



**Public Meeting**

**Tuesday December 18, 2018**

**Auditorium – Police Headquarters  
1:30 PM**

**PUBLIC MEETING AGENDA**  
Tuesday, December 18, 2018 at 1:30 PM  
Auditorium 40 College Street, 2<sup>nd</sup> Floor

[www.tpsb.ca](http://www.tpsb.ca)

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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 November 22, 2018

Presentation

2. December 5, 2018 from Uppala Chandrasekera and Notisha Massaquoi Co-Chairs, Anti-Racism Advisory Panel (ARAP)  
**Re: Toronto Police Services Board's Anti-Racism Advisory Panel (ARAP) – Quarterly Update**

Items for Consideration

3. September 17, 2018 from Mark Saunders, Chief of Police  
**Re: Special Constables: Toronto Community Housing Corporation, Increase in Approved Strength**
4. November 2, 2018 from Mark Saunders, Chief of Police  
**Re: Amendment to Increase the value of the Existing Contract for 2019 - Vendor of Record Bell Canada for VMware AirWatch Software, Maintenance and Professional Services**
5. November 13, 2018 from Mark Saunders, Chief of Police  
**Re: Clinical Psychological Assessments**
6. November 28, 2018 from Andy Pringle, Chair  
**Re: School Crossing Guards – 2019 Hourly Wage Rates**

7. December 3, 2018 from Mark Saunders, Chief of Police  
**Re: Request for Use of the Board Special Fund: Funeral Costs for PC Sam Sun #9709**
8. November 22, 2018 from Mark Saunders, Chief of Police  
**Re: Toronto Police Service Calls Made to the Canada Border Services Agency**
9. November 16, 2018 from Wendy Walberg, City Solicitor, City of Toronto Legal Services  
**Re: Inquest into the Death of Kwasi Skene-Peters – Verdict and Recommendations of the Jury**

#### Consent Agenda

10. October 11, 2018 from Central Joint Health and Safety Committee  
**Re: Public Minutes of Meeting No. 63 held on October 11, 2018**
11. July 5, 2018 from Mark Saunders, Chief of Police  
**Re: Chief's Administrative Investigation into the Alleged Sexual Assault of Sexual Assault Complainant 2018-L**
12. August 19, 2018 from Mark Saunders, Chief of Police  
**Re: Chief's Administrative Investigation into the Alleged Sexual Assault of Sexual Assault Complainant 2018-O**
13. August 31, 2018 from Mark Saunders, Chief of Police  
**Re: Chief's Administrative Investigation: Alleged Sexual Assault of Sexual Assault Complainant 2018-N**

14. September 14, 2018 from Mark Saunders, Chief of Police

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

15. September 18, 2018 from Mark Saunders, Chief of Police

**Re: Chief's Administrative Investigation: Custody Injury of Mr. A.H.**

16. September 21, 2018 from Mark Saunders, Chief of Police

**Re: Chief's Administrative Investigation into the Vehicle Injuries to Ms. Titilayo Lanlokun**

Adjournment

Next Meeting

January 2019 – exact date and time to be determined

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#### **Members of the Toronto Police Services Board**

Andy Pringle, Chair  
Uppala Chandrasekera, Member  
Ken Jeffers, Member

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

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



## Toronto Police Services Board Report

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December 5, 2018

To: Chair and Members  
Toronto Police Services Board

From: Uppala Chandrasekera and Notisha Massaquoi  
Co-Chairs, Anti-Racism Advisory Panel (ARAP)

**Subject: Toronto Police Services Board's Anti-Racism Advisory Panel (ARAP) – Quarterly Update**

**Recommendation(s):**

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

**Financial Implications:**

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

**Background / Purpose:**

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:

17. 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 meeting of April 18, 2018 the Board approved a document pertaining to the establishment of the Anti-Racism Advisory Panel (ARAP), detailing its mandate, terms of reference, as well as a number of other relevant issues. (Min. No. P62/18 refers) At its meeting of August 23, 2018, the Board approved the recommended membership of ARAP (Min. No. 158/18 refers).

As part of the establishment of ARAP, it was stated that “ARAP will provide regular quarterly reports, highlighting the key activities of ARAP.” This is the first of these updates.

## **Discussion:**

ARAP met for the first time on October 15, 2018. This introductory meeting included an acknowledgement of the death of Andrew Loku so that the work of ARAP could start with a foundation of the significance of that event. The first meeting was focused on having the members learn about what each brings to the table, becoming grounded to their roles, and the development of a workplan for moving forward.

ARAP met for the second time on December 3, 2018. This meeting was focused on providing presentations in a number of areas, such as key concepts in anti-Black racism and mental health and addictions, racism and mental health, racism and policing. It also included an overview of the relevant units and initiatives of the Toronto Police Service, including the Professional Standards Unit, Diversity and Inclusion, the Aboriginal Peacekeeping Unit and a number of mental health and addictions initiatives.

The work of ARAP is focused on the establishment of a monitoring framework for the Board to use in assessing the response to and implementation of each of the inquest recommendations directed to the Toronto Police Service and the Toronto Police Services Board, including the creation of key benchmarks and performance indicators addressing each recommendation.

The Board has also requested that ARAP receive the Board’s existing Policy concerning data collection and develop recommendations to improve the Policy. This work will consider the legitimate concerns surrounding the impact of race-based data collection on interactions between police and members of Toronto’s racialized communities, and look to collect this data in a manner that will increase transparency and strengthen the connection between the Board, the Service and Toronto’s communities.

## **Conclusion:**

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

Respectfully submitted,



Uppala Chandrasekera  
Co-Chair  
Anti-Racism Advisory Panel (ARAP)



Notisha Massaquoi  
Co-Chair



## Toronto Police Services Board Report

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September 17 , 2017

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Special Constables: Toronto Community Housing Corporation, Increase in Approved Strength**

### **Recommendation(s):**

It is recommended that the Board approve the request from the Toronto Community Housing Corporation (T.C.H.C.) to increase their approved authorized strength of Special Constables from 160 to 300.

### **Financial Implications:**

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

### **Background / Purpose:**

Under Section 53 of the *Police Services Act of Ontario*, the Board is authorized to appoint and re-appoint special constables, subject to the approval of the Minister of Community Safety and Correctional Services. Pursuant to this authority, the Board now has agreements with the University of Toronto (U of T), Toronto Community Housing Corporation (T.C.H.C.) and Toronto Transit Commission (T.T.C.) governing the administration of Special Constables (Min. Nos. P571/94, P41/98 and P154/14 refer).

T.C.H.C., Community Safety Unit is requesting that the Board increase their approved strength from 160 to 300 Special Constables.



T.C.H.C. is the largest social housing provider in Canada. Their portfolio includes nearly 60,000 residential units in 2,100 buildings. T.C.H.C.'s Community Safety Unit serves more than 110,000 people across 50 million square feet of residential space throughout the year by delivering safety programs to residents, securing their buildings and providing corporate security.

T.C.H.C. Special Constables are comprised of Constables, Field Supervisors and District Managers. They are appointed to enforce the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act*, the *Trespass to Property Act*, the *Liquor License Act* and the *Mental Health Act* on T.C.H.C. properties within the City of Toronto.

They are charged with the responsibility of securing the T.C.H.C. facilities while ensuring the safety and security of their communities. In 2017, the T.C.H.C.'s Community Safety Unit responded to 38,872 incidents pertaining to requests for service and investigations relating to events on or near T.C.H.C. properties.

#### **Discussion:**

This enables the same officers to have a frequent and consistent presence in that community. Increasing the approved complement of Special Constables will assist the Community Safety Unit in achieving the goals they have set through this new deployment model.

With the increase of residents in T.C.H.C. facilities so have the requirements of T.C.H.C. Special Constables. With the additional officers the Community Safety Unit will be able to meet the growing demands placed upon them and also implementing new strategies .

Table 1 Name of Agency, Approved Strength and Current Number of Special Constables

Agency	Approved Strength	Current Complement
Toronto Community Housing Corporation	160	117

#### **Conclusion:**

The Toronto Police Service continues to work together in partnership with the agencies to identify individuals who may be appointed as Special Constables who will contribute positively to the safety and well-being of persons engaged in activities on T.T.C., T.C.H.C. and U of T properties within the City of Toronto.

The Toronto Police Service Special Constable Liaison Office is in support of the request from the Toronto Community Housing Corporation to increase their approved authorized strength of Special Constables from 160 to 300. We are confident that T.C.H.C. can manage this increase and it would be beneficial to both the T.C.H.C. and the Toronto Police Service.

A representative from T.C.H.C. and Deputy Chief James Ramer, Specialized Operations Command, will be in attendance to answer any questions that the Board may have with respect to this report.

Respectfully submitted,

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

BoardReportTCHCSeptember2018.docx

## **BUSINESS CASE**

### **Increase Special Constable Strength**

#### **Toronto Community Housing, Community Safety Unit**

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**Date:** September 10, 2018

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#### **PURPOSE:**

Toronto Community Housing Corporation ("TCHC") is requesting Toronto Police Service Board (the "Board") increase its approved strength of Special Constables in the Community Safety Unit ("CSU") by 140. This will be an increase from the current approved strength of 160 to 300. The Special Constable designations will be shared amongst Special Constables and sworn supervision. TCHC's Security Services Section and the Toronto Police Service ("TPS") have enjoyed mutually supportive, effective, and efficient co-operation in law enforcement and security matters in relation to the property and operations of TCHC.

#### **BACKGROUND:**

Under Section 53 of the Police Services Act, R.S.O. 1990 the Board is authorized to appoint and re-appoint Special Constables, subject to the approval of the Minister of Community Safety and Correctional Services. Pursuant to this authority, the Board has agreements with TCHC, governing the administration of Special Constables (MOU dated September 13, 2002).

Special Constables are appointed to enforce the Criminal Code of Canada, Controlled Drugs and Substances Act, Trespass to Property Act, Liquor License Act and Mental Health Act on their respective properties within the City of Toronto. Special Constables are charged with the responsibility of securing TCHC facilities while ensuring the safety and security of TCHC communities. In 2017, Toronto Community Housing Special Constables responded to 38,872 incidents pertaining to requests for service and investigations of events on or related to Toronto Community Housing properties.

#### **RECOMMENDATION:**

TCHC is requesting the Board increase the approved strength of Special Constables from 160 to 300. With the increase in resident population and facilities used by the community, coupled with the growing expectations of safety, the CSU is requesting an increase to their Special Constable strength to meet the demands and violence reduction initiatives.



## Increase Special Constable Strength - TCHC

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### REASON FOR RECOMMENDATION:

TCHC is the largest social housing provider in Canada. Its portfolio includes nearly 60,000 residential units in 2,100 buildings. The CSU services approximately 110,000 people across 50 million square feet of residential space throughout the year, delivering safety programs to residents, securing TCHC buildings, and providing corporate security.

We continue to leverage our relationship with TPS. We are making deployment decisions that are intelligence and statistically based to put our resources where and when they are needed.

We work closely with other law enforcement agencies, in addition to our own patrols, we conducted 791 joint patrols with TPS in 2017. Furthermore, we partner on special projects and represent TCHC in community policing liaison committees. Recently, CSU joined a neighbourhood officer advisory committee ("NOPAC") where TCHC is supporting TPS in their pilot project in various TPS Divisions. CSU has assigned two Special Constables full time to the pilot to start in October 2018.

Toronto Community Housing represents 4% of the population of Toronto. In 2018 (Jan – Aug 31) TCHC properties represented 37.5% of the city's shootings and 21.9% of the city's homicides (See charts below).

On TCHC property as a % of TPS reported City events.					
	2014	2015	2016	2017	2018 (Jan-Aug 31)
<b>Shootings (regardless of level of injury)</b>	37.2%	40.8%	27.0%	26.0%	37.5%

On TCHC property - as a % of TPS reported City events.					
	2014	2015	2016	2017	2018 (Jan-Aug 31)
<b>Homicides -</b>					
Victims of shooting	40.7%	26.9%	22.2%	9.1%	37.8%
Victims of stabbing	20.2%	11.1%	14.6%	28.2%	12.5%
Victims of other	13.3%	8.3%	16.7%	18.2%	1% *
<b>Annual- TCHC homicides</b>	<b>28.1%</b>	<b>17.9%</b>	<b>16.2%</b>	<b>23.0%</b>	<b>21.9%</b>

\* 55% if data includes 11 victims of Yonge St van attack that CSU assisted with.

## Increase Special Constable Strength - TCHC

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Increasing the approved strength of Special Constables will assist in supporting CSU's core mandate of supporting TPS and achieving the following initiatives:

### **TCHC's Violence Reduction Strategy:**

This strategy supports the city-wide initiative to help reduce violence in the City of Toronto. TCHC identified 10 high risk neighborhoods that would benefit from increased security presence, community engagement, intelligence gathering and enforcement. Effective September 5<sup>th</sup>, TCHC has increased security presence by initially using G4S contract security staff and will eventually be replaced by TCHC Special Constables as they are hired, trained and deployed during 2019.

### **Area Pilot Projects:**

Broader Dan Harrison Community. To address historical and ongoing safety challenges at the Dan Harrison Complex and surrounding TCHC community, an enhanced community safety pilot project commenced September 2018. The pilot has eight Special Constables (days / nights x 2 rotations) including two sergeants, where regular patrols are conducted as well as responding to issues at surrounding buildings.

Greenwood Towers. A seniors' building pilot program was also conducted at Greenwood Towers in Q3 2018 with a focus on community safety and fire life safety. The objective of the pilot was to obtain a better understanding of tenant safety needs and enhancing tenant engagement and awareness, various activities were implemented. There were 460 interactions with the staff during this pilot, which was well-received by the tenants as it provided them with valuable information and offered them an additional channel to address their current concerns.

### **Community Assignments:**

CSU is now assigning Special Constables to specific buildings within their patrol zone for frequent foot patrols. These assignments have enhanced community engagement and familiarity with the buildings. This also supports the enhanced fire and life safety program by having officers consistently spot check fire equipment as well as respond to fire hazards such as obstructed exits, illegal dumping etc.

Implementing these strategies will assist in reducing anti-social activity, reduce anti-social behaviours that affect quality of life and potentially reduce violent crimes.

TCHC's CSU is equipped to manage the increase in strength. The 140 additional designations would be beneficial to both TCHC and the TPS.

## Increase Special Constable Strength - TCHC

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### FINANCIAL IMPLICATIONS:

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

Requested by: M. Bottoni  
Mona Bottoni, Manager CSU

Date: Sept 10, 2018

Recommended by: W. A.  
William Anderson, Chief Special Constable, CSU

Date: Sept. 10, 2018

Approved by: K. Milsom  
Kathy Milsom, President and Chief Executive Officer

Date: SEPT 19, 2018



## Toronto Police Services Board Report

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November 2, 2018

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Amendment to Increase the value of the Existing Contract for 2019 - Vendor of Record Bell Canada for VMware AirWatch Software, Maintenance and Professional Services**

### **Recommendations:**

It is recommended that the Board:

- (1) approve an amendment to increase the existing Vendor of Record (V.O.R.) contract with Bell Canada in the amount of \$222,000 (including taxes) for a total contract value of approximately \$706,000 for the period December 20, 2018 to December 19, 2019, to supply software licences, professional services and maintenance renewal.
- (2) authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form.

### **Financial Implications:**

The current contract value up to end of 2018 with Bell Canada (Bell) is \$484,000 (including taxes). The contract requires an increase of \$222,000 in 2019, which will bring the total contract value to approximately \$706,000. This increase to the existing contract is a result of additional licences, enhanced change and professional services associated with the Connected Officer project, as summarized below:

- Acquisition of new VMware AirWatch Software licences for new mobile devices, at an estimated amount of \$11,300.
- Acquisition of professional services for the review, configuration and verification of the Service's implementation of the VMware AirWatch Solution, which is outside of the Bell's current level of support. The estimated cost for these services is not expected to exceed \$28,000 for 2019.
- Additional maintenance services at an estimated amount of \$182,400.

The maintenance services provided to the Service are reviewed and paid for on an annual basis.

### **Background / Purpose:**

The purpose of this report is to provide the Board with an updated contract value and request Board approval to increase the existing contract for 2019 in the amount of \$222,000. The 2019 increase represents the maintenance renewal process for the V.O.R. Bell Canada. The total contract for the period December 20, 2018 to December 19, 2019 is estimated to cost \$706,000. As the contract value will now exceed the \$500,000 approval authority delegated to the Chief, under the Financial Control By-law, Board approval is required.

### **Discussion:**

In 2013, the Service purchased 500 VMware AirWatch licenses, piggy backing on the City of Toronto (C.O.T.) Request for Proposal (R.F.P. #2104-09-3051) contract #47014958, and as part of the Service's mobility project initiative for non-Blackberry devices. This contract included the provisions to procure additional licenses, professional services and maintenance renewal.

In 2015, the Service again planned on piggy backing on to the new C.O.T. contract issued under R.F.P. #2104-14-3019 (Wireless Telecommunication Service awarded to Bell Canada). Unfortunately, the C.O.T. contract renewal was not completed prior to the Service contract expiry date of December 19, 2015. The Service therefore issued a Request for Quotation (R.F.Q. #116017-16) for a V.O.R. to procure additional licences, professional services and maintenance services using the same terms and conditions included in the C.O.T. R.F.P. #2104-14-3019. The R.F.Q. V.O.R. was awarded to Bell with an estimated contract value amount for maintenance renewal of \$67,000 (including taxes).

In 2017 and 2018, the contract increased significantly beyond the regular maintenance renewal to a value of \$484,000 (including taxes), mainly due to the need for additional licenses, professional services and maintenance for Connected Officer modernization initiative.

The 2019 renewal process and projected additional licences required, as well as the potential need for professional services will exceed \$500,000, and under the Financial Control by-law requires Board approval. The remaining portion of the 2019 contract, which will terminate on December 19, 2019, will be included in a new procurement process for 2020.



To this end, the Service has two options:

- Leverage (Piggy Back) on existing contracts.
- Initiate a competitive process through the Services Purchasing Support Services Unit.

**Conclusion:**

This report requests Board approval of an increase in the current contract with Bell, as a result of increased maintenance support, acquisition of new licences and professional services for the period of December 20, 2018 to December 19, 2019. Board approval is now required as the new estimated contract amount for 2019 of \$706,000, will exceed the \$500,000 delegated authority in the Board's Financial Control By-law.

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

ZM/vfb

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2019 Renewal.docx



## Toronto Police Services Board Report

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November 13, 2018

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject:** Clinical Psychological Assessments

### **Recommendations:**

It is recommended that the Toronto Police Services Board (Board) approve:

1. FVB Psychologists as an additional vendor and the continued use of S.L. Jackson Psychology (the current vendor), to conduct pre-placement psychological examinations of applicants for the position of police constable, as well as pre-employment psychological examinations for candidates to other positions within the Toronto Police Service (Service), including but not limited to the pre-hire evaluation of civilian communication operators assigned to Communication Services, for a 23 month term from January 1, 2019 to November 30, 2020; and
2. an option to extend the contract with FVB Psychologists and S.L. Jackson, at the discretion of the Chief of Police, for one additional year to November 30, 2021, provided the terms and conditions are agreeable to both parties and satisfactory performance by the vendor.

### **Financial Implications:**

There is an existing non-exclusive contract for pre-placement and pre-employment psychological assessment services with S.L. Jackson Psychology with a contract term of January 10, 2018 to November 30, 2020 with approved funding of \$497,200 (including taxes) for the initial contract term and option period (December 1, 2020 to November 30, 2021). This was based on a pre-set fee of \$425 per assessment.

Since the initial funding approval for external contract psychological services, there has been a significant change in needs due to the increase in hiring of police constables by the Service. It is now anticipated that there will be an ongoing hiring pressure of approximately 300 constables per year to fill three classes annually.

Currently, the in-house corporate psychologists perform approximately 25% of new constable psychological assessments. The Wellness Unit is currently in the end stages of hiring one additional corporate psychologist to join the Service and one psychologist to replace an existing psychologist who is anticipated to retire in the spring of 2019. This will provide additional support for pre-placement psychological exams and increase our internal capacity to approximately 35%. The target hire date for these roles is January 2019.

Taking into account the use of in-house corporate psychologists, it is now estimated that funding in the amount of \$1.12 million (including taxes) will be required over the contract term (including the option year), to cover the cost of external psychological services and ensure the Service can meet the increased hiring needs of the Service. The required annual amounts have been incorporated in the Service's 2019 operating budget request and will be included in future year operating budget submissions.

The intention is to split the external psychological services approximately equally going forward between the current vendor (S.L. Jackson Psychology) and the recommended additional vendor (FVB Psychologists).

### **Background / Purpose:**

Pre-placement psychological assessments are a critical part of the Service's hiring process. The Service currently has three psychologists contracted with S.L. Jackson Psychology through November 30, 2020. However, with the ongoing and planned increase in hiring and to ensure hiring is not delayed, it has been determined that additional psychologists are required to support the increased requirement for pre-placement and pre-employment psychological examinations.

The purpose of this report is to provide the Board with information on the results of the Request for Services (R.F.S.) process, and to recommend the selected vendor for Board approval. In addition, the Service is requesting Board approval for the continued use of the current vendor, as the contract value for this vendor is now expected to exceed the \$500,000 delegated authority to the Chief, under the Financial Control By-law.

### **Discussion:**

A Request for Services for Clinical Psychologists was published on MERX. Eight suppliers downloaded the R.F.S. from MERX, but no submissions were received.

Purchasing contacted the eight vendors who had downloaded the R.F.S. on MERX to ask for feedback on why they decided not to submit a response. Three of the vendors responded, with two indicating that the \$550 per assessment pre-set fee was too low, and the third advised that after verification, they realized that the R.F.S. was not a good fit.

After consultation with and agreement from the People & Culture and Finance & Business Management pillars, and receiving confirmation that none of the other Greater Toronto Area (G.T.A.) police services had an existing contract on which the Service could piggyback, the R.F.S. was modified to remove the pre-set fee and instead requested that respondents submit their own proposed fee. R.F.S. # 1284963-18B was modified and re-issued on MERX on September 28, 2018.

To help promote/ensure awareness of the R.F.S. among the psychologist community, the Service's Wellness Unit sent a letter to an extensive list of G.T.A. area psychologists alerting them to the R.F.S. posting and an advertisement was also placed on the Ontario Psychological Association website.

Ten suppliers downloaded the re-issued R.F.S. from MERX, and four submissions were received, from the following suppliers:

- Calian Ltd.
- FVB Psychologists
- North York Rehabilitation Centre
- Sands Psychology Professional Corporation

After review of the four submissions, three respondents passed all of the mandatory requirements and were selected to move on to the next stage for an interview.

After interviewing the three remaining respondents and scoring based on the evaluation criteria, two respondents passed the acceptable scoring threshold and moved on to the next stage for price evaluation.

After clarifying the scope with both remaining respondents and both respondents revising their pricing and confirming best and final pricing, FVB Psychologists received the highest total score and also had the lowest price/fee, and is therefore recommended as the successful vendor.

Also, due to the change with this R.F.S. allowing for no pre-set fee, People & Culture pillar, in conjunction with the Purchasing Services Unit, agreed that to be fair to both the current vendor (S.L. Jackson Psychology) and the recommended vendor (FVB Psychologists), who will both be performing the same type of psychological assessments, the same fee (\$1245 per assessment) should be paid to both vendors.

## **Conclusion:**

As a result of a competitive procurement process and evaluation, FVB Psychologists achieved the highest total score. As well, their assessment fee has been negotiated and reduced by approximately half of their initial proposed fee.

It is therefore being recommended that the Board approve FVB Psychologists as an additional vendor to conduct pre-placement psychological examinations of applicants for the position of police constable, as well as pre-employment psychological examinations for candidates to other positions within the Service. The term of the contract covers the period January 1, 2019 to November 30, 2020, with an additional one-year extension option, at the discretion of the Chief of Police.

Barbara McLean, Deputy Chief, Human Resources Command, and Tony Veneziano, Chief Administrative Officer, will be in attendance to respond to any questions from the Board.

Respectfully submitted,

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

MS:IN:pt



## Toronto Police Services Board Report

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November 28, 2018

To: Members  
Toronto Police Services Board

From: Andy Pringle  
Chair

**Subject: School Crossing Guards – 2019 Hourly Wage Rates**

### **Recommendation(s):**

It is recommended that the Board receive the following report and approve the realignment of the School Crossing Guard hourly wage rates effective January 1, 2019.

### **Financial Implications:**

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

### **Background/Purpose:**

At its meeting on December 14, 2017 (Min. No. #P269/17 refers), the Board approved a report recommending increases to the hourly wage rates of School Crossing Guards effective January 1, 2018 and January 1, 2019.

The purpose of this report is to update the Board with respect to the compensation of School Crossing Guards as a result of amendments made to the *Employment Standards Act, 2000* ("ESA") by Bill 47, the *Making Ontario Open for Business Act, 2018* ("Bill 47"), and to recommend that the hourly wage rate for School Crossing Guards be realigned with the revised provincial minimum wage effective January 1, 2019.

### **Discussion:**

On November 21, 2018, Bill 47 was passed by the Legislative Assembly of Ontario and received Royal Assent. Bill 47 repeals or amends numerous amendments made to the ESA in 2017 which were enacted in the *Fair Workplaces, Better Jobs Act, 2017* ("Bill 148"). Among the amendments, Bill 47 eliminates the planned increase to the minimum

wage to \$15.00 per hour as of January 1, 2019. The minimum wage will now be frozen at \$14.00 per hour until annual inflationary adjustments restart in 2020.

A review of the hourly rates for the School Crossing Guards has determined that effective January 1, 2019 the wage grid will no longer align to the revised provincial minimum wage. In order to ensure legislative compliance and alignment with the provincial minimum wage, it is recommended that the Board realign all steps in the 2019 wage grid to the current 2018 wage rates:

<b>Step/Years of Service</b>	<b>Current Hourly Rates</b>	<b>Approved 2019 Hourly Rates</b>	<b>Recommended 2019 Hourly Rates</b>
1/1 <sup>st</sup> year	\$14.00	\$15.00	\$14.00
2/2 <sup>nd</sup> year	\$14.00	\$15.00	\$14.00
3/3 <sup>rd</sup> year	\$14.13	\$15.00	\$14.13
4/20+ years	\$14.44	\$15.00	\$14.44

### **Conclusion:**

In light of the foregoing, it is recommended that the Board receive this report and approve the realigned hourly wage rates of the School Crossing Guards effective January 1, 2019.

I will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Andy Pringle  
Chair



## Toronto Police Services Board Report

---

December 03, 2018

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Request for Use of the Board Special Fund: Funeral Costs  
for PC Sam Sun #9709**

### **Recommendation(s):**

It is recommended that the Board approve an expenditure in the amount of \$29, 488.83 from the Board's Special Fund to assist the family of Police Constable Sam Sun in the payment of funeral costs associated to his sudden passing.

### **Financial Implications:**

The Board's Special Fund would be depleted in the amount of \$29, 488.83

### **Background / Purpose:**

Constable Sam Sun passed away suddenly, in his home, on November 6, 2018. At the time of his death, Constable Sun was an active member of the Toronto Police Service assigned to 42 Division, and had 12 years of service.

Constable Sun was involved in an on-duty incident in the days prior to his death in which he attended hospital for treatment. An autopsy was conducted and it is not known conclusively whether the on-duty incident played a role in his untimely death.

Due to the nature of his death and the events that transpired prior, the Toronto Police Service has committed to the family to pay for the unexpected funeral bill for Constable Sam Sun.



**Discussion:**

Funeral arrangements for Constable Sun have been finalized and the funeral was held on November 23, 2018; the total cost associated to his funeral was \$29, 488.83. Funds from the Board's special fund are being requested to cover the costs associated to his funeral expenses. The cost break down is provided below:

Funeral Home	\$27, 755.53
Florist	\$ 1130.00
Printing of Program	\$ 603.30

Approximately 700 people were in attendance at this funeral, which were made up of Service members, family and relatives.

Although this request does not fit within the 6 delegated categories as defined within the Board Policy #112 – Special Fund, administrative process #11 directs that:

11. The Board, on a case-by-case basis, may consider exceptions to this policy. Exceptions must be clearly stated in the Board report requesting funding

This report is requesting funding from the Board's Special Fund as an exception to the above-noted policy and is a one-time request.

**Conclusion:**

It is recommended the Board approve of the request for funds from the Board's Special Fund as outlined within this report.

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

special fund – PC Sam Sun funeral.docx

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## Toronto Police Services Board Report

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November 22, 2018

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Toronto Police Service Calls Made to the Canada Border Services Agency**

### **Recommendation(s):**

It is recommended that the Board receive this report.

### **Financial Implications:**

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

### **Background / Purpose:**

At its meeting on August 24, 2017, the Board received a report from the Chief entitled "Review of Inquiries Made to the Canada Boarder Services Agency" (Min. No. P182/17 refers). That report outlined steps the Toronto Police Service (Service) was taking to investigate calls made to the Canada Board Services Agency (C.B.S.A.) and the justification for such calls.

### **Discussion:**

Data related to interactions between the Toronto Police Service (Service) and persons subject to the Immigration and Refugee Protection Act (I.R.P.A.) is contained in the following reports:

- "Response to City Council Motions – Access to City Services for Undocumented Torontonians", authored by the Service, (Min. No.s P57/17 and P137/17), and;
- ["Often Asking, Always Telling: The Toronto Police Service and the Sanctuary City Policy, November 2015"](#), authored by No One is Illegal – Toronto (Appendix A).

Data contained in the Service-authored report was obtained from internal Service information systems. Data contained in the report authored by No One Is Illegal – Toronto was obtained from the C.B.S.A. through multiple Freedom of Information requests.

The purpose of this report is to outline the steps the Service has taken to investigate a data variance existing between the above mentioned reports (Min. No. P137/17). During the time period of 2014 – 2016, the Service reported a total of 684 general occurrences that involved a component of the Immigration and Refugee Protection Act. During the shorter time period of November 4, 2014 – June 28, 2015, No One Is Illegal – Toronto reported a total of 3,278 calls made by the Service to the C.B.S.A.

In order to provide a fulsome response to the Board on this apparent discrepancy and the justification for such calls, the Service sought additional information from the C.B.S.A. regarding the 3,278 calls. A request for this additional information was submitted to the C.B.S.A. on July 11, 2017. The Service was in receipt of a response from the C.B.S.A. on April 21, 2018. The Service further engaged in multiple discussions with the C.B.S.A. to seek additional clarification on details in the agency's response document.

### **Service Calls to the C.B.S.A. Made November 4, 2014 – June 28, 2015**

The Service asked the C.B.S.A. to provide details on the nature and outcome of their incoming phone calls from the Service. Specifically, the Service sought deeper information on the data provided by the C.B.S.A. for the time period of November 4, 2014 – June 28, 2015 used in the report authored by No One Is Illegal – Toronto.

In response, the C.B.S.A. explained there is a lawful authority under the *Immigration and Refugee Protection Act* (I.R.P.A.) and various regulations for the agency to collect information and conduct immigration enforcement activities, including the powers of arrest, detention and removal. The C.B.S.A. is not authorized to collect information if the sole purpose of the collection is not related to its mandate. Information that is collected by the C.B.S.A. may be disclosed to law enforcement partners where authorized by the applicable legislation.

Regarding incoming call tracking, the C.B.S.A. explained that when contacted by any law enforcement agency, the call is categorized for statistical reporting purposes. Call categories have been created using agency-specific language to support the C.B.S.A.'s own mandate, internal process, and reporting needs. An incoming call is first categorized based on the initial assessment of the call. While a call may be initiated for one reason, often the resulting review of the file by the C.B.S.A. reveals additional information that is relevant. For that reason, the C.B.S.A. categorizes a majority of incoming calls as 'status check' or 'other' as the primary reason for the call. Subsequently, this is how the calls are reported in C.B.S.A. systems for statistical purposes. The varied nature of the calls classified as "status check" or "other", as

outlined below, show that caution should be used when making inferences on what a “status check” or “other” type of call means at the local police level.

Additionally, further verification and clarification from an initial call often results in subsequent phone calls from the law enforcement agency to the C.B.S.A., which in turn are statistically tracked as their own calls. Therefore, often one occurrence is statistically tracked by the C.B.S.A. as multiple calls.

Regarding the time period of November 4, 2014 – June 28, 2015 and the 3,278 calls to the C.B.S.A. that No One Is Illegal – Toronto reported on, the C.B.S.A. could not provide specific details on the content of the files due to confidentiality. The C.B.S.A. could, however, provide a list of the reasons the Service made those calls to the C.B.S.A. and the type of information that was in turn released. The reasons the Service contacted the C.B.S.A. are bona fide and legally justifiable. They are as follows, as provided by the C.B.S.A.:

- To confirm immigration status of an individual subject to an ongoing criminal investigation. Status check revealed the individual was either ‘out of status’ or a ‘previously deported person’ and was therefore subject to an immigration arrest without warrant. These calls were often recorded as ‘status check’ as this was the primary reason for the call, even though it may have resulted in subsequent immigration enforcement activity;
- To receive assistance confirming the identity of an individual subject to a criminal investigation who had provided multiple names/identities. The C.B.S.A. Warrant Response Centre (W.R.C.) reviewed their databases to assist in the confirmation of identity and immigration status known to the C.B.S.A. These calls were recorded as ‘status check’;
- To confirm an immigration warrant or ‘previously deported person’ flag found in the Canadian Police Information Centre (C.P.I.C.) database. The C.B.S.A. – W.R.C. confirmed the ‘warrant’ or ‘previously deported person’ information and, as required, provided a copy of the warrant and/or photo for identification purposes;
- To confirm immigration status for an individual subject to criminal charges. This information is required for Crown brief/bail consideration. The C.B.S.A. – W.R.C. validated, provided information, and forwarded this information to a local C.B.S.A. office to initiate court tracking as a subsequent conviction may result in immigration enforcement action. These calls were recorded as ‘status check’;
- To inquire on an issue that falls within the C.B.S.A. mandate, but not about a specific individual (for example, to obtain information on C.B.S.A. enforcement

processes). The C.B.S.A. – W.R.C. officer either provided the requested information or referred the officer to a local C.B.S.A. Inland Enforcement Officer for further details.

- To inquire on an immigration related matter outside of the C.B.S.A. mandate (for example, immigration information held by Immigration, Refugees and Citizenship Canada (I.R.C.C.) on visa processing). The C.B.S.A. – W.R.C. provided website information for I.R.C.C. as the I.R.C.C. does not have a call centre that deals with questions related to general immigration information;
- To report the possible abuse of a foreign national or the violation of an employment contract by a Canadian employer. Provided the foreign national has valid status (where no C.B.S.A. Inland Enforcement action is warranted), such calls/information were redirected to Employment and Social Development Canada who have the primary mandate over employer compliance. The calls were recorded as 'status check' or 'other' type of call;
- To request general passport information. This is outside the C.B.S.A. mandate and such calls were re-directed to I.R.C.C. who administers the passport program. These calls were recorded as 'other';
- To request exit data information (for example, to identify if a person subject to a criminal warrant, missing person, etc. has departed Canada). This information is not available and these calls were recorded as 'status check';
- To provide an 'immigration tip' that was originally provided by a member of the public to a local police station. The C.B.S.A. – W.R.C. re-directed the tips to a regional C.B.S.A. Inland Enforcement office for review/action;
- To obtain an address of a foreign national whose passport was turned into a police station as a 'lost/stolen' item. The C.B.S.A. – W.R.C. does not release contact details on these matters and directed the Service to contact the Embassy/Consulate of the document. These calls were recorded as 'status check' or 'other';
- To obtain information on immigration procedures (for example, applying for an extension of visitor status or study/work permit) to assist a victim of crime (for example, domestic assault, sexual assault, etc.) in order for them to remain in Canada for trial. The C.B.S.A. – W.R.C. officer validated status and provided the Service with information on applying for an extension of status. These calls were recorded as 'status check'.

## **Future Calls Made to the C.B.S.A.**

The nature of, and ability to report on, the data that the Service and the C.B.S.A. collect is dependent upon their individual mandates. Due to different mandates, the Service and the C.B.S.A. collect different categories of information. For that reason, Service and C.B.S.A. statistics do not correlate.

The Service does, and will continue to, record all general occurrences where there is an I.R.P.A. component that overlaps with the Service's mandate. The Service records management system is focused on tracking occurrences that are criminal in nature and is limited in how it can report on I.R.P.A. violations and interactions with the C.B.S.A. call centre. The Service does not capture phone calls made to external agencies. Integrating a phone logging process to track an external agency's incoming calls is outside the Service's mandate.

The C.B.S.A. tracks phone calls made to their agency and any pertinent details, as prescribed by their mandate. The C.B.S.A. uses agency-specific terminology to categorize incoming calls to meet the agency's internal tracking needs and purposes. The varied nature of calls classified as "status check" or "other", as outlined in this report, show that caution should be used when applying C.B.S.A. specific terminology and statistics to explain enforcement activity at the local police level. For details on calls made to the C.B.S.A. and other items falling under the agency's mandate, requests are best made directly to the C.B.S.A.

To better support the C.B.S.A. in tracking and categorizing incoming calls, the Service will issue a Routine Order to raise awareness to its membership on the importance of clearly articulating the reason for their call to the C.B.S.A. and to ensure this articulation is provided at the onset of the call. The Service will continue to make inquiries to the C.B.S.A. for bona fide law enforcement reasons.

## **Conclusion:**

In order to investigate the nature and outcomes of phone calls it has made to the C.B.S.A., the Service asked for more information from the agency. The C.B.S.A. responded with an explanation of their statistical tracking methods, an explanation for the data discrepancy between Service statistics and C.B.S.A. statistics, and the bona fide reasons the Service makes calls to the C.B.S.A.

The service will continue to exercise its bona fide police duties where the I.R.P.A. and the Service mandate overlap, and will continue to track such general occurrences in the Service records management system.

The Service will raise awareness to its membership on the importance of clearly articulating the reason for their call to the C.B.S.A. call centre, for the purpose of assisting the agency in categorizing incoming calls. The Service will do this by way of issuing a Routine Order.

Deputy Chief Peter Yuen, Communities and Neighbourhoods 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

## **Appendix A**

Report Title - Often Asking, Always Telling: The Toronto Police Service and the Sanctuary City Policy, November 2015

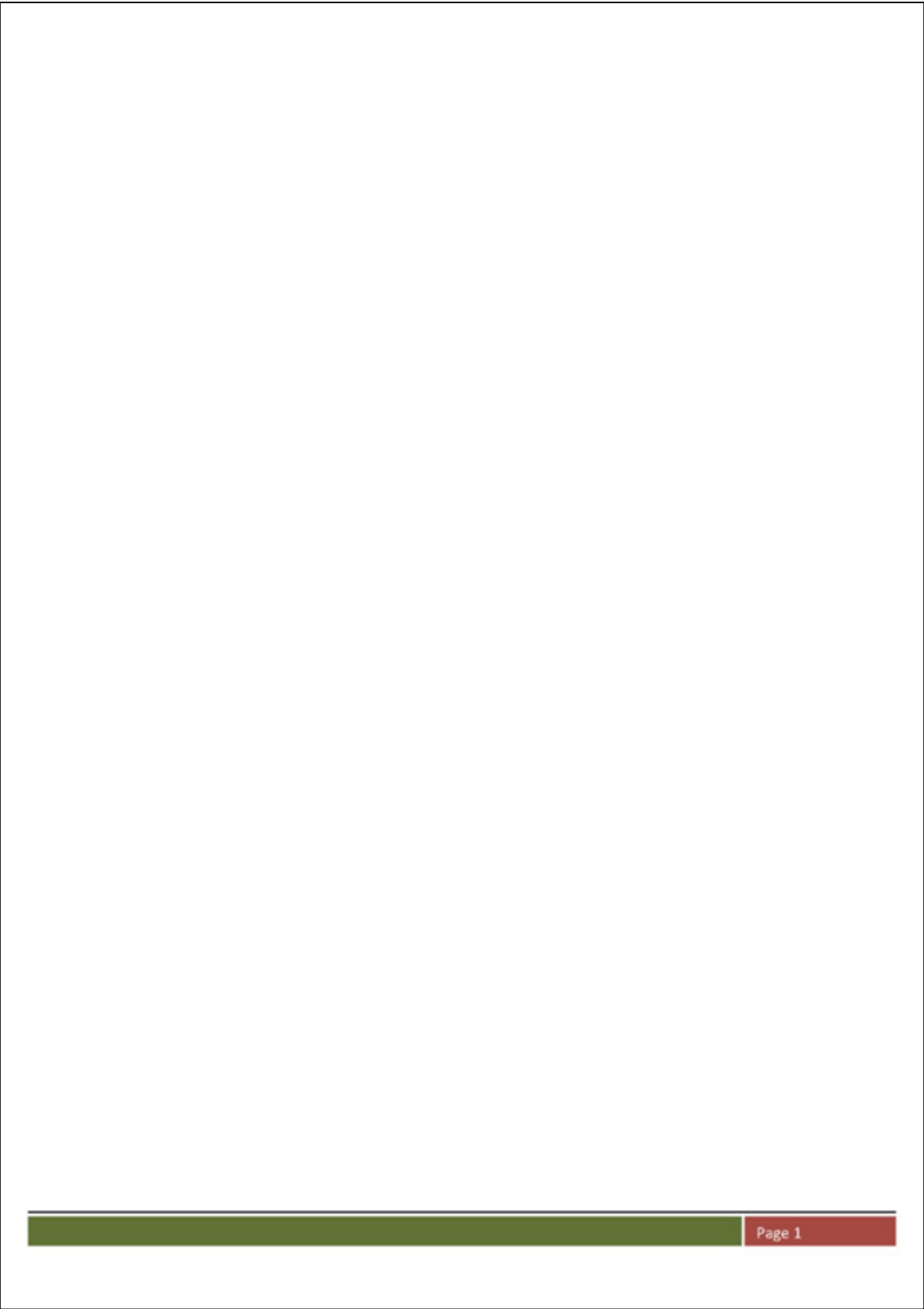


# **OFTEN ASKING, ALWAYS TELLING:**

**The Toronto Police Service  
and the Sanctuary  
City Policy**



**November 2015**



**We humbly acknowledge that our work takes place on traditional territories defended by the Mississaugas of the New Credit First Nation, Haudenosaunee People and the Wendat Nation.**

**And with deep thanks to those who shared their stories.**

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## **About No One is Illegal - Toronto**

**Often Asking, Always Telling: The Toronto Police Service and the Sanctuary City Policy** is a project of No One Is Illegal-Toronto.

**No One is Illegal-Toronto** is a grassroots, anti-colonial, migrant justice group with leadership from members of migrant and/or racialized backgrounds. We are an all-volunteer group; none of our organizers are paid.

We are a group of immigrants, refugees and allies who fight for the rights of all migrants to live with dignity and respect. We believe that granting citizenship to a privileged few is a part of racist immigration and border policies designed to exploit and marginalize migrants. We work to oppose these policies, as well as the international economic policies that create the conditions of poverty and war that force migration. At the same time, it is part of our ongoing work to support and build alliances with Indigenous peoples in their fight against colonialism, displacement and the ongoing occupation of their land.

### **Contact**

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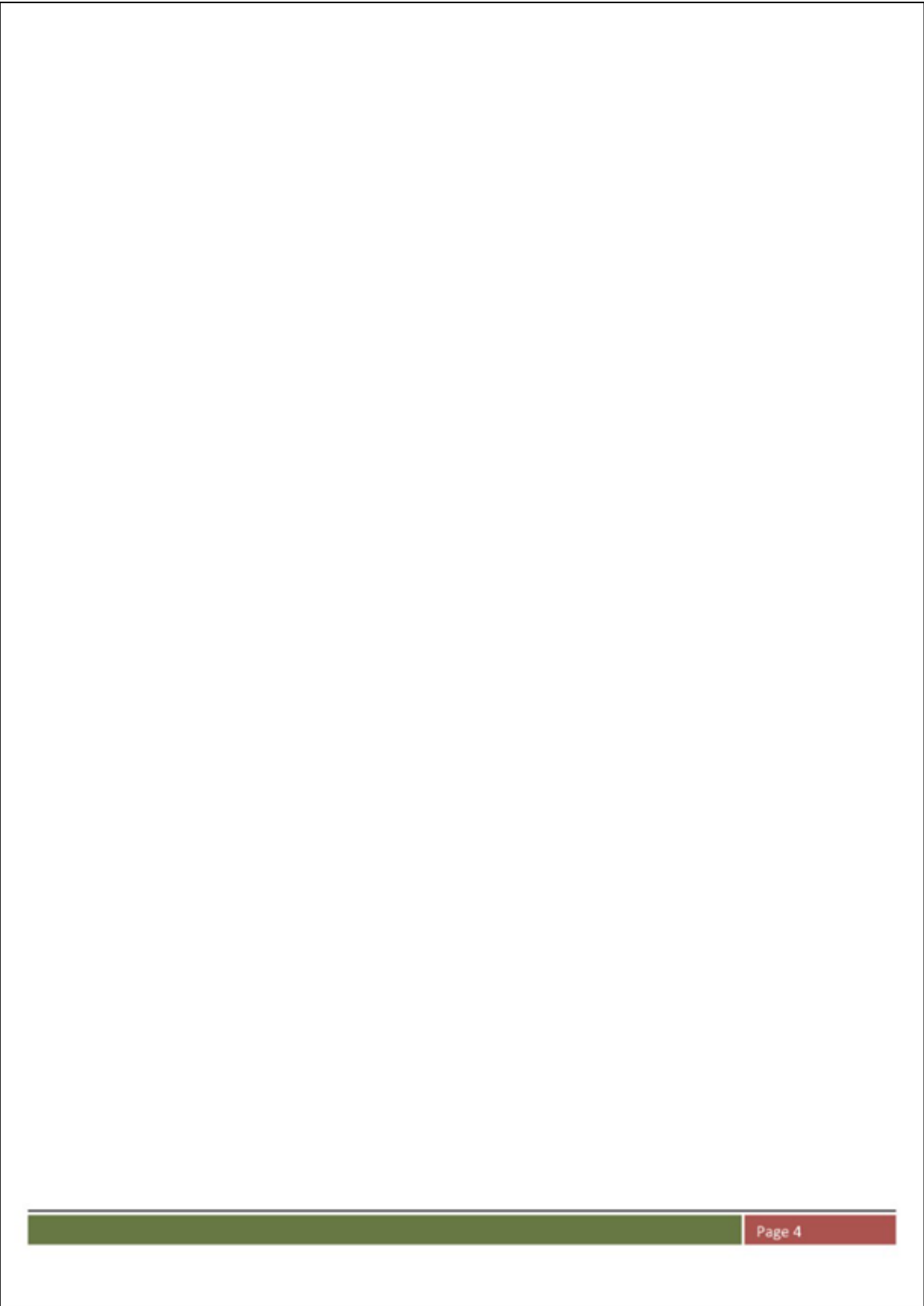
<http://www.facebook.com/NoOneIsIllegalNetwork>

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## Executive Summary

This report presents new evidence that the Toronto Police Service (TPS) is not complying with the City of Toronto's Access Without Fear directives and often violates its own partial "Don't Ask" policy.

Since the TPS has only implemented a partial "Don't Ask" policy and remains opposed to a practice of non-disclosure, we hold the position that Toronto police services remain inaccessible to undocumented Torontonians who fear being reported to the Canada Border Services Agency (CBSA), and potentially detained and deported. Data recently obtained through *Access to Information* requests also confirm what many undocumented Torontonians and service providers have been saying for years: that Toronto police officers continue to practice racial profiling to inquire into Torontonians' immigration status, in contravention of their own "Don't Ask" commitment.

We have found that the TPS is the most frequent user of the CBSA's Warrant Response System. Described as "an important component in effecting removal orders" by the CBSA, the call centre is available 24 hours/day, 7 days/week to law enforcement officers who want to inquire whether an immigration warrant exists against a particular individual. In the period for which we have obtained data (part of 2014 and 2015), the TPS is responsible for 31% of all calls made by all law enforcement and transit agencies *across the country*. The TPS inquired more often than the RCMP, and more often than the police services of Montreal, Quebec City, Calgary and Vancouver combined.

The reason for these calls is also shocking. The data provided by the CBSA show that TPS calls were rarely for "database verification." Rather, 83% of all calls were placed to perform a "status check" – to actively seek out information about someone's immigration situation. This troubling information confirms what we already knew: that TPS is not accessible to people with precarious immigration status and actively seeks to identify immigration status of undocumented Torontonians, putting them in danger of indefinite detention without charges or trial or deportation to places where their lives may be at grave risk.<sup>1</sup>

<sup>1</sup>[http://hrp.law.utoronto.ca/utfi\\_file/count/PUBLICATIONS/IHRP%20We%20Have%20No%20Rights%20Report%20web%20170615.pdf](http://hrp.law.utoronto.ca/utfi_file/count/PUBLICATIONS/IHRP%20We%20Have%20No%20Rights%20Report%20web%20170615.pdf) <sup>1</sup>[http://hrp.law.utoronto.ca/utfi\\_file/count/PUBLICATIONS/IHRP%20We%20Have%20No%20Rights%20Report%20web%20170615.pdf](http://hrp.law.utoronto.ca/utfi_file/count/PUBLICATIONS/IHRP%20We%20Have%20No%20Rights%20Report%20web%20170615.pdf)



In addition to this data, this report presents new testimonies that contribute to the substantial anecdotal evidence collected over the years that highlight the continued discrepancy between TPS policies and officer practices. We have conducted interviews with people, including a woman who was the victim of intimate violence, a man who found himself witness to a crime and assisted police and a woman stopped for a minor traffic violation. These individuals ended up in immigration detention and threatened with deportation. In light of these testimonies and the new data collecting, we have to conclude that officers are in fact often asking and almost always telling.

This report also presents legal arguments for the addition of a "Don't Tell" component to the TPS policy, finding that there is no legislation or regulation that compels the TPS to disclose information to the CBSA. In the January 19th 2015 report that he submitted to the Community Development and Recreation Committee (CDRC) of the City of Toronto, former Chief Bill Blair claimed that *Ontario Regulation 265/98* compels police officers to share this information. In our view, this is simply not true.<sup>2</sup> In fact, in order to make his case, Chief Blair had to selectively cite only the parts of Article 5(1) that supported his position, clearly misrepresenting the law and misleading councillors. Article 5(1) states that officers **may** choose to share this information, not that it **compels** them to do so as in the version doctored by the former chief.

In order for the TPS to be in compliance with Toronto's Access Without Fear directive, a comprehensive "Don't Ask, Don't Tell" policy must be adopted. The implementation of a DADT policy is legal and—in the opinion of the Immigration Legal Committee—*recommended* by Ontario law. The provincial government may actually become crucial in realizing this – much like the province was forced to intervene after the TPS and other Ontario municipal police forces refused to reign in carding (or "street checks"), a provincial directive to explicitly prevent police from doing immigration enforcement may be the deciding factor. Racial profiling by police has received enormous media scrutiny during the carding debate – immigration status checks may in fact be one of the most overt (and underreported) forms of racial profiling, and is thus a

<sup>2</sup> TPSB, *Toronto Police Service: Service Governance Pertaining to the Access to Police Services for Undocumented Torontonians*, TPSB communication with the CDRC, March 12, 2015, p. 6. Online: <http://www.toronto.ca/legdocs/mmis/2015/cd/bgrd/backgroundfile-79357.pdf>

natural extension of the fight for racial justice in our city. For the past decade, the TPS has demonstrated that it is not willing to take the necessary steps required to become an accessible service to *all* Torontonians. Hundreds of cities in the U.S. and across Europe have taken steps to ensure they are safe for all of their residents. The City of Toronto must also move forward with this issue. It's time for City Council to make its police an accessible service and create a true Sanctuary City.



## Recommendations

### To the City of Toronto

1. Request that the Toronto Police Service come into compliance with Toronto's Sanctuary City Policy (CD 18.9).
2. Specifically, instruct the Toronto Police Service to not compile immigration status information.
3. Request that the Toronto Police Service not communicate with federal immigration authorities or any other agencies to verify immigration status of individuals the TPS comes in to contact with.
4. Request that the Toronto Police Service not arrest for the purposes of immigration enforcement, nor share identifying information about individuals it becomes aware of as being without full immigration status with federal immigration authorities.
5. Until the Toronto Police Services agrees in writing to implement recommendations 1 to 4 and until communities are confident interactions with police won't lead to their detention and deportation, the Toronto Police Service must be removed from all municipal outreach materials that list city services that are accessible to undocumented Torontonians. Not only is the listing of the TPS dangerous to undocumented people but it also diminishes the credibility of all other services listed as accessible.

## Recommendations

### To the Toronto Police Service

6. Expand the Don't Ask policy (*Victims and Witnesses Without Legal Status*) to include all encounters with police.
7. Create a Don't Tell policy, where immigration status information of an individual, if ascertained, would not be shared with CBSA or other federal immigration enforcement bodies voluntarily.
8. Sever any formal cooperation agreements with federal immigration enforcement agencies where it violates City Council's Sanctuary Motion (CD 18.9), including all present and future memorandums of understanding. No such agreements should ever be instated.
9. Remove the CBSA Enforcement and Intelligence Division, CBSA Investigations Tip Line, and Immigration Warrant Response Center phone numbers as well as all immigration-related databases such as Immigration Detainees Management System from Toronto Police Services materials, officers notebooks and databases
10. Ensure that a range of identification is accepted as sufficient to verify identity. This can range from passport, birth certificate or photo ID from country of origin; valid or expired immigration or visa documents; community center, public library, or food bank identification; bank card or tax forms; lease or any bill with place of residence; or a notarized letter.
11. End the practice of 'carding', which arbitrarily puts racialized people in police custody and significantly increases the chance of immigration status being found and disclosed to the CBSA.
12. Cease all communications with CBSA or CIC regarding persons they come in contact with (including but not limited to witnesses, suspects, persons of interest etc.) unless there is a warrant for that person's arrest.

## Recommendations

### To the Government of Ontario

13. Ban the use of status checks by all police departments in the province.
14. Sever any formal cooperation agreements with federal immigration enforcement agencies, including all present and future memorandums of understanding.
15. Remove the words, '... is under investigation of, is charged with...' from O. Reg. 265/98, s. 5 (1).

## About the Authors

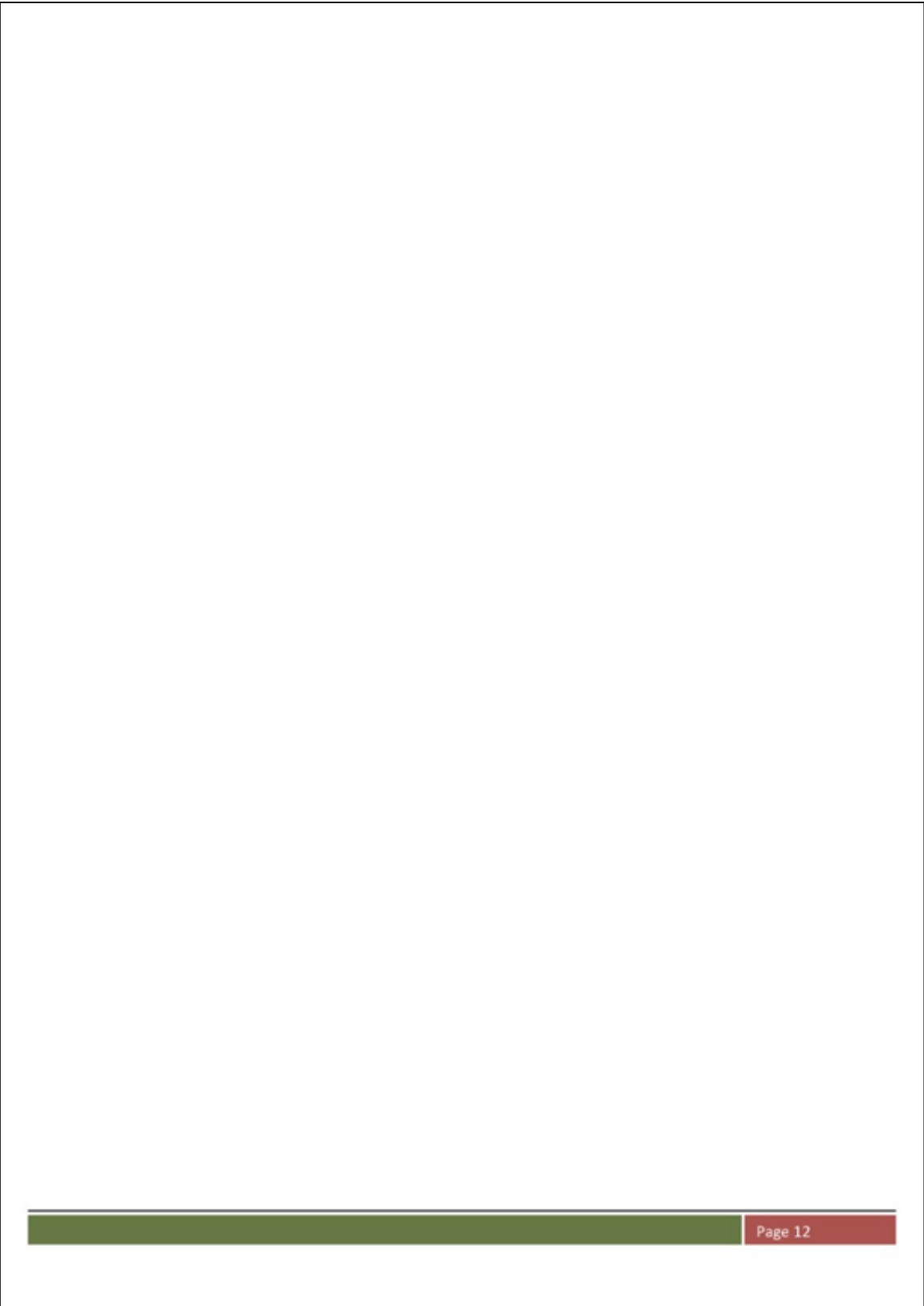
**No One Is Illegal - Toronto** and **The Immigration Legal Committee of the Law Union of Ontario**.

**David Moffette** is an assistant professor at the Department of Criminology at the University of Ottawa.

**Karl Gardner** is a PhD candidate at the Department of Political Science at York University in Toronto.

## List of Acronyms

AWF:	Access Without Fear
CBSA:	Canada Border Services Agency
CDRC:	Community Recreation and Development Committee
CPIC:	Canadian Police Information Centre
DADT:	Don't Ask, Don't Tell
ILC:	Immigration Legal Committee
GTA:	Greater Toronto Area
OPP:	Ontario Provincial Police
RCMP:	Royal Canadian Mounted Police
SCN:	Solidarity City Network
SQ:	Sûreté du Québec
TIHC:	Toronto Immigration Holding Centre
TPS:	Toronto Police Service
TPSB:	Toronto Police Service Board



## Background

For over a decade, the Toronto Police Service (TPS) has defended its power to arbitrarily verify individuals' immigration status against countless objections from communities and organizations across the city. This routinized practice of "status checks" – even in encounters unrelated to immigration warrants – virtually excludes the approximately 200,000 Torontonians<sup>3</sup> who are undocumented from accessing city services without fear of being arrested, detained, and eventually deported. This report is a response to the continued non-compliance of TPS policies and practices to Toronto's Access Without Fear directive. The City must remove the TPS from the list of accessible municipal services and take the lead in making the police an accessible service to all Torontonians, as per the Sanctuary City policy.

Only in times of intense public and political pressure has the TPS agreed to circumscribe when such status checks may be conducted. In 2008, following public pressure and advocacy, a partial "Don't Ask" policy was implemented.<sup>4</sup> Victims and witnesses of crime are now supposedly protected from status checks, provided there are no bona fide reasons to ask. In any circumstances in which immigration status is found out, however, there is no "Don't Tell" component to the policy to protect those whose precarious status have been discovered.

Such a response proved to be wholly inadequate. Despite adopting the *Victims and Witnesses without Legal Status* policy, testimonies we have collected over the years show that undocumented Torontonians continue to have their status unduly checked, and these individuals are then handed over to the Canada Border Services Agency (CBSA), detained in the Toronto Immigration Holding Centre (TIHC), and eventually deported.

The partial "Don't Ask" policy has failed to make the TPS an accessible service for two reasons. First, information regarding immigration status often can and does come up, directly or indirectly, in police encounters with victims and witnesses of crime. Immigration status is not always asked for directly by officers. Nonetheless, data obtained of the CBSA

<sup>3</sup>[http://www.thestar.com/news/immigration/2013/08/20/undocumented\\_immigrants\\_toronto\\_may\\_be\\_a\\_sanctuary\\_city\\_but\\_agencies\\_still\\_ask\\_about\\_status.html](http://www.thestar.com/news/immigration/2013/08/20/undocumented_immigrants_toronto_may_be_a_sanctuary_city_but_agencies_still_ask_about_status.html)

<sup>4</sup>[http://www.torontopolice.on.ca/publications/files/victims\\_and\\_witnesses\\_without\\_legal\\_status.pdf](http://www.torontopolice.on.ca/publications/files/victims_and_witnesses_without_legal_status.pdf)



through Access to Information requests show that despite the existence of a partial "Don't Ask" policy, the TPS has contacted the CBSA thousands of times in the past six months alone to perform "status checks" (see section: "Evidence of Non-Compliance"). A narrowly defined "Don't Ask" policy is therefore inadequate in creating a police force that can be accessed without fear. Furthermore, without a corresponding "Don't Tell" component, there will remain a high degree of risk and fear for undocumented people and those with precarious status attempting to access the police.

Second, a proper "Don't Ask" policy must be extended beyond victims and witnesses of crime to include all people and interactions with the police not specifically related to an immigration warrant. This includes, but is not limited to, the practice of "carding" by Toronto Police officers. Carding, understood here as a form of street check based on racial profiling,<sup>5</sup> is an encounter that does not fall under the narrow purview of "victims and witnesses of crime" and therefore leaves undocumented people (who are often racialized) at risk. Community agencies and advocacy organizations that work with undocumented people have reported that racialized clients are routinely stopped and "carded" by police. By limiting "Don't Ask" practices to victims and witnesses of crime, a large segment of interactions with police officers will continue to be exempt from the City's Access Without Fear mandate and "status check" will continue to be performed during "routine" interactions often based on racial profiling.

This report presents a collection of new empirical data and testimonies from victims of what the CBSA calls "status checks" as well as front line service providers. The information presented here demonstrates the lack of accessibility of the TPS to undocumented Torontonians, and details its continued non-compliance with Toronto's Access Without Fear directives.

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<sup>5</sup> Ontario Human Rights Commission Submission to the Ministry of Community Safety and Correctional Services on street checks August 11, 2015: <http://www.ohrc.on.ca/en/ohrc-submission-ministry-community-safety-and-correctional-services-street-checks>

## Legal Principles

For a decade now, the TPS has been resisting the implementation of an Access Without Fear or "Don't Ask, Don't Tell" policy. In the absence of an immigration warrant, no law prevents the implementation of a full "Don't Ask, Don't Tell" policy, only a lack of political will.

According to the Immigration Legal Committee (ILC):

- Police have no legal duty to disclose immigration status to federal officials;
- In most cases, police disclosure of immigration status likely conflicts with certain duties under the *Police Services Act*, (PSA) as well as with provisions of the *Victim's Bill of Rights*, the Ontario *Human Rights Code*, the *Canadian Charter of Rights and Freedoms*, and a number of international legal instruments.<sup>6</sup>

The TPS has been resisting this legal argument, but the weakness of its claim is becoming evident. Forced to respond to allegations that its officers inquired and shared information about the immigration status of people with whom they interact, including victims and witnesses of crime, the TPS first argued in 2005 that "the Police are bound by law to enforce the provisions set out in the Immigration and Refugee Protection Act" and that "no changes to the Rules, Procedures or Policies of the Toronto Police Service was required."<sup>7</sup>

Nonetheless, on May 18<sup>th</sup> 2006, the TPSB approved a policy requesting the Chief to develop a "Don't Ask" policy that would prevent the police from inquiring about the immigration status of victims and witnesses of crime without bona fide reasons to do so. In February 2007, the TPSB approved the TPS official proposal for the *Victims and Witnesses without Legal Status* policy, but decided to reopen the discussion about the feasibility of a "Don't Tell" component just a month later, in March 2007.<sup>8</sup>

<sup>6</sup> Immigration Legal Committee, *Police Services: Safe Access for All. Legal Arguments for a Complete "Don't Ask, Don't Tell" Policy*, report presented to the TPSB, May 2008. Online: <http://toronto.nooneisillegal.org/node/567>

<sup>7</sup> TPSB, minutes of the August 11, 2005 meeting, p.7. Online: <http://www.tpsb.ca/FS/Docs/Minutes/2005/>

<sup>8</sup> TPSB, minutes of the March 22, 2007 meeting, p.146-149. Online: [http://www.tpsb.ca/FS/Docs/Minutes/2007/orderby\\_4/page\\_2/](http://www.tpsb.ca/FS/Docs/Minutes/2007/orderby_4/page_2/)



The final version of the TPS policy approved in 2008 does not include a "Don't Tell" component.

Most recently, as a result of the adoption of the motion on the Access to City Services for Undocumented Torontonians in June 2014, the TPS has been required to review its policies to ensure that it complies with the City policy. In the January 19th 2015 report that he submitted to the Community Development and Recreation Committee (CDRC) of the City of Toronto, former Chief Bill Blair misrepresented the law in an attempt to convince councillors that officers who find out about an immigration violation have a duty to report it.<sup>9</sup> **This is simply not true.**

#### What Toronto Police Claims the Law Says

"If, during an investigation, a police officer discovers that an individual is under investigation for, is charged with, or is convicted or found guilty of a an offence [...] subsection 5(1) of the Ontario Regulation 265/98 entitled *Disclosure of Personal Information*, made under the *Police Services Act* **compels** the officer to disclose any personal information about the individual to:

- (a) any police force in Canada;
- (b) any correctional or parole authority in Canada; or
- (c) any person or agency engaged in the protection of the public, the administrative of justice or the enforcement of or compliance with any federal or provincial regulation or government program. [...]

As such, **police officers would be in contravention of Ontario Regulation 265/98** if they do not share information about these individuals

Here, Chief Blair eliminated the wording in the legislation that does not support his argument in order to present the *Ontario regulation 265/98* as *compelling* officers to disclose immigration status to the CBSA or any other police service, law enforcement body, or person/agency engaged in the protection of the public. However, *Ontario Regulation 265/98* specifically states that officers **may** disclose information about an

<sup>9</sup> TPSB, *Toronto Police Service: Service Governance Pertaining to the Access to Police Services for Undocumented Torontonians*, TPSB communication to the CDRC, March 12, 2015, p. 6. Online: [www.toronto.ca/legdocs/mmis/2015/cd/bgrd/backgroundfile-79357.pdf](http://www.toronto.ca/legdocs/mmis/2015/cd/bgrd/backgroundfile-79357.pdf)

individual under certain circumstances, never that they have a duty to do so.

#### **What the Law Actually Says**

**5. (1)** A chief of police or his or her designate **may disclose** any personal information about an individual if the individual is under investigation of, is charged with or is convicted or found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or any other federal or provincial Act to,

- (a) any police force in Canada;
- (b) any correctional or parole authority in Canada; or
- (c) any person or agency engaged in the protection of the public, the administration of justice or the enforcement of or compliance with any federal or provincial Act, regulation or government program.

O. Reg. 265/98, s. 5(1).

The Police Chief's claim misrepresents the law. As Karin Baqi, a lawyer with the South Asian Legal Clinic of Ontario and co-author of the 2008 ILC legal opinion explains: "The language is *may*, not *should*; the law is clear that officers do not have to disclose this information." Considering what he chose to omit in order to push his interpretation, it is hard not to conclude that Chief Blair attempted to mislead the TPSB and City councillors.

Section 5(1) of the *Ontario Regulation 265/98* also indicates that officers may only disclose personal information "if the individual is under investigation, is charged with, or is convicted or found guilty of" a number of offences. It does not authorize them to share information about victims and witnesses of crime, nor about any individual who is "carded" or otherwise stopped on the street while not being directly under investigation. Finally, even for individuals about whom police officers are authorized to disclose information, Section 6 of *Regulation 265/98* specifies that they have to use their discretion to decide what is reasonable and consistent with the public interest.

6. In deciding whether or not to disclose personal information under this Regulation, the chief of police or his or her designate shall consider the availability of resources and information, what is reasonable in the circumstances of the case, what is consistent with the law and the public interest and what is necessary to ensure that the resolution of criminal proceedings is not delayed.

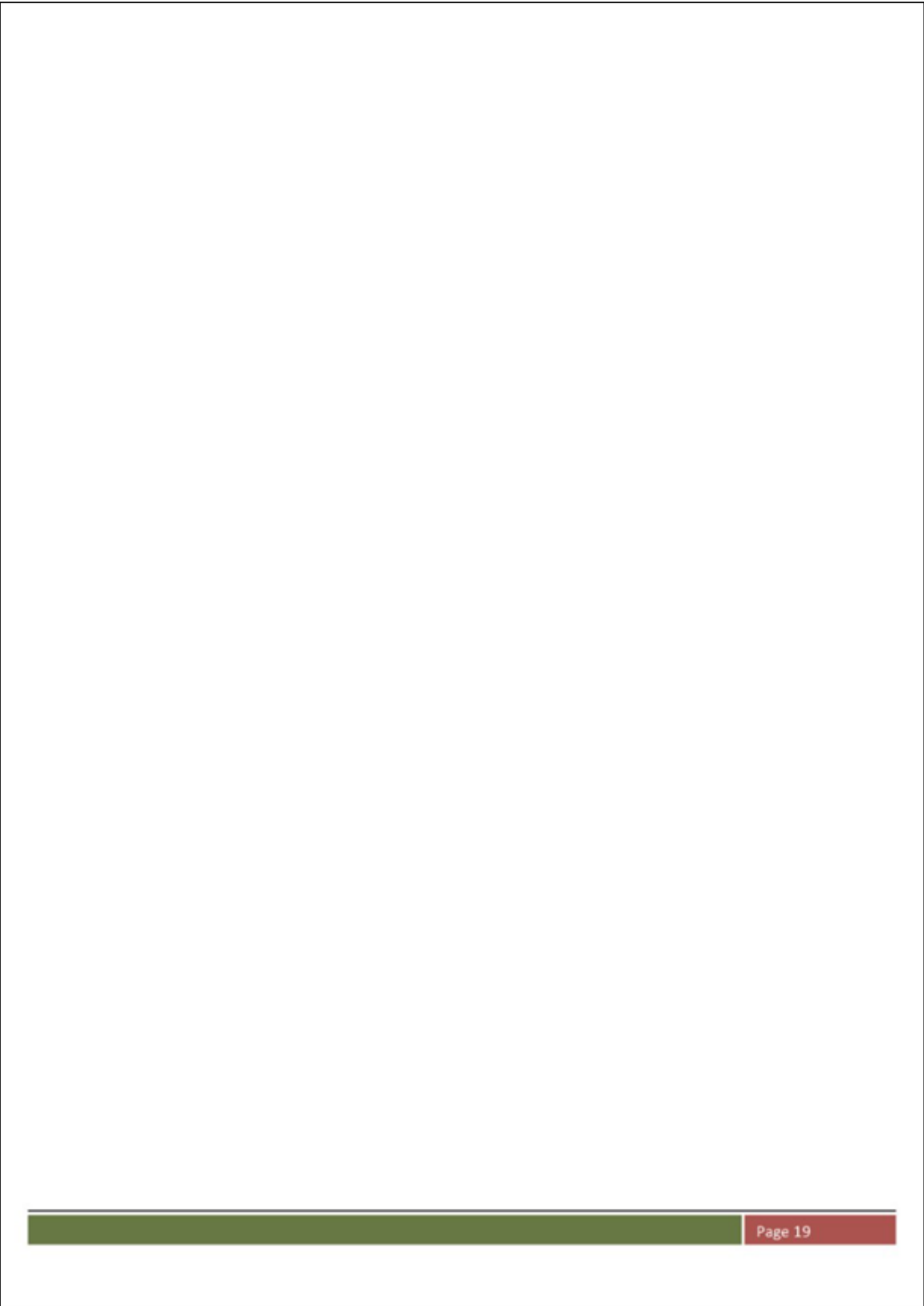
O. Reg. 265/98, s. 6.

Macdonald Scott, an immigration consultant at Carranza LLP, notes that "disclosing immigration information will not protect the public, will not protect victims of crime, will not help keep victims informed of the correctional processes relevant to the crime that affected them," but instead "throws the profile of law enforcement into disrepute in migrant communities."

There is therefore no stated obligation to request and/or disclose information about an individual's immigration status, contrary to what the TPS has been saying for years. In his recent report submitted to the TPSB on September 17<sup>th</sup> 2015, Chief Saunders acknowledged that under *Ontario Regulation 265/98*, the TPS only has "the power to disclose personal information" in certain circumstances.<sup>10</sup> His report suggests, however, that the TPS will continue to keep and use this power, despite the fact that he cannot make a compelling legal case against a "Don't Tell" component and the fact that this practice unnecessarily puts undocumented people and those with precarious status at risk in *every encounter* with the TPS.

Torontonians and their representatives are entitled to decide whether or not this power should be exercised and set criteria and guidelines on such power to make sure that it does not contravene the Access Without Fear principles of the Sanctuary City policy. The addition of a "Don't Tell" component to the TPS policy is compliant with the law, and, in the ILC's opinion, encouraged by Ontario law. The only limits to the TPS's implementation of a full "Don't Ask, Don't Tell" policy is a lack of political will. Beyond *actually* implementing its "Don't Ask" policy, the TPS also needs to develop and implement a comprehensive "Don't Tell" component. Without a full "Don't Ask, Don't Tell" policy, the TPS will remain an inaccessible service, which runs contrary to the City's Access Without Fear directives.

<sup>10</sup> TPSB, "Access to Police Services for Undocumented Torontonians", *Public Meeting Agenda*, September 17th 2015. Online: [www.tpsb.ca/documents/agendadoc.pdf](http://www.tpsb.ca/documents/agendadoc.pdf)





## Evidence of Non-Compliance

Individuals and organizations working with undocumented Torontonians have been reporting collusion between the TPS and the CBSA for years. In July 2004, a 16-year-old woman from Grenada who had reported an assault to the Toronto Police was handed over to immigration enforcement. This and other cases around the same time fuelled a rising public pressure that would force the TPSB to recommend a "Don't Ask" policy in 2006.<sup>11</sup> Over the years, No One Is Illegal -Toronto has collected many testimonies demonstrating that the TPS regularly inquires into racialized individuals' immigration status and reports it to the CBSA. The final adoption of the *Victims and Witnesses Without Legal Status*, or "Don't Ask" policy, by the TPS in 2008 did not change that. Unfortunately, these stories are still abound today, and we feature some recent ones in this report. In addition to these numerous testimonies, we now also have new quantitative data to show the extent that the TPS "often asks, and always tells."

## Status Checks, Suspicion and Racial Profiling

In his August 12<sup>th</sup> 2015 report to the TPSB<sup>12</sup>, Chief Saunders stated that "the Toronto Police Service does not maintain statistics on persons reported to the CBSA." He added that "the general occurrence and arrest reports do not contain a field to record this information, so it is not possible to search for this information." This clearly limits oversight into police practice, and the lack of internal information makes it easy for the TPS to claim that it complies with the Sanctuary City policy. However, we obtained CBSA data through *Access to Information* requests that suggests otherwise.

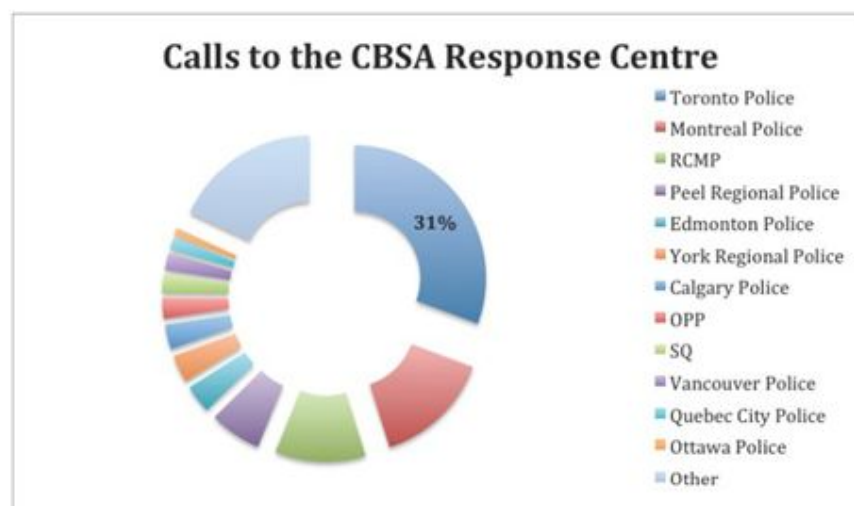
The CBSA claim that "the process to add an immigration-related warrant to the CPIC [Canadian Police Information Centre] system is cumbersome and leads to delays in warrants being transferred to CPIC." In an attempt to streamline this process, the agency runs a Warrant Response Centre, which it describes as "an important component in

<sup>11</sup> On early cases, see the Solidarity City Network (<http://solidaritycity.net/victories-to-date/>). For a summary of the beginning of the mobilization for the implementation of a DADT for the TPS, see Deshman, Abigail. 2009. 'To Serve and to Protect Fewer: The Toronto Police Services' Policy on Non-Status Victims and Witnesses of Crime', *Journal of Law and Social Policy* 2(1): 209-235.

<sup>12</sup> TPSB, minutes of the September 17, 2015 meeting, p 16. Online: <http://www.tpsb.ca/FS/Docs/Minutes/2015/>

effecting removal orders.”<sup>13</sup> This call centre is available 24 hours a day, 7 days a week to law enforcement officers who want to inquire whether an immigration warrant exists against a particular individual. According to the CBSA, it usually receives between 16,000 and 20,000 requests per year.

In the nearly eight months between November 4<sup>th</sup> 2014 and June 28<sup>th</sup> 2015 for which we have obtained data, 10,700 calls were made by all Canadian law enforcement agencies to the CBSA, 4,392 of which were made from the Greater Toronto Area. The TPS made 75% (3,278) of all calls from the GTA. In fact, calls made by the TPS to the CBSA constitute 31% of the total calls made by all law enforcement and transit agencies *across the country*. With its 3,278 calls, the TPS made more calls than the RCMP (1,197), and more calls than the police services of Montreal, Quebec City, Ottawa, Calgary, Edmonton, and Vancouver combined (2,729). The data show that the TPS is the most frequent user of what the CBSA calls an “important component in effecting removal orders” in the country.



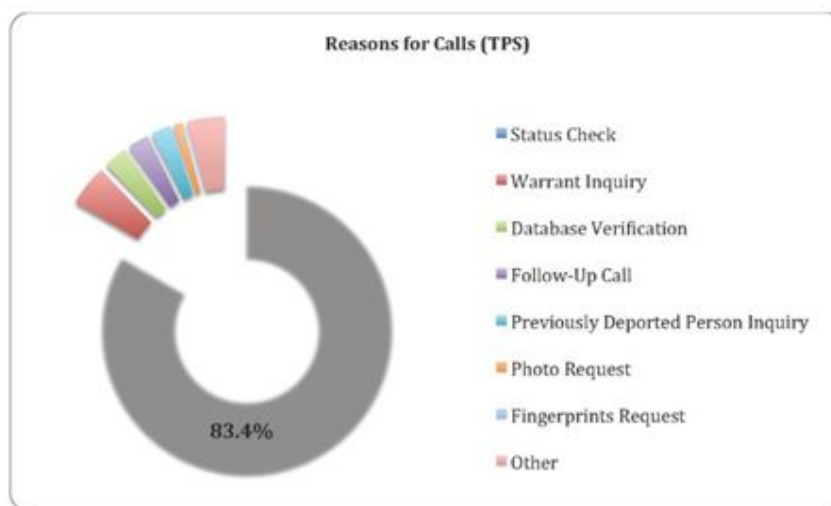
Source: Data obtained with the CBSA through an ATIP request. Data from Nov. 4, 2014 to June 28, 2015.

The CBSA also keeps statistics about the reasons law enforcement officers call. When officers notice that an immigration warrant has been

<sup>13</sup> CBSA Detentions and Removal Programs - Evaluation Study, November 2010. Online: ([www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/ae-ve/2010/dr-rd-eng.html](http://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/ae-ve/2010/dr-rd-eng.html))

uploaded to the CPIC, they may call to verify that the information is valid. This is classified as a "warrant inquiry" or "database verification."

Yet, the most important reason for calling is not, in fact, to confirm the validity of a warrant. The CBSA listed "status checks" as the most common reason. Across the country, "status check" is the reason for 72% the calls, a proportion that rises to 83.35% in the case of the TPS. This shows the consistent practice of "asking," that is, inquiring about the immigration status on an individual even when no immigration warrant appears on the CPIC. Indeed, the CBSA call centre procedures explain that a call should be filed as a "status check" when "law enforcement officers [...] call to verify the immigration status of a subject because they have a suspicion a subject may not have legal status in Canada and therefore may be of interest to CBSA" or when they call "to confirm the status of a subject they have in custody." It is therefore a practice informed by a mere suspicion about an individual's immigration status that often relies on racial profiling.



**Source:** Data obtained with the CBSA through an ATIP request. Data for several months from Nov. 2014 to the time the request was processed in the fall of 2015.



The broad criterion of "officer suspicion" is fertile ground for the practice of racial profiling. This is not a matter of a few exceptional circumstances of certain individual officers, but instead a *systemic problem in policing*. "Suspicion" in this context often relies on the racist equation of Black people and other racialized individuals with criminality and non-citizenship. Combined with the concentrated police presence in Black and racialized communities which itself is based in such racist suspicions, "status checks" illegally and disproportionately target people because of their race.

As well, checking the status of someone the TPS is holding in custody for a transgression unrelated to immigration is similarly based in the same racist assumptions that fuel racial profiling. Once again, calls in such circumstances are *not* "warrant checks," but arbitrary "status checks" fuelled by officer suspicion. By being arbitrarily subjected to immigration enforcement on top of the criminal justice system, undocumented Torontonians are therefore subject to *double punishment* by the TPS. Such practices are in absolute contravention of *both* the partial "Don't Ask" policy adopted by the TPS as well as the City's Sanctuary City status.

Indeed, the data suggests the TPS not only shares information regarding undocumented Torontonians' immigration status with the CBSA (as the numerous testimonies we collected and cases we've supported over the years reveal), but officers also actively contact this agency to inquire about the status of whomever they encounter. More concerning, however, is the clear link between "status checks" and officer suspicion. Judging by the numerous testimonies and case work we have done over the years, along with the growing concern over police practices of "carding," Black and racialized individuals are clearly subject to more intensive police investigation and surveillance. Given the frequency of the deeply embedded practice of racial profiling and its link to the numerous calls made based on an officer's suspicion of criminality and non-citizenship, we must conclude that the TPS are not by any means an accessible service to Black and racialized groups with precarious or no status in Toronto.



## Testimonies and Cases

For the last decade, the TPS has assured the public that it is an accessible service. This has continued in the face of a decade of community efforts and personal testimonies attesting to the stark contrast between the TPS "Don't Ask" policy and the practices of its officers. The TPS has continually been informed that such instances occur through various means, but solicited or unsolicited community input has been routinely ignored or the problems they raised have been minimized as "exceptional circumstances." This is simply not the case. The testimonies shared in this report form the most recent addition of years of stories that have been brought forward to the TPS, and demonstrate the need for a radical change in its policies and practices.

No One Is Illegal-Toronto regularly receives stories from people who cannot access the police without fear of detention or deportation. Most recently, we interviewed a man who was subject to the very practices the police claim to have ceased (see Testimony 1). He was a witness to a crime against someone close to him, but his status was checked while he was aiding the police in their investigation. After finding out he was undocumented, the TPS turned him over to the CBSA who detained him for almost three months. He was then forced to fight (successfully) his pending deportation in federal court. This man has lived in Canada for almost ten years, and has a wife and child. Despite all this, the officers ran his name and kept him in the police station until CBSA authorities arrived. The result was a man taken away from his wife and newborn child, extensive legal fees, and a now embedded distrust and fear of the police. As he explained:

"To tell you the truth if I could do it all over again, I would do it differently ... if I see someone getting killed on the road, I'm not going to say nothing to the police. I told my wife straight up I'm not going to report it. And I'm going to put that in my kid's head, even though my kid is Canadian, I'm gonna tell him: sorry for whomever but whenever you see something, someone getting killed, doing something bad, shut your mouth and don't say nothing to the police.

## **Testimony 1**

**Name:** Jared

**Age:** Mid-20s

**Region of Origin:** Caribbean

**Time in Canada:** Almost 10 years

**Family:** Married with a child

**Interview conducted:** September 20, 2015

### **Summary:**

- Witness of a crime, gave statement at police station, turned over to CBSA. No criminal history.
- Detained by CBSA in the summer of 2015

I called the police around 11:30 PM. Upon arrival they asked for my ID and they wrote down my details. They asked if I would be willing to come down to the station for some questioning to help with their investigation – my friend had been shot. Because I knew the victim of the crime I immediately said yes even though my immigration status crossed my mind.

At the police station, I gave a statement with all the details. I had to two officers and answered all their questions. They thanked me for my assistance and took me out to the waiting area, where they asked me if I would like a ride back to where my car was parked. I accepted their offer as my car was a long walk away.

I was waiting in the lobby for a long time so I asked if the officer who I had just dealt with could be called. I was told to wait for another minute, and that the officer was on his way. Eventually the officer appeared, accompanied by another officer dressed in a suit, with a paper in his hands. They asked me to come into a room for a moment.

When I sat down they told me that they had run my name and discovered that there was an immigration warrant out for me. I immediately broke down in tears because I knew what that meant. Two more police officers in suits came and sat in the room with me. I think they thought I might have run. The officer who had brought the paper said that he had spoken to CBSA and they were sending over two of their officers. He said that the bad news was they have to take me with them to detention but that the good news is I would be released on Monday. This all happened on Thursday night, Friday morning. He said you'll see the judge on Monday and be out promptly because we've already told him you're cooperating with us and helping with the investigation.

That wasn't to be the case. I spent two and half months in an Immigration Holding Centre. I was on the verge of being deported and then had to pay a lot of money to fight it in federal court just to be out."

Part 1 of 2

Despite what they had said, the police weren't cooperating with CBSA to help me once I was in detention because what a CBSA officer told me was that the police is not helping you at all because we asked them for a specific document related to serious crimes, saying that you're needed for the case and they didn't send it. Despite further attempts the police never responded to the request. I was told the deportation had to go ahead because the police weren't helping my case. The CBSA officer's boss told him, to hell with it, deport him, because they're [the police] not doing anything to help him so why should we? Send him home.

The CBSA officer told me he later found out that the police officer that I had originally dealt with had been removed from the case and a new officer had been assigned. Even my relative, the victim of the crime, was trying to pressure them to send the note required. However he was told that the police had more serious cases to deal with, that he had only been shot, and was lucky to be alive. That's what they told my cousin. You just got shot. Just shot. So getting shot is not nothing serious. When I heard this I told him, it's cause we're black. If we were white, number one I wouldn't be in here, and number two they would've already caught the guy.

***Were you given any indication of why they ran your name?***

They just came out with the paper and said we ran your name and found there was an immigration warrant out for you. I don't believe they ran my name while I was in the questioning room giving my statement. I'm sure it was while I was waiting in the lobby to be driven back to my car. The ridiculous thing is I could've just got up and walked out the door and gone back to my car myself.

***As a witness of a crime, what was the experience like to then end up in immigration detention?***

To tell you the truth if I could do it all over again, I would do it differently. Number one, I wouldn't go into the police station to give my statement. It made me so angry afterwards. I now always say to my wife, if I see someone getting killed on the road, I'm not going to say anything to the police. I told my wife straight up I'm not going to report it. And I'm going to put that in my kid's head. Even though my kid is Canadian, I'm going to tell him to be sorry for the victim but whenever you see something, someone getting killed, someone doing something bad, shut your mouth and don't say anything to the police. Just come home, tell me, we'll keep it between us but never ever go to the police and say anything.

I really regret what happened. I'm sorry my relative had to go through that tough thing but I regret helping with the investigation. I'll never ever ever go to the police again, even for the smallest thing. I'll never ever tell them something that has happened. I'll never report anything to the police.

Part 2 of 2



Just come home, tell me, we'll keep it between us but never ever go to the police and say nothing ... [Reporting on a crime as a witness] was one of my biggest regrets. I'll never ever go to the police again, even for the smallest thing, I'll never tell them something that happened. I'll never report anything to the police"

To reiterate, this is not an isolated incident. The second testimony offered below – which has been shared anonymously on multiple occasions in the fight for a full TPS "Don't Ask, Don't Tell" policy – concerns a survivor of domestic abuse. She has been in Canada for three years and was seeking trauma counselling. Not understanding the severe precarity of being non-status and accessing the police, she was consistently pushed by her councillors to report the assault. When she did, her and her community were shocked to find that the TPS immediately began investigating her immigration status and notified the CBSA, who quickly filed a removal order. After public outrage and legal action, her removal was blocked a day before it was scheduled. Beyond the injustice of having her status arbitrarily checked by the TPS, she remained detained during her trial against the perpetrator and was not allowed to testify, leading to the charges eventually being dropped. This story opened up the space for many others to come forward with similar experiences and launched the initial push for a comprehensive "Don't Ask, Don't Tell" policy; which was then only partially adopted by the TPS.

In the third testimony contained in this report, a woman was stopped by the TPS for failing to come to a complete stop at a stop sign. The police officer aggressively questioned the woman who did not have any identification with her. After repeated and escalating questions, the officer asked point blank if she was "illegal," to which she broke down and admitted being in the country without status. Such questioning and assumptions is exemplary of the numerous cases of racial profiling and 'carding' by TPS officers. She was handed over to the CBSA and detained with her 7 year old daughter, to eventually be deported. Her removal order was stayed due to health issues concerning her daughter, who would not receive the treatment she required in Haiti – the country she fled. The routinized occurrence of such instances of racial profiling, status checks, and enforcement of immigration law where it is irrelevant to the encounter:

## **Testimony 2**

**Name:** Anonymous

**Age:** Late teens

**Region of Origin:** Grenada

**Time in Canada:** 3 years

**Family:** Single

**Interview conducted:** October 3, 2015 with frontline service provider in the shelter sector. With the consent of the affected person, they presented the details of the case.

### **Summary:**

- Victim of crime, encouraged to report to police by trauma counsellors, handed over to CBSA
- Detained by CBSA in 2004; released after last-minute federal stay of deportation after enormous anti-VAW and refugee advocate uproar

This victim has agreed to share her case once again. After being assaulted by a partner in 2004, after fleeing domestic violence as a refugee in 2001, she was fearful of reporting her perpetrator to the police for fear of having her lapsed status reported. After a considerable amount of prodding from trauma counsellors, who couldn't foresee her immigration status being a priority for police interested in investigating a serious assault case, she agreed to report the assault to police. She, and her community of support, were shocked when the police immediately investigated her immigration status, and promptly handed her over to CBSA, who filed a removal order shortly thereafter.

Her deportation was blocked by federal courts days before she was set to be deported, thanks to the skilful intervention of anti-VAW immigration lawyers that framed the very real threats to her life in the place she had fled. This was not before she was unable to testify against her perpetrator in court - she was held in immigration detention on the day of the trial, and the perpetrator saw all subsequent charges dropped. This spurred an interest in collecting similar stories from around the city, where victims and witnesses of crime were being put at enormous risk of deportation if they were to cooperate with police investigations against their perpetrators or crime they had witnessed. In 2006, this led to a series of deputations that was resisted by then Chief of Police Bill Blair, but which gained at least partial traction.

Part 1 of 2

"Invokes fear in Toronto that the police operate with a completely arbitrary and discretionary power when it comes to immigration checks ... this ability to check immigration status (and hand people over to CBSA accordingly) without reason must be stopped through a forcefully applied ban on such information gathering and sharing."

Such examples are not simply "poor judgments" by officers who otherwise respect the partial "Don't Ask" policy. As our data above suggests, inquiring as to the immigration status of people they interact with continues to be a pervasive practice.

Front-line service providers have countless stories of their clients' status being unnecessarily checked or put in immigration detention after encounters with the police that were unrelated to issues related to immigration. We have recently been informed of a client experiencing a mental health crisis at a shelter, and once the police arrived the client's status was divulged and the person was handed over to the CBSA, detained, and eventually deported. Another service provider shared that a client who was also experiencing mental health issues was, again, subject to an immigration status check when the TPS ran the client's name for prior diagnoses. This client was taken to the hospital, released into the custody of the CBSA, detained and deported.

Macdonald Scott (Carranza, LLP), an immigration consultant, works on many cases every year related to TPS-CBSA collaboration. In one particularly instructive example, Scott outlines that a Latin American client of his was profiled by police officers claiming to locate a "drug dealer" in the area. Scott explains: "He was picked up by plain clothes cops, not told what was going on, thrown into a regular car to the floor, kicked and beaten." Following this police misconduct, CBSA was contacted:

"After he stewed at 51 division for a while, they realized they did not have the right person. They did a Canadian Police Information Centre check on him and discovered an immigration warrant, and he was transferred to CBSA custody at the Toronto Immigration Holding Centre. A pre-removal risk assessment request was filed, but

The police claimed they were compelled to run the individuals name for "advice" reasons with CBSA. This is the case that launched the 2006 campaign to have the police develop an internal "Don't Ask, Don't Tell" policy. The compromised policy that was eventually developed with respect to this landmark case stopped short of a holistic "Don't Ask, Don't Tell," leaving us where we are now, with a "Don't Ask" component that leaves far too much discretion with police on when to call immigration. As seen in the first testimony, fear of police is at an extremely high level in Toronto's racialized communities, and not only for the reasons that residents with immigration status fear - police can, as they did in this case, turn people attempting to seek justice from perpetrators into deportees.

Part 2 of 2



when we filed a civil action, the assessment was processed (extremely quickly) and denied, and the client deported, killing the civil action."

Considering this instance of police misconduct, it appears that the immigration status check and prompt deportation may have been used to cover these bad practices. This client was not a victim or a witness of a crime, but of racial profiling, and therefore not protected by the partial "Don't Ask" policy of the TPS. Subsequently, the TPS consciously sought to hand over the individual to the CBSA to stop the civil action they were taking.

What these testimonies, along with nearly a decade of similar stories, reveal is the continued lack of accessibility of the TPS for undocumented people and those with precarious status. Not only is there a stark contrast between TPS policy and officers' practices, but the partial "Don't Ask" and lack of "Don't Tell" policies also remain wholly inadequate. TPS policies and practices therefore continue to put people with precarious or no status at serious risk of indefinite detention criticized by the United Nations, and deportation. The TPS currently does not adhere to the City's Access Without Fear directives and therefore should be immediately removed from all City outreach materials. Not only does this mislead people who are undocumented or have precarious status into a false sense of safety in accessing the police, it in fact calls the accessible character of all other services on the list into question for those fearing for their lives and the lives of their families. Any new TPS policy must be reflected in officers' practices to ensure communities are confident interactions with police won't lead to the detention and deportation of their loved ones. Until then, the TPS stands in contravention of Toronto's status as a Sanctuary City and its Access Without Fear directives and should be removed from the list of accessible services.



### **Testimony 3**

**Name:** Anonymous

**Age:** Mid-20s

**Region of Origin:** Haiti

**Time in Canada:** 6 years

**Family:** Single mother with 7-year old daughter

**Interview conducted:** October 3, 2015 with frontline service provider in the shelter sector. With the consent of the affected person, they presented the details of the case.

#### **Summary:**

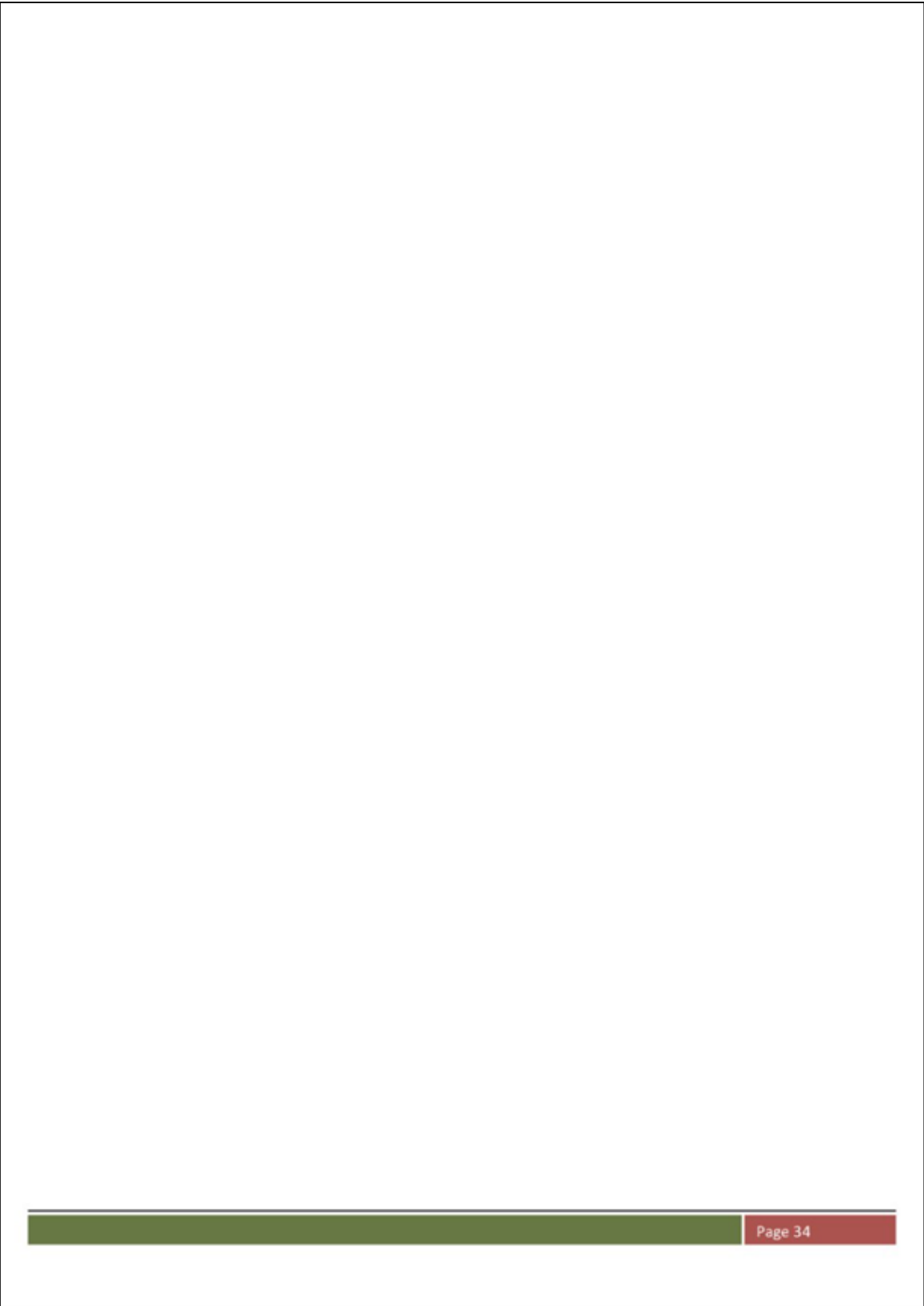
- Stopped for minor traffic violation, arrested and scheduled for deportation
- Detained by CBSA in 2011 with her 7-year-old child; released after last-minute federal stay of deportation resulting from community mobilization

This woman has also agreed to share her story on condition of anonymity. She was driving in Toronto in 2011, when she was pulled over by a police cruiser for not having come to a complete stop at a stop sign. After being aggressively questioned for identification and failing to have any with her, the police officer asked her right away if she was "illegal" and she finally disclosed that she was indeed in the country irregularly. Her refugee claim was one of thousands of Haitian cases that had suspiciously failed. The coercive questioning and officer implications through omission are unusual for such a minor traffic violation. This is what could be considered a classic case of racial profiling that would need explicit policy to address: the police officer had no reason except racialized suspicion to check her status with immigration enforcement. The woman had no criminal background, and had been pulled over for an exceedingly minor traffic violation. These types of stories spread quickly through our communities, reinforcing the gap between racialized communities and the police.

She was detained at the Toronto Immigration Holding Centre in Rexdale, along with her 7-year-old child for weeks before being released on bail. Her removal order was stayed due to her child's medical conditions, which could be treated here but not in her country of origin.

Part 1 of 2

The police were incredibly silent on their role in landing this woman and her child in immigration detention, at huge risk of deportation. Because other channels were being followed to fight for a successful Humanitarian and Compassionate leave application - which granted the woman and her child permanent residency - this did not become a major media event at the wishes of the family. This invokes fear in Toronto that the police operate with a completely arbitrary and discretionary power when it comes to immigration checks. In tandem with policies such as carding, which effectively lead to questioning residents without reason, this ability to check immigration status (and hand people over to CBSA accordingly) without reason must be stopped through a forcefully applied ban on such information gathering and sharing. Only a holistic and simple Don't Ask, Don't Tell policy is able to rebuild some trust with many of Toronto's communities.



## Conclusion

We investigated the extent to which the TPS follows the Access Without Fear directives set forth in the City of Toronto's Sanctuary City policy. We found that current TPS practices violate the Sanctuary City principles adopted by City Council in 2013. There is evidence that undocumented Torontonians cannot reasonably trust that they can access the services of the Toronto Police without fear of reprisal - indefinite immigration detention and deportation to places where their lives may be at risk - due to their immigration status.

As such, we recommend that the TPS be immediately taken off the list of City services claimed to be accessible to undocumented Torontonians. This is necessary in order to protect our neighbours, our co-workers, and our loved ones who live in this city with precarious immigration status. This should be a temporary measure as we work toward rendering the TPS accessible to all Torontonians.

Despite the existence of a partial "Don't Ask" policy, we have evidence that the TPS regularly inquires into the immigration status of Torontonians with whom they interact. Data obtained through Access to Information requests show that the TPS often reaches out to the CBSA to seek this information in the form of 'status checks'. We demand that the TPS honour its commitment as defined in the *Victims and Witnesses without Status* policy and expand its "Don't Ask" guidelines to anyone who is not the subject of an active investigation. The practice of inquiring about one's immigration status while performing routine street checks or 'carding' adds to the discredit of this discriminatory practice. Carding and 'random' questions about one's immigration status are practices based on racial profiling and must stop altogether.

In order for the TPS to comply with the City's access without fear principles, it must implement a "Don't Tell" component. As many of the testimonies we received indicate, without a "Don't Tell" policy, undocumented Torontonians are at risk of detention and deportation when they contact police. This is the case even for victims and witnesses of crime, since police often find out about immigration status even when not asking directly. We argue that the legal analysis presented by the Immigration Legal Committee in 2008 is still valid and that there are no legal limits to the adoption of a "Don't Tell" policy. Chief

Saunders recently acknowledged that this is the case, arguing that police officers have a legal "power" to share information, not an obligation to do so.

It is therefore not a legal obligation but a lack of political will that has prevented us from ensuring that the TPS is in compliance with the City's Access Without Fear directive, which requires a comprehensive "Don't Ask, Don't Tell" policy. More than 350 cities and counties in the United States have adopted policies allowing for various forms of noncompliance with immigration enforcement. In a time when distrust of police is growing in Toronto's Black and racialized communities, the TPS gains nothing in pretending that carding and collaboration with CBSA are legal and necessary policing tools. They are not. It's time for the TPS to stop these attacks against immigrant and racialized communities and acknowledge these practices are hurting Torontonians. It's time for City Councillors to force the TPSB to take this policy seriously. It's time that **all** municipal services are made accessible to all Torontonians so that Toronto can become a true Sanctuary City.



Canada Border  
Services Agency

Agence des services  
frontaliers du Canada

JUL 24 2015

Mr. David Moffette  
201 - 161 Christie Street  
Toronto, ON M6G 3B3

Your File  
20150623\_310297

Our File  
A-2015-10242 / TW

Dear Mr. Moffette:

This letter is in response to your request under the *Access to Information Act*. Your request reads:

*"Requesting copies of statistics and other data regarding the origins and topics of calls made to the Warrant Response Centre (WRC) with a detailed breakdown of the Canadian police services and other Canadian agencies that have consulted the WRC since 2005."*

The processing of your request is now complete. Please note that the records are being released in their entirety.

As the Canada Border Services Agency is committed to providing the highest level of client service, we would be pleased to assist you with any questions or concerns you may have regarding the handling of your request. You may contact Tanya Wagdin at 343-291-7019 or by email at [Tanya.Wagdin@cbsa-asfc.gc.ca](mailto:Tanya.Wagdin@cbsa-asfc.gc.ca), using our file number as a reference.

Should you be dissatisfied with the processing of this request, you may file a complaint within sixty days of receipt of this notice to the Information Commissioner of Canada by writing to:

Office of the Information Commissioner of Canada  
30 Victoria Street  
Gatineau, QC K1A 1H3

Yours truly,

Alain Belleville  
Manager  
Access to Information and Privacy Division  
Place Vanier Tower A  
333 North River Road, 14th floor  
Ottawa, ON K1A 0L8

Enclosure: A copy of the release package to the applicant

Canada



WRC Caller Type Breakdown  
November 4, 2014 to June 28, 2015

<b>Total Calls received</b>	<b>22362</b>
<b>Calls Received from With-in the CBSA</b>	
Atlantic Region	8
Quebec Region	240
Northern Ontario Region	308
Southern Ontario Region	91
Greater Toronto Area Region	154
Prairie Region	222
Pacific Region	456
Other	59
<b>CBSA Total</b>	<b>1428</b>
<b>Calls Received from Law Enforcement/Transit Agencies</b>	
Atlantic Region	
Nil	
<b>Total Atlantic Region</b>	<b>0</b>
Quebec Region	
Montreal, Service de Police de la Ville de	1547
Quebec, Service de Police de la Ville de Quebec	100
SQ, Surete du Quebec	242
<b>Total Quebec Region</b>	<b>1889</b>
Northern Ontario Region	
Citrus Police Service	109
<b>Total Northern Ontario Region</b>	<b>109</b>
Southern Ontario Region	
Nil	
<b>Total Southern Ontario Region</b>	<b>0</b>
Greater Toronto Area Region	
Peel Regional Police	582
Toronto Police Service	3278
Toronto Transit (GO)	67
York Regional Police	85
<b>Total Greater Toronto Area Region</b>	<b>4392</b>
Prairie Region	
Calgary Police Service	675
Edmonton Police Service	373
<b>Total Prairie Region</b>	<b>1048</b>
Pacific Region	
Vancouver Police Department	226
Vancouver Transit	141
<b>Total Pacific Region</b>	<b>367</b>
International	
USCBP	25
US POLICE SERVICE	43
<b>Total International</b>	<b>68</b>
OPP, Ontario Provincial Police	272
RCMP, Royal Canadian Mounted Police	1157
Other Law Enforcement/Transit Agency	2727
<b>Total Other Law Enforcement/Transit Agency</b>	<b>3196</b>
<b>Total Law Enforcement/Transit Agency</b>	<b>10768</b>
<b>Calls Received from Other Type of Agency</b>	
<b>Total Other Type of Agency</b>	<b>1449</b>

ATI Request to  
CBSA Response  
July 24, 2015

ATI FILE  
20150623-310297

CBSA FILE  
A-2015-10242/TW

Call Reason Breakdown  
November 4, 2014 to June 28, 2015

Call Reasons	
Status Check	9321
Warrant Inquiry	979
PDP Inquiry	303
Database Verification	663
Photo Request	307
Fingerprints Request	39
Follow-up Call	389
Special Event	0
Other	1059

RELEASED UNDER THE  
ACCESS TO INFORMATION ACT

Data prior to November 2014:

Due to system limitations, the WRC is unable to provide data for call topics prior to the launch of the new NBIC log in November 2014. For call origins, here is the data that was extracted from a decommissioned system (CATS) prior to the new log creation (the CATS system only allowed for the broad categories of Law Enforcement, CBSA Inland Offices, and Other Inquiries):

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Law Enforcement Inquiries	N/A	N/A	19879	16061	16245	18327	20044	5702	16217	12098
CBSA Inland offices	N/A	N/A	1939	1777	1906	1752	1605	383	1922	1461
Other Inquiries	N/A	N/A	448	223	940	94	137	40	175	193

\*\*\*As you will notice above, there seems to be a discrepancy for the year 2012. We are unable to provide a breakdown for April – December 2012 for call origins and therefore 18,357 are unclassified (See below). These statistics were not collected at the time and we are therefore unable to go back and retrieve them from the decommissioned database. \*\*\*

	Jan. 2012	Feb. 2012	Mar. 2012	Apr. 2012	May. 2012	Jun. 2012	Jul. 2012	Aug. 2012	Sep. 2012	Oct. 2012	Nov. 2012	Dec. 2012
Law Enforcement Inquiries	1,776	1,763	2,163	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CBSA Inland offices	122	104	157	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Other Inquiries	13	13	14	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Unclassified				2027	2000	1935	2121	2190	2033	2209	2112	1730





Canada (border)  
Services Agency

Agence des services  
frontaliers du Canada

NOV 13 2015

Mr. Macdonald-Sosa  
Immigration Consultant  
Ciccarizza LLP  
1280 Finch Ave West, Suite 200  
Toronto, ON M3J 3K6

Our File:  
A-2015-11669 / MZM

Dear Mr. Scott:

This letter is in response to your request, under the *Access to Information Act*. Your request reads:

*"Freedom of Information Request regarding Toronto Police Services (TPS)  
Collaboration with Canada Border Services Agency (CBSA):*

- 1. How many times has TPS supported, collaborated with, or played a role with CBSA in the 2014 year?*
- 2. How many times has TPS supported, collaborated with, or played a role with CBSA in the 2013 year?*
- 3. How many times has TPS supported, collaborated with, or played a role with CBSA in the 2012 year?*
- 4. How many times has TPS supported, collaborated with, or played a role with CBSA 2009 and 2011?*
- 5. How many times has TPS supported, collaborated with, or played a role with CBSA between 2006 and 2008?*
- 6. Please provide us with all documents and communications that outlines the relationship between the TPS and CBSA on matters related to immigration enforcement (including briefing notes and materials, slide decks, memorandums of understanding, emails, and so on) between 2006 and 2015."*

The processing of your request is now complete. Please note that the records are being released in their entirety. Number 6 of your request is being answered in the attached document. Be aware that the total inquiries by TPS do not match the total of call reasons for 2014 because there may be more than one call reason per inquiry (an officer asking for a status check and a photo, for example).

For your information, no briefing notes, material, slide deck, memorandum of understanding and or email were found.

As the Canada Border Services Agency is committed to providing the highest level of client service, we would be pleased to assist you with any questions or concerns you may have regarding the handling of your request. You may contact Mélanie Marcil at 343-291-6589 or by email at [Melanie.Marcil@cbis-asfc.gc.ca](mailto:Melanie.Marcil@cbis-asfc.gc.ca), using our file number as a reference.

...2

Canada

- 2 -

Should you be dissatisfied with the processing of this request, you may file a complaint within sixty days of receipt of this notice to the Information Commissioner of Canada by writing to:

Office of the Information Commissioner of Canada  
30 Victoria Street  
Gatineau, Québec K1A 1H3

Yours truly,



Lindsay Bright  
A/Manager  
Access to Information and Privacy Division  
Place Vanier Tower A  
333 North River Road, 14th floor  
Ottawa, ON K1A 0L8

Enclosures

**Inquiries by Toronto Police Service:**

Year	Number of inquiries by TPS
Nov 4, 2014 - Dec 31, 2014	757

Total inquiries by TPS: 3,759

*Data prior to November 2014:*

Due to system limitations, the WRC is unable to provide data for the Toronto Police Service prior to the launch of the new NBOC log in November 2014. The decommissioned system (CATS) prior to the new log creation, only allows for the broad categories of Law Enforcement, CBSA Inland Offices, and Other Inquiries)

#6: The requestor asks for communication that outlines the relationship between TPS and CBSA for 2006 - 2015 regarding immigration enforcement – so for this, we have provided why the call was made.

**Call reason (note 2014 commences in Nov)**

	2014	2015
Status check	667	2608
Warrant Inquiry	44	134
PDP Inquiry	22	64
Database verification	43	57
Photo Request	11	24
Fingerprints Request	0	1
Follow-up Call	14	77
Special Event	0	0
Other	48	115



Canada Border  
Services Agency

Agence des services  
frontaliers du Canada

NOV 12 2015

Mr. David Moffette  
201 - 161 Christie Street  
Toronto, ON  
M6G 3B3

Our File  
A-2015-15097 / MZM

Dear Mr. Moffette:

This letter is in response to your request under the *Access to Information Act*. Your request reads:

*"I would like to have a breakdown of reasons for calls for each of the callers. Minimally, I would like to receive statistics regarding the reasons for calls by: Service de Police de la Ville de Montreal, Peel Regional Police, Toronto Police Service, Toronto Transit (GO), York Regional Police. I would also like to receive the definitions of each reason since many seem to overlap (status check, warrant inquiry, database verification, follow-up call)."*

The processing of your request is now complete. Please note that the records are being released in their entirety and that due to our system limitations we were only able to extract data from November 4<sup>th</sup>, 2014 to present.

As the Canada Border Services Agency is committed to providing the highest level of client service, we would be pleased to assist you with any questions or concerns you may have regarding the handling of your request. You may contact Mélanie Marcil at 343-291-6589 or by email at [Melanie.Marcil@cbsa-asfc.gc.ca](mailto:Melanie.Marcil@cbsa-asfc.gc.ca), using our file number as a reference.

Should you be dissatisfied with the processing of this request, you may file a complaint within sixty days of receipt of this notice to the Information Commissioner of Canada by writing to:

Office of the Information Commissioner of Canada  
30 Victoria Street  
Gatineau, Québec K1A 1H3

Yours truly,

Lindsay Bright  
A/Manager  
Access to Information and Privacy Division  
Place Vanier Tower A  
333 North River Road, 14th floor  
Ottawa, ON K1A 0L8

Enclosures

**Canada**

Call Reasons from Nov 4, 2014 to Oct 16, 2015

	Service de Police de la Ville de Montreal	Peel	TPS	Toronto Transit GO	York RP
Status check	1940	738	4254	84	399
Warrant inquiry	177	78	214	3	52
PDP Inquiry	37	20	103	0	24
Database verification	71	68	152	4	34
Photo request	24	21	47	0	8
Fingerprints request	0	2	1	0	3
Follow-up call	85	20	123	1	21
Special event	0	0	0	0	0
Other	96	84	208	1	27

#### **Status Check:**

The status check box is used when inquiries are received from Law Enforcement Officers to the WRC in regards to a subject they have encountered. The status check box is used to reflect the nature of the request as well as the legislative provisions under which the information is collected and released. Law enforcement Officers may call to verify the Immigration status of a subject because they have suspicion a subject may not have legal status in Canada and therefore may be of interest to CBSA. Law Enforcement Officers may also call to confirm the status of a subject they have in custody. It should be noted, the status check box is not always reflective of only Immigration status queries but is reflective of the source on which the WRC makes any determination.

#### **Database Verification:**

The database check box is used when inquiries are received from CBSA officers in regards to the performance of a specific database query. The database check box is used to reflect the nature of the request. CBSA officers may call to ask the WRC to conduct a query of a database that they do not have access at that point in time or with which they are having technological issues. The WRC officer simply reads the information requested from the database screen to the CBSA officer, and WRC does not make any determination of status for these calls.

#### **Warrant Inquiry:**

The warrant inquiry check box is used when inquiries are received from Law Enforcement Officers regarding an individual with an Immigration Warrant. The warrant inquiry check box is used to reflect the nature of the request. Law Enforcement Officers may call to verify and confirm the Immigration warrant due to a hit they encountered on their police database CPIC (Canadian Police Information Centre).

#### **PDP Inquiry:**

The PDP inquiry check box is used when inquiries are received from Law Enforcement Officers regarding an individual who is a Previously Deported Person. The PDP inquiry check box is used to reflect the nature of the request. Law Enforcement Officers may call to verify and confirm the Previously Deported Person due to a hit they encountered on their police database CPIC (Canadian Police Information Centre).

#### **Follow-up Call:**

A follow-up call is selected when a Law Enforcement Officer or CBSA Officer calls again for the same case after the initial call, with follow up information or questions. This box is selected to reflect the nature of the request.

#### **Photo Request:**

The Photo Request check box is used when a Law Enforcement Officer or CBSA Officer requests a photo of a subject who has an Immigration Warrant or is a Previously Deported Person. This could be as a result of an arrest made or an investigation being conducted.

#### **Fingerprints Request:**

The Fingerprint Request check box is used when a Law Enforcement Officer or CBSA Officer requests fingerprints of a subject who has an Immigration Warrant or is a Previously Deported Person. This could be as a result of an arrest made or an investigation being conducted.

**Special Event:**

This check box is used for special projects that need to be accounted for statistically at the Warrant Response Centre.

**Other:**

This check box is used for telephone calls that fall outside of the standard Call Reasons.



**NOTES:**



DATE RECEIVED

NOV 26 2018

TORONTO POLICE SERVICE BOARD

Wendy Walberg LL.B., LL.M., \*C.S.  
City Solicitor  
Legal Services  
55 John Street  
Stn. 1260, 26<sup>th</sup> Flr., Metro Hall  
Toronto ON M5V 3C6  
Tel. (416) 392-8047  
Fax (416) 397-5624

*\* Certified by the Law Society as a Specialist  
in Municipal Law: Local Government*

Reply To: Robert J. Baldwin  
Tel: 416-392-8046  
Fax: 416-397-5624  
E-Mail: robert.baldwin@toronto.ca

November 16, 2018

**To:** Chair and Members of the Toronto Police Services Board  
**From:** Wendy Walberg, City Solicitor  
**Reference:** Inquest into the Death of Kwasi Skene-Peters  
Verdict and Recommendations of the Jury

**Recommendation:**

It is recommended that the Board receive the verdict and recommendations of the jury, as attached.

**Background:**

This matter was the subject of a confidential report to the Board considered at its meeting of July 19, 2018.

The inquest was held from September 17 to 28 before Coroner Dr. John Carlisle. The Board, the Chief, the involved officers, and the detective who directed the takedown were each granted standing and were separately represented by counsel. The family of the deceased was also granted standing; the father retained counsel, but the maternal side of the family was self-represented.

**Circumstances of the death:**

On July 10, 2015, a Canada-wide warrant was issued for the arrest of Mr. Skene-Peters on two charges of first degree murder. On July 24, 2015, the TPS received information that Mr. Skene-Peters would be in attendance at Tryst nightclub at 82 Peter Street. Surveillance was established that night. Mr. Skene-Peters' white Ford Focus was located in a parking lot for the nightclub. He was observed in the lineup for the nightclub. At one point, two men left the lineup and went to the Ford Focus. One of the men, Mr. Druro, was observed removing what was suspected to be a firearm and placing it in the vehicle. Three men (including Mr. Skene-Peters) were then observed entering the nightclub. The decision was made by police to arrest Mr. Skene-Peters when he returned to his car.

At approximately 3:00 a.m. on July 25, 2015, Mr. Skene-Peters and Mr. Druro were observed entering the Ford Focus in the parking lot. A civilian vehicle pulled up and stopped directly in front of the Ford Focus at the same time there was a radio call initiating the takedown. Multiple uniform and plain clothes officers converged on the scene with emergency equipment activated on marked and unmarked vehicles.

Officers drew their handguns and repeatedly issued commands to "Freeze – don't move", "Put your hands up" and "You are under arrest". Although the Ford Focus was blocked by the civilian vehicle, it moved forward initially, and then reversed into a brick wall.

From within the Ford Focus, Mr. Skene-Peters fired 7 shots at the officers through the windshield. Two officers returned fire, shooting a total of 24 shots. Mr. Skene-Peters exited the vehicle, ran behind two parked cars, tripped over a civilian, and then fell to the ground, dropping his handgun in the process.

Mr. Skene-Peters was handcuffed, and when he was turned over, he was observed to have sustained a single gunshot wound to the chest. He was transported by ambulance to St. Michael's hospital where he was pronounced dead at 3:59 a.m.

#### **Jury Verdict and Recommendations:**

A copy of the Verdict and Recommendations is attached. We have summarized it with comments below:

##### ***A. The Five Statutory Questions***

The Jury answered the five statutory questions as follows:

<b>Name of Deceased:</b>	Kwasi Skene-Peters
<b>Date and Time of Death:</b>	July 25, 2015 at 3:59 a.m.
<b>Place of Death:</b>	St. Michael's Hospital, Toronto
<b>Cause of Death:</b>	Gunshot Wound to the Chest
<b>By What Means:</b>	Homicide

##### ***B. The Jury Recommendations***

In addition to determining the five statutory questions, the jury was authorized to make recommendations directed at preventing death in similar circumstances or respecting any other matter arising out of the inquest.

The jury made five recommendations:

##### **To the Toronto Police Service**

1. Consider whether there would be value in establishing a system whereby officers on scene directing a "high risk" activity could call, if time and circumstances permit, to consult an individual with the relevant experience and training. The purpose is not to "second guess" those on scene, but to support them by ensuring that all appropriate factors have been considered in formulating a plan to carry out the task as safely and effectively as possible.

This was a recommendation suggested by the Coroner. However, the evidence at the inquest, was that the detective who directed the arrest had considerable experience with high risk takedowns.

2. **The Toronto Police Service (TPS) should take steps to consult with the Special Investigations Unit (SIU) to establish a protocol for cases where the law mandates that the SIU conduct the investigation, to appropriately delegate and expedite notification to next kin, by either TPS or other third party.**

The mother testified that when she attended the hospital she was advised by a police officer that her son was being attended to, when in fact he had already died. A letter from the Director of the Special Investigations Unit was entered as evidence which indicated that, pursuant to regulation and policy, it's the S.I.U.'s position that it is to have sole contact with the family of the deceased. The letter also indicated that in appropriate circumstances the police could contact the SIU and request permission to notify the family about the death. It appears that the jury is concerned that the family may not be given timely information as to the status of their relative until such time as the SIU arrives on scene.

3. **Consider implementing a communication plan prior to a "high risk" take-down to ensure that communication is unimpeded and that all parties involved are properly informed at all times (i.e. all officers directed to use the same radio channel).**

The evidence in this case was that all officers were on the same radio channel; however, as multiple radio channels are available, the jury is seeking to avoid a potential for a future breakdown in communication.

#### **To the Toronto Police College and the Ontario Police College**

4. **Consider using the circumstances of this case as a dynamic training scenario, including an initial plan and unexpected intervening factors, such as bystanders or vehicles that mean the plan cannot be carried out as anticipated. Participants should be debriefed after the exercise to assess the choices they made and discuss the availability of other options.**

The takedown plan was that an unmarked police vehicle would box the subject vehicle into its parking space. However, a civilian vehicle got in the way and prevented this from occurring. The presence of the civilian vehicle and another unmarked police vehicle at the parking lot exit effectively prevented the subject vehicle from leaving the parking lot. As well, there were a number of bystanders in the parking lot which caused concern to the police that the bystanders might alert and assist the suspect. In fact, the bystanders did not impede the takedown. By its recommendation, the jury is reflecting a concern that officers be trained to respond appropriately to unexpected circumstances.

5. **Review and reinforce training practices in relation to subject, public, and police safety when dealing with an armed individual who is firing from a contained vehicle. Consideration should be given to utilizing both distance and cover to improve safety, when available and appropriate. The review should include best practices and procedures from other large North American police agencies that have dealt with such situations, and if appropriate consider implementing those practices within training**

**programs.**

The jury's recommendation is to determine best practices from other jurisdictions in dealing with the inherently dangerous high risk takedown.

**Conclusion:**

It is recommended that the Board receive the verdict and recommendations of the jury.

  
SWD Wendy Walberg  
City Solicitor





Office of the  
Chief Coroner  
Bureau du  
coroner en chef

## Verdict of Coroner's Jury Verdict du jury du coroner

The Coroners Act – Province of Ontario  
Loi sur les coroners – Province de l'Ontario

**Inquest into the death of:  
Enquête sur le décès de :**

Kwasi Skene-Peters

### **JURY RECOMMENDATIONS RECOMMANDATIONS DU JURY**

We the jury, recommend to the Toronto Police Service

1 – Consider whether there would be value in establishing a system whereby officers on scene directing a “high risk” activity could call, if time and circumstances permit, to consult an individual with the relevant experience and training. The purpose is not to “second guess” those on scene, but to support them by ensuring that all appropriate factors have been considered in formulating a plan to carry out the task as safely and effectively as possible.

2 – The Toronto Police Service (TPS) should take steps to consult with the Special Investigations Unit (SIU) to establish a protocol for cases where the law mandates that the SIU conduct the investigation, to appropriately delegate and expedite notification to next kin, by either TPS or other third party.

3 – Consider implementing a communication plan prior to a “high risk” take-down to ensure that communication is unimpeded and that all parties involved are properly informed at all times (i.e. all officers directed to use the same radio channel).

We the jury, recommend to the Toronto Police College and the Ontario Police College

4 – Consider using the circumstances of this case as a dynamic training scenario, including an initial plan and unexpected intervening factors, such as bystanders or vehicles that mean the plan cannot be carried out as anticipated. Participants should be debriefed after the exercise to assess the choices they made and discuss the availability of other options.

5 – Review and reinforce training practices in relation to subject, public, and police safety when dealing with an armed individual who is firing from a contained vehicle. Consideration should be given to utilizing both distance and cover to improve safety, when available and appropriate. The review should include best practices and procedures from other large North American police agencies that have dealt with such situations, and if appropriate consider implementing those practices within training programs.

**FOR INFORMATION ONLY**

**NOT OFFICIAL**

**VERDICT/RECOMMENDATIONS**



Office of the  
Chief Coroner  
Bureau du  
coroner en chef

## Verdict of Coroner's Jury Verdict du jury du coroner

The Coroners Act – Province of Ontario  
Loi sur les coroners – Province de l'Ontario

We the undersigned / Nous soussignés,

\_\_\_\_\_ of / de Toronto, Ontario  
\_\_\_\_\_ of / de Toronto, Ontario  
\_\_\_\_\_ of / de Toronto, Ontario  
\_\_\_\_\_ of / de Toronto, Ontario  
\_\_\_\_\_ of / de Toronto, Ontario

the jury serving on the inquest into the death(s) of / membres dûment assermentés du jury à l'enquête sur le décès de :

Surname / Nom de famille  
Skene-Peters

Given Names / Prénoms  
Kwasi

aged 21 held at 25 Morton Shulman Avenue, Toronto, Ontario  
à l'âge de tenue à

from the 17th of September to the 28th of September 20 18  
du au

By Dr. / Dr. John Carlisle Coroner for Ontario  
Par coroner pour l'Ontario

having been duly sworn/affirmed, have inquired into and determined the following:  
avons fait enquête dans l'affaire et avons conclu ce qui suit :

Name of Deceased / Nom du défunt  
Kwasi Skene-Peters

Date and Time of Death / Date et heure du décès  
July 25<sup>th</sup>, 2015 at 3:59 a.m.

Place of Death / Lieu du décès  
St. Michael's Hospital, Toronto

Cause of Death / Cause du décès  
Gunshot Wound to the Chest

By what means / Circonstances du décès  
Homicide

Original signed by: Foreman / Original signé par : Président du jury

Original signed by jurors / Original signé par les jurés

The verdict was received on the 28th day of September 20 18  
Ce verdict a été reçu le (Day / Jour) (Month / Mois)





## *Central Joint Health and Safety Committee*

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### **PUBLIC MINUTES**

**40 College Street, 7<sup>th</sup> Floor Board Room  
Thursday October 11, 2018  
2:00 PM**

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#### **Meeting No. 63**

##### Members Present

Chair Andy Pringle, TPSB & Co-Chair, CJHSC  
Mr. Jon Reid, Director, TPA & Co-Chair, CJHSC  
Deputy Chief Barbara McLean, TPS, Command Representative  
Mr. Brian Callanan, TPA & Executive Representative

##### Also Present

Mr. Rob Duncan, Safety Planner & Program Coordinator, Wellness Unit  
Ivy Nanayakkara, Manager, Wellness Unit  
Claire Wagar, TPA

Chair for this Meeting: Jon Reid, Director, TPA & Co-Chair, CJHSC

#### **Opening of the Meeting:**

1. Mr. Reid welcomed the group to the meeting, and called the meeting to order at 2:06pm.
2. The Committee approved the public and confidential Minutes from the meeting that was held on April 12, 2018.

### **The Committee considered the following matters:**

#### **3. NEW FORD TAURUS INTERCEPTOR SCOUT CARS**

Concerns brought forward that many of TPS' taller members (defined as 6'2" or greater) are having difficulty entering and exiting the Ford Taurus Scout cars.

#### **Action taken since the last meeting:**

Deputy Chief McLean provided an update to inform the committee that the Wellness Unit had conducted ergonomic assessments of the Ford Taurus and several other police vehicles, and due to the results of the assessments, the Service plans to expand the availability of the Ford Explorer in order to better accommodate member needs. . Ford has also announced the release of new police specific vehicles, which the Service will also take into consideration when more information is available.

<b>Status</b>	<b><u>Resolved</u></b>
<b>Action</b>	<b>The Committee agreed that this matter requires no further action at this time.</b>

#### **4. BARN SWALLOWS AT THE MARINE UNIT**

Netting installation is in place.

#### **Action taken since the last meeting:**

Deputy Chief McLean advised the Committee that netting is up and Mr. Rob Duncan has spoken with members at the Marine Unit. Mr. Duncan commented the netting appears to be working, although the alternative nesting site doesn't seem to have been effective to date. Members at the Marine Unit report being satisfied with the outcome.

<b>Status</b>	<b><u>Resolved</u></b>
<b>Action</b>	<b>The Committee agreed that this matter requires no further action at this time.</b>

#### **5. ISSUANCE OF NALOXONE KITS TO SPECIFIED UNIFORM MEMBERS**

In June 2018, TPS proceeded with the strategic deployment of naloxone kits in order to help members respond to incidents involving suspected opioid overdoses. TPS has issued governance which includes specific procedures and has developed and implemented a reporting and tracking process.

#### **Action taken since the last meeting:**

Deputy Chief McLean advised the committee that the Naloxone kits have been issued to all frontline members in Divisions 14, 51, 52, and 55 downtown as part of a broader Service-wide deployment. Naloxone has been used twice to date on members of the public suffering from apparent overdoses, with two (2) lives being saved and no SIU involvement to date.

It was noted that officers have to track the use of Naloxone using the Service's Versadex system, and that the current search data is being refined so we can better search for outcome and circumstances. In addition, the Ministry of Health and Long-Term Care hasn't approved the issuance for Naloxone kits to Special Constables, Auxiliaries and Civilians therefore we cannot distribute to them at this time.

Deputy Chief McLean recommended to monitor further.

<b>Status</b>	<b>Ongoing</b>
<b>Action</b>	<b>The Committee agreed that this matter is ongoing.</b>

## 6. FULL BODY SCANNERS

Mr. Jon Reid advised the Committee the TPS has undertaken a six (6) month pilot project on the use of a full body scanner to conduct prisoner searches at 14 Division to reduce the risk of prisoners transporting contraband.

Two different models of machines will be evaluated, with the first pilot running to the end of December 2018, and the second pilot taking place from January to March 2019.

The full body scanner provides an alternative method for conducting searches. The equipment is being evaluated to determine whether it will be effective in better identifying contraband and whether it will reduce the frequency with which officers are required to conduct Level 3 searches of prisoners.

Deputy Chief McLean spoke with Superintendent Neil Corrigan and the feedback from members of 14 Division is positive, however Supt. Corrigan noted that the process adds some time to the booking process. It provides another option to conduct searches to ensure the safety of everyone involved.

Mr. Rob Duncan advised that the Wellness Unit has been involved in the process from a health and safety perspective and that all regulatory requirements are being met throughout the course of the pilot. Mr. Duncan addressed the concern on exposure limits, noting that the machines track the number of scans and amount of exposure for each individual prisoner in order to ensure that their exposure is accurately recorded and that any risk is minimized.

<b>Status</b>	<b>Ongoing</b>
<b>Action</b>	<b>The Committee agreed that this matter is ongoing.</b>

## 7. DUTY BELTS

Mr. Jon Reid provided a comparison of the duty belts. Currently members are issued leather Safariland Duty Belts but some have expressed a preference for an alternative web belt. The preferred Bianchi Duty Belt is \$20.00 less and the College is in support of this model however under current Service procedures, in order to be issued with this belt members must first seek medical authorization from Medical Advisory Services because it is currently a deviation from the standard issue equipment.

The Clothing and Equipment Committee has not met on this subject. Mr. Duncan advised that Medical Advisory Services has been consulted, and the Medical Advisor supports the use of the alternative duty belt without a need for medical approval. Deputy Chief McLean stated that if the Clothing and Equipment Committee approves the use of the Bianchi Duty Belt then there is no need for Medical Advisory Services approval on a case-by-case basis. If the Bianchi Duty Belt is more comfortable and preferred by members and is approved then Deputy Chief McLean will support confirming the Bianchi Duty Belt as an approved option for members going forward.

<b>Status</b>	<b>Ongoing</b>
<b>Action</b>	<b>The Committee agreed that this matter is ongoing.</b>

## 8. UPGRADING OF SERVICE ISSUED RAIN JACKETS TO CLASS 2

Mr. Jon Reid was approached by several members concerning the current issued rain jacket. The current police rain jackets have reflective markings, but the markings are not designed to comply with the CSA Standard for high visibility apparel although the vests do comply with this standard. To switch to CSA compliant jackets, the additional cost per jacket would be \$10.00 which is more economical than to retrofit each jacket.

We would allow officers to use the existing jackets until the new ones have been issued. There have not been any incidences of officers being injured, however the advantage to the new jackets is increased visibility of the officers.

<b>Status</b>	<b><u>Resolved</u></b>
<b>Action</b>	<b>Mr. Rob Duncan will request Stores to order.</b>

## 9. ARMED POLICE OFFICERS IN COURT HOUSES

Mr. Jon Reid addressed that we currently don't have any armed police officers in court houses, however we did have them in the past. This would be a good opportunity to review this need in Court Services.

<b>Status</b>	<b>Ongoing</b>
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<b>Action</b>	<b>Deputy Chief McLean will speak with Deputy Shawna Coxon and provide an update at the next meeting.</b>
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#### 10. VENTILATION AT PROPERTY BUREAU

Mr. Brian Callanan raised the concern of a few calls being reported of the steady odour of marijuana at the 330 Progress location. It was suggested a site visit might be warranted as we are unsure if there has ever been a study done and if this has been brought up in their own Health and Safety meetings.

<b>Status</b>	<b>Ongoing</b>
<b>Action</b>	<b>Possible site visit and study with an update by Mr. Callanan at the next meeting.</b>

#### 11. NEW MATTERS FOR CONSIDERATION – FIRE SCENES N95 MASKS

Mr. Reid suggested a routine order to remind members to have these masks on their person or in their kit. Mr. Reid confirmed these masks are disposable and fit tested, which on average takes 7-10 minutes. The concern is where we are going to incorporate the training. We will need to teach how to fit test and take it on and off, what the masks are good and not good for, setting up a perimeter, etc.

Deputy Chief McLean mentioned a conversation will be had with the College for recruit training and also during ISTP.

<b>Status</b>	<b>Ongoing</b>
<b>Action</b>	<b>Deputy Chief McLean to provide and update at the next meeting.</b>

**\*\*Confidential Matters\*\***

The committee also considered several other confidential matters. Details of the committee's discussions and decisions regarding these matters have been recorded in the confidential minutes for this meeting.

#### **Next Meeting:**

Date: Thursday, December 13, 2018  
Time: 1:00pm  
Location: TBD

**Meeting was adjourned at 2:40pm.**

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**Members of the Central Joint Health and Safety Committee:**

Andy Pringle, Co-Chair Toronto Police Services Board	Jon Reid, Co-Chair Toronto Police Association
Barbara McLean, Command Representative, Toronto Police Service	Brian Callanan, Executive Member Toronto Police Association





## Toronto Police Services Board Report

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July 5, 2018

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Chief's Administrative Investigation into the Alleged Sexual Assault of Sexual Assault Complainant 2018-L**

### **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, approximately 1149 hours, members of the Toronto Drug Squad (T.D.S.) executed several *Controlled Drug and Substances Act (C.D.S.A.)* search warrants in the Toronto area. One of the search warrants was issued for an address in the area Lawrence Avenue West.

One of the persons found in that location was arrested for Possession of Cocaine for the Purposes of Trafficking. This person was identified as Sexual Assault Complainant 2018-L (2018-L). 2018-L was arrested without incident along with three other individuals at the location. 2018-L was searched by an officer at the scene of the arrest. The search was a Level 2 pat down to ensure that 2018-L was not in possession of any weapons, drugs, evidence or implements of escape. The officer conducted the search in the presence of a supervisory officer, who was part of the T.D.S. team.

The search comprised a pat down of the legs, torso with special attention paid to the ankles and waist band area of the clothing. At no time was any clothing removed during this search.

2018-L was transported to 32 Division for further investigation and processing on several criminal charges.

2018-L was paraded before the Officer-in-Charge of the station and was held for a Show Cause hearing. 2018-L was taken to the Major Crime Unit (M.C.U.) offices and placed into one of the secured interview rooms.

During the course of 2018-L’s time in the interview room, they became violent and assaultive and were involved in a violent struggle during efforts to move them from an interview room to the cells of the station. As a result of the struggle, 2018-L suffered a minor threshold injury. 2018-L was transported to North York General Hospital, where they were diagnosed and treated for a fractured nasal bone.

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

Investigators from the S.I.U. attended at a correctional facility to interview 2018-L and to obtain consent for medical records in the custody injury investigation.

2018-L alleged at that interview that when they were arrested in the residence on March 30, 2017, they were searched. The search entailed being stripped naked from the waist down and touched inappropriately.

On April 11, 2017, the S.I.U. notified the T.P.S. of the allegation and invoked its mandate.

The S.I.U. designated one officer, as a subject officer; one other officer was designated as a witness officer.

In a letter to the T.P.S. dated January 8, 2018, Director Tony Loparco of the S.I.U. advised that the investigation was completed and no further action was contemplated.

The S.I.U. did not publish any media releases regarding this investigation.

### **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 01-02 (Search of Persons)
- Procedure 01-03 (Persons in Custody)
- Procedure 02-18 (Executing a Search Warrant)
- Procedure 05-05 (Sexual Assault)
- Procedure 05-30 (Major Drug Investigations)
- 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

MS/ao

Filename: siusexualassault 2018-Lpublic



## Toronto Police Services Board Report

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August 19, 2018

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Chief's Administrative Investigation into the Alleged Sexual Assault of Sexual Assault Complainant 2018-O**

### **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 January 21, 2017, 2018-O was arrested by officers from York Regional Police (Y.R.P.) on an outstanding Warrant in the first instance for Uttering Threats of Death. Y.R.P. contacted the T.P.S. to make arrangements to transfer custody of 2018-O. Police Officers from 52 Division attended Steeles Avenue East and Highway 404 to receive 2018-O from Y.R.P. These officers were working in uniform and driving a marked police vehicle. 2018-O was transported to 51 Division and became upset and agitated during transport; they used their feet to kick the rear door window from the police vehicle.

The officers paraded 2018-O at 51 Division, before the Sergeant. The Sergeant authorized a level 3 search of 2018-O to be performed by two officers. Two officers escorted 2018-O into a private room in the booking hall and the search process was explained to 2018-O by the officers. 2018-O was co-operative and removed their own clothing which was searched by the officers. 2018-O was directed by the officers to bend over to ensure there was nothing concealed in their pelvic area; 2018-O refused. Due to 2018-O’s refusal to co-operate any further, their agitated state and their large stature, the officers requested the assistance of an additional officer. The additional officer arrived at the search room and assisted. 2018-O continued to refuse to bend over so the officers assisted 2018-O to bend over. At no time, did any of the officers touch 2018-O below their waist. The search was completed, when 2018-O stated they wanted to punch one of the officers before lunging at them. The officers restrained 2018-O by taking them to the floor and re-applying 2018-O’s handcuffs. The officers assisted 2018-O in re-dressing.

2018-O was brought back before the Sergeant prior to being taken to the cells. 2018-O did not make any complaints regarding the search. 2018-O was charged and had been held pending a show cause hearing.

On February 23, 2017, 2018-O addressed an email correspondence to the T.P.S. alleging that as a result of their arrest and subsequent search on January 21, 2017, they had been sexually assaulted by three officers.



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

The S.I.U. has not published any media releases regarding this investigation.

The S.I.U. designated one officer as the subject officer; four other officers were designated as witness officers.

In a letter to the T.P.S. dated April 6, 2018, Director Tony Loparco of the S.I.U. advised that the investigation was completed and no further action was contemplated.

### **Summary of the Toronto Police Service's Investigation:**

Sex Crimes Unit (S.C.U.) conducted an investigation pursuant to Ontario Regulation 267/10 Section 11.

S.C.U. examined the sexual assault in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The S.C.U. 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 04-21 (Gathering/Preserving Evidence)
- Procedure 05-05 (Sexual Assault)
- 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 S.C.U. 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 S.C.U. investigation determined that the T.P.S.'s policies and procedures associated with the alleged sexual assault 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

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August 31, 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-N**

### **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, 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 Tuesday, May 23, 2017, the T.P.S. was notified by the Office of the Independent Police Review Director (O.I.P.R.D.) that Sexual Assault Complainant 2018-N (2018-N) had filed a complaint regarding an unknown male T.P.S. officer.

2018-N advised that on Monday, April 17, 2017, they were working outside of the Air Canada Centre as part of the “Leafs Tailgate Party”.

The T.P.S. had an operational plan for this event and as a result there were a number of officers deployed to this location which included on duty personnel, as well as officers on Paid Duty assignments.

While working at this event, 2018-N alleged that an unidentified male police officer approached them from behind and placed his hands on their hips.

According to the O.I.P.R.D. complaint, the officer proceeded to state, *“how great my butt looked in the Lulu lemon pants I was wearing”*. The officer then walked away but returned a short time later. The officer began to massage 2018-N’s shoulders and stated, *“If I had a quarter for every look I received in those pants I would become a millionaire”*.

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

The S.I.U. designated one officer, as a subject officer; 16 other officers were designated as witness officers. One additional officer, who has since retired, was also designated as a witness officer.

The subject officer was identified as a result of the proximity of their paid duty to the work location of 2018-N, as well as their general description. The S.I.U. conducted an exhaustive investigation that included a canvass for video as well as conducting a photo lineup.

There was no evidence that linked the subject officer, or any other officer, to the conduct alleged by 2018-N.

In a letter to the Toronto Police Service (T.P.S.) dated May 4, 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 Director of the S.I.U. did not publish any media releases in this investigation

### **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 alleged sexual assault 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 05-05 (Sexual Assault)
- Procedure 11-07 (Special Events)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 18-19 (Paid Duties)

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 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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## Toronto Police Services Board Report

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September 14, 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-P**

### **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, 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 Tuesday, July 25, 2017, Sexual Assault Complainant 2018-P (2018-P) submitted a complaint to the Office of the Independent Police Review Director (O.I.P.R.D.) wherein they reported being arrested by members of the T.P.S. on Thursday, June 22, 2017. 2018-P alleged that during their arrest, an officer conducted a search of 2018-P’s person and in doing so, placed their hands inside 2018-P’s sweat pant pockets and ‘groped’ their groin area.

On Thursday, June 22, 2017, officers of 32 Division Major Crime Unit (M.C.U.) were conducting surveillance in the area of the Allen Road and Finch Avenue West, Toronto.

Officers observed a person, known to them as 2018-P, walking in the area. The officers were also aware that 2018-P was wanted on an outstanding warrant for Robbery.

Officers called out to 2018-P who immediately began to run away. After a short distance officers were able to catch up to 2018-P and place them under arrest.

The M.C.U. officers requested the assistance of a same gendered officer as 2018-P, for the purpose of conducting a search of 2018-P, and a uniform police vehicle, for the purpose of transporting 2018-P to 32 Division.

Uniform Police Constables of 32 Division, attended with a marked police vehicle and took custody of 2018-P. These officers were both of the opposite gender of 2018-P.

2018-P was placed in the rear of the marked police vehicle and the In-Car Camera System (I.C.C.S.) was activated.

After a short time, 2018-P began to complain of chest pains and the officers contacted Toronto Paramedic Services (Paramedics).

Paramedics attended, briefly examined 2018-P, and determined that they would be transported to hospital for further examination.

To this point there was no officer of the same gender available to conduct a search of 2018-P.

The officers removed 2018-P from their vehicle and positioned them in the front of the vehicle. While Constable A stood with 2018-P, Constable B viewed the I.C.C.S. and guided Constable A, such that 2018-P was positioned entirely in view of the In-Car camera.

Constable B then exited the vehicle and conducted a pat down search of 2018-P, which was fully captured on the I.C.C.S.

2018-P was then placed on the gurney by Paramedics and transported to North York General Hospital.

2018-P was medically cleared by a physician, and then transported to 32 division where they were charged and held for a show cause hearing.

On Monday, August 21, 2017, the O.I.P.R.D. advised the T.P.S. of the complaint made by 2018-P and that they would be retaining it for investigation.

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

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

In a letter to the T.P.S. dated Thursday, July 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.

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

### **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 alleged sexual assault 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 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)
- 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 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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## Toronto Police Services Board Report

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September 18, 2018

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Chief's Administrative Investigation: Custody Injury of Mr. A.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 Saturday, February 4, 2017, Toronto Police Service (T.P.S.) Communications Services (Communications) received a number of 9-1-1 calls to an apartment building in the area of Lawrence Avenue West and Weston Road. Communications received information that a male, later identified as Mr. A.H., was attempting to throw a female, later identified as his mother, off their balcony located on the fourth floor. Officers of 12 Division Primary Response Unit (P.R.U.) were dispatched.

Two officers responded to the call and as they arrived at the address, they observed A.H. on the balcony with his arms around his mother. Another set of officers entered the building and attended the fourth floor unit.

Three other officers also responded to the call and remained outside on the ground level below the apartment balcony. As two officers approached the balcony, they observed A.H. straddling the railing; both officers verbally engaged A.H. in an attempt to de-escalate the situation.

When officers arrived on the fourth floor, they could hear A.H.’s mother yelling for help. The officers gained entry into the apartment and observed A.H.’s mother on the floor suffering from a knee injury. An officer then walked through the unit toward the closed balcony. As he approached the door, he observed A.H. straddle the railing then also swing his other leg over the railing. Before the officer could open the door, A.H. jumped over the railing and landed on the driveway below.

The officers on the ground level provided A.H. with first aid and contacted Toronto Paramedic Services (Paramedics). The male was transported by Paramedics to Sunnybrook Health Sciences Centre where he was diagnosed and treated for multiple fractures. A.H.’s mother was treated at the scene for minor injuries.

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

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

In a letter to the T.P.S. dated Tuesday, April 10, 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.

Director Loparco states in part,

*“In my view, there were no grounds in the evidence to proceed with criminal charges against the subject officers.”*

During the course of the administrative investigation it was determined that officers involved in the incident were found to be noncompliant with Procedure 15-17 In-Car Camera System.

As a result, officers found to be noncompliant were referred to the unit for discipline.

A copy of Director Loparco’s letter is appended to this report.

The S.I.U. Director’s public Report of Investigation can be found by the following link:

<https://www.ontario.ca/page/siu-directors-report-case-17-tci-028>

On Sunday, February 5, 2017, the S.I.U. issued a news release requesting the public’s assistance in locating any witnesses to this event. The news release can be viewed at the following link:

[https://www.siu.on.ca/en/news\\_template.php?nrid=2954](https://www.siu.on.ca/en/news_template.php?nrid=2954)

On Tuesday, April 17, 2018, the S.I.U. issued a news release exonerating the subject officers. The news release can be viewed at following link:

[https://www.siu.on.ca/en/news\\_template.php?nrid=3844](https://www.siu.on.ca/en/news_template.php?nrid=3844)

### **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 alleged custody injury 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 06-04 (Emotionally Disturbed Persons)
- 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)
- 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 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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## Toronto Police Services Board Report

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September 21, 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 Ms. Titilayo Lanlokun**

### **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 June 8, 2016, the Toronto Anti-Violence Intervention Strategy (T.A.V.I.S.) was assisting in *Project Stability*, effecting 23, 31 and 12 Divisions.

Two uniform members of T.A.V.I.S. were operating an unmarked police van, Fleet T.A.V.30. This vehicle was not equipped with any emergency lighting, siren or In-Car Camera System (I.C.C.S.)

At approximately 1730 hours, the officers observed a black Acura vehicle in front of them on Islington Avenue south of Albion Road that narrowly missed striking the vehicle in front of the Acura that had come to an abrupt stop. The officers conducted a license plate query. The results of that query indicated that a male party, identified as Mr. Jermaine Watson, associated to the black Acura vehicle bearing Ontario license plate B.Y.H.C. 369 was wanted on outstanding warrants for his arrest. The arrest warrants were for 3 counts of Assault, 3 counts of Uttering Death Threats, 1 count of Overcome Resistance to Offence-Render Unconscious and 1 count of Take Motor Vehicle without Owner’s Consent. These warrants were the result of a domestic related event from January 2016.

The officers decided to conduct a traffic stop and investigate the driver for potential distracted driving and the possibility that the driver may be the wanted person. The officers continued to follow the Acura and voiced out on the radio band requesting another T.A.V.I.S. vehicle to assist in stopping the vehicle they were now following.

Two other T.A.V.I.S. officers were operating Fleet T.A.V.53 in the general area. This was a marked police vehicle equipped with emergency lighting, sirens and I.C.C.S. These officers heard T.A.V.30 requesting assistance to stop a vehicle and that the driver was possibly wanted on warrants.

In the same area, a third T.A.V.I.S. team vehicle, T.A.V.55, also equipped with emergency lighting, sirens and I.C.C.S, heard T.A.V.30 requesting assistance with a vehicle stop. Both T.A.V.53 and T.A.V.55 responded to assist T.A.V.30 with the traffic stop.

The officers operating T.A.V.30 relayed information that they had turned onto Barker Avenue from southbound Islington Avenue. T.A.V.53 travelled to Riverdale Drive, expecting to intersect with T.A.V.30. The officers in T.A.V.53 saw the black Acura approaching northbound on Riverdale Drive. Behind it was T.A.V.30 and those officers advised over the radio; *“that’s the vehicle”*. T.A.V.53 transitioned from the southbound lane of Riverdale Drive into the northbound lane, with their roof lights activated. They had intended to block the Acura.

The driver of the Acura accelerated heavily and moved from the northbound lane into the southbound lane swerving past T.A.V.53.

The officers in T.A.V.53 turned around on Riverdale Drive and followed the Acura northbound in an attempt to catch up to the Acura. T.A.V.55 which had been travelling northbound on Riverdale Drive fell in behind T.A.V.53. Both police vehicles, T.A.V.55 and T.A.V.53 engaged their emergency equipment. T.A.V.30 also followed once T.A.V.55 passed them northbound.

As the driver of the Acura continued northbound on Riverdale Drive, he reached Albion Road, turned right, and accelerated rapidly in an attempt to evade the officers. The officers lost sight of the suspect vehicle after it had turned onto Albion Road and accelerated southbound.

Despite losing sight of the Acura, T.A.V.53, T.A.V.55 and T.A.V.30 continued southbound on Albion Road in an effort to catch up to the Acura. Approximately 1.5 kilometers south of Albion Road and Riverdale Drive, the officers approached Elmhurst Drive and Albion Road. There were several people standing in the intersection in what appeared to be the aftermath of a major collision scene. The Acura had struck a Toyota minivan, veered off the roadway, and come to rest against a pole after striking a bus shelter and two other vehicles. Several witnesses to the crash advised officers that the driver of the Acura had fled the scene on foot.

As other officers arrived on scene, they requested Toronto Paramedic Services (Paramedics) attend the scene while other T.A.V.I.S. members searched for the suspect. Mr. Watson was located a short distance away and, without incident, was placed under arrest for Dangerous Driving, and Fail to Stop after an Accident.

The driver of the Toyota minivan, later identified as Ms. Titilayo Lanlokun, suffered an injury to her right ankle. Paramedics arrived and transported Ms. Lanlokun via Ambulance to Sunnybrook Health Sciences Centre where she was diagnosed and treated for a compound fracture to the right tibia and fibula.

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

The SIU designated one officer as a subject officer; seven other officers were designated as witness officers.

The S.I.U. published a media release on June 9, 2016. The media release is available at: [https://www.siu.on.ca/en/news\\_template.php?nrid=2653](https://www.siu.on.ca/en/news_template.php?nrid=2653)

In a letter to the T.P.S. dated January 10, 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 January 31, 2018. The media release is available at: [https://www.siu.on.ca/en/news\\_template.php?nrid=3574](https://www.siu.on.ca/en/news_template.php?nrid=3574)

### **Summary of the Toronto Police Service's Investigation:**

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

T.S.V. examined the use of force 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 07-05 (Service Vehicle Collisions)
- Procedure 10-06 (Medical Emergencies)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- 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)
- Ontario Regulation 926 Section 14.3 (Use of Force Qualifications)

The T.S.V. investigation determined that the T.P.S.'s policies and procedures associated with the vehicle injury event 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 and six witness officers 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 abandoned once the motor vehicle is identified or an individual in the fleeing motor vehicle is identified, and that officers shall advise Communications Services of the fact that they are engaged in a Suspect Apprehension Pursuit.

The officers were assigned to the Advanced Driver Training Course at the Toronto Police College to provide retraining in the areas of concern.

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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