



The following *draft* Minutes of the meeting of the Toronto Police Services Board held on April 25, 2013 are subject to adoption at its next regularly scheduled meeting.

The Minutes of the meeting held on March 27, 2013, previously circulated in draft form, were approved by the Toronto Police Services Board at its meeting held on April 25, 2013.

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **APRIL 25, 2013** at 1:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

PRESENT:

Dr. Alok Mukherjee, Chair
Mr. Michael Thompson, Councillor & Vice-Chair
Mr. Michael DelGrande, Councillor & Member
Ms. Marie Moliner, Member
Dr. Dhun Noria, Member
Ms. Frances Nunziata, Councillor & Member

ABSENT:

Mr. Andrew Pringle, Member

ALSO PRESENT:

Mr. William Blair, Chief of Police
Mr. Albert Cohen, City of Toronto - Legal Services Division
Ms. Deirdre Williams, Board Administrator

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P86. RE-APPOINTMENT – ALOK MUKHERJEE, MEMBER, TORONTO
POLICE SERVICES BOARD**

The Board was in receipt of the following copy of Order in Council 442/2013 from the Ontario Executive Council, Province of Ontario:

The Board received the Order-in-Council.



Ontario
Executive Council
Conseil exécutif

Order in Council
Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

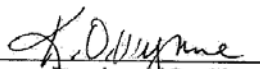
Sur la recommandation de la personne soussignée, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil exécutif, décrète ce qui suit :

Pursuant to the provisions of the Police Services Act, as amended,

Alok Mukherjee, Toronto

be reappointed as a member of the Toronto Police Services Board for a period of three years, effective from the 14th day of April, 2013.

Recommended


Premier and President
of the Council

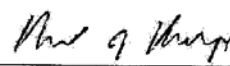
Concurred


Chair of Cabinet

Approved and Ordered

APR 10 2013

Date


Administrator of the Government

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#P87. FRANCES NUNZIATA THANKS TORONTO POLICE SERVICE

Councillor Nunziata thanked the Toronto Police Service for its quick response and arrest of suspects involved in a bank robbery that occurred in her ward. The Councillor congratulated the TPS members involved and advised that the community was very pleased with their work.

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**#P88. VICE CHAIR MICHAEL THOMPSON THANKS TORONTO POLICE
SERVICE**

Vice Chair Michael expressed gratitude to Inspector Stuart Eley, on behalf of the family of Constable Jennifer Kovach, for his role in organizing Constable Kovach's funeral. Guelph Police Constable Kovach was killed in the line of duty on March 14, 2013. Vice Chair Thompson advised that the Kovach family were comforted by Inspector Eley's involvement and were greatly appreciative of the support he provided to the family.

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**#P89. RESPONDING TO PEOPLE WITH MENTAL HEALTH ISSUES:
TORONTO POLICE SERVICE STATUS UPDATE**

The Board was in receipt of the following report April 08, 2013 from William Blair, Chief of Police:

Subject: RESPONDING TO PEOPLE WITH MENTAL HEALTH ISSUES: TORONTO
POLICE SERVICE STATUS UPDATE

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

At the Board's April 19, 2012 meeting, the Board considered a report from Chief Blair with respect to the issue of responding to people with mental health issues (Min. No. P86/12 refers). At this time, Deputy Chief Mike Federico, Corporate Command, delivered an oral and video presentation to the Board on the matter. The Board also received a number of deputations from members of the community.

Following the deputations, the Board had a discussion and approved the following Motions:

1. THAT the Board receive the report from Chief Blair and the presentations provided by Deputy Chief Federico and Ms. Capponi;
2. THAT the Board receive the deputations and the written submissions and that copies be forwarded to the Chief of Police and the Board's Mental Health Sub-Committee for review and any comments or recommendations be provided to the Board, if appropriate; and
3. THAT the Board request the Chief of Police to review our "model" of how police officers/dispatchers respond to people suffering mental illness, this review is to include:
a) review of successful models globally; b) consultation with stakeholders; and c) consultation with academia and medical practitioners.

Discussion:

The 2013 Mobile Crisis Team Coordination Steering Committee Report, *MCIT Program Coordination in the City of Toronto* (MCIT Report), acknowledges that:

It is important to recognize that mental illness is not, in and of itself, a police problem. However, a number of issues caused by or associated with people with mental illness often become police issues. ... Law enforcement personnel are routinely the first line of response for situations involving mentally ill people in crisis and as a result, officers may have assumed the role of “street-corner psychiatrists” by default. Neither the mental health system nor the law enforcement system can manage mental health crises in the community effectively without help from the other (p. 8).

In 2011, Toronto police officers were dispatched to over 19,000 calls for service involving emotionally disturbed persons. Of these, officers apprehended over 8600 persons under the *Mental Health Act*. During this time, the Service responded to over 2 million emergency and non-emergency calls for service involving members of the public, and the Service made many more thousands of contacts through such activities as traffic enforcement (665,908), arrests (53,202), vehicle stops (430,520), and recorded community interactions (385,849). It is estimated, therefore, that the Service had over 3.6 million contacts with community members not counting the thousands of undocumented community contacts in 2011.

The number of persons apprehended under the *Mental Health Act*, then, is a significantly low percentage of the total police and community encounters (0.47%). Furthermore, incidents where a serious injury was suffered by the emotionally disturbed person represent an even smaller percentage of encounters. Indeed, for all police and community contacts (over 3 million), whether the police encountered an emotionally disturbed person or not, 64 or 0.0017% resulted in a serious injury (62) or death (2) to the person (Special Investigations Unit 2011 Annual Report). These data demonstrate that in the overwhelming percentage of cases, officers are successful in resolving incidents safely and without resorting to apprehension or force. This fact can be attributed, in part, to community cooperation and input, Board policies, Service procedures, supervision, and officers’ training, judgement, skills, and equipment.

However, this enviable record does not, for a moment, mean that the Service rests on its laurels. On the contrary, there is much the Service continues to learn from the community, especially from consumer-survivors and those who serve them. Their insight is incorporated into the Service’s Priorities, officer training, and Service practices.

In preparing this report the Service was greatly assisted by the following subject matter experts who include academics, scientists, and medical practitioners. They formed the MCIT Coordination Steering Committee. They have impeccable credentials and they have the gratitude of the Service.

- Rob Devitt, President & CEO, Toronto East General Hospital (co-chair)
- Staff Sergeant, Chris Boddy of Human Resources, Toronto Police Service
- Mary Compton, Director, Community and Program Development, Mental Health, Addiction and Wellness, Saint Elizabeth

- Nello Del Rizzo, Interim Senior Director, Health System Integration, Design and Development, Toronto Central-LHIN (Ex-officio)
- Doris Galas, Manager, Mental Health and Addictions Program, Humber River Regional Hospital
- Inspector Scott Gilbert, 12 Division, Toronto Police Service
- Ashley Hogue, Senior Planning, Mental Health and Addictions/Chronic Disease Management and Prevention, Central LHIN
- Alison Hunt, Director of Access Network, Toronto North Support Services
- Sara Kirkup, Patient Care Manager, Mental Health Services, Regional and Mobile Crisis Programs, The Scarborough Hospital
- Constable Diana Korn-Hassani, Mobile Crisis Intervention Team Coordinator, Toronto Police Service
- Jan Lancaster, Manager, Mental Health Promotion, Toronto Public Health
- Lori Lucier, Senior Consultant, Health System Integration, Design and Development, Toronto Central-LHIN (Ex-officio)
- Nancy Lum-Wilson, Director, Health System Planning & Design, Central LHIN
- Kwame Mckenzie, Medical Director of Access & Transitions and Underserved Populations, Centre for Addiction and Mental Health
- Caroline Mellor, Commander, Toronto EMS
- Jai Mills, SDI Co Lead Mental Health and Addictions Integration Consultant, Central East LHIN
- Staff Sergeant Steve Pipe of Divisional Policing Support Unit, Toronto Police Service
- Nancy Read, Program Director, Mental Health Service, Inner City Health Program, St. Michael's Hospital
- Daniela Sota, Manager of Community Mental Health, St. Joseph's Health Centre
- Vicky Stergiopoulos, Scientist, Centre for Research on Inner City Health, St. Michael's Hospital
- Adam Thurston, Commander, Toronto EMS
- Paula Villafana, Program Director, Mental Health & Addictions, Humber River Regional Hospital
- Joanne Walsh, Clinical Leader Manager, Psychiatric Emergency Services & Community Mental Health Programs, St. Michael's
- Linda Young, Director Maternal Newborn Child Mental Health, Inter-professional Practice and Organizational Learning, Toronto East General Hospital

Response by Service Call-Takers, Dispatchers, Police Officers and MCIT

The Toronto Police Service responds to calls for service involving emotionally disturbed persons or the mentally ill using sound, well-established practices and procedures. These practices and procedures are the result of the latest worldwide research, benchmarking, experience, consultation with subject matter experts, and inquest recommendations.

Overall, the issue and challenges facing the Service and its response to emotionally disturbed people are comparable to those in jurisdictions around the world. For example, our research has shown that police services in the Middle East (Jordan, United Arab Emirates), the Far East (South Korea, China, Singapore, and Japan), and, more predictably Europe (Sweden, the Netherlands, and France), and the United Kingdom, Canada, United States, Australia, and New Zealand report concerns and use police responses that are immediately recognizable to Canadians, particularly as they relate to crisis response. Additionally, the Service's response includes practices that are informed by such research as the Canadian Association of Chiefs of Police Mental Health Guidelines, and work done by the Canadian Mental Health Commission of Canada.

When a call is received, call-takers at Communications Services try to gain as much understanding of the call as possible. They will ask questions to determine, for example, the nature of the incident, its location, the condition of those involved, including whether they are injured or whether there is or has been violence, whether weapons or items that can be harmful are present, and the needs of those involved. The call-takers then relay this information to the dispatchers who, in turn, direct and inform the responding police officers, and arrange for the necessary back-up or additional resources. The call-takers then try to stay on the line with the caller to reassure, reassess and relay new developments to the dispatchers who will, in turn, inform the responding officers.

The call-takers and dispatchers take an initial six weeks of training where response to emotionally disturbed persons is included and emphasized in the curriculum. Those becoming dispatchers receive a further five weeks of training where response to emotionally disturbed persons is again emphasized in the curriculum. In addition, throughout the year, they take in-service training to review any changes or developments in laws and practices. Call-takers and dispatchers are also guided by a unit-specific procedure (C06-04) dealing with emotionally disturbed persons that emphasizes information gathering, empathy and caller reassurance.

The first officers dispatched are Primary Response officers. These are uniform officers generally assigned to radio-dispatched patrol cars. Using their training, judgement and experience, their role is to assess the safety issues and the need for apprehension, arrest, and criminal charges (Procedure 06-04).

If the emotionally disturbed person has a history of violence or the use of weapons, the Primary Response officers are instructed to notify the Emergency Task Force (ETF). The ETF are specially trained to bring a broader range of tactics and special equipment to these situations. The ETF can also call on a psychiatrist to come to the scene to help resolve the call. While on patrol, ETF units monitor radio calls that might require their support and if they hear a call, they will move into that area so they are ready to respond if requested. However, the involvement of the ETF also depends on whether the situation can be contained. If the emotionally disturbed person is mobile and presents an imminent threat of harm, the Primary Response officer may have to intervene and use force before calling the ETF or before the ETF can arrive.

When the situation is stabilized and safe, the Primary Response officers may request the assistance of the Mobile Crisis Intervention Teams (MCIT).

The MCI Teams, consisting of a specially trained mental health nurse from a partner hospital and a police officer, provide a secondary response to calls for service involving individuals experiencing a mental health crisis. If appropriate, the MCIT attends, makes an assessment of the situation and arranges for appropriate medical treatment or community referral. If the person is apprehended under the *Mental Health Act*, the team attends the psychiatric facility where the expertise of the team's mental health nurse helps triage the patient. One of the goals of the MCIT, though, is to divert emotionally disturbed persons from both the criminal justice system and the hospital emergency room and so the teams also make community referrals. In those areas not served by the MCIT or in the event the MCIT is not available, the Primary Response Unit is responsible for resolving the event.

The MCIT is a development of a concept introduced in 1988 in the City of Memphis. The original model partnered the Memphis Police with the Memphis Chapter of the National Alliance on Mental Illness (NAMI), mental health providers, and two local universities. Selected Memphis police officers receive augmented training (40 hours) from a variety of mental health services (including family members) to help officers respond to the needs of the emotionally disturbed. In contrast, all Toronto police officers receive training on responding to emotionally disturbed persons, but the MCIT receive special training. MCIT training is multi-disciplinary - it covers a range of medical and forensic topics and is designed specifically to enhance the effectiveness of the police officer and nurse partnership. It includes consumer-survivor perspectives.

Another distinction is that Memphis police officers are on general patrol until called and, unlike in Toronto, are not partnered with a mental health professional. However, in Memphis, the police resort to an assessment centre staffed by mental health professionals that must accept every case brought to them.

The MCIT Report noted that:

Although the police-based specialized response has been recognized to contribute to positive client outcomes, it has become increasingly apparent that when persons with mental illness in the community are in crisis, neither the police nor the emergency health system alone can serve them effectively and it is essential for the two systems to work closely together. From the standpoint of the police, officers can benefit from the assistance of mental health professionals when they are called on to deal with difficult or complex situations (p. 14).

Other models include the Hamilton and Peel Regional Police COAST programs, York Regional Police Service's 310-CORE, Durham Regional Police Service's OSCP, Vancouver Police Service's *Car 87* and, most recently, Ottawa Police Service's *Mental Health Unit*. Like Toronto, each of these models partner a police officer with a mental health professional associated with a psychiatric facility (in Ottawa it can be a psychiatrist for up to three days a week) in a mobile secondary response mode.

The Toronto MCIT model evolved from a partnership with St. Michael's Hospital and addresses the specific circumstances in Toronto. The team's model is the product of the academic and medical research conducted by St. Michael's Hospital and the Service. MCITs were originally funded as part of the Provincial Mental Health and Justice Accord Initiative, prior to the creation of Local Health Integration Networks (LHIN). Today, in Toronto, the LHIN funds the health services on the MCI Team and the Toronto Police Service funds the police officers.

The Service has been working with hospitals to expand the Toronto Police Service Mobile Crisis Intervention Teams (MCITs) across the city. This work has included joining the Toronto East General Hospital (TEGH) in making submissions to the TC-LHIN to fund a team in 54 and 55 Divisions. On September 26, 2012, the TC-LHIN agreed to provide the funding to support the assignment of a psychiatric nurse from the TEGH to a team of police officers from 54 and 55 Divisions. The 54-55 Division team was launched on March 7, 2013. Teams are now available in 12 of 17 police divisions:

- 54 and 55 Division and the Toronto East General Hospital in the Toronto Central-LHIN;
- 51 and 52 Divisions and St. Michael's Hospital in the Toronto Central-LHIN;
- 11 and 14 Divisions St. Joseph's Health Centre in the Toronto Central-LHIN;
- 41, 42 and 43 Divisions and the Scarborough Hospital in the Central East LHIN; and
- 31, 12 and 13 Divisions and Humber River Regional Hospital in the Central and Central West LHINs.

With the partnership of TEGH, teams now cover the south central part of Toronto from the Etobicoke border to the Durham Region.

MCIT teams are not currently operating in 22, 23, 32, 33 and 53 Divisions. For those areas not currently served by MCI Teams, the Service is discussing with the designated hospitals and the LHINs the feasibility of establishing them. In the meantime, however, those areas are not un-resourced. All primary response officers are trained and equipped to respond to emotionally disturbed persons and the local divisions are supported by a variety of neighbourhood and city wide organizations including, for example, the Gerstein and St. Elizabeth centres both of which have community mobile crisis teams.

The teams operate seven days a week on a ten hour shift. Generally, the teams work either from 12:00 – 22:00 hours or 13:00 - 23:00 hours. The two teams serving 12, 13 and 31 Divisions work 10:00 – 20:00 hrs. The teams' hours of operation are based on a needs analysis and reflect the circumstances of their neighbourhoods.

The introduction of the newest team also offered an opportunity for greater harmonization across teams. Common client assessment and reference tools are being developed, and specific team training, emphasizing de-escalation and client support, started in February 2013. It includes consumer-survivor perspectives and both police and nurses attend this training.

More recently, the TC-LHIN has been examining ways to further enhance and expand the Toronto Police MCIT in Toronto. In October 2012, the Toronto Central-LHIN established the *City of Toronto Mobile Crisis Intervention Team Coordination Steering Committee* to examine

the current state of MCIT and design a program that provides coordinated coverage in all areas of the City that meet the needs of the population using crisis services. The Steering Committee was co-chaired by Deputy Chief Michael Federico, Toronto Police Services, and Rob Devitt, CEO of Toronto East General Hospital. The purpose of the committee was to lead the development of a cross City of Toronto model for MCITs that included integration with the continuum of crisis and other local mental health services.

The Steering Committee included the following stakeholders: Toronto Police Service, current Mobile Crisis Intervention Team services, participating GTA-LHIN representatives, Mental Health and Addictions Services Access, Emergency Medical Services, Acute Care Alliance, mental health and addictions crisis services, and the City of Toronto Mental Health Promotion Program. The Steering Committee was co-chaired by Toronto East General Hospital and Toronto Police Service.

The Steering Committee was accountable to the Toronto Central-LHIN and engaged the community (i.e. providers and the public) consistent with the LHINs' community engagement guidelines. In this way, the Steering Committee obtained consumer-survivor input. Canvassed were *The Empowerment Council*, an independent organization consisting of people who have received mental health or addictions services; the *Toronto Police Services Board Mental Health Sub-Committee*, a standing committee of the Board comprising mental health organization representatives and consumer-survivors dedicated to examining issues related to the mentally ill and policing; and the *Toronto East General Withdrawal Management Services* consisting of consumers of withdrawal management services and their families.

The Steering Committee met monthly until March 2013 to deliberate on approaches to improve the MCIT Program in Toronto. The final report, *MCIT Program Coordination in the City of Toronto*, was delivered to the TC-LHIN in April 2013.

According to the MCIT Report, Mobile Crisis Intervention Teams are part of the solution and there is evidence of their effectiveness at de-escalating a mental health crisis (p. 8). It was found that:

...psychiatric emergency teams consisting of police officers and mental health professionals are able to deal with psychiatric emergencies in the field, even with a population characterized by acute and chronic severe mental illness, a high potential for violence, a high incidence of serious substance abuse, and long histories with both the criminal justice and the mental health systems (Lamb, H., L. Weinberger, and W. DeCuir 2002, "The Police and Mental Health" *Psychiatric Services* 53(10):1266–127).

However, while the Report recommends, in part, further expansion of the teams into the areas of Toronto not currently served, it cautions that the MCIT is only one part of a larger community response. It recognizes that providing proper support for people with mental illness requires multiple strategies and organizations working together at the community level.

Consequently, police action at the scene may include referral to community services, apprehension under the *Mental Health Act* and transportation to the nearest psychiatric facility, or arrest and charges if warranted. Even if the emotionally disturbed person is arrested, however,

pre-charge diversion can be considered to, for example, short-term residential beds (Safebeds). After charges are laid, pre-trial diversion options are still available. For example, the person might be referred to Mental Health Court, or the Mental Health and Justice Prevention Program. However, the success of community referral depends on the capacity of the community to respond so the Service supports efforts to build a greater community capacity.

Training

The Toronto Police Service provides training to all its police officers on interactions with emotionally disturbed persons that helps officers develop appropriate responses. This training emphasizes communication and de-escalation skills. The content of the training reflects the latest knowledge and practices in the field of mental health, crisis resolution, and police use-of-force. The use of scenario-based training that echoes real events (often the subject of inquests) has been included in the annual use-of-force requalification program for all front-line officers and is delivered to new police officers as part of the recruit training program.

The specific de-escalation techniques that are taught include developing a rapport with individuals. While communicating with someone in crisis, officers are instructed to:

- Continuously assess the threat, both the person and the context
- Be professional
- Model composure
- Be aware and cognizant of body language
- Provide physical space as appropriate
- Use names and engage
- Use calm and clear language
- Validate the emotionally disturbed person's feelings/situations
- Encourage relaxation
- Provide realistic reassurances
- Be clear about limits/authority
- Remain patient

As part of the training, officers are told to avoid the following:

- Heightening panic
- Challenging delusions
- Joking, whispering, or laughing
- Judging or preaching
- Monopolizing the conversation
- Invalidating the individual/situation
- Confusing the individual with rapid fire questions
- Giving multiple choices
- Using psycho-babble or legalese
- Threatening or deceiving
- Touching (if possible)

These specific de-escalation techniques are incorporated into the dynamic scenario training where each officer participates in up to six scenarios within a three-hour period. The scenarios have been designed so that 80 percent require de-escalation as the anticipated and suggested response.

One particular component of the 2013 program is a lecture focusing on communication and mental disorders. This is a 90 minute class that explores effective communication, good judgement and decision-making. Self-control techniques are taught with professional conduct being promoted at all times. This lecture also addresses the justification for the use-of-force while stressing that de-escalation and disengagement are viable options. Thirty minutes is devoted to specific strategies for de-escalation and conflict prevention. A feature of this lecture stresses that the safety of the individual, the public, and the officer is paramount.

To assist in the development of training, and to incorporate the experiences of consumer/survivors into police training to help de-stigmatize the disease and those who suffer from it, the Service has consulted extensively with advocacy groups, mental health professionals, and consumer-survivors including, amongst others:

- Dr. Calvin Langton and Dr. John Arrowood from the Center of Addiction and Mental Health. They have reviewed our 2011/2012 ISTP courses, trained our trainers, and identified best practices for our training.
- Clarke Institute of Psychiatry. The original Crisis Resolution course was developed in consultation with the Clarke Institute of Psychiatry.
- Ms. Jennifer Chambers, Empowerment Council.
- Ms. Pat Capponi, Voices on the Street.
- Ms Nicki Casseres, Gerstein Centre.
- Dr. Peter Collins, a forensic psychiatrist from the Clarke Institute provided consultation and input for course development.
- St. Michaels Hospital's Psychiatric Intern Program was a partner in designing one of the lecture modules.
- Dr. Alberto Choy, Centre for Addiction and Mental Health, observed and advised on the dynamic scenarios.
- Dr. Elaine Brunet provided a lecture in conjunction with a question-and-answer period with officers designing programs for the course.
- Dr. Kornbloom of the Hincks Institute was consulted with regard to special youth issues.
- Youthdale Treatment Centre provided input on diversity issues and mental health.
- Dr. Roger Solomon, who researches humans' reaction to fear, instructed college staff on how false perceptions can result in unreasonable fear that negatively impacts on the outcome of a situation. Information gleaned from this session was incorporated into the scenario debriefing strategies.
- Various groups including the Friends of Schizophrenia, and the Mood Disorder Group were invited to observe the Crisis Course and validate the training.
- Mr. Chris Lawrence, former Peel Regional Police Officer and current Instructor of the Ontario Police College, is a recognized authority on excited delirium and in-custody deaths. His work informs police training throughout the province.

- In 2001, a panel of psychiatric survivors participated in the Advanced Patrol Training program. They provided first-hand accounts of their experiences with police encounters. The survivors provided helpful suggestions for de-escalating events. Their insight and feedback continues to be incorporated in the training and learning of our members.
- Dr. Dorothy Cotton, C. Psych. Psychologist, and Chief Terry Coleman (ret'd), Co-Chairs *Contemporary Policing Guidelines for Working with the Mental Health System* Canadian Association of Chiefs of Police (CACP) Human Resources Committee - July, 2006.

On January 31, 2012 the Board's Mental Health Sub-Committee participated in a workshop at the Toronto Police College reviewing and developing scenario-based training. The Members agreed that the following should be considered key points in all police training related to interaction with individuals experiencing mental illness:

1. Respectful approach
2. Utilize available resources
3. Create and use time and space to help de-escalate
4. Critical reflection
5. Don't make assumptions
6. Be flexible and open to different options
7. Give the person more control
8. Prepare yourself for each call
9. The goal is to reduce the likelihood of using force
10. Focus on what is happening right now

As a result, the Service translated these concepts and principles into teachable skills and knowledge, and incorporated them into the police training. These ten elements, dealing with knowledge, insight, and judgment that challenge assumptions and de-stigmatize mental illness, are included in the 2013 In-Service Training Program (mandatory annual training).

In addition, the Service has been involved in a number of other training initiatives:

- The Service has been conducting research into the training with other police services, for example, Durham, Peel, Hamilton, and York.
- In 2012, P.C. Korn-Hassani, the MCIT coordinator, attended the Crisis Intervention Team International Conference to look at what other police services are doing across the United States, Australia, the United Kingdom and Sweden.
- In February 2013, training for the MCITs commenced. This training is multi-disciplinary, covers a range of medical and forensic topics and is designed specifically to enhance the effectiveness of the police officer and nurse partnership. It includes consumer-survivor perspectives, emphasizes de-escalation and client support, and both police and nurses attend this training.
- During 2012, the Schizophrenia Society of Ontario (SSO) conducted presentations to primary response officers on platoon training days. Five divisions (13, 42, 51, 55 and Traffic Services) were reached. The SSO provided information about its services and offered insights to help police officers serve people dealing with mental illness including schizophrenia. In addition, the sessions featured a survivor of schizophrenia who shared

personal experiences as a way to help de-stigmatize the disease and those who suffer from it.

Consumer-survivor input into training

For some time consumer survivors have been looking for a way to incorporate their lived experience into police training to sensitize officers to the specific challenges consumer-survivors face and to help to de-stigmatize mental illness. In response, the Toronto Police College collaborated with Ms. Pat Capponi, Co-Chair of the Board's Mental Health Sub-Committee and Director of *Voices from the Street*, a speakers bureau of individuals who have had direct experience with homelessness, poverty, and mental health issues, and Ms. Jennifer Chambers, Executive Director of the *Empowerment Council*, to develop a training module. It was decided that a training video showcasing consumer-survivors and their experiences would be produced.

While this initiative started out as a short ten minute video, it expanded into a full 30 minute training session after the producers realized just how powerful the message of consumer survivors was. A further 11 minute video was developed for platoon and distance training. When this presentation was shared with the Mental Health Sub-Committee at its April 10, 2013 meeting, members were equally impressed.

With the addition of this 30 minute module, the total time dedicated specifically to de-escalation, sensitivity and de-stigmatization training in the annual In-Service Training increases to 150 minutes. In the mandatory 16 hour In Service Training Program (ISTP) that all front line officers are required to take each year, more than six (6) hours of training is devoted to some aspect of dealing with the emotionally disturbed or the mentally ill.

Addition of 2013 Service Priority Dealing with Mental Illness

To underscore the importance of safe and effective police interactions with people experiencing mental illness, the Board, at its meeting of November 14 2012 approved the following recommendations:

- (1) That a priority entitled "*Focusing on Police Interaction with Individuals Experiencing Mental Illness*" be included in the list of priorities in the current Business Plan (the extended 2009-2011 Business Plan); and
- (2) That the Board's Mental Health Sub-Committee meet with the Toronto Police Service's Corporate Planning Unit to provide input in developing the goals, performance objectives and indicators arising from this priority. (Min. No. P282/12 refers).

As a result, the 2013 Service Priorities and Business Plan, approved by the Board at its meeting of December 14, 2012, includes the specific priority entitled *Focusing on Police Interaction with Individuals Experiencing Mental Illness* (Min. No. P313/12 refers). This is a major achievement as it represents the first time that a priority specifically dealing with this distinct issue has been included. The priority represents significant work on the part of the Board's Mental Health Sub-Committee and the Service and consists of detailed goals, performance objectives and indicators.

Police Mental Health Records

The issue of police reference checks as they relate to consumer-survivors has been raised with the Service and the Board. The concerns focus on the impact of the program on individuals' privacy and employment rights, and the stigma of mental illness.

The Service has established practices pursuant to the Toronto Police Services Board's Policy that governs police reference checks (Min. No. P292/10 refers). The Service's current practices were developed three years ago after an extensive 14 month process which included close collaboration with the Information and Privacy Commissioner of Ontario, the Ontario Human Rights Commission, and broad consultation with appropriate stakeholders. At that time, the Chair and the Board took a leadership role and received many deputations on the matter as the policy was being developed.

Under the TPS practices, applicants may request that their non-criminal contact with police (mental health contacts) be suppressed for the purpose of employment or volunteering with vulnerable sector employers or agencies. The Service retains non-criminal, non-conviction records for operational and investigative purposes and only discloses them for the purpose of vulnerable sector checks under the Police Reference Check Program. Non-criminal, non-conviction dispositions are not released for regular employment reference checks. Furthermore, the Service discloses the information only to the applicant and not to the employer. The program complies with the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.

The Ontario Association of Chiefs of Police (OACP) has released guidelines for police services to address police record checks process in Ontario and ensure an equal level of service under the province's related legislation, policies, procedures, and directives. These guidelines are not binding on police services; it is still up to local authorities to establish service specific practices. The Toronto Police policy and practice is comparable if not superior since much of the OACP document relied on the Toronto experience. However, while the Board's policy and the Service's practices are now used as the basis for policy development by police services across Canada, the Board and the Service frequently review them to ensure they remain appropriate.

Hospital Protocol - Emergency Room Guidelines

When the police apprehend an emotionally disturbed person under the *Mental Health Act*, the officers are required to take the person to the nearest psychiatric facility (in the case of MCIT it will be the partner hospital). Once there, the officers must wait with the person for the hospital to accept custody. This often takes some time. If brought in by Primary Response Officers, it is two officers who wait. Consequently, while waiting, the officers are not available for calls for service in the community.

The issue of police wait-times at hospitals, therefore, has been under review for some time. In 2012, Mr Ryan Fritsch, Legal Aid Ontario and member of the Board's Mental Health Sub Committee, helped the Service and Dr. Howard Ovens, Mount Sinai Hospital and the TC-LHIN and Ontario lead for Emergency Room Management, draft a hospital protocol to reduce police

wait-times. It is currently being reviewed by hospitals and the Service. The protocol allows hospitals to accept custody of patients apprehended under the *Mental Health Act* and who are not charged with a criminal offense without requiring a hospital psychiatrist to attend if the patient is secure and the hospital's authorized representative is satisfied that the officers have left sufficient information for an appropriate assessment. As a result, the apprehending officers may leave the patient at the hospital and return to primary duties sooner than before.

The Service is also watching with interest a development between the Hamilton Police Service and St. Joseph's Health Centre where they are following a similar protocol but one that allows officers to leave patients at the hospital who are, in the opinion of the officers and the appropriate hospital staff, stable and a very low risk of harm or flight. While it is too early to have sufficient data for a reliable evaluation, the Service is not aware of any difficulties to date.

Police and Community Partnerships

The Service and the Board are committed to establishing effective, lasting partnerships with the community. The Service has established a regular forum for community stakeholders to consult and collaborate with the Board and the Service in the development of effective responses to persons who are emotionally disturbed or mentally ill.

In 2012, 14 Division and the Centre for Addictions and Mental Health (CAMH) strengthened their liaison and partnership to help the continual transition of mental health clients from the institution to the community.

Divisional Policing Support Unit researches and develops community-based programs that help respond to the needs of vulnerable groups, including the emotionally disturbed. It establishes and maintains liaisons with the agencies that support and service many vulnerable groups. Some of the agencies include:

- the Centre for Addiction and Mental Health,
- the Canadian Mental Health Association,
- Empowerment Council
- Voices from the Street
- the Canadian Coalition for Seniors' Mental Health,
- Community Resource Connection Toronto,
- Connex Ontario,
- The Consent and Capacity Board,
- Health Canada,
- the Community Partners Housing Directory,
- the Ministry of Health and Long Term Care,
- Mood Disorders Canada,
- Anishnawbe Health Mental Health Crisis Line
- the Office of the Public Guardian, and
- The Ontario Review Board.

Finally, to reflect the importance that the Service assigns to the issue of police response to the emotionally disturbed, it has assigned the portfolio to a deputy chief, the second highest ranking member of the Service. Deputy Chief Federico has assembled a dedicated team that consists of an Inspector in charge of MCIT support, two Staff Sergeants: one in charge of overseeing the Service's response to the vulnerable sector, including the emotionally disturbed, and a second who oversees government partnerships; and two constables: one who is the program coordinator for the MCIT, and the other who supports the elderly. Moreover, Deputy Federico is the Service representative on the Board's Mental Health Sub Committee, and personally participates in community outreach and consultation to build strong relationships with the consumer-survivor community and those who support them.

Conclusion:

At its meeting of April 19, 2012, the Board requested that the Chief of Police review how police officers and dispatchers respond to people who are emotionally disturbed or experiencing mental illness and include a review of successful models, globally, in consultation with stakeholders, academia, and medical practitioners. This report reviewed the issue and notes that the Service has taken a number of steps to improve its response with an emphasis on training, MCITs and working with the community.

The Toronto Police Service responds to calls for service involving emotionally disturbed persons or the mentally ill using sound, well-established practices and procedures. These practices and procedures are the result of the latest worldwide research, benchmarking, experience, consultation with subject matter experts, and inquest recommendations. Additionally, the Service's response includes practices that are informed by such research as the Canadian Association of Chiefs of Police Mental Health Guidelines, and work done by the Canadian Mental Health Commission of Canada. Evidence shows that in the overwhelming percentage of cases, officers are successful in resolving incidents involving emotionally disturbed persons safely and without resorting to apprehension or force. This fact can be attributed, in part, to community cooperation and input, Board policies, Service procedures, supervision, and officers' training, judgement, skills, and equipment. However, this enviable record does not, for a moment, mean that the Service rests on its laurels. On the contrary, there is much the Service continues to learn from the community, especially from consumer-survivors and those who serve them. Their insight is incorporated into the Service's Priorities, practices, and officer training. While the Service is confident that it has achieved the right balance between crisis response and the need to protect the vulnerable of society it continues to monitor its practices to ensure this balance is maintained.

Deputy Chief Mike Federico, Corporate Command will be in attendance to answer any questions that the Board may have regarding this report.

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

- **Sarah Shartal***
- **Darlene Marett***

Cont'd

- **Don Weitz***
- **Jane Pritchard***

***written submission also provided; copy on file in the Board office.**

Police Constable Michael Stavrakis, Toronto Police College, delivered a video presentation to the Board regarding mental health training provided to police officers.

Deputy Chief Federico described the training received by officers, and described officers' response to mental health issues at the scene, and responded to questions.

The Board received the deputations and the foregoing report and referred the deputations to the Board's Mental Health Subcommittee.

Moved by: D. Noria

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P90. DELIVERY OF TORONTO POLICE SERVICE ANTI-GRAFFITI
EDUCATION PROGRAM**

The Board was in receipt of the following report April 03, 2013 from William Blair, Chief of Police:

Subject: DELIVERY OF TORONTO POLICE SERVICE ANTI-GRAFFITI
EDUCATION PROGRAM

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

At its meeting of September 14, 2011, the Board received a report on the Toronto Police Service (TPS), Graffiti Management Program and inquired about the impact and benefits of having uniform officers involved in the graffiti initiative; and asked for statistical information with respect to the success of the initiative (Min. No. P226/11 refers). This report has been compiled in partnership with the City of Toronto Transportation Services, Public Realm Section and Municipal Licensing and Standards Section. Both divisions have had input into the development of a Graffiti Management Program for Toronto (City of Toronto Committee Report No. LS5.1/11 refers). Section 6 of the report requests the TPS develop and provide details on the delivery of an anti-graffiti education program throughout Toronto's schools and a graffiti management strategy utilizing existing local resources to assist residents and businesses.

Discussion:

The TPS and City of Toronto Divisions are working together as partners to reduce graffiti vandalism for a safer community. The presence of graffiti vandalism constitutes disorder and lawlessness. Graffiti vandalism can also contribute to the decline in property value and, more importantly, generates the perception of increased crime and fear of gang activity.

The TPS is currently enhancing its Graffiti Management Program in partnership with the City of Toronto and local community partners. The program is a balanced approach to effectively manage graffiti vandalism by members of the TPS, its community partners, consultative groups and local City of Toronto councillors.

One of the key elements of the TPS Graffiti Management Program is an anti-graffiti education program that will be delivered to elementary and secondary schools throughout Toronto by uniformed police officers.

Delivery of TPS Graffiti Education Program:

The TPS Graffiti Management Program addresses youth and community education. The TPS has been active partners with the Toronto District School Board (TDSB) and Toronto Catholic District School Board (TCDSB) for more than 25 years. Uniform police officers have been providing instruction to youth and school faculty through programs such as; the Elementary School Safety Program and the School Resource Officer Program. These programs are an important link between police and youth to reduce barriers and establish positive relationships to problem-solve important school and local community issues. Two consecutive School Resource Officer Program evaluations (2008 to 2011), have reported on the increased value of having visible uniformed police officers in the school community.

Youth and community education will be administered by existing uniformed officers at each of the 17 divisions, namely; Community School Liaison Officers (CSLO), School Resource Officers (SRO), Crime Prevention Officers (CPO), Community Relations Officers (CRO) and Divisional Graffiti Liaison Officers. Auxiliary members will assist Divisional Graffiti Liaison Officers with community graffiti presentations, events and initiatives.

The TPS has developed a graffiti vandalism lesson plan in partnership with the TDSB, TCDSB and BOOST. The primary learning objectives teach students to recognize that damaging someone else's property, public or private, is illegal and be able to identify how and where to get help. This program was introduced to CSLOs and SROs in October 2012. CSLOs are delivering these graffiti vandalism lesson plans in elementary schools for grades 1 to 6. SROs are delivering graffiti vandalism presentations in secondary schools for grades 9 to 12.

Additionally, CPO and CRO officers will play a pivotal role within the community education component of the program. These officers will conduct graffiti vandalism presentations for local community stakeholders on how to respond to graffiti vandalism. The officers will incorporate and recommend various graffiti vandalism reduction resources that are available to community members.

Divisional Support to the TPS Graffiti Program:

An existing divisional Community Response Unit (CRU) officer, in each of the 17 divisions has been designated as a contact/liaison for local graffiti issues. This officer will have the additional designation of Divisional Graffiti Liaison Officer. Along with the core responsibilities of assisting victims of crime, preserving the peace, apprehending criminals and the laying of charges, the Divisional Graffiti Liaison Officer:

- Liaises with the Divisional Policing Support Unit (DPSU) liaison officer;

- Identifies and tracks local divisional graffiti issues and intelligence based on local gang activity and community concerns;
- Acts as a resource to divisional personnel and community members; and,
- Liaises with the local City of Toronto councillor and staff by inviting them to attend Community Police Liaison Committee (CPLC) meetings to develop local graffiti strategies.

A range of resources available to combat graffiti in neighbourhoods include information obtained from the Canadian Graffiti Intelligence Network, social media tools, graffiti crime prevention materials (electronic and print), Crime Prevention Association of Toronto resources and materials, and educational/diversion programs designed to address graffiti crime concerns.

Alternatives Considered

In an effort to identify whether the support role could be performed by someone other than a uniformed police officer, a number of alternatives were considered. These included whether this role of divisional support to the TPS Graffiti Management Program could be performed by, or involve a civilian member of the Service and/or the involvement of Auxiliary members in partnership with members of the City of Toronto.

At its meeting of September 14, 2011, in addition to the Board receiving the report entitled City of Toronto – New Graffiti Initiative, dated June 20, 2011, “the Board inquired about the impact and benefits of having uniform officers involved in the graffiti initiative. The Chief responded that there is some direct correlation between graffiti and some gang activity and that it is one of the reasons it is part of the anti-violence prevention strategy. Further, the eradication of graffiti from Toronto neighbourhoods has been clearly identified as a priority by the Mayor, and that in some circumstances, graffiti is a crime which tends to be investigated by the police.” (Min. No. P226/11 refers).

Therefore, in keeping with this, it is important to note that the divisional support for this program needs to be led by a uniform officer in each division. This function will be incorporated into the officer’s current role/function. This officer will be supported by Auxiliary and CPLC members, as well as networking with the Toronto Association of Police and Private Security (TAPPS). The officer will also enhance partnerships with staff from the City of Toronto, thereby, minimizing the amount of time required by the officer for this program while ensuring that this program is administered in an effective, efficient and economical manner.

Statistical Information

A selected team of five Auxiliary officers were trained by members of the Corporate Planning, Business Intelligence Section, in the use of the Criminal Information Processing System (CIPS). The purpose of this training was to provide statistical information regarding the number of criminal mischief arrests which specifically pertain to graffiti. The following chart breaks down the review with arrests and charges for each respective year.

#1. Year	#1. Arrests	#1. Charges
#1. 2010	#1. 16	#1. 38
#1. 2011	#1. 32	#1. 55
#1. 2012	#1. 91	#1. 260

Along with collecting graffiti arrest and charge statistics monthly, the TPS will be collecting the number of school and community graffiti presentations through the Community Based Statistical Report that is submitted to DPSU by local divisions. Furthermore, the TPS will be collaborating with various divisions of the City of Toronto regarding the process to conduct a graffiti audit in 2013.

Conclusion:

The TPS Graffiti Management Program is a balanced approach integrating youth education with actions and initiatives of police officers, Auxiliary members and community partners to motivate and enhance working relationships with youth, educators and local councillors to deal more effectively with the root causes of graffiti vandalism.

Constructive partnerships and positive outcomes that occur as a result of community-police interaction remain the cornerstone of a successful police service, leading to a safer, more secure and healthier community.

Deputy Chief Peter Sloly, Divisional Policing Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board received the foregoing report.

Moved by: A. Mukherjee

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P91. CANADIAN CIVIL LIBERTIES ASSOCIATION REPORT:
*PRESUMPTION OF GUILT: REPORT ON NON-CONVICTION RECORDS
IN POLICE BACKGROUND CHECKS***

The Board was in receipt of the following report April 08, 2013 from William Blair, Chief of Police:

Subject: CANADIAN CIVIL LIBERTIES ASSOCIATION REPORT: PRESUMPTION OF
GUILT: REPORT ON NON-CONVICTION RECORDS IN POLICE
BACKGROUND CHECKS

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

In September 2012, the Canadian Civil Liberties Association (CCLA) released a report entitled *Presumption of Guilt: Report on Non-Conviction Records in Police Background Checks*. The report explores record retention and disclosure practices of police services in Alberta and makes seven recommendations that might apply to police services more generally.

1. Non-conviction records should be regularly reviewed and destroyed in the overwhelming majority of cases.
2. Non-conviction records should be retained for inclusion in a police background check only in exceptional cases where police believe that doing so is necessary to reduce immediate public safety threats. The decision to treat a case as an exceptional one should be done at the time that the non-conviction record is created; i.e., immediately after the charge is dismissed, withdrawn or otherwise resolved by way of non-conviction.
3. Where the government requests that a decision be made whether to retain a non-conviction record, the affected individual should be notified and provided with a right to make submissions.
4. If it is decided that retention is appropriate in a given case, the affected individual should have a right of appeal in front an independent adjudicator.

5. Where non-conviction records are retained, they should be disclosed only in relation to certain employment or volunteer positions.
6. Proper monitoring mechanisms regarding the use and impact of all forms of police background checks should be put in place, including adequate data collection and public reporting.
7. Provincial human rights legislation should protect individuals from unwarranted discrimination on the basis on non-conviction disposition records.

At its meeting of October 15, 2012 the Board considered the report from the Canadian Civil Liberties Association and approved the following motion:

That the Chief of Police provide a report to the Board which reviews TPS procedures and processes with respect to reference checks in light of the seven recommendations contained in the recent Canadian Civil Liberties Association (CCLA) report entitled *Presumption of Guilt: Report on Non-Conviction Records in Police Background Checks*; and that in the preparation of this report the Chief identify and consult with key community stakeholders such as the CCLA (Min. No. P247/2012 refers).

The Board also requested that copies of the CCLA's report be provided electronically to the Board members and directed that it would consider the matter at its next meeting.

At its meeting of November 14, 2012, the Board was in receipt of a report dated November 1, 2012 from Marie Moliner, Member, requesting that the Toronto Police Service (the Service) review policies, procedures, and practices with respect to the retention of non-conviction records in light of the recommendations contained in the CCLA report and in preparation of the report to consult with key community stakeholders such as the CCLA (Min. No. P285/2012 refers).

Discussion:

Since 1995 the Service and Board has examined and addressed issues surrounding police reference checks particularly as they relate to non-conviction records. Indeed, there have been 29 reports relating to the Police Reference Check Program submitted to the Board regarding appropriate policy and practices (Min. Nos. P212/1995, P40/1998, P52/1998, P214/1998, P300/1999, P350/1999, P55/2000, P102/2000, P369/2000, P102/2000, P369/2000, P46/2001, P188/2001, P236/2001, P245/2001, P344/2001, P116/2002, P162/2002, P14/2007, P29/2009, P111/2009, P265/2009, P292/2010, P157/2011, P36/2012, P193/2012, P247/2012, P285/2012, P305/2012 refers).

For the most part the CCLA's concerns focus on the impact of police reference check programs on individuals' privacy and employment rights. The Service's current program was developed three years ago after an extensive 14 month process which included close collaboration with the Information and Privacy Commissioner of Ontario, the Ontario Human Rights Commission, and broad consultation with appropriate stakeholders. At that time the Chair and the Board took a

leadership role in the development of the policy and received many deputations on the matter as the policy was being developed. The Service appreciates that the disclosure of police records might impact an applicant's ability to obtain employment, and while it continues to review its practices to ensure they remain appropriate, the Service is confident that it has achieved the proper balance between privacy and employment rights and the need to protect the vulnerable of society.

The Service retains non-conviction records for operational and investigative purposes and only discloses them for the purpose of vulnerable sector checks under the Police Reference Check Program. Non-conviction dispositions are not released for regular employment reference checks. Furthermore, the Service discloses the information only to the applicant and not to the employer. Moreover, the Service will review and if appropriate suppress or destroy non-conviction records if the applicant meets the criteria for a *Fingerprint, Photograph and Criminal History Destruction*. The program complies with the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.

The Ontario Association of Chiefs of Police (OACP) has released guidelines for police services to address police reference checks in Ontario and ensure an equal level of service under the Province's related legislation, policies, procedures, and directives. These guidelines are not binding on police services; it is still up to local authorities to establish service specific practices. The Toronto Police policy and practice are comparable if not superior since much of the OACP document relied on the Toronto experience. The Board's policy and the Service's practices are now used as the basis for policies developed by police services across Canada.

Each of the CCLA's recommendations is addressed below.

1. Non-conviction records should be regularly reviewed and destroyed in the overwhelming majority of cases.

The Service retains non-conviction records for operational and investigative purposes. However, pursuant to the Board policy, non-conviction dispositions may be destroyed upon request if the applicant meets the criteria for a *Fingerprint, Photograph and Criminal History Destruction*.

2. Non-conviction records should be retained for inclusion in a police background check only in exceptional cases where police believe that doing so is necessary to reduce immediate public safety threats. The decision to treat a case as an exceptional one should be done at the time that the non-conviction record is created; i.e., immediately after the charge is dismissed, withdrawn or otherwise resolved by way on a non-conviction.

Given the volume of non-conviction records involved it is not feasible for the Service to review them for potential reference check purposes at the time they are created. Instead, since the Service retains non-conviction records for operational and investigative purposes and only discloses them for the purpose of vulnerable sector checks, it reviews the files when an application for a police vulnerable reference check is made. Non-conviction dispositions are not released for regular employment reference checks. Furthermore, the Service discloses the information only to the applicant and not to the employer. Moreover, the

Service will review and if appropriate suppress or destroy non-conviction records, anytime, if the applicant meets the criteria for a *Fingerprint, Photograph and Criminal History Destruction*.

3. Where the government requests that a decision be made whether to retain a non-conviction record, the affected individual should be notified and provided with a right to make submissions.

The applicant is the only one informed of the results of a vulnerable sector reference check and is provided an opportunity and the information necessary to request the suppression or destruction of the non-conviction record.

4. If it is decided that retention is appropriate in a given case, the affected individual should have a right of appeal in front of an independent adjudicator.

If the applicant disputes a decision by the Service to disclose non-conviction records, the applicant is provided with information to assist in requesting that the file be suppressed or destroyed. If the request to suppress is refused the applicant is provided with the information to request a review or file a complaint with the Office of the Independent Police Review Director (OIPRD).

In the context of a request to suppress or destroy a record, the Manager of Records Management Services takes the following steps:

- 1) Gathers all records on the applicant.
- 2) Consults with file coordinator.
- 3) Consults with investigating officer(s).
- 4) Consults with Sex Crimes Unit - Threat Assessment Risk Management Section if offence is of sexual nature.
- 5) Consults with the applicant.
- 6) Consults with the agency – only with the applicant's approval.
- 7) Seeks advice from Legal Services if needed.

Each of the above consultations considers the risk to public safety if the record is suppressed or destroyed based on the following factors:

- a) The seriousness of the alleged behaviour.
- b) The passage of time since the record was created.
- c) Relationship between the applicant and any victim or complainant (e.g.: position of trust or authority).
- d) Age of the victim or complainant.
- e) The strength of the evidence (aggravating or mitigating), including whether the victim or complainant has made similar complaints against others.
- f) Other contact the applicant had with the police.
- g) The need to balance the privacy rights and the right to employment of the applicant with the need to protect the vulnerable sector.

Once the above steps are complete, the Manager of Records Management Services renders the decision. The applicant is advised that the fact that the Service possesses non-conviction records does not necessarily disqualify the applicant from consideration for employment but that it is the responsibility of the employer to comply with the Human Rights Code when deciding whether to hire the applicant. If the applicant disputes the decision the applicant is provided with information to assist in requesting a review or filing a complaint with the OIPRD.

5. Where non-conviction records are retained, they should be disclosed only in relation to certain employment or volunteer positions.

The Service only discloses non-conviction records for the purpose of employment or volunteering in the vulnerable sector. It does not disclose non-conviction records for any other police reference check purpose.

6. Proper monitoring mechanisms regarding the use and impact of all forms of police background checks should be put in place, including adequate data collection and public reporting.

The Police Reference Check Program requires that all employers or volunteer agencies in the vulnerable sector in Toronto that require applicants to obtain background checks from the Service enter into a Memorandum of Understanding with the Service. This agreement stipulates that they will adhere to the Ontario Human Rights Code as it relates to employment and that they will take regular training (provided by the TPS) to remain current with Human Rights employment related legislation. There are presently 2,793 agencies registered with the Service. Information about the Toronto Police Service Reference Check Program is posted on the Service's Internet site. Finally, the Service publicly reports to the Board on matters related to the Police Reference Check Program and since 1995 has submitted 29 reports related to policy and practices.

7. Provincial human rights legislation should protect individuals from unwarranted discrimination on the basis on non-conviction disposition records.

The Police Reference Check Program requires that all employers or volunteer agencies in the vulnerable sector in Toronto that require applicants to obtain background checks from the Service enter into a Memorandum of Understanding with the Service. This agreement stipulates that they will adhere to the Ontario Human Rights Code as it relates to employment and that they will take regular training (provided by the TPS) to remain current with Human Rights employment related legislation. There are presently 2,793 agencies registered with the Service.

Furthermore, applicants are advised that the mere fact that the Service has information on file about them does not necessarily disqualify the applicant from consideration employment but that it is the responsibility of every employer and volunteer agency to comply with the Human Rights Code in deciding whether to hire an applicant or volunteer.

Consultation with the CCLA

In November 2012, Deputy Chief M. Federico, Ms. Sie Wing Khaw, Counsel, Legal Services, and Ms. Judy Sandford, Manager of Records Management Services, participated in a symposium on non-conviction police record retention and disclosure policy and practice in Ontario hosted by the CCLA and the John Howard Society of Ontario. This event led to further discussions with Ms. Abby Deshman, Director of CCLA, about the management of employers' responsibilities who request vulnerable sector checks. Ms Deshman complemented the Board's and Service's program especially the way in which it holds employers responsible for compliance with the Human Rights Code.

Conclusion:

At its October 15, 2012 meeting the Board requested that the Service review its practices regarding police reference checks in light of the seven recommendations contained in the recent Canadian Civil Liberties Association report entitled *Presumption of Guilt: Report on Non-Conviction Records in Police Background Checks*. The CCLA's concerns focus on the impact of police reference check programs on individuals' privacy and employment rights. The Service's current Police Reference Check Program was developed after an extensive process which included close collaboration with the Information and Privacy Commissioner of Ontario, the Ontario Human Rights Commission, and broad consultation with appropriate stakeholders. The program complies with the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms and is being emulated across Canada. Nevertheless, while the Service is confident that it has achieved the right balance between the applicant's privacy and employment rights and the need to protect the vulnerable of society it continues to monitor its processes to ensure this balance is maintained.

Deputy Chief Mike Federico, Corporate Command will be in attendance to answer any questions that the Board may have regarding this report.

Ms. Johanna MacDonald was in attendance and delivered a deputation to the Board. A copy of Ms. MacDonald's submission is on file in the Board office.

The Board requested that Ms. MacDonald provide her deputation to Chief Blair so that he may review her assertion that data collected on Form 208's may have been included in reference checks and advise the Board.

The Board received Ms. MacDonald's deputation and received the foregoing report.

Moved by: M. Thompson

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

#P92. CUSTOMER SERVICE RESOLUTION

The Board was in receipt of the following copy of correspondence March 21, 2013 from Gerry McNeilly, Independent Police Review Director, Office of the Independent Police Review Director:

The Board received Mr. McNeilly's correspondence.

March 21, 2013

Chair Alok Mukherjee
Toronto Police Services Board
40 College Street
Toronto, Ontario
M5G 2J3



Dear Chair Mukherjee:

Re: Customer Service Resolution

I am writing to introduce a new initiative at the Office of the Independent Police Review Director (OIPRD). Through discussions with police services, the OIPRD has identified that the efficient, transparent and effective processing of relatively minor complaints has become an issue for police services. Recently, my office, through consultation with the Ontario Associations of Chiefs of Police (OACP) and the Police Association of Ontario (PAO), developed the Customer Service Resolution (CSR) process, a pilot project to attempt to resolve complaints that are less serious in nature. The CSR process provides an opportunity for the police service to work with the complainant and the respondent officer to resolve a matter. This process can only be initiated with the voluntary consent of the parties. This process is in addition to the Local Resolution process and hopes to provide a similar option for complaints filed by e-filing. Considering that 60 percent of complaints are e-filed, the CSR process may be a viable consideration for many complainants.

The CSR process takes place at the initial stages of a complaint prior to any formal screening. Once the matter is reviewed by the OIPRD and it is determined to be a suitable matter for CSR, the OIPRD will contact the complainant and inquire if the complainant is interested in participating. If the complainant does not consent to participating the complaint will return to the screening process. The complaint will be reviewed by another case coordinator and be screened without any prejudice to the parties. If the complainant agrees to participate the Police Service will be contacted by the OIPRD.

The OIPRD will contact the police service in question to determine if the service would like to deal with the matter as a Customer Service Resolution. The OIPRD will also ask the Police Service to contact the affected officer and inquire whether he or she is interested in participating in the CSR process. The police service should then notify the OIPRD within seven calendar days of their decision to either accept the matter for the Customer Service Resolution process or to return the matter, with reasons, to the OIPRD to be screened pursuant to s. 60 of the PSA. Once again, the complaint will be reviewed by another case coordinator and be screened without any prejudice to the parties. Once the OIPRD is notified by the service that it received the consent of the affected officer and that it will engage in this process, the OIPRD will send a letter to both the complainant and affected officer outlining the CSR process.

.../2

- 2 -

The Police Service Professional Standards Branch will facilitate the CSR process. Under the Customer Service Resolution process, the matter should be completed within 45 calendar days from the date of notice to the complainant. If the matter is successfully resolved the results will be recorded on a form signed by all parties detailing the agreement reached. This form will then be forwarded to the OIPRD for review. If an agreement is reached, the complaint file will be closed after my review. This agreement closes and records the file as "resolved" by way of Customer Service Resolution. It is not treated as an informal resolution and it is not included on the officer's formal record.

If the police service is having difficulty facilitating the process or cannot reach a resolution but the parties are still interested in resolving the complaint, then the police service may make a request to the OIPRD for consideration of assistance for mediation services. OIPRD mediation services may be provided for the CSR process after an attempt has been made by the police service to resolve the matter and the parties are still interested in resolving the matter. The OIPRD will review the request and determine whether mediation is appropriate.

If the matter cannot be resolved through the CSR process or mediation the police service is required to complete a prescribed form and provide my office information regarding the consultation and about the alleged incident forming the subject of the complaint. This information may be in the form of the occurrence report or a synopsis. On receipt of this information, my office will review the entire file during the screening stage to make a decision of whether the matter should or should not proceed to an investigation. The complaint will be reviewed without any prejudice to the parties. It should also be noted that an unsuccessful CSR process will not form part of the investigative file or investigative report.

I believe that this new pilot project can greatly benefit all parties involved and lead to a more effective and efficient public complaint system and enhance the confidence of both the public and the police in the public complaint system in Ontario.

Thank you for your assistance.

Yours truly,



Gerry McNeilly
Independent Police Review Director

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

#P93. REVIEW OF SERVICES OF HOMEWOOD HUMAN SOLUTIONS

The Board was in receipt of the following report February 21, 2013 from William Blair, Chief of Police:

Subject: REVIEW OF SERVICES OF HOMEWOOD HUMAN SOLUTIONS

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

During negotiations for the January 1, 2011 to December 31, 2014 collective agreements between the Toronto Police Services Board (TPSB) and the Toronto Police Association (TPA), the parties agreed to conduct an independent review of the services provided by Homewood Human Solutions (HHS), which is the current Employee and Family Assistance Program (EFAP) provider. While the agreement to conduct this review was made with the TPA, the EFAP is not limited to TPA members; it is also available to all senior officers, excluded members and their families.

On April 10, 2012, a Request for Proposal to Review the Services of Homewood Human Solutions (RFP No: 1127713-12) was tendered and AON Hewitt was the sole bidder. On July 10, 2012, after the proposal was reviewed by representatives of the Toronto Police Services Board and the Toronto Police Service, it was declared that AON Hewitt met the outlined requirements and was able to work within the aggressive schedule, which was set out in the scope of the project.

The review was to be a qualitative “paper review” of documentation in the possession of the TPSB, and would assess the delivery of the services and the standards of the program as compared to what was initially proposed by HHS. The review would further determine whether the new delivery model was successful and whether it met the needs of the employees of the TPSB.

Discussion:

The review commenced on September 14, 2012, with an initial meeting with Mr. Mike Kennedy, Vice President and National Lead, Health Strategies, AON Hewitt, to clarify the scope, priorities and timelines of the project.

The final report uses a stoplight system to demonstrate whether the program is meeting the standards that were outlined in the RFP. A copy of this report has been attached as Appendix “A”. The report identifies 46 specific requirements to be reviewed. Thirty of the requirements are scored as meeting expectations (green), twelve areas were unable to be assessed (yellow), and four areas were identified as non-compliant (red). The areas where AON Hewitt was unable to assess compliance were due to the fact that either the information was not supplied, was not supplied in sufficient detail, or was outside the scope of the review. HHS was very co-operative with the process, however they were not able to provide, in detail, some of the information within the timelines requested.

The four areas where noncompliance was addressed related to the following issues:

1) Years of Experience – HHS Critical Incident Responders

HHS Critical Incident Responders require a minimum 10 years of critical response experience. The review reported that out of the four HHS counsellors that provided critical incident response services, only one had at least 10 years of experience.

2) Quality Assurance Program and means to achieve Organizational Goals

The level of detail in reports provided to TPS is inconsistent with the approach proposed by HHS regarding the provision of feedback on the number and nature of client satisfaction surveys. The reports provided to TPS are general in nature, and are inconsistent with the promise to provide feedback on both the number and nature of client feedback, along with corrective action.

3) EFAP Process Outcome Evaluation

The tools proposed for outcomes evaluation by HHS differ from those on which they actually reported. Information provided is high level and lacks benchmarks. None of the reporting mechanisms reviewed offered statistics as to the levels achieved by clients or change over time.

4) Signs of Secondary Trauma and Caregiver Fatigue Awareness amongst CIRT Peers

HHS committed to supporting the development and delivery of core training as well as specialized training. The review noted that no training has been provided in these areas to date.

The Service is currently in the process of developing an RFP for EFAP services, as the current contract with HHS concludes on May 31, 2013. Management will ensure that the RFP criteria addresses the issues identified within the AON Hewitt report, and that the successful vendor is in

compliance with these requirements. Training in the area of secondary trauma and caregiver fatigue awareness amongst CIRT Peers is scheduled for April of this year, which will address item 4 above.

Conclusion:

AON Hewitt conducted a review of the current EFAP for the purpose of determining the following:

- Confirm whether HHS is providing a professional, effective and confidential EFAP;
- Confirm whether HHS is providing appropriate response to workplace critical incidents;
- Assess the delivery of the services and achievement of standards against those original proposed by HHS; and
- Determine whether the new delivery model is successfully meeting goals and whether it is meeting the needs of TPS employees.

AON Hewitt concluded that HHS is providing a professional, effective, and confidential EFAP, and is providing appropriate responses to workplace critical incidents. They stated that the new delivery model appears to be meeting the needs of TPS employees.

Deputy Chief Mike Federico, Corporate Command, will be in attendance to answer any questions the Board may have regarding this matter.

The Board was also in receipt of the following report dated March 2013 from the Toronto Police Association.

The Board approved the following motions:

- 1. THAT the Board defer consideration of the Chief's report and the written response provided by the Toronto Police Association to the Board's May 2013 in camera meeting; and**
- 2. THAT a representative of AON Hewitt be invited to attend the May 22, 2013 confidential Board meeting to discuss its report on Homewood.**

Moved by: A. Mukherjee

Executive Summary

Homewood Human Solutions (HHS) has been providing an Employee and Family Assistance Program (EFAP) to Toronto Police Services (TPS) since 2010. Aon Hewitt was hired by TPSB to undertake a review of the program and to report its findings in the following areas:

- Confirm whether HHS is providing a professional, effective, and confidential EFAP;
- Confirm whether HHS is providing appropriate response to workplace critical incidents;
- Assess the delivery of the services and achievement of standards against those originally proposed by HHS; and
- Determine whether the new delivery model is successfully meeting goals and whether it is meeting the needs of TPS employees.

To summarize the findings, it can be confirmed that HHS is providing a professional, effective, and confidential EFAP, and that HHS is providing appropriate response to workplace critical incidents.

Regarding the delivery of the services and achievement of standards against those originally proposed by HHS, most were being met, however, it was difficult to obtain relevant data to verify performance against some standards.

Based on satisfaction surveys, the new delivery model appears to be meeting the needs of TPS employees. From an outcomes perspective (i.e. resolution of the presenting issue) though, it is more difficult to find HHS data to confirm that the model is meeting outcome goals.

Using the headings from the RFP and the response from HHS, the chart in the following pages uses a stoplight system to show how well the program is meeting standards, and includes commentary regarding the rating. Further detail on each item can be found later in the report.

It is observed that the upcoming option of contract renewal could be used as an opportunity to discuss with HHS how data is collected and reported to ensure transparency and accountability for meeting the needs of the TPSB and those accessing the EFAP.



Toronto Police Association

Analysis of the AON Hewitt Report
"Review of the TPS Employee and Family Assistance Program"

March 2013

Board of Directors
Toronto Police Association

Summary

This report is an analysis and response to the AON Hewitt review of the present TPS¹ Employee and Family Assistance Plan (EFAP) that is currently awarded to Homewood Health Solutions (HHS).

The authors of this report have found the AON Hewitt report is poorly researched and is contradictory as follows:

1. In key points where information was not available, scores were astonishingly based on assumptions or lack of information.
2. AON Hewitt cites information was either withheld or wasn't available.
3. When lack of (or absence of) information was reported, AON Hewitt gave HHS a favorable score. This type of scoring is unsound, irrational and absurd. This actually misrepresents the accuracy of the final scoring that AON Hewitt bases its report on.
4. The basis of analysis for measurement of effectiveness of any EFAP system should include a financial analysis. The authors of this report found no mention at all of any financial findings or cost analysis. This omission is very surprising and only adds to the negative credibility of the AON Hewitt report.
5. AON Hewitt quotes that "this report is based solely on the information provided by TPSB for review."² Again this challenges the credibility of the report and implies that AON Hewitt was prevented from conducting an independent review of the present EFAP that was agreed upon in the current collective agreement.

In essence, the AON Hewitt report is flawed and if contested or audited by an external agency (e.g. university level study), it would be highly criticized as an unreliable source.

Specifically, two points to not meet the criteria of the AON Hewitt Report:

1. The report is so flawed and incomplete, caution should be used and it should not be relied upon for any major decisions when considering the current EFAP provider.
2. The report dated December 10, 2012 was not provided to the TPA³ until February 13, 2013 (deadline for delivery was December 2012). The quality of this report suggests it was rushed in an attempt to meet the agreed upon deadline as set out in the 2011 – 2014 Memorandum of Agreement⁴

"The Board will retain an independent expert to conduct a review of the Homewood EFAP. The independent expert will prepare a written report for the Board by not later than December 15, 2012. A copy of the written report will be provided to the Association by December 31, 2012."

¹ Toronto Police Service

² AON Hewitt Review of the TPS Employee and Family Assistance Plan pg20

³ Toronto Police Association

⁴ AON Hewitt Review of the TPS Employee and Family Assistance Plan pg19

Scoring

On pages 4 to 6, AON Hewitt assigns scores as follows:

GREEN	Meets requirements
YELLOW	Unable to assess compliance
RED	Non-compliant

Scoring for the categories for comparison purposes in this report are shown as numerical ordered values that represent the green/yellow/red scoring for easy reference.
(e.g. total values of 4 greens / 5 yellows / 5 reds = 4/5/6)

The scoring is divided into two categories:

Requirements

Page 4, items 1 to 12 (total score of 12)

Proposed Approach

Pages 5 to 6, items 1 to 25 with 4 sub-categories under item 1 and 4 sub-categories under item 2 for a total score of 33.

Requirements

AON Hewitt scores 8 greens under items 1, 2, 3, 4, 5, 9, 10, 12, 13 and 14 as "Meets Requirements" with items 6, 7, 8, and 11 as "Unable to Assess Compliance."

A score of 10/4/0

TPA analysis:

- Item 2 was incorrectly scored as green as AON Hewitt cites they cannot confirm 24 hour crisis response
- Item 4 was incorrectly scored as green as AON Hewitt cites they cannot confirm the range of counselling expertise
- Item 10 was incorrectly scored as green as AON Hewitt cites they cannot confirm HHS performance standard
- Item 12 was incorrectly scored as green as AON Hewitt cites they assume this to be compliant although they clearly state the review did NOT have direct access to this information
- Item 13 was incorrectly scored as green as AON Hewitt cites they assume this to be compliant although they clearly state the review did NOT have direct access to this information
- Item 14 was incorrectly scored as green as AON Hewitt cites they assume this to be compliant although they clearly state the review did NOT have direct access to this information

A revision of this score based on AON Hewitt's own guideline should be: 4/10/0

Proposed Approach

AON Hewitt scores 24 greens under items 1, 1a, 1b, 1c, 1d, 1e, 2, 2a, 2d, 7, 8, 9, 10, 12, 13, 14, 15, 16, 19, 20, 21, 23, 24, and 25 as "Meets Requirements"

AON Hewitt scores 6 yellows under items 2c, 3, 5, 6, 11, and 18 as "Unable to Assess Compliance."

AON Hewitt scores 4 reds under items 1b, 4, 17 and 22 as "Non-Compliant."

A score of 24/6/4

TPA analysis:

- Item 1 was incorrectly scored as green as AON Hewitt cites this item appears to be satisfactory.
- Item 1a was incorrectly scored as green as AON Hewitt cites this item assumed achieved although no proof or documentation was ever produced by HHS. This is clearly in Non-Compliance, a red score should apply.
- Item 1b was incorrectly scored as green as AON Hewitt cites this item "Meetings are not occurring monthly, but appear to be scheduled quarterly." This is clearly in Non-Compliance, a red score should apply.
- Items 1c, 1d was incorrectly scored as green as AON Hewitt cites the scores for these items are based on an assumption assumed achieved.
- Item 1e was incorrectly scored as green as AON Hewitt cites this item appear to be satisfactory.
- Item 2 was incorrectly scored as green as AON Hewitt cites the score for this item is based on an assumption assumed achieved although they were unable to verify this item HHS offers CIS services.
- Item 2d was incorrectly scored as green as AON Hewitt cites the score for this item is based on an assumption assumed achieved although no data was provided to support HHS's claim of a 90 minute response time.
- Item 7 was incorrectly scored as green as AON Hewitt cites this item appears to be satisfactory.
- Item 8 was incorrectly scored as green as AON Hewitt cites this item appears to be satisfactory.
- Item 10 was incorrectly scored as green as AON Hewitt cites this item appears to be satisfactory.
- Items 12, 13, 14, 15, and 16 were incorrectly scored as green as AON Hewitt cites the scores for these items were assumed compliant as the "scope of this project did not include clinical audits."
- Item 19 was incorrectly scored as green as AON Hewitt cites this item appears to be satisfactory.
- Item 20 was incorrectly scored as green as AON Hewitt cites this item "did not allow for a review of transition protocol, but we did not hear of dissatisfaction." The TPA respectfully cites there were many problems in the transitional process to the current provider.

- Item 21 was incorrectly scored as green as AON Hewitt cites there is no documentation in regards to this item. How can this be scored as green without proof of meeting the requirements?
- Item 23 was incorrectly scored as green as AON Hewitt cite "assumed compliant although this item "was beyond the scope of this project.""
- Item 25 was incorrectly scored as green as AON Hewitt cites this item appears to be satisfactory.

A revision of this score based on AON Hewitt's own guideline should be: 2/27/5

Both Categories combined as shown by AON Hewitt: **34/10/6**

Both Categories combined as corrected by TPA: **6/37/5**

Final scoring analysis shows that the scoring system by AON Hewitt is obviously flawed and actually misleading. Our analysis shows there are only 6 areas where the current provider is in line to AON Hewitt's definition of "generally accepted practices."⁵

Pages 8 to 17 of the AON Hewitt report is a detailed analysis of each item of their scoring. But it does not change the fact that their analysis is often base on "assumptions and appearances." Although information is not available and forthcoming, AON Hewitt assigns a score when no score can reasonably be assigned.

Financial Analysis

The absence of any financial analysis further undermines the AON Hewitt review. A financial analysis is crucial to show that a), the effectiveness of the current provider with the financial means provided and b), that the contracted provider is meeting their contractual obligations while remaining within the budgeted amount quoted from the original Report for Proposal (RFP).

Total current cost awarded to HHS in 2009 from the original contract based on the RFP was \$481,000⁶ (not including the \$63,000 salary cost of a Clerk Class 6 Liaison.⁷) A detailed analysis would show anything over budget through the current EFAP unit budget PLEAPZZ.

Without the actuals of the current EFAP provider combined with the other costs incurred by the TPS for EFAP Services, the AON Hewitt review is incomplete.

A financial analysis is a fundamental process when examining the efficiency of any program especially in times of fiscal restraint. By not providing this information implies erroneous handling of the EFAP budget or over spending.

⁵ AON Hewitt Review of the TPS Employee and Family Assistance Plan paragraph 2, pg7.

⁶ TPSB Minutes, P8/2012

⁷ Salary based on Clerk Class 6 year rounded to 2014 p4 of 2011 – 2014 Memorandum of Agreement

Homewood EFAP Reporting

The AON Hewitt Report indicates they received information from HHS indicating a utilization rate of 13 to 18% based on reports. An important question that has not been asked is how the actual utilization rate is calculated. This is very important as the utilization rate often dictates the cost of the program. The higher the utilization rate, the more the EFAP provider can justify higher costs. The actual financial details of the contract between HHS and the TPSB are not contained in the report so it is difficult to ascertain if HHS is under, within, or over the budgeted cost allowed under the current contract.

As an example: does HHS Services record the utilization rate per call received. If this is the case, one single person same presenting the same problem (on going client) could call multiple times and each call can be calculated in the usage. The previous EFAP program would break down calls by single events and multiple calls by the same caller as "an ongoing client" in a separate category. The method of calculating usage and how it is reported can make a significant difference in the final statistic of usage. AON Hewitt should be aware of this as this point is of significant value to the TPSB when examining the efficiency of the overall program and when negotiating a new contract.

Conclusion

The only conclusion that can be reasonably drawn from this report is that the AON Hewitt review has failed to provide an accurate report. This report upon close examination actually shows that Homewood Health Services is not meeting the needs of Service Members of their families but for some reason beyond comprehension, the report has provided contradictory conclusions and a flawed scoring system. It is the opinion of the authors of this report, that the AON Hewitt report is unprofessional and misleading. The TPSB should reconsider making any conclusive decisions based on the AON Hewitt Report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P94. ARBITRATION AWARD – G20 SUMMIT – VACATION SCHEDULE
 GRIEVANCE**

The Board was in receipt of the following report March 26, 2013 from Jeanette May, Manager, Labour Relations:

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive this report and a copy of the above-noted arbitration decision of William Kaplan, Sole Arbitrator, dated March 8, 2013.

Financial Implications:

There is a financial implication of \$55,800 relating to the decision of Arbitrator Kaplan. There are 526 affected members, with 494 members having one day of vacation cancelled and 32 members having two days of vacation cancelled. Therefore, there were 558 days of vacation cancelled for a total cost to the Board of \$55,800. This expenditure will be funded through the Police Legal Reserve.

Inquiries were made with Public Safety Canada to determine whether they would reimburse the Board for the costs incurred from this arbitration award. They stated that the G20 file is closed and the funds have been released, so they are not able to reimburse the Board for these costs.

Background/Purpose:

As a result of exigent circumstances that transpired during the G20, the Toronto Police Service (Service) advised the Toronto Police Association (Association) that it would be necessary to cancel the first and/or second day of vacation for members who were due to commence their vacation during the week of June 28, 2010.

Discussions were held between the Board and the Association concerning the method of compensating the members for their cancelled vacation day(s). While there was language in the Uniform collective agreement that addressed members being called back from vacation to attend Court, there was no language that dealt with this circumstance. Notwithstanding the above, the Board believed that they had reached an understanding on the method of payment for the cancelled vacation days.

Any member whose vacation day was cancelled for the G20 was paid eight hours of vacation pay for the vacation day not taken, in addition to time and one half for all hours that they actually worked on the day(s) they were called back. Members were given the option of taking the time and one half in pay or in time credited to their lieu bank.

The Association's expectation regarding payment for the cancelled vacation was that their members would be paid eight hours of vacation pay for the missed day of vacation, and time and one half for the actual hours that they worked on the day. In addition, they expected that a credit of eight hours would be made to the members' cashable lieu-time bank to allow the members to take another day off.

On July 19, 2010, the Toronto Police Association wrote to the Chief in an effort to resolve the dispute between the Board and the Association. Several discussions occurred in an attempt to settle their differences, however, they were unsuccessful. On March 15, 2011, the Association filed a grievance on behalf of 526 members, claiming the Board had violated the terms of the Uniform Collective Agreement, noting Article 7 – Vacations.

Arbitrator William Kaplan heard the matter over two days, January 18, 2013 and February 28, 2013, and issued his Award allowing the grievance on March 8, 2013. A copy of the Award is attached as Appendix "A".

Discussion:

In his decision, Arbitrator Kaplan stated that:

There is no question that the employer acted in good faith in exigent circumstances. There was a *bona fide* need to cancel vacations. Where members had fixed plans, or where there would be financial hardship, the employer was accommodating. There was no complaint raised about any of that.

The Arbitrator stated that the collective agreement entitles members to a defined vacation period. This is an earned benefit that provides time away from work with pay. The Arbitrator further stated that the Service is entitled to cancel members' vacation. However, the Board is not permitted to reduce the number of vacation days that a member can schedule to be away from work with pay. The Arbitrator stated:

There is nothing in the collective agreement that allows the employer to permanently cancel vacation days that are promised to employees even if it pays them those cancelled days, as it did here.

The Arbitrator acknowledged that the members had been paid for the cancelled vacation day(s), but had lost their opportunity to have that day away from work. Accordingly, the Arbitrator deemed the Service's action of cancelling the vacation days and reimbursing the members at double time and one half to be a breach of the collective agreement. He stated:

What should have happened, given the collective agreement obligation to provide a specific number of paid vacation days – days off with pay – and there being no dispute that this was a *bona fide* emergency, was that affected members should have been given a choice: not about the call-back pay, which is not the focus of the

current dispute, but about whether they wished to be paid for the worked vacation day or whether they wished it to be restored to their vacation bank.

The Arbitrator stated that it would be unfair to compensate the affected members with another paid day off, given that they already had the benefit of that day's pay for a considerable period of time. He also deemed that it would be unfair to provide the affected members with an unpaid day off. When the Arbitrator was considering an appropriate remedy, he stated:

What is appropriate is a non-punitive and modest monetary award that recognizes the collective agreement breach and provides some compensation for the members who were deprived of their negotiated entitlement.

As a remedy to this grievance, Arbitrator Kaplan directed that the employer pay each affected individual \$100 as damages for each day of cancelled vacation. The arbitrator further ruled that the payment is to be made within thirty days of the award.

Conclusion:

This Arbitration Award is being brought to the attention of the Board for their information. I will be in attendance to answer any questions the Board members may have regarding this report.

The Board received the foregoing report.

Moved by: A. Mukherjee

APPENDIX “A”

IN THE MATTER OF AN ARBITRATION

BETWEEN:

The Toronto Police

and

The Toronto Police Association

(G20 Summit Vacation Schedule Grievance)

Before:	William Kaplan Sole Arbitrator
Appearances	
For the Employer:	Michael Hines Hicks Morley Barristers & Solicitors
For the TPA:	Michael Mitchell Sack Goldblatt Mitchell Barristers & Solicitors

The matters in dispute proceeded to a hearing in Toronto on November 7, 2011, February 29, 2012, January 18 and February 28, 2013.

Introduction

This case involves a July 19, 2010 grievance filed by the Toronto Police Association (hereafter “the Association”). The background facts can be summarily stated. As a result of events that transpired during the G20, command at the Toronto Police (hereafter “the employer”) made a decision on June 27, 2010 to suspend annual leaves beginning on June 28th. The Association takes no issue with that decision. Put another way, the Association agrees that the employer was fully entitled to cancel scheduled vacations in order to deal with the policing emergency. What the Association objects to is how members were compensated for their cancelled vacations. When the suspension was announced, it was not clear how long it would last. As it turned out, the vacation suspension effectively only lasted a single day. In order to accommodate members who had made particular vacation plans that could not be changed, or to assist those facing personal hardship, the employer did not require individuals so situated to report for duty. Members who reported for duty were paid their vacation day plus time-and-a-half for all hours worked. This premium payment could be taken later, if the member wished, as lieu time.

In the Association’s view, members who were called in to work from their vacation should have been paid time-and-a-half for all hours worked and their vacation bank should have been credited for the day worked. Stated somewhat differently, the Association takes the position that members should not have been forced to take one of their vacation days on a day they were actually compelled to work; they should not have received their vacation pay for the day worked, instead, they should have been credited

with the day they were called in so that the missed vacation day could be taken with no loss of compensation on some future occasion. Approximately 500 members were affected on June 28th, and 33 on June 29th.

Many members, it is fair to say, objected, although not to being called in for the emergency, but to the loss of a vacation day. Moreover, there was some attendant confusion arising out of an incorrect, albeit quickly corrected June 28, 2010, bulletin to the membership explaining how the callback was to be paid. It is fair to say, however, given the time of day that these bulletins were issued, that no one relied on them for anything. The same can be said with respect to an email exchange between Aileen Ashman, the Director of Human Resources for the employer, and an official of the Association, Rob Correa.

In that exchange, dated June 27, 2010, Ms. Ashman wrote, under the subject heading "Callback/vacation": "Call me...if you need clarification of the payment for members on callback on a scheduled vacation day." Mr. Correa then wrote: "I just want to make sure we are on the same page on this. Members will receive their leave pay of 8 hrs per day plus time and one half pay for their assigned hours each day worked. Is that correct?" Ms. Ashman replied, "Correct." Ms. Ashman did not testify and, at the time of these proceedings, Mr. Correa was deceased. Neither party argued that this email exchange represented an agreement between the parties about how compensation was to be paid.

The Collective Agreement

ARTICLE 5 – HOURS OF WORK AND PREMIUM PAY

5.04 (a) For the purpose of this clause “callback” is defined as the callback of a member after he/she has reported off duty and before his/her next following tour of duty, and shall include the attendance of a member:

...

(2) (ii) performing duty on regularly scheduled days off.

Such member shall be granted lieu time, as provided in clause 5.05, or pay calculated at the rate of one and one-half times the member’s rate of pay for all hours of duty in such callback with a minimum of 4 hours’ pay or time off in lieu thereof at the time and one-half rate for each such callback.

...

(d) (i) A member who is required to attend court during his/her vacation shall be granted two days off for each day or part thereof spent in Court. This Article shall apply only if the member’s Unit Commander has approved, in advance, the member’s attendance at court.

ARTICLE 7 – VACATIONS

7.01 (a) A member shall be eligible for vacation on the following basis:
[provision then sets out weeks of entitlement following service milestones]

Association Argument

In the Association’s submission, the collective agreement had been breached. Article 7 provided members with specific vacation entitlements. A member entitled to three weeks vacation is entitled to his or her regular pay together with three weeks off work. That is what the parties bargained. As a result of the events arising out of the G20, members did not receive their negotiated entitlements. For example, a member who was entitled to three weeks of vacation, and who was called in from vacation to work on one day, only received two weeks and four days of vacation. It was correct that the individual in question received his or her vacation pay for all three weeks, but the entitlement was to time off with pay, not just to pay.

While the Association acknowledged that there were instances in the past where members worked on their vacations, and received vacation pay along with their callback pay, those instances stood in marked contrast to the present case. In many, if not most, of those instances, the Association argued, the member volunteered to work. In that situation it would hardly be appropriate for a member to claim a vacation day having volunteered to work on vacation and having been paid for that day. In the present case, more than five hundred members had their vacation cancelled. They were not volunteers: their vacation was taken away. The Association, therefore, took issue with any reliance by the employer on past practice arguing that it did not apply to the mass vacation cancellation and requirement to work present in this case.

This was, Association counsel argued, a case where equitable principles were appropriately applied. It would not be fair, for instance, to now provide members with a unpaid day off. After all, members had been forced to work on a vacation day and it would be improper, in these circumstances, years later, to reduce their pay by awarding an unpaid day off. Likewise, it was, the Association suggested, no answer to suggest that the affected members could have taken their callback pay in lieu time. To be sure, that was an entitlement under the collective agreement, but there was a more specific entitlement that applied in this case: the entitlement to specified vacation days off with pay in relation to member service. The importance of vacation was illustrated, the Association submitted, by the provisions of the collective agreement that compensated members who were called to court to testify during their vacations. The conclusion that could, and should be drawn, in the Association's view, was that actual time off was what

was paramount. Vacations were to be taken with pay. A number of authorities were advanced in support of these submissions.

As a remedy, the Association sought a declaration of breach, a further declaration, should similar events transpire in the future, that vacation banks not be diminished and, given the loss that had been suffered, compensation for affected members. The Association asked that eight hours be deposited in each affected members' non-cashable lieu bank providing that member, in effect, with their missing paid vacation day. Only a remedy of this kind, Association counsel concluded, could even come close to putting the affected members in the position they would have been in but for the breach. Any other remedy would not compensate for the actual loss of a day's vacation.

Employer Argument

In the employer's view, no one had his or her vacation cancelled. What happened here was that some members – and the legitimacy of this was not contested – were required to work on a vacation day. It was quite common, under this collective agreement, for employees to work on statutory holidays and on scheduled days off. That was the essential nature of police work. When, for example, an employee was called in to work on a scheduled day off, he or she did not have that day restored. Instead, he or she was paid in accordance with specific provisions in the collective agreement. In situations such as this, the employee does not get a new scheduled day off; all that is received is compensation for working on what would otherwise have been a day off. In the case at hand, employees were paid for their vacation day but could, if they wish, take future time

off by banking the hours they worked at time-and-a-half and later taking those hours as lieu time. There was, accordingly, no need to restore the worked vacation day.

In the employer's submission, nothing out of the ordinary, or novel, had taken place. Members received an annual salary and were paid bi-weekly. That pay could change because of overtime etc. Scheduled days off were, like vacation, promised days off. A member could be called in to work on a scheduled day off. Moreover, it was not unusual for members to be called back from days off or, on occasion, from vacation. Earlier in the proceedings, employer counsel had observed that this practice extended far back into the past. Documents introduced into evidence demonstrated not only was this past practice commonplace, but had applied to countless members including union stewards.

Employer counsel carefully reviewed a number of provisions in the collective agreement in support of his submissions. The treatment of members called to testify in court during their vacations had, employer counsel argued for example, nothing to do with the facts of this case. Simply put, Article 5.04(d) required a member to receive permission from his or her Unit Commander to attend court during a vacation, and then provided for additional time off. It was inapplicable to the circumstances now under review. Other provisions of the collective agreement were also canvassed.

In the case of scheduled days off, or callbacks between shifts, the collective agreement specified the compensation treatment. In the case of vacations, it did not. The situation was, the employer argued, unregulated by the collective agreement. Arbitral remedial

powers were limited to breaches of the collective agreement. Absent a governing provision, it was axiomatic that there could be no collective agreement breach. Moreover, in management's view, given that members could be called back from scheduled days off, which like vacations came in blocks, and were known far in advance, there was no reason to conclude that the compensation treatment of members called back from vacation should be any different.

Indeed, there was nothing, the employer submitted, in the collective agreement that grounded any entitlement to receive vacation pay plus another paid day off which was the remedy the Association sought. This conclusion was, employer counsel argued, reinforced by the case law which made it clear that where a party asserts a monetary benefit under a collective agreement, they must demonstrate it with clear, specific and unequivocal terms (*Cardinal Transport & CUPE 62 LAC 230 (Devine)* at 236. In addition, the law was settled, and a number of the leading cases on point were reviewed, that the job of the arbitrator was not to determine what he or she thought was a correct or fair outcome in a particular case, but to interpret and apply the terms of the collective agreement.

In this case, there was no provision that specified the compensation treatment of an employee who worked on his or her vacation day. Collective agreements cannot, and do not, anticipate every eventuality. Absent a governing collective agreement provision, there was no basis, in management's view, for arbitral intervention and substitution of one outcome – the arbitrator's preferred outcome – for that earlier imposed by

management, especially when the employer's decision to pay the vacation day and callback pay was completely consistent with past practice and related provisions of the collective agreement considered more generally.

In the employer's view, there were a number of other reasons for denying the grievance or, assuming a breach, for providing only declaratory relief. Years had passed since the day in question. Given that the affected employees had received pay for that day as well as premium pay for the hours worked – pay that could have been taken in lieu – it would be excessive, years later, to provide employees with another paid vacation day. Any member who had lost a vacation day could have readily regained it by using the lieu time they accumulated by virtue of working callback.

In conclusion, employer counsel argued, this was not a case that called out for relief, especially the excessive compensation being sought by the Association. It was noteworthy that some of the affected individuals, the employer observed, were no longer even employed. Other practical difficulties in recreating what should have happened – reassembling the broken egg – again assuming a breach, were obvious. The collective agreement did not deal with this situation, but the employer dealt with it fairly and equitably and in accordance with the overall approach in that collective agreement to compensation for work on a day off. Accordingly, and for all of these reasons and others, the employer argued that the grievance should be dismissed.

Decision

Having carefully considered the evidence and arguments of the parties, I am of the view, for the reasons that follow, that the grievance should be allowed.

There is no question but that the employer acted in good faith in exigent circumstances. There was a *bona fide* need to cancel vacations. Where members had fixed plans, or where there would be financial hardship, the employer was accommodating. There was no complaint raised about any of that. Undoubtedly, some members took the money they earned on the callback in lieu time instead of cash. Conceivably, some members would have taken that lieu time and added it to other scheduled vacation, or to scheduled days off, to increase paid time away from work. It is quite likely that some members were not inconvenienced by the callback and benefited from it. Others, of course, were adversely affected and claimed prejudice as was illustrated by various documents introduced into evidence.

The email exchange between Ms. Ashman and Mr. Correa clearly sets out how the employer believed members should be compensated for working on a vacation day. However, there is nothing in that exchange that elevates it to an enforceable agreement. As is evident by the bulletins that were issued the following day, there was even confusion in management ranks about how members called in from work should be compensated. However, those bulletins, like the email exchange, are not legally determinative of anything.

In addition, the collective provisions relating to callback to work on a scheduled day off or work during a statutory holiday, or sickness during vacation, or the treatment of members who receive approval to testify during vacation, to name just a few of the specific entitlements spelled out in the collective agreement, and reviewed by counsel for both parties, are immaterial to the ultimate decision in this case. By definition, vacations are different: under this collective agreement they are paid time away from work. The email exchange between Ms. Ashman and Mr. Correa, not to mention both bulletins, indicate that employees called back from vacation were to receive callback pay. The absence of any collective agreement provision for callback pay for employees directed to return to work during vacation was raised by employer counsel in argument. That issue, whether employees required to work on vacation should receive callback pay, was not adjudicated in these proceedings and is a different matter for another day. The parties may wish to turn their attention to it in collective bargaining.

In the meantime, the collective agreement makes it clear that members are entitled, based on service, to defined vacation periods. That, obviously, means days away from work in receipt of regular compensation. The issue is not whether the employer was entitled to cancel vacations – it was – nor is there any dispute about the manner it did so since the evidence is undisputed that individuals who could demonstrate firm commitments or hardship were relieved of the obligation to report for duty. The only outstanding question is whether there has been a collective agreement breach in the manner in which members were paid?

There is a clear promise in the collective agreement for specified number of vacation days. Vacation days are an earned benefit to days off with pay. While the employer can, as it did here, require employees to work on their vacation, it cannot reduce their vacation days. In the same way that clear and categorical language is required in a collective agreement to confer a financial benefit, equally clear and categorical language is required to eliminate one. There is nothing in the collective agreement that allows the employer to permanently cancel vacation days that are promised to employees even if it pays them those cancelled days as it did here. Clearly, vacation can be cancelled for legitimate police business. But it cannot be permanently eliminated. That is the collective agreement breach, and that is the breach that requires an appropriate remedy. The decision in this case is based on the conclusion that the collective agreement requires that members receive a specific number of paid vacation days. Having determined that there was a breach, the case turns to the determination of an appropriate remedy.

The purposes of a remedy in labour relations, where a breach of the collective agreement has been established, as it is in contract law more generally, is to put a person in the position they would have been in but for the breach. There does not appear to be any directly applicable authority on point (and those advanced by both parties are largely distinguishable), but some of the observations in the cases about the purposes of vacation are helpful. For example, as Arbitrator Albertyn noted in *Sifto Canada & CEP 46 CLAS* 102 (199&) at para. 128: “Another way of approaching the matter is to consider the harm that was done to the grievors... They lost time off from work ... They were considerably inconvenienced and that inconvenience is worth something.” (It is noteworthy that, in

that case, some employees were actually better off by the unilateral vacation scheduling change.) In the *Sifto* case, unlike this one, affected individuals were forced to take time off not of their choosing and received their vacation pay during that time off. They did not lose money but, to quote Arbitrator Albertyn, "...their holiday plans were foiled..." (at para. 123). That, to a much more limited extent, is what happened here.

More than two years after the events took place, it is extremely difficult to remedy the breach. There is also a real question about what remedy is appropriate. There is initial appeal to the suggestion that affected individuals could have ensured additional paid time off by converting the callback pay into lieu time. However, upon careful examination, that approach is not satisfactory. Given the purposes of vacation, its benefits are only realized if the vacation is taken with pay in a timely way. See *Assiniboine Regional Health Authority & CUPE* 189 LAC (4th) 137:

The purpose of vacation is not simply to provide employees with time off with pay. The purpose of a vacation is to provide employees with time off with pay at regular intervals in order that they will be periodically relieved from the stresses and strains of the workplace for a reasonable period, and to afford them the opportunity to organize their vacation time so that they may engage in special activities, such as travel and recreation with their families and friends. Employee vacations are also beneficial to employers because they improve morale and refresh the workforce.

Depriving the Grievors of the full amount of vacation time to which they are entitled for a period of three or more years, decreases the benefits associated with the vacation time. Substantially delaying a vacation diminishes the beneficial effects of the vacation. (at 147-8).

What should have happened, given the collective agreement obligation to provide specific number of paid vacation days – days off with pay – and there being no dispute that this was a *bona fide* emergency, was that affected members should have been given a choice: not about the call-back pay, which is not the focus of the current dispute, but

about whether they wished to be paid for the worked vacation day or whether they wished it to be restored to their vacation bank.

It is self-evidently impossible to turn the clock back and put members in the exact position they would have been in but for the breach: the restoration of their collective agreement entitlement to a paid vacation day. In the same way that it would be completely unfair now, years later, to provide a remedy of an unpaid day off, it would also be unfair to compensate employees with another paid day off since they have had the benefit of that day's pay for quite some time. Still, affected individuals did lose something that they were entitled to under the collective agreement: a vacation day with pay. The authorities recognize that declaratory relief alone in cases of this kind is hollow. Overcompensation would be equally wrong.

Under the collective agreement, vacations, by and large, are scheduled in weeklong periods. They can, however, be taken, in some circumstances, as individual days. But, for the reasons already given, a day's vacation would, in my view, constitute overcompensation given the passage of time and the fact that the day has already been paid. What is appropriate is a non-punitive and modest monetary award that recognizes the collective agreement breach and provides some compensation for the members who were deprived of their negotiated entitlement. The determination of an amount is difficult and, admittedly, somewhat arbitrary.

The difficulty in accurately assessing the value of a particular loss – in this case, the loss of a vacation day with pay, is not a proper basis for not providing *any* compensation having found a breach. Moreover, it is worth noting that this case presents the exact opposite of a situation where an employer has acted with impunity and in clear breach of the provisions of the collective agreement. Any award must, of necessity, given the factual circumstances outlined above, be considered in context, be tied to the breach, be compensatory of it, and be extremely modest. Accordingly, and consistent with the authorities, I direct that the employer pay each affected individual \$100 as damages for each day of cancelled vacation. Payment to be made within thirty days. I remain seized with the implementation of this award.

DATED at Toronto this 8th day of March 2013.

“William Kaplan”

William Kaplan, Sole Arbitrator

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

#P95. CENTRAL JOINT HEALTH AND SAFETY COMMITTEE

The Board was in receipt of a copy of the Minutes from the Central Joint Health and Safety Committee meeting held on March 15, 2013. A copy of the Committee Minutes is appended to this Minute for information.

Chair Mukherjee noted that the Minutes were to be considered in conjunction with confidential Minutes that were also prepared for the same meeting (Min. No. C83/13 refers).

The Board received the Minutes from the CJHSC meeting held on March 15, 2013.

Moved by: A. Mukherjee



Central Joint Health and Safety Committee

- MEETING MINUTES -

**Conference Room 7-A
Toronto Police Headquarters
Toronto, Ontario**

**Friday,
March 15, 2013
at 11:00 AM**

Meeting No. 48

Members Present: Dr. Alok Mukherjee, TPSB, Committee Co-Chair
Mr. Larry Molyneaux, TPA, Committee Co-Chair
Deputy Chief Mike Federico, TPS, Command Representative
Mr. Rick Perry, TPA, Executive Representative

Also Present: Ms. Wendy Ryzek, Manager, Occupational Health & Safety
Mr. Rob Duncan, Safety Officer, Occupational Health & Safety
Ms. Deirdre Williams, Recording Secretary

Guests: Ms. Deidra White, Information Technology Services
Mr. Leonard Lyn, Information Technology Services *

* Member of the Information Technology Services Local Joint Health and Safety Committee

Chair for this Meeting: Dr. Alok Mukherjee, Co-Chair

Opening of the Meeting:

1. Mr. Molyneaux extended a welcome to the guests, provided an overview of the Central Joint Health and Safety Committee and explained how it works in conjunction with the Local Joint Health and Safety Committees (“local JHSCs”), which are operating throughout the Toronto Police Service.
2. The Committee approved the public and confidential Minutes from its meeting held on December 03, 2012.

The Committee considered the following matters:

3. Information Technology Services (ITS)

Ms. White indicated that, in preparation for attending this meeting, she had asked members of ITS to indicate if they had any concerns that they would like her to convey to the Committee about specific health and safety requirements or issues arising from the work that they perform. Ms. White said that the members of ITS had raised the following two issues:

Temperature – 5th Floor Headquarters:

Ms. White said that members of ITS have expressed concerns about the temperature in some of the office areas on the 5th floor at Police Headquarters. Ms. White said that some areas are very cold while other areas are very warm and that, to date, attempts by TPS-Facilities Management to establish a consistent temperature throughout the 5th floor office area have not been successful. Ms. White emphasized that while it is common for workers to have a different opinion as to what constitutes a comfortable working temperature, the concerns about temperature fluctuations on the 5th floor are not a result of differing personal preferences.

Mr. Molyneaux said that there is a Regulation under the *Occupational Health and Safety Act* which stipulates the minimum and maximum range for the acceptable temperature of workplaces and that the temperature of the 5th floor office area is required to be within that range. The Committee asked Mr. Duncan to review the legislation regarding the temperature range and to work with TPS-Facilities Management to ensure that the temperature is maintained at an acceptable level within that range.

Workplace Ergonomics – Telecom:

Ms. White said that some members at the ITS Telecom location have expressed concerns that their workstations are not ergonomically correct.

Following the meeting, Ms. White, Mr. Lyn and Mr. Jerome Walker, Manager, Infrastructure and Operations Support Services, conducted a tour of the ITS facilities on the 5th floor of Police Headquarters. During the tour, Ms. White said that a renovation of the 5th floor had recently been concluded and she drew attention to several structural, floor plan and environmental changes that were implemented specifically in an attempt to improve the well-being, health and safety of the workers in this area.

During a tour of the 5th floor office area following the meeting, the Committee members who participated in the tour all agreed that there was a noticeable fluctuation in the temperature.

Status:	Information Technology Services: <u>Resolved</u>.
Action:	The Committee agreed that this matter has been resolved and that no further action is required at this time.

2. Barn Swallows at the Marine Unit

Update by: Deputy Chief Mike Federico, Command Representative

Deputy Chief Federico advised the Committee that the arrangements made by the City of Toronto to remove the bird feces at the Marine Unit in January 2013 had not taken place as planned but would be re-scheduled. The Committee was also advised that while the City of Toronto has taken initial steps to remove the existing bird feces which will help on a temporary basis, the City has not yet identified any specific action that will be taken to prevent the return of the barn swallows.

In response to a question by the Committee, Deputy Chief Federico confirmed that Staff Inspector Bill Wardle, Marine Unit, had been updated on the status of the City's attempts to resolve the concerns about the bird feces at the Marine Unit.

Written notes provided by Deputy Chief Federico with respect to this matter are attached to these Minutes for information.

Status	Barn Swallows at the Marine Unit: <u>Ongoing</u>
Follow-up	Deputy Chief Federico will provide an update on the progress of the cleaning and the steps to prevent the return of the barn swallows at the next meeting.

cont...d

Quarterly Update:

3. TPS Wellness Initiatives

Update by: Deputy Chief Mike Federico, Command Representative

Deputy Chief Federico updated the Committee on the wellness initiatives that are in place and the new initiatives that are being developed across the TPS. Specific details of the initiatives are contained in written notes that Deputy Chief Federico provided and are attached to these Minutes for information.

Status:	Quarterly Update: TPS Wellness Initiatives: <u>Ongoing</u>
Action:	Deputy Federico will provide a further update in three months.

Semi-Annual Update:

3. Critical Injuries Involving TPS Members, Awareness and Education and Copies of Critical Injury Investigation Reports (TPS 749)

Update by: Deputy Chief Mike Federico, Command Representative

Deputy Chief Federico provided the Committee with the following:

- a statistical summary of the critical injuries that were reported to the Ministry of Labour between January 01, 2013 and March 07, 2013 and for each quarter in 2012;
- specific details of seven critical injuries that occurred between January 01, 2013 and March 07, 2013;
- specific details of all the critical injuries that were reported to the Ministry of Labour in each quarter of 2012; and
- copies of the completed critical injury investigation reports (TPS 749) for the period between July and December 2012.

Deputy Chief Federico responded to questions about some of the foregoing critical injuries that were reported to the Committee.

Written notes provided by Deputy Chief Federico with respect to the foregoing critical injuries are on file with the Recording Secretary.

Status:	Semi-Annual Update: Critical Injuries Involving TPS Members, Awareness and Education and Completed Critical Injury Investigation Reports (TPS 749): <u>Ongoing</u>
Action:	Deputy Chief Federico will provide a further update in six months.

Annual Reviews:

4. TPSB Occupational Health & Safety Policy – 2013 Review

Update by: All Members

The Committee conducted its annual review of the Toronto Police Services Board's Occupational Health and Safety policy and agreed that no recommendations for amendments were necessary at this time.

A copy of the policy endorsed by the members of the Committee is attached to these Minutes for information. The original copy of the endorsed policy is on file with the Recording Secretary.

Status:	2013 Review of the TPSB's Occupational Health and Safety Policy: <u>Resolved</u>
Action:	The Committee agreed that this matter has been resolved and that no further action is required at this time.

5. Terms of Reference – 2013 Review

Update by: Dr. Alok Mukherjee, Co-Chair

The Committee conducted its annual review of the Terms of Reference for the Central Joint Health and Safety Committee.

Dr. Mukherjee provided the Committee with a written submission (dated January 21, 2013) containing two proposed amendments to the Terms of Reference. The first proposed amendment pertains to the tours of new Toronto Police Service facilities and the second amendment refers to the Committee's practice of requesting that written notes be provided by a member who is responding to an unresolved matter or raising a new matter for consideration.

The Committee agreed to the two amendments recommended by Dr. Mukherjee as outlined in his written submission.

Dr. Mukherjee advised the Committee that he would forward the two proposed amendments to the TPSB for approval and, pending the approval of the TPA, he and Mr. Mike McCormack, President, TPA, would jointly send correspondence to the Ministry of Labour recommending that it approve the revised Terms of Reference.

A copy of Dr. Mukherjee's written submission is attached to these Minutes for information.

Status:	• 2013 Review of the Terms of Reference: <u>Resolved</u> • Recommendation to Amend the Terms of Reference: <u>Ongoing</u>
Action:	Dr. Mukherjee will provide an update on the progress of amending the Terms of Reference at the next meeting.

6. Consideration of New Initiatives – 2013 Review

Update by: All Members

The Committee discussed the following matters:

- New Mandatory Health & Safety Training - Ms. Ryzek advised the Committee that, as a result of a new Regulation proposed by the Ministry of Labour, employers will be required to ensure that all their workers and supervisors complete mandatory occupational health and safety training effective January 01, 2014. Ms. Ryzek said that the TPS-Occupational Health and Safety Unit (OHS) is currently developing training programs for TPS workers and supervisors that will meet the specific training requirements proposed by the Ministry of Labour. Deputy Federico confirmed that copies of the TPS occupational health and safety training programs will be provided to the Committee for review.
- Occupational Health and Safety Awareness Day 2013 - Ms. Ryzek and Mr. Duncan will continue to review new topics for the Occupational Health and Safety Awareness Day that is scheduled to take place on Wednesday, October 02, 2013. Potential topics will be evaluated on their relevance and value to TPS members and, if possible, whether they can involve interaction with the participants. The Committee said that it needs to consider how improvements can be made to the manner in which the OHS Awareness Day is promoted internally so that more members would be interested in attending.
- Antiviral Distribution Plan: - As part of the City of Toronto Pandemic Plan, the TPS is required to submit a detailed plan to Toronto Public Health detailing the process by which antiviral medications will be distributed to TPS members if a pandemic influenza outbreak occurs in Toronto. The OHS Unit is working with the TPS-Emergency Preparedness Committee to produce the antiviral distribution plan.
- Annual Law Enforcement Occupational Safety & Health Conference 2013 - The Peel Regional Police Service will host the 2013 Annual Law Enforcement Occupational Safety & Health Conference which is scheduled to take place from June 19 - 21, 2013; three members from OHS will attend the conference on behalf of the TPS.
- Occupational Health and Safety Training for TPSB Members - Dr. Mukherjee will determine whether the new members of the TPSB have received occupational health and safety training.

No written notes with regard to this matter were provided to the Committee.

Status:	Consideration of New Initiatives - 2013: <u>Resolved</u>
Action:	The Committee agreed that this matter has been resolved and that no further action is required at this time.

NEXT MEETING:

Date: Thursday, June 13, 2013
Time: 11:00 AM
Location: Marine Unit

Members of the Central Joint Health and Safety Committee:

Dr. Alok Mukherjee, Co-Chair Toronto Police Services Board	Mr. Larry Molyneaux, Co-Chair Toronto Police Association
Deputy Chief Mike Federico, Command Representative, Toronto Police Service	Mr. Rick Perry, Executive Representative Toronto Police Association

Central Joint Health & Safety Committee (CJHSC)

Notes for Minutes

Date of Meeting: Friday, March 15, 2013
Time: 11:00hrs
Location: Toronto Police Headquarters, 40 College St.
Conference Room #7A

Item	Notes
Barn swallows at Marine Unit	The City had made arrangements to conduct power washing on Tuesday, January 29, 2013. The cleaning did not proceed as planned, and the City was unable to reschedule due to weather conditions. Removal of existing unoccupied bird nests has been scheduled to take place during the week of March 11-15, 2013. The City advises that additional cleaning will take place in Fall 2013. The City is currently seeking vendor quotes on remediation options.
Quarterly Wellness Update	<ol style="list-style-type: none">1) Emotional Survival Training for Court officers and Civilians currently running, specific to policing environment2) Fitness Pin Renewal/Update Course Training Days (Feb 5th and Feb 8th 2013)3) Platoon Training Wellness dates (Topic examples: Fatigue Management; Sugar & Disease) and other Wellness presentations across the Service (topics include Nutrition, Fitness and Back Health)4) Nutrition Consultations (menu planning, sleep tips, supplement recommendations etc), ongoing, conducted at the Toronto Police College, HQ and other TPS locations5) Fitness Consultations (stretching, injury prevention, improving physical fitness, full movement screening), ongoing, conducted at the Toronto Police College and other TPS locations6) On-going development of the On-line/E-learning version of the Healthy Eating Program (currently in development is Session #2, Menu Planning)7) Toronto Police Wellness Website - ongoing-weekly updates; articles and videos generated by TPS wellness Team8) Fitness Pin Test revised and updated in 2012 to include the new Core Endurance Test ; 2013 = complete removal of curl-ups, addition of movement screening

	<p>9) ISTP Wellness Training 2013—on-going (survey implementation re: research study coordination with Dr. Linda Duxbury of Carlton University)</p> <p>10) Continued development of 2013 Wellness Development and Strategy (Wellness lectures targeted to specific TPS locations based on identified needs)</p> <p>11) Program development for recruits – POST-OPC (focus on fitness, nutrition and fatigue management)</p>
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Toronto Police Services Board's Occupational Health and Safety Policy

DATE APPROVED	June 14, 2007	Minute No: P208/07
DATE(S) AMENDED	May 20, 2010 November 15, 2010 June 9, 2011	Minute No: P154/10 Minute No: P292/10 Minute No: P148/11
DATE REVIEWED	July 24, 2008 November 15, 2010 June 9, 2011	Minute No: P206/08 Minute No: P292/10 Minute No: P148/11
REPORTING REQUIREMENT	Chair to review the policy annually and report to Board. Chief to report to Board quarterly and as needed with respect to urgent matters.	
LEGISLATION	<i>Police Services Act</i> , R.S.O. 1990, c.P.15, as amended, s. 31(1)(c). <i>Occupational Health and Safety Act</i> , R.S.O. 1990, c O.1, ss. 25 (2)(j)-(k), 32.0.1-32.0.7.	
DERIVATION		

The Toronto Police Services Board, as the employer, is ultimately responsible for worker health and safety. Through the implementation of initiatives intended to eliminate occupational illnesses and injuries, the Toronto Police Services Board is dedicated to the goal of enhancing employee wellness and maintaining workplaces that are safe and healthy for the members of the Toronto Police Service.

The Board recognizes that the local Joint Health and Safety Committees and the Central Joint Health and Safety Committee play an integral role in helping the Board achieve this goal. Joint Health and Safety Committees throughout the Service will be the framework within which Management and the Toronto Police Association will work cooperatively to develop and implement the internal responsibility system that is the key to an effective health and safety program.

It is the policy of the Toronto Police Services Board that:

1. The Chief of Police will promote efforts that lead to a safe and healthy environment through the provision of initiatives, information, training and through ongoing program evaluation to assess the effectiveness of the Toronto Police Service's efforts to ensure compliance with occupational health and safety legislation;
2. The Chief of Police will ensure that members with supervisory responsibilities are held accountable for promoting and implementing available health and safety programs, for complying with the *Occupational Health and Safety Act* and for ensuring that workplaces under their supervision are maintained in a healthy and safe condition;
3. The Board acknowledges that every member must actively participate in helping the Board meet its commitment to health and safety by protecting his or her own health and safety by working in compliance with the *Occupational Health and Safety Act*, adopting the safe work practices and procedures established by the Service and reporting to their supervisor any unsafe or unhealthy workplace conditions or practices;
4. The Chair will review annually the Occupational Health and Safety policy as required by the *Occupational Health and Safety Act*. Any recommended amendments are to be reported to the Board for approval;
5. The Chief of Police will post at a conspicuous location in the workplace a copy of the Occupational Health and Safety policy;
6. The Chief of Police will provide quarterly Occupational Health and Safety reports to the Board (Minute No. C9/05 refers); and
7. It is recognized that from time to time, occupational health and safety matters may arise that must be brought to the Board's attention on an urgent basis. The Chief of Police will report such matters to the Board in a timely fashion (Minute No. C9/05 refers).

Workplace Violence and Harassment

The Toronto Police Services Board is committed to providing a safe and healthy work environment for its members and is committed to the prevention of workplace violence and harassment. The Board recognizes that unwanted behaviours in the workplace must be addressed early to minimize the potential for workplace harassment to lead to workplace violence. Workplace violence and harassment is serious conduct that may constitute a violation of Canada's *Criminal Code*, the *Ontario Human Rights Code* and/or the *Occupational Health and Safety Act*.

It is the policy of the Toronto Police Services Board that:


8. The Chief of Police will ensure that the relevant procedures and programs are developed as prescribed by law;

9. The Chief of Police will ensure that such procedures and programs include components that state that individual or institutional retaliation will not be tolerated; and
10. The Chief of Police will ensure that measures are in place to address the risk of domestic violence in the workplace.

Endorsed by the members of the Central Joint Health & Safety Committee on March 15, 2013.



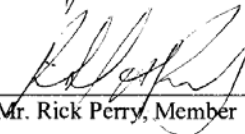
Dr. Alok Mukherjee, Co-Chair



Mr. Larry Molyneaux, Co-Chair



Deputy Chief Mike Federico, Member



Mr. Rick Perry, Member



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January 21, 2013

To: Members,
Central Joint Health and Safety Committee

From: Alok Mukherjee, Co-Chair, Central Joint Health & Safety Committee
Chair, Toronto Police Services Board

Subject: Annual Review of *Terms of Reference* – Proposed Amendments

Background:

The *Terms of Reference* for the Central Joint Health and Safety Committee is reviewed annually at the first meeting in each year.

Discussion:

I have reviewed the *Terms of Reference* and believe that, at this time, there are two amendments which can be proposed.

The first amendment arises from the Committee's September 11, 2012 decision (Meeting No. 46 refers) during which the Committee clarified that its tours of new Toronto Police Service facilities are for the members' information only and are not intended to replace the formal workplace inspections that are conducted by the Joint Health and Safety Committees.

The second amendment refers to the Committee's practice of requesting that written notes be provided by a member who is responding to an unresolved matter or raising a new matter for consideration. Given that the Minutes for the meetings include a brief summary of each matter that is discussed by the Committee, as opposed to a verbatim record, the written notes provided by members in the past have been appended to the Minutes and formed part of the record for these matters. While this practice has worked well on an informal basis in the past, I am proposing that it be formally included in the *Terms of Reference*.

Conclusion:

In the attachment to this report, I have reprinted the sections of the *Terms of Reference* that pertain to the tours of new facilities and the request for written notes and inserted the proposed amendments in italics.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alok Mukherjee', with a stylized flourish at the end.

Alok Mukherjee
Co-Chair, Central Joint Health & Safety Committee
Chair, Toronto Police Services Board

file: report_terms_revise_2013.doc

CJHSC Terms of Reference

Proposed Amendments in Italics

INSPECTIONS

It is jointly agreed that the Committee ~~is not~~:

1. *Is not* responsible for workplace inspections as defined in Section 9(23) of the Act;
2. *Is not* required to be present during testing as described in Section 9(18)(e) of the Act, except where such testing may reasonably be expected to have Service-wide implications; *and*
3. *Will participate in tours of new Toronto Police Service facilities, when possible, for the purpose of information only. A tour will not replace the requirement that workplace inspections be conducted by the Joint Health and Safety Committees.*

MEETING AGENDA

The Co-Chair of the meeting will prepare an agenda and forward a copy of the agenda to all Committee members at least one week in advance of the meeting.

The Committee may accept any item as proper for discussion and resolution that pertains to health and safety, except to amend, alter, subtract from or add to any terms of the Collective Bargaining Agreements. All items raised from the agenda in meetings will be dealt with on the basis of consensus rather than by voting. Formal motions will not be used.

Items discussed, both resolved and unresolved, will be reported in the Minutes. Unresolved items will be placed on the agenda for the next meeting. Should either of the parties be of the firm conviction that no resolution is attainable on a specific item, they shall have the option of inviting the intervention of the Ministry of Labour; but only after providing one month's written notice to the other party of their intention to do so along with an explanation for the decision to so proceed.

Committee members who are required to provide a response to an unresolved matter or intend to raise a new matter are requested to provide the response, or details of the new matter, in writing. If the written information is available prior to a meeting, it should be provided to the Recording Secretary so that it can be included on the meeting agenda, alternatively, copies of the written information should be circulated to the members during the meeting. A copy of the written information will be attached to the Minutes, either public or confidential, as applicable, and will form part of the record for the matter under discussion.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P96. ANNUAL REPORT – 2012 SPECIAL CONSTABLES – UNIVERSITY OF
TORONTO: ST. GEORGE CAMPUS AND SCARBOROUGH CAMPUS**

The Board was in receipt of the following report March 07, 2013 from William Blair, Chief of Police:

Subject: 2012 ANNUAL REPORT: UNIVESRSITY OF TORONTO POLICE - SPECIAL
CONSTABLES

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

Section 45 of the agreement between the Toronto Police Services Board and the University of Toronto (U of T) Governing Council regarding special constables states that:

The University shall provide to the Board an annual report with statistical information including but not limited to information as to enforcement activities, training, supervision, complaints and other issues of concern to the parties and such further relevant information as may be requested by the Board.

Discussion:

As directed by the Board, appended to this report is the 2012 Annual Report from the Scarborough and St. George Campuses of the U of T Police regarding special constables. The report is consistent with the reporting guidelines established by the Board.

Conclusion:

The Toronto Police Service has established an excellent working relationship with the University of Toronto. Over the past 12 months, a number of community outreach initiatives have been undertaken by the University of Toronto Police to enhance the feeling of safety and security for the users of University of Toronto properties in the downtown core and Scarborough. These initiatives are consistent with the community policing model employed by the Toronto Police Service and should complement our efforts to better serve the citizens of Toronto.

Deputy Chief Mark Saunders, Specialized Operations Command, will be in attendance to answer any questions that Board may have regarding this report.

The Board received the foregoing report.

Copies of the Executive Summaries (Scarborough and St. George Campuses) to the 2012 University of Toronto - – Special Constables Annual Report are appended to this Minute. A copy of the complete report is on file in the Board office.

Moved by: A. Mukherjee

Executive Summary

There have been no significant changes to the provision of campus security and community safety programs at the University of Toronto, St. George Campus during the reporting year.

Highlights of Reporting Year

Break and Enter

Offenders continue to target University of Toronto buildings in search of electronic items such as laptops, flat screen monitors, televisions and projectors. This was reflected by a slight increase in the number of break and enters over the last few years. Members of the service liaise with members of the Toronto Police major crime unit to investigate these occurrences, leading to a significant decrease from 60 in 2009 to 27 in 2010, which carried into 2011 with a reduction to 9 break and enter occurrences. This remained constant in 2012. Programs such as CPTED and proactive surveillance have helped reduce the numbers but the primary factor is believed to be deployment of the Campus Security and Access Control system and introduction of a Campus Building Patrol service utilizing licensed security staff. Additional buildings are planned for addition to the system in 2013.

Theft

Thefts under \$5000 increased significantly from 338 in 2008 to 489 in 2009 but decreased to 330 in 2010, 268 in 2011 and then increased again to 320 in 2012. Thefts occur most often within campus libraries and mainly consist of electronic equipment, wallets and cash. The University of Toronto is a target rich environment with an increased number of students carrying laptops and electronic devices such as iPhones and iPods on campus, more specifically to libraries.

There were four thefts over \$5000 in 2012, including one motor vehicle.

Theft of Bicycles

The rise in theft of bicycles has continued from 58 in 2009, 72 in 2010 and 107 in 2012. Despite countermeasures including surveillance, the incidents continue to increase. More people are bringing their bicycles to campus, creating a larger target pool.

Five robberies were reported to Campus Police but only three of those occurred on Campus. Overall, crime reports have decreased from 886 in 2009 to 693 in 2010 and to 649 in 2012.

Organization, Statistics and Mandatory Reporting

Direction, Management and Supervision

The University of Toronto Campus Community Police at St. George Campus operate 24/7 utilizing groups of uniform personnel led by a manager, assisted by a lead hand and dispatcher to support and guide the special constables in their work.

The Director, Campus Police Services manages a portfolio that includes the special constable service, led by the Manager, Campus Police Operations. There are no special constables in the

Community Safety Office, Security Services, Call Centre or Security Systems and Services groups. They are not part of the special constable operation and no report is made for their activity.

The Community Safety portfolio includes all campuses while the special constable and other services are unique to the St. George campus.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P97. ANNUAL REPORT – 2012 SPECIAL CONSTABLES – TORONTO
COMMUNITY HOUSING CORPORATION**

The Board was in receipt of the following report March 07, 2013 from William Blair, Chief of Police:

Subject: 2012 ANNUAL REPORT: TORONTO COMMUNITY HOUSING
CORPORATION – SPECIAL CONSTABLES

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

Section 53 of the agreement between the Toronto Police Services Board and Toronto Community Housing Corporation (TCHC) regarding special constables states that:

The TCHC shall provide to the Board an annual report with statistical information including but not limited to information regarding enforcement activities, training, supervision, complaints and other issues of concern to the parties and such further categories of information as may be requested by the Board from time to time.

Discussion:

As directed by the Board, appended to this report is the 2012 Annual Report from the TCHC regarding special constables. The report is consistent with the reporting guidelines established by the Board.

Conclusion:

The Toronto Police Service has established a strong working relationship with the Toronto Community Housing Corporation. The mandate of the TCHC Community Safety Unit is to partner with communities to promote a safe environment for residents and to preserve the assets, buildings and properties that are managed and owned by Toronto Community Housing. As outlined in the Special Constable Annual Report for 2012, a number of community outreach initiatives have been undertaken throughout the year. These initiatives are consistent with the

community policing model employed by the Toronto Police Service and should complement our efforts to better serve the residents of Toronto.

Deputy Chief Mark Saunders, Specialized Operations Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board received the foregoing report.

A copy of the Executive Summary to the 2012 TCHC Special Constables Annual Report is appended to this Minute. A copy of the complete report is on file in the Board office.

Moved by: A. Mukherjee

EXECUTIVE SUMMARY

2012 SPECIAL CONSTABLE ANNUAL REPORT Toronto Community Housing Corporation

Toronto Community Housing has had in place since December 2004 a Special Constable Program currently with 77 members as of December 31, 2012 of the Community Safety Unit. The objectives of the program have always been to:

- strengthen relationships between Special Constables and the Toronto Police Service
- enhance law enforcement as required
- reduce the level of crime/antisocial behavior in TCHC communities
- improve residents' feelings of safety and security
- improve officer safety
- ensure that officers are able to spend more time on sites

The use of Special Constables gives Toronto Community Housing the capability of moving an especially well qualified group of officers into situations that are particularly difficult. A particular focus of Special Constables' has been trespass to property violations, liquor licence violations and utilizing their Peace Officers powers under the following statutes:

Criminal Code;
Controlled Drugs and Substances Act;
Trespass to Property Act;
Liquor License Act;
Mental Health Act.

The Special Constable agreement between Toronto Community Housing and the Toronto Police Service is one benefit of a strong partnership that reaches back over many years. This relationship has supported communication and co-operation between our organizations to the benefit of all. Because of the enhanced training, legal status, and access to information available to Special Constables they have been able to support and assist both Toronto Police and the tenants of our communities in hundreds of investigations.

In 2012, the Special Constable Program for Toronto Community Housing was extremely successful with Special Constables completing 518 Criminal Investigations for Toronto Police Service of which 74.5% were related to property offences such as Mischief and Theft.

Last year saw Toronto Community Housing Special Constables conducting investigations for thefts, mischief, threats, assaults, and other less violent matters. At many major crimes they have been the first officers on scene, assisting with the primary assessment and notifications, perimeter protection, crowd management, witness canvassing, evidence security, and prisoner transports. In many other instances, Special Constables and Toronto Police have attended calls together in situations where the community knowledge of the Toronto Community Housing

Special Constable and the Police authority of the Toronto Police Service Officer have combined to support one another and to solve problems quickly and safely.

1. Our communities benefit when Toronto Community Housing Special Constables are able to process minor offences and release prisoners at the scene without tying up the scarce resources of the Toronto Police Service and without holding a citizen in custody for longer than is required.
2. Our communities benefit when Special Constables are able to act directly – to apprehend offenders and persons wanted on warrants and transport them to the local Division for booking. In so doing, they interrupt illegal and antisocial behavior and help to keep the peace in our neighborhoods’.
3. Our communities benefit when Toronto Community Housing Officers with a detailed knowledge of local people and situations are able to support the Toronto Police Service not only with factual information, but also with detailed intelligence about criminal activity.

In 2012 our Use of Force reporting consisted of four incidents of OC foam deployment, resulting in all the suspects being treated at the scene as a result of eye contamination, there was one minor injury to one of our Special Constable which resulted in medical attention and no time loss from work. There were five incidents of baton deployment, all as a result of an assault against one of our Special Constables. All other use of force reporting for this annual period were seventeen incidents of soft empty hand techniques during the application of handcuffs.

There were five Special Constable Complaints in 2012, all of which were initially forwarded immediately to Toronto Police Service – Professional Standards to review. After review, two of the complaints were returned back to the attention of the Director of the Community Safety Unit to investigate as they were deemed internal matters; the other three complaints were investigated by Toronto Police Service.

We continue to value our working partnership with the Toronto Police Service and our joint Special Constable agreement. In 2012 the Toronto Community Housing Special Constable Program helped us to continue to promote safe, secure, and healthy communities.

Background

Toronto Community Housing is legally organized as a corporation, owned completely by the City of Toronto and operated at arms length from the City. It is governed by a Board of Directors made up of the Mayor (or designate), 4 City Councilors, and 9 other citizens, including 2 tenants (elected by fellow tenants) living in Toronto Community Housing.

Toronto Community Housing provides homes for approximately 164,000 people. Our portfolio is made up of high-rise and low-rise apartment buildings, townhouses, rooming houses, and a variety of detached and semi-detached homes. In total we operate about 58,500 housing units,

making us the second largest housing providers in North America. Our tenants reflect the face of Toronto.

The Community Safety Unit employs approximately 117 professionals who perform a variety of functions. These include Special Constables, Community Patrol Officers and Dispatchers. Since communities are diverse and unique, each of these positions is designed to have different authorities and resources to help address these needs.

The Community Safety Unit's mandate and vision express our role in helping to accomplish the goals of Toronto Community Housing. The mandate of the Community Safety Unit is to partner with communities, to promote a safe environment for residents, and to preserve the assets of Toronto Community Housing.

In December 2000, Toronto Community Housing entered into an agreement with the Toronto Police Service Board for Special Constable Status. Currently there are 77 CSU staff are currently appointed and sworn as Special Constables with the approval of the Minister of Public Safety and Security. This report provides an overview of our Special Constable program in 2012.

Supervision

As of December 31, 2012 the Community Safety Unit has 6 Field Supervisors with Special Constable Sergeant status who oversee operations 24 hours a day, 365 days a year. They supervise 71 Special Constables, 20 Provincial Offences Officers (Community Patrol Officers), and 10 Dispatchers. They are also supported by an Operations Manager, Dispatch Supervisor, Parking Coordinator and a Court Administrator.

Officers are assigned in Toronto Community Housing communities throughout the city. Methods of operation include foot, bicycle and vehicular deployments. Duties include patrolling for visibility and deterrence, responding to radio calls, conducting investigations and enforcement, answering service requests, parking control, special attention checks, and providing back-up to other officers. Special Constables also participate in many community events, activities and meetings.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P98. ANNUAL REPORT – 2012 CORPORATE AND COMMUNITY
DONATIONS**

The Board was in receipt of the following report March 11, 2013 from William Blair, Chief of Police:

Subject: ANNUAL REPORT: 2012 CORPORATE & COMMUNITY DONATIONS

Recommendation:

It is recommended that the Board receive the following report.

Financial Implications:

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

Background/Purpose:

At its meeting of March 26, 1998, the Board approved a report from the Chief of Police regarding a policy with respect to the acceptance of donations to the Service and requested that regular updates be provided to the Board for its information. (Min. No. 113/98 refers).

In November of 2010, the Board amended their policy governing the acceptance of donations and sponsorships.

It is the policy of the Toronto Police Services Board that:

The Chief of Police will ensure that Service members not solicit or accept donations from any person, including any organization or corporation, for the benefit of the Service, without the consent of the Board in accordance with the established policy;

Acceptance of donations valued at ten thousand dollars (\$10,000) or less, requires the approval of the Unit Commander and the completion of a Donor's Declaration Form (TPS 668);

Acceptance of donations valued at more than ten thousand dollars (\$10,000.00) requires the approval of the Board and the submission of a completed Donor's Declaration Form (TPS 668); or

Where there is insufficient time to seek Board approval for the donation, approval may be delegated to the Chair and Vice Chair.

Discussion:

A chronological listing of all requests submitted for the period of January 1, 2012 to December 31, 2012, is appended to this report.

A total of six (6) requests were received, all of which were approved.

All donations accepted were in compliance with the criteria as outlined in Service Procedure 18-08, entitled 'Donations' governing corporate and community donations.

Conclusion:

In summary, this report provides the Board with a summary of all corporate and community donations in the year of 2012.

Inspector Stu Eley, Executive Officer, Office of the Chief of Police will be in attendance to respond to any questions, if required.

The Board received the foregoing report.

Moved by: M. Thompson

CENTRAL DIRECTORY
CORPORATE & COMMUNITY DONATIONS: 2012

Donor	Purpose	Decision & Date
Bell Canada/RIM	Donation of ten (10) Blackberry Bold 9790 Cellular Phones valued at \$4290.00 to be awarded as contest prizes to winners of the Call Reduction Initiative (Youth between the ages of ten to twenty-four years of age residing within the City of Toronto) submitted a video or poster illustrating the proper usage of the 9-1-1 system and the TPS non-emergency lines.	Approved by: Chief William Blair on March 7, 2012.
Bayard Canada	Donation of a gift package valued at \$116.70 containing Max Finder Mystery Books (Volumes 1 to 6) a free 1 year subscription, bookmarks, stickers, t-shirt etc., to be awarded as prizes to winners of the Call Reduction Initiative (Youth between the ages of ten to twenty-four years of age residing within the City of Toronto) submitted a video or poster illustrating the proper usage of the 9-1-1- system and the TPS non-emergency lines.	Approved by: Chief William Blair on March 7, 2012.
The Women's Probus Club of Newmarket	Donation of \$125.00 to support Mounted Unit Community Events.	Approved by: Chief William Blair on May 31, 2012.
State Farm Insurance Company	Donation of \$10,000.00 to be used in support of an joint partnership between the Toronto Police Service and State Farm Insurance to promote and educate all road users in relation to road safety.	Approved by: Chief William Blair on July 24, 2012.
Toronto Blue Jays Baseball Club	Donation of an autographed baseball bat valued at \$300.00 to be auctioned off at the Sex Crimes Unit Conference.	Approved by: Chief William Blair on July 25, 2012.

Maple Leaf Sports and Entertainment	Donation of an autographed hockey jersey and two (2) platinum hockey tickets valued at \$850.00 to be auctioned off at the Sex Crimes Unit Conference.	Approved by: Chief William Blair on July 25, 2012.
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**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P99. ANNUAL REPORT – 2012 USE OF THE TORONTO POLICE SERVICE
IMAGE**

The Board was in receipt of the following report March 11, 2013 from William Blair, Chief of Police:

Subject: ANNUAL REPORT: 2012 USE OF THE TORONTO POLICE SERVICE
IMAGE

Recommendation:

It is recommended that the Board receive the following report.

Financial Implications:

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

Background/Purpose:

At its meeting of May 16, 1998, the Board approved a report from the Chief of Police regarding a policy pertaining to requests for the use of the Service Crest. (Min. No. 173/96 refers).

The Board approved the following Motion:

That the Board designate authority to the Chair of the Police Services Board to approve requests for the use of the Service image, with an annual report submitted to the Board by the Chief of Police listing all request for the use of the Service image.

Discussion:

A chronological listing of all requests submitted for the period of January 1, 2012 to December 31, 2012, is appended to this report.

A total of six (6) requests were received, all of which were approved.

Conclusion:

In summary, this report provides the Board with a summary of all requests for the use of the Service image in the year of 2012.

Inspector Stu Eley, Executive Officer, Office of the Chief of Police will be in attendance to respond to any questions, if required.

The Chair advised that there were no requests for the use of the Toronto Police Services Board image. Therefore the Chair did not provide an annual report to the Board as required by Board policy.

The Board received the foregoing report.

Moved by: A. Mukherjee

CENTRAL DIRECTORY
USE OF THE SERVICE IMAGE: 2012

External Requester	Internal Requester	Purpose	Decision & Date
Special Olympics Ontario		Use of the Service image to be used on a banner and promotional material to help raise funds for Special Olympics Ontario.	Approved by: Chair, Toronto Police Services Board on March 5, 2012.
Healing Cycle Ride		Use of the Service image to be used on promotional materials to raise funds for hospice palliative care in Ontario in support of the Healing Cycle Ride on June 24, 2012.	Approved by: Chair, Toronto Police Services Board on March 9, 2012.
Valley Park Go Green Cricket Field Project		Use of the Service image to be used specifically on a flyer and invitation to promote the Crazy for Cricket Gala.	Approved by: Acting Chair, Toronto Police Services Board on August 10, 2012.
Community Care Access Centres		Use of the Service image on a poster promoting the partnership between the Toronto Police Service and the Canadian Home Care Association.	Approved by: Chair, Toronto Police Services Board on October 4, 2012.
CENGAGE Learning Inc., and Nelson Education		Use of the Service image in a textbook entitled: Community-Based Strategic Planning published by Nelson Education for educational learning in Community Colleges and Police Foundation Programs across Canada.	Approved by: Chair, Toronto Police Services Board on October 10, 2012.

Canadian Centre for Child Protection		Use of the Service image and contact details on an educational brochure and other related promotional materials on how to prevent self/peer exploitation (sexting).	Approved by: Chair, Toronto Police Services Board on December 3, 2012.
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**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P100. TORONTO PORT AUTHORITY – REQUEST FOR ARMED SPECIAL
CONSTABLES**

The Board was in receipt of the following report April 10, 2013 from Alok Mukherjee, Chair:

Subject: TORONTO PORT AUTHORITY - REQUEST FOR ARMED SPECIAL
CONSTABLES

Recommendation:

It is recommended that:

- 1) The Board not approve the Toronto Port Authority's request for armed special constables,
- 2) The Board advise the Harbour Master and Chief of Security of the Toronto Port Authority that the Board will not approve the appointment of armed special constables for the Toronto Port Authority; and
- 3) The Board ask the Chief of Police to continue to work with the Toronto Port Authority in order to establish the required policing functions at Billy Bishop Toronto City Airport (BBTCA), using the policing arrangements at Toronto Pearson Airport and Ottawa Macdonald-Cartier International Airport as models.
- 4) The Chief of Police report back to the Board's June 20, 2013 on the status of discussions with the Toronto Port Authority.

Financial Implications:

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

Background/Purpose:

At its meeting on January 23, 2013 the board received a report from the Chief of Police which outlined the Toronto Port Authority's request for approval of armed special constables at Billy Bishop Toronto City Airport (Min. P15/13 attached).

The Chief's report concluded that "After careful consideration and review of the Toronto Port Authority's submission, Provincial and Federal legislation and considered legal opinion, the Service recommends that, due to the enhanced liability, responsibility and risk inherent in granting this armed special constable status, that the Board not approve the Toronto Port Authority's request for armed special constables".

The Board considered the Chief's report and approved the following motions:

1. *THAT the Board defer the foregoing report to allow the Chair to consult with the Ministry of Community Safety and Correctional Services and seek its input with respect to the appointment of special constables for the Toronto Port Authority and report on the results of the consultation to the Board and advise the Board of any other steps that should be followed with respect to any such appointments; and*
2. *THAT the Chair provide his report to the Board for its April 25, 2013 meeting*

Discussion:

As requested, I corresponded with Ms Madeleine Meilleur, Minister of Community Safety and Corrections Services. I also conferred with Mr Daniel Hefkey, Commissioner of Community Safety. Correspondence from Minister Meillleur and Mr Hefkey, dated March 5, 2013 and March 19, 2013, respectively are attached to this report.

Further, I understand from my discussions with the Ministry that, while armed special constables are approved for the Niagara Parks Commission, this is a unique, historical circumstance which is not likely to be considered for implementation elsewhere in this province.

In light of this correspondence, I am recommending that the Board not consider approving armed special constables at Billy Bishop Airport; rather, I propose that the Chief continue to work with officials from the Toronto Port Authority in order to ensure appropriate police service delivery. I further propose that these discussion focus on providing police service in a manner similar to that which is provided at Toronto Pearson Airport and Ottawa Macdonald-Cartier Airport.

Conclusion:

I propose that the Chief continue his discussions with the Toronto Port Authority and report to the Board in June as to the progress made in those discussions.

Mr. Geoffrey Wilson, President & CEO, Toronto Port Authority was in attendance and delivered a deputation to the Board.

Following the deputation, Vice Chair Thompson discussed the previous MOU with the Toronto Harbour Commission and the current needs of the Toronto Port Authority.

The Board approved the following Motions:

1. **THAT recommendation nos. 1 and 2 in the foregoing report be approved;**
2. **THAT recommendation no. 3 in the foregoing report be received;**

Cont'd

- 3. THAT the Chair and Chief meet with the Toronto Port Authority to consider options to move forward on the Toronto Port Authority's request for police to meet US pre-customs clearance requirements;**
- 4. THAT the Chair provide the Board with the October 1982 agreement with the Toronto Harbour Commission to inform the discussions with the Toronto Port Authority;**
- 5. THAT recommendation no. 4 in the foregoing report be approved; and**
- 6. THAT Mr. Wilson's deputation be received.**

Ministry of Community Safety
and Correctional Services

Ministère de la Sécurité communautaire
et des Services correctionnels

Office of the Minister

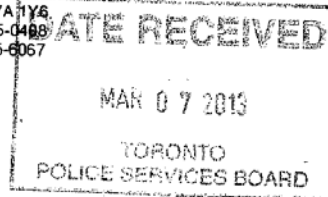
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MAR 05 2013



MC-2013-589

Dr. Alok Mukherjee
Chair
Toronto Police Services Board
40 College Street
Toronto ON M5G 2J3

Dear Dr. Mukherjee:

Thank you for your letter of February 7, 2013, asking for a review of the request by the Toronto Port Authority for armed special constables at the Billy Bishop Toronto City Airport, and for the ministry's comments on its position with respect to armed special constables in the City of Toronto.

It would be premature for me, as Minister, to make a decision with regard to your request before you have submitted the application and appointment documents that clearly define the purposes for which the special constable appointments are being sought. More specifically, the ministry will require the specific statutes and sections that the special constable appointees would be authorized to enforce, the circumstances in which each of these statutes would be enforced, the geographic location in which the appointees would have jurisdiction, and the duties the appointees would have while enforcing the various statutes requested.

I will, however, point out that Section 53(4) of the *Police Services Act* (PSA) precludes a special constable from performing on a permanent basis all of the usual duties of a police officer.

The ministry would also like to advise you of the arrangements which are currently in place between the Toronto Pearson Airport and the Peel Regional Police, as well as those between the Ottawa Macdonald-Cartier International Airport and the Ottawa Police Service. Peel Regional Police is the police service of jurisdiction at the Toronto Pearson Airport and provides full police response and enforcement. In April 1997, the Ottawa Police Service's Airport Policing Section assumed responsibility for protective policing services at the Ottawa airport through a contractual arrangement. While the duties and responsibilities of the Airport Policing Section comprise all the normal duties expected of a police officer, as outlined in the PSA, the primary contractual responsibilities for the Ottawa Police Service involve responding to the pre-board screening areas and providing an armed, uniformed presence in the passenger terminal building.

I trust this information is of assistance. Again, thank you for writing.

Sincerely,


Madeleine Meilleur
Minister

Ministry of Community Safety
and Correctional Services

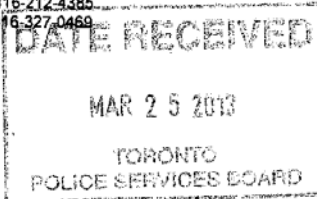
Ministère de la Sécurité communautaire et
des Services correctionnels

Office of the Commissioner
Community Safety

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MC-2013-936

MAR 19 2013

Dr. Alok Mukherjee
Chair
Toronto Police Services Board
40 College Street
Toronto ON M5G 2J3

Dear Dr. Mukherjee:

Thank you for meeting with me to discuss the request by the Toronto Port Authority (TPA) for armed special constables at the Billy Bishop Toronto City Airport.

The Honourable Madeleine Meilleur, Minister of Community Safety and Correctional Services, has recently responded to your letter of February 7, 2013, which asked for the ministry's position with respect to the TPA's request of your Board. As Minister Meilleur stated, it would be premature for the ministry to make a decision with regard to your request before you have submitted the application and appointment documents that clearly define the purposes for which the special constable appointments are being sought.

I reiterate that Section 53(4) of the *Police Services Act* prohibits special constables from performing on a permanent basis all of the usual duties of a police officer.

I would also like to remind you of the arrangements that are currently in place between the Toronto Pearson Airport and the Peel Regional Police, as well as those between the Ottawa Macdonald-Cartier International Airport and the Ottawa Police Service. I would encourage you to meet with the TPA and further discuss their law enforcement and security needs within the context of the Peel and Ottawa models currently in place.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Hefkey".

Daniel Hefkey
Commissioner of Community Safety

c: Chief William Blair
Toronto Police Service

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 23, 2013**

**#P15. TORONTO PORT AUTHORITY REQUEST FOR ARMED SPECIAL
CONSTABLES**

The Board was in receipt of the following report December 19, 2012 from William Blair, Chief of Police:

Subject: TORONTO PORT AUTHORITY REQUEST FOR ARMED SPECIAL
CONSTABLES

Recommendations:

It is recommended that:

- 1) The Board not approve the Toronto Port Authority's request for armed special constables.
- 2) The Board advise the Harbour Master and Chief of Security of the Toronto Port Authority that the Board will not approve the appointment of armed special constables for the Toronto Port Authority; and
- 3) The Board advise the Toronto Port Authority that the Service will continue to work with the Toronto Port Authority in order to establish the required policing functions at the Billy Bishop Toronto City Airport (BBTCA).

Financial Implications:

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

Background/Purpose:

The Toronto Port Authority is seeking to re-establish the Toronto Port Police function at the BBTCA through the use of armed special constables.

At its confidential meeting of July 19, 2012, the Board approved the following motions:

- 1) Board asked whether or not the Toronto Port Authority had provided any recent information supporting its request for armed special constables; and
- 2) Chief Blair advised the Board that to date, no new information had been received. Chief Blair further advised the Board that, a dedicated armed police presence was required at the airport and that the Toronto Police Service (TPS) was waiting for the Toronto Port Authority to propose a specific staffing model and that in the meantime, the TPS would continue to participate in discussions with the Toronto Port Authority (Min. No. C213/2012 refers).

On September 20, 2012, the Chief's Office received written correspondence from the Toronto Port Authority, which included a proposal for armed special constable status at the BBTCA along with a specific staffing model.

On November 2, 2012, Operational Services received correspondence from Mr. Angus Armstrong (Harbour Master & Chief of Security). This communication contained supplemental information to be considered for the application.

The purpose of this report is to inform the Board on the results of the Chief's review of the Toronto Port Authority's request for armed special constables at the BBTCA.

Discussion:

Proposed Staffing Model

The Toronto Port Authority has proposed a staffing model which requires nine armed special constables (two supervisors and seven constables). They are requesting this staffing between the hours of 6:00 am and 11:59 pm, seven days a week.

Proposed Duties

The Toronto Port Authority proposed that armed special constables would be expected to:

- Enhance the current contracted security service;
- Enforce the approved statutes;
- Ensure compliance of the policies and procedures of the Toronto Port Authority;
- Respond to alarm calls;
- Provide investigative services;
- Meet the requirements of the Aerodrome Security Measures.

Requested Enforcement Authorities

The Toronto Port Authority has requested the following enforcement authorities and has provided justifications for obtaining these, as required by the Ministry of Community Safety and Correctional Services (Ministry).

1. Criminal Code of Canada R.S.C., 1985, c. C-46

The Toronto Port Authority is requesting special constable status as the designation would confer the status of peace officer. This would enable broader powers of arrest as contained in Section 495(1) of the *Criminal Code of Canada* and the ability to release an arrested person as identified in section 497.

Currently, employees of the Toronto Port Authority or any citizen are authorized to make an arrest under section 494 of the *Criminal Code of Canada*. The arrested person must however, be turned over to a Police Officer forthwith.

2. Trespass to Property Act R.S.O. 1990

The Toronto Port Authority has requested authorities to enforce section 9(1): arrest without warrant on premises, section 9(3): deemed arrest and section 10: arrest without warrant off premises.

Presently, by virtue of their employment as a security guard, and as a citizen, the ability to arrest under the *Trespass to Property Act* is already conferred upon Toronto Port Authority employees who are acting as agents for the property that they are protecting.

3. Safe Streets Act S.O. 1999

The Toronto Port Authority has requested authority to enforce section 6 of the *Safe Streets Act* in order to ensure that their customers are not intimidated by aggressive solicitors.

Any activity relating to aggressive soliciting would be enforceable under the *Trespass to Property Act* and therefore, negates the requirement for the authority to enforce the *Safe Streets Act*.

4. Provincial Offences Act

Dependant on the Board's decision regarding the proposal, an application would be submitted by the Toronto Port Authority to the Ministry for the purpose of acquiring Provincial Offences Officer status.

Preclearance Designation

Prior to the submission of this proposal, the Toronto Port Authority applied for preclearance to fly into the United States of America. The *Preclearance Act* authorizes the United States to preclear travellers and their goods, in Canada, for entry into the United States.

Preclearance provides considerable flexibility for airlines. An advantage of preclearance is that, passengers arrive in the United States as domestic travellers.

In order to obtain this preclearance designation, the Toronto Port Authority is required to meet conditions as set out in Section 17.2(1) of the *Aerodrome Security Measures*, namely, that;
"Every operator of an aerodrome that has a United States Preclearance area shall ensure the continuous presence of at least one armed police officer at the preclearance area during the hours that the area is in operation. The aerodrome operator shall ensure that the armed police officer makes regular patrols within the preclearance area and responds rapidly and in person to emergency calls from, or alarms activated by, United States preclearance personnel."

Risks and Liabilities

In addition to the responsibilities placed upon the Board as identified in section 2.3 of the Ministry guidelines, section 6 refers to supplementary risks and liabilities placed upon the Board when approving the authorization for the Toronto Port Authority special constables to carry or have in their possession any firearm, restricted weapon or prohibited weapon while engaged in carrying out their duties.

In accordance with section 6 of the Ministry guidelines, for the Ministry to consider the Board's request to authorize the Toronto Port Authority to carry firearms, the Board must:

- 1. submit information to the Minister on the responsibilities of the special constables that require them to carry or possess a firearm, restricted or prohibited weapon;*
- 2. obtain liability coverage in order to indemnify the Province of Ontario and the Minister in respect of any claim arising out of the conduct of a special constable that involves the use of a firearm, restricted or prohibited weapon;*
- 3. ensure, as applicable, that the employer of the special constable has policies and procedures on the safe storage of firearms, restricted weapons and prohibited weapons that are consistent with Ministry standards and the Criminal Code;*
- 4. ensure, as applicable, that the employer has a policy describing when it is appropriate for a special constable to carry and use a firearm, restricted weapon and prohibited weapon;*
- 5. ensure that the special constable has received and successfully completed a police training course specific to the firearm, restricted or prohibited weapon assigned;*
- 6. ensure that the employer of the special constable has policies and procedures on the use of force that are consistent with the Ministry standards on the police use of force, including Regulation 926 of the Act; and*
- 7. ensure that a special constable who is authorized to carry or use a firearm or a restricted weapon, has successfully completed police use of force training (including annual re-qualification training) given by a qualified use-of-force trainer at, or approved by, a police service or the Ontario Police College.*

As a result of a demand made by the Ontario Association of Chiefs of Police (OACP), the Ministry has recently undertaken a review of the special constable programs within the Province of Ontario. This review is currently examining the need for any legislative changes that may be necessary, with respect to use of force, training and oversight.

The area of oversight is an area of concern as special constables are not governed by the Special Investigations Unit (SIU) or the Office of the Independent Police Review Director (OIPRD).

Conclusion:

After careful consideration and review of the Toronto Port Authority's submission, Provincial and Federal legislation and considered legal opinion, the Service recommends that, due to the enhanced liability, responsibility and risk inherent in granting this armed special constable status, that the Board not approve the Toronto Port Authority's request for armed special constables.

The Toronto Police Service continues to engage in discussions with the Toronto Port Authority surrounding the matter of staffing the BBTCA.

Staffing models are being examined, these models would require an increase in overall Service strength to support the additional policing functions identified. As such, the Service will be undertaking a review on the process for allocating the proper funding to the Toronto Police Service.

Deputy Chief Mark Saunders, Specialized Operations Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board approved the following Motions:

1. **THAT the Board defer the foregoing report to allow the Chair to consult with the Ministry of Community Safety and Correctional Services and seek its input with respect to the appointment of special constables for the Toronto Port Authority and report on the results of the consultation to the Board and advise the Board of any other steps that should be followed with respect to any such appointments; and**
2. **THAT the Chair provide his report to the Board for its April 25, 2013 meeting.**

**Toronto
Port
Authority**



**Administration
Portuaire
de Toronto**

60 Harbour Street, Toronto, Ontario, Canada M5J 1B7
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February 15, 2013

Alok Mukherjee
Chairman, Toronto Police Services Board
40 College Street
Toronto, ON M5G 2J3

Councillor Michael Thompson
Vice-Chair, Toronto Police Services Board
40 College Street
Toronto, ON M5G 2J3



Dear Sirs:

Re: Billy Bishop Toronto City Airport Armed Special Constables

Thank you for considering our request at your recent meeting of the Board of Directors of the Toronto Police Service ("TPS").

I wanted to take this opportunity to address some of the commentary that has arisen regarding the Toronto Port Authority's ("TPA") application for Armed Special Constables at the Billy Bishop Toronto City Airport ("BBTCA"). I appreciate the rigorous approach the Toronto Police Services Board takes in reviewing such matters, but am concerned that some of the context of our initial 2009 request has been lost with the passage of time.

The BBTCA is the fastest-growing airport in Canada, and has become its 9th busiest. 75% of our passengers are repeat business travellers. And 83% of Porter passengers are "very" or "extremely" satisfied, according to an Ipsos Business Travel Study.

A few weeks ago, we had the pleasure of announcing, in partnership with the Toronto Board of Trade, the release of an economic study conducted by InterVISTAS Consulting Group, a leading management consulting company with extensive expertise in economic and transportation research. According to the study, the BBTCA is a major economic engine for the Greater Toronto Area, generating \$1.9 billion in annual economic output and 5,700 jobs, which includes 1,700 employed directly at the airport; it plays a "significant role in providing critical regional and continental transportation linkages to support and grow Toronto's economy."

The proposal we have tabled is well-grounded in history.

Canada

From 1920 to 1982 in fact, the TPA's predecessor entity had its own armed police force in the form of the Toronto Harbour Police and the Port of Toronto Police. They were tasked with lifesaving, safety and security on the waters of Metropolitan Toronto (as it was referred to at the time), and throughout the Port Lands, including the BBTCA. Our police forces had all of the authority and responsibility of other police officers in Ontario within their jurisdiction. Today, the CN Rail Police and CP Rail Police continue the long-standing tradition of key transportation organizations having armed police officers on staff to meet the mandates of their parent companies and the unique sectoral and geographic realities of their specialized industries.

In 1982, it was agreed that the Toronto Harbour Police and the Port of Toronto Police would merge with what is now the TPS. In return for relinquishing our own proprietary police entities, Metropolitan Toronto (now the City of Toronto (the "City")) and the TPA contractually agreed that the City's police agency would provide security for the waters of Toronto and the Port Lands (Section 1(a) of the 1982 agreement) for no charge, which included police services on the property on which the BBTCA stands¹. In 2009, we asked that the TPS provide such services at the BBTCA on a full-time basis, and were advised that this could only be done for a fee. TPS quoted us \$2,636,904 for such services (which we now understand with annual increases would reflect \$2,850,000) for what TPS recommended should be a complement of sixteen Police Constables and six Sergeants to provide security for the entire BBTCA property in suitable shifts – plus \$1,000,000 for specialized TPS facility buildout.

In our view, the TPS' proposal did not reflect either the spirit or terms of the 1982 Harbour Police and Port of Toronto Police merger agreement.

Given the excellent partnership between our two organizations, we demurred and took the step to engage a private sector service to provide the required armed security as this seemed to be the more cost-effective approach, rather than building the needed infrastructure to re-establish a police force within the TPA. As every incremental airport operating cost is eventually paid by passengers in the form of additional fees (neither the TPA nor the BBTCA receive any Federal operating funding or financial backstop), we have been meticulous in the analysis of the financial impact of the choices before us. Of note, the private sector proposal recommended 7 FTEs to cover off this BBTCA armed security role, versus the 22 FTEs that the TPS required under its proposal (to cover different shifts, vacation, supervisors, specialized Emergency Task Force supplies and training, etc.).

As you may know, the TPA could legally engage private sector armed guards if it ran a jewellery store, rather than an airport. Various Statutes allow companies and entities to hire a private sector firm to provide armed security personnel provided they are protecting "negotiable instruments or valuables", such as bank deposits or precious metals. The Statutes do not, however, allow entities like the TPA to hire armed private protection for travelers in an international airport.

¹ Referred to as "Port Lands" in the 1982 Agreement

It is merely a function of this out-dated Statute that we were left to return to the TPS, and was the genesis for the application for Armed Special Constable Status², rather than taking the step to formally re-establish the Port of Toronto Police. The 1982 merger agreement does not, of course, preclude the TPA from doing so for the purpose of specifically policing the BBTCA.

The suggestion that our request for Armed Special Constables is either unprecedented or unique in Ontario does not reflect reality.

As was mentioned in the media, the Niagara Parks Police Service (the "NPPS") is armed, with the same training and authority as a local municipal police officer. In the TPA's case, we are looking to further secure Canada's 9th busiest airport, which is just steps from Canada's financial core. No different than the mandate of the NPPS, in a way, but for the higher risk of terrorism.

It may be worth reminding that the Canadian Border Services Agency already has armed officers on site at the BBTCA (which the TPS did not, to our knowledge, oppose), and the airport is just a few of blocks away from the jurisdiction of the CN Rail Police and their armed officers as well as Brookfield Place's Solaris Jewellers and its privately-engaged armed protection officer.

None of these government agencies or private companies has been denied the opportunity to fulfill their fiduciary obligations to their relevant stakeholders as they recruit, train and arm their staff (or via a private supplier) to conduct their important and unique duties.

Should the BBTCA succeed with its application for pre-clearance to the United States, we are advised that the U.S. government will withhold final approval of our application without the presence of armed officers in the departure area on a full-time basis. This would deny Toronto's business community an important improvement to the City's transportation infrastructure. Over the past six years, the BBTCA has seen its passenger level increase from ~25,000 per annum to what we expect will be more than 2 million passengers in 2013. Between the investments of our airline partners, the passenger airport improvement fee and the TPA's own financial resources, the airport has been revitalized and thousands of new jobs have been created within the Greater Toronto Area; with no government financial support. We've doubled the firefighting capacity in the last 24 months³ in keeping with this growth, and, as stewards of the organization, we believe a full-time armed presence is an equally prudent step.

We would be pleased to take your counsel as to the best approach to manage the liability and perceived risk of this proposal. These topics could include i) liability, ii) an appropriate indemnity to TPS and TPS Board, iii) training and regulatory issues, iv) complying in full with Provincial Ministry standards, and v) submitting to SIU oversight if needed. As the former operator of two police forces for recognized purposes, none of these issues are intractable or new to the organization.

² Our request for Armed Special Constables is for the entire airport property, and not just "the departure area of the Porter Terminal" as described in the letter from Acting Staff Superintendent Elizabeth Byrnes dated October 2, 2012.

³ The cost of BBTCA fire fighters is 100% borne by the TPA and its commercial carriers.

Based upon the spirit of the 1982 merger agreement, as well as our excellent day-to-day working relationship with the members and senior officers of the TPS, we hope that we can count on the support of the Police Services Board to allow us to immediately meet the safety needs of the travelling public, in whatever form that support might take.

Thank you, in advance, for your ongoing consideration in this matter.

Respectfully,

Mark McQueen
Chairman

cc: The Honourable Denis Lebel, P.C., M.P.
Minister of Transport, Infrastructure and Communities

The Honourable Vic Toews, P.C., M.P.
Minister of Public Safety

The Honourable Madeleine Meilleur, MPP
Minister of Community Safety and Correctional Services, Ontario

The Honourable Glen Murray, MPP
Minister of Transportation, Ontario

His Worship Mayor Rob Ford
Mayor of Toronto

Board of Directors
Toronto Police Service

Chief William Blair
Toronto Police Service

Robert Deluce
President & CEO, Porter Airlines

Calin Rovinescu
President & CEO, Air Canada

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

#P101. BOARD POLICY: SEARCH OF PERSONS

The Board was in receipt of the following report March 19, 2013 from Alok Mukherjee, Chair:

Subject: BOARD POLICY: SEARCH OF PERSONS

Recommendation:

It is recommended that the Board approve the revised policy entitled “Search of Persons.”

Financial Implications:

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

Background/Purpose:

Review of Service Procedure

At its March 23, 2006 meeting, the Board considered a report from the Chief as well as submissions from Mr. John Sewell regarding the procedure governing search of persons. (Min. No. P77/06 refers). The Board referred the Chief’s report and Mr. Sewell’s submissions to the Chair along with a request that he review the search procedure in conjunction with Mr. Sewell’s recommendations. The Board also requested that the Chair provide a final report on this matter to the Board following his review.

In December 2001, the Supreme Court of Canada released its decision in the case of *R. v. Golden*, which imposed limitations on the right of police officers to search individuals. Over the last several years, the Board and the Service have been in the process of reviewing and amending both the Service procedure and the Board policy governing searches of persons (Toronto Police Service Policy and Procedure Directive 01-02, *Search of Persons*). The chronology can be found in “Appendix A.”

Another review process was initiated in response to a direction from the Ontario Civilian Commission on Police Services (OCCPS) contained in an OCCPS Review Panel decision with respect to a complaint about the “strip search” of a 14-year old boy.

The Board has paid a great deal of attention to ensuring that the Service procedure is consistent with the decision in *R. v. Golden*. Following a comprehensive review by both Board staff and City of Toronto – Legal Services Division, which included a consideration of deputations and submissions made by the community, a recommendation was made that the existing procedure be amended to “...remove the automatic Level 3 search for persons held in custody pending a

Show Cause hearing and insert, instead, a requirement that officers engage in a case-by-case analysis prior to a person being subject to a Level 3 search as a consequence of being introduced into the prison population.” (Min. No. P148/06 refers)

This amendment has since been made by the Chief and the revised procedure is now in use.

At its meeting on April 7, 2011, the Board heard a deputation from Mr. John Sewell with respect to the Search of Persons Procedure.

At that same meeting, the Board requested that the Chief:

Review the Search of Persons Procedure that is posted on the TPS website to determine whether or not it should be modified in light of the comments raised by the deputant; and

Provide a report on the annual number of searches that are conducted, including level 3 and level 4 searches, and that the report also include the procedure that must be followed by police officers prior to authorizing a search to be conducted (Min. No. P74/11 refers).

At its meeting of July 21, 2011, the Board considered a report from the Chief on this issue (Min. No. P183/11 refers). The report noted that, as requested, a review of the Search of Persons Procedure Information Sheet contained on the Service’s website was conducted. It was determined that while the Service’s Search of Persons Procedure addresses and complies with the direction provided by the Supreme Court of Canada in the matter of *R. v. Golden*, this was not reflected in the Procedure Information Sheet. In light of Mr. Sewell’s comments, the Procedure Information Sheet was amended.

Mr. John Sewell, Toronto Police Accountability Coalition, was in attendance at this meeting and delivered a deputation to the Board. The Board approved a number of motions, including the following:

THAT the Chief of Police provide a report to the Board on:

- **whether or not there is an opportunity to use videotape when individuals are advised of the reasons for conducting a search**
- **the number of complaints that are filed about searches compared to the number of searches that are conducted**

THAT the Board’s policy and the Service Procedure regarding searches of persons be reviewed.

At its meeting of October 20, 2011, the Board received a report from the Chief (Min. No. P265/11 refers). The report discussed the issue of videotaping of searches and includes a chart that shows the total number of level 3 and level 4 searches conducted during 2009 and 2010 and

the number of complaints identified. It also noted that Procedure 01-02 “Search of Persons” was reviewed as a result of the Board’s motion and that the procedure remains in compliance with the direction provided by the Supreme Court of Canada in *R. v. Golden*. The report also noted that Service Procedure 01-02 “Search of Persons” will continue to be reviewed and evaluated on an ongoing basis.

Review of Board Policy

As noted above, one of the motions approved by the Board at its meeting of July 21, 2011 in response to Mr. Sewell’s deputation to the Board, which outlined concerns he had with the Board policy, including his belief that the current policy is not in compliance with the Supreme Court of Canada decision in *R. v. Golden*, was that the Board policy on this issue should be reviewed.

As part of my review, I met with Mr. Sewell, along with other representatives of the Toronto Police Accountability Coalition (TPAC), to discuss these concerns. I subsequently drafted a revised policy.

In July 2012, the Board considered this revised policy (Min. No. P168/12 refers). At that time, Mr. Sewell was in attendance and delivered a deputation to the Board. Mr. Sewell also provided a written submission.

The Board noted that the Chair’s report was prepared prior to receiving the benefit of the comments made by Mr. Sewell.

I noted that the process of developing this revised policy included consultation with Mr. Sewell and other representatives of the TPAC and that the proposed policy amendments arise from the consultation with TPAC.

After considering the item, the Board approved the following Motion:

THAT the Board defer further consideration of the foregoing report and Mr. Sewell’s deputation to its next meeting and that, in the meantime, Chair Mukherjee undertake a further review of the policy in light of Mr. Sewell’s deputation and written submission.

As a result of this motion and a considerable amount of subsequent review and research, including consultation with Service members and representatives from City of Toronto –Legal Services Division, and a further review of Mr. Sewell’s recommendations, additional amendments were made and the Board, at its meeting of February 19, 2013, again considered a draft policy (Board Min. P26/13 refers). Mr. Sewell was in attendance and delivered a deputation to the Board.

In addition, I advised the Board that the Acting Chief of Police had recently expressed some legal concerns about the attached revised policy and, in light of those concerns, requested a further opportunity to review the policy to ensure that it will be consistent with the direction from the Supreme Court of Canada in its decision in *R. v. Golden* and related case law.

At that time, the Board approved the following Motions:

- 1. THAT the Board receive Mr. Sewell's deputation and written submission; and**
- 2. THAT the Board refer the foregoing report back to the Chair for a further review in light of new legal issues that were recently raised by the Acting Chief of Police and that the Chair submit a report containing a revised proposed policy following his review.**

Discussion:

As a result of these motions, a further review was conducted. The concerns of the Acting Chief were canvassed in detail and some additional changes were incorporated into the revised policy. These changes dealt with specific legal concerns, as well as issues with respect to the level of operational detail contained in the policy.

At the same time, the issues raised by Mr. Sewell and general issues of public interest were kept in the forefront at this stage of redrafting. We appreciate what we have heard from the community. I believe that it is important that the policy underscores the fact that, as is stated in the draft policy's preamble, the Board "...is committed to the principle that every person has a right to receive police services in accordance with relevant legislation and Board policy, in a manner which respects their dignity and human rights."

As a result, I believe that the policy, as proposed, balances the concerns raised by Mr. Sewell with the legal and operational issues that must be borne in mind in dealing with this issue. In order to view governance comprehensively, we must look to both the policy and the relevant Service procedures.

Detailed Review of Policy and Procedure

In this case, our review included discussions about the relevant procedure and I am satisfied that the operational issues that the Board has considered are comprehensively addressed in the Service procedure. The procedure is extremely thorough and deals with topics such as the grounds for the search, risk assessment, supervision and record-keeping, as well as additional considerations such as searches of transgender or transsexual persons and handling items of religious significance.

For example, in discussing searches generally, the procedure notes at page 1:

In the absence of clear direction in the form of legislation, the courts have expressed some concerns with "routine police department policy applicable to all arrestees". As a result, although this procedure outlines the risk factors, and places an obligation of police officers to address them, the decision as to what level of search is appropriate must be assessed on a case by case basis.

Referencing Level 3 Searches in particular, the procedure states, at page 3:

Due to the high degree of intrusiveness of this type of search, it shall only be conducted when it is reasonable and necessary, considering the purpose and the grounds that exist at the time, which justify the search.

The procedure also articulates the grounds required for conducting a search, emphasizing, at page 5:

For a search to be lawful it must be reasonable and justified given all the circumstances and it must be conducted for a valid reason. (bold in original)

Further, on the subject of grounds for searching a person, the procedure goes on to state, at page 5:

Search of a person without Warrant is *prima facie* unreasonable under s. 8 of the *Charter*. The onus is on the officer conducting a search to demonstrate that the search is justified in law, necessary and reasonable. *Searches conducted simply as a matter of routine or “standard procedure” are not justified in law* (emphasis added).

Stronger grounds are required as the level of intrusiveness of a search increases. The decision as to the appropriate level of search rests with the searching officer. The more intrusive the search the more justification is required, and officers must be able to articulate the need for the more intrusive search.

Thus, as a set, the policy and the procedure ensure that the governance of searches of persons is wide-ranging and robust, providing protection for police officers and the public, while ensuring that the human rights of all individuals as well as the relevant legal requirements are respected.

The Service procedure emphasizes that searches of persons should not be carried out simply as a matter of routine practice. I note that in a recent court decision, *R. v. Nguyen* [2012] O.J. No. 4784, the judge specifically commented on the strength of the Service’s procedure, as follows (at para. 43):

The strip search of the defendant was not the product of routine institutional practice. The TPS has, it appears, gone to some effort to articulate a strip search protocol that respects the Charter dictates enunciated in *Golden* and other cases. The Level 3 search to which the defendant was here subjected was not a result of a constitutionally defective procedure but, rather, because a single officer ... failed to properly follow company directives.

As is the case with any Board policy, it is the Chief of Police who is to ensure compliance with the procedures resulting from the policy, and it is my expectation that this will be done. As always, both training and supervision are critical in ensuring compliance.

In addition, this policy includes an annual reporting requirement which will ensure that the Board and the public are provided with relevant information on a consistent basis and which creates a robust monitoring mechanism with respect to this important issue. The policy also requires the Chief to notify the Board in the event of any substantive change to the procedure, which adds another tool to the Board's ability to provide oversight on this issue.

Lastly, I note that this revised policy represents a strengthening of an "Adequacy Policy", that is, a policy made under Ontario Regulation 3/99 of the *Police Services Act*. These policies, which deal with the adequacy and effectiveness of police services, are specifically referred to in the report received by the Board at its meeting of July 19, 2012, from the Honourable John W. Morden, entitled *Independent Civilian Review into Matters Relating to the G20 Summit* (Min. No. P166/12 refers). In Recommendation No. 1 of that report, *Improving the nature and quality of Board policies*, Mr. Morden states:

The Board, the Chief of Police and the Ministry of Community Safety and Correctional Services should engage in consultation with a view to devising a method of improving the general nature and quality of Board policies made under O.Reg. 3/99 and otherwise.

This revised policy, which builds upon a basic Adequacy Policy and includes a much greater level of detail, incorporating issues of public interest, is thus, very much in keeping with Mr. Morden's recommendation.

The Board's current Search of Persons policy is attached as Appendix B.

The revised policy is attached for your approval as Appendix C. The original part of the policy is the first paragraph; all subsequent paragraphs have been added as a result of this wide-ranging review.

Conclusion:

Therefore, it is recommended that the Board approve the revised policy entitled "Search of Persons."

The Board was in receipt of a written submission dated March 20, 2013 from Rand Schmidt. A copy of Mr. Schmidt's submission is on file in the Board office.

The Chair advised the Board that he was in receipt of correspondence from Mr. John Sewell, notifying the Board that he was not available to attend this meeting and requesting that the Board delay consideration of the Search of Persons Policy to its next meeting when Mr. Sewell will be available to attend.

The Board received Mr. Schmidt's submission and deferred the foregoing report to the Board's May 22, 2013 meeting.

Moved by: A. Mukherjee

Appendix A

Chronology of Review of Search of Persons Procedure and Board Policy

- December 2001 – Supreme Court of Canada releases decision in case of *R. v. Golden*, which states that the common law authority to conduct strip searches is subject to limitations. At this time, the Board requests that the Chief review all Service procedures pertaining to searches of the person and report back to the Board with respect to the Service's compliance with the *Golden* decision (Min. No. P363/01 refers).
- At the Board meeting of May 30, 2002, the Board receives a report from the Chief entitled "Review of the Supreme Court Ruling in the Matter of *R. v. Golden*" (Board Minute No. P142 refers). Report indicates that it is the Chief's belief that that "...all persons held in custody pending a Show Cause hearing are deemed to have entered the prison system, and will be treated as such. By making this distinction, I believe that we are justified in continuing the practice of conducting complete searches of prisoners being held for Show Cause hearings." He notes that "the Supreme Court decision distinguishes between searches immediately incidental to arrest, and searches related to safety issues in a custodial setting. It acknowledges (at line 96) that where individuals are going to be entering the prison population, there is a greater need to ensure that they are not concealing weapons or illegal drugs on their persons."
- December 2003 – Ontario Civilian Commission on Police Services (OCCPS) writes to the Service/Board with respect to an OCCPS Review Panel decision regarding a complaint about a "strip search" of a 14-year old boy. Decision expresses concern with the current Toronto Police Service Policy and Procedure Directive 01-02 entitled *Search of Persons* as it "...is so broadly worded that it appears that anyone entering into the cell area would be deemed to be entering the prison population and must be subject to a strip search." Letter directs Board to deal with the matter "as a policy issue."
- The Board, at its meeting of July 29, 2004, approves a report from the Chair that directs the Chief to review the Toronto Police Service Policy and Procedure Directive 01-02 entitled *Search of Persons* and report back to the Board (Min. No. P239/04 refers).
- At this time, the Board was in receipt of a report from the Chief that states that "[a] policy review was conducted and it was determined that the Toronto Police Service procedure entitled "Search of Persons" 01-02, conforms to the decision/philosophy of the Supreme Court of Canada and affords the rights of individuals in custody to be secure against unwarranted/unreasonable searches."
- At the July 29, 2004 meeting, the Board also approves a motion "that the Board request City of Toronto – Legal Services to review the policies and procedures of the Toronto Police Service pertaining to searches of persons and provide a report to the Board with an opinion as to whether the interpretation as outlined by the Chief in his reports (dated February 26, 2004 and June 16, 2004) is consistent with the principles as set out by the Supreme Court of Canada in its decision in *R. v. Golden*."

- At its meeting of March 8, 2005, the Board receives a report from Mr. Albert Cohen, Director, Litigation, City of Toronto – Legal Services Division, which states that, in his view, an amendment to the current procedure is appropriate (Min. No. 75/05 refers). The Board discusses the issue with the Interim Chief and emphasizes the need for a Service Procedure that is consistent with the principles set out in the December 06, 2001 Supreme Court of Canada decision in the matter of *R. v. Golden*.
- The Board also approves a motion that asks the Interim Chief "...to amend Toronto Police Service Procedure 01-02 entitled "Search of Persons" to remove the automatic Level 3 search for persons held in custody pending a Show Cause hearing and insert, instead, a requirement that officers engage in a case-by-case analysis prior to a person being subject to a Level 3 search as a consequence of being introduced into the prison population."
- Community submissions and deputations on the subject are received and referred to the Interim Chief for consideration during the amendment of the procedure.
- At its September 6, 2005 meeting, the Board receives a report from the Chief indicating that while the Chief was of the belief that the procedure, without amendment, was in compliance with the decision in *R. v. Golden*, the requested amendment has been made. The procedure, as revised, "...removes the direction of mandatory level 3 searches for those entering the prison population." (Min. No. P288/05 refers).
- At this time, the Board also receives a deputation from Mr. John Sewell, refers his submission to the Chief for review and requests the Chief to provide a report indicating whether Mr. Sewell's concerns are addressed in the revised Service procedure. The Board also asks the Chief to provide a report indicating whether portions of the new Service Procedure can be released publicly or whether an additional version of the Service Procedure can be produced which is suitable for releasing publicly.
- At its October 14, 2005 meeting, the Board receives a report from the Chief which includes excerpts from the search procedure and addresses Sewell's areas of concern. (Min. No. P317/05 refers). The Board also passes a number of motions at this time, including a motion that the Chief and Chair meet to discuss the importance of this public policy and a request for the Chief to review whether any additional excerpts of the search procedure could be released publicly.
- At its March 23, 2006 meeting, the Board considers a report from the Chief as well as additional submissions from Mr. Sewell. (Min. No. P77/06 refers). The Chief's report contains additional excerpts from the procedure deemed suitable for public release. At this time, the Board refers the Chief's report and Mr. Sewell's submissions to the Chair along with a request that he review the search procedure in conjunction with Mr. Sewell's recommendations. The Board also requests that the Chair provide a final report on this matter to the Board following his review.

- At its meeting on April 7, 2011, the Board hears a deputation from Mr. John Sewell with respect to the Search of Persons Procedure and requests the Chief to review the Search of Persons procedure posted on the Service's website to determine whether or not it should be modified in light of the comments raised by Mr. Sewell and provide a report on the annual number of searches that are conducted, including level 3 and level 4 searches, and including the procedure that must be followed by police officers prior to authorizing a search to be conducted (Min. No. P74/11 refers).
- At its meeting of July 21, 2011, the Board considers a report from the Chief noting that review a review of the Search of Persons Procedure Information Sheet contained on the Service's website was conducted (Min. No. P183/11 refers). It was determined that while the Service's Search of Persons Procedure addresses and complies with the direction provided by the Supreme Court of Canada in the matter of *R. v. Golden*, this was not reflected in the Procedure Information Sheet. In light of Mr. Sewell's comments, the Procedure Information Sheet was amended.
- At that meeting, the Board approves two motions
- At its meeting of October 20, 2011, the Board receives a report from the Chief (Min. No. P265/11 refers). The report discusses the issue of videotaping of searches and includes a chart that shows the total number of level 3 and level 4 searches conducted during 2009 and 2010 and the number of complaints identified. It also notes that Procedure 01-02 "Search of Persons" was reviewed as a result of the Board's motion and that the procedure remains in compliance with the direction provided by the Supreme Court of Canada in *R. v. Golden*. The report also notes that Service Procedure 01-02 "Search of Persons" will continue to be reviewed and evaluated on an ongoing basis.
- July 20, 2011 to the present- Board engages in consultation with respect to amendments to Board policy and revised policy developed for Board approval

Appendix B
Toronto Police Services Board's Current Policy on Search of Persons



TORONTO POLICE SERVICES BOARD

SEARCH OF PERSONS

DATE APPROVED	November 23, 2000	Minute No: P487/00
DATE(S) AMENDED	November 15, 2010	Minute No: P292/10
DATE REVIEWED	November 15, 2010	Minute No: P292/10
REPORTING REQUIREMENT	Chief to report to Board quarterly. Toronto Police Service - Annual Statistical Report.	
LEGISLATION	<i>Police Services Act</i> , R.S.O. 1990, c.P.15, as amended, s. 31(1)(c). <i>Adequacy & Effectiveness of Police Services</i> , O. Reg. 3/99, s. 13(1)(h).	
DERIVATION	Adequacy Standards Regulation – LE-012	

It is the policy of the Toronto Police Services Board that:

1. The Chief of Police will establish procedures and processes regarding search of persons that address:
 - a. the compliance by members of the police service with legal and constitutional requirements relating to when and how searches of persons are to be undertaken;
 - b. the circumstances in which an officer may undertake a search of a person;
 - c. frisk/field searches;
 - d. strip/complete searches;
 - e. body cavity searches;
 - f. consent searches;
 - g. the supervision of searches of persons; and
 - h. the documentation of searches of persons.

Appendix C
Toronto Police Services Board's Revised Policy on Search of Persons for Approval



TORONTO POLICE SERVICES BOARD

SEARCH OF PERSONS

DATE APPROVED	November 23, 2000	Minute No: P487/00
DATE(S) AMENDED	November 15, 2010	Minute No: P292/10
DATE REVIEWED	November 15, 2010	Minute No: P292/10
REPORTING REQUIREMENT	Chief to report to Board annually Toronto Police Service - Annual Statistical Report	
LEGISLATION	<i>Police Services Act</i> , R.S.O. 1990, c.P.15, as amended, s. 31(1)(c). <i>Adequacy & Effectiveness of Police Services</i> , O. Reg. 3/99, s. 13(1)(h).	
DERIVATION	Adequacy Standards Regulation – LE-012 <i>R. v. Golden</i> , [2001] 3 S.C.R. 679	

The Toronto Police Services Board (the Board) is committed to the principle that every person has a right to receive police services in accordance with relevant legislation and Board policy, in a manner which respects their dignity and human rights.

In particular, where searches of persons are concerned, it is important that all searches are conducted in accordance with all legal and constitutional requirements, including those set out in the case of *R. v. Golden*, as well as the relevant provisions of the *Canadian Charter of Rights and Freedoms*, the *Police Services Act* and the *Ontario Human Rights Code*.

Therefore, it is the policy of the Toronto Police Services Board that:

1. The Chief of Police will establish procedures and processes regarding search of persons that address:
 - a. the compliance by members of the police service with legal and constitutional requirements relating to when and how searches of persons are to be conducted;
 - b. the circumstances in which an officer may conduct a search of a person;
 - c. frisk/field searches;
 - d. strip/complete searches (Level 3 searches);
 - e. body cavity searches (Level 4 searches);
 - f. consent searches;

- g. the supervision of searches of persons; and
- h. the documentation of searches of persons.

With respect to Level 3 and Level 4 searches, in particular, it is the policy of the Toronto Police Services Board that:

2. The Chief of Police will establish procedures that accord with all legal and constitutional requirements, including the judgment of the Supreme Court of Canada in *R. v. Golden*, and that ensure that such searches are not justified simply as a matter of routine.
3. The Chief of Police will establish procedures that ensure that each time a Level 3 or Level 4 search is conducted, the individual being searched is informed of the reason for the search and the justification for conducting the search is recorded.
4. The Chief of Police will report to the Board on an annual basis with respect to:
 - a. the total number of Level 3 and Level 4 searches conducted by members of the Toronto Police Service;
 - b. in general terms, the reasons articulated as the bases for the searches; and
 - c. the number of times an item of concern (weapon, evidence, any item that could potentially cause harm to the individual or others, drugs, etc) were found as a result of the search
5. The Chief of Police will notify the Board in the event of any substantive change to the relevant procedures.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

#P102. STATUS UPDATE: REPORT BY THE HONOURABLE JOHN W. MORDEN – *INDEPENDENT CIVILIAN REVIEW INTO MATTERS RELATING TO THE G20 SUMMIT* AND ICR – RECOMMENDATION NO. 5 CRITICAL POINTS AND NO. 6 MAJOR EVENTS

The Board was in receipt of the following report April 08, 2013 from Alok Mukherjee, Chair:

Subject: STATUS UPDATE: REPORT BY THE HONOURABLE JOHN W. MORDEN - *INDEPENDENT CIVILIAN REVIEW INTO MATTERS RELATING TO THE G20 SUMMIT* AND ICR – RECOMMENDATIONS NO. 5 – CRITICAL POINTS AND NO. 6 MAJOR EVENTS

Recommendations:

It is recommended that:

- (1) the Board receive the status update as to the work completed, to date, with respect to the implementation of Mr. Morden's recommendations; and
- (2) the Board authorize the Chair to retain a consultant, at a cost not to exceed \$5,000.00, to provide consultation and subject matter expertise with respect to the Morden recommendations pertaining to "critical points" and "major events" and to assist in drafting relevant Board policies for approval by the Board.

Financial Implications:

If recommendation 2 is approved, the Board's operating budget will be reduced by \$5,000.00. Funds are available in the Board's operating budget.

Background/Purpose:

The Board, at its meeting of July 19, 2012, received the report from the Honourable John W. Morden entitled "Independent Civilian Review Into Matters Relating to the G20 Summit," and approved a number of recommendations with respect to this report. (Min. No. P166/12 refers) as follows:

- (1) *receive the report from the Honourable John W. Morden entitled Independent Civilian Review Into Matters Relating to the G20 Summit, and receive all 38 recommendations for implementation;*
- (2) *approve the "Proposed Implementation Plan" attached to this report;*

- (3) approve, in principle, the immediate implementation of Mr. Morden's Recommendations 2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 28, 29, 30, 36, 37 and 38, and direct the Chair to report back to the Board no later than October 2012 with proposed new policies, amendments to existing policies and changes to Board rules and practices as indicated in the Proposed Implementation Plan;*
- (4) establish a Board Implementation Working Group (BIWG) of at least 4 Board members to take necessary action or to propose action to be taken by the Board with respect to Recommendations 1, 4, 5, 6, 20, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34 and 35;*
- (5) direct the BIWG to provide status reports to the Board on its work on the Recommendations referred to it no later than October 2012;*
- (6) refer to the BIWG for consideration in conjunction with Mr. Morden's report the Toronto Police Service's After-Action Report and the Ontario Independent Police Review Director's report titled, Policing the Right to Protest; and,*
- (7) direct the BIWG to report back to the Board on the status of its consideration of these other G20 related reports by October 2012 or as soon thereafter as possible.*

Discussion:

At its meeting held on October 15, 2012 the Board requested that status updates regarding the implementation of Mr. Morden's recommendations be provided in a chart format for ease of reference (Min. No. P242/12 refers). Therefore, the attached chart provides the Board with an update of the work completed to date.

Recommendations No. 5 and 6 of the Morden report provides as follows:

Recommendation No. 5: Creation of a Board policy that defines "critical points."

The Board should, in consultation with the Toronto Police Service, draft a policy that defines what will constitute a "critical point" in municipal policing and identifies criteria that will be applied in determining when a "critical point" has arisen. This policy will assist both the Board and the Chief of Police in determining when operational information should be provided to the Board in advance of the "critical point."

Recommendation No. 6: Creation of a Board policy concerning major events

The Board should determine appropriate objectives, priorities, and policies for major events, operations, and organizationally-significant issues in which the Toronto Police Service will be involved.

At its meeting of July 19, 2012, the Board approved "...in principle, the immediate implementation" of these recommendations.

Between August and October 2012, BIWG and I, independent of each other, have had a series of meetings with Board staff and City Legal to review the Morden recommendations assigned to each respectively. To date the Board has implemented or completed 10 of the 38 recommendations, which leaves 28 recommendations outstanding. Approximately 71% of the 28 remaining recommendations pertain to either "critical points" and/or "major events."

Further, at its October 15, 2012 meeting, the Board, while acknowledging that although the Board had directed recommendations to BIWG and to the Chair, the intersection of the recommendations required that the Board, as a whole, engage in consultation with the Chief, approved that the Board engage in discussions with the Chief during the Board's in camera meetings beginning in October and continuing in November and December as may be necessary (Min. No. C321/12 refers).

At the Board's confidential meeting held on November 7, 2012, draft policies pertaining to "critical points" and "major events" were presented to the Board for discussion regarding the direction the Board wished to take. As well, the Board considered Mr. Morden's definition of critical points (Min. No. C343/12 refers). The Board recognized the complexities of defining "critical points" and "major events" and, in fact, the Board discussion yielded more questions than answers. The Board referred the draft policies back to BIWG to review in consultation with the Chief of Police and requested that the Chair provide a report to the Board for approval at its February 2013 meeting.

The centrality of these two concepts to so many of Mr. Morden's recommendations is clear. As well, the Board's recognition that there are complexities in defining "critical points" and "major events" suggests that broader consultation and careful consideration is required.

To date the Board has not been able to turn its mind to a meaningful definition of these two concepts. It is important that the Board have an opportunity to engage in a comprehensive and focused discussion on these topics, so that these complex issues can be resolved, so as to implement the remaining recommendations. To that end, I believe that an external consultant with appropriate subject matter expertise would be well-suited to very efficiently elicit information from individual Board members who may have diverging views, and synthesize those views into a thorough, balanced and robust policy document for the Board's consideration.

Conclusion:

Therefore, it is recommended that the Board receive the status update as to the work completed, to date, with respect to the implementation of Mr. Morden's recommendations, and that the Board authorize the Chair to retain a consultant, at a cost not to exceed \$5,000.00, to provide consultation and subject matter expertise with respect to the Morden recommendations

pertaining to “critical points” and “major events” and to assist in drafting relevant Board policies for approval by the Board.

The Board approved the foregoing report.

Moved by: M. Thompson

STATUS UPDATE
INDEPENDENT CIVILIAN REVIEW (ICR) RECOMMENDATIONS

RECOMMENDATIONS		RESPONSIBILITY	STATUS
1	The Board, the Chief of Police, and the Ministry of Community Safety and Correctional Services should engage in consultation with a view to devising a method of improving the general nature and quality of Board policies made under O. Reg. 3/99 and otherwise.	Board Implementation Working Group (BIWG)	Under Review
2	All Toronto Police Service procedures and processes should be filed with the Board as a necessary step to strengthen the exercise of its monitoring and oversight responsibilities.	Chair	Under Review
3	The Board should have its own counsel whose legal services are not available to either the Toronto Police Service or the City of Toronto	Chair	The Board will continue to retain the services of City of Toronto–Legal Services Division. No further action required (Min. No. P248/12 refers)
4	The Board and the Toronto Police Service should ensure that an open exchange of information on all matters of operations and policy is established and maintained. The purpose of this information exchange is to ensure that both the Board and the Toronto Police Service are aware of the details necessary to engage in consultation concerning Board policies and Toronto Police Service operational mandates.	BIWG and Chief of Police	Implemented Chair to ensure Board in-camera agendas provide time for information exchange

RECOMMENDATIONS	RESPONSIBILITY	STATUS
<p>5 The Board should, in consultation with the Toronto Police Service, draft a policy that defines what will constitute a “critical point” in municipal policing and identifies criteria that will be applied in determining when a “critical point” has arisen. This policy will assist both the Board and the Chief of Police in determining when operational information should be provided to the Board in advance of the “critical point.”</p>	<p>BIWG and Chief of Police</p>	<p>Under Review</p>
<p>6 The Board should determine appropriate objectives, priorities, and policies for major events, operations, and organizationally-significant issues in which the Toronto Police Service will be involved</p>	<p>BIWG and Chief of Police</p>	<p>Under Review</p>
<p>7 Board to negotiate framework for funding conditions. In all cases where the Toronto Police Service will be involved in policing and security for a major event, the Board should, at a minimum, negotiate a framework funding agreement with the entity requiring the Toronto Police Service’s assistance. This agreement should set out the funding and reimbursement conditions with respect to the Toronto Police Service’s expenses associated with planning and policing the event.</p>	<p>Chair</p>	<p>Under Review</p>

RECOMMENDATIONS	RESPONSIBILITY	STATUS
<p>8 Board involvement in consultation</p> <p>Where the Board learns of the potential for Toronto to be selected as the host city for an event sponsored by the federal or provincial government, the Board should make a formal request that it be consulted, in advance of final decisions being made, on matters relevant to the Toronto Police Service's policing function at the event. In particular, the Board should request information that will enable it to understand the Toronto Police Service's role at the event, the legal framework applicable to the event's policing and other relevant matters.</p>	Chair	Under Review
<p>9 Confirmation concerning Toronto Police Service's planning process.</p> <p>The Board should request regular updates concerning the progress of the Toronto Police Service in planning for the policing of a major event. In particular, the Board should seek information from the Toronto Police Service about (i) what mechanisms exist to capture, during the planning process, the input of those who will have operational decision-making responsibilities during the event and (ii) what testing of the operational plans will be conducted before the event.</p>	Chair	Under Review

RECOMMENDATIONS	RESPONSIBILITY	STATUS
10 Where the Toronto Police Service is required to develop operational plans for a major event, the Board should consult with the Chief of Police to determine whether there is a sufficient amount of time available for proper planning and, specifically, whether the adequacy and effectiveness of policing for the event may be compromised by the time available to plan.	Chair	Under Review
11 The Board should be informed, as soon as practicable, where a reasonable possibility exists that the Toronto Police Service may be involved in the policing of a major event hosted by a government entity. The Board should seek information and clarity concerning the proposed decision-making structure and process related to the policing of the event.	Chair	Under Review
12 Where the RCMP will be involved in an international event for which security arrangements are required, including the participation of the Toronto Police Service, the Board should encourage the federal and provincial governments to enter into an arrangement under section 10.1(4) of the <i>Foreign Missions and International Organizations Act</i> .	Chair	“Arrangement with RCMP for International Events Policy” approved by Board, Min. No P31 – February 19, 2012

RECOMMENDATIONS	RESPONSIBILITY	STATUS
<p>13 Where the Toronto Police Service is involved in a joint operation related to the policing of a major event, the Board should be provided with detailed information and briefings concerning the planning structure, including information regarding the Toronto Police Service's role in that structure and whether planning decisions by the Toronto Police Service are subject to the approval of any other entity.</p>	Chair	Under Review
<p>14 The command and control structure for the policing of a particular event has a direct impact on the manner in which police services will be delivered. When the Toronto Police Service is involved in a multi-jurisdictional policing event in Toronto, the Board shall require information from the Chief of Police concerning the command and control structure for the event. The Board shall also ensure that the command and control structure will enable the Toronto Police Service to adequately and effectively provide police services for the event and for the City of Toronto generally.</p>	Chair	Under Review

15	RECOMMENDATIONS	RESPONSIBILITY	STATUS
	<p>Properly recording discussion and information provided during Board meetings is critical. It ensures that an accurate record of the questions asked and decisions or recommendations made is preserved. The Board should institute a practice of audio recording all confidential Board meetings.</p>	Chair	Under Review
16	<p>The Board should develop a mechanism that requires canvassing all members in advance of these briefings to identify questions or requests for information that can be conveyed by the Chair during the briefings.</p>	Chair	<p>Implemented</p> <p>Executive Director sends an email message to all Board Members prior to scheduled monthly Board meetings, advising/inviting them to attend (via phone or in person) the scheduled agenda briefing session with the Chair, Chief and staff. In addition, Board members are encouraged to submit any questions/issues related to the agenda for E.D's follow-up and response prior to the Board meeting (Min. No. P242/12 refers)</p>

RECOMMENDATIONS	RESPONSIBILITY	STATUS
17 The Board should develop a policy that sets guidelines for the exchange of information between Board members. Under this policy all Board members would be required to share, at the earliest opportunity, information he/she receives through informal communications with the Chief on a particular matter or issue that is before the Board or that otherwise falls within the Board's statutory role and responsibilities.	Chair	Under Review
18 Where time is of the essence and the Board decides to suspend or alter its usual procurement practices, the Board should establish a process that will ensure it receives relevant information from the Toronto Police Service regarding the purpose and justification of all expenditures.	Chair	Under Review
19 The Board should be involved in the negotiation of contribution agreements pertaining to the Toronto Police Service's involvement in a policing event	Chair	Under Review

RECOMMENDATIONS	RESPONSIBILITY	STATUS
<p>20 Board policies and Toronto Police Service procedures should apply to police personnel seconded to assist the Toronto Police Service in a joint operation.</p> <p>In that regard, the Board should provide its policies and the Toronto Police Service procedures to the home police services board so that it can help ensure that its officers are familiar with these policies and procedures. If external police officers violate Board policies or Toronto Police Service procedures while carrying out their duties in assisting the Toronto Police Service, the home board or their complaints and disciplinary oversight body should have the authority to discipline those officers, thereby avoiding any jurisdictional dispute between the Board and the home boards.</p>	BIWG	Under Review
<p>21 The Board should receive information related to the training of Toronto Police Service officers and other external officers seconded to assist the Toronto Police Service with policing a major event. The information the Board receives should permit it to determine whether the training accords with the Board's existing policies and give the Board an opportunity to identify any gaps in its policies that need to be addressed prior to the event.</p>	Chair	Under Review

RECOMMENDATIONS	RESPONSIBILITY	STATUS
22 Where there is a large event that may impact upon the Toronto Police Service's ability to deliver regular policing officers in Toronto, the Board should consult with the Chief of Police concerning how continuity of service can be achieved. The Board should be provided with any plans developed by the Toronto Police Service to aid in the consultation.	BIWG	Under Review
23 The Board should amend its existing information sharing protocol with City Council to include a mutual information sharing mechanism. This mechanism should address the type of information to be shared and the method and frequency for sharing such information. The Board should also work with City Council to develop a protocol that ensures there is a free flow of communication to and from the Board and City Council with respect to the policing of major events.	BIWG	Approved P72/13 – March 27, 2013
24 The Board should, with the assistance of the Ontario Association of Police Services Boards analyze the issues and concerns raised with respect to sharing confidential or classified information	BIWG	Under Review
25 The Board should develop a specific information-sharing policy tailored specifically for major policing events. The policy should include a direction concerning the manner and frequency in which the information should be provided to the Board.	BIWG	Under Review

RECOMMENDATIONS	RESPONSIBILITY	STATUS
<p>26 The Toronto Police Service should share information with the Board on the training being developed for officers participating in a major event. This information should include: the topics to be covered, an overview of the general content, and any potential issues or concerns raised regarding the sufficiency of the training materials. The Board should examine the information provided with a view to maximizing the overall effectiveness of the training materials and ensuring that the materials properly reflect existing Board policies. This examination should include an assessment of the methods of delivery of the training (e.g. Elearning, practical exercises, etc.).</p>	BIWG	Under Review
<p>27 The Board, with the assistance of the Ontario Association of Police Services Boards and other bodies that would be of assistance, should prepare a comprehensive policy on crowd control at mass demonstrations. This policy should address the following subject matters, among others: necessary preparation times for adequate planning; command structures; the organization and dissemination of intelligence; incident management systems; the adaptation, if necessary, of existing services procedures for use during the contemplated event; and training.</p>	BIWG	Under Review

RECOMMENDATIONS	RESPONSIBILITY	STATUS
<p>28 The Board should express its policy on the wearing of name badges and/or police badge numbers in its standard policy format and include it in its catalogue of policies. The policy should require the chief of police to report to the Board on a regular basis concerning incidents of non-compliance with the policy.</p>	Chair	Approved P284/12 – November 14, 2012
<p>29 The Board should make a policy on the process governing the seeking of changes to legislation on the provision of police services. Under this policy, the Chief of Police should be required to advise the Board when the Chief of Police is of the opinion that the current legislative powers are not sufficient for the purposes of carrying out any police responsibilities or otherwise should be amended.</p>	Chair	“Process for Seeking Legislative Change Policy” approved by Board, Min. No P32 – February 19, 2012
<p>30 The Board should create a policy that addresses how legislative changes that may affect policing by the Toronto Police Service will be effectively communicated to the public in advance of major events. The policy must ensure that the public receive adequate and correct information concerning police powers in a timely manner.</p>	Chair	Under Review

RECOMMENDATIONS	RESPONSIBILITY	STATUS
31 The Board should create a policy governing circumstances where the Toronto Police Service is required to design and plan for a unique operational requirement, such as the PPC. The Board's policy should require that the Chief of Police ensure that major event planning specialists and other relevant experts are engaged to assist the Toronto Police Service with the development of operational plans and the design of specific processes associated with the operational plans.	BIWG	Under Review
32 Where the Toronto Police Service has created an operational plan for a major event, the Board should seek confirmation that the operational plan constitutes a complete document that addresses all potentially applicable policies and procedures. Further, where different units within the Toronto Police Service have different procedures that relate to the same matter, the Board should seek confirmation regarding how the Toronto Police Service has reconciled these different procedures.	BIWG	Under Review

RECOMMENDATIONS	RESPONSIBILITY	STATUS
33 The Board should make a policy that directs the Chief of Police to create an operational plan for a temporary mass prisoner processing centre, if such a facility is required at major events are held in Toronto. The plan should address the design and processes for the facility, including procedures concerning to prisoner care and management.	BIWG	Under Review
34 In situations where the Toronto Police Service must plan for a unique operational requirement, like the PPC, the Board ensure that adequate and complete policy direction is in place. The Board must ensure it is provided with relevant information, including operational information, to enable it to decide if its existing policies are adequate and to engage in an informed consultation with the Chief of Police.	BIWG	Under Review

RECOMMENDATIONS	RESPONSIBILITY	STATUS
35 Mass detention centres to be used at large policing events pose unique policy concerns and operational demands, and bears on the rights of a large number of prisoners. For these reasons, the Board should develop a specific policy pertaining to mass detention that highlights the specific procedural matters the Chief of Police should address in a related Toronto Police Service procedure on mass detention. The Board should also consult with legal and policy advisors to create a policy that is in accordance with current Canadian legal standards.	BIWG	Under Review
36 The Board should require that the Chief of Police's next quarterly report address the number of Level 3 searches conducted at the PPC and lack of proper documentation for many of these searches.	Chair	Implemented Reporting request approved (Min. No. P192/12 refers)
37 The Board should amend Board Policy LE-016 – Prisoner Care and Control to provide that where young people may be detained in the same facility as adults specific measures are taken to guarantee compliance with the <i>Youth Criminal Justice Act</i> , S.C. 2002, c. 1.	Chair	Implemented Amendments to Prisoner Care and Control Policy approved by the Board (Min. No. P249/12 refers)
38 The Board should amend Board Policy LE-016 – Prisoner Care and Control to provide that where male, female, transsexual, and transgendered persons are to be detained in the same facility specific measures are taken to separate completely male, female, transsexual, and transgendered prisoners.	Chair	Implemented Amendments to Prisoner Care and Control Policy approved by the Board (Min. No. P249/12 refers)

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P103. REVISED *TERMS OF REFERENCE* FOR THE CENTRAL JOINT
HEALTH AND SAFETY COMMITTEE**

The Board was in receipt of the following report April 09, 2013 from Alok Mukherjee, Chair:

Subject: Revised *Terms of Reference* for the Central Joint Health and Safety Committee

Recommendations:

It is recommended that:

- (1) the Board approve the attached revised *Terms of Reference* for the Central Joint Health & Safety Committee; and
- (2) the Board authorize me to sign the revised *Terms of Reference* on behalf of the Board and to forward it, jointly with the President, Toronto Police Association, to the Ministry of Labour for approval.

Financial Implications:

There are no financial implications with regard to the approval of the recommendations contained in this report.

Background/Purpose:

At its meeting held on September 18, 2003, the Board approved *Terms of Reference* for a multi-workplace Joint Health and Safety Committee ("the Committee") that was established in accordance with section 9(3.1) of the *Occupational Health and Safety Act* (Min. No. P240/03 refers).

The Committee, which is called the Central Joint Health and Safety Committee, was established jointly by the Board, as the "employer" of the members of the Toronto Police Service, and the Toronto Police Association, which represents the "workers". The Committee consists of four members. Mr. Larry Molyneaux, Director of Member Benefits, Toronto Police Association, and I currently act as Co-Chairs. Deputy Chief Mike Federico, Human Resources Command, is a member representing the Toronto Police Service Command and Mr. Rick Perry, Director of Legal Services, Toronto Police Association, is a member representing the Toronto Police Association Executive.

Since 2003 the Committee has met regularly to consider a number of Service-wide health and safety issues and to provide a forum for review of issues addressed by the local committees

operating throughout the Service. Members of the Committee have also referred specific health and safety issues to the Committee for consideration.

As a result of discussions at previous meetings, the Committee decided to conduct a review of the *Terms of Reference* at its first meeting in each new year to determine if any changes were required.

Discussion:

During an annual review conducted in March 2013, the Committee approved two amendments to the *Terms of Reference*.

The first amendment will clarify that the Committee's tours of new Toronto Police Service facilities are for the members' information only and are not intended to replace the formal workplace inspections that are conducted by the Joint Health and Safety Committees.

The second amendment refers to the Committee's practice of requesting that written notes be provided by a member who is responding to an unresolved matter or raising a new matter for consideration. While this practice has worked well on an informal basis in the past, the Committee agreed to formally include it in the *Terms of Reference*.

Following the Committee's approval of the amendments, Mr. Molyneaux and I agreed to forward the proposed revised *Terms of Reference* to our respective boards for approval.

Attached to this report as "Appendix A", I have reprinted the sections of the *Terms of Reference* that pertain to the tours of new facilities and the request for written notes and inserted the proposed amendments in italics. Also attached, as "Appendix B", is a complete copy of the *Terms of Reference* with the proposed amendments.

Conclusion:

Any changes to the *Terms of Reference* agreed upon by the Board and the Association are subject to the approval of the Ministry of Labour under section 9(3) of the *Occupational Health and Safety Act*. If the Board approves the recommendations contained in this report, Mr. Michael McCormack, President, Toronto Police Association, and I will jointly send correspondence to the Ministry seeking its approval of the new *Terms of Reference* for the Central Joint Health of Safety Committee and the Ministry's response will be provided to the Board for information.

It is, therefore, recommended that:

- (1) the Board approve the attached revised *Terms of Reference* for the Central Joint Health & Safety Committee; and
- (2) the Board authorize me to sign the revised Terms of Reference on behalf of the Board and to forward it, jointly with the President, Toronto Police Association, to the Ministry of Labour for approval.

The Board approved the foregoing report.

Moved by: D. Noria

“Appendix A”

CJHSC Terms of Reference

Proposed Amendments in Italics

INSPECTIONS

It is jointly agreed that the Committee ~~is not~~:

1. *Is not* responsible for workplace inspections as defined in Section 9(23) of the Act;
2. *Is not* required to be present during testing as described in Section 9(18)(e) of the Act, except where such testing may reasonably be expected to have Service-wide implications; *and*
3. *Will participate in tours of new Toronto Police Service facilities, when possible, for the purpose of information only. A tour will not replace the requirement that workplace inspections be conducted by the Joint Health and Safety Committees.*

MEETING AGENDA

The Co-Chair of the meeting will prepare an agenda and forward a copy of the agenda to all Committee members at least one week in advance of the meeting.

The Committee may accept any item as proper for discussion and resolution that pertains to health and safety, except to amend, alter, subtract from or add to any terms of the Collective Bargaining Agreements. All items raised from the agenda in meetings will be dealt with on the basis of consensus rather than by voting. Formal motions will not be used.

Items discussed, both resolved and unresolved, will be reported in the Minutes. Unresolved items will be placed on the agenda for the next meeting. Should either of the parties be of the firm conviction that no resolution is attainable on a specific item, they shall have the option of inviting the intervention of the Ministry of Labour; but only after providing one month's written notice to the other party of their intention to do so along with an explanation for the decision to so proceed.

Committee members who are required to provide a response to an unresolved matter or intend to raise a new matter are requested to provide the response, or details of the new matter, in writing. If the written information is available prior to a meeting, it should be provided to the Recording Secretary so that it can be included on the meeting agenda, alternatively, copies of the written information should be circulated to the members during the meeting. A copy of the written information will be attached to the Minutes, either public or confidential, as applicable, and will form part of the record for the matter under discussion.

“Appendix B”



*****DRAFT *****

Terms of Reference

For the Structure and Function of

The Central Joint Health and Safety Committee

As Agreed Between

The Toronto Police Services Board and the Toronto Police Association

April 2013

PREAMBLE

1. It is a requirement of the *Occupational Health and Safety Act* (the Act) to establish a program and policy which will encourage the active participation of all employees in the prevention of accidents and the promotion of health and safety in the workplace.
2. It is our belief that through education programs and joint investigations and the resolution of concerns, those workplaces will be made safe and healthy for all employees.
3. The parties acknowledge that the proper functioning of joint health and safety committees can only be achieved when everyone in the workplace is committed to, and meets, their health and safety responsibilities. The parties undertake to co-operate in ensuring that these terms of reference and the full spirit and intent of the Act will be carried out by the respective organizations.
4. The parties hereto adopt these terms of reference in good faith and agree to promote and assist the local joint health and safety committees and committee members by providing such information and assistance as may be required for the purpose of carrying out their responsibilities.

STRUCTURE OF COMMITTEE

The Central Joint Health and Safety Committee (the Committee) shall consist of an equal number of representatives of the Toronto Police Service and Toronto Police Services Board and the Toronto Police Association. At a minimum there shall be:

- One representative of the Toronto Police Service Command, and one representative of the Toronto Police Services Board, hereinafter referred to as Management Representatives. At least one Management Representative shall be a certified member.
- Two Toronto Police Association Executive members. At least one Association representative shall be a certified member.

There shall be two Co-Chairs, one being a Management Representative and one being an Association Executive, who shall chair alternate meetings.

The Manager, Occupational Health and Safety, will be invited to attend meetings to respond to inquiries or provide information as requested by the Committee. The Manager will act as staff support and shall not participate in any decision making.

A Co-Chair may, with the consent and approval of his/her counterpart, invite any additional person(s) to attend the meeting to provide pertinent additional information and comment. Those persons may remain present during the meeting to provide advice or counsel to the person(s) who invited them, but shall not participate in any decision making.

The Committee shall meet at least four times each year (or every three months) with dates to be established based on the availability of the Committee members. Additional meetings may be scheduled, as necessary, at the discretion of the Committee.

In the event that a scheduled meeting needs to be cancelled or re-scheduled, the Co-Chair requesting the change will consult the other Co-Chair and the change will be approved jointly by the Co-Chairs.

FUNCTION OF THE COMMITTEE

To attain the spirit of the Act, the functions of the Committee shall be:

1. To review all issues arising as a result of recommendations from the local Joint Health and Safety Committees.
2. The review of all health and safety issues which may potentially impact the Service as a whole, arising from local Joint Health and Safety Committees.
3. The review of local Joint Health and Safety Committee investigations into deaths or critical injuries (as defined in Ontario Regulation 834).
4. The review of any other investigations into incidents which have the potential to cause a critical injury, but where no critical injury occurred.
5. To ensure adequate education and training programs are provided in order that all employees are knowledgeable in their rights, restrictions, duties and responsibilities under the Act.
6. To identify, evaluate and recommend a resolution on matters pertaining to health and safety in the specific workplace to the Chief of Police, who in turn will report to the Chair of the Police Services Board.
7. To address legislative compliance issues related to all health and safety and associated regulations affecting the workplace.
8. To deal with any other health and safety matter the Committee deems appropriate.

INSPECTIONS

It is jointly agreed that the Committee:

1. Is not responsible for workplace inspections as defined in Section 9(23) of the Act;
2. Is not required to be present during testing as described in Section 9(18)(e) of the Act, except where such testing may reasonably be expected to have Service-wide implications; and
3. Will participate in tours of new in tours of new Toronto Police Service facilities, when possible, for the purpose of information only. A tour will not replace the requirement that workplace inspections be conducted by the Joint Health and Safety Committees.

RECOMMENDATIONS OF THE COMMITTEE

The Employer, which is agreed to be the Toronto Police Services Board, or its designate, shall respond within 21 days with regard to written or Minuted recommendations received from the Committee, provided such recommendations are deemed to represent the consensus of the Committee. The written response shall indicate the employer's assessment of the recommendation and specify what action will or will not (with explanations) be taken as a result of the recommendation. Any proposed action by the employer shall include details of who will be responsible for such action and a proposed time frame. Failure by the employer or its designate to respond to the written recommendations of the Committee will be referred to the Ministry of Labour.

MEETINGS

The location of the meetings will alternate between the Toronto Police Service Headquarters and the Toronto Police Association Building, or any other mutually agreed location, such as Toronto Police Service work sites.

MINUTES OF MEETINGS

It is the responsibility of the Co-Chair chairing each meeting to take Minutes or cause Minutes to be taken. The Co-Chairs are responsible for having the Minutes typed and circulated to each member, the members' assistants and the Board Administrator in a timely fashion. Minutes will be prepared as a public document and, when necessary, separate Minutes will be prepared that record discussions involving confidential matters.

The Board Administrator will place a copy of the Minutes from each Committee meeting on the Board's public meeting agenda for information and, when applicable, will place confidential Minutes on the Board's corresponding confidential meeting agenda for information.

QUORUM

The Committee shall have an equal number of Management and Association members present in order to conduct business.

MEETING AGENDA

The Co-Chair of the meeting will prepare an agenda and forward a copy of the agenda to all Committee members at least one week in advance of the meeting.

The Committee may accept any item as proper for discussion and resolution that pertains to health and safety, except to amend, alter, subtract from or add to any terms of the Collective Bargaining Agreements. All items raised from the agenda in meetings will be dealt with on the basis of consensus rather than by voting. Formal motions will not be used.

Items discussed, both resolved and unresolved, will be reported in the Minutes. Unresolved items will be placed on the agenda for the next meeting. Should either of the parties be of the firm conviction that no resolution is attainable on a specific item, they shall have the option of inviting the intervention of the Ministry of Labour; but only after providing one month's written notice to the other party of their intention to do so along with an explanation for the decision to so proceed.

Committee members who are required to provide a response to an unresolved matter or intend to raise a new matter are requested to provide the response, or details of the new matter, in writing. If the written information is available prior to a meeting, it should be provided to the Recording Secretary so that it can be included on the meeting agenda, alternatively, copies of the written information should be circulated to the members during the meeting. A copy of the written information will be attached to the Minutes, either public or confidential, as applicable, and will form part of the record for the matter under discussion.

GENERAL

The Terms of Reference are adopted in good faith and without prejudice. The members of the Committee agree with the objective of enhancing the health and safety of the members of the Toronto Police Service. The overall goal of the Committee is to promote health and safety among the members of the Service.

Committee members will thoroughly investigate all issues to get all the facts and will exchange these facts when searching for a resolution to an issue.

All Committee members will keep medical information strictly confidential.

The Terms of Reference are subject to revision from time to time to accommodate changes to the structure of the Toronto Police Service, the Toronto Police Association, the provisions of the Act or any Regulations, or to address new concerns.

Any amendments, deletions or additions to these Terms of Reference must have the consensus of the total Committee and be approved by the Toronto Police Services Board and the Toronto Police Association. The amendments, deletions or additions shall be set out in writing and incorporated in new Terms of Reference which will be forwarded to the Ministry of Labour for approval.

Signed in Toronto, Ontario.

Alok Mukherjee
Chair
Toronto Police Services Board

date

Michael McCormack
President
Toronto Police Association

date

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P104. COMMENCEMENT OF THE PROCESSES TO FILL VACANT
POSITIONS: DIRECTOR OF FINANCE AND ADMINISTRATION AND
THE DIRECTOR OF HUMAN RESOURCES MANAGEMENT**

The Board was in receipt of the following report April 05, 2013 from Alok Mukherjee, Chair:

Subject: COMMENCEMENT OF THE PROCESSES TO FILL VACANT POSITIONS:
DIRECTOR OF FINANCE AND ADMINISTRATION AND DIRECTOR OF
HUMAN RESOURCES MANAGEMENT

Recommendation:

It is recommended that:

1. the Board approve the job posting/promotional and/or recruitment/hire processes as necessary to fill the director position vacancy in Finance and Administration; and,
2. the Board continue to defer consideration of the approval of the job posting/promotional and/or recruitment/hire processes as necessary to fill the director position vacancy in Human Resources Management until a further report from the Chair.

Financial Implications:

The funding for this position is included in the Toronto Police Service 2013 approved operating budget.

Background/Purpose:

At its meeting on February 19, 2013 the Board considered two reports from the Chief of Police which recommended that the Board approve processes to fill the position of Director, Finance and Administration and Director, Human Resources Management and which provided a business case justifying the hiring processes. The Board was also in receipt of correspondence from Mr. Joe Pennachetti, City Manager, with respect to the City's Shared Services Review.

The Board received these items and approved the following motions:

- 1. THAT the Board defer the three foregoing reports from the Chief of Police and the correspondence from Mr. Pennachetti;**

- 2. THAT the Chair and the two Board members who participate in the Chief's CIOR (Andy Pringle and Marie Moliner) review the Chief's reports in consultation with other interested Board members and the Chief of Police;**
- 3. THAT the Chair provide a report to the Board on the results of the review noted in Motion No. 2; and**
- 4. THAT the Board consider the Chief's reports and Mr. Pennachetti's correspondence at the meeting at which it receives the Chair's report noted in Motion No. 3.**

Minute P38/13 from the Board's February 19, 2013 meeting is appended to this report.

Discussion:

I have reviewed an advance copy of the City of Toronto - Shared Services Efficiency Study produced by KPMG. Subsequently, I have had an extensive discussion with the City Manager, Mr. Joe Pennachetti, regarding the recommendations related to opportunities for finding efficiencies through shared services in the TPS. We are in agreement that the recommendations and the areas of efficiency in the KPMG report have no bearing on the position of Director of Finance and Administration.

We are also in agreement that this is a critical position as described in the business case provided to the Board by Chief Blair. I am further satisfied that proceeding to fill this position will not negatively affect the rest of the review being conducted in accordance with the motions approved by the Board on February 19, 2013.

I, therefore, recommend that, based on the justification in the business case provided by the Chief, the Board proceed to approve the filling of the position of Director, Finance and Administration.

With respect to the position of Director, Human Resources Management, there are some possibilities in the Shared Services report and also there is need to rethink the entire area of human resource management as an organizational function. As a result, these reviews are continuing and no decision is recommended at this time.

Conclusion:

I, therefore, recommend that the Board approve the job posting/promotional and/or recruitment/hire processes as necessary to fill the director position vacancy in Finance and Administration. I further recommend that the Board continue to defer consideration of the approval of the job posting/promotional and/or recruitment/hire processes as necessary to fill the director position vacancy in Human Resources Management until such time as I have completed the reviews with respect to this position and the organization chart.

The following Motions were submitted to the Board:

- 1. THAT the Board approve the foregoing report;**
- 2. THAT the Board receive Mr. Pennachetti's correspondence dated February 06, 2013;**
- 3. THAT the Board receive the Chief's report dated January 07, 2013 recommending the commencement of the processes to fill the two vacant positions and the report dated February 06, 2013 containing the business case to fill the position of Director of Finance & Administration; and**
- 4. THAT the Board continue to defer the Chief's report dated February 06, 2013 containing the business case to fill the position of Director, Human Resources Management.**

The Board approved Motions 1, 2 and 3.

A request for a recorded vote on Motion no. 4 was submitted in accordance with section 22 of the Board's Procedural By-Law No. 107.

The voting was recorded as follows:

For

**Chair Mukherjee
Councillor Nunziata
Councillor Del Grande**

Opposed

**Dr. Noria
Ms. Moliner**

Motion no. 4 was approved.

Moved by: A. Mukherjee

APPENDIX

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 19, 2013

#P38 COMMENCEMENT OF THE PROCESSES TO FILL VACANT POSITIONS: DIRECTOR OF FINANCE AND ADMINISTRATION AND DIRECTOR OF HUMAN RESOURCES MANAGEMENT

The Board was in receipt of the following reports:

- January 07, 2013 from William Blair, Chief of Police:
Re: Commencement of the Processes to Fill Vacant Positions: Director of Finance and Administration and Director of Human Resources Management
- February 06, 2013 from William Blair, Chief of Police
Re: Business Case – Director of Finance and Administration
- February 05, 2013 from William Blair, Chief of Police
Re: Business Case – Director of Human Resources Management
- February 06, 2013 from Joseph Pennachetti, City Manager, City of Toronto
Re: City's Shared Services Study

Copies of the foregoing reports and correspondence are appended to this Minute for information.

The Board approved the following Motions:

1. **THAT the Board defer the three foregoing reports from the Chief of Police and the correspondence from Mr. Pennachetti;**
2. **THAT the Chair and the two Board members who participate in the Chief's CIOR (Andy Pringle and Marie Moliner) review the Chief's reports in consultation with other interested Board members and the Chief of Police;**
3. **THAT the Chair provide a report to the Board on the results of the review noted in Motion No. 2; and**
4. **THAT the Board consider the Chief's reports and Mr. Pennachetti's correspondence at the meeting at which it receives the Chair's report noted in Motion No. 3.**

Report dated January 7, 2013 from the Chief of Police:

To: Chair and Members
Toronto Police Services Board

From: William Blair
Chief of Police

Subject: COMMENCEMENT OF PROCESSES TO FILL POSITION VACANCIES FOR
THE DIRECTOR OF FINANCE AND ADMINISTRATION, AND THE
DIRECTOR OF HUMAN RESOURCES MANAGEMENT

Recommendation:

It is recommended that the Board approve the job posting/promotional and/or recruitment/hire processes as necessary to fill upcoming director position vacancies in Finance and Administration and in Human Resources Management.

Financial Implications:

The funding for these two positions is approximately \$340,000 and is included in the Toronto Police Service's (Service) 2013 operating budget request.

Background:

On December 21, 2012, Angelo Cristofaro, Director, Finance and Administration, submitted a notice of retirement from the Service, effective January 26, 2013. On January 2, 2013 Aileen Ashman, Director, Human Resources Management, submitted a notice of retirement from the Service, effective March 4, 2013.

Discussion:

These director positions are critical to effective business continuity and the operational needs of the Service. Both positions require specific qualifications and expertise, including significant executive level experience in the administration of the executive portfolios which each oversees and maintains.

Director, Finance and Administration:

The Director of Finance and Administration oversees significant administrative and financial resources of the Service. Reporting directly to the Chief Administrative Officer, he or she is responsible for executive level decision-making and oversight of an establishment of approximately 180 staff employed in significant support units: Budgeting and Control; Facilities Management; Financial Management; Fleet and Materials Management; and Purchasing Support

Services. The position requires the incumbent to hold a professional designation (e.g. accounting) or the equivalent demonstrated experience/education and at least ten years of management experience.

The Director of Finance and Administration is a key contributor to the Service on financial and budgetary matters. The position is also responsible for maintaining the integrity of all financial, accounting and payroll reporting, as well as overseeing the performance of the fleet, facilities and purchasing support units. This is a key strategic leadership role, critical to the on-going financial and administrative health of the organization, including the efficiency and cost-effectiveness of essential support units. The Director ensures legislative and policy compliance in changing political and economic environments, to protect, support and advance the financial and operational requirements of the Service.

Director, Human Resources Management:

The Director of Human Resources Management oversees all human resources and training initiatives. Reporting directly to the Deputy Chief, Corporate Command, he or she is responsible for executive level decision-making and oversight of an establishment of approximately 256 staff employed in significant support units, including the: Toronto Police College; Benefits and Employment (including Background and Human Resources Management Systems Administration); Human Resources Support Services; Occupational Health & Safety (including Workplace Safety and Insurance Act Administration and Medical Advisory Services); Psychological and Chaplaincy Services; Diversity Management; Employee and Family Assistance Program; Labour Relations (including Human Rights case management); and Staff Planning in respect of uniform deployment. The position requires post-secondary education, preferably post-graduate in a related field, and extensive experience in human resources management.

The Director of Human Resources Management is a key advisor to the Service on all matters within the human resources portfolio, and a key advisor with respect to labour relations, collective bargaining, grievance and employment-related human rights administration and case management, and in collective agreement interpretation, application and administration. This is a key strategic leadership role critical to the on-going recruitment, retention and support of significant human resources and related activities on behalf of the Service. It ensures legislative and policy compliance in human resources and training requirements to protect, support and advance the organizational goals in the delivery of efficient and effective policing services.

In summary, both positions are critical to the interests of the Service.

Conclusion:

In order to address current and ongoing operational needs and professional oversight of significant financial, operational support and human resources on behalf of the Service, it is strongly recommended that the Board approve the commencement of job posting/promotional and/or recruitment/hire processes (as necessary) to backfill upcoming Director position vacancies in Finance and Administration and in Human Resources Management.

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

Respectfully submitted,

William Blair, C.O.M.
Chief of Police

Report dated February 6, 2013 from the Chief of Police:

To: Chair and Members
Toronto Police Services Board

From: William Blair
Chief of Police

Subject: BUSINESS CASE FOR APPROVAL TO COMMENCE FILLING THE
VACANT DIRECTOR OF FINANCE AND ADMINISTRATION POSITION

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

The funding for this position is approximately \$170,000 and is included in the Toronto Police Service's (Service) 2013 operating budget request.

Due to the inherent risks of not having a permanent qualified individual in this key leadership and oversight position, there are potential financial implications if the Director's position is not filled.

Background:

The Board, after considering the approval of the 2013 operating budget at its December 10, 2012 meeting, approved the following motions (Min. No. P299/12 refers):

- "2. *THAT, with the exception of communication operators, the Board direct that there be no hiring of uniform or civilian members, effective December 31, 2012, except where warranted and approved by resolution of the Board, following consideration of a detailed business case submitted by the Chief; and*

3. *THAT, the Board direct that there be no promotion of uniform or civilian members, effective December 31, 2012, except where warranted and approved by resolution of the Board, following consideration of a detailed business case submitted by the Chief."*

As a result of the aforementioned motions, the Service submitted a report to the Board's January 23, 2013 meeting requesting approval to commence the hiring process for the Director, Finance and Administration and the Director, Human Resources positions. In considering the report, the Board approved the following motion (Min. No. P18/13 refers):

- "1. *THAT the Board defer the foregoing report and request the Chief of Police to provide a further report that contains detailed business cases for the recommendations to fill the two vacant director positions in accordance with Min. No. P299/12; and*
2. *THAT the Chair consult with the City Manager regarding the recommendations to fill the two director vacancies and inquire whether the responsibilities of these positions would be included in the City's Shared Services Study."*

This report provides a business case for filling the vacant Director, Finance and Administration position. A separate report has been submitted for the vacant Director, Human Resources position.

Discussion:

The Finance and Administration director position is critical to the financial and operational needs of the Service, in order to maintain effective business continuity, ensure appropriate internal controls exist, and to manage risks with respect to the Service's financial and administrative processes. The position is a key senior management position in the Service and requires specific qualifications and expertise.

Business Case:

(a) Position Responsibilities:

The Director of Finance and Administration oversees significant administrative and financial resources of the Service. Reporting directly to the Chief Administrative Officer, this position is responsible for executive-level decision making and oversight of significant support units: Budgeting and Control; Facilities Management; Financial Management; Fleet and Materials Management; and Purchasing Support Services.

The position requires the incumbent to hold a professional designation (e.g. accounting) or the equivalent demonstrated experience/education and have at least ten years of management experience.

(b) Justification for Filling this Position

The Director of Finance and Administration provides a key strategic leadership role, and is critical to the on-going financial, fiscal and administrative health of the organization. The position manages eight direct reports and an establishment of approximately 180 positions, with a total operating budget of approximately \$17M.

The Director is responsible for maintaining the integrity of all financial, accounting and payroll reporting, as well as overseeing the performance of the fleet, facilities and purchasing support units. The position is also responsible for overseeing the administration of the Service's financial system (SAP). The Director establishes strategies, goals and objectives for these units, and ensures they are achieved. This position also oversees the continuous improvement of processes, with a goal of achieving best practices, service excellence and optimal outcomes as cost-effectively as possible.

This position provides advice and guidance to the Service's senior management team, Command Officers, Chief of Police and the Board in all aspects of finance and other responsibilities of the directorate, including the development of fiscally responsible operating and capital budgets. In this regard, the position is key to coordinating and overseeing the annual operating and capital budget processes and ensuring accurate and complete information is provided to the Command, the Chief, the Board and the City to enable well-informed budgetary decisions. It also performs a key role on various Service projects and initiatives and ensures financial implications are clearly identified and considered. The advice provided by this position is vital and an integral part of the Service's system of internal controls.

As part of the Senior Management team, this position also ensures that a corporate perspective is applied to all individual units within this directorate. The Director ensures legislative and policy compliance in changing political and economic environments, to protect, support and advance the financial and operational requirements of the Service.

(c) Risks of Not Filling this Position

If this position is not filled the ability to identify and achieve various divisional and corporate objectives will be reduced, as the direct reports would have to take on this responsibility as well as managing their day-to-day operations. This increases the risk of errors, omissions and missed opportunities, and eliminates critical and necessary oversight of the various units that report to the Director position. This gap in oversight could lead to breakdowns in business practices and ineffective management of projects and expenditures. These issues could result in unnecessary and or avoidable costs, and impact negatively on the Service's ability to maintain public confidence and accountability.

The Service is currently dealing with and, based on its commitment to continuous improvement, will continue to deal with a number of efficiency and other reviews, as well as significant budgetary challenges. Accordingly, the Service's ability to deal with these and other issues without a permanent individual in this key position, is significantly reduced.

The Director position is relied upon for assistance in supporting Command-level decisions for the effective and efficient operation of the Service. The Director works closely with the Command, influencing decisions based on the financial implications they may have on the Service, the City and the community we serve. The lack of financial knowledge, expertise and skills that this position contributes could lead to ill-informed decisions, unnecessary financial risk and lost opportunities for innovative solutions to organizational problems and financial issues. This is especially important with the current budgetary challenges. The Service is undergoing a progressive path of change and part of this change involves effective operational and fiscal management.

Further, the strategic vision of the Director's position cannot be achieved through several individuals performing part of the role, as the unit managers currently reporting to the Director must manage their own areas. Without a director position leading and managing these units, the important strategic perspective and continuity of functions would not exist or at the very least suffer significantly.

(d) Alternatives Considered

It would not be feasible to have the five diverse units within this directorate report directly to the Chief Administrative Officer (CAO), as the CAO position also oversees the Information Technology Services directorate as well as the Audit and Quality Assurance unit.

An option would be for the Service to hire an individual on a contract basis to fulfil the role of Director until such time as the vacancy could be filled permanently. However, this option is a short-term stop gap measure and the learning curve for the contractor would result in an in-effective solution to what is a permanent requirement. In addition, this option would most likely be more expensive than proceeding with filling the vacancy permanently at this time, and is therefore not recommended.

Impact of the City's Shared Services Study:

Based on the Service's review of preliminary draft findings from the City Manager's shared services study, the Service's Director, Finance and Administration position would not be impacted by the recommendations from that study. In addition and to the best of our knowledge, City divisions as well as large agencies, boards and commissions, that are also part of the shared services study, continue to fill key positions. However, as approved by the Board, the Chair will be asking the City Manager whether the responsibility of this position is included in the City's Shared Services Study. It is hoped that the City Manager will provide his response to the February Board meeting for the Board's consideration.

Conclusion:

All activities in an organization depend on timely and accurate availability of financial information and/or funding, as well as strong, efficient and cost-effective support services. The strategic direction, leadership and oversight that the Director, Finance and Administration position provides to these units and functions is critical to achieving the aforementioned objectives. This is particularly important in a large, complex and decentralized organization like the Service, which has a large budget and represents a significant portion of the City's overall net operating budget.

In order to address current and ongoing operational needs/issues, leadership requirements and professional oversight of significant financial and operational support roles on behalf of the Service, it is strongly recommended that the Board approve the commencement of the hiring process to fill the vacant Director of Finance and Administration position.

Mr. Tony Veneziano, Chief Administrative Officer, Administrative Command, will be in attendance to answer any questions from the Board.

Respectfully submitted,

William Blair, C.O.M.
Chief of Police

Report dated February 5, 2013 from the Chief of Police:

To: Chair and Members
Toronto Police Services Board

From: William Blair
Chief of Police

Subject: BUSINESS CASE FOR APPROVAL TO COMMENCE FILLING THE
VACANT DIRECTOR, HUMAN RESOURCES MANAGEMENT POSITION

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

The funding for this position is approximately \$170,000, which is included in the Toronto Police Service (Service) 2013 operating budget request.

There are potential financial implications if the Director's position is not filled, due to the inherent risks of not having this oversight position. These cannot be quantified, but are described in the body of this report.

Background/Purpose:

The Board, after considering the submission for the 2013 operating budget at its December 10, 2012 meeting, approved the following motions (Min. No. P299/12 refers):

2. *THAT, with the exception of communication operators, the Board direct that there be no hiring of uniform or civilian members, effective December 31, 2012, except where warranted and approved by resolution of the Board, following consideration of a detailed business case submitted by the Chief; and*
3. *THAT, the Board direct that there be no promotion of uniform or civilian members, effective December 31, 2012, except where warranted and approved by resolution of the Board, following consideration of a detailed business case submitted by the Chief.*

As a result of the aforementioned motions, the Service submitted a report to the January 23, 2013 meeting of the Board requesting approval to commence the hiring process for the positions of Director, Finance and Administration and Director, Human Resources Management. In considering the report, the Board approved the following motions (Min. No. P18/13 refers):

1. *THAT the Board defer the foregoing report and request the Chief of Police to provide a further report that contains detailed business cases for the recommendations to fill the two vacant director positions in accordance with Min. No. P299/12; and*
2. *THAT the Chair consult with the City Manager regarding the recommendations to fill the two director vacancies and inquire whether the responsibilities of these positions would be included in the City's Shared Services Study.*

This report provides a business case for filling the vacant position of Director, Human Resources Management. A separate report has been submitted for filling the vacant position of Director, Finance and Administration.

Discussion:

The position of Director, Human Resources Management is critical to the operational needs of the Service, in order to maintain effective business continuity, to ensure that appropriate internal controls exist, and to manage risk within the Service. The position requires specific qualifications and expertise.

Business Case:

(e) Position Responsibilities:

The Director, Human Resources Management oversees all human resources matters and training initiatives at the Service. Reporting directly to the Deputy Chief, Corporate Command, this position is responsible for executive level decision-making, advising Command on human resources strategic matters, supervision of six management personnel and three professional staff, and oversight of an establishment of approximately 256 staff employed in significant support units, including: Toronto Police College; Benefits and Employment (which includes Background Screening and Human Resources Management Systems Administration); Human Resources Support Services; Occupational Health & Safety (which includes Workplace Safety and Insurance Act Administration and Medical Advisory Services); Psychological and Chaplaincy Services; Diversity Management; Employee and Family Assistance Program; Labour Relations (which includes Human Rights case management); and Staff Planning in respect of uniform deployment.

This position requires post-secondary education, with preference given to post-graduate education in a related field, in addition to extensive experience in human resources management.

(f) Justification for Filling this Position

The Director, Human Resources Management is a key advisor to the Service on all matters within the human resources portfolio, and a key advisor with respect to labour relations, collective bargaining, grievance and employment-related human rights administration and case management, and in collective agreement interpretation, application and administration. This is a key strategic leadership role critical to the on-going recruitment, retention and support of significant human resources and related activities on behalf of the Service. It ensures legislative and policy compliance in human resources and training requirements to protect, support and advance the organizational goals in the delivery of efficient and effective policing services.

This position provides advice and guidance to the senior management team of the Service, Command Officers, Chief of Police and the Board in all aspects of human resources management and ensures legislative compliance.

As a member of the Senior Management team, this position also ensures that a corporate perspective is applied to all individual units within this directorate.

(g) Risks of Not Filling this Position

If the position of Director, Human Resources Management is not filled, the ability to ensure that the Service is in compliance with legislative requirements may be compromised.

The Service is committed to continuous improvement, and as a result, participates in many reviews with a goal of seeking efficiencies. These initiatives often involve significant human resources considerations, and require consultation and advice from the Director, Human Resources Management.

It is critical that all human resources matters be reviewed and filtered through the strategic vision of the Director, Human Resources Management. This position is able to assess initiatives with a view to achieving practices that are in the best interest of the Service as a whole, which is difficult to achieve through several individuals who are managing specific portfolios. Without a Director position leading and providing a vision to these subordinate units, the important strategic direction and continuity of functions would not exist, or at the very least, would suffer significantly.

Consultation with City Manager:

Based on a review of the preliminary draft findings from the City Manager's Shared Services Study, the position of Director, Human Resources Management at the Service will not be impacted. However, at the January 23, 2013 Board meeting, the Chair was asked to clarify with the City Manager whether the responsibility of the position of Director, Human Resources Management is included in the City's Shared Services Study. It is hoped that the City Manager will provide his response to the February Board meeting.

Conclusion:

Many activities in an organization depend on consultation and advice regarding the human resources management implications, and this is made available through strong leadership that is achieved through the position of Director, Human Resources Management.

In order to address current and ongoing operational needs/issues, leadership requirements and professional oversight of human resource issues on behalf of the Service, it is strongly recommended that the Board approve the commencement of the hiring process to fill the vacant position of Director, Human Resources Management.

I will be in attendance to answer any questions from the Board.

Respectfully submitted,

William Blair, C.O.M.
Chief of Police

Correspondence dated February 06, 2013 from Joseph Pennachetti, City Manager, City of Toronto:



Joseph P. Pennachetti
City Manager

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

Tel: 416-392-3551
Fax: 416-392-1827
jpennac@toronto.ca
toronto.ca

February 6, 2013

Dr. Alok Mukherjee
Chair, Police Services Board
40 College Street
Toronto, Ontario
M5G 2J3

Dear Dr. Mukherjee,

Thank you for your letter of February 5, 2013, requesting information about the status of the City's Shared Services Study. You also asked for my input regarding several senior positions the Board has been asked to approve for hiring in relation to the study.

The Shared Services Study, undertaken by KPMG, is expected to be completed by mid-February. Once completed I will provide the final report to each of the in-scope agencies and boards and outline next steps and will schedule time to meet to discuss the findings of the study. I plan to report on the findings and implementation matters to the Executive Committee in April or May.

The Shared Services Study identifies opportunities for shared services across City divisions and agencies for specific common services including the following functions: human resources, information technology, purchasing and materials management, insurance and risk management, real estate services, internal audit and records management. The objectives of the study are to reduce costs, increase service efficiency and effectiveness and improve customer service. The study did not look at specific, individual division or agency positions within the functions. Therefore, we do not have any comments on the Board's hiring decisions for senior staff in the Finance and Administration, Human Resources (e.g., labour relations), or IT areas related to the study.

Yours truly,

A handwritten signature in black ink, appearing to read 'J. Pennachetti', written over a horizontal line.

Joseph P. Pennachetti
City Manager

cc: Members, Police Services Board



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P105. SPECIAL CONSTABLES - REVIEW OF THE CURRENT RE-
APPOINTMENT PROCESS FOR SPECIAL CONSTABLES EMPLOYED
BY THE TORONTO POLICE SERVICES BOARD**

The Board was in receipt of the following report April 02, 2013 from William Blair, Chief of Police:

Subject: RE-APPOINTMENT OF SPECIAL CONSTABLES WITHIN TORONTO
POLICE SERVICE EVERY FIVE YEARS

Recommendation:

It is recommended that the Board send a request to the Ministry of Community Safety and Correctional Services to review the current re-appointment process and explore the feasibility of making Toronto Police Service's special constable appointments valid for the duration of employment within that capacity.

Financial Implications:

There is the potential on average for the Service to save \$80,963.00 per year in soft costs related to background investigations, if this request is endorsed by the Ministry of Safety and Correctional Services.

Background/Purpose:

At its meeting of November 15, 2001, the Board received and approved a report from Julian Fantino, then Chief of Police, on the subject of requesting that the Ministry of Community Safety and Correctional Services (Ministry) review the current re-appointment process and explore the feasibility of making the appointment permanent for special constables employed within the Toronto Police Service (Service) (Min. No. P307/01(Appendix "A") refers).

The *Police Services Act (Act)* provides the legislative authority for regulating police services in Ontario. Section 53(1) of the *Act* states, 'With the Solicitor General's approval, a Board may appoint a special constable to act for the period, area and purpose that the Board considers expedient'.

Section 2.5 of the Special Constables Provincial Handbook states: "Where the special constable is a permanent employee of a police service, consideration will be given, if requested by the employer, to an appointment duration that coincides with the period of employment in the stated position"

Currently, when individuals are appointed as special constables, they are appointed for a period of five years. They swear an Oath of Office and an Oath of Secrecy for special constables upon employment with the Service. They are then required by the Ministry to be re-appointed every five years thereafter.

A Board report dated November 15, 2001, states that Corporate Planning had made direct inquiries to the Ministry and was advised that, it is the view of the Ministry that it is necessary to limit the duration of the appointment to five years to ensure:

- That the Ministry's files on all special constables in the Province of Ontario are kept current;
- That the ongoing creditability of individuals employed as special constables be maintained; and
- That the appointment process for special constables could withstand external scrutiny (Min. No. P307/01 refers).

At its meeting on February 28, 2002, the Board received correspondence dated January 22, 2002, from Roger Hollingworth, Assistant Deputy Minister, which addressed the feasibility of making the Oath of Office permanent (Min. No. P56/02 (Appendix 'B') refers). The Assistant Deputy Minister indicated that a working group had been established by the Ministry to review a number of special constable issues. This group would be reporting back to the Assistant Deputy later in the year.

This reference is the last known correspondence between the Board and the Ministry on this subject.

Discussion:

The Service presently employs 629 special constables, which include Court Officers (part-time and full-time), Document Servers, Clerks, Custodial Officers, and the Chief's Driver. Candidates for the position of special constable within the Service are subject to a background investigation that incorporates guidelines set out in the Ministry Handbook for Special Constables. Only when all avenues have been reviewed and found to be satisfactory, are potential special constable applicants considered for employment with the Service.

Initial background checks include the Canadian Police Information Centre (CPIC), the Criminal Name Index (CNI), National Crime Information Centre (NCIC), Local Records, Social Media Networks and Ministry of Transportation Records. In addition, the credit history of the candidate is reviewed and former employers and associates are interviewed to ascertain the reputation and good character of the candidate.

The five year re-appointment process requires that the Service take the following steps:

- Maintain lists to advise the Service of expiry of special constable appointments
- Members are required to fill out a Special Constable Renewal Personal History Form (EMP71a) and Ministry application form

- Background investigation conducted
- Ministry notifications
- Board report
- Internal correspondence
- Office administration

Research shows that there is an estimated cost of \$643.59 to facilitate the re-appointment process for each special constable (Appendix 'C' refers). Comparatively, this amounts to an average of \$80,963.00 per year in soft costs. The permanent appointment of special constables would result in an efficiency valued at approximately \$404,818.11 for the Service over the current five year re-appointment cycle.

The previous Board report submitted by Chief Julian Fantino indicated that there was some willingness by the Ministry at that time to consider the request, provided that the Service, promptly notify the Ministry of any suspension, dismissal, resignation, retirement or separation of special constables from the Service.

The practice of prompt notification to the Ministry was established and continues to this day. These notifications to the Ministry, along with the detailed background checks prior to hiring, should serve to alleviate any concerns that the Ministry might have.

Legal Services have been consulted and are in agreement with this recommendation.

Conclusion:

The checks and balances currently in place ensure the ongoing reputation and good moral character of all Service special constables. Any further background checks conducted for the purposes of the current five-year special constable re-appointment requirement represent duplication that would be eliminated with the permanent appointment of all special constables employed by the Service.

Deputy Chief Mark Saunders, Specialized Operations Command, will be in attendance to answer any questions that the Board may have.

The Board approved the foregoing report.

Moved by: M. Del Grande

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 15, 2001**

#P307. RE-APPOINTMENT OF COURT OFFICERS EVERY FIVE YEARS

The Board was in receipt of the following report OCTOBER 15, 2001 from Julian Fantino, Chief of Police:

Subject: RE-APPOINTMENT OF COURT OFFICERS EVERY FIVE YEARS

Recommendation:

It is recommended that the Board send a request to the Ministry of the Solicitor General to review the current re-appointment process and explore the feasibility of making the oath of office permanent for Special Constables employed as Court Officers within the Toronto Police Service.

Background:

As stated in the *Police Services Act, Section 53...* "With the Solicitor General's approval, a board may appoint a special constable to act for the period, area and purpose that the board considers expedient" and further "(may) employ special constables to escort and convey persons in custody and to perform duties related to the responsibilities of the boards under Part X (Court Security)."

Currently, when individuals are appointed as Special Constable - Court Officer, they are appointed for a period of five years and given their oath of office upon employment with the Toronto Police Service. They are then required by the Ministry to be re-appointed every fifth year thereafter.

Due to the five-year re-appointment requirement, the oath of office for approximately 100 Special Constable - Court Officers expires annually. As a result, the Employment Office and Court Services must take the following steps:

- (a) Lists must be maintained to advise the Service of expiry of Special Constable appointments,
- (b) Documentation for each individual to be re-appointed must be prepared,
- (c) Candidates must be notified to attend 40 College Street for the purposes of being sworn in,
- (d) Candidates must have their work-schedules re-arranged to permit groups to be re-sworn; and
- (e) Relieving staff must be arranged to ensure that all required duties are still discharged.

Experience has shown that approximately five hours of labour per candidate is required to execute the re-appointment process, and at an estimated cost of \$20 per hour, this amounts to \$100 per candidate or about \$10,000 per year in combined hard and soft costs. The permanent appointment of Special Constables would, therefore, result in cost savings for the Service.

Ms. Carol Whynot of Corporate Planning made direct inquiries to the Ministry of the Solicitor General and was advised that, in the view of the Ministry, it was necessary to limit the duration of the appointment to five years to ensure:

- (a) That the Ministry's files on all Special Constables in the Province of Ontario are kept current,
- (b) That the ongoing credibility of the persons employed as Special Constables be maintained; and
- (c) That the appointment process for Special Constables could withstand external scrutiny.

Special Constables - Court Officers within the Toronto Police Service

Court Services presently employs approximately 449 Special Constable – Court Officers (291 full-time and 158 part-time). Candidates for the position of Special Constable – Court Officer are subjected to a detailed background investigation and only when all avenues have been reviewed and found to be satisfactory are the potential Special Constable applicants offered employment with the Service.

Initial background checks include the Canadian Police Information Computer (CPIC), the Master Name Index (Manix), the Criminal Name Index (CNI), and Ministry of Transportation Records. As well, the credit history of the candidate is reviewed and former employers and associates are interviewed to ascertain the reputation and good character of the candidate.

Subsequent to employment with the Toronto Police Service, all Special Constable – Court Officers, are subjected to bi-monthly CPIC inquiries, as are all members entered on the Human Resource Management System. In addition, Toronto Police Service Rules require that all members immediately inform a supervisor or Internal Affairs if they have been charged with a criminal offence.

The permanent appointment of all Court Officers within the Toronto Police Service would remove the current duplication of multiple background checks being conducted. Superintendent John Dennis, Unit Commander, Court Services, has been in contact with Detective Sergeant Phillip Walsh of the Ontario Provincial Police, Deputy Registrar with the Ministry of the Solicitor General.

Detective Sergeant Walsh has expressed a willingness to review the matter of the five year re-swearing requirement provided that the Toronto Police Service continue conducting bimonthly background checks and promptly notify the Ministry of the Solicitor General of any suspension, dismissal, resignation, retirement or separation from Court Services. These notifications to the Ministry of the Solicitor General, along with the detailed background checks prior to hiring, will serve to alleviate any concerns that staff at the Ministry of the Solicitor General may have.

To fulfil the above requirement, the Service will submit a report on a monthly basis to the Deputy Registrar of the Ministry of the Solicitor General containing the results of the background checks as well as any Court Officer separations or suspensions.

Mr. Rusty Beauchesne of Legal Services, Acting Staff Inspector Steve Grant of Human Resources and Mr. Karl Druckman of Toronto Legal have been consulted and are in agreement with this recommendation on the understanding that it only be applied to Special Constables employed as Court Officers within the Toronto Police Service.

Conclusion:

The checks and balances currently in place to ensure the ongoing reputation and good moral character of all Court Officers already exist. Any further background checks conducted for the purposes of the current five-year Special Constable re-swearing requirement represent duplication that would be eliminated with the permanent appointment of all Special Constable – Court Officers.

It is recommended that the Board send a request to the Ministry of the Solicitor General to review the current re-appointment process and explore the feasibility of making the oath of office permanent for Special Constables employed as Court Officers within the Toronto Police Service.

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

The Board approved the foregoing.

Ministry of the
Solicitor General
Policing Services Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3
Telephone: (416) 314-3000
Facsimile: (416) 314-4037

Ministère du
Soliciteur général
Division des services internes
de la police

25 rue Grosvenor
12^e étage
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Télécoeur: (416) 314-4037



CM01-05720

JAN 2 2 2002

Mr. Norman Gardner
Toronto Police Services Board
40 College Street
Toronto ON M5G 2J3



Dear Mr. Gardner:

The Honourable David Turnbull has asked me to reply to your letter concerning the feasibility of making permanent the Oath of Office taken by Special Constables employed by the Toronto Police Service.

A Special Constable Working Group has been established by the Ministry to review a number of issues pertaining to Special Constables, including the matter you have raised. The group held its first meeting on January 10, 2002 and participants included a number of senior officers from the Toronto Police Service.

Upon completion of its work later this year, the Working Group will be reporting back to me with its findings. I will then be in a better position to respond to your request.

Thank you for taking the time to communicate the views of the Toronto Police Services Board on this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger B. Hollingworth".

Roger B. Hollingworth
Assistant Deputy Minister
Policing Services Division

SPECIAL CONSTABLES COURTS
TIME AND COSTING-ON AVERAGE

RENEWAL	
HOURS WORKED ON FILE	COSTING
Background Investigation Detective Constable <ul style="list-style-type: none"> • review file • background investigation • recommendation and written report 	\$46.84 per hour x *10 hours = \$468.40
Background Sergeant <ul style="list-style-type: none"> • assigns file • reviews completed background investigation file that was submitted by background investigator • sign off completed file 	\$49.89 per hour x *1.5 hours = \$74.83
Background S/Sergeant <ul style="list-style-type: none"> • reviews completed background investigation submitted by background investigator • review Sergeant notes • sign off completed file 	\$54.95 per hour x *1 hour = \$54.95
Uniform Staffing Support Class A04 clerk <ul style="list-style-type: none"> • inputs applicant date on Employment Unit database • inputs application data on HRMS • completes tps649 to SPC liaison supervisor 	\$26.99 per hour x *1 hour = \$26.99
Unit Commander <ul style="list-style-type: none"> • final review of file • sign-off 	\$73.69 per hour x *1/4 hour = \$18.42
TOTAL COST FOR HOURS WORKED	\$643.59
Approx. Number of Special Constables in Courts 629 (2013-03-07)	**\$404,818.11

*Is the mid-point range for each classification

** Cost at today's wage, over five years

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P106. SPECIAL CONSTABLES – TORONTO COMMUNITY HOUSING
CORPORATION - APPOINTMENT**

The Board was in receipt of the following report March 18, 2013 from William Blair, Chief of Police:

Subject: APPOINTMENT OF SPECIAL CONSTABLES FOR THE TORONTO
COMMUNITY HOUSING CORPORATION

Recommendation:

It is recommended that the Board approve the appointments of the individuals listed in this report as special constables for the Toronto Community Housing Corporation, subject to the approval of the Minister of Community Safety and Correctional Services.

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 PSA), the Board is authorized to appoint and re-appoint special constables, subject to the approval of the Minister of Community Safety and Correctional Services (the Minister). Pursuant to this authority, the Board entered into an agreement with the Toronto Community Housing Corporation (TCHC) for the administration of special constables (Min. No. P414/99 refers).

At its meeting on January 29, 1998, the Board approved a recommendation that requests for appointment and re-appointment of special constables, who are not members of the Toronto Police Service, be forwarded to the Board with the Chief's recommendation, for the Board's consideration (Min. No. P41/98 refers).

The Service received a request from the TCHC, dated August 27, 2012, to appoint the following individuals as special constables:

**Byron B. Hessing
Leonardas J. Mitalas**

Discussion:

The TCHC special constables are appointed to enforce the *Criminal Code of Canada, Controlled Drugs and Substances Act, Trespass to Property Act, Liquor Licence Act and Mental Health Act* on TCHC property within the City of Toronto.

The agreement between the Board and the TCHC requires that background investigations be conducted on all individuals recommended for appointment and re-appointment as special constables. The Service's Employment Unit completed background investigations on these individuals and there is nothing on file to preclude them from being appointed as special constables for a five year term.

The TCHC has advised that the individuals satisfy all of the appointment criteria as set out in the agreement between the Board and the TCHC for special constable appointment. The TCHC's approved strength of special constables is 83; the current complement is 78.

Conclusion:

The Toronto Police Service and the TCHC work together in partnership to identify individuals for the position of special constable who will contribute positively to the safety and well-being of persons engaged in activities on TCHC property. The individuals currently before the Board for consideration have satisfied the criteria contained in the agreement between the Board and the Toronto Community Housing Corporation.

Deputy Chief of Police, Mark Saunders, Specialized Operations Command, will be in attendance to answer any questions that the Board may have.

The Board approved the foregoing report.

Moved by: M. Del Grande

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P107. SPECIAL CONSTABLES – UNIVERSITY OF TORONTO –
SCARBOROUGH CAMPUS – RE-APPOINTMENT**

The Board was in receipt of the following report March 18, 2013 from William Blair, Chief of Police:

Subject: RE-APPOINTMENT OF SPECIAL CONSTABLE FOR THE UNIVERSITY OF
TORONTO SCARBOROUGH CAMPUS

Recommendation:

It is recommended that the Board approve the re-appointment of the individual listed in this report as a special constable for the University of Toronto, subject to the approval of the Minister of Community Safety and Correctional Services.

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 PSA), the Board is authorized to appoint and re-appoint special constables, subject to the approval of the Minister of Community Safety and Correctional Services (the Minister). Pursuant to this authority, the Board entered into an agreement with the University of Toronto (U of T) for the administration of special constables (Min. No. P571/94 refers).

At its meeting on January 29, 1998, the Board approved a recommendation that requests for appointment and re-appointment of special constables, who are not members of the Toronto Police Service, be forwarded to the Board with the Chief's recommendation, for the Board's consideration (Min. No P41/98 refers).

The Service received a request from the U of T, dated November 5, 2012 to re-appoint the following individual as a special constable:

Christopher Ibell

Discussion:

U of T special constables are appointed to enforce the *Criminal Code of Canada, Controlled Drugs and Substances Act, Trespass to Property Act, Liquor Licence Act and Mental Health Act* on U of T property within the City of Toronto.

The agreement between the Board and the U of T requires that background investigations be conducted on all individuals recommended for appointment and re-appointment as special constables. The Service's Employment Unit completed background investigations on this individual and there is nothing on file to preclude him from being appointed as a special constable for a five year term.

The U of T has advised that the individual satisfies all of the appointment criteria as set out in the agreement between the Board and the U of T for special constable appointment. The U of T, Scarborough Campus' approved strength of special constables is 34; the current complement is 29.

Conclusion:

The Toronto Police Service and the U of T work together in partnership to identify individuals for the position of special constable who will contribute positively to the safety and well-being of persons engaged in activities on U of T property. The individual currently before the Board for consideration has satisfied the criteria contained in the agreement between the Board and the University of Toronto.

Deputy Chief Mark Saunders, Specialized Operations Command, will be in attendance to answer any questions that the Board may have.

The Board approved the foregoing report.

Moved by: M. Del Grande

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P108. INDEMNIFICATION RELEASE FOR THE USE OF PROPERTY
LOCATED AT 1926 LAKESHORE BLVD. WEST, TORONTO**

The Board was in receipt of the following report April 02, 2013 from William Blair, Chief of Police:

Subject: INDEMNIFICATION RELEASE FOR USE OF PROPERTY LOCATED AT
1926 LAKESHORE BOULEVARD WEST, TORONTO

Recommendation:

It is recommended that the Board authorize the Chair to execute a Training Release and Mutual Indemnity containing an indemnification release on behalf of the Board in relation to Emergency Task Force (ETF) training exercises to be conducted at 1926 Lakeshore Boulevard West, Toronto.

Financial Implications:

There are no financial implications related to the recommendation contained within this report, unless indemnification of 1926 Lakeshore West LP is required.

Background/Purpose:

The ETF is mandated by O. Reg. 3/99, Adequacy and Effectiveness of Police Services, made under the *Police Services Act*. Members assigned to identified policing functions must have completed required training accredited by the Ministry of Community Safety and Correctional Services or possess specified competencies (knowledge, skills and abilities).

One of the many responsibilities of the ETF is to provide specially trained officers to deal with emergency situations involving hostage taking, armed persons and barricaded situations. In order to effectively and efficiently deal with varying situations, it is imperative that ETF officers be given the opportunity to train in as many possible environments in which they may be required to respond.

The property located at 1926 Lakeshore Boulevard West, Toronto can provide indoor tactical training for members of the ETF to train in scenario-based situations. This training is beneficial to the ETF and the community it serves by providing an alternate environment, set-up and challenge to the scenario-based situation already set up at the Toronto Police College.

A Training Release and Mutual Indemnity would provide a secure commitment from 1926 Lakeshore West LP for the ETF to use the property at 1926 Lakeshore Boulevard West, Toronto

for continued training in scenario based situations involving hostages, barricaded, armed persons, and negotiations. The ETF would therefore like to formalize the attached Training Release and Mutual Indemnity (Appendix “A”).

Discussion:

In order to have access to their property, 1926 Lakeshore West LP requires the Service to complete a Training Release and Mutual Indemnity regarding the use of the property. The Training Release and Mutual Indemnity contain the following indemnity clause:

The Board agrees to hold, save harmless and indemnify the Company and all its officials, employees, agents and representatives, from and against any and all liability incurred by any or all of them arising from, as a result of, or in any way connected with, the Toronto Police Service’s use of the Site for training purposes.

In consideration of the Board providing the Release and Indemnity set out above, the Company represents and warrants that it has the authority to allow the Toronto Police Service to use the Site for training purposes and will indemnify the Board, the Toronto Police Service and all their respective officials, employees, agents and representatives, from and against any and all liability incurred by any or all of them arising from, as a result of, or in any way connected with, a breach of that representation and warranty.

Prior to execution, the Training Release and Mutual Indemnity, and the Board Report have been reviewed and will be approved as to form by the City of Toronto Solicitor. These documents have also been reviewed and approved by Legal Services to ensure that the legal and operational requirements of the Service are adequately protected.

Conclusion:

There are enormous benefits to this type of training. These complex situations and scenarios allow members to experience training opportunities that cannot be duplicated in the classroom environment or existing TPS facilities.

Deputy Chief Mark Saunders, Specialized Operations Command, will be in attendance to answer any questions that the Board may have.

The Board approved the foregoing report.

Moved by: M. Thompson

Training Release and Mutual Indemnity

In consideration of 1926 Lakeshore West LP (the “Company”) allowing members of the Toronto Police Service to use the building site located at:

1926 Lakeshore Boulevard West, Toronto (the “Site”)

for training purposes, the Toronto Police Services Board (the “Board”), RELEASES, WAIVES, AND FOREVER DISCHARGES the Company and its officials, employees, agents and representatives OF AND FROM ALL claims, demands, damages, costs, expenses, actions and causes of action, whether in law or equity, in respect of any death, injury, loss or damage to person or property any member of the Toronto Police Service may suffer resulting, or alleged to result, from use of the Site for training purposes.

The Board agrees to hold, save harmless and indemnify the Company and all its officials, employees, agents and representatives, from and against any and all liability incurred by any or all of them arising from, as a result of, or in any way connected with, the Toronto Police Service’s use of the Site for training purposes.

In consideration of the Board providing the Release and Indemnity set out above, the Company represents and warrants that it has the authority to allow the Toronto Police Service to use the Site for training purposes and will indemnify the Board, the Toronto Police Service and all their respective officials, employees, agents and representatives, from and against any and all liability incurred by any or all of them arising from, as a result of, or in any way connected with, a breach of that representation and warranty.

Toronto Police Services Board
Per:

Alok Mukherjee, Chair

Date

1926 Lakeshore West LP
Per:

Date

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P109. FACILITY SECURITY SYSTEM VENDOR OF RECORD AND
MAINTENANCE CONTRACT FOR FACILITY SECURITY SYSTEMS**

The Board was in receipt of the following report April 04, 2013 from William Blair, Chief of Police:

Subject: FACILITY SECURITY SYSTEM VENDOR OF RECORD AND
MAINTENANCE CONTRACT FOR FACILITY SECURITY SYSTEMS

Recommendations:

It is recommended that:

- (1) the Board approve Johnson Controls Canada LP as the Vendor of Record for the provision of equipment, design and installation services for facility security requirements for a period of five years commencing July 1, 2013 to June 30, 2018; and
- (2) the Board approve Johnson Controls Canada LP to provide maintenance for the Toronto Police Service's facility security systems for a period of five years commencing July 1, 2013 to June 30, 2018, and at a total cost of \$1,214,099.12 (including all taxes).

Financial Implications:

The security design, equipment requirements and installation services are budgeted and approved on a project by project basis within the Toronto Police Service's (Service) Capital Program. Therefore, costs will only be incurred for a new facility or renovation to an existing facility.

The required maintenance of the Service's facility security system is estimated based on installed equipment (at the time of budget preparation), as well as an allowance for unscheduled maintenance, repairs and parts. Funds for this purpose are included in the Service's annual operating budget request. The 2013 operating budget includes an estimate of \$200,000 for the facility security system maintenance. This budget amount also includes an allowance for unexpected repairs that may be required during the year.

Background/Purpose:

Johnson Controls Canada LP (JCC) is the current Vendor of Record (VOR) for the provision of equipment, as well as design and installation services for the Service's facility security system. This VOR status expires on June 30, 2013. JCC is also the current provider of facility security maintenance and that agreement also expires on June 30, 2013.

Discussion:

Due to the upcoming expiration of the VOR status and the facility security maintenance agreement, the Service issued a Request for Proposal (RFP) #1133360-13 to establish a VOR for the provision of these services. The results of the RFP process are summarized below.

RFP Process and Results:

Respondents to the RFP were required to be authorized dealers for the Service's non-proprietary security system. As a result, the Service advertised the RFP internationally using the worldwide web to interested vendors using MERX. MERX is Canada's leading electronic tendering service, designed to facilitate the procurement of goods and services worldwide. In excess of 30 vendors downloaded the RFP package. Subsequent to the issuance of the RFP, a mandatory vendor meeting (as specified in the RFP) was held prior to the closing date of the RFP. Three vendors attended the mandatory meeting, and the Service received one submission to the RFP. One of the vendors who attended the mandatory meeting submitted a "no bid" response indicating that their current workload prevented them from taking on a service contract of this magnitude. The one submission received was from Johnson Controls Canada LP. Service staff evaluated the JCC submission utilizing the following weighted criteria as specified in the RFP.

- Experience with a large complex security system (15%)
- Experience with large C-Cure800/8000 non-proprietary security systems (20%)
- Qualifications and experience of service provider's personnel (20%)
- Qualifications of back-up resources (10%)
- Itemized price list provided (5%)
- Maintenance cost provided (15%)
- Maintenance schedule provided (15%)

The evaluation resulted in JCC being recommended as the VOR for the Service's facility security system and provider of facility security systems maintenance.

Vendor of Record:

JCC, as the VOR, will provide the Service with equipment, as well as design and installation services for our facility security requirements. These requirements include the installation of complete security systems in new facilities (e.g. new Property and Evidence Management Unit) and any additions/changes to current systems due to renovations or other security requirements. Expenditures related to the VOR status are project specific and budgeted accordingly. JCC's proposal includes an itemized equipment price list for items typically required by the Service. The discount from the list price ranges from 20% to 50% depending on the equipment, with the more expensive items receiving the upper range of the discount.

Maintenance Agreement:

Preventative maintenance on the facility security system is critical to ensure that these systems are in good working order. The JCC proposal includes regular preventative maintenance,

licensing requirements, and an allowance (as provided by the Service) for unscheduled maintenance/repairs. The preventative maintenance and license costs total \$464,424 for the five year period and an allowance of \$610,000 (based on the Service's experience) for unscheduled maintenance/repairs and parts is included, for total of \$1,214,099.12 (including taxes) for the five year period. The allowance is an estimate and could change based on Service requirements and/or the addition of new equipment. Any unscheduled repairs, maintenance and/or new security installations are authorized based on the submission of detailed quotes from the vendor.

Conclusion:

Effective and reliable facility security systems are critical to protecting our members, our buildings, equipment and information housed in our facilities.

The current vendor of record arrangement for the Service's facility security system and the agreement for maintenance and repair services will expire on June 30, 2013. Accordingly, the Service has conducted an RFP process to establish a VOR and maintenance provider to enable the continuation of these security system service requirements, as well as the maintenance of security systems at various Service facility locations. The RFP process, which included issuing the RFP to authorized vendors, resulted in only one submission. The submission from Johnson Controls Canada LP was reviewed and met all mandatory requirements, and the costs proposed for the equipment and services requested are reasonable and represent a decrease in the actual cost/unit service compared to the previous contract.

Mr. Tony Veneziano, Chief Administrative Officer, Administrative Command will be in attendance to answer any questions from the Board.

The Board approved the foregoing report.

Moved by: M. Del Grande

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P110. TORONTO POLICE SERVICE: 2012 CAPITAL BUDGET VARIANCE
REPORT FOR THE PERIOD ENDING DECEMBER 31, 2012**

The Board was in receipt of the following report April 10, 2013 from William Blair, Chief of Police:

Subject: 2012 CAPITAL BUDGET VARIANCE REPORT FOR THE TORONTO
POLICE SERVICE – PERIOD ENDING DECEMBER 31, 2012

Recommendation:

It is recommended that the Board receive this report and forward a copy to the City's Deputy City Manager and Chief Financial Officer for information.

Financial Implications:

Capital projects are managed within a total approved project amount that can span over several years. Any unspent budget allocation approved in a particular year can be carried forward for one year.

The Council-approved net budget for 2012 was \$24.7 million (M). Including the 2011 carry forward, the net available funding in 2012 was \$46.7M.

From a net debt perspective, the Toronto Police Service (Service) incurred total expenditures of \$35M, compared to \$46.7M in available funding (a spending rate of 75%) which resulted in an under-expenditure of \$11.7M of which \$7M will be carried forward to 2013. Table 1 provides a summary of the \$4.7M that has been returned to the City at the end of 2012.

Background/Purpose:

At its meeting of January 17, 2012, Toronto City Council approved the Service's 2012-2021 capital program. Subsequently, the Board approved the revised capital program at its February 16, 2012 meeting (Min. No. P26/12 refers). Attachment A provides a summary of the Board and Council approved budget.

This capital variance report provides the status of projects as at December 31, 2012. It also provides information on capital projects that are complete and can be closed by the City.

Discussion:

Attachment B provides a status summary of the on-going projects from 2011 as well as those projects that started in 2012. Any significant issues or concerns have been highlighted below in the “Key Highlights/Issues” section of this report.

Key Highlights/Issues:

As part of its project management process, the Service has adopted a colour code (i.e. green, yellow or red) to reflect the health status of capital projects. The overall health of each capital project is based on budget, schedule and scope considerations. The colour codes are defined as follows:

- Green – on target to meet project goals (scope/functionalities), and on budget and schedule;
- Yellow – at risk of not meeting certain goals, some scope, budget and/or schedule issues, and corrective action required; and
- Red – high risk of not meeting goals, significant scope, budget and/or schedule issues, and corrective action required.

The following provides summary information on key projects within the 2012-2021 Capital Program. Summary information includes status updates as of the time of writing of this report.

- Property and Evidence Management Facility (\$37.0M)

Overall Project Health Status	
Current	Previous Variance Report
GREEN	GREEN

This project provides funding for a new property and evidence management (P&EM) facility at the Progress Avenue site. The project spans over four years, and experienced some delays in 2011, primarily due to the shortage of Service staff resources and the resultant delay in selecting the architect and approving designs. As a result of this delay, \$5.5M will be carried forward to 2013 in order to complete the project.

The project is currently proceeding with the interior fit up as planned. The P&EM facility is scheduled to be substantially completed by mid-2013. It is expected that the new facility will meet the Service’s property and evidence storage requirements for the next 25+ years.

The facility currently occupied by the PEMU will be returned to the City once construction of the new facility is complete and occupancy achieved.

- New 14 Division Facility (\$35.5M)

Overall Project Health Status	
Current	Previous Variance Report
GREEN	GREEN

This project was for the design and construction of a new 14 Division facility at 350 Dovercourt Road. The project is complete, and 14 Division members moved into the facility in September 2012. The project close out process is currently underway and deficiencies and any operational issues are being dealt with.

From the unspent funds of \$1.5M at year-end 2012, \$1.2M has been declared as surplus and the remaining \$0.3M will be carried forward to 2013 to ensure there is available funding for any outstanding issues requiring resolution during the close-out phase.

The existing 14 Division facility has been returned to the City.

- IRIS – Integrated Records and Information System (\$23.4M)

Overall Project Health Status	
Current	Previous Variance Report
GREEN	GREEN

This project provides funding for a commercial off-the-shelf (COTS) integrated records and information system.

System testing for the Versadex software began in October 2012. The full implementation for Versadex and eJust is scheduled to start in November 2013 with a minimum three-month stabilization/production support period ending February 2014.

The full amount of available funds in 2012 (\$7.3M) was carried forward from 2011 due to project delays in 2011. As a result, any unspent funds in 2012 must be returned to the City due to the City's one-year cashflow carry forward rule. The IRIS project spent \$6.2M in 2012. As a result, approximately \$1.1M has been returned to the City and the original budget of \$24.4M has been revised to \$23.4M.

The loss of the \$1.1M, due to the City's one year cashflow carryforward rule, does not create a pressure, as the IRIS project was projecting an overall surplus of \$2.4M for the entire project. Taking into account the above-noted changes, the project is currently projecting to be underspent by \$1.3M.

- Upgrade to Microsoft Windows 7

Overall Project Health Status	
Current	Previous Variance Report
GREEN	GREEN

This project provides funding to upgrade from Windows XP Services to Microsoft Windows 7. It also includes funding for the acquisition and implementation of a desktop management tool that will provide the ability to remotely deploy standard images consistently to workstations, without the requirement for a technician to attend on-site.

The original budget included sufficient funds for application rewrites based on existing applications that would not be Windows 7 compliant. At that time, there was a delay in the approval of a vendor for the IRIS project. In order to meet the Windows 7 rollout timelines, it was decided to virtualize the applications that were still in question with respect to IRIS. If the IRIS project had not been approved, these applications would have had to be rewritten as they could not remain in a virtualized state beyond the end of the XP life. However, the IRIS project was ultimately approved and Windows 7 compliance is not an issue. As a result, the funding of \$0.7M is no longer required.

From the available funding of \$0.9M, \$0.2M will be carried forward to 2013 for Windows 7 imaging on mobile workstations (MWS). The remaining balance of \$0.7M has been returned to the City as surplus funds.

- Vehicle and Equipment Lifecycle Replacements

Projects listed in this category are funded from the Vehicle and Equipment Reserve (Reserve), which is in turn funded through annual contributions from the Service's and Parking Enforcement's operating budgets. The Reserve has no impact on the Capital Program and does not require debt funding. Items funded through the Reserve include the regular replacement of vehicles, furniture and information technology equipment.

For 2012, there is an under-spending of \$14.1M, of which \$1.8M is a result of savings in various projects that will be returned back to the Reserve. This amount has been taken into account in developing the 2013 contribution amount to the Reserve. The remaining \$12.3M will be carried forward to 2013 as these funds are still required to complete lifecycle projects. The carry-forward is primarily due to delivery of equipment being delayed to 2013 (e.g. Parking handheld equipment), delays resulting from the Service's hardware inventory reduction review (e.g. computers, laptops, printers), uncertainty related to IRIS and its impact on server and application requirements (e.g. server replacement, business resumption) and the impact of the City's Radio Infrastructure project on the replacement of voice logging equipment.

In considering the Service's 2013 operating budget request, the Board, at its meeting of December 10, 2012, approved a motion deferring \$5M of the Service's 2013 contribution to the Vehicle and Equipment Reserve Fund (Min. No. P299/12 refers). The Board also approved a motion that it work with the Chief and the City to review the current practices and guidelines for the Reserve with respect to vehicle replacement in time for the 2014 budget cycle. The Service has provided detailed information on the Vehicle and Equipment and other Reserves to the City and the Board Chair for their information/review. The Service has also commenced a process to review each item in the Reserve to determine where any changes can be made to accommodate the \$5M deferral in 2013 and the requirements/impacts in the longer term. The Service is prepared to work with the City and the Board to discuss and finalize the impacts, so that they can be reflected in the 2014 and future year budget requests.

Projects completed in 2012:

Projects are declared complete when all deliverables have been met. Projects are declared closed when all outstanding payments have been made, any deficiencies have been addressed, and a close-out report has been submitted to the Board (generally, one year after project completion). At that time, the Service blocks any further spending for these projects on its financial system, and advises the City that the project is complete and should be closed.

The following projects have been closed in 2012. The City's Deputy City Manager/Chief Financial Officer is being advised through a copy of this report so that the City can also close these projects in its files.

- HRMS additional functionality (March 27, 2013 meeting - Min. No. P56/13) – no variance; and
- 11 Division (Min. No. P9/13 refers) – \$111,900 returned to the City as surplus.

The following projects have been completed in 2012. It is anticipated that these projects will be closed in 2013.

- 911 Hardware / Handset - \$25,800 returned to the City as surplus;
- Automated Fingerprint Identification System (AFIS) - \$122,500 returned to the City as surplus;
- 5th floor space optimization - \$13,800 returned to the City as surplus;
- 14 Division – \$1.2M declared surplus to date; \$0.3M carried forward to 2013; final variance to be reported in 2013; and
- Radio Replacement – \$0.9M declared surplus to date; \$0.05M carried forward to 2013; final variance to be reported in 2013.

The following projects were under-spent as at the end of 2012. The surplus funds, totalling \$4.7M, have been returned to the City.

Table 1 – Returned funding to the City at the end of 2012

Project	Surplus funding returned to the City at the end of 2012	Comments
Radio Replacement	\$851,100	Project is mostly complete
14 Division	\$1,231,500	Project is mostly complete
11 Division	\$111,900	Project is complete
IRIS	\$1,061,200	One year carry forward rule
911 Hardware	\$25,800	Project is complete
New 54 Division	\$497,000	Agreement could not be reached to purchase a parcel of land adjacent to City owned site.
AFIS	\$122,500	Project is complete
5 th floor space optimization	\$13,800	Project is complete
Upgrade to Microsoft 7	\$783,300	Refer to the body of report
Total Returned funding	\$4,698,100	

Conclusion:

As of December 31, 2012, from a net debt perspective, the Service incurred total expenditures of \$35M, compared to \$46.7M in available funding (a spending rate of 75%). This resulted in an under-expenditure of \$11.7M, of which \$7M will be carried forward to 2013. The remaining balance of \$4.7M has been returned to the City.

Mr. Tony Veneziano, Chief Administrative Officer, Administrative Command will be in attendance to answer any questions from the Board.

The Board approved the foregoing report.

Moved by: M. Del Grande

REVISED 2012-2021 CAPITAL PROGRAM (\$000s)

Project Name	Plan to end of 2011	2012	2013	2014	2015	2016	Total 2012-2016 Request	2017	2018	2019	2020	2021	Total 2017-2021 Forecast	Total 2012-2021 Program	Total Project Cost
On-Going Projects															
State-of-Good-Repair - Police		4,510	4,565	4,594	4,469	4,621	22,759	4,331	4,529	4,841	5,113	5,238	24,051	46,810	46,810
Radio Replacement	23,018	5,371	0	0	0	0	5,371	0	0	0	0	0	0	5,371	28,389
14 Division - Central Lockup	26,605	8,910	0	0	0	0	8,910	0	0	0	0	0	0	8,910	35,515
Property and Evidence Management Facility	27,339	7,149	2,581	0	0	0	9,729	0	0	0	0	0	0	9,729	37,068
IRIS - Integrated Records and Information System	10,047	0	9,507	4,866	0	0	14,373	0	0	0	0	0	0	14,373	24,420
Upgrade to Microsoft 7	1,492	160	0	0	0	0	160	0	0	0	0	0	0	160	1,652
Total, On-Going Capital Projects	88,502	26,099	16,653	9,460	4,469	4,621	61,302	4,331	4,529	4,841	5,113	5,238	24,051	85,353	173,854
New Projects															
54 Division (includes land)	500	0	0	9,060	21,665	5,721	36,446	0	0	0	0	0	0	36,446	36,946
Data Warehouse Establishment	0	0	0	3,617	1,354	3,233	8,204	0	0	0	0	0	0	8,204	8,204
Electronic Document Management	0	0	0	49	441	0	490	0	0	0	0	0	0	490	490
HRMS Upgrade	0	0	0	155	682	0	836	0	0	0	0	0	0	836	836
TRMS Upgrade	0	0	0	1,943	1,470	0	3,413	0	0	0	0	0	0	3,413	3,413
Digital Content Manager	0	0	0	1,360	1,673	0	3,033	0	0	0	0	0	0	3,033	3,033
41 Division (includes land)	0	0	0	0	372	8,564	8,937	20,636	9,506	0	0	0	30,142	39,079	39,079
Expansion of Fibre Optics Network	0	0	0	0	881	5,585	6,466	5,585	0	0	0	0	5,585	12,051	12,051
Radio Replacement	0	0	0	0	0	10,193	10,193	2,836	4,622	1,174	4,954	11,581	25,167	35,360	35,360
13 Division (includes land)	0	0	0	0	0	0	0	372	8,645	19,903	10,159	0	39,079	39,079	39,079
AFIS (next replacement)	0	0	0	0	0	0	0	0	3,053	0	0	0	3,053	3,053	3,053
Disaster Recovery Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32 Division - Renovation	0	0	0	0	0	0	0	0	3,053	3,934	0	0	6,987	6,987	6,987
52 Division - Renovation	0	0	0	0	0	0	0	0	0	0	0	2,062	2,062	2,062	8,300
55 Division - Renovation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8,000
22 Division - Renovation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8,000
Progress (Future use)											5,088	10,440	15,528	15,528	70,000
Total, New Capital Projects:	500	0	0	16,183	28,539	33,296	78,018	29,429	28,879	25,012	20,200	24,083	127,603	205,621	282,831
Total debt funded Capital Projects:	89,002	26,099	16,653	25,643	33,008	37,917	139,320	33,760	33,408	29,852	25,313	29,321	151,654	290,974	456,685
Recoverable debt Project															
eTicketing Solution	0	1,719	0	0	0	0	1,719	0	0	0	0	0	0	1,719	1,719
Total, Recoverable debt project:	0	1,719	0	0	0	0	1,719	0	0	0	0	0	0	1,719	1,719
Total Reserve Projects:	130,369	13,926	23,854	18,259	18,654	23,054	97,747	17,451	24,325	19,567	19,519	24,525	105,387	203,134	333,503
Total Gross Projects	219,371	41,745	40,507	43,902	51,662	60,971	238,786	51,211	57,733	49,419	44,832	53,846	257,041	495,827	791,908
Funding Sources:															
Vehicle and Equipment Reserve	(130,369)	(13,926)	(23,854)	(18,259)	(18,654)	(23,054)	(97,747)	(17,451)	(24,325)	(19,567)	(19,519)	(24,525)	(105,387)	(203,134)	(333,503)
Infrastructure Stimulus Fund (ISF) (14D)	(8,572)	0	0	0	0	0	0	0	0	0	0	0	0	0	(8,572)
Recoverable debt - eTicketing	0	(1,719)	0	0	0	0	(1,719)	0	0	0	0	0	0	(1,719)	(1,719)
Funding from Development Charges	(7,230)	(1,434)	(231)	(1,721)	(2,565)	(1,596)	(7,547)	(273)	(1,651)	(3,161)	(1,530)	0	(6,615)	(14,162)	(21,392)
Total Funding Sources:	(146,171)	(17,079)	(24,085)	(19,980)	(21,219)	(24,650)	(107,013)	(17,724)	(25,976)	(22,728)	(21,049)	(24,525)	(112,002)	(219,016)	(365,187)
Total Net Debt-Funding Request:	73,200	24,665	16,422	23,922	30,443	36,321	131,773	33,487	31,757	26,691	23,783	29,321	145,039	276,811	426,721
5-year Average:							26,355						29,008	27,681	
City Target (= net approved in 2010):		33,339	11,619	20,051	30,443	36,321	131,773	33,487	36,845	37,131	38,788	38,788	185,039	316,812	
City Target - 5-year Average:							26,355						37,008	31,681	
Variance to Target:		8,674	(4,803)	(3,871)	0	(0)	0	0	5,088	10,440	15,005	9,467	40,000	40,001	
Variance to Target - 5-year Average:							0						8,000	4,000	

2012 Capital Budget Variance Report as at December 31, 2012 (\$000s)

Project Name	Carry Forward from 2011	2012 Budget	Available to Spend in 2012	2012 Actuals	Year-End Variance - (Over)/ Under	Carry Forward	Total Project Budget	Total Project Cost (Projects)	Project Variance (Over) / Under	Comments	Overall Project Health
Debt-Funded Projects											
Facility Projects:											
Property and Evidence Management Facility	5,314.0	7,149.0	12,463.0	6,975.2	5,487.8	5,487.8	40,286.8	40,286.8	-	Please refer to the body of the report.	Green
11 Division (excludes cost of land)	303.5	0.0	303.5	191.6	111.9	-	29,134.0	29,022.1	111.9	Project is complete. The remaining balance was returned to the City at the end of 2012. This Project should be closed by the City.	Green
14 Division (excludes cost of land)	2,282.3	8,909.6	11,191.9	9,660.4	1,531.5	300.0	35,515.0	34,283.0	1,232.0	Please refer to the body of the report.	Green
54 Division	497.0	0.0	497.0	0.0	497.0	-	36,449.0	35,952.0	497.0	Some issues with respect to cost and environmental assessment of property. The amount of \$497K was returned back to the city at the end of 2012.	Yellow
5th Floor Space Optimization	209.8	0.0	209.8	196.0	13.8	-	787.0	773.2	13.8	Project is complete. The remaining balance of \$13.8K was returned back to the City at the end of 2012.	Green
Information Technology Projects:											
HRMS Additional Functionality	60.0	0.0	60.0	61.0	-	-	269.0	269.0	-	Project is completed \$1K over budget and on schedule. Another capital project with surplus funding was identified and the City will do transfer of funding. This project should be closed by the City.	Green
Integrated Records and Information System (IRIS)	7,300.9	0.0	7,300.9	6,239.7	1,061.2	-	23,359.0	22,090.0	1,269.0	Please refer to the body of the report.	Green
911 Hardware/Handset	311.7	0.0	311.7	285.9	25.8	-	1,092.5	1,066.7	25.8	This project is completed on time and below budget. The remaining balance of \$25.8 will be returned back to the City.	Green
Radio Replacement	817.5	5,371.0	6,188.5	5,287.4	901.1	50.0	34,389.0	33,537.9	851.1	Some outstanding issues are being addressed. Project is mostly complete and is estimated to be below budget by \$850K. This amount was returned back to the City at the end of 2012.	Green
Upgrade to Microsoft 7	1,049.6	160.0	1,209.6	266.4	943.3	160.0	1,652.0	868.7	783.3	Please refer to the body of the report.	Green
eTicketing Solution	0.0	1,719.0	1,719.0	11.6	1,707.4	1,707.4	1,719.0	1,719.0	-	\$11.6K of available funding was spent in 2012 for proof of concept. The rest of the funding will be spent in 2013 for the full implementation.	Green
Replacements / Maintenance / Equipment Projects:											
State-of-Good-Repair - Police	1,526.0	4,510.0	6,036.0	4,913.9	1,122.1	1,122.1	n/a	n/a	n/a	Project is on budget and on schedule.	Green
AFIS	2,814.4	-	2,814.4	2,691.9	122.5	-	2,827.0	2,704.5	122.5	Project was completed on time and below budget. The remaining funds of \$122.5K was returned back to the City at the end of 2012.	Green
Total Debt-Funded Projects	22,486.7	27,818.6	50,305.3	36,781.0	13,525.2	8,827.3					
Lifecycle Projects (Vehicle & Equipment Reserve)											
Vehicle Replacement	4,048.2	1,757.0	5,805.2	4,810.7	994.4	994.4	n/a	n/a	n/a	Please refer to the body of the report.	Green
IT-Related Replacements	5,857.0	10,226.0	16,083.0	6,484.3	9,598.7	9,475.5	n/a	n/a	n/a	Please refer to the body of the report.	Green
Other Equipment	4,149.2	1,943.0	6,092.2	2,544.5	3,547.7	1,835.3	n/a	n/a	n/a	Please refer to the body of the report. \$1.1M for wireless parking was returned back to the City at the end of 2012.	Green
Total Lifecycle Projects	14,054.4	13,926.0	27,980.4	13,839.5	14,140.8	12,305.2					
Total Gross Expenditures:	36,541.0	41,744.6	78,285.6	50,620.6	27,666.1	21,132.5	Percent spent:		64.7%		
Less other-than-debt funding:											
Funding from Developmental Charges	-443.0	-1,434.0	-1,877.0	-1,757.0	-120.0	-120.0	n/a	n/a	n/a		
Recoverable Debt - eTicketing Solution	0.0	-1,719.0	-1,719.0	-11.6	-1,707.4	-1,707.4					
Vehicle & Equipment Reserve	-14,054.4	-13,926.0	-27,980.4	-13,839.5	-14,140.8	-12,305.2	n/a	n/a	n/a		
Total Other-than-debt Funding:	-14,497.4	-17,079.0	-31,576.4	-15,608.2	-15,968.2	-14,132.6					
Total Net Expenditures:	22,043.7	24,665.6	46,709.3	35,012.4	11,697.9	6,999.9	Percent spent:		75.0%		

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P111. TORONTO POLICE SERVICES BOARD: 2012 OPERATING BUDGET
VARIANCE REPORT FOR THE PERIOD ENDING DECEMBER 31, 2012**

The Board was in receipt of the following report April 09, 2013 from Alok Mukherjee, Chair:

Subject: OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO POLICE
SERVICES BOARD – YEAR ENDING DECEMBER 31, 2012

Recommendation:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward a copy of this report to the City's Deputy City Manager and Chief Financial Officer for information.

Financial Implications:

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

Background/Purpose:

The Board, at its October 20, 2011 meeting, approved the Toronto Police Services Board's 2012 operating budget at a net amount of \$2,251,600 (Min. No. P258/11 refers). Subsequently, Toronto City Council, at its January 17, 2012 meeting, approved the Board's 2012 Operating Budget at \$2,208,700 (the City-approved amount reflected a reduction of \$42,900 as the contract with the Service's Senior Officers' had not yet been ratified for 2011 or 2012).

The Board, at its February 16, 2012 meeting, requested the approval of a transfer of \$42,900 to the Toronto Police Services Board's 2012 net operating budget from the City's Non-Program operating budget, with no incremental cost to the City, to reflect the now-ratified contract with the Senior Officers' Organization (Min. No. P27/12 refers). Budget Committee has adopted this recommendation, and Council approval is pending. For reporting purposes, the 2012 budget of \$2,251,600 is used.

The purpose of this report is to provide information on the Board's final 2012 year-end variance.

Discussion:

The following chart summarizes the variance by category of expenditure.

Expenditure Category	2012 Budget (\$000s)	Year-End Actual Expend (\$Ms)	Fav / (Unfav) (\$000s)
Salaries & Benefits (incl. prem.pay)	\$972.1	\$961.1	\$11.0
Non-Salary Expenditures	<u>\$1,279.5</u>	<u>\$1,257.4</u>	<u>\$22.1</u>
Total	<u>\$2,251.6</u>	<u>\$2,218.5</u>	<u>\$33.1</u>

The final year-end favourable variance is \$33,100. Details are discussed below.

Salaries & Benefits (including Premium Pay)

The Board experienced a small savings in salaries and benefits.

Non-salary Budget

Non-salary accounts were underspent by \$22,100.

The majority of the costs in this category are for arbitrations/grievances and City charge backs for legal services.

The Toronto Police Services Board cannot predict or control the number of grievances filed or referred to arbitration as filings are at the discretion of bargaining units. In order to deal with this uncertainty, the 2012 budget included a \$610,600 contribution to a Reserve for costs of independent legal advice.

The favourable variance is attributable mainly to less than anticipated charge backs from City Legal Services.

Conclusion:

The year-end favourable variance is \$32,100.

The Board approved the foregoing report.

Moved by: M. Del Grande

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P112. TORONTO POLICE SERVICE: 2012 OPERATING BUDGET
VARIANCE REPORT FOR THE PERIOD ENDING DECEMBER 31, 2012**

The Board was in receipt of the following report April 09, 2013 from William Blair, Chief of Police:

Subject: OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO POLICE
SERVICE – YEAR ENDING DECEMBER 31, 2012

Recommendations:

It is recommended that:

- (1) the Board request the City's Deputy City Manager and Chief Financial Officer to contribute \$6.5 Million (M) of the Service's 2012 surplus to the City's Sick Pay Gratuity Reserve;
- (2) the Board request the City's Deputy City Manager and Chief Financial Officer to contribute \$2.0 Million (M) of the Service's 2012 surplus to the Service's Legal Reserve; and
- (3) the Board forward a copy of this report to the City's Deputy City Manager and Chief Financial Officer for information.

Financial Implications:

The Board, at its October 20, 2011 meeting, approved the Toronto Police Service's (Service) 2012 operating budget at a net amount of \$936.3M (Min. No. P257/11 refers). Subsequently, Toronto City Council, at its January 17, 2012 meeting, approved the 2012 Operating Budget at \$933.8M (the City-approved amount reflected an additional \$0.8M in Court Services provincial funding identified after Board approval, and a reduction of \$1.8M to reflect the fact that the contract with the Senior Officers' Organization had not yet been ratified for 2011 or 2012).

Subsequently, at its February 16, 2012 meeting, the Board requested the approval of a transfer of \$1.8M to the Service's 2012 net operating budget from the City's Non-Program operating budget, with no incremental cost to the City, to reflect the ratified contract with the Senior Officers' Organization (Min. No. P28/12 refers). City of Toronto Council approved this budget transfer on May 8, 2012.

The Service has since been notified by City Finance staff of a further \$0.1M allocation from the Insurance Reserve Fund to the Service's 2012 operating budget. As a result of the reallocation, the Service budget has been restated upwards by \$0.1M to a total of \$935.7M. However, this change does not result in additional available funds to the Service, as there will be a corresponding charge from the City.

2012 Budget Comments

Board approved Oct. 20/11	\$936.3	
Council adjustments Jan. 17/12	<u>(\$2.5)</u>	Increased court services recovery; deletion of funding for Senior Officer contract settlement
Council approval	\$933.8	
Senior Officer contract settlement	\$1.8	Council approved adjustment May 8/12
Insurance Reserve Fund	<u>\$0.1</u>	Notification from City Finance
2012 Revised Operating Budget	\$935.7	

Background/Purpose:

The purpose of this report is to provide information on the Service's 2012 final year-end variance. The report also recommends that the City be requested to allocate a part of the Service's 2012 surplus to the City's Sick Pay Gratuity Reserve and the Service's Legal Reserve to address shortfalls in both these reserves.

Discussion:

The final year-end expenditure for the Service was \$920.2M, which represents 98.3% of the approved 2012 operating budget of \$935.7M. As a result, the final year-end surplus is \$15.5M. The following chart summarizes the variance by expenditure and revenue category.

Category	2012 Budget (\$Ms)	Year-End Actual Expend (\$Ms)	Fav / (Unfav) (\$Ms)
Salaries	\$675.7	\$673.1	\$2.6
Premium Pay	\$44.0	\$46.1	(\$2.1)
Benefits	\$182.2	\$176.4	\$5.8
Materials and Equipment	\$27.2	\$23.8	\$3.4
Services	<u>\$90.9</u>	<u>\$88.7</u>	<u>\$2.2</u>
Total Gross	<u>\$1,020.0</u>	<u>\$1,008.1</u>	<u>\$11.9</u>
Revenue	(\$84.3)	(\$87.9)	<u>\$3.6</u>
Total Net	<u>\$935.7</u>	<u>\$920.2</u>	<u>\$15.5</u>

Details of each major expenditure category and revenue are discussed in the sections that follow.

Salaries:

The final favourable variance for this category is \$2.6M.

Expenditure Category	2012 Budget (\$Ms)	Year-End Actual Expend (\$Ms)	Fav / (Unfav) (\$Ms)
Uniform Salaries	\$516.0	\$515.0	\$1.0
Civilian Salaries	<u>\$159.7</u>	<u>\$158.1</u>	<u>\$1.6</u>
Total Salaries	<u>\$675.7</u>	<u>\$673.1</u>	<u>\$2.6</u>

Uniform staffing levels at year-end 2011 were slightly lower than what had been assumed at the time of Board budget approval, resulting in higher annualized salary savings in 2012. In addition, there were 175 actual separations during 2012, compared to an estimate of 200 assumed for the 2012 budget. The net impact of the annualized savings from the higher 2011 separations and the less-than-estimated attrition in 2012 resulted in a \$0.3M favourable variance.

The Service also experienced an increased number of members on unpaid leaves (e.g. maternity, parental) compared to what had been estimated in the 2012 budget. As a result, uniform salaries were underspent by a further \$0.7M, for a total under-expenditure in uniform salaries of \$1.0M.

Civilian salaries were \$1.6M less than budget due to hiring occurring at a slower rate than planned.

Premium Pay:

Premium pay was over spent by \$2.1M.

Expenditure Category	2012 Budget (\$Ms)	Year-End Actual Expend (\$Ms)	Fav / (Unfav) (\$Ms)
Court	\$12.9	\$12.6	\$0.3
Overtime	\$5.5	\$5.7	(\$0.2)
Callback	\$7.4	\$10.3	(\$2.9)
Lieutime Cash Payment	<u>\$18.2</u>	<u>\$17.5</u>	<u>\$0.7</u>
Total Premium Pay*	<u>\$44.0</u>	<u>\$46.1</u>	<u>(\$2.1)</u>

** Approx. \$1.1M is attributed to grant funding (revenue budget has been increased by same amount)*

The Service has always carefully monitored and controlled premium pay. As part of the response to the summer gun violence in the City, the Service instituted Project Summer Safety. This initiative aimed to improve safety in the community and increase positive engagement between officers and members of the public. To assist in accomplishing this goal, the Service used mandatory overtime to ensure officers were deployed to high-priority neighbourhoods. The initiative was very successful. There was a 62% reduction in homicides and a 50% decrease in shootings and people injured by gun violence during the initiative, compared to a similar seven-week period over the last seven years.

The Summer Safety project incurred a total premium pay cost of \$4.0M. Approximately \$1.3M

of the \$4.0M were funds that the Service had begun to anticipate as savings based on premium pay spending trends, or that could be found through the curtailment of other enforcement activities funded through premium pay. The resultant \$2.7M premium pay over-expenditure was absorbed through savings and spending reduction initiatives in other areas of the overall Service budget.

Benefits:

A favourable variance of \$5.8M was achieved in this category.

Expenditure Category	2012 Budget (\$Ms)	Year-End Actual Expend (\$Ms)	Fav / (Unfav) (\$Ms)
Medical / Dental	\$38.2	\$37.4	\$0.8
OMERS / CPP / EI / EHT	\$113.7	\$112.8	\$0.9
Sick Pay / CSB / LTD	\$16.6	\$14.5	\$2.1
Other (e.g., WSIB, life ins.)	<u>\$13.7</u>	<u>\$11.7</u>	<u>\$2.0</u>
Total Benefits	<u>\$182.2</u>	<u>\$176.4</u>	<u>\$5.8</u>

Trends in medical/dental costs reversed in mid-year (changes had been observed primarily in physiotherapy, orthotics and massage therapy), and a \$0.8M favourable variance was achieved in this category. Payroll deductions (OMERS, CPP, EI and EHT) expenditures were \$0.9M underspent. The favourable variance in payroll deductions was a direct result of salary savings and the fact that there were more staff than anticipated that no longer contribute to OMERS (due to their length of service), thereby reducing the Service's share of the contribution. The favourable variance in Sick Pay was offset by a corresponding reduction in draws from reserves that fund the Sick Pay Gratuity. The favourable variance of \$2.0M achieved in the "other" category was primarily due to lower WSIB costs.

Materials and Equipment:

Expenditures in this category reflect a \$3.4M favourable variance.

Expenditure Category	2012 Budget (\$Ms)	Year-End Actual Expend (\$Ms)	Fav / (Unfav) (\$Ms)
Vehicles (gas, parts)	\$13.8	\$11.5	\$2.3
Uniforms	\$3.9	\$3.8	\$0.1
Other Materials	\$5.0	\$4.5	\$0.5
Other Equipment	<u>\$4.5</u>	<u>\$4.0</u>	<u>\$0.5</u>
Total Materials & Equipment*	<u>\$27.2</u>	<u>\$23.8</u>	<u>\$3.4</u>

* Approx. \$1.5M is attributed to grant funding (revenue budget has been increased by same amount)

The favourable variance was primarily due to savings for gasoline (\$1.7M). The Service obtains gasoline through a consolidated procurement with the City, and the Service budgets based on the cost per litre as provided by City Finance. With the leveling off of gas prices, the Service experienced an increased favourable price variance, due to prices being less than budgeted. In addition, the Service purchased less gasoline than budgeted on behalf of Toronto Emergency Medical Services (EMS). This savings, however, was offset by decreased chargebacks to EMS. Savings in vehicle parts and the other materials and equipment categories were a result of the Service's initiative to reduce spending where operationally feasible.

Services:

Expenditures in this category were \$2.2M under spent.

Expenditure Category	2012 Budget (\$Ms)	Year-End Actual Expend (\$Ms)	Fav / (Unfav) (\$Ms)
Legal Indemnification	\$0.7	\$0.7	\$0.0
Uniform Cleaning Contract	\$1.4	\$0.9	\$0.5
Courses / Conferences	\$1.7	\$1.2	\$0.5
Clothing Reimbursement	\$1.4	\$1.4	\$0.0
Computer / Systems Maintenance	\$9.8	\$9.6	\$0.2
Phones / cell phones / 911	\$7.0	\$5.7	\$1.3
Reserve contribution	\$32.9	\$32.8	\$0.1
Caretaking / maintenance utilities	\$20.5	\$17.8	\$2.7
Other Services	<u>\$15.5</u>	<u>\$18.6</u>	<u>(\$3.1)</u>
Total Services *	<u>\$90.9</u>	<u>\$88.7</u>	<u>\$2.2</u>

** Approx. \$0.7M is attributed to grant funding (revenue budget has been increased by same amount)*

Savings in the "Phones" category were mainly attributable to a new telephone contract, which the Service entered into in partnership with the City of Toronto. Savings in the uniform cleaning were a result of a new contract for cleaning that the Service awarded in 2012.

Savings in courses and conferences were a result of the Service's initiative to reduce spending where operationally feasible.

The largest under-expenditure in the services expenditure category was from caretaking, maintenance and utilities. These services are provided by the City Facilities Division on a chargeback basis. The City Facilities Division also provides the Service with the annual budget for these services as well as information on actual spending at various points during the year and the projected spending by year end, for variance reporting purposes. At the time of the September variance report, City Facilities advised the Service that the caretaking and maintenance budget would be fully spent by year end. However, final charges came in at \$2.7M less than budgeted, resulting in under-expenditure in this account.

The Service expects to incur significant legal billings from the engagement of external legal services and retired judges to prosecute and hear *Police Services Act* charges that emanated from the G20. A \$3.0M provision has therefore been set up to cover the estimated cost for these services, which has resulted in an unfavourable variance of \$3.1M in the “other services” account.

Revenue:

A favourable variance of \$3.6M was achieved in this category.

Revenue Category	2012 Budget (\$Ms)	Year-End Actual Expend (\$Ms)	Fav / (Unfav) (\$Ms)
Recoveries from City	(\$13.0)	(\$14.1)	\$1.1
CPP and Safer Comm'y grants	(\$16.1)	(\$18.4)	\$2.3
Other Gov't grants	(\$15.0)	(\$16.8)	\$1.8
Fees (e.g., paid duty, alarms, ref.)	(\$10.8)	(\$11.9)	\$1.1
Secondments	(\$3.6)	(\$5.0)	\$1.4
Draws from Reserves	(\$17.2)	(\$13.4)	(\$3.8)
Other Revenues (e.g., pris return)	(\$8.6)	(\$8.3)	(\$0.3)
Total Revenues	(\$84.3)	(\$87.9)	\$3.6

The favourable variance in the “Fees” category was attributed to increased revenue from background checks (\$0.6M), paid duty administrative fees (\$0.3M) and various other accounts (\$0.2M). In addition, the Service has received greater than budgeted recoveries for overseas secondments. The unfavourable variance in draws from reserves was offset by corresponding savings in the related expenditures (e.g. Sick Pay Gratuity).

Contributions to Reserves

The Sick Pay Gratuity Reserve is managed by the City, and the Service is advised by the City as to the amount of the annual contribution. Several years ago, after a detailed review of this reserve, City Finance advised that the Service’s contribution to the Sick Pay Gratuity Reserve should be increased by \$6.5M annually to meet its annual obligations. Due to financial constraints and following discussions with City Finance, the required contribution increase has been continually deferred. At its April 19, 2012 meeting, the Board approved a recommendation requesting the City to contribute \$13M of the Service’s 2011 surplus to the City’s Sick Pay Gratuity Reserve to help mitigate future (2013 and 2014) funding pressures on the Service’s operating budget (Min. No. P93/12 refers). The City’s Deputy City Manager and Chief Financial Officer considered the Board’s request, and recommended to City Council, that only \$6.5M of the surplus be allocated to the Sick Pay Reserve. City Council approved the request, and the budget pressure was relieved for the 2013 operating budget.

Discussions have recently taken place between the Service’s Chief Administrative Officer and

senior City staff with respect to the health and requirements of the Sick Pay Gratuity Reserve, and both the City Manager and Deputy City Manager / Chief Financial Officer agree that it would be prudent to allocate \$6.5M of the Service 2012 surplus to the reserve. If the Board and ultimately City Council approve this allocation, the Service will be able to avoid the \$6.5M budget pressure in its 2014 operating budget request. However, this is not a sustainable solution as the required additional contribution is still not in the Service's budget base, and as result the problem is simply deferred to 2015 and future years. The Service will work with the Board and the City to develop an action plan to address this issue on a more sustainable basis.

The Legal Reserve is managed by the Service, but maintained by the City. All legal costs are fully reflected in the Service's and Board's budget. Contributions are made to and draws are made from the Legal Reserve to fund these expenditures. However, in some years, contribution amounts may need to be adjusted to address funding pressures. Based on an analysis of the Service's potential exposure to future legal costs, the current level of funding in this reserve is not sufficient. As a result, discussions have recently taken place between Service and senior City staff with respect to the allocation of \$2.0M of the Service's 2012 surplus to the Legal Reserve. This will improve the health of the Legal Reserve and help avoid future budget pressures. Both the City Manager and City Deputy Manager and Chief Financial Officer support this allocation to the Legal Reserve.

Conclusion:

The Toronto Police Service approved 2012 net operating budget was \$935.7M. The final year end expenditure was \$920.2M (98.3% of the approved budget), resulting in a favourable year-end operating surplus of \$15.5M. Lower-than-projected City Facilities chargebacks for caretaking and maintenance services, higher than anticipated grant and other revenues and a decrease in benefit costs were the main reasons for the higher favourable variance from the September 2012 variance report. These lower costs along with other related factors/assumptions were taken into account, as appropriate, in the development of the 2013 operating budget request.

To help mitigate a budget pressure in 2014 and improve the health of the City's Sick Pay Gratuity Reserve and the Service's Legal Reserve, the Service is recommending that the Board ask the City to contribute a portion of the 2012 surplus to these reserves. The City Manager and Deputy City Manager/Chief Financial Officer both support this course of action. As required, the remaining surplus of \$7M would be returned to the City for use and allocation as it sees fit.

Mr. Tony Veneziano, Chief Administrative Officer, Administrative Command will be in attendance to answer any questions from the Board.

The Board approved the foregoing report.

Moved by: M. Thompson

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P113. TORONTO POLICE SERVICE – PARKING ENFORCEMENT UNIT:
2012 OPERATING BUDGET VARIANCE REPORT FOR THE PERIOD
ENDING DECEMBER 31, 2012**

The Board was in receipt of the following report April 09, 2013 from William Blair, Chief of Police:

Subject: OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO POLICE
SERVICE PARKING ENFORCEMENT UNIT – YEAR ENDING DECEMBER
31, 2012

Recommendations:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward a copy of this report to the City's Deputy City Manager and Chief Financial Officer for information.

Financial Implications:

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

Background/Purpose:

The Board, at its October 5, 2011 meeting, approved the Toronto Police Service Parking Enforcement (PEU) 2012 operating budget at a net amount of \$42.1 Million (M) (Min. No. P254/11 refers). Subsequently, Toronto City Council, at its January 17, 2012 meeting, approved the PEU 2012 net operating budget at the same amount.

The PEU operating budget is not part of the Toronto Police Service's (Service) operating budget, but rather is maintained separately in the City's non-program budgets.

The purpose of this report is to provide information on the PEU final year-end variance.

Discussion:

The final expenditure for PEU was \$41.6M, which represents 98.8% of the approved 2012 operating budget of \$42.1M. As a result, the final year-end surplus is \$0.44M. The following chart summarizes the variance by category of expenditure.

Category	2012 Budget (\$Ms)	Projected Year- End Actual (\$Ms)	Fav/(Unfav) (\$Ms)
Salaries	\$27.01	\$27.46	(\$0.45)
Premium Pay	\$2.61	\$2.09	\$0.52
Benefits	<u>\$6.71</u>	<u>\$6.55</u>	<u>\$0.16</u>
Total Salaries & Benefits	\$36.33	\$36.10	\$0.23
Materials	\$1.59	\$1.26	\$0.33
Equipment	\$0.10	\$0.01	\$0.09
Services	\$5.66	\$5.63	\$0.03
Revenue	(\$1.62)	(\$1.38)	(\$0.24)
Total Non-Salary	<u>\$5.73</u>	<u>\$5.52</u>	<u>\$0.21</u>
Total Net	<u>\$42.06</u>	<u>\$41.62</u>	<u>\$0.44</u>

Details are discussed below.

Salaries & Benefits (including Premium Pay):

The final favourable variance for salaries and benefits is \$0.23M. PEU schedules one recruit class per year and hires the appropriate number of officers to ensure that, on average, it is at its full complement of officers during the year. The 2012 attrition was less than the budgeted amount. As a result, PEU was over spent in salaries. The favourable benefits variance is a result of less than budgeted expenses for Central Sick Bank. This favourable variance was offset by a corresponding decrease in draws from reserves that fund the Central Sick Bank.

Nearly all premium pay at the PEU is related to enforcement activities, attendance at court and the backfilling of members attending court. With respect to enforcement activities, premium pay is utilized to staff special events or directed enforcement activities. The opportunity to redeploy on-duty staff for special events is minimal, as this will result in decreased enforcement in the areas from which they are being deployed. Directed enforcement activities are instituted to address specific problems. All premium pay expenditures are approved by supervisory staff and strictly controlled.

Due to the projected lower-than-budgeted staff attrition, more permanent staff were available for enforcement activities, and premium pay spending was reduced to offset the shortfall in the salaries and benefits. Therefore, a surplus of \$0.52M was achieved in premium pay.

Non-salary Expenditures:

Non-salary expenditures were \$0.21M under spent.

The favourable surplus was attributable mainly to savings resulting from favourable gasoline prices and costs associated with handheld parking devices.

Conclusion:

The Parking Enforcement Unit approved 2012 net operating budget was \$42.1M. The final year-end expenditure was \$41.6M (98.8% of the approved budget), resulting in a favourable year-end operating surplus of \$0.44M.

Mr. Tony Veneziano, Chief Administrative Officer, Administrative Command will be in attendance to answer any questions from the Board.

The Board approved the foregoing report.

Moved by: F. Nunziata

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

#P114. CITY OF TORONTO COUNCIL MOTIONS – 2013 CAPITAL BUDGET

The Board was in receipt of the following report April 03, 2013 from Alok Mukherjee, Chair:

Subject: CITY OF TORONTO COUNCIL MOTIONS - 2013 CAPITAL BUDGET

Recommendation:

It is recommended that Chief of Police provide appropriate reports to assist the Board in considering and responding to the City Council motions noted in the body of this report.

Financial Implications:

There are no financial implications arising from the approval of the recommendations in this report.

Background/Purpose:

At its meeting on January 15 and 16, 2013, Toronto City Council approved the 2013 capital budget for the Toronto Police Service.

Discussion:

In approving the 2013 capital budget, City Council approved a number of motions including the following motions which require a response on the part of the Board:

134. City Council request the Chair, Toronto Police Services Board to continue to explore the options of sharing a new disaster recovery site with the City of Toronto or other police services and report back any changes to the project cost to the Deputy City Manager and Chief Financial Officer prior to submitting the Service's 2014-2023 Capital Budget and Plan.

135. City Council request the Chair, Toronto Police Services Board to report back to the Deputy City Manager and Chief Financial Officer on the outcomes of the Chief's Internal Organizational Review and its impact

on the capital program and any operational implications prior to submitting the Service's 2014-2023 Capital Budget and Plan.

136. City Council request the Chair, Toronto Police Services Board to provide a detailed business case for the Toronto Police Service's Archiving capital project that outlines anticipated savings to be generated by the Toronto Police Service and any implications to the City Clerk's Office resulting from this project.

137. City Council direct that according to the City of Toronto procedures, carry-forward funding be limited to only those projects that require funding to be completed.

The complete report from City Council is available in the Board's office and can be accessed on-line via the City's website. City Council has requested that the Board respond prior to submitting its estimates for the 2014 to 2023 capital program.

Conclusion:

It is recommended that Chief of Police provide appropriate reports to assist the Board in considering and responding to the City Council motions noted in the body of this report.

The Board approved the foregoing report.

Moved by: M. Thompson

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P115. CITY OF TORONTO COUNCIL MOTIONS – 2013 OPERATING
BUDGET**

The Board was in receipt of the following report April 03, 2013 from Alok Mukherjee, Chair:

Subject: CITY OF TORONTO COUNCIL MOTIONS - 2013 OPERATING BUDGET

Recommendation:

It is recommended that:

1. The Chief of Police prepare a report for the Board's May 22, 2013 public meeting providing the methodology and outcomes, to date, of the Chief's Internal Organizational Review (CIOR)
2. The Chief of Police prepare a report for the Board's May 22, 2013 public meeting setting out the details of the CIOR project assessing whether to close 13 and 54 Divisions as well as setting out a proposed community consultation process for the Board's consideration; and,
3. The Chief of Police report to the Board's May22, 2013 public meeting with respect to the contributions to the Sick Leave Reserve Fund that would be required to match annual withdrawals and the impact that these contributions would have on the TPS operating budget in 2014 and beyond.

Financial Implications:

There are no financial implications arising from the approval of the recommendations in this report.

Background/Purpose:

At its meeting on January 15 and 16, 2013, Toronto City Council approved the 2013 operating budgets for the Toronto Police Service. Council approved a 2013 operating budget for Toronto Police Service of \$1.019 billion gross and \$927.741 million net.

Discussion:

In approving the operating budget City Council approved a number of motions, including the following motions, which require a response on the part of the Board:

343. *City Council request the Chair, Toronto Police Services Board to report back to the Deputy City Manager and Chief Financial Officer on the outcomes of the Chief's Internal Organizational Review and its impact on the operating budget and staffing complement by June 2013, prior to the 2014 Budget process; and further, City Council request the Chair, Toronto Police Services Board to request the Chief, Toronto Police Service to consult with all communities within Police Divisions that may be affected by any proposals to eliminate or amalgamate 54 Division and 13 Division prior to submitting this report.*

345. *City Council request the Chair, Toronto Police Services Board to develop a strategy prior to the 2014 Operating Budget process to increase the Service's contributions to the Sick Leave Reserve Fund in order to match annual withdrawals.*

Conclusion:

I recommend that the Board approve the recommendations in the foregoing report in order to respond to City Council's motions.

The Board received a written submission from Mr. Justin Van Dette which is on file in the Board office.

The Board approved the foregoing report.

Moved by: A. Mukherjee

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P116. APPROVAL OF EXPENSES: ONTARIO ASSOCIATION OF POLICE
SERVICES BOARDS (OAPSB) 2013 SPRING CONFERENCE & ANNUAL
GENERAL MEETING**

The Board was in receipt of the following report April 08, 2013 from Alok Mukherjee, Chair:

Subject: APPROVAL OF EXPENSES: ONTARIO ASSOCIATION OF POLICE
SERVICES BOARDS (OAPSB) 2013 SPRING CONFERENCE & ANNUAL
GENERAL MEETING

Recommendation:

It is recommended that the Board approve the conference attendance and the estimated expenditures described in the following report, for me, two Board Members and one Board staff member to attend the Ontario Association of Police Services Board's (OAPSB) 2013 Spring Conference and Annual General Meeting.

Financial Implications:

This report recommends that the Board approve an expenditure from the 2013 operating budget to cover costs associated with attendance at the OAPSB Spring Conference.

Background/Purpose:

The OAPSB will be hosting its 2013 Spring Conference & Annual General Meeting in Toronto, Ontario from May 30 – June 1, 2013. The theme of this year's Spring Conference is "The Future of Policing."

The OAPSB Spring Conference is an excellent opportunity for professional development for Board Members and networking with fellow police board members from across Ontario. As such, it is important that the Board provide its support and attendance to help ensure the success of the conference.

Discussion:

The "Board Member Expense and Travel Reimbursement Policy" approved by the Board in 2006 establishes that the Board's approval must be sought for the attendance of Board Members at conferences.

Board Members were advised of this conference and were canvassed for their availability. In addition to my attendance, it is anticipated that Board Members Councillor Michael Del Grande, Ms. Marie Moliner and Ms. Joanne Campbell, Executive Director, will attend the conference.

A preliminary conference program and registration form received from the OAPSB are attached for your information.

The approximate cost breakdown per person for this conference is as follows:

<u>Chair Alok Mukherjee</u>	
Registration	\$621.50
<u>Ms. Joanne Campbell</u>	
Registration	\$621.50
<u>Ms. Marie Moliner</u>	
Registration	\$621.50
<u>Councillor Michael Del Grande</u>	
Registration (May 30 th only)	\$226.00
Total	\$2,090.50

Conclusion:

It is, therefore, recommended that the Board approve the conference attendance and the estimated expenditures described in the following report, for me, two Board Members and one Board staff member to attend the OAPSB's 2013 Spring Conference and Annual General Meeting.

The Board approved the foregoing report.

Moved by: M. Thompson



ONTARIO ASSOCIATION OF POLICE SERVICES BOARDS

2013 SPRING CONFERENCE & ANNUAL GENERAL MEETING

The Future of Policing

May 30th – June 1st, 2013

**Toronto Marriott Downtown Eaton Centre Hotel
525 Bay St.
Toronto, Ontario**

OAPSB Tel. 905-458-1488 1-800-831-7727 Fax 905-458-2260
E-Mail: kathy.wallace@oapsb.ca Website: www.oapsb.ca

2013-03-21



Wednesday, May 29th
Pre-Conference Activities

12:00 – 5:00 pm	Conference Registration and Information Desk
1:00 – 4:00 pm <i>Grand Ballroom</i>	Board Training Setting Operational Expectations - Sections 10 & 31 Facilitators: Fred Kaustinen & Richard Taylor, Teeger-Schiller
3:00 – 5:00 pm <i>Simcoe Room</i>	OAPSB Board of Directors Meeting
5:30 – 6:30 pm TBC <i>Toronto City Hall</i>	Welcome Reception



2013 Spring Conference - The Future of Policing

Thursday, May 30th

7:30 am - 5:00 pm	Conference Registration and Information Desk		
8:00 - 9:00 am <i>Grand Ballroom</i>	Hot Buffet Breakfast (Delegates Only)		
9:00 - 9:15 am <i>Grand Ballroom</i>	OPENING ADDRESS Barbara Bartlett, President, OAPSB Fred Kaustinen, Executive Director, OAPSB		
9:15 - 10:45 am <i>Grand Ballroom</i>	PLENARY SESSION Keynote Speaker Karyn McCluskey, Director, Scottish Violence Reduction Unit		
10:45 - 11:00 am <i>Lobby</i>	Refreshment and Stretch Break		
11:00 am - 12:00 pm <i>Grand Ballroom</i>	Integrated Community Safety: The Prince Albert Model Dale McPhee, Deputy Minister, Saskatchewan <i>(invited)</i>		
12:00 - 1:00 pm <i>Trinity Ballroom</i>	BUFFET LUNCH		
	Concurrent Sessions		
	<i>Ballroom AB</i>	<i>Ballroom CD</i>	<i>York Room</i>
1:00 - 1:50 pm	Business Case for Innovation TBA	Technological Innovations TBA	Business Case for Partnerships TBA
2:00 - 2:50 pm	New-age Partnerships TBA	Leveraging Technology TBA	Mental Health & Community Safety TBA
3:00 - 4:00 pm	The Sudbury Hub Chief Frank Elsner, Sudbury	Technology in Action Chief Dennis Poole, Chatham-Kent <i>(invited)</i>	Mental Health Hospital Custody Initiative Sgt Frank Miscione, Hamilton <i>(invited)</i>
4:00 - 5:00 pm	Zone Meetings (where requested)		
5:00 - 6:30 pm <i>Lobby</i>	Cocktail Reception Hosted by the OAPSB <i>(Hors d'oeuvres, Cash Bar, Dress: Casual Attire)</i>		
6:30 pm	Toronto Dine Around www.seetorontonow.com . Restaurant Guide & discounts in your Delegate kit. Reservations encouraged.		



2013 Spring Conference - The Future of Policing

Friday, May 31st

8:00 am – 4:00 pm	Conference Registration and Information Desk		
8:00 – 9:00 am <i>Grand Ballroom</i>	Hot Buffet Breakfast - Delegates Only		
8:30 – 9:00 am <i>Trinity Ballroom</i>	Section 10 Meeting & Election of 3 Directors		
9:00 – 10:00 am <i>Grand Ballroom</i>	Advances in Criminology TBA		
10:00 – 10:45 am <i>Grand Ballroom</i>	Integrated Public Safety Michael Kempa & Fred Kaustinen		
10:45 – 11:00 am <i>Lobby</i>	Refreshment and Stretch Break		
	<i>Ballroom AB</i>	<i>Ballroom CD</i>	<i>York Room</i>
11:00 am -12:00pm	Social Services TBA	Toronto Initiatives TBA	TBA
12:00 – 1:30 pm <i>Trinity Ballroom</i>	BUFFET LUNCH Guest Speaker: The Honourable Madeleine Meilleur Minister of Community Safety & Correctional Services (<i>Invited</i>)		
1:30 – 2:30 pm <i>Grand Ballroom</i>	Update on OAPSB Advocacy Positions Barbara Bartlett & Fred Kaustinen		
2:30 – 4:00 pm <i>Grand Ballroom</i>	OAPSB ANNUAL GENERAL MEETING Revisions to by-laws, resolutions, confirmation of the Board of Directors, and receipt of the 2012 Financial Statement and Auditor's Report. This session is <u>restricted</u> to voting delegates: PSB members & their Board staff.		
4:00 – 5:30 pm	Free time		
5:30 – 6:00 pm <i>Lobby</i>	Pre-Banquet Cash Bar		
6:00 – 10:30 pm <i>Grand Ballroom</i> (<i>Business Attire</i>)	OAPSB PRESIDENT'S GALA BANQUET <i>A spectacular evening of food, wine, camaraderie, great music, & only a few short speeches!</i> Entertainment: Dick Felix Jazz Quartet		

Saturday, June 1st

8:00 – 9:00 am <i>Grand Ballroom</i>	Hot Buffet Breakfast – Delegates Only
9:00 – 10:00 am <i>Grand Ballroom</i>	Novel Ideas from Across the Nation Mark Potter, Public Safety Canada (<i>Invited</i>)
10:00 – 11:00 am <i>Grand Ballroom</i>	Future of Policing Advisory Committee (FPAC) Update Steven Waldie & Kate Richardson, Ministry of Community Safety & Correctional Services

CONFERENCE REGISTRATION FORM

**OAPSB 2013 Spring Conference and Annual General Meeting
May 29th to June 1st, 2013
The Marriott Downtown Eaton Centre Hotel, Toronto, ON**

PLEASE NOTE: You are encouraged to register online at: www.oapsb.ca

<input type="checkbox"/> Register me for the Conference:		PLEASE PRINT OR TYPE	
Name: _____	Title: _____		
Board/ Organization: _____	Zone: _____	Section: _____	
Address: _____ _____			
Telephone: (____) _____ Fax: (____) _____ Email: _____			
<input type="checkbox"/> Register my companion _____ for the Companion Evening Entertainment Package (includes Wednesday and Thursday evening receptions and President's Gala Banquet dinner on Friday evening).			

CONFERENCE SESSION ATTENDANCE

To provide the organizers with every opportunity to maximize your time and opportunities at the Spring Conference & Annual General Meeting, **please indicate which of the following proposed sessions/ events you plan to attend. Please provide as much detail as possible. Please select only one box in each section where there are Concurrent Sessions.** This will allow the organizers and presenters to better prepare an outstanding event for you. For details on proposed concurrent and plenary sessions, please see the **Preliminary Conference Program**.

SPECIAL DIETARY or ACCESSIBILITY NEEDS (Please specify):

WEDNESDAY, MAY 29TH

**1:00 p.m. – 4:00 p.m.
Board Training**

☐ **Section 10 & 31: Setting Operational Expectations**

5:30 – 6:30 p.m.

Welcome Reception (Toronto City Hall)

- ☐ I will be attending
☐ I will not be attending

THURSDAY, MAY 30 TH		
8:00 – 9:00 a.m. Hot Buffet Breakfast <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending	9:00 – 9:15 a.m. Opening Address <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending	9:15 – 10:45 a.m. Plenary Session: Keynote Speaker <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending
11:00 a.m. – 12:00 p.m. Integrated Community Safety: The Prince Albert Model <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending	12:00 – 1:00 p.m. Buffet Lunch <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending	1:00 – 1:50 p.m. Concurrent Sessions (choose one) <input type="checkbox"/> Business Case for Innovation <input type="checkbox"/> Technological Innovations <input type="checkbox"/> Business Case for Partnerships
2:00 – 2:50 p.m. Concurrent Sessions (choose one) <input type="checkbox"/> New-age Partnerships <input type="checkbox"/> Leveraging Technology <input type="checkbox"/> Mental Health & Community Safety	3:00 – 4:00 p.m. Concurrent Sessions (choose one) <input type="checkbox"/> The Sudbury Hub <input type="checkbox"/> Technology in Action <input type="checkbox"/> Mental Health Hospital Custody Initiative	5:00 – 6:30 p.m. Cocktail Reception Hosted by OAPSB <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending
FRIDAY, MAY 31 ST		
8:00 – 9:00 a.m. Hot Buffet Breakfast <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending	8:30 – 9:00 a.m. Section 10 Meeting & Election of 3 Directors <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending	9:00 – 10:00 a.m. Advances in Criminology <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending
10:00 – 10:45 a.m. Integrated Public Safety <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending	11:00 a.m. – 12:00 p.m. Concurrent Sessions (choose one) <input type="checkbox"/> Social Services <input type="checkbox"/> Toronto Initiatives <input type="checkbox"/> TBA	12:00 – 1:30 p.m. Buffet Lunch with Guest Speaker: Minister Madeleine Meilleur (invited) <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending

FRIDAY, MAY 31 ST	
1:30 – 2:30 p.m. Update on OAPSB Advocacy Positions <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending	2:30 – 4:00 p.m. OAPSB Annual General Meeting <i>(restricted to voting delegates who are full members of the OAPSB and their Board staff)</i> <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending
6:00 – 10:30 p.m. OAPSB President's Gala Banquet Dinner <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending	
SATURDAY, JUNE 1 ST	
8:00 – 9:00 am Hot Buffet Breakfast <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending	
9:00 – 10:00 a.m. Novel Ideas from Across the Nation <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending	10:00 – 11:00 a.m. Future of Policing Advisory Committee (FPAC) Update <input type="checkbox"/> I will be attending <input type="checkbox"/> I will not be attending

**CONFERENCE
REGISTRATION FORM**

- 4 -

WE PREFER THAT ALL REGISTRATIONS BE DONE ON-LINE, HOWEVER IF YOU ARE UNABLE TO, PLEASE COMPLETE THIS FORM AND MAIL OR FAX BACK TO THE OAPSB AS OUTLINED BELOW.

**PAYMENT MUST BE RECEIVED BY MAY 10, 2013 AND CAN BE MADE BY EITHER CREDIT CARD or CHEQUE. CHEQUES SHOULD BE MADE PAYABLE TO THE
Ontario Association of Police Services Boards**

REGISTRATION FEE

1) Full Conference Delegate – OAPSB Member Rate	$\$550.00 + \$71.50 \text{ HST} = \mathbf{\$621.50}$
2) Full Conference Delegate – Non-Member Rate	$\$625.00 + \$81.25 \text{ HST} = \mathbf{\$706.25}$
3) Day Pass: Thursday, May 30 th ONLY	$\$200.00 + \$26.00 \text{ HST} = \mathbf{\$226.00}$
4) Companions Evening Entertainment Package (includes Wednesday and Thursday evening receptions, President's Gala Banquet dinner on Friday evening)	$\$150.00 + \$19.50 \text{ HST} = \mathbf{\$169.50}$

* The OAPSB rate applies to all municipal police staff and OPP staff associated with member boards.

Conference Registration Fee(s)

1) Delegate	\$ _____
2) Companion (Evening Entertainment Package)	\$ _____
TOTAL	\$ _____

(HST R107753618)

- ☐ **PAYMENT ENCLOSED**
☐ **PAYMENT WILL FOLLOW IN MAIL**
☐ **PAYMENT BY CREDIT CARD (see below)**

RETURN TO:

Ontario Association of Police Services Boards
 10 Peel Centre Drive, Suite A, 1st Floor,
 Brampton, ON L6T 4B9
 Tel. 905-458-1488 1-800-831-7727
 Fax 905-458-2260

Cardholder Name (as it appears on card):	
Cardholder Billing Address:	
Credit Card Number/Expiry Date/Security No.	
Credit Card Type:	<input type="checkbox"/> Visa <input type="checkbox"/> Mastercard

Cancellation & Substitution Policy:

Cancellations must be received in writing. Cancellations received by April 26th, 2013 will be eligible for a full refund, less \$25 administration fee. Cancellations received between April 27th and May 10th, 2013 will be entitled to a one third refund. No refunds will be granted after May 10th, 2013. In all cases noted above, delegate substitution is permitted with written notice to OAPSB.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P117. REQUEST FOR FUNDS – ONTARIO ASSOCIATION OF POLICE
SERVICES BOARDS (OAPSB) CONFERENCE RECEPTION**

The Board was in receipt of the following report April 22, 2013 from Alok Mukherjee, Chair:

**SUBJECT: REQUEST FOR FUNDS – ONTARIO ASSOCIATION OF POLICE SERVICES
BOARDS (OAPSB) CONFERENCE RECEPTION**

Recommendation:

It is recommended that the Board approve an expenditure from the Board's Special Fund of an amount not to exceed \$7500.00, to co-host a reception for participants of the Ontario Association of Police Services Boards (OAPSB) Annual Spring Conference, scheduled for May 30-June 1, 2013.

Financial Implications:

If the Board approves the recommendation contained in this report, the Board's Special Fund will be reduced in an amount not to exceed \$7500.00. The current balance in the Special Fund is \$1,276,127.00

Background/Purpose:

The OAPSB will be hosting its 2013 Spring Conference & Annual General Meeting in Toronto, Ontario from May 30 – June 1, 2013. The theme of this year's Spring Conference is "The Future of Policing."

Discussion:

As Item No. 30(A) on the agenda notes (*Approval of Expenses: Ontario Association of Police Services Boards (OAPSB) 2013 Spring Conference & Annual General Meeting*), the OAPSB Spring Conference is an excellent opportunity for professional development for Board Members and for networking with fellow police board members from across Ontario.

It has been a number of years since Toronto has hosted this important conference and historically, the Board has always been one of its lead sponsors.

As part of this year's conference, I am recommending that the Board co-host a reception with Mayor Rob Ford. This reception would take place at Toronto City Hall and it is estimated that 200-250 people will attend.

I believe that the Board should approve this expenditure as a demonstration of support for this significant event.

Conclusion:

Therefore, it is recommended that the Board approve an expenditure from the Board's Special Fund of an amount not to exceed \$7500.00, to co-host a reception for participants of the Ontario Association of Police Services Boards (OAPSB) Annual Spring Conference, scheduled for May 30-June 1, 2013.

The Board approved the foregoing report.

Moved by: M. Thompson

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P118. REQUEST FOR FUNDS FROM THE SPECIAL FUND: 2013 NATIONAL
VICTIMS OF CRIME AWARENESS WEEK AND STANDING
AUTHORITY FOR FUTURE ANNUAL EXPENDITURES**

The Board was in receipt of the following report April 04, 2013 from Alok Mukherjee, Chair:

Subject: REQUEST FOR FUNDS: 2013 NATIONAL VICTIMS OF CRIME
AWARENESS WEEK

Recommendations:

It is recommended that:

- (1) the Board approve an expenditure not to exceed \$500.00 from the Board's Special Fund to cover the expenses incurred for the 2013 National Victims of Crime Awareness Week; and
- (2) the Board authorize the Chair to approve this expenditure on an annual basis.

Financial Implications:

Funding to cover the costs of this event would be drawn from the Board's Special Fund and would not exceed \$500.00

Background/Purpose:

The Board at its meeting of July 22, 2010, granted standing authority to the Chair and the Vice Chair to approve expenditures from the Board's Special Fund for a total amount not to exceed \$10,000.00 per individual event for internal and community events annually hosted in whole or in part by the Board and the Service. The Standing Authority would only apply to events that are identified in a list which is provided to the Board for information at the beginning of each calendar year (Min. No. P208/10 refers).

This report requests the inclusion of National Victims of Crime Awareness Week to the list of community events scheduled to take place in 2013, which were approved by the Board at its meeting on January 23, 2013 (Min. No. P13/13).

Discussion:

The 8th Annual National Victims of Crime Awareness Week commences on April 22, 2013, and this is the first time that the Service has the honour of hosting the kick-off event. The week

coincides with the Service Priority to ensure that all victims of violence, including the families and friends of those affected have access to victim services. Further, the 2013 Divisional Policing Command business plan is committed to keeping our neighbourhoods safe.

The police are a critical first point of contact for victims/witnesses of crime, connecting them with Victim Services, to support and assist victims and make a difference in our communities.

National Victims of Crime Awareness Week serves as acknowledgement that we all have a role in victim support and crime awareness. The kick-off at Toronto Police Service Headquarters will serve to highlight that fact. Following the ceremony, attendees are invited to attend a reception; and light refreshments will be provided.

Going forward, National Victims of Crime Awareness Week will be included in the annual report requesting funding for community events, which is provided to the Board at the beginning of each year.

This request for funding from the Board's Special Fund has been reviewed to ensure that it meets the criteria set out in the Board's Special Fund Policy and is consistent with the Service Priorities.

The following table outlines the estimated costs for the 2013 National Victims of Crime Awareness Week kick-off event:

<u>Item</u>	<u>Estimated Cost</u>
Food & Refreshments	\$500.00
Total	\$500.00

** Any funds not utilized will be returned to the Board.*

Conclusion:

Strong community/police partnerships are based on mutual trust, respect, understanding and are essential for the safety and well-being of all members of our community. The Board and the Service's participation in these events reinforces a continued commitment to working in partnership with our diverse communities and it also aims at fostering mutually respectful and beneficial relationships.

Deputy Chief Peter Sloly, Divisional Policing Command, will be in attendance to respond to any questions that the Board may have regarding this report.

The Board approved the following Motions:

- 1. THAT the Board approve the foregoing report; and**

Cont'd

2. **THAT, given the approval of recommendation no. 2, the National Victims of Crime Awareness Week be added to the list of community events which will receive funds from the Special Fund on an annual basis.**

Moved by: A. Mukherjee

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P119. REQUEST FOR FUNDS FROM THE SPECIAL FUND: 2013 CRIME
STOPPERS BALL**

The Board was in receipt of the following report April 16, 2013 from Alok Mukherjee, Chair:

Subject: REQUEST FOR FUNDS: TORONTO CRIME STOPPERS BALL
(FORMERLY CHIEF OF POLICE DINNER)

Recommendation:

It is recommended that the Board approve the purchase of tickets for individual Board members, who wish to attend, and a guest (to a maximum of two tickets each board member) for the purpose of supporting the 2013 Toronto Crime Stoppers Ball (formerly Chief of Police Dinner).

Financial Implications:

If the Board approves the recommendation in this report, the total cost will be expended from the Board's Special Fund. The balance of the Special Fund as at December 31, 2012 is \$1,276.127.

Background/Purpose:

This is the 17th year that the Toronto Crime Stoppers is hosting its annual fundraiser with approximately 700 attendees. The event's proceeds fund Crime Stoppers' year-round operational costs, including cash rewards for crime solving tips and various Crime Stoppers school programs.

The Board has been invited to consider sponsorship of the 2013 Toronto Crime Stoppers Ball hosted by Chief Blair. The letter of request from Mr. Lorne Simon, dated April 15, 2013, is attached.

Discussion:

The Board has always extended in full support to the Toronto Crime Stoppers programs. This annual fundraising event is an excellent opportunity to promote this important program as well to assist in the fight against crime.

The year's event will be held on May 8, 2013 at the Liberty Grand, 25 British Columbia Road, Toronto, Ontario.

Conclusion:

It is recommended that the Board approve the purchase of tickets for individual Board members, who wish to attend, and a guest (to a maximum of two tickets each board member) for the purpose of supporting the 2013 Toronto Crime Stoppers Ball (formerly Chief of Police Dinner).

The Board approved the following Motion:

- 1. That recommendation no 1 be approved with an amendment allowing for the purchase of tickets for interested Board members to a maximum of 1 ticket per Board member.**

Moved by: M. Thompson



WEDNESDAY, MAY 8, 2013 | LIBERTY GRAND, EXHIBITION PLACE
HONOURARY CHAIR | DAVID MIRVISH | MIRVISH ENTERPRISES

April 15, 2013

Dear Crime Stoppers Friend,

The 17th Toronto Crime Stoppers Ball with Police Chief Bill Blair (formerly Chief of Police Dinner), a fundraising gala aimed to benefit Toronto's Crime Stoppers program, is well underway. This year's event will be held on Wednesday, May 8, 2013 at the Liberty Grand.

The success of our event depends on sponsors like you. All funds collected through individual and corporate donations support Toronto Crime Stoppers in strengthening its programs and developing new initiatives to serve this great city.

For over 25 years, Toronto Crime Stoppers has been instrumental in helping to change the face of criminal activity and build a safer Toronto. The community program is a collaboration involving the police, community and the media as way to solve and prevent crime.

Crime Stoppers provides citizens with a vehicle to anonymously supply the police with information about a crime or potential crime of which they have knowledge. Cash rewards of up to \$2,000 are offered to people who contact Crime Stoppers and their information leads to an arrest.

In 2012, Toronto Crime Stoppers received almost **10,000 anonymous tips** including ones that assisted investigators in making arrests related to the **Toronto Eaton Centre** and **Danzig Street shootings**.

Toronto Crime Stoppers thanks you in advance for your consideration. For more information, please contact Zofia Koch, Dinner Coordinator at **416-785-5037** or zofia@mcprgroup.com.

Sincerely,

Lorne M. Simon

Dinner Chair, Toronto Crime Stoppers



Event Toronto Crime Stoppers Register/R.S.V.P Sponsorship Silent Auction Contact Us

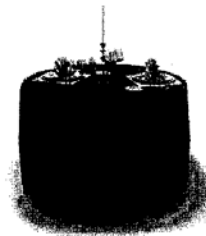
REGISTER/R.S.V.P

We are so excited to have you join us on Wednesday, May 8, 2013 for the Toronto Crime Stoppers Ball with Police Chief Bill Blair. You will experience an exclusive evening of surprising entertainment, fine dining and a charity auction of must-have items. Purchase a table(s) for your company or a ticket for you and/or a guest.



SINGLE SEATING
\$300

FULL TABLE
\$3000



First Name: _____	Last Name: _____
Title: _____	Company: _____
Address: _____	Unit #: _____
City: _____	Province: ON <input type="checkbox"/> Postal: _____
Phone: _____	Extension: _____

<http://www.crimestoppersball.com/register.aspx>

2013.04.15



Toronto Police Services Board

40 College Street, Toronto, Ontario, Canada M5G 2J3

Tel 416-808-8080 Fax: 416-808-8082

www.tpsb.ca



*2013 Toronto Crime Stoppers Ball
Message from Chair Alok Mukherjee*

On behalf of the Toronto Police Services Board, I am delighted to bring greetings to the 2013 Toronto Crime Stoppers Ball.

Our Board is proud of the Toronto Crime Stoppers program, an extraordinary example of a hugely successful partnership between the police and the community. Through this program, the public plays an integral role in keeping our neighbourhoods safe, by providing our police service with an enormous volume of beneficial tips.

The Toronto Crime Stoppers is an active and successful program that is constantly evolving. It has embraced new communications technology, including social media, to convey messages in the most effective way possible. 2012 saw the launch of a number of initiatives including a Crime Stoppers application or "app." The first of its kind in North America, the app allows users to report criminal activities in real time through their Smart Phone or tablet. This initiative has proven to be great success; a week after its launch in July 2012, the Toronto Crime Stoppers app was downloaded over 14,000 times.

I would like to thank all of those involved with Toronto Crime Stoppers, including the dedicated volunteer Board and hard-working staff, the community members who provide the valuable tips that are the foundation of this remarkable program and the media, who ensure the information reaches the community. Together, we are ensuring that Toronto remains one of the safest cities in the world.

Best Wishes,

Alok Mukherjee
Chair

Toronto Police Services Board

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

**#P120. ANNUAL REPORT: 2012 STATUS OF SEXUAL ASSAULT
INVESTIGATIONS AND PROGRESS UPDATE**

The Board was in receipt of the following report April 02, 2013 from William Blair, Chief of Police:

Subject: ANNUAL REPORT: STATUS OF SEXUAL ASSAULT INVESTIGATIONS
AND PROGRESS UPDATE: JANUARY 1 TO DECEMBER 31, 2012.

Recommendations:

It is recommended that:

- (1) The Board receive the following report for information; and
- (2) The Board forward a copy of this report to the Auditor General, City of Toronto.

Financial Implications:

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

Background/Purpose:

At its meeting on May 21, 2008, the Board requested that the Chief of Police provide a semi-annual report to the Board on the progress of the implementation of the Auditor General's follow-up report and on training improvements on sexual assault investigations. (Min. No. P126/08 refers.)

At its meeting on June 15, 2012, the Board requested that future reports on the progress of the implementation of the Auditor General's follow-up report and improvements in training on sexual assault investigations be provided annually rather than semi-annually. (Min. No. P144/12 refers.)

The Auditor General, Mr. Jeffrey Griffiths continued to follow up and review the police investigation of sexual assaults. The Sexual Assault Coordinator met with Mr. Alan Ash and Ms. Jane Ying of the Auditor General's Office during the summer months of 2012. The purpose of the review was to determine the extent to which the recommendations in both the original 2004 review and subsequent 2010 review had been implemented by the Toronto Police Service (Service). As a result of the 2012 follow up review, the Auditor General concluded four of the twenty-five recommendations in the Auditor General's 2004 and 2010 reports had not been fully implemented. This report will address the Toronto Police Service's progress in the implementation of the Auditor General's 2012 follow-up report, including improvements in

sexual assault investigations and training. This report will also provide an update on the ongoing community initiatives within the Toronto Police Service - Sex Crime Unit.

Discussion:

The Service has continued to work diligently on the implementation of the recommendations with regard to sexual assault investigations. Efforts have been undertaken to implement the recommendations made by the Auditor General while working with the community through the Sexual Assault Advisory Committee (SAAC) and direct community contacts. Through the office of the Sexual Assault Coordinator, the Toronto Police Service - Sex Crimes Unit has maintained consistent and regular communication with all divisions within the Service to ensure full understanding of responsibilities with implemented and ongoing recommendations. The Service has provided the Auditor General information detailing the action undertaken in relation to the recommendations.

The following is a status update of the remaining four recommendations from the 2012 follow up review which have been considered by the Auditor General as partially implemented.

Recommendation 3: New

The Chief of Police ensure that the new information system acquired by the Toronto Police Service to replace the existing information systems is properly designed to accurately and efficiently track records of supervisory review.

Status Update: Implemented

The project name for the new Police Operations Management System is Integrated Records Information System (IRIS) and has been in the testing stage since October 2012. The implementation is tentatively scheduled for November 5, 2013. The Sex Crimes Unit will continue to be involved in the testing stage to ensure compliance with this recommendation; such as the need for the supervisory review function with proper design and efficient operation.

Recommendation 7:

The Chief of Police directs that all occurrence reports relating to sexual assault be reviewed by supervisory staff at the divisional level upon receipt of the initial reports and at the completion of the investigation. Evidence of the review is appropriately documented in the information system. Incomplete or inappropriate occurrence reports be discussed with the officer concerned and amendments made where necessary. Continued deficiencies in the preparation of occurrence reports be dealt with through existing training, and if necessary, discipline. Occurrence reports prepared by members of the Sex Crimes Unit be reviewed and approved by supervisory staff within the unit.

Status Update: Implemented

The business process that dictates supervisory approval of occurrence reports continues to be driven by Service Governance and is captured under Part III – Duties and General Responsibilities 2.8.3, Staff Sergeants and Detective Sergeants and Procedure 05-05 - Sexual Assault. This responsibility has been delegated to both detectives and sergeants as part of their evaluation of personnel. In addition to this, Sex Crimes Unit investigators continue to attend divisional unit training days and reemphasize the understanding/requirement of complying with Service Procedure 05-05 - Sexual Assault and recent updates.

The Integrated Records Information System (IRIS) will be able to accurately track supervisory review throughout the occurrence process. This information will be retrievable therefore evidence of the review will be appropriately documented in the information system.

Recommendation 20:

The Chief of Police ensures that the project pertaining to the electronic transmission of ViCLAS data to the Provincial ViCLAS Centre in Orillia is expedited as quickly as possible. Staff responsible for this project be required to provide specific deadlines for completion. Periodic updates regarding the progress of the project is reported to the Chief of Police.

Status Update: Implemented

The Sex Crimes Unit participated in the testing phase of the electronic version of the ViCLAS book. On October 15, 2012, the program was deployed across all units and divisions within the Toronto Police Service.

Recommendation 21:

The Chief of Police, in consultation with the Sex Crimes Unit, ensure that all police officers have a clear understanding of the revised consent procedures relating to the sexual assault medical evidence kit. In particular, women who have been sexually assaulted be provided with detailed explanations pertaining to the consent form by divisional sexual assault investigators only.

Status Update: Implemented

This requirement is clearly articulated in Toronto Police Service Procedure 05-05 - Sexual Assault under responsibilities of the divisional sexual assault investigator. Procedure 05-05 - Sexual Assault takes this recommendation one step further and requires investigators/uniform officers to document such explanations not only in the consent to release sexual assault evidence kit form but also in their memo books and in the occurrence.

Sex Crime Unit investigators are attending divisional units to assist with internal training and to re-emphasize the understanding and requirement of Recommendation 21.

Progress Update on Community Initiatives:

The Sex Crimes Unit continues to work with other police and law enforcement agencies as well as community agencies. Collaborative partnerships, education and awareness remain a priority.

The Sexual Assault Advisory Committee (SAAC) met four times in 2012. At its meeting in February, members of the Metropolitan Action Committee on Violence Against Women and Children (METRAC) introduced the Youth Alliance Report for review by the committee. This report was a youth led initiative that looked at police policy and procedure to identify strengths, challenges, gaps in police policies/procedures and make recommendations for improvement. The meetings that followed concentrated on the review of the report. This included open discussion and feedback amongst committee members. Completion of the review is expected in early summer of 2013.

The SAAC also met with Mr. Paul Shecter, Department Head of the Seneca College Graphic Design Program. The SAAC received a social marketing presentation from Mr. Shecter. This included an outline of how his third year graphic design students could participate with SAAC members over a seven week period to create a youth awareness campaign about sexual assault. This youth lead initiative began in January 2013. The initiative was completed late February 2013, with the Seneca students presenting their work to members of the SAAC and the Sex Crimes Unit at the Toronto Police College.

The Sexual Assault Section (SAS) investigated 246 sexual assaults in the year 2012. Many of these investigations were complex, high profile and serial in nature. This number represents a 30% increase compared to 2011 and a 122% increase compared to 2008. Members of the Toronto Police Service worked collaboratively with community members and partner agencies to overcome challenges and restore order to neighborhoods.

The Special Victim's Unit (SVU) has become part of the course program for training at the Toronto Police College, lecturing on the Sexual Assault/Child Abuse Course and the Plainclothes Course. The educational program Providing Resources, Offering Support (PROS) is currently awaiting final approval by all partners. The program was previously known as the All Saints Community Centre program and was supported by the Toronto District School Board and the Toronto District Catholic School Board. This program is currently awaiting final approval by all parties. An educational video has been developed which outlines peoples' experiences with being victimized through human trafficking related offences. When final approval has been received this video will be presented to Grade 8 students designated in high risk schools/areas.

The first human trafficking related offence laid by the Special Victim's Unit during 2012 is now before the courts. The outcome should be determined during the first half of 2013.

The Behavioral Assessment Section (BAS) continues to host and attend meetings with law enforcement and community partners. The BAS hosted four community safety group meetings throughout 2012. Various community groups attended: CAMH, Circle of Support, John Howard Society, Metropolitan Action Committee on Violence Against Women and Children (METRAC), Boost, Probation and Parole, the Toronto District School Board (TDSB) and the

Toronto Catholic School Board (TCSB). Discussions focused on high risk offenders who are about to be released or are currently in the community. The group identified concerns and collectively put together a plan to address it.

The BAS also participated in a presentation to the National Joint Committee in Ottawa regarding “Community Safety through Offender Management – A Counter Intuitive Approach.” This presentation highlighted how the BAS high risk section manages our offenders and how we work with our community partners and victims. Attendees included representatives from government agencies, crown offices and police services from across the country.

In October, the Sex Crimes Unit (SCU) hosted the 2012 Sex Crimes Conference at the Hyatt Regency. The conference was held over a four day period and 300 delegates attended from across North America. The theme of the conference was ‘offender management issues’, hence the title of the conference, “Face of the Offender – Motivation, Methodology and Management”. Attendees received the most up to date training and information on some of Canada’s most challenging and complex investigations.

The Child Exploitation Section (CES) met with and developed a strategy to tackle the problem of Self Peer Exploitation, otherwise known as “sexting” with the Canadian Centre for Missing and Exploited Children. The Canadian Centre had been given federal funding to develop educational material to assist with training school staff, police officers and informing parents and students about this challenging behaviour. Resource materials were compiled with input from school resource officers from the various divisions and youth services officers who deal with sexting investigations on a regular basis. Lectures were commenced by office members to various community liaison community meetings which engaged the public on this issue. The rollout of the materials is set for 2013 and meetings have been scheduled with school boards in Toronto to arrange for them to obtain the material for distribution.

In the fall of 2012, a Command decision was made that the Child and Youth Advocacy Centre would become a new sub unit of the Sex Crimes Unit. The development of the new centre is in the final stages of completion and the anticipated opening is the summer of 2013. The centre will be located off-site from Toronto Police Headquarters and will house many experts from various agencies working collaboratively under one roof. The team will consist of police officers working together with child welfare professionals, physical and mental health professionals, prosecutors and victim advocates. The Child and Youth Advocacy Centre is a child/youth-focused, community-oriented, multi-disciplinary facility. The professionals involved in the investigation, treatment and management of child abuse will work together to ensure that a child’s safety and best interest is paramount.

The Service partners include: Children’s Aid Society of Toronto, Catholic Children’s Aid Society of Toronto, Native Child and Family Services, Jewish Family and Child, Boost Child Abuse Prevention and Intervention, SAFE-T Thistletown Regional Centre, SCAN at SickKids, The Gatehouse and the Ministry of the Attorney General Victims and Vulnerable Persons Division.

Conclusion:

The Sex Crimes Unit has continued to contribute to the achievement of the Service's missions, goals, and objectives. Members are dedicated to enforce laws dealing with sexual assaults, preventing sexual assaults, enhancing public safety and providing assistance to victims. This is evident with the progress made to date, through the implementation of all 60 recommendations made by the Auditor General.

Deputy Chief Mark Saunders of Specialized Operations Command will be in attendance to answer any questions that the Board may have regarding this report.

The Board approved the foregoing report.

Moved by: M. Del Grande

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

#P121. STREET CHECK SUBCOMMITTEE – UPDATE

The Board was in receipt of the following report June 18, 2007 from William Blair, Chief of Police:

Subject: STREET CHECK SUBCOMMITTEE - UPDATE

Recommendation:

It is recommended that the Board approve recommendations 1a) - g) and recommendation 2 as noted in the body of this report.

Financial Implications:

There are no financial implications arising from the Board's consideration of this report.

Background/Purpose:

In April 2012, in response to community concerns, the Board requested the City of Toronto Auditor General to conduct a project to collect and analyse data related to community contacts. The Board requested that the Auditor General report to the Board, in public, on the results of the project no later than the Board's December 2013 meeting (Min. P56/12 refers).

The Board also adopted a number of motions with respect to the use of Form 208, including a request, subject to a further report from the Chief, that individuals receive a carbon copy of the Form 208, a request for statistical reporting and, also subject to a further report from the Chief, a request that the Chief involve the TPS Diversity Management Unit in monitoring all Street Check activities and where there appears to be discrimination that the Chief ensure that steps are taken to address the matter.

In July, August, November and December 2012, the Board received reports responding to these motions.

The Board received, at its January 23, 2013 meeting, a copy of the proposed Form 306 Community/Officer Contact Receipt. The Board had previously directed that distribution of this receipt be deferred until the Board had an opportunity to review the copy of the receipt, to consider the deputations received at its meeting in November 2012 and to determine what direction the Board will provide to the Chief.

At its meeting on January 23, 2013, the Board also received a report from the Chief of Police responding to the Board's request that the Chief review Form 208 and any successor form to

ensure that they are in compliance with the Board's policies including the Race and Ethno Cultural Equity policy. The Chief's report indicated that his review of Form 306 was completed and confirmed that the forms are in compliance with the Board's policies (Min. P6/13 refers).

The Board received the Chief's report on Form 306, requested that the City Solicitor review all the reports and deputations on the issues of carding and the issuance of receipts and report back to the Board on March 27, 2013. The Board also created a Street Check Subcommittee (SCSC) comprised of Ms Marie Moliner, Mr Andy Pringle and Councillor Michael Thompson to review the reports and the deputations, to work with the Chief of Police to consider a course of action and prepare a policy taking into account the concerns that have been raised.

The Subcommittee provided update reports at the Board's February and March meetings (Mins. P43/13 and P50/13 refer). In the March update report, the Board was advised that City Legal's research is on-going and will not be completed in the timeframe requested by the Board.

The Subcommittee is mindful of the significant number of deputations (28) made to the TPSB on this issue over the past year. A summary of deputations is attached at Appendix A. The TPSB will create a section on the homepage of its website which links to all the TPS and TPSB reports on the subject of Street Checks since April 2012 and includes access to all deputations.

The mandate of the Street Check Subcommittee (SCSC) is described further in draft Terms of Reference which are still being considered by the Subcommittee (Draft Terms of Reference attached as Appendix B). These Terms of Reference focus on a number of areas which are addressed further below as part of the SCSC's on-going work.

At the March 27th, 2013 TPSB meeting, the Street Check Subcommittee Chair discussed the progress of the review of Street Checks (Form 208) and the proposed receipt (Form 306), indicated that the Subcommittee's report would be completed soon and further recommended that a copy of it be provided to each person who made a deputation or provided a written submission to the Board on this matter over the past year.

Discussion:

Members of the public have appropriately high expectations of the TPS, of the TPSB and of the work of Street Check Subcommittee. The Subcommittee is aware that it is unlikely that it will be able to respond adequately, in this report, to all community expectations.

The Sub-committee acknowledges the reputational risk to the Toronto Police Service given the perceived preponderance of such stops as they affect members of racialized communities.

The Subcommittee has carefully reviewed the request made by several deputants that the practice of Street Checks be stopped in its entirety. Given TPS operational requirements, the Subcommittee does not believe that stopping the practice of Street Checks is realistic. The Subcommittee believes that it is more practical to focus on the impact and purpose of Street Checks.

The Sub-committee's policy objective in developing the policy directions for the Chief is to ensure an approach to TPS Street Check practices and procedures which will permit verification

that Street Checks are justifiable, fair and not arbitrary. Additionally, the Sub-committee seeks to understand the training related to the practice and to provide the public with better information about the purpose and practices related to Street Checks. In so doing, the Sub-committee seeks to respond to the many deputations, who have identified concerns about the TPS practice of conducting Street Checks, and to protect the TPS and the Board from complaints or other challenges about the legality and appropriateness of Street Checks. As deputants have pointed out, the TPS has an opportunity to lead the way by establishing an approach which may be useful to other jurisdictions and police services.

In light of the preceding objectives, and in order to assist the Sub-committee in formulating a policy:

1. The Board requests:

- a. That, as an interim measure, the Chief immediately implement the use of Form 306, proposed by the Chief at the Board meeting in December 2012, for all stops where a FIR (208) is required to be completed.
- b. If the Form 306 continues to include a reference to “community engagement”, that the Chief provide the Board, for its’ information, a copy of the written instructions to TPS members defining what types of interactions constitute “community engagement”.
- c. That the Chief prepare a public communiqué to be posted on the TPS website and on Divisional web pages, which explains the purpose of the relevant Street Check forms and how they inter-relate. For ease of reference by the public, the current forms being used (208/FIR/306) should be posted to the website as part of this communiqué.
- d. That the Chief provide a report to the Board responding to the deputants’ requests for revisions to Form 208/FIR and to the viability of providing a carbon copy or equivalent record so that individuals are more fully informed of what has resulted from the stop and able to obtain appropriate information.
- e. That the Chief provide, to the Sub-committee, a list and summary of all materials the TPS has gathered on the collection of race-based data on stops.
- f. That, as offered by the Chief at the Board’s meeting in December 2012, the Chief produce a standardized quarterly report for the Board on Street Check practices beginning with the first quarter of 2013; including information about the implementation of Form 306, about the age and race of persons stopped and additional information which will enable an analysis of the nature and quality of Street Check activity and its impact on community safety (Min. P271/12 refers).
- g. That the Chief provide a status report at the June 2013 public Board meeting on the implementation of these directions.

2. Additionally, the Chief is requested to work closely with the Sub-committee to review the following:

Purpose of Street Checks:

- In what specific circumstances have the Checks demonstrated (a) a clear advantage to policing in Toronto and (b) an advantage that outweighs the negative individual and community consequences of the stops? How has this information been tracked and assessed to date?
- What are current written TPS policies on when an officer may (a) conduct a Street Check (b) record the Street Check on a Form 208/Field Information Report (FIR) (c) and must issue a receipt?

Data Collection:

- What information about stops that do not lead to charges is retained by TPS, why is it retained, for how long is it retained, under what circumstances is the information accessed by TPS and do individuals have the ability (and if so, are they told how) to verify information that is included on a Form 208/FIR? Can they obtain the information for this purpose other than by a formal MFIPPA request?

Training:street

- What are officers trained to consider specifically in exercising their discretion in relation to Street Checks? What accountability measures exist in relation to the conduct of Street Checks? Please provide a summary of training materials and curriculum calendar related to the exercise of discretion as it pertains to Street Checks.

Research:

- What research (other than the race-based statistics information requested in 1(f) above) has been undertaken by the TPS about Street Checks and other similar initiatives in other jurisdictions? Are there best practices in other jurisdictions which can inform the Street Check process at TPS?

Community Consultations:

- What are the results of any TPS consultations to date on Street Checks and are there any specific proposals for future consultations?

Conclusion:

Following receipt of this report from the Chief, the Sub-committee will evaluate this information, potentially identify further areas that may require analysis, research or action, consider appropriate monitoring mechanisms, and consider the drafting of a policy on Street Checks. In the interim, the Sub-committee will also determine how best to involve community stakeholders, including the Ontario Human Rights Commission.

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

- **Howard Morton, Law Union of Ontario***
- **Odion Fayalo, Justice is not Colour Blind***
- **Saneliso Moyo, Black is NOT a Crime***

***written submission also provided; copy on file in the Board office.**

The Board was also in receipt of a written submission dated April 24, 2013 from Noa Mendelsohn Aviv, Canadian Civil Liberties Association. A copy of Ms. Aviv's submission is on file in the Board office.

Following the deputations, Ms. Moliner discussed the Street Checks Sub Committee's progress of the review of street checks.

The Chief advised that the implementation of Form 306 requires changes to procedures and training. However, the form can be implemented by July 1, 2013. The Chief also advised that the CIOR is also engaged in reviewing issues around Street Checks in order to ensure that all aspects of this issue are taken into consideration. The Chief will also ensure that police officers' cautioning of individuals, as suggested by Mr. Morton, is considered by CIOR.

The Board received the deputations and the written submission and approved the report with the following Motion:

- 1. THAT recommendation no. 1a. be amended to include the wording "the Chief implement by no later than July 1, 2013, the use of Form 306..." replacing "immediate implementation".**

Moved by: M. Moliner

Street Check Deputations – Appendix A

Reference	Deputants	Issues	Recommendations
P56/12 April 5, 2012	Nigel Barriffe Urban Alliance	<ul style="list-style-type: none"> •DWB -driving while black equates to police pulling you over, searching and harassing racialized individuals •ongoing harassment of racialized youth by police 	<ul style="list-style-type: none"> •Board to establish task force with police-community to address issue
	John Sewell Toronto Police Accountability Coalition	<ul style="list-style-type: none"> •data shows that racialized youth/men are stopped by police more often than white youth/men •racialized youth obeying the law experience frequent stops by police •racialized youth/men subject to discriminatory practices by police •discriminatory practices are not justified because police think this is a good way of "fighting crime" 	<ul style="list-style-type: none"> •provide carbon copy of card note made to person stopped •police should provide an information sheet indicating an individual rights, particularly their rights not to cooperate •Board should state it will not tolerate discriminatory stops •require Chief to provide monthly report on carding activities •DMU should monitor all carding activity and counsel officers to change behaviour if pattern of discrimination is evident •DMU should develop interview/intervention process in cases where stops are reasonably warranted
	Noa Mendelsohn CCLA	<ul style="list-style-type: none"> •unwarranted police stops that violate the privacy, autonomy and dignity of the young people involved •random and unnecessary questioning, request for i.d., intimidation, illegal searches and at times police aggression •undermines positive police/community relationships 	<ul style="list-style-type: none"> •practice of targeting black male youth must stop •support Auditor General conducting investigation •OHRC and OIPRD should conduct investigation •Board need to develop policy preventing the targeting of black male youth

Street Check Deputations – Appendix A

Reference	Deputants	Issues	Recommendations
P56/12 April 5, 2012 (cont'd)	Moya Teklu ACLC	<ul style="list-style-type: none"> •anti-black racism in the criminal justice system is well documented and another lengthy data collection project is not needed •questions whether the Auditor General is the right person to conduct review/analysis of the data •racial profiling has created a toxic relationship between police and black community •regardless of any perceived utility the Service must acknowledge that 208 cards contravene the Constitution 	<ul style="list-style-type: none"> •stop the collection of demographic statistics •stop vicarious carding as it contravenes the Charter and human rights •the Service's attitude towards African-Caribbean descendants is one of racial and cultural indignation which needs to change to one of respect, dignity and ethno-cultural sensitivity •supports TPAC recommendations
	Reuben Abib BADC	<ul style="list-style-type: none"> •demographic statistic collection compromises the future of "our" children and causes them to fear police, lowers self-esteem and confidence and intimidates •collection this of this data creates a conduit for racial profiling 	<ul style="list-style-type: none"> •stop the collection of demographic statistics •stop vicarious carding as it contravenes the Charter and human rights •the Service's attitude towards African-Caribbean descendants is one of racial and cultural indignation which needs to change to one of respect, dignity and ethno-cultural sensitivity •supports TPAC recommendations
	Frontline Partners with Youth Network	<ul style="list-style-type: none"> •police-community interactions are highly racialized 	<ul style="list-style-type: none"> •police should provide an information sheet indicating individual's rights •carbon copy of the card will assist persons stopped to understand the reasons for stop •Board should state it will not
	Johanna Macdonald Justice for Children and Youth	<ul style="list-style-type: none"> •youth in Toronto experience harm at the hands of the police •contact card statistics illustrates a deep routed problem of discriminatory police stops and data collection •minorities experience a higher level of distrust of police 	<ul style="list-style-type: none"> •police should provide an information sheet indicating individual's rights •carbon copy of the card will assist persons stopped to understand the reasons for stop •Board should state it will not

Street Check Deputations – Appendix A

Reference	Deputants	Issues	Recommendations
P56/12 April 5, 2012 (cont'd)		<ul style="list-style-type: none"> •youth are fearful and devastated to speak out •youth know that there are no remedies available for this issue •review of issue by the Auditor General will not address deeply rooted concerns of mistrust 	<ul style="list-style-type: none"> tolerate discriminatory stops •supports TPAC recommendations
	Irwin Elman Office of the Provincial Advocate for Children and Youth	•police practice of issuing 208s run contrary to building bridges	•supports TPAC recommendations
	Miguel Avila	•most contact cards are produced by T.A.V.I.S	<ul style="list-style-type: none"> •supports independent assessment by Auditor General •supports providing persons stopped with copy of contact card
P187/12 July 19, 2012	Noa Mendelsohn CCLA	•concerned about race-based harassment	<ul style="list-style-type: none"> •Board should denounce practice of race-based harassment •Board needs to develop policies/programs to prevent, prohibit and address race-based harassment •Board must ensure investigator is given adequate resources to perform thorough investigation in timely manner •Board should adopt certain minimal standards for terms of reference which should include: <ul style="list-style-type: none"> - consultations with bodies with demonstrated expertise in policing, police complaints and human rights (org listed in deputation) •demonstrated sensitivity with

Street Check Deputations – Appendix A

Reference	Deputants	Issues	Recommendations
P187/12 July 19, 2012 (cont'd)			<p>respect to matters of race</p> <ul style="list-style-type: none"> investigator must investigate TPS policies, practices, regarding any or a combination of any police actions against black youth and/or others from racialized/marginalized communities regarding unwarranted questioning, stops, identity collection, intimidation, searches and aggression investigate how communities view TPS community policing practices Board should develop policy which addresses: <ul style="list-style-type: none"> accountability, standards regarding data collection, positive engagement with the public policies should consider issues of accountability investigator should examine training as it pertains to race and racism... investigator must investigate the complaints mechanism... Board should ensure regular independent review of this matter
	John Sewell Toronto Police Accountability Coalition	<ul style="list-style-type: none"> pending review of this issue officers should provide a receipt to individuals that are stopped 	<ul style="list-style-type: none"> receipt should include the following information: <ul style="list-style-type: none"> officer details date, time & place of stop/search

Street Check Deputations – Appendix A

Reference	Deputants	Issues	Recommendations
P187/12 July 19, 2012 (cont'd)			<ul style="list-style-type: none"> -reason for the stop/search -individual's self-defined ethnicity -vehicle registration if relevant -what officers were looking for and anything they found -individual's name or description, if name refused
P220/12 August 15, 2012	Moya Teklu ACLC	<ul style="list-style-type: none"> •in light of the Board's decision to extend the Chief's reporting back on this issue ACLC supports police accountability through the issuing of hand written receipts •Board needs to do its job of overseeing the Service and not provide an extension to the date the Chief's report is to be submitted •reiteration of previous deputation 	
P271/12 November 14, 2012	John Sewell Toronto Police Accountability Coalition		<ul style="list-style-type: none"> •mock-up of the receipt should be provided publicly •Board should undertake comprehensive communication strategy to provide information to the public about the receipt •monitoring program to ensure effectiveness of receipt
	Howard Morton Law Union of Ontario	<ul style="list-style-type: none"> •supports Chief's proposals discussed in Min. No. P271/12 -community/officer contact receipt -quarterly street check report -ongoing community consultation •design and use of Form 208 and Carding are clear violation of the Charter •Board needs to scrutinize officers' actions and strategies used when stopped individuals 	<ul style="list-style-type: none"> •Board must examine entire practice of Carding •Board should direct its counsel or independent counsel to examine Carding as it occurs on our streets, and report findings no later than February 2013 •the Board should require that the Chief cooperate with its counsel

Street Check Deputations – Appendix A

Reference	Deputants	Issues	Recommendations
P271/12 November 14, 2012 (cont'd)		<p>rightly refuse to provide Form 208 information</p> <ul style="list-style-type: none"> •within the meaning of the <i>Charter</i> Form 208 constitutes detention and search •carding is a violation of the <i>Charter</i> which has resulted in community apprehension, sentiment and fear •individuals carded are disproportionately racialized youth •Carding obstructs community trust •provide copy of Form 208 and the proposed receipt •information sought on Form 208 is unnecessary •police officers violate the supreme law of Canada when they refuse to respect Charter Rights •the Board was put on notice as early as 2004 that Carding is a threat to a free and democratic society •Superior Court opinion that states the manner in which Carding is being used is menacing and they could be a tool for racial profiling -serious consequences will ensue if Carding continues in its current form, they can be used for subjective assessment based on race or other irrelevant information •Board's recommendations ignore the real issue with respect to Carding •Board has failed its responsibility as it relates to Carding 	<p>by providing key information</p>
Moya Teklu		•while the Clinic opposes police practice of	
		•recommends that the reasons for	

Street Check Deputations – Appendix A

Reference	Deputants	Issues	Recommendations
P271/12 November 14, 2012 (cont'd)	ACLC	<p>documenting citizens in non-criminal encounters it want to commend the Board for moving to needed action</p> <ul style="list-style-type: none"> •if properly implemented the measures proposed by the Chief can lead to a level of transparency and accountability that to date has been lacking 	<p>interaction section on the contact cards and on receipts is sufficiently precise indicating specific criminal activity that preceded the stop</p> <ul style="list-style-type: none"> •issuing of receipt must be mandatory •receipt must include race of individual stopped and detailed information about issuing officer •public education campaign that includes, right to refuse to provide information, right to receive receipt, how the information will be used, etc.
	Noa Mendelsohn CCLA	<ul style="list-style-type: none"> •issuing a receipt to an individual Carded is an important and positive step which the CCLA endorses •supports issuance of quarterly reports •Board is urged to recognize compelling compliance, i.e. perspective held by stopped individuals that they have no choice but to comply •the recording of personal information in the manner of Carding is intrusive, frightening and intimidating, it is an affront to privacy and dignity and can have further future consequence for the individual •purpose and practice of police stops should be reviewed 	<ul style="list-style-type: none"> •receipt issued should include information about issuing officer •receipt should include information about the individual's rights •Chief's measures (training, quarterly reports, monitoring) should not only relate to contact cards but to all stops where individuals are stopped and questioned •ongoing community consultation (ensure confidentiality of community members)
	Johanna Macdonald Justice for Children and Youth	<ul style="list-style-type: none"> •dual purpose of street checks raises questions -under what authority does police collect non- 	<ul style="list-style-type: none"> •Board must create policy that safeguard individual rights and

Street Check Deputations – Appendix A

Reference	Deputants	Issues	Recommendations
P271/12 November 14, 2012 (cont'd)		<ul style="list-style-type: none"> law enforcement personal information -does community engagement require that police collect and retain personal information 	<ul style="list-style-type: none"> protect the community •policy must include provision about informing people of their rights when stopped policy must require that officers provide information about the complaints process •policy must include monitoring and compliance with the <i>Ontario Human Rights Code</i> and the <i>Charter</i> •create should govern the access, retention and destruction of street check information collected
P6/13 January 23, 2013	<p>Dough Johnson Haltem Lazarus Rising Street Pastor</p> <p>Howard Morton Law Union of Ontario</p> <p>John Sewell Toronto Police Accountability Coalition</p>	<ul style="list-style-type: none"> •street checks are street detention •fear of consequences if refuse to comply with police •restated its position as noted in November 14, 2012 Board meeting minutes (P271/12) •carding is intrusive •Form 208 makes it clear that police believe such stops constitute an investigation •the type of information gathered on Form 208 indicates extraordinary prejudice on the part of police (esp. when no crime is being investigated) •proposed receipt assumes that stop and carding is for community engagement •receipt does not indicate why police had authority to engage in the stop 	<ul style="list-style-type: none"> •reason for police detention must be recorded •receipts must be provided •format of Form 208 and its deployment must comply with the <i>Charter</i> and the <i>Ontario Human Rights Code</i> •stop carding activities that involve random stops where there is no evidence of illegal activity. If Board does not cease carding then: •Form 208 should be amended to include: -"Crime being Investigated" and "Why this Person was Stopped for this Crime" -associates and young person

Street Check Deputations – Appendix A

Reference	Deputants	Issues	Recommendations
P6/13 January 23, 2013 (cont'd)	Noa Mendelschm CCLA	<ul style="list-style-type: none"> •Form 306 appears to justify detaining, questioning and recording identity and personal information •the very notion of street check is improper and implies legitimacy for intrusive policing •opposes the approval or use of Form 306 	<p>information should only be completed in cases of criminal code or drug offence investigation</p> <ul style="list-style-type: none"> •a carbon copy of the amended Form 208 would make the best receipt •Board should engage in public campaign before beginning distribution of receipts •require police to provide "mirror copy" of contact cards that at a minimum includes information not deemed part of police investigation. For example: <ul style="list-style-type: none"> -personal information, race or racial appearance, specific reason for the stop -sharing this information ensures transparency and accountability •Board need to begin to investigate and address race based harassment
	Paul Copeland Law Union of Ontario	<ul style="list-style-type: none"> •mainly young ethnic minorities are subjected to carding •prepared information sheet that informs people subjected to carding of their rights 	<ul style="list-style-type: none"> •carding information sheet entitled "Approached by the Police...Know your Rights" (attached to deputation)
	Odion Fayalo	<ul style="list-style-type: none"> •police must learn to differentiate the criminal and noncriminal elements in the African Canadian community...as they do with other ethnic communities •Form 208 and 306 is immoral and violates right to be free from arbitrary detention or 	

Street Check Deputations – Appendix A

Reference	Deputants	Issues	Recommendations
P50/13 March 27, 2013	John Sewell Toronto Police Accountability Coalition	<p>imprisonment</p> <ul style="list-style-type: none"> • carding should be discontinued • opposed implementation of receipts • Board should put interim measure in place to change carding while the final actions are debated and decided on 	<ul style="list-style-type: none"> • Form 208 should be amended to replace "Circumstance of Investigation" with: <ul style="list-style-type: none"> - "Crime being Investigated" and "Why this Person was Stopped for this Crime" • "associates" and "young person information" should only be completed in cases of criminal code or drug offence investigation • a carbon copy of the amended Form 208 should be given to everyone stopped and carded • change field information form so that reasons for stops are listed • only stop individuals or complete the form in investigative purposes • collect detailed information only on persons that are suspects • issue carbon copy receipts • consider new holistic evaluation measures and standards
	Brittany Harris CLASP	<ul style="list-style-type: none"> • carding should be stopped until the issues with carding have fully considered and addressed • issues with the program includes community concerns, contravention of Charter rights and intrusive questions • the practice is flawed and not fully understood • police being evaluated on the basis of the number of 208s completed is unacceptable 	
	Moya Teklu Black is not a Crime	<ul style="list-style-type: none"> • given the disproportionate rate at which members of the African Canadian community are carded, the practice of carding is illegal 	

Street Check Deputations – Appendix A

Reference	Deputants	Issues	Recommendations
P50/13 March 27, 2013 (Cont'd)		<ul style="list-style-type: none"> carding violates the <i>Charter, Ontario Human Rights Code</i> and various international treaties will the City Solicitor's legal analysis incorporate data published by the Toronto Star 	
	Rand Schmidt	<ul style="list-style-type: none"> Board should immediately implement the "less than perfect" 306 	<ul style="list-style-type: none"> Board should consider the following components with respect to street checks: the receipt, the receipting process and the response to the receipt being issued draft version of the 306 lacks sufficient detail on what happened during the street check the present version of the 306 can be used while considering possible modifications
	James Roundell Law Union of Ontario	<ul style="list-style-type: none"> lack of Board action regarding report from City Solicitor and community engagement to draft new street checks policy Board has a duty to ensure that the police service operate in a lawful manner reiterates its submission of November 14, 2012 regarding the Board's retention of independent Counsel and the Chief's cooperation (see P271/12 above) Board must examine the entire practice of street checks, not just simply race and demographic statistics police service's unlawful stopping and 	

Street Check Deputations – Appendix A

Reference	Deputants	Issues	Recommendations
P50/13 March 27, 2013 (Cont'd)		<ul style="list-style-type: none"> demanding of personal and private information from individuals that are not suspects is undemocratic street checks violates Charter rights years of Board inaction has allowed the continued stops, intimidation, violation of rights and discrimination against law abiding community members 	
	Miguel Avila	<ul style="list-style-type: none"> carding is intrusive practice of officers asking for immigration information is intrusive TCHC residents are afraid of TPS officers and are not treated with respect by them 	

April 19, 2013

February 27, 2013

Appendix B

Toronto Police Services Board Street Check Sub-committee

Objective:

To review the reports and the depositions with respect to street checks and to work with the Chief of Police to consider a course of action and propose policy, taking into account the concerns that have been raised (Board Min. P6/13 refers).

Terms of Reference

In the course of its work the Sub-committee will consult with:

- Toronto Police Service – Deputy Chief Peter Soly
- City of Toronto Legal Servicesⁱ - Albert Cohen
- City of Toronto Auditor Generalⁱⁱ
- Community stakeholders

The Sub-committee will review the following:

- Inventory of issues raised by deputants
- existing Board policies and Service procedures which may provide governance with respect to Street Checks
- relevant literature from other jurisdictions

The Sub-committee will address the following questions:

1. When did the practice of conducting street checks begin and why?

Sub-committee Members: M. Moliner (Chair), M. Thompson, A. Pringle

February 27, 2013

2. Is it necessary for TPS to conduct street checks? What does TPS seek to achieve in conducting street checks?
3. What are the appropriate circumstances in which an officer may (a) conduct a street check (b) record the street check on a Form 208/Field Information Report (FIR) (c) issue a receipt?
4. What is the scope of the questions/information fields on the Form 208/FIR entry?
5. What information is retained by TPS, why is it retained, for how long is it retained, under what circumstances is the information accessed by TPS and can individuals obtain the information via MFIPPA? Do individuals have the ability to verify information that is included on a Form 208/FIR?
6. How is the principle of discretion applied by police officers in the street check process? What are officers trained to consider in exercising their discretion in relation to street checks? What accountability measures exist in relation to the conduct of street checks?
7. Are there best practices in other jurisdictions which can inform the street check process at TPS?

ⁱ The Board requested that the City Solicitor review all the reports and depositions submitted to the Board on the issues of carding and issuance of receipts and report back to the Board at its meeting on March 27, 2012 on the legality of these practices

ⁱⁱ At its meeting on April 5, 2012, the Board, in order to establish baseline data showing the pattern of contact between the police and members of the community, in general and young people from certain ethno-racial backgrounds in particular, requested that the City of Toronto Auditor General conduct a project to collect and analyze data related to such contact between the police and the community; and request that the Auditor General to report to the Board in public on the results of the project, no later than the December 2013 meeting of the Board.

Sub-committee Members: M. Moliner (Chair), M. Thompson, A. Pringle

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

#P122. ACTING VICE CHAIR

The Board approved the following motion:

- 1. THAT, given that Vice-Chair Thompson has advised that he is unable to perform the duties of Vice-Chair during the period between May 11, 2013 and May 19, 2013, inclusive, the Board appoint Councillor Frances Nunziata to act as Acting Vice-Chair for the purposes of the execution of all documents that would normally be signed by the Vice-Chair on behalf of the Board and to perform any other duties as may be required during that time.**

Moved by: A. Mukherjee

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

#P123. IN-CAMERA MEETING – APRIL 25, 2013

In addition to the public meeting conducted by the Board today, an in-camera meeting was held to consider a number of matters which were exempt from the public agenda in accordance with the criteria for considering confidential matters set out in s.35(4) of the *Police Services Act*.

The following members attended the in-camera meeting:

Dr. Alok Mukherjee, Chair

Mr. Michael Del Grande, Councillor & Member

Ms. Marie Moliner, Member

Dr. Dhun Noria, Member

Ms. Frances Nunziata, Councillor & Member

Mr. Michael Thompson, Councillor & Vice-Chair

Absent: Mr. Andrew Pringle, Member

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON APRIL 25, 2013**

#P124. ADJOURNMENT

Alok Mukherjee
Chair