventions to address any such disparities. The committee should include representatives of the Toronto Police Service, subject matter experts and members of racialized communities, including the Black community. The committee should consider the intersectionality of mental health and race both in terms of member composition and issues to be addressed.

At its Board meeting of April 18, 2018 the Board approved a document pertaining to the establishment of the Anti-Racism Advisory Panel (ARAP). (Min. No. P62/18 refers) and at its meeting of August 23, 2018, the Board named the members of the ARAP. (Min. No. P158/18 refers). The first meeting of the ARAP will take place in October 2018.

As the Toronto Action Plan to Confront Anti-Black Racism directly intersects with the mandate and work of the ARAP, it is most appropriate that the Board refer the report to the ARAP.

Conclusion:

Therefore, it is recommended that the Board:

- 1) Refer this report to the Board’s Anti-Racism Advisory Panel (ARAP) to inform its work in considering possible disparities in services and outcomes for racialized persons as well as the intersectionality of mental health and race; and
- 2) Forward this report to the Chief of Police for his consideration.

Respectfully submitted,

Andy Pringle
Chair



Toronto Police Services Board Report

October 11, 2018

To: Chair and Members
Toronto Police Services Board

From: Andy Pringle
Chair

**Subject: Independent Civilian Review into Missing Persons
Investigations – Account for Professional Services**

Recommendation(s):

It is recommended that the Board approve payment of an invoice dated September 28, 2018, in the amount of \$95,513.68, and that such payment be drawn from the Board's on-going operating budget for professional services rendered by Honourable Gloria Epstein and Cooper, Sandler, Shime and Bergman LLP.

Financial Implications:

The total amount invoiced to date is \$95,513.68.

Background / Purpose:

The Board established the Independent Civilian Review into Missing Persons Investigations and appointed the Honourable Gloria Epstein as the Reviewer ("the Independent Reviewer"). Ms. Epstein has appointed Cooper, Sandler, Shim and Bergman LLP as Counsel to the Review.

The City has agreed to provide funding to the Board to pay for the cost of the Review (Min.P112/18 refers). The Board has now received the Review's first account for services rendered up to and including September 28, 2018, in the amount of \$95,513.68.

Discussion:

I have attached a copy of the Review's detailed account for services renders, up to and including September 28, 2018, in the amount of \$95,513.68. A detailed statement is included on the in-camera agenda for information.

Conclusion:

It is, therefore, recommended that the Board approve payment of an invoice dated September 28, 2018, in the amount of \$95,513.68, and that such payment be drawn from the Board's on-going operating budget for professional services rendered by Honourable Gloria Epstein and Cooper, Sandler, Shime and Bergman LLP.

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Respectfully submitted,

Andy Pringle
Chair

IN ACCOUNT WITH

September 28, 2018

PRIVATE AND CONFIDENTIAL

Mr. Ryan Teschner,
Executive Director
Toronto Police Services Board
40 College St.
Toronto, ON M5G 2J3

**COOPER, SANDLER
SHIME & BERGMAN LLP**
BARRISTERS & SOLICITORS

SUITE 1900
439 University Avenue
Toronto, Ontario
M5G 1Y8

TELEPHONE: (416) 585-9191
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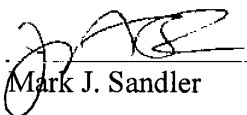
Re: The Independent Civilian Review into Missing Persons Investigations

FOR SERVICES RENDERED: From June 15, 2018 to September 27, 2018

Total Fees	\$66,514.00	
HST on Fees (13%)	8,646.82	
Total Fees & HST		\$75,160.82
Disbursements Sub-total	\$18,011.38	
HST on Disbursements (13%)	2,341.48	
Total Disbursements & HST		\$20,352.86
TOTAL FEES AND DISBURSEMENTS		\$95,513.68
for this account dated September 28, 2018		
BALANCE OWING		\$95,513.68

THIS IS OUR ACCOUNT HEREIN

Cooper Sandler Shime & Bergman LLP


Mark J. Sandler

E. & O.E.

Total HST:\$10,988.30
HST #:122552227



Toronto Police Services Board Report

September 4, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

**Subject: September 2018 Quarterly Report: Conducted Energy
Weapon Use**

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive the following report.

Financial Implications:

There are no financial implications relating to the recommendation contained within this report.

Background / Purpose:

The purpose of this report is to provide the Board with a quarterly status update on frontline use of conducted energy weapons (C.E.W.s).

At its meeting on February 22, 2018, the Board approved expansion of C.E.W.s to frontline constables (P.C.s). In doing so, the Chief agreed to provide the Board with quarterly reports as well as an annual report of C.E.W. use (Min. No. P19/18 refers).

Discussion:

As of August 14, 2018, there were 361 P.C.s and 413 Sergeants trained and qualified to use a C.E.W. These numbers do not include members of the Emergency Task Force or Training Constables currently assigned to the Toronto Police College (T.P.C.). This report provides a summary of C.E.W. use for frontline P.C.s and Sergeants for the period of May 15, 2018, to August 14, 2018. This information is based on C.E.W. reports that have been reviewed by the Use of Force Analyst. The data is provided in the form of graphs and charts and includes the C.E.W. user, the types of use,

effectiveness of use and use on persons in crisis.

The Board also requested that the C.E.W. quarterly report contain the following items:

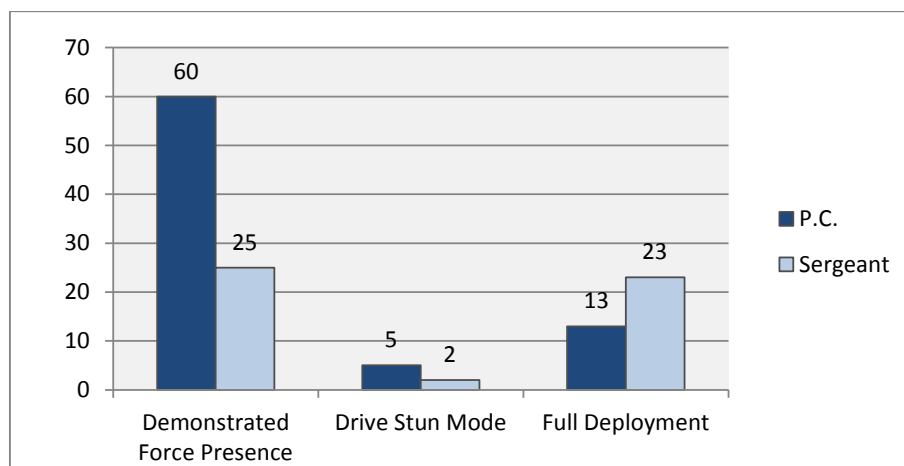
- Input from Mobile Crisis Intervention Team (M.C.I.T.) officers
- Input from consumer survivor groups including the Board's Anti-Black Racism Committee
- Over-reliance or misuse of C.E.W.s and the steps taken to remedy such use including discipline and / or re-training
- Whether Toronto Police Service (T.P.S.) procedures, training or disciplinary processes need to be adjusted to emphasize the objective of reducing deaths without increasing the overall use of force
- Whether use of force overall increases with expanded availability of C.E.W.s
- The number of officers trained in the three-day de-escalation training [In-Service Training Program] in the last 12 months

The above information has been included in this report.

Types of Use:

The graph below indicates the number of times a C.E.W. was used as a demonstrated force presence, in drive stun mode and as a full deployment. The graph differentiates between uses by P.C.s and Sergeants. It is anticipated that as more P.C.s have C.E.W.s as part of their issued equipment, that the variance between P.C. and Sergeant use will increase with P.C.s making up the majority of C.E.W. use. The full deployment category for P.C.s includes two unintentional discharges. In cases where full deployment and drive stun were used in combination, the number was recorded as a full deployment.

Comparison of Type of Use by P.C.s and Sergeants



The below chart indicates the types of C.E.W. use by P.C.s.

Types of Use by P.C.s

Use	#	%
Demonstrated Force Presence	60	76.9
Drive Stun Mode	5	6.4
Full Deployment	13	16.7
Total	78	100

Police Constables utilized the C.E.W. as a demonstrated force presence in 60 of 78 instances or 76.9% of the time. This is the highest demonstrated force presence ever recorded by the T.P.S. and can be attributed to P.C.s choosing to display a C.E.W. in lieu of resorting to empty-hand techniques to resolve a potentially volatile situation.

The below chart indicates the types of C.E.W. use by Sergeants.

Types of Use by Sergeants

Use	#	%
Demonstrated Force Presence	25	50.0
Drive Stun Mode	2	4.0
Full Deployment	23	46.0
Total	50	100

Sergeants often respond to calls after other means of resolving situations by P.C.s have failed. Therefore, Sergeants have a lower percentage of demonstrated force presence at 50%.

The chart below represents the total number of C.E.W. uses by P.C.s and Sergeants combined.

Combined Types of Use by P.C.s and Sergeants

Use	#	%
Demonstrated Force Presence	85	66.4
Drive Stun Mode	7	5.5
Full Deployment	36	28.1
Total	128	100

C.E.W. Effectiveness:

Effectiveness is measured by the ability of officers to gain control of a subject while utilizing a C.E.W. For P.C.s issued with a C.E.W., its use has been shown to be 87.2% effective. C.E.W. effectiveness for P.C.s is outlined in the chart below. The “Not Applicable” category refers to unintentional discharges.

P.C. C.E.W. Effectiveness

Effectiveness	#	%
Effective	68	87.2
Not Effective	8	10.3
Not Applicable	2	2.6
Total	78	100

The chart below indicates the effectiveness of C.E.W. use for Sergeants.

Sergeant C.E.W. Effectiveness

Effectiveness	#	%
Effective	38	76.0
Not Effective	12	24.0
Not Applicable	0	0.0
Total	50	100

Conducted Energy Weapon use has been shown to be 76.0% effective for Sergeants which is 11.2% lower than P.C.s. This is likely due to the higher percentage of demonstrated force presence by P.C.s. which has proven to be a highly effective mode of use. Sergeants are often called to an event by P.C.s after having exhausted other means of resolving a situation without the use of force. Sergeants subsequently have a higher incidence of full deployments.

Types of Use on Persons in Crisis:

The chart below indicates the type of C.E.W. use by P.C.s upon persons who were perceived to be in crisis and may or may not include the combined effects of alcohol and / or drugs.

Types of Use on Persons In Crisis by P.C.s

Use	#	%
Demonstrated Force Presence	24	77.4
Drive Stun Mode	3	9.7
Full Deployment	4	12.9
Total # of Persons in Crisis Incidents	31	100

Of the 78 incidents of C.E.W. use by P.C.s, only 31 or 39.7% of use was on persons in crisis with the majority of the incidents being a demonstrated force presence.

Types of Use on Persons in Crisis by Sergeants

Use	#	%
Demonstrated Force Presence	11	52.4
Drive Stun Mode	2	9.5
Full Deployment	8	38.1
Total # of Persons in Crisis Incidents	21	100

Of the 50 incidents of C.E.W. use by Sergeants, only 21 or 42% of uses were on persons in crisis with just over half of the incidents being a demonstrated force presence.

Of 128 C.E.W. incidents involving P.C.s and Sergeants, the number of uses of a C.E.W. on persons in crisis was 52 or 40.6% of total C.E.W. use.

Input from M.C.I.T.:

Members of the M.C.I.T. were canvassed with regard to expansion of the C.E.W. program to frontline P.C.s and it was determined that there would be no impact to current operations.

Input from the Mental Health Community

The Board's Mental Health Sub-Committee, at the time of this submission, have not as yet had the opportunity to provide an opinion with regards to the C.E.W. expansion in so far as the impact it has had on people who are apparently experiencing a mental health and / or addiction issue. Due to scheduling issues this has not been formally tabled with the Sub-Committee except for a request from the Service for input via email. The Board's Anti-Racism Advisory Panel's first meeting is set to occur in October. It is expected that input from both groups will be received for inclusion in the next C.E.W. quarterly report.

Over-Reliance / Misuse of C.E.W.s

During this reporting period there were two officers, one P.C. and one Sergeant, who were directed to attend the T.P.C. for remedial training due to their C.E.W. uses. In the case of the P.C., frequency of use was discussed and each use was reviewed to ensure that other force options were considered and that the most appropriate force option was utilized in each instance.

Two separate C.E.W. uses by a Sergeant were reviewed, both in relation to a subject's

location at the time of deployment. In one instance, the subject was operating a motor vehicle and a C.E.W. was fully deployed at the driver when he accelerated the vehicle towards an officer. Toronto Police Service Procedure 15 – 09 Conducted Energy Weapon prohibits the direct use of a C.E.W. on any person who is operating a motor vehicle except as a last measure to protect life. In this case, the probes did not strike their intended target. The second incident involved a male who was running across the east and westbound lanes of the Queen Elizabeth Highway after assaulting an officer. The Sergeant fully deployed his C.E.W. to prevent injury to the male and motorists. At the time of this report the remedial training for this Sergeant has been scheduled but has not yet taken place.

Toronto Police Service Procedures and Training:

As a result of expansion and with the overall objective of reducing deaths without increasing overall use of force, T.P.S. Procedure 15 – 09 Conducted Energy Weapon has had numerous amendments and additions. One of the additions was the reporting responsibilities of P.C.s who are assigned a C.E.W. for daily patrol. These responsibilities include the need to notify both the communications dispatcher and a supervisor of all uses of C.E.W.s including demonstrated force presence. Also added into the procedure were the responsibilities of a communications dispatcher and Sergeant upon being advised of a C.E.W. deployment. These responsibilities now include the mandatory notification of the Toronto Police Operations Centre and Officer in Charge of the division where a C.E.W. was used.

The C.E.W. Use Report that is to be completed by all officers who had a deployment of a C.E.W. has also been updated since expansion to frontline P.C.s. The form now contains a section requiring officers to indicate what de-escalation techniques were utilized prior to deploying a C.E.W. Officers must provide an explanation if no de-escalation techniques were used. Also new to the form, is the inability for officers to print a hard copy report until they have emailed the form to the Use of Force Analyst. This ensures timely reporting and analysis of C.E.W. deployments for the purpose of providing Command Officers with a weekly update of C.E.W. use.

The initial C.E.W. training for P.C.s is equivalent to Sergeants consisting of two 10-hour days of instruction by certified Ministry of Community Safety and Correctional Services use of force instructors at the T.P.C. To augment training, the T.P.C. also added a one hour on-line course that P.C.s are required to complete prior to attending the T.P.C. to ensure a general understanding of the function and application of C.E.W.s.

Increased Use of Force Reporting:

When comparing 2017 and 2018 C.E.W. statistics for the same quarterly reporting periods, the number of C.E.W. uses has increased. This is attributed to P.C.s having the option of displaying a C.E.W. in lieu of resorting to empty-hand techniques to control a non-compliant or assaultive subject. There is no requirement to report the use of

empty-hand techniques unless a subject is injured and requires medical attention. There is however, a requirement to report the display of a C.E.W. which has resulted in an increase in the number of reportable use of force incidents.

Unintentional Discharges:

Unintentional discharges occur when probes are fired from the C.E.W. cartridge due to officer error. During this reporting period there were two unintentional discharges by P.C.s. In both of these incidents, officers discharged the probes into proving stations while conducting their daily spark test. Both incidents were properly reported and resolved at the unit level. The officers were also directed to attend the T.P.C. for remedial training with a qualified C.E.W. instructor to review safe handling practices. Unintentional discharges can also occur due to a device malfunction. This information will be reported upon within the annual C.E.W. Board report.

In-Service Training Program:

The Board requested that the number of officers trained in the three-day de-escalation training (In-Service Training Program) in the last 12 months be included in this report. From August 15, 2017, to August 14, 2018, there were 4574 current T.P.S. officers who received this training.

Conclusion:

This report provides the first quarterly summary of C.E.W. use for frontline P.C.s and Sergeants and covers the period of May 15, 2018, to August 14, 2018. While this quarterly report shows that Police Constables' use of C.E.W.s has surpassed that of Sergeants, this was an expected outcome of expansion. Police Constables respond to more calls for service than Sergeants and are faced with more situations involving arrests and apprehensions. P.C.s used demonstrated force presence in 76.9% of incidents where they felt that the use of a C.E.W. was the most viable force option. This illustrates that they are making sound decisions and using only as much force as is necessary to resolve unpredictable and often perilous situations.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

MS:jt

File name: CEW quarterly report September 2018



Toronto Police Services Board Report

June 26, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Chief's Administrative investigation: Alleged Sexual Assault of Sexual Assault Complainant 2018-H

Recommendation(s):

It is recommended that the Toronto Police Services Board (Board) receive the following report.

Financial Implications:

There are no financial implications relating to the recommendations contained within this report.

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) is notified of an incident involving serious injury or death, provincial legislation directs that a chief of police shall conduct an administrative investigation.

Ontario Regulation 267/10, s.11(1) states:

"The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the S.I.U. has been notified, subject to the S.I.U.'s lead role in investigating the incident."

Section 11(2) of the Regulation states:

"The purpose of the chief of police's investigation is to review the policies of or services provided by the police force and the conduct of its police officers."

Section 11(4) of the Regulation states:

“The chief of police of a municipal police force shall report his or her findings and any action taken or recommended to be taken to the board within 30 days after the S.I.U. director advises the chief of police that he or she has reported the results of the S.I.U.’s investigation to the Attorney General, and the board may make the chief of police’s report available to the public.”

Upon conclusion of its investigation, the S.I.U. provides the Toronto Police Service (T.P.S.) with a letter. The S.I.U. does not provide the T.P.S. with a copy of the report that was provided to the Attorney General.

Discussion:

On April 24, 2015, at about 2330 hours, a person later identified as Sexual Assault Complainant 2018-H (2018-H), was in the area of 30 Dundalk Drive. Uniform officers of 41 Division Community Response Unit (C.R.U.) were patrolling the area due to community concerns related to street level drug transactions.

A Sergeant and a Police Constable were operating a marked police vehicle and stopped at the intersection of Ellesmere Road and Wye Valley Road for a red traffic signal. The officers observed 2018-H crossing the street in front of their vehicle. As 2018-H passed by, the Constable observed that 2018-H was smoking and the officer immediately smelled the obvious odor of burning marijuana.

The Constable turned left onto Dundalk Drive and pulled even with 2018-H as they briskly walked away from the approaching police vehicle. The Sergeant spoke from the passenger window to 2018-H and ordered them to stop walking. They complied and as the Sergeant was exiting the vehicle to engage 2018-H, they fled on foot running from the Sergeant.

The Constable followed in the police vehicle, passed the Sergeant and pulled even with 2018-H and ordered them to stop. 2018-H kept running and the Constable accelerated, pulled over in front of 2018-H and tried to block their path. 2018-H evaded the stopped police vehicle and the Constable exited the vehicle and pursued them on foot.

The Constable caught 2018-H and knocked them off balance causing them to fall to the ground. The Sergeant had caught up and together they attempted to arrest 2018-H. A struggle ensued and a plastic bag with a quantity of white powder fell onto the sidewalk from 2018-H’s person. 2018-H was arrested and placed into handcuffs. They believed the substance to be cocaine and 2018-H was transported to 41 Division for further investigation and processing of criminal charges.

At 41 Division, the Officer-in-Charge authorized a Level 3 search of 2018-H. They were taken to the search room and during that search, 2018-H was ordered to remove their underwear and a plastic bag with what was believed to be marijuana fell to the floor.

2018-H was charged with several drug related offences and held for a show cause hearing.

On June 9, 2016, the Chief's S.I.U. Liaison Officer, reviewed a Human Rights Tribunal of Ontario file that had been forwarded to him. The file was a complaint that had been filed on behalf of 2018-H by counsel at the African Canadian Legal Counsel. In the statement of particulars, it lists discrimination based on race, ancestry, colour, place of birth and gender.

It further states that 2018-H was beaten over a period of 30 minutes when officers unlawfully took them into custody. 2018-H also alleged that during the search, an officer sexually assaulted them.

The S.I.U. was notified and invoked its mandate.

The S.I.U. designated one officer, as a subject officer; ten other officers were designated as witness officers.

The Director of the S.I.U. did not publish any media releases in this investigation.

In a letter to the T.P.S. dated October 23, 2017, Director Tony Loparco of the S.I.U. advised that the investigation was completed, the file has been closed and no further action is contemplated.

Summary of the Toronto Police Service's Investigation:

Professional Standards Support (P.S.S.) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

P.S.S. examined the applied use of force in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The *Police Services Act*, section 95 requires a police service to keep confidential the conduct issues in relation to its members, except in specific circumstances. The public release of this document does not fall within one of those exemptions.

The P.S.S. investigation reviewed the following T.P.S. procedures:

- Procedure 01-01 (Arrest)
- Procedure 01-02 (Search of Persons)
- Procedure 01-03 (Persons in Custody)
- Procedure 05-05 (Sexual Assault)
- Procedure 09-04 (Controlled Drugs and Substances)
- Procedure 13-16 (Special Investigations Unit)

- Procedure 13-17 (Notes and Reports)
- Procedure 15-01 (Use of Force)
- Procedure 15-02 (Injury/Illness Reporting)
- Procedure 15-17 (In-Car Camera System)

The P.S.S. investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)
- Ontario Regulation 926 Section 14.3 (Use of Force Qualifications)

The P.S.S. investigation determined that the T.P.S.'s policies and procedures associated with the applied use of force were found to be lawful, in keeping with current legislation and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

MS:ao

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Toronto Police Services Board Report

June 27, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

**Subject: Chief's Administrative Investigation into the Vehicle
Injuries to Mr. Areeb Zain**

Recommendation(s):

It is recommended that the Toronto Police Services Board (Board) receive the following report.

Financial Implications:

There are no financial implications relating to the recommendation contained within this report.

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) is notified of an incident involving serious injury or death, provincial legislation directs that a chief of police shall conduct an administrative investigation.

Ontario Regulation 267/10, Section 11(1) states:

"The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the S.I.U. has been notified, subject to the S.I.U.'s lead role in investigating the incident."

Section 11(2) of the Regulation states:

"The purpose of the chief of police's investigation is to review the policies of or services provided by the police force and the conduct of its police officers."

Section 11(4) of the Regulation states:

“The chief of police of a municipal police force shall report his or her findings and any action taken or recommended to be taken to the board within 30 days after the S.I.U. director advises the chief of police that he or she has reported the results of the S.I.U.’s investigation to the Attorney General, and the board may make the chief of police’s report available to the public.”

Upon conclusion of its investigation, the S.I.U. provides the Toronto Police Service (T.P.S.) with a letter. The S.I.U. does not provide the T.P.S. with a copy of the report that was provided to the Attorney General.

Discussion:

On March 30, 2017, at approximately 0313 hours, a uniformed officer from 43 Division was working alone and operating a marked police vehicle, Fleet 4312 using the call sign of SP43. The officer was westbound on Kingston Road when he saw an Infiniti motor vehicle driven by a male, later identified as Mr. Areeb Zain, travelling eastbound crossing through the intersection of Fenwood Heights.

The officer’s attention was drawn to this vehicle as it only had one front headlight. The officer completed a U-Turn and began travelling east bound on Kingston Road for the purpose of catching up and commencing a *Highway Traffic Act (H.T.A.)* investigation.

As the officer caught up to the Infiniti, he saw the vehicle was still being driven normally along Kingston Road. He activated his emergency lighting for the purpose of pulling the vehicle over for the *H.T.A.* infraction of having only one headlight. As soon as the emergency lights were activated, the Infiniti accelerated to a high rate of speed in an effort to flee from the officer.

The officer matched the Infiniti’s acceleration for a brief moment of time, then turned off his emergency lighting and deactivated his In-Car Camera System (I.C.C.S.). An examination of police vehicle 4312’s Automated Vehicle Location (A.V.L.) indicated that the officer continued east bound along Kingston Road at speeds of between 119 km/h to 142 km/h after his emergency lights and I.C.C.S. were turned off.

The Infiniti continued east at a high rate of speed on Kingston Road and turned north on Scarborough Golf Club Road and the officer continued to follow at a high rate of speed. Video evidence captured by police vehicle 4312’s I.C.C.S. shows the police car continuing northbound on Scarborough Golf Club Road at a higher than normal speed. The tail lights of the Infiniti are visible in front of the police vehicle and approaching Lawrence Avenue East. The video shows the traffic control lights for northbound are red when the Infiniti enters the intersection and collides with a taxi cab that was travelling eastbound through the intersection on a green light.

The video evidence from the I.C.C.S. in Fleet 4312 was the result of the 25 second loop that is captured once the emergency lights are activated. The officer was on the scene of the collision seconds after it occurred and as he pulled into the intersection, he activated his emergency lights, thus preserving the sequence of events prior to the collision.

After calling for additional units and ambulance support, the officer placed Mr. Zain under arrest for Dangerous Driving. Mr. Zain complained of a leg injury and was transported to Sunnybrook Health Sciences Center where he was diagnosed and treated for a broken femur.

The taxi cab had two occupants, the driver and one passenger in the rear seat. The driver, identified as Noyroz Kolvan, was transported to the Scarborough Hospital – Birchmount site with a minor head injury. The rear passenger, Adele Koehnki, refused medical treatment.

The S.I.U. was notified and invoked its mandate.

The S.I.U. published a media release on March 30, 2017. The media release is available at: <https://www.siu.on.ca/en/newstemplate.php?nrid=2997>

The S.I.U. designated one officer, as a subject officer; seven other officers were designated as witness officers.

In a letter to the T.P.S. dated April 12, 2018, Director Tony Loparco of the S.I.U. advised that the investigation was completed, the file has been closed and no further action is contemplated.

Summary of the Toronto Police Service's Investigation:

Professional Standards Support (P.S.S.) and Traffic Services (T.S.V.) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

The investigation examined the injuries in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The T.S.V. investigation reviewed the following T.P.S. procedures:

- Procedure 01-01 (Arrest)
- Procedure 01-02 (Search of Persons)
- Procedure 01-03 (Persons in Custody)
- Procedure 07-01 (Transportation Collisions)
- Procedure 10-06 (Medical Emergencies)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)

- Procedure 15-01 (Use of Force)
- Procedure 15-02 (Injury/Illness Reporting)
- Procedure 15-10 (Suspect Apprehension Pursuits)
- Procedure 15-17 (In-Car Camera System)

The T.S.V. investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)
- Ontario Regulation 266/10 (Suspect Apprehension Pursuits)

The T.S.V. investigation determined that the T.P.S.'s policies and procedures associated with the suspect apprehension pursuit were found to be lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The conduct of the subject officer was not in compliance with T.P.S. Procedure 15-10, Suspect Apprehension Pursuits, wherein it states that a pursuit for a non-criminal offence shall be abandon once the motor vehicle is identified or an individual in the fleeing motor vehicle is identified. The officer continued a pursuit after identifying the licence plate of the pursued vehicle only for a traffic offence.

The conduct of the subject officer was not in compliance with T.P.S. Procedure 15-17, In-Car Camera System, wherein it states that a police officer when assigned to or operating a T.P.S. vehicle equipped with an I.C.C.S. shall activate the I.C.C.S. to visually and/or audibly record all vehicle pursuits. The officer while engaged in the pursuit turned off the I.C.C.S.

The subject officer was counselled by Unit supervisory personnel and assigned to the Advanced Driving Course at the Toronto Police College to provide retraining in the areas of concern.

The conduct of the witness officers was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

MS/ao

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Toronto Police Services Board Report

June 27, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

**Subject: Chief's Administrative Investigation into the Vehicle
Death of Mr. Todd Feairs**

Recommendation(s):

It is recommended that the Toronto Police Services Board (Board) receive the following report.

Financial Implications:

There are no financial implications relating to the recommendation contained within this report.

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) is notified of an incident involving serious injury or death, provincial legislation directs that a chief of police shall conduct an administrative investigation.

Ontario Regulation 267/10, Section 11(1) states:

"The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the S.I.U. has been notified, subject to the S.I.U.'s lead role in investigating the incident."

Section 11(2) of the Regulation states:

"The purpose of the chief of police's investigation is to review the policies of or services provided by the police force and the conduct of its police officers."

Section 11(4) of the Regulation states:

“The chief of police of a municipal police force shall report his or her findings and any action taken or recommended to be taken to the board within 30 days after the S.I.U. director advises the chief of police that he or she has reported the results of the S.I.U.’s investigation to the Attorney General, and the board may make the chief of police’s report available to the public.”

Upon conclusion of its investigation, the S.I.U. provides the Toronto Police Service (T.P.S.) with a letter. The S.I.U. does not provide the T.P.S. with a copy of the report that was provided to the Attorney General.

Discussion:

On October 12, 2016, at 1115 hours, a police constable of 41 Division was operating a marked Toronto Police Service (T.P.S.) vehicle, 4112 and stopped in the left turn lane on eastbound Eglinton Avenue East at Kennedy Road. The officer was on dayshift and conducting general patrol at the time of the incident.

The vehicle ahead of the officer’s marked Service vehicle was a white B.M.W. bearing an Ontario license plate. The B.M.W. was also in the left turn lane directly in front of the officer, waiting to turn left to northbound Kennedy Road. When the traffic signal for eastbound traffic turned green, allowing eastbound traffic and those turning left to proceed, the B.M.W. exited the turn lane and continued eastbound on Eglinton Avenue East in one of the eastbound through lanes.

This maneuver drew the attention of the officer who also abandoned his left turn and continued eastbound on Eglinton Avenue East to investigate the driver of the B.M.W.

A query of the Police Automated Records Information System (P.A.R.I.S.) indicated that the license plate attached to the B.M.W. had the status of *unattached*, and was not authorized to be affixed to any vehicle.

The officer’s marked Service vehicle and the B.M.W. were now travelling eastbound on Eglinton Avenue East from Kennedy Road towards Midland Avenue. Eastbound Eglinton Avenue East is three lanes wide, separated from the westbound lanes by a raised curb and paved median. On this date the two right lanes for eastbound traffic were closed for construction. They were marked off by continuous pylons that forced traffic to merge left to the only open lane, the left lane. The lanes were closed from approximately 500 metres from the intersection of Eglinton Avenue East and Midland Avenue, where a construction crew was working on the southwest corner of the intersection within the closed lanes. Also present within the intersection was a paid duty officer from 42 Division.

From this point on the incident was captured on the officer’s In-Car Camera System (I.C.C.S.).

The B.M.W. continued eastbound into slowed and congested traffic due to the merging for lane closures. The B.M.W. was making several lane changes. The officer was attempting to position his vehicle behind the B.M.W. or into a position where he could see the driver and determine some form of identification. The B.M.W. was blocked by merging traffic to his left and the pylons of the closed lanes both in front of him and to his right.

At approximately 1117 hours, the officer activated his emergency lights and gave a siren blast to direct the driver of the B.M.W. to pull over. The driver of the B.M.W. then drove over pylons and into the closed lanes with enough speed that the vehicle's two right side tires collided with the curb before the vehicle regained control and accelerated at a high rate of speed eastbound in the closed lanes towards Midland Avenue.

Approximately 14 seconds later the B.M.W. passed through the intersection of Eglinton Avenue East and Midland Avenue, where the B.M.W. struck a member of the construction crew who was operating a cement cutter within the coned off area. The construction worker, later identified as Mr. Todd Feairs, was struck by the front passenger side of the B.M.W. while the driver of the vehicle tried to maneuver through the intersection. The impact threw Mr. Feairs into the side of a parked truck. The injuries were immediately fatal.

The paid duty constable witnessed the impact and jumped out of the path of the B.M.W. but not before the B.M.W. drove over his left foot. The constable did not suffer any apparent injury and continued on duty. During the time the B.M.W. was traveling in the closed lanes, the officer remained mobile with his lights activated at a lower rate of speed. He advised Communications Services of the last direction of travel of the B.M.W. The officer did not engage in a Suspect Apprehension Pursuit. The B.M.W. was later found abandoned approximately one kilometre away on a side street.

The S.I.U. was notified and invoked its mandate.

The S.I.U. designated one officer, as a subject officer; two other officers were designated as witness officers.

The S.I.U. published a media release on March 30, 2017. The media release is available at: https://www.siu.on.ca/en/news_template.php?nrid=2820.

In a letter to the T.P.S. dated December 5, 2017, Director Tony Loparco of the S.I.U. advised that the investigation was completed, the file has been closed and no further action is contemplated.

Summary of the Toronto Police Service's Investigation:

Professional Standards Support (P.S.S.) and Traffic Services (T.S.V.) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

The investigation examined the injuries in relation to the applicable legislation, service provided, procedures and the conduct of the involved officers.

The T.S.V. investigation reviewed the following T.P.S. procedures:

- Procedure 07-01 (Transportation Collisions)
- Procedure 08-03 (Injured On Duty Reporting)
- Procedure 08-04 (Members Involved in a Traumatic Critical Incident)
- Procedure 10-06 (Medical Emergencies)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-02 (Injury/Illness Reporting)
- Procedure 15-10 (Suspect Apprehension Pursuits)
- Procedure 15-17 (In-Car Camera System)

The T.S.V. investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)
- Ontario Regulation 266/10 (Suspect Apprehension Pursuits)

The T.S.V. investigation determined that the T.P.S.'s policies and procedures were found to be lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The conduct of the designated subject and witness officers was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

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Toronto Police Services Board Report

July 5, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury to Mr. Michael Dela-Cruz

Recommendation(s):

It is recommended that the Toronto Police Services Board (Board) receive the following report.

Financial Implications:

There are no financial implications relating to the recommendation contained within this report.

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) is notified of an incident involving serious injury or death, provincial legislation directs that a chief of police shall conduct an administrative investigation.

Ontario Regulation 267/10, Section 11(1) states:

"The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the S.I.U. has been notified, subject to the S.I.U.'s lead role in investigating the incident."

Section 11(2) of the Regulation states:

"The purpose of the chief of police's investigation is to review the policies of or services provided by the police force and the conduct of its police officers."

Section 11(4) of the Regulation states:

“The chief of police of a municipal police force shall report his or her findings and any action taken or recommended to be taken to the board within 30 days after the S.I.U. director advises the chief of police that he or she has reported the results of the S.I.U.’s investigation to the Attorney General, and the board may make the chief of police’s report available to the public.”

Upon conclusion of its investigation, the S.I.U. provides the Toronto Police Service (T.P.S.) with a letter. The S.I.U. does not provide the T.P.S. with a copy of the report that was provided to the Attorney General.

Discussion:

On May 26, 2016, at approximately 1115 hours, the Toronto Police Service (T.P.S.) Communications Services received a 9-1-1 call from a male, later identified as Mr. Michael Dela-Cruz. He advised the call taker that he was on the rooftop of 77 Huntley Street and that he was going to jump. Mr. Dela-Cruz advised that he lived in apartment 406 at that address. He told the call taker that his mother had died; he hated life, had consumed alcohol and was sleep deprived. He also told the call taker that he had been asking for help for the past two years because of a drug addiction but nobody had helped him. He also stated that he wanted to end it all so he could ‘*restart*’.

Several uniform officers of 51 Division responded to the call, some attending the apartment and others attending the rooftop. The Emergency Task Force (E.T.F.) was notified and attended. The Mobile Crisis Intervention Team was available and responded as well to the scene.

The first officers to reach the rooftop found Mr. Dela-Cruz sitting on the ledge of the roof beyond a safety railing. The rooftop area was 27 stories above ground level.

At about 1121 hours, one officer initiated conversation with Mr. Dela-Cruz and established a rapport in efforts to de-escalate the situation.

At 1157 hours, members of the E.T.F. arrived at the rooftop and two of those officers took over the conversation from the first officer. The two officers of the E.T.F. are trained negotiators.

At 1220 hours, despite the officers’ efforts to negotiate with Mr. Dela-Cruz, he turned from them and jumped from the top of the building. Mr. Dela-Cruz fell 25 storeys and landed on a two storey roof of an adjacent building.

He suffered severe injuries but was still alive. He was rushed by Toronto Paramedic Services to St. Michael’s Hospital and admitted for treatment. Mr. Dela-Cruz suffered a fractured wrist, a fractured arm and had his spleen and gallbladder removed. He was placed in an induced coma by medical staff. He has since recovered from his injuries.

The S.I.U. was notified and invoked its mandate.

The S.I.U. designated two officers, as subject officers; six other officers were designated as witness officers.

The S.I.U. published a media release on May 26, 2016. The media release is available at: https://www.siu.on.ca/en/news_template.php?nrid=2637

In a letter to the T.P.S. dated December 8, 2017, Director Tony Loparco of the S.I.U. advised that the investigation was completed and no further action was contemplated.

The S.I.U. published a media release on December 19, 2017. The media release is available at: https://www.siu.on.ca/en/news_template.php?nrid=3458

Summary of the Toronto Police Service's Investigation:

Professional Standards Support (P.S.S.) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

P.S.S. examined the use of force in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The P.S.S. investigation reviewed the following T.P.S. procedures:

- Procedure 06-04 (Emotionally Disturbed Persons)
- Procedure 08-04 (Members Involved in a Traumatic Critical Incident)
- Procedure 10-06 (Medical Emergencies)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-01 (Use of Force)
- Procedure 15-02 (Injury/Illness Reporting)
- Procedure 15-17 (In-Car Camera System)

The P.S.S. investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)
- Ontario Regulation 926 Section 14.3 (Use of Force Qualifications)

The P.S.S. investigation determined that the T.P.S.'s policies and procedures associated with the custody injury were found to be lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The conduct of the officers was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

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Toronto Police Services Board Report

July 10, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury to Mr. Ronald Maracle

Recommendation(s):

It is recommended that the Toronto Police Services Board (Board) receive the following report.

Financial Implications:

There are no financial implications relating to the recommendation contained within this report.

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) is notified of an incident involving serious injury or death, provincial legislation directs that a chief of police shall conduct an administrative investigation.

Ontario Regulation 267/10, Section 11(1) states:

"The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the S.I.U. has been notified, subject to the S.I.U.'s lead role in investigating the incident."

Section 11(2) of the Regulation states:

"The purpose of the chief of police's investigation is to review the policies of or services provided by the police force and the conduct of its police officers."

Section 11(4) of the Regulation states:

“The chief of police of a municipal police force shall report his or her findings and any action taken or recommended to be taken to the board within 30 days after the S.I.U. director advises the chief of police that he or she has reported the results of the S.I.U.’s investigation to the Attorney General, and the board may make the chief of police’s report available to the public.”

Upon conclusion of its investigation, the S.I.U. provides the Toronto Police Service (T.P.S.) with a letter. The S.I.U. does not provide the T.P.S. with a copy of the report that was provided to the Attorney General.

Discussion:

On April 6, 2017, at approximately 2017 hours, members of the Toronto Police Service (T.P.S.) Drug Squad (T.D.S.) commenced an investigation into the possibility of drug trafficking by a person identified only as, Ritchie. An officer acting in an undercover officer capacity, contacted Ritchie, later identified as Mr. Ronald Maracle, and had a drug related conversation. Arrangements were made to complete a drug transaction in the area of Dundas Street East and Church Street.

The officers from T.D.S. were working in a plainclothes capacity. The T.D.S. team attended the area of Dundas Street East and Church Street.

The undercover officer had been directed by Mr. Maracle to a door at 80 Dundas Street East where he conducted a drug transaction with her. Mr. Maracle had been accompanied by a young person during the transaction. The undercover officer provided the other members of the T.D.S. team with information that a drug transaction had been completed and Mr. Maracle along with a young person, were to be arrested for Trafficking in a Narcotic.

One of the T.D.S. members was the first officer to arrive at the door. The officer entered the hallway and immediately announced that they were a police officer. The officer advised Mr. Maracle and the young person that they were both under arrest for Trafficking in a Narcotic. The young person punched the officer in the head and both the young person and Mr. Maracle began to fight with the officer. A second T.D.S. officer arrived in the hallway as this was taking place and witnessed Mr. Maracle punching the first officer in the head. The second officer intervened by taking physical control of Mr. Maracle. The young person produced a large knife and held it in a threatening manner toward the first officer. The first officer punched the young person several times causing the knife to fall to the floor. Both officers managed to take Mr. Maracle and the young person to the floor. A T.D.S. supervisor along with another officer arrived in the hallway and observed that both officers appeared to be involved in violent, assaultive struggles with both Mr. Maracle and the young person. The supervisor also observed the knife near the young person and the first officer. The supervisor ran to this officer’s aid and delivered a couple of closed hand punches to the young person’s torso in an effort to

end the struggle. The supervisor assisted this officer in handcuffing the young person. The additional officer assisted the second officer with handcuffing Mr. Maracle.

Mr. Maracle, the young person, and the first officer sustained minor injuries as a result of the struggle and arrest.

Toronto Paramedic Services attended the scene as requested by the officers and provided medical care to Mr. Maracle and the young person. Mr. Maracle was transported to St. Michael's Hospital where a Doctor diagnosed him with a fracture to his nasal bone.

On April 7, 2017, the S.I.U. was notified and invoked its mandate.

The S.I.U. designated one officer, as a subject officer; five other officers were designated as witness officers.

In a letter to the T.P.S. dated May 11, 2018, Director Tony Loparco of the S.I.U. advised that the investigation was completed, the file has been closed and no further action is contemplated.

The S.I.U. published a media release on May 16, 2018. The media release is available at: https://www.siu.on.ca/en/news_template.php?nrid=3902

Summary of the Toronto Police Service's Investigation:

Professional Standards Support (P.S.S.) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

P.S.S. examined the use of force in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The P.S.S. investigation reviewed the following T.P.S. procedures:

- Procedure 01-01 (Arrest)
- Procedure 01-03 (Persons in Custody)
- Procedure 03-06 (Guarding Persons in Hospital)
- Procedure 10-06 (Medical Emergencies)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-01 (Use of Force)
- Procedure 15-02 (Injury/Illness Reporting)
- Procedure 15-17 (In-Car Camera System)

The P.S.S. investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)
- Ontario Regulation 926 Section 14.3 (Use of Force Qualifications)

The P.S.S. investigation determined that the T.P.S.'s policies and procedures associated with the custody injury were found to be lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The conduct of the officers was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

MS/da

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Toronto Police Services Board Report

July 11, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury to Mr. Christopher Fleet

Recommendation(s):

It is recommended that the Toronto Police Services Board (Board) receive the following report.

Financial Implications:

There are no financial implications relating to the recommendation contained within this report.

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) is notified of an incident involving serious injury or death, provincial legislation directs that a chief of police shall conduct an administrative investigation.

Ontario Regulation 267/10, Section 11(1) states:

"The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the S.I.U. has been notified, subject to the S.I.U.'s lead role in investigating the incident."

Section 11(2) of the Regulation states:

"The purpose of the chief of police's investigation is to review the policies of or services provided by the police force and the conduct of its police officers."

Section 11(4) of the Regulation states:

“The chief of police of a municipal police force shall report his or her findings and any action taken or recommended to be taken to the board within 30 days after the S.I.U. director advises the chief of police that he or she has reported the results of the S.I.U.’s investigation to the Attorney General, and the board may make the chief of police’s report available to the public.”

Upon conclusion of its investigation, the S.I.U. provides the Toronto Police Service (T.P.S.) with a letter. The S.I.U. does not provide the T.P.S. with a copy of the report that was provided to the Attorney General.

Discussion:

On April 26, 2017, at approximately 2130 hours, as a result of an ongoing Toronto Police Service (T.P.S.) 55 Division Major Crime Unit (M.C.U.) investigation into illicit drug transactions, officers executed a *Controlled Drugs and Substances Act* search warrant at 1169 Danforth Avenue, apartment 29.

Officers of 55 Division M.C.U. executed the warrant. Upon entering the apartment, the officers located five persons, who all were arrested without incident. One of those arrested was later identified as Mr. Christopher Fleet. Mr. Fleet had been handcuffed and was walked out of the building by officers to a waiting police vehicle. Another arrested person was also lodged into the rear of this police vehicle. Mr. Fleet was then transported to 55 Division to be held in custody pending court for the drug related offences. Mr. Fleet was booked into 55 Division by the Officer-in-Charge. Mr. Fleet did not complain of any injuries and was lodged into the cells.

On April 27, 2017, at 0720 hours, Mr. Fleet complained to a Sergeant of soreness and swelling to his right leg. Mr. Fleet indicated that he hurt his leg while getting into the back of the police vehicle.

Officers transported Mr. Fleet to St. Michael’s Hospital for medical assessment. Mr. Fleet was diagnosed with a fractured fibula.

On April 27, 2017, the S.I.U. was notified and invoked its mandate.

The S.I.U. designated two police officers, as subject officers; thirteen other officers were designated as witness officers.

In a letter to the T.P.S. dated June 22, 2018, Director Tony Loparco of the S.I.U. advised that the investigation was completed, the file has been closed and no further action is contemplated.

The S.I.U. Director’s Report, Mr. Loparco states; *“on all of the evidence from both the civilian witnesses and the various video obtained, which confirmed the evidence of the*

police officers, I can find no evidence that the Complainant sustained his injury at the hands of the police.”

The S.I.U. published a media release on June 27, 2018. The media release is available at: https://www.siu.on.ca/en/news_template.php?nrid=4027

Summary of the Toronto Police Service’s Investigation:

Professional Standards Support (P.S.S.) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

P.S.S. examined the use of force in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The P.S.S. investigation reviewed the following T.P.S. procedures:

- Procedure 01-01 (Arrest)
- Procedure 01-03 (Persons in Custody)
- Procedure 02-18 (Executing a Search Warrant)
- Procedure 03-06 (Guarding Persons in Hospital)
- Procedure 10-06 (Medical Emergencies)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-01 (Use of Force)
- Procedure 15-02 (Injury/Illness Reporting)
- Procedure 15-17 (In-Car Camera System)

The P.S.S. investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)
- Ontario Regulation 926 Section 14.3 (Use of Force Qualifications)

The P.S.S. investigation determined that the T.P.S.’s policies and procedures associated with the applied use of force were found to be lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The conduct of the officers was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

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Toronto Police Services Board Report

July 25, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Chief's Administrative Investigation: Alleged Sexual Assault of Sexual Assault Complainant 2018-G

Recommendation(s):

It is recommended that the Toronto Police Services Board (Board) receive the following report.

Financial Implications:

There are no financial implications relating to the recommendations contained within this report.

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) is notified of an incident involving serious injury or death, provincial legislation directs that a chief of police shall conduct an administrative investigation.

Ontario Regulation 267/10, s.11(1) states:

"The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the S.I.U. has been notified, subject to the S.I.U.'s lead role in investigating the incident."

Section 11(2) of the Regulation states:

"The purpose of the chief of police's investigation is to review the policies of or services provided by the police force and the conduct of its police officers."

Section 11(4) of the Regulation states:

“The chief of police of a municipal police force shall report his or her findings and any action taken or recommended to be taken to the board within 30 days after the S.I.U. director advises the chief of police that he or she has reported the results of the S.I.U.’s investigation to the Attorney General, and the board may make the chief of police’s report available to the public.”

Upon conclusion of its investigation, the S.I.U. provides the Toronto Police Service (T.P.S.) with a letter. The S.I.U. does not provide the T.P.S. with a copy of the report that was provided to the Attorney General.

Discussion:

On November 23, 2015, at about 2000 hours, uniform police constables from 41 Division Community Response Unit (C.R.U.) were patrolling in the area of 6 Glamorgan Avenue. This property is part of the Toronto Community Housing Corporation (T.C.H.C.). The officers were detailed to heightened patrol activity in the area, paying special attention to potential property and drug offences.

Their supervisory officer was patrolling the area in a plainclothes capacity and operating an unmarked vehicle. He observed a vehicle parked at the rear of 6 Glamorgan Avenue and noted that it had been idling there for several minutes. It was parked in the rear parking lot several feet away from the building in a parking spot. He detailed uniform officers to investigate the vehicle and the occupants.

The officers went to the rear of the building and proceeded to investigate the lone occupant, the driver. One of the officers approached the driver and engaged them in conversation. The officer asked if the person was an occupant of the building. The person replied that they were not a resident and began to complain about being singled out. The officer then asked the person for identification and explained his authorities under the *Trespass to Property Act*, (*T.T.P.A.*) and the person refused to identify themselves.

The officers have the authority to enforce the *T.T.P.A.* in relation to properties owned and managed by T.C.H.C.

The person was again told by the officer that he was investigating them under the *T.T.P.A.* and that they were required to identify themselves. The person refused and the Constable opened the vehicle door, took control of the person’s arm and removed them from the idling vehicle. The person was placed under arrest for the offence of Failing to Identify themselves and placed in handcuffs.

A second officer assisted in placing the person under arrest as they were becoming verbally aggressive and abusive with the first officer. Once placed under arrest, the first officer conducted a Level 2 search incident to the arrest and located their identification.

The officers continued their at-scene investigation of 2018-G and subsequently released them unconditionally from custody. 2018-G entered their car and left the scene.

Once 2018-G left the scene, the officers met with their supervisor to update him on the results of their investigation into the idling vehicle. The arresting officer told the supervisor about the events and the fact that despite arresting 2018-G, the person was released without being charged with a trespassing offence.

The supervisor resumed his patrol and at about 2040 hours was again near the rear parking lot of 6 Glamorgan Drive. He observed 2018-G's vehicle once again in the lot. The supervisor approached the vehicle, identified himself to 2018-G, and engaged them in conversation. 2018-G complained to the supervisor about their perception of the officers' misconduct in investigating and arresting them. 2018-G was advised of the complaint process with respect to filing a complaint with the Office of the Independent Police Review Director (O.I.P.R.D.). 2018-G did not appear satisfied with the outcome of the conversation with the supervisor and began to yell and shout their displeasure. The supervisor left the scene and resumed his duties.

On December 1, 2015, 2018-G filed a complaint with the O.I.P.R.D. alleging that on November 23, 2015, they were investigated at the rear of 6 Glamorgan Avenue and that they were handcuffed and searched without explanation. 2018-G further stated that they were physically, sexually and verbally abused.

On December 15, 2015, the complaint file was assigned to the T.P.S. for investigation and given to a Detective, who was the assigned Unit Complaint Coordinator at 41 Division.

On March 11, 2016, the Detective interviewed 2018-G and they alleged that they were sexually assaulted during the search.

The S.I.U. was notified and invoked its mandate.

The S.I.U. designated one officer, as a subject officer; five other officers were designated as witness officers.

The Director of the S.I.U. did not publish any media releases in this investigation

In a letter to the T.P.S. dated October 20, 2017, Director Tony Loparco of the S.I.U. advised that the investigation was completed, the file has been closed and no further action is contemplated.

Summary of the Toronto Police Service's Investigation:

Professional Standards Support (P.S.S.) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

P.S.S. examined the applied use of force in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The *Police Services Act*, section 95 requires a police service to keep confidential the conduct issues in relation to its members, except in specific circumstances. The public release of this document does not fall within one of those exemptions.

The P.S.S. investigation reviewed the following T.P.S. procedures:

- Procedure 01-01 (Arrest)
- Procedure 01-02 (Search of Persons)
- Procedure 01-03 (Persons in Custody)
- Procedure 05-05 (Sexual Assault)
- Procedure 13-02 (Uniform External Complaint Intake/Management)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-01 (Use of Force)
- Procedure 15-17 (In-Car Camera System)

The P.S.S. investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)
- Ontario Regulation 926 Section 14.3 (Use of Force Qualifications)
- *Trespass to Property Act* Section 9(1)

The P.S.S. investigation determined that the T.P.S.'s policies and procedures associated with the applied use of force were found to be lawful, in keeping with current legislation and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

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