



**The following *draft* Minutes of the special meeting of the Toronto Police Services Board held on April 8, 2014 are subject to adoption at its next regularly scheduled meeting.**

**MINUTES OF THE SPECIAL PUBLIC MEETING** of the Toronto Police Services Board held on **APRIL 8, 2014** at 6:00 PM in the Auditorium, 40 College Street, Toronto, Ontario.

**PRESENT:**

**Dr. Alok Mukherjee**, Chair  
**Mr. Michael Del Grande**, Councillor & Member  
**Ms. Marie Moliner**, Member  
**Dr. Dhun Noria**, Member  
**Ms. Frances Nunziata**, Councillor & Member  
**Mr. Andrew Pringle**, Member

**ABSENT:**

**Mr. Michael Thompson**, Councillor & Vice-Chair

**ALSO PRESENT:**

**Mr. William Blair**, Chief of Police  
**Ms. Deirdre Williams**, Board Administrator

**THIS IS AN EXTRACT FROM THE MINUTES OF THE SPECIAL PUBLIC  
MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON  
APRIL 8, 2014**

**#P64 DRAFT POLICY – “STREET CHECKS” AND COMMUNITY  
CONTACTS**

The Board was in receipt of a copy of the draft Toronto Police Services Board policy for “street checks” and community contacts. A copy of the draft policy is appended to this Minute for information.

Mr. Frank Addario, Addario Law Group, was in attendance and provided an update on the progress of the draft policy.

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

John Sewell, Toronto Police Accountability Coalition \*  
Susan Gapka  
Peter Rosenthal \*  
Bev Salmon \*  
Geoff Slavin, Member Advocacy Committee \*  
Barbara Hall, Commissioner, Ontario Human Rights Commission \*  
Audrey Campbell, Co-Chair, PACER External Advisory Committee  
Paul Copeland \*  
Kingsley P. Gilliam, Black Action Defense Committee \*  
Vilko Zbogar, Law Union of Ontario \*  
Anthony Morgan, Urban Alliance on Race Relations  
Knia Singh \*  
Knia Singh, Osgoode Society Against Institutional Injustice \*  
Noa Mendelsohn Aviv, Director, Equality Program, Canadian Civil Liberties  
Association \*  
Vickie McPhee, Executive Director, Rights Watch Network  
Roger Love, African Canadian Legal Clinic  
Miguel Avila  
Linda Arbour \*  
Ben Lau, Co-Chair, Chinese Community Consultative Committee \*  
June Veacock

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

The Board was also in receipt of written submissions from:

Kris Langenfeld  
Cutty Duncan and Shadya Yasin  
Ann Cavoukian, Information and Privacy Commissioner/Ontario  
Clem Marshall

Louis and Marika Horvath  
Jeff Anderson  
Provincial Advocate for Children & Youth  
C.W.

Copies of the foregoing written submissions are on file in the Board office.

Following the deputations, Chair Mukherjee said that the comments and recommendations provided to the Board at tonight's meeting, and the meeting held on March 13, 2014 (Min. No. P40/14 refers), would be considered and that a revised and final policy would be considered by the Board at a special meeting to be held on April 24, 2014.

Chair Mukherjee also said that the Board is committed to ensuring that policing services in Toronto will be delivered in a manner that is consistent with the *Canadian Charter of Rights and Freedoms* and the *Ontario Human Rights Code*.

**The Board approved the following Motion:**

**THAT the Board receive the draft policy, the deputations and the written submissions.**

**Moved by: F. Nunziata**

## [TPSB COMMUNITY CONTACTS POLICY]

### **Authorities:**

*Canadian Charter of Rights and Freedoms*

*Ontario Human Rights Code*

*MFIPPA*

*Police Services Act*

*TPSB Race and Ethnocultural Equity Policy*

*TPSB Human Rights Policy*

*TPSB Collection, Use and Reporting of Demographic Statistics Policy*

### **Preamble:**

The Toronto Police Services Board acknowledges that members of the Toronto Police Service are entitled by law to start conversations with members of the public. Further, the collection, retention, use and disclosure of information gathered for *bona fide* reasons can be a legitimate and effective policing tool.

The Board recognizes that the manner in which some contacts have been conducted and recorded has had a demonstrated negative impact on public trust. Public trust in the police is essential to effective policing. Improving the policy framework for police-civilian contacts will enhance public trust and cooperation with the police.

Independent civilian oversight is necessary to improve public trust in the police. The reform of police-civilian contacts needs to be public, transparent and Board-controlled.

Therefore, the objectives of this policy are to:

- a. Identify and facilitate the two purposes for the collection, retention, use and disclosure of information arising from police-civilian contacts in non-detention and non-arrest contacts ("Contacts"):
  - i. Ensuring accountability and transparency in Contacts, and
  - ii. Fulfilling policing duties under s. 42 of the *Police Services Act*;

- b. Improve community confidence in the ability of the Toronto Police Service to provide non-biased policing;
- c. Ensure public trust in policing through enhancing community understanding of individual rights under the *Canadian Charter of Rights and Freedoms*, the *Ontario Human Rights Code* and Board policies during police-civilian contacts;
- d. Eliminate prohibited profiling and/or bias from Contacts;
- e. Ensure the provision of effective training on how to conduct Contacts in a way that promotes community trust;
- f. Hold the Chief of Police accountable for police-civilian Contacts through oversight and public reporting of Contact-related data; and,
- g. Ensure effective oversight of Contacts by the Board through periodic, independent evaluation of data on such Contacts.

**Policy:**

Therefore, it is the policy of the Board that:

**A. Principles**

1. The Chief of Police will establish procedures regarding Contacts that comply with the following principles:
  - a. Procedures will be based on the acknowledgement that the effect of Contacts on the community is as important as the purpose of those policing practices.
  - b. Procedures will ensure compliance with the *Canadian Charter of Rights and Freedoms* generally and, in particular, the s. 9 protection against arbitrary detention and the s. 15 right to equal treatment under the law.
  - c. Procedures will ensure compliance with the *Ontario Human Rights Code* generally and, in particular, the s. 1 freedom from discrimination based on race, place of origin, age, colour or ethnic origin.
  - d. Procedures will ensure compliance with the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA") generally and in particular, with Part II of MFIPPA;

- e. Procedures will reflect the goal of police legitimacy, in that procedures will ensure that Contacts are being conducted in the spirit of trust building with the community and are directed toward effective policing.
- f. Procedures will ensure that civilian interviews are not pretexts entered into to acquire the reasonable suspicion necessary to detain.
- g. Procedures will include a definition of the purpose of “ensuring public safety” that is consistent with the objectives of this policy.
- h. Procedures will ensure civilians know as much as possible in the circumstances about their right to leave and the reason for the Contact.

**B. Contact Data Collection for Accountability and Transparency Purposes**

- 1. The Chief, in consultation with the Board, will determine the methodology to measure the Service’s effectiveness in policing the community. This measurement will use the systemic impact of Contacts on community confidence in the police as a success metric, consistent with the Board and the Service’s obligation to protect and promote *Charter* values.
- 2. The Chief will report proposed plans for any internal or external consultation or evaluation of Contacts before approving them in order to afford the Board an opportunity to satisfy itself that the proposed plans comply with the objectives of this policy.
- 3. The Chief will provide to the Board any internal or external report or data related to Contacts proactively and upon request from the Board.
- 4. The Chief will provide to the Board copies of all training modules on Contacts for review proactively and upon request from the Board.
- 5. The Chief, in consultation with the Board, will establish a transparent methodology for collecting information about Contacts in order to ensure that this methodology captures all relevant information and produces information that can be used for meaningful evaluation of Contacts.
- 6. The Chief will consult with the Board to determine the type of data that will be collected for the purpose of review or evaluation and the duration of its retention. The Chief will ensure that any information collected for the purpose of reviewing or evaluating Contacts is non-identifiable, kept separately, is held in a database accessible for performance evaluation, risk management or professional standards and is not used for investigative purposes.

### **C. Contact Data Collection for Investigative Purposes**

7. The Chief will establish procedures regarding the collection, retention, use and disclosure of personal information arising from Contacts to ensure that:
  - a. Community Safety Notes (“CSNs”) are only prepared for Contacts that serve the purpose of “ensuring public safety”
  - b. Categories of information in the CSNs are in compliance with the *Ontario Human Rights Code* and the *Municipal Freedom of Information and Protection of Privacy Act*.
  - c. The Service will use the quality of interactions and information gathered to measure performance and productivity of individual members of the Service.
  - d. Information not satisfying the CSN criteria will be retained in a manner consistent with the *Ontario Human Rights Code* and the *Municipal Freedom of Information and Protection of Privacy Act*.

### **D. Training**

8. The Chief will ensure that personnel at all levels, as appropriate, receive the training necessary to conduct Contacts in accordance with the law and Board policy. Such training will include the following:
  - a. Instruction about conducting Contacts in a manner that maximizes effective policing;
  - b. Instruction about conducting Contacts in a manner that promotes public confidence. This includes training about the importance of contacts which are free of improper profiling or bias;
  - c. Instruction about the principle enunciated by the Supreme Court of Canada (e.g., in *R v. Grant*) that detention can be psychological and that restrictive police conduct can create a detention;
  - d. Instruction about the importance of telling an individual that they are free to leave if they are not detained or arrested;

- e. Instruction about the use of respectful language, tone and demeanour during Contacts; and,
- f. Instruction that Contacts are not pretexts to be entered into for the purpose of acquiring the “reasonable grounds to suspect” which justify investigative detention.

#### **E. Supervision**

- 9. The Chief will establish procedures regarding Contacts to ensure that:
  - a. Service members are provided effective supervision related to Contacts; and,
  - b. Service members are provided counseling in relation to Contacts where, in the view of the supervisor, such counseling is justified.

#### **F. Reporting**

- 10. For the purpose of ensuring adequate and effective policing, the Chief will submit a public report to the Board in January, May and September of each year containing full data and statistics related to Contacts.



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**#P65            ADJOURNMENT**

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Alok Mukherjee  
Chair