



Public Meeting

Tuesday, March 26, 2019

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

PUBLIC MEETING AGENDA

Tuesday, March 26, 2019 at 1:30 PM
Auditorium – 40 College Street, 2nd Floor
www.tpsb.ca

Call to Order

Indigenous Land Acknowledgement

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

1. Confirmation of the Minutes from the meeting held on February 21, 2019

Presentation

2. [Presentation on Special Constable training](#)

Staff Superintendent Randy Carter will provide a presentation to the Board

Items for Consideration

3. March 14, 2019 from Andy Pringle, Chair
Re: [Proposed Expansion to Scope of Board's Independent Civilian Review into Missing Persons Investigations](#)
4. March 14, 2019 from Audrey Campbell, Thea Herman (Retired Judge) and Andy Pringle, Chair
Re: [Regulated Interactions Review Panel: Review of Chief's Reports - Access to Historical Contact Data, Third Quarter 2018 \(July – September\) & Fourth Quarter 2018 \(October – December\)](#)
5. March 14, 2019 from Ryan Teschner, Executive Director and Danielle Dowdy, Advisor, Strategic Policy & Stakeholder Relations
Re: [Justice Michael H. Tulloch's Report of the Independent Street Checks Review and proposed next steps](#)

6. January 17, 2019 from Mark Saunders, Chief of Police
Re: Request for Special Funds: Workplace Well-being, Harassment and Discrimination Review
7. December 20, 2018 from Mark Saunders, Chief of Police
Re: Request to Restructure Conducted Energy Weapon (C.E.W.) Reporting
8. February 5, 2019 from Mark Saunders, Chief of Police
Re: Special Constable Appointments and Re Appointments – March 2019
9. February 21, 2019 from Mark Saunders, Chief of Police
Re: Medical Advisory Services – Vendor Selection
10. March 4, 2019 from Mark Saunders, Chief of Police
Re: Electrical Services – Vendor of Record
11. March 5, 2019 from Andy Pringle, Chair
Re: Independent Civilian Review into Missing Persons Investigations – Account for Professional Services
12. February 22, 2019 from Andy Pringle, Chair
Re: Request for Special Funds – 52nd Annual Police Officer of the Year Awards

Consent Agenda

13. March 12, 2019 from Andy Pringle, Chair
Re: Notification Re: Board Ratification of Collective Bargaining Settlement with the Toronto Police Association (Dated February 15, 2019)
14. February 8, 2019 from Mark Saunders, Chief of Police
Re: Annual Report 2018: Use of Conducted Energy Weapons

15. January 10, 2019 from Mark Saunders, Chief of Police
Re: Response to the Jury Recommendations from the Coroner's Inquest into the Death of Mr. Mark Tomic
16. February 16, 2019 from Mark Saunders, Chief of Police
Re: Annual Report: Labour Relations Counsel and Legal Indemnification: Cumulative Legal Costs from January 1 – December 31, 2018
17. February 22, 2019 from Mark Saunders, Chief of Police
Re: Update on the Enhanced Neighbourhood Officer Program – 90-Day Check-In
18. March 1, 2019 from Andy Pringle, Chair
Re: Semi-Annual Report: Toronto Police Services Board Special Fund Unaudited Statement: July to December 2018
19. March 1, 2019 from Andy Pringle, Chair
Re: Annual Report: Toronto Police Service's Board's 2018 Consulting Expenditures
20. March 1, 2019 from Mark Saunders, Chief of Police
Re: Annual Report - 2018 Proof of Claim Documents Filed on Behalf of the Toronto Police Services Board
21. February 15, 2018 from Mark Saunders, Chief of Police
Re: Annual Report: 2019 Filing of Toronto Police Service Procedures
22. February 16, 2019 from Mark Saunders, Chief of Police
Re: Annual Report: 2018 Secondary Activities
23. March 1, 2019 from Mark Saunders, Chief of Police
Re: Semi-Annual Report: Write-off of Uncollectible Accounts Receivable Balances July to December 2018

24. March 1, 2019 from Mark Saunders, Chief of Police

Re: Annual Report: 2018 Sole and Single Source Purchases

25. September 26, 2018 from Mark Saunders, Chief of Police

Re: Chief's Administrative Investigation into the Custody Injury to Ms. Simone Telford

26. October 12, 2018 from Mark Saunders, Chief of Police

Re: Chief's Administrative Investigation into the Custody Death of Mr. Franjo Marincic

27. January 14, 2019 from Mark Saunders, Chief of Police

Re: Chief's Administrative Investigation into the Alleged Sexual Assault of Sexual Assault Complainant 2018-R

Adjournment

Next Meeting

Date: Thursday, April 25, 2019 at 1:30PM

Members of the Toronto Police Services Board

Andy Pringle, Chair
Uppala Chandrasekera, Member
Michael Ford, Councillor & Member
Ken Jeffers, Member

Marie Moliner, Vice-Chair
Frances Nunziata, Councillor & Member
John Tory, Mayor & Member

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

SPECIAL CONSTABLE TRAINING



- **Use of Force Training:** Special Constables must be trained and re-trained on Use of Force options they carry every 12 months.
- **First Aid and CPR Training**
- **Federal Legislation Training:** special constables must be trained on federal legislation related to the powers and protections of a peace officer, every 5 years.
- **Provincial Legislation Training:** all special constables must be trained on provincial legislation related to special constables, every 5 years.
- **Police Powers Training:** special constables must receive training on the powers of a police officer every 5 years

The Ministry of Community Safety and Correctional Services Training Requirements

TPS Court Officer Powers, Duties and Responsibilities:

Criminal Code: Sections 495-497 and 495(3) 497(3).

**Trespass to Property Act: Section 9(1), 9(2), 9(3)
and 10.**

**Police Service Act: Sections 138(1), 138(2) and 139
.**

**Court Security, R.S.O. 1990, c. P.15, s. 137 (1); 1997,
c. 8, s. 41.**





Toronto Police Services Board Report

March 14, 2019

To: Chair and Members
Toronto Police Services Board

From: Andy Pringle
Chair

Subject: Proposed Expansion to Scope of Board's Independent Civilian Review into Missing Persons Investigations

Recommendation(s):

It is recommended that the Board agree to expand the scope of the Board's Independent Civilian Review into Missing Persons Investigations (the Review), in the manner set out in the proposed revised Terms of Reference, to now include an examination of the specific circumstances involving the investigations into the disappearances of victims associated with Bruce McArthur.

Financial Implications:

An expanded scope for the Review will likely require additional expenditures. However, these expenditures are difficult to quantify at this stage. The Board Office has been advised that as the Review's work progresses in the next several months, a better assessment of additional costs will be made. It is anticipated that the Board will consider the revised amount for approval in a public report within the next six months.

Background / Purpose:

At its meeting of March 22, 2018, the Board approved the establishment of a working group mandated to advise the Board with respect to structural and process options for an independent external review or reviews into systemic concerns related to missing persons investigations (Min. No. P37/18 refers). At its June 21, 2018 meeting, the Board approved the Working Group's Terms of Reference for an Independent Review as well as a recommendation that it appoint a Reviewer (Min. No P112/18 refers). As noted in the Terms of Reference, the Review was established to examine Board policies as well as Service procedures and practices in relation to missing person investigations, particularly those involving individuals from the LGBTQ2S+, immigrant, homeless and other marginalized communities.

At the time, the Board also approved a request to the City of Toronto's Executive Committee to allocate and transfer to the Board funding for the Review in an amount not

to exceed \$3.0M and that such funds be made available to the Board beginning in 2018 and until the conclusion of the Review. Subsequently, Toronto City Council, at its July 23, 2018 meeting, approved up to \$3.0M for the Review.

At its meeting on August 23, 2018, the Board appointed The Honourable Gloria Epstein, a retired justice of the Court of Appeal for Ontario, to conduct the Board's Independent Civilian Review into Missing Persons Investigations (Min. No. P157/18 refers).

Discussion:

The changing context: the criminal proceedings are at an end

At the time the Board's Working Group was considering options for a review and drafting a proposed set of Terms of Reference, a considerably different context existed with respect to the criminal proceedings involving Mr. McArthur. Specifically, the police investigation and criminal proceeding involving Mr. McArthur were still ongoing at the time, and, indeed, even when the Review officially began. As was noted in the Working Group's report to the Board, "the mandate of the Working Group expressly states that any recommended review 'will not include any information or discussion of the McArthur investigation and possible trial proceedings'" and, further, that "the Working Group was also mindful of the need to protect the integrity of ongoing criminal investigations and criminal prosecutions."

Given the importance of not interfering or any in way impacting the investigation or proceedings, the Terms of Reference contained specific limits as to scope: the Review was not to assess matters related to the criminal proceedings involving Mr. McArthur.

The Terms of Reference which the Board approved, state, in part, as follows:

AND in particular to ensure that any ongoing criminal proceedings involving Bruce McArthur are not prejudiced, when examining Project Houston and the missing person investigation of any alleged victim of Bruce McArthur, the Reviewer will not examine any facts after September 1, 2017, when it was determined that Bruce McArthur was a suspect, nor will the Reviewer examine any of the police contact with or consideration of Bruce McArthur, including as a person of interest, whether before or after September 1, 2017, nor will the Reviewer examine how the police determined the identity of any specific suspects;

However, this context has changed significantly. On January 29, 2019, Mr. McArthur pleaded guilty to eight counts of first-degree murder, and was subsequently sentenced. As the appeal period has expired, Mr. McArthur's criminal proceedings are at an end. Therefore, the concerns that existed when the Review was being developed and began no longer apply.

The Board engages the Province

Once Mr. McArthur's criminal proceeding was at an end, it was important to engage the Province of Ontario to determine whether the Province had any plans to itself review the matters at issue. On February 4, 2019, I wrote to The Honourable Caroline Mulroney, Attorney General of Ontario, with respect to the developments arising in the case of Mr. McArthur, stating that "the Board wishes to understand whether the Government of Ontario is considering any type of review — be it a public inquiry or any other type of review — of the matters involving the criminal investigation into Mr. McArthur." This letter is attached as **Appendix A**.

As I note in the letter, the Terms of Reference for the Review contained "specific limits" so as to in no way impact these proceedings. However, given the changing circumstances flowing specifically from Mr. McArthur's guilty pleas and sentencing, my letter went on to note:

However, now that these proceedings have concluded, the Board recognizes the importance of ensuring that a broader and more comprehensive review of missing persons investigations by the Toronto Police Service is conducted — one that would now include the specific circumstances surrounding Mr. McArthur's offences. With Mr. McArthur's criminal proceedings now at an end, there is no risk of prejudice that prevents such an examination from occurring.

On February 21, 2019, the Attorney General made a public statement advising that the Province had "no plans" to launch a public inquiry, and expressed the desire for the Board's Review to be "comprehensive." The Board has also received a formal response to its correspondence to the Attorney General, dated March 13, 2019, which is attached as **Appendix B**.

The public interest demands a comprehensive Review that examines all relevant matters

As the Board indicated in its last public statement on this subject:

The board believes that it is important that any review be wide-ranging, transparent, open and comprehensive — and, now that the criminal proceedings are at an end, that the specific circumstances surrounding Mr. McArthur's offences be examined, too. We want to not only examine how the board and service can improve its policies, procedures, training and culture, but we seek to restore and fortify confidence in our police service, and to continue to build bridges with residents from all of our communities.

I know that there are many in our community who are closely watching this important work, and awaiting any recommendations that arise. With the concerns about Mr. McArthur's criminal proceeding no longer applicable, it is time to expand the Review's mandate so that it can independently assess and make recommendations about the very cases that motivated its launch in the first place. At **Appendix D** to this report, I have included a proposed, revised set of Terms of Reference (with suggested changes identified) that would expand the Review's scope as discussed herein. These suggested changes are presented in correspondence submitted by The Honourable Gloria Epstein, who, in her capacity as the Independent Reviewer, is in a unique position to provide the Board with objective suggestions aimed at maximizing the Review's comprehensiveness.

The Board continues to be of the belief that an independent and systemic review of the kind that Justice Epstein is conducting is the most appropriate way to ensure that the important concerns raised in relation to missing persons investigations are ultimately addressed. The Board has previously used this review model, when it retained the Honourable John Morden to conduct an independent civilian review into matters related to the planning and policing of the G20 Summit. That review resulted in a ground-breaking, wide-ranging and important report, with a series of 38 recommendations, including in areas such as civilian governance, command and control, information-sharing and crowd control policies.

Particularly in a context where the matters involved are sensitive and deeply personal, a systemic review model has a number of advantages. Among them, the reviewer has significant flexibility in designing how a systemic review will proceed, including by establishing protocols for the production of documents and information. A systemic review may also include confidential interviews, which can represent an important vehicle for truthful revelations from institutional employees. This model of review can also put in place mechanisms to protect against disclosure of information as to the lifestyles of affected individuals, or the revelation of investigative techniques that should remain confidential in the public interest. In addition, and especially important in our context, community members, through an advisory panel or committee, can play a considerably more prominent role as part of a systemic review. Finally, a systemic review is far less expensive and its work can be completed more expeditiously than under a public inquiry model, which requires adherence to strict procedural rules that often increase cost and the time spent.

An expanded scope is supported by the Independent Reviewer

In addition to its own efforts to move forward on this matter, the Board has received correspondence, dated January 30, 2019 and March 13, 2019, from The Honourable Gloria Epstein, with respect to the Terms of Reference for the Review. These letters are attached as Appendices C and D. In this correspondence, Ms. Epstein discusses the restrictions on the mandate of the Review that were in place "so as not to prejudice any ongoing police investigation or criminal prosecution." While she agrees that some

of these restrictions should remain, it is her view “that there remains no compelling reason” to continue to impose the restrictions involving Mr. McArthur.

Ms. Epstein’s more recent, updated correspondence notes that upon consideration, it is clear that some additional time will be required for the Review to complete its work under an expanded scope. Ms. Epstein also advises that while there will inevitably be additional costs associated with an expanded scope, should the Board approve one, the precise nature of those costs are difficult to quantify at this stage. Ms. Epstein suggests returning to the Board with a concrete, updated amount once that is identified.

Conclusion:

With the criminal proceedings involving Mr. McArthur now at an end, the rationale for limiting the scope of the Review no longer applies. Therefore, it is recommended that the Board agree to expand the Board’s Review in the manner set out in the proposed revised Terms of Reference, so as to ensure that its scope will now include an examination of the specific circumstances involving the investigations into the disappearances of victims associated with Bruce McArthur.

Respectfully submitted,

Original Signed

Andy Pringle
Chair

Appendix A



Toronto Police Services Board

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



February 4, 2019

The Honourable Caroline Mulroney
Attorney General
Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, ON M5G 2K1

Dear Attorney General Mulroney:

I am writing with respect to the developments arising in the case of Mr. Bruce McArthur, following the eight guilty pleas to first-degree murder entered on January 29, 2019. My understanding is that sentencing in this matter is scheduled for February 4, 2019, and a decision with respect to sentence will be made soon thereafter. Following the expiry of any applicable appeal period, the criminal proceeding in relation to Mr. McArthur will be at an end.

In June 2018, the Toronto Police Services Board formally commissioned an Independent Review into Board policies and Toronto Police Service procedures and practices in relation to missing person investigations, particularly those involving individuals from the LGBTQ2S+, immigrant, homeless and other marginalized communities. Retired Justice Gloria Epstein was appointed to conduct this Review. As the police investigation and criminal proceeding involving Mr. McArthur were still ongoing at the time that the Review began, the Terms of Reference contained specific limits — based on input provided by your Ministry — so as to in no way impact these proceedings.

However, now that these proceedings will conclude imminently, absent any appeals, the Board recognizes the importance of ensuring that a broader and more comprehensive review of missing persons investigations by the Toronto Police Service is conducted — one that would now include the specific circumstances surrounding Mr. McArthur's offences. With Mr. McArthur's criminal proceedings soon at an end, there is no risk of prejudice that prevents such an examination from occurring.

The Board has already received a formal request from The Hon. Gloria Epstein to expand the scope of the Board's Review to include this examination of the circumstances specifically involving Mr. McArthur. The Board will consider this request at an upcoming Board meeting. However, in order to inform its deliberations, the Board wishes to understand whether the Government of Ontario is considering any type of review — be it a public inquiry or any other type of review — of the matters involving the criminal investigation into Mr. McArthur. If so, I would appreciate the opportunity to have a more fulsome discussion with you and Ministry officials so as to minimize duplication of efforts or other issues that could arise if more than one review of the same subject matter occurs.

As you well understand, this is a significant issue of public interest and community members have raised many questions about missing persons investigations generally, as well as the circumstances surrounding Mr. McArthur's offences, some of which include the role of the police when conducting investigations of the type at issue here. It is important that any review be wide-ranging, transparent, open and comprehensive. We want to not only examine how the Board and Service can improve its policies, procedures, training and culture, but we seek to restore and fortify confidence in our police service, and to continue to build bridges with residents from all of our communities. As I see it, there are two options to facilitate these objectives: one is to expand the scope of the Board's Review, and the other is for the Province to initiate its own review or inquiry. Whichever of these two options are ultimately pursued, it is vital that we coordinate our efforts, which begins with this request of you for more information.

I look forward to your response, and discussing this matter with you in more detail before the Board formally considers the Hon. Gloria Epstein's request. As you can appreciate, the Board believes this matter deserves immediate attention, so that whatever process unfolds can be made clear to the public and those involved.

Sincerely,

A handwritten signature in black ink, appearing to read 'AP', with a long horizontal stroke extending to the right.

Andy Pringle
Chair, Toronto Police Services Board

cc. Board Members
Chief Mark Saunders

Appendix B

Attorney General
McMurtry-Scott Building
720 Bay Street
11th Floor
Toronto ON M7A 2S9
Tel: 416-326-4000
Fax: 416-326-4007

Procureure générale
Edifice McMurtry-Scott
720, rue Bay
11^e étage
Toronto ON M7A 2S9
Tél.: 416-326-4000
Téléc.: 416-326-4007



Ontario

Our Reference #: M-2019-776

March 13, 2019

Mr. Andy Pringle
Chair, Toronto Police Services Board
40 College Street
Toronto, ON
M5G 2J3
Email: sheri.chapman@tpsb.ca



Dear Mr. Pringle:

Thank you for your recent letter regarding the guilty pleas entered in the criminal prosecution of Bruce McArthur and the ongoing Independent Civilian Review into Missing Persons Investigations established by the Toronto Police Services Board.

Please know that my heart aches for the families and friends of the victims of these terrible crimes. I appreciate that the Board endorses the need for a broader and more comprehensive review of missing persons investigations, including the specific circumstances surrounding Mr. McArthur.

I understand that the Honourable Gloria Epstein is conducting the Independent Civilian Review of the Toronto Police Services procedures around its investigations for missing persons from marginalized communities. I would welcome the Toronto Police Services making the review as thorough as necessary to allow you to develop policies and procedures to prevent these kinds of tragic events from occurring in the future.

At this time, Ontario has no plans to commence a public inquiry. I look forward to seeing the results of Justice Epstein's review.

Thank you again for writing.

Sincerely,

A handwritten signature in cursive script that reads "Caroline Mulroney".

Caroline Mulroney
Attorney General

Appendix C



January 30, 2019

Andrew Pringle, Chair
Toronto Police Services Board
40 College Street
Toronto, ON M5G 2J3

Dear Sir:

I am writing to you in connection with the Terms of Reference for the Independent Civilian Review into Missing Person Investigations.

As you undoubtedly know, on January 29, 2019, Bruce McArthur entered pleas of guilty to eight counts of first degree murder. His crimes related directly to deceased individuals who are identified in our Review's Terms of Reference. Nonetheless, the Board placed (and I agreed to) certain restrictions on the Review's mandate so as not to prejudice any ongoing police investigation or criminal prosecution. Some of those restrictions remain important. For example, the homicide case relating to the death of Tess Richey is ongoing. However, some of the restrictions were specifically tied to the McArthur prosecution. The first full paragraph on page 4 of the Terms of Reference states the following:

And in particular to ensure that any ongoing criminal proceedings involving Bruce McArthur are not prejudiced, when examining Project Houston and the missing person investigation of any alleged victim of Bruce McArthur, the Reviewer will not examine any facts after September 1, 2017 relating to the ongoing proceedings when it was determined that Bruce McArthur was a suspect, nor will the Reviewer examine any of the police contact with or consideration of Bruce McArthur, including as a person of interest, whether before or after September 1, 2017, nor will the Reviewer examine how the police determined the identity of any specific suspects.

In my view, once Mr. McArthur's sentencing has been completed, there remains no compelling reason for the above restriction on the Review's work. I believe that its removal, through amendment of the Terms of Reference, will enhance my ability to report fully on the issues identified in the Terms of Reference. I also suggest that the final paragraph on page 3 of the Terms of Reference can be

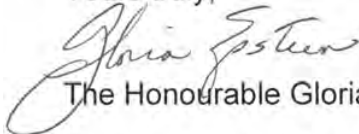
amended to replace "including but not limited to the criminal prosecutions of Bruce McArthur and Kalen Schlatter" with "including but not limited to the criminal prosecution of Kalen Schlatter."

As you can see, we will continue to ensure that no criminal investigation or proceedings are prejudiced by our work.

In my view, these amendments are unlikely to change our timelines for completion or the allocated budget. They would promote a more efficient Review (since they require less work to separate out reportable and non-reportable issues), and, at the same time, a more comprehensive report.

Thank you in advance for the Board's consideration of this request.

Yours truly,

A handwritten signature in cursive script, appearing to read "Gloria Epstein", written in dark ink.

The Honourable Gloria Epstein

Cc Mayor John Tory
Cc Ryan Teschner, Executive Director, TPSB
Cc Mark Sandler, Counsel, Independent Review

Appendix D

The Independent Civilian Review into Missing Persons Investigations

Suite 1900
439 University Avenue
Toronto, Ontario
M5G 1Y8

Telephone: 416-585-9191
Fax: 416-408-2372

E-mail: info@missingpersonsreview.ca
msandler@missingpersonsreview.ca

The Honourable Gloria J. Epstein
Independent Reviewer

Mark J. Sandler
Lead Counsel

March 13, 2019

Andrew Pringle, Chair
Toronto Police Services Board
40 College Street
Toronto, ON
M5G 2J3



Dear Mr. Pringle,

This letter supplements my letter to you dated January 30, 2019 in connection with the Terms of Reference for the Independent Civilian Review into Missing Person Investigations.

In my earlier correspondence, I reflected the changed circumstances resulting from the guilty pleas and sentencing of Bruce McArthur. I suggested that the Review's Terms of Reference be modified to remove existing restrictions that were designed so as not to prejudice the criminal proceedings involving McArthur.

As I stated earlier, now that Mr. McArthur's sentencing has been completed, there remains no compelling reason for those restrictions involving Mr. McArthur to remain in place. I enclose with this letter the existing Terms of Reference with tracked changes showing proposed amendments to the Terms of Reference. For greater certainty, I have suggested not only the deletion of existing restrictions, but also several additions to reflect what the Review would now be permitted to examine and report on if the restrictions are removed. In my view, these amendments will enhance my ability to report fully on the systemic issues identified in the Terms of Reference.

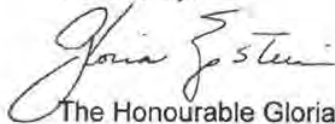
I had hoped that these changes would not affect the timelines for completion of the Review or the allocated budget. However, some (not all) aspects of the Review's work were delayed while we awaited a determination on the scope of the Review and as to whether the provincial government would call a public inquiry. As well, it has become clear, as we acquire further information, that the

McArthur component of the work will take some time if I am to produce a comprehensive report. Accordingly, I am requesting that the deadline for my report be extended to January 31, 2021. Of course, I will report earlier if circumstances permit me to do so.

Although the added duration of time and anticipated subject matter will now likely result in additional expenditures, it is difficult to assess those expenditures right now. These further expenditures would relate to the additional proposed duration of the Review (April 2020 to January 31, 2021.). I believe that I will be in a better position to quantify those additional expenditures six months from now. If the extension is granted, I am prepared to report back to the Board solely on the issue of expenditures at a subsequent date to be set by the Board. I can advise the Board that expenditures to date have been well within the current allocated budget.

Thank you in advance for the Board's consideration of this request.

Yours truly,

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

The Honourable Gloria Epstein

Cc Mayor John Tory
Cc Ryan Teschner, Executive Director, TPSB
Cc Mark Sandler, Counsel, Independent Review

Toronto Police Services Board

Terms of Reference for the Independent Civilian Review into Missing Person Investigations

WHEREAS the Toronto Police Services Board ("the Board") is responsible, pursuant to subsection 31(1) of the *Police Services Act*, R.S.O. 1990, c. P.15 ("the Act"), for the provision of adequate and effective police services in the City of Toronto;

AND WHEREAS the Board must, pursuant to subsection 31(1) of the Act, generally determine after consultation with the Chief of the Toronto Police Service ("the Chief") objectives and priorities with respect to police services for the City of Toronto, establish policies for the management of the Toronto Police Service ("the Service") and direct the Chief and monitor his performance;

AND WHEREAS the Board may, pursuant to subsection 31(6) of the Act, by by-law, make rules for the effective management of the Toronto Police Service;

AND WHEREAS the Board may express its opinion or make recommendations to the Chief of Police on any aspect of policing in the municipality, while not directing the Chief of Police with respect to specific, operational matters or with respect to the day-to-day operation of the Toronto Police Service;

AND WHEREAS the Report of the Independent Civilian Review Into Matters Relating to the G20 Summit provides relevant guidance on interpreting the statutory mandate of the Board;

AND WHEREAS a number of people, and in particular members of the LGBTQ2S+ communities in the City of Toronto, have gone or been reported missing and have later been identified as victims of serious violence;

AND WHEREAS Project Houston, the Toronto Police Service's 18-month investigation into the disappearance of three missing men who have now been identified as victims of serious violence, was closed in April 2014 having found no evidence of criminal conduct;

AND WHEREAS Bruce McArthur has now entered guilty pleas and been sentenced for eight counts of first degree murder, allowing for the Reviewer to fully examine the circumstances surrounding the investigations into the disappearance of his victims, including but not limited to how and when he was identified as a person of interest or suspect and any deficiencies in such investigations;

AND WHEREAS members and groups within the LGBTQ2S+ communities in the City of Toronto have expressed concern over the manner in which the Toronto Police Services handle and have handled missing person investigations, and specifically,

1 | the investigations into the disappearance of Mr. McArthur's victims, including
2 concerns that the handling of missing person investigations in the City of Toronto
3 may have been tainted by implicit or explicit, specific and systemic bias;
4

5 AND WHEREAS there are intersections of minorities within the LGBTQ2S+
6 communities, including South Asian, Middle Eastern, 2-spirited, other racialized
7 individuals, as well as those who are either homeless or work in the sex trade that
8 are particularly vulnerable and require an improved approach to policing
9 relationships;
10

11 AND WHEREAS the Board recognizes the need to repair its relationship with the
12 LGBTQ2S+ communities in the City of Toronto and to foster ongoing positive
13 relations with members and organizations within those communities;
14

15 AND WHEREAS the Board created a Working Group consisting of one Board
16 member and three external members to advise the Board on the structural and
17 process options for an independent external review or reviews;
18

19 AND WHEREAS the Working Group has recommended that the Board commission
20 an independent review of Board policies as well as Service procedures and practices
21 in relation to missing person investigations, particularly those involving individuals
22 from the LGBTQ2S+, immigrant, Indigenous, South Asian, Middle Eastern, Black,
23 homeless and marginalized communities more generally;
24

25 | AND WHEREAS the Board believes that the recent guilty pleas and sentencing of Mr.
26 McArthur require that it significantly expand the original Terms of Reference
27 recommended by the Working Group to enable the Reviewer to conduct a complete
28 and thorough examination of the relevant issues;
29

30 AND WHEREAS the Board believes it would be beneficial and of assistance to the
31 Board in carrying out its responsibilities pursuant to subsection 31(1) and
32 subsection 31(6) of the Act to conduct a Review of the adequacy of the Board's
33 policies, as well as the Service's procedures and practices related to missing person
34 investigations, including a systemic evaluation of the manner in which the Service
35 conducts such investigations and a review of certain specific missing person
36 investigations identified in paragraph 2 below, including but not limited to those
37 investigations into the disappearance of Mr. McArthur's victims;
38

39 AND WHEREAS the Board believes that it is important that the terms of reference of
40 such a Review must be designed, among other things, to ensure that the Reviewer is
41 truly independent;
42

43 THEREFORE the Board is appointing a Reviewer to conduct an Independent Review
44 into Board policies as well as Service procedures and practices in relation to missing
45 person investigations, particularly those involving individuals from communities
46 described above;

1
2 AND to conduct the Review, the Reviewer will be provided with such resources as
3 are required, and be authorized by the Board to engage lawyers, experts, advisors,
4 researchers and other staff as the Reviewer deems appropriate, at reasonable
5 remuneration, as approved by the Board;
6
7 AND the Chief will cooperate fully with the Reviewer in conducting the Review and
8 will instruct members employed by the Service to cooperate fully with the Reviewer
9 conducting the Review as deemed necessary;
10
11 AND the Chair and members of the Board will cooperate fully with the Reviewer in
12 conducting the Review and will instruct all members employed by the Board to
13 cooperate fully with the Reviewer in conducting the Review;
14
15 AND the Reviewer may request any person, organization, the Chief, members of the
16 Board, and any member employed by the Board or the Service to provide relevant
17 information or records for the Review where the Reviewer believes that person or
18 organization has such information or record in his, her, their, its possession, custody
19 or control;
20
21 AND the Reviewer may hold such meetings, interviews and consultations, and may
22 make such procedural decisions with respect thereto, as the Reviewer deems
23 advisable in her discretion in the course of the Review;
24
25 AND the Reviewer, prior to commencing and throughout the Review, will consult
26 with the Ministry of the Attorney General for Ontario, specifically Andrew Locke,
27 Regional Director of Toronto Region or his designate (hereinafter "MAG"), and
28 others in the Reviewer's discretion in relation to the any ongoing criminal
29 proceedings involving Kalen Schlatter in order to ensure that such~~no~~ criminal
30 proceedings are not prejudiced by this Review;
31
32 AND the Reviewer will consult with members, groups and organizations within the
33 LGBTQ2S+ community, including those who have filed missing person reports in the
34 past, and will engage an advisor to assist with the design and implementation of the
35 community consultations;
36
37 AND the Reviewer will ensure that adequate accommodations and supports are
38 available to maximize community participation in the consultation process,
39 including receiving submissions from various stakeholders, community groups and
40 organizations;
41
42 AND the Reviewer will establish an advisory group representing affected
43 communities, such as the LGBTQ2S+ communities, the South Asian and Middle
44 Eastern communities, the sex trade and the homeless communities in the City of
45 Toronto, to ensure the community perspective is adequately considered prior to
46 commencing and throughout the Review; advisory groups representing other

1 stakeholders may be created formally or informally in the discretion of the
2 Reviewer;
3
4 AND the Reviewer will establish and maintain a website and may use other
5 technology to promote accessibility and transparency to the public;
6
7 AND the Reviewer will provide updates to the public, through the website or other
8 means, on the status of the review, the contents of which cannot prejudice any
9 ongoing criminal investigation or the criminal proceedings involving Kalen
10 Schlatter.
11
12 AND the Reviewer will conduct the Review without prejudicing any ongoing
13 criminal investigation or criminal proceedings, including but not limited to the
14 criminal prosecutions of ~~Bruce McArthur and Kalen Schlatter~~, and will make a
15 report to the Board without expressing any conclusion or making any
16 recommendation regarding the civil or criminal responsibility of any person or
17 organization;
18
19 ~~AND in particular to ensure that any ongoing criminal proceedings involving Bruce~~
20 ~~McArthur are not prejudiced, when examining Project Houston and the missing~~
21 ~~person investigation of any alleged victim of Bruce McArthur, the Reviewer will not~~
22 ~~examine any facts after September 1, 2017 relating to the ongoing proceedings~~
23 ~~when it was determined that Bruce McArthur was a suspect, nor will the Reviewer~~
24 ~~examine any of the police contact with or consideration of Bruce McArthur,~~
25 ~~including as a person of interest, whether before or after September 1, 2017, nor~~
26 ~~will the Reviewer examine how the police determined the identity of any specific~~
27 ~~suspects;~~
28
29 AND the Reviewer may produce an interim report at the Reviewer's discretion and
30 will produce a final report containing the Reviewer's findings, conclusions and
31 recommendations and deliver it to the Chair and members of the Board for
32 distribution to the public at or before January 31, 2021; ~~the Board meeting in April~~
33 ~~2020~~;
34
35 AND the report will be prepared in a form appropriate for release to the public,
36 pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*;
37
38 AND these Terms of Reference should be interpreted in a manner consistent with
39 the jurisdiction of the Board to ensure a broad and comprehensive Review;
40
41 AND in the event that the Reviewer is unable to carry out any individual term of
42 these Terms of Reference, the remainder of the Terms of Reference will continue to
43 operate, it being the intention of the Board that the provisions of these Terms of
44 Reference operate independently;
45
46 AND the subject matter of the Review will be:

- 1
2 1. A review of Board by-laws, policies and practices, as well as *The Way*
3 *Forward* and any related reports that may have been considered by the
4 Board, dealing with or relevant to missing person investigations and
5 community relations to determine whether they are adequate to ensure
6 effective, efficient and bias-free responses to missing person reports.
7
- 8 2. Without prejudicing any ongoing criminal police investigation or the
9 criminal proceedings involving Kalen Schlatter ~~secution~~, a review of Service
10 procedures, practices, protocols, and actions in relation to missing person
11 investigations, including but not limited to a review of Project Houston,
12 Project Prism, any other opportunities to identify Bruce McArthur as a
13 person of interest or suspect and the missing person investigations of
14 Skandaraj Navaratnam, Abdulbasir Faizi, Majeed Kayhan, Salim Esen,
15 Soroush Mahmoudi, Andrew Kinsman, Alloura Wells and Tess Richey, with
16 a specific focus on
17
 - 18 a. When a missing person event or report becomes a missing person
19 investigation;
20
 - 21 b. Whether adequate resources are dedicated at the Divisional and/or
22 Service level to missing person investigations at inception and
23 throughout the course of the investigation;
24
 - 25 c. Whether culturally competent expertise is available to or relied upon
26 by the Service for missing person investigations, including but not
27 limited to expertise around gender identity, gender expression, race,
28 ethnic origin and intersectionality;
29
 - 30 d. Whether the policies and practices adequately protect against implicit
31 or explicit bias or discrimination (at the individual and systemic level)
32 against members of the LGBTQ2S+ and other marginalized groups;
33
 - 34 e. Whether the Service is conducting missing person investigations in a
35 unbiased, non-discriminatory manner, including consideration of the
36 exercise of discretion by members of the Service in relation to
37 decisions to record a person missing, or launch, resource and/or
38 terminate missing person investigations and the experience of those
39 who file missing persons reports with the Service;
40
 - 41 f. Whether there is adequate information sharing within the Service and
42 between police services to ensure that similarities and links between
43 missing person investigations can be identified quickly and
44 effectively;
45

- g. Whether the Service has procedures, practices or protocols that limit who will be considered and/or investigated as a missing person and whether those policies are discriminatory or biased in their effect or application;
 - h. Whether the Service has procedures, practices or protocols and whether members of the public believe the Service has procedures, practices or protocols that intentionally or unintentionally discourage marginalized people, including but not limited to those without legal status in Canada or who are homeless, from being reported missing – including, without prejudicing any ongoing criminal investigation or criminal prosecution, an examination of what prevented Dean Lisowick and Kirushna Kumar Kanagaratnam from being reported missing;
 - i. How and when the Service decides to advise or caution the public, or specific communities, about public safety concerns that arise from missing person investigations, including but not limited to information about suspected links or connections between missing person cases;
 - j. How public messaging around missing person investigations is developed and whether cultural competence expertise is available or relied on by the Service in drafting public communications;
 - k. How information about missing person investigations and policies surrounding missing person investigations are communicated internally within the Services and whether those methods of communication are effective; and
 - l. Whether effective policies, procedures, and practices are in place to ensure adequate investigative consideration of serial killers, especially based on missing person reports where there is no overt evidence of foul play.
3. A review of Service procedures, practices and protocols for developing and maintaining relationships with individuals and organizations within the LGBTQ2S+ communities, especially as they impact on the effectiveness and adequacy of missing persons investigations, including but not limited to:
 - a. The roles, responsibilities and efficacy of the LGBTQ Liaison Officer;
 - b. The roles, responsibilities and efficacy of relevant Board and Service Advisory Committees or Working Groups in terms of maintaining and promoting communication between the Service and the LGBTQ2S+ communities;

- c. The scope and efficacy of consultations and communications with members and organizations within the LGBTQ2S+ communities about missing person investigations;
 - d. The extent to which the Service engages or consults with individuals and groups that reflect the diversity within the LGBTQ2S+ communities;
 - e. The extent to which the police call upon organizations within the LGBTQ2S+ (or other relevant communities) to assist with missing person investigations at any stage;
 - f. The extent to which individuals and organizations within the LGBTQ2s+ communities are advised of public safety concerns arising from missing person reports and investigations, including but not limited to information about possible links between cases;
 - g. The views and perceptions of members of the LGBTQ2S+ and marginalized communities more generally about the manner and substance of public communications by the Service about missing person investigations;
 - h. The experience of members of the LGBTQ2S+ and marginalized communities more generally reporting concerns to the police, including but not limited to the experience of individuals with non-heteronormative sexual expressions (such as those who participate in public cruising or BDSM), and whether there are actual or perceived barriers in relation to their willingness or ability to share information with the police; and
 - i. The accessibility, transparency and effectiveness of any complaint process for identifying concerns on the part community members or groups about missing person investigations.
4. A review of current training of Service members in relation to missing person investigations, bias-free policing and community liaison to determine whether it adequately addresses
 - a. Cultural competence to respond to missing person reports within the LGBTQ2S+ communities;
 - b. Intersectionality and its impact on marginalization; and

- 1 c. Protecting against biased assumptions being made about individuals
2 reported missing based on their race, sexual orientation, immigration
3 status etc.
4
- 5 5. A review of the efficacy of current training in relation to missing person
6 investigations in ensuring that concepts taught are being operationalized by
7 the Service.
8
- 9 6. In the Reviewer's discretion, a review of formal and informal complaints
10 made to the Service, the Board or the OIPRD related to missing person
11 investigations.
12
- 13 6. Consideration of prior reports dealing with missing person investigations in
14 Canada, relations between the LGBTQ2S+ community and the police, and the duty
15 on the police to notify the public of potential safety threats (including but not
16 limited to *Out of the Closet: Study of Relations Between the Homosexual Community*
17 *and the Police*, 1981, *Bernardo Investigation Review*, 1996, *The Review of the*
18 *Investigation of Sexual Assaults – A Decade Later*, 2010 and the Report of the *Missing*
19 *Women Commission of Inquiry* in British Columbia in 2012) to determine if past
20 recommendations have been implemented and/or effective and if not, why past
21 recommendations have not been implemented by the Board and/or the Service.
22
- 23 7. Consideration, in the Reviewer's discretion, of best practices in other jurisdictions
24 in relation to missing person investigations, bias-free policing and maintaining
25 positive working relationships with marginalized communities.
26
- 27 AND the Reviewer will make recommendations as the Reviewer deems fit for the
28 mandate of the review and terms of reference, including but not limited to
29 recommendations on:
30
- 31 1. Board policies and Service procedures and practices relating to receiving and
32 recording missing person reports, and conducting effective, efficient and
33 bias-free missing person investigations;
34
- 35 2. Board policies and Service procedures and practices related to the collection
36 of data about the effectiveness of missing person investigations, including the
37 satisfaction of those who filed or attempted to file missing person reports;
38
- 39 3. Board policies and Service procedures and practices to ensure adequate
40 training of Service members in relation to missing person investigations and
41 bias-free policing;
42
- 43 4. Board policies and Service procedures and practices to ensure that officers
44 conducting or supervising missing persons investigations are qualified and
45 well situated to ensure effective, efficient and bias-free investigations;
46

- 1 5. Board policies and Service procedures and practices that will ensure
2 appropriate accountability, including remedial and/or disciplinary measures,
3 if members of the Service engage in biased or discriminatory conduct when
4 receiving or investigating missing person reports;
5
- 6 6. Board policies and Service procedures to create a framework for ensuring
7 participation of members and organizations within the LGBTQ2S+
8 communities in the process of monitoring and implementing any
9 recommendations adopted by the Board and Service; and
10
- 11 7. A framework for measuring, monitoring and publicly reporting on whether
12 the recommendations of the Reviewer have been implemented by the Board
13 or Service and if not, why not, as well as the effectiveness of any
14 recommendations that are implemented by the Board or Service, including
15 giving consideration to a model for independent oversight of compliance and
16 continuing community consultation;
17
- 18 AND the Reviewer will propose a timeline for the implementation of each
19 recommendation.



Toronto Police Services Board Report

March 14, 2019

To: Members
Toronto Police Services Board

From: Ms. Audrey Campbell
Thea Herman (Retired Judge)
Andy Pringle, Chair

Subject: Regulated Interactions Review Panel: Review of Chief's Reports - Access to Historical Contact Data, Third Quarter 2018 (July – September) & Fourth Quarter 2018 (October – December)

Recommendation(s):

It is recommended:

1. That the Board review its Regulated Interaction Policy in light of Justice Tulloch's *Report of the Independent Street Checks Review*, with particular attention to the portion of its Policy that currently requires the retention of Historical Contact Data; and,
2. That the Board determine:
 - If retaining Historical Contact Data remains necessary and, if it determines that it is (in whole or in part);
 - Request that the Chief eliminate operational access to the data while maintaining access for legal and other related purposes.

Financial Implications:

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

Background/Purpose:

The purpose of this report is to provide the Board with the Review Panel's analysis of two of the Chief's reports, as well as recommendations related to issues that have been identified. Now that Justice Tulloch's Independent Street Checks Review has been

released and the Review Panel has had the ability to consider recommendations made in that report that are relevant to its mandate, we are now in a position to make specific suggestions for next steps that the Board can consider.

Sections 13 to 16 of the Board's Regulated Interactions Policy (the Policy) requires the Chief to develop procedures to ensure that appropriate restrictions are placed on the access by members of the Service to Historical Contact Data; that historical contact data is stored in a way that leaves an auditable technological trail; and, that access to historical data is authorized by the Chief in accordance with constraints imposed on restricted records, only when access is required for a substantial public interest or complies with a legal requirement.

As established by the Board and in accordance with the Policy, the Regulated Interactions Review Panel (the Review Panel) is mandated to:

- a. review quarterly reports submitted by the Chief for compliance with sections 13 to 16 of the Policy;
- b. identify and track any significant trends that are identified based on the Chief's reports;
- c. summarize its review of the Chief's quarterly report in a report to the Board including, if necessary, suggestions or recommendations for consideration by the Board; and,
- d. make its summary review of the Chief's quarterly report available to the public by submitting it to the Board at the same time that the Chief's quarterly report is submitted to the Board.

For the purposes of this report, the Review Panel reviewed two of the Chief's quarterly reports:

- "Access to Historical Contact Data – Third Quarter 2018 (July – September)," dated October 31, 2018; and
- "Access to Historical Contact Data – Fourth Quarter 2018 (October – December)," dated January 22, 2019.

Discussion:

The intention of the Policy is to limit access as much as possible to Historical Contact Data. As part of the business process of managing and reporting out requests for access to Historical Contact Data, the Service distinguishes between *administrative access* and *operational access*:

- *Administrative access* relates to requests to which the Service must respond in order to meet legislative obligations (e.g. freedom of information (FOI) requests; requests in the context of legal proceedings, etc.); and

- *Operational access* includes those requests, submitted by a member, that meet the criteria for substantial public interest, which the Chief may deny or approve

Service Members Assigned to Facilitate Administrative Access

The Review panel accepts that 23 individuals require access to the data for administrative requests (mostly FOI). The Review Panel understands the Chief's rationale for ensuring operational business continuity, as outlined on page 10 of the third and fourth quarterly reports, and recognizes the Chief's ongoing willingness to review the current complement of members required to facilitate access and make adjustments where appropriate. Certainly, while the Service must continue to facilitate administrative access to a degree appropriate to respond to mandatory requests for information, limiting that universe as much as possible remains an important goal. Put simply, no more people than is necessary to have access should have access to the personal information covered by the Board's Policy.

Number of Administrative Access Requests to Historical Contact Data

The Review Panel examined the administrative access requests over the course of 2018 and noted that the requests had nearly doubled. The Chief's report does not provide any explanation for this increase, other than the fact of the increase. While the Review Panel appreciates that administrative access is driven mainly by requests, it would be helpful in future reports for the Chief to offer a basis, if any, to explain or contextualize these types of significant increases.

The Review Panel appreciates the Chief's investment in a new, revised tracking mechanism that will help further segregate the data. The Review Panel believes that this is the reason for the stark contrast in the numbers of administrative requests for HCD in 2017 versus 2018. This contrast is illustrated in the following table comparing both years.

Administrative Access		
	2017	2018
Q1	1445	414
Q2	1486	699
Q3	1438	720
Q4	1348	715
TOTAL:	5717	2548

It would appear that the number of administrative access requests has decreased in 2018, however the Review Panel appreciates that this is due to better segregation of

the data, which makes for more accurate reporting. We accept the Chief's explanation on page 12 of the Q3 report where he states "this reporting adjustment recommended by the Board's Regulated Interaction Review Panel naturally reflects only a subset of, and not a reduction in, the total number of Freedom of Information Requests received by the Service".

While the numbers have decreased overall between the years, the Review Panel would like further clarification as to why the numbers have nearly doubled from the first quarter to the last quarter in 2018.

Service Members Assigned to Facilitate Operational Access

On page 14 of the Chief's fourth quarterly report, he notes that "the complement of authorized members with [operational] access simply ensures operational effectiveness – accounting for hours of operation and absences due to annual leave, training, or illness – so that an operational request approved by the Chief can be actioned." Despite this explanation, the Review Panel continue to find it difficult to understand why six people need to have access to the data for operational requests. The process to access the information is not an expedient one. As laid out in the Chief's report on page 9, the business process for submitting a request to access Historical Contact Data (HCD) involves a member submitting the "Request to Access Restricted Records (TPS 294) form through their supervisor, unit commander, staff superintendent and/or staff superintendent of Detective Operations." If approved, that member is then provided with information that is strictly relevant to their request. The steps required by the process currently in place does not support the notion that people are required to facilitate access day or night, outside of business hours.

The Review Panel is once again asking the Chief to review the number of members with access to the HCD for operational purposes. This request of the Chief is not made lightly – the Review Panel understands that some access to this data is required, and people are required to facilitate it. However, based on the principle that no more than the absolutely necessary number of people should have that access, the current number still seems too high.

Number of Operational Access to Historical Contact Data

The Chief reports three instances of operational access in the third quarter, and zero instances in the fourth quarter. These figures show an even further decline as compared to the instances of operational access reported in the first and second quarterly reports, which were two and three respectively. Further, the requests can be broken down between legal requirements and investigative purposes, as follows:

OPERATIONAL ACCESS						
Quarter	2017			2018		
	Legal	Investigative	Total	Legal	Investigative	Total
Q1	7	6	13	2	0	2
Q2	1	6	7	2	1	3
Q3	1	2	3	1	2	3
Q4	2	3	5	0	0	0
TOTAL:	11	17	28	5	3	8

The Review Panel has noted the steady decline of operational access since the Chief's reporting was instituted. Importantly, of the investigative access requests that have been recorded, the Review Panel finds itself without the necessary information to understand the basis of this access. Specifically, what types of investigative reasons are leading to these operational access requests being made? The Review Panel would appreciate being briefed on the 17 requests in 2017, and the 3 requests in 2018. This information would greatly assist the Review Panel in understanding the basis, if any, for retaining the data and continuing to make it available operationally.

Quarterly Report Compliance with Board Policy

The information provided in the Chief's third and fourth quarterly reports sufficiently complies with the requirements outlined in sections 13 to 16 of the Policy.

Conclusion:

After carefully reviewing and analysing the quarterly reports from 2017 and 2018, the Review Panel would like to highlight the small number of requests for investigative purposes, particularly in 2018 where there were only three in total. This number reinforces the Review Panel's consistent position that: 1. the number of people with access to the data does not seem to align with the requests being made and, 2. based on the trends related to operational access, there is a live question as to whether maintaining operational access remains necessary. On the basis of its analysis of the Chief's quarterly reporting to the Review Panel over the last 12 months, and as outlined in the foregoing report, the Review Panel recommends:

1. That the Board review its Regulated Interaction Policy in light of Justice Tulloch's *Report of the Independent Street Checks Review*, with particular attention to the portion of its Policy that currently requires the retention of Historical Contact Data; and,
2. That the Board determine:
 - If retaining Historical Contact Data remains necessary and, if it determines that it is (in whole or in part);

- Request that the Chief eliminate operational access to the data while maintaining access for legal and other related purposes.

Respectfully submitted,

Andy Pringle, Chair
& RIRP Member

Thea Herman
RIRP Member

Audrey Campbell
RIRP Member



Toronto Police Services Board Report

March 14, 2019

To: Members
Toronto Police Services Board

From: Ryan Teschner Executive Director
Danielle Dowdy Advisor, Strategic Policy & Stakeholder Relations

Subject: Justice Michael H. Tulloch's *Report of the Independent Street Checks Review* and proposed next steps

Recommendation:

It is recommended that the Board direct Board Staff to:

1. Lead a review of options concerning historical data, and report back to the Board with recommendations;
2. Consider the current training concerning the Regulation being delivered by the Service, and identify for the Board any recommendations for improvement; and,
3. Work with and support a community organization in developing a robust public education and communication strategy concerning the Regulation, street checks and carding, for the Board's consideration.

Financial Implications:

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

Background/Purpose:

At its March 22, 2018 meeting, the Board deferred consideration of the report from the Regulated Interactions Review Panel (Review Panel) pending the opportunity to consult with Justice Tulloch as part of the independent review of Ontario Regulation 58/16 (the Regulation), which was initiated by the Province.

On December 31, 2018, Justice Tulloch publicly released *The Report of the Independent Street Checks Review* (the Tulloch Report), which included a review of many issues regarding the provincial street checks regulation and its implementation.

Discussion:

Board Staff have reviewed the Tulloch Report in detail. Based on this review, three areas have been identified that merit more in-depth consideration in light of Justice Tulloch's recommendations. Two of these areas fall directly within the Regulated Interaction with the Community and the Collection of Identifying Information Policy (Board Policy), while the third is a direct recommendation from the Tulloch Report. These three areas are:

1. Data Retention (Policy)
2. Training (Policy)
3. Public Education (Tulloch Report recommendations)

Justice Tulloch's report was presented to the Government of Ontario, and, at this point in time, the Province has not identified what, if any steps it will be taking in response to the report. However, given: (i) the Board's own Policy on the matter, (ii) the continued work of the Board's own Regulated Interactions Review Panel, and now, (iii) the benefit of Justice Tulloch's recommendations, it is possible for the Board to move forward in some specific areas while we wait for any broader provincial response.

Data Retention

In 2017, the Review Panel was formed. This independent panel's role was to regularly monitor requests for access to the historical data on a quarterly basis and to make recommendations to the Board on whether the data should be retained, and if so, who should have access to this data. Since its inception, the Review Panel has consistently recommended that within the current system and protocols, access to the data should be restricted to as few people as possible, and only be retained for the purpose of fulfilling legislative obligations (i.e. freedom of information requests, requirements as part of litigation, etc.). The Review Panel has also consistently recommended cutting off all "operational" access to the data. It should be noted that neither the Regulation, nor the Board's Policy in its current form requires the destruction of historical contact data.

Chapter 8 of Justice Tulloch's report focused on historical data, or data collected prior to when the Regulation came into effect on January 1, 2017. This data was collected by the Service over the years in various forms, including through: Person Investigated Cards (form 172), Field Information Reports (For 208), Community Inquiry Reports (For 306), and Community Safety Notes (CSNs). While Justice Tulloch made recommendations with respect to the destruction of historical data, ultimate policy decisions with respect to destruction or access to this data are for the Board to make.

What happens with historical contact data has been the topic of much debate, and now, specific recommendations. However, any decisions made concerning this data must be informed and thoughtful. Therefore, while there are several options for the Board to consider, each option requires in-depth analysis that considers legal implications, personal privacy implications, and policing operational implications.

The current options for the Board to consider in more depth are as follows:

DATA OPTION	EXPLANATION	ITEMS TO CONSIDER
Keep	Keep data system in place as is	<ul style="list-style-type: none"> Leaving the current system in place as is could have negative repercussions among key stakeholders and community members who are not satisfied with the current system that is in place Leaving the current system in place as is may address previously-articulated Service concerns around the operational consequences of deleting the data
Keep	Limited Access	<ul style="list-style-type: none"> This could include removing operational access to data entirely Members requiring administrative access for completing FOIs would still have access
Keep until Delete	Time Limited Access	<ul style="list-style-type: none"> Removing all TPS access (operational and administrative) Moving all data to the City of Toronto Legal Division until the data is no longer being used in connection with ongoing legal proceedings or is otherwise required to comply with legal requirements. Upon conclusion of all legal proceedings, all data would be permanently deleted Implications for administrative access if the data is destroyed (e.g. a freedom of information request) must be considered
Delete	No Access to Data	<ul style="list-style-type: none"> Work with key stakeholders (OHRC, IPC, etc.) to determine what deleting all the data would look like from a process and legal standpoint

Third Party	Transfer all data to third party organization	<ul style="list-style-type: none"> ▪ Data would be housed with a third party institution, who would hold the de-identified and anonymized data for historical and/or academic purposes Remove all TPS member access, Operational and Administrative ▪ Physically move data out of TPS to ensure access no longer exists ▪ Work with key stakeholders to develop a strategy on how to accomplish this logistically and how to resolve any legal issues (e.g. whether a third party could maintain this data)
-------------	-----------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

On the data retention issues, Justice Tulloch provided 13 recommendations (see **Appendix A**) in his report. Board Staff, with the assistance of legal counsel and others, will continue to examine these options.

It is recommended that Board Staff fully explore all of the data options in consultation with the Board's legal counsel, the Chief, key stakeholders, subject matter experts, and broadly with community in order to properly advise the Board on its options concerning how to manage the existing historical data.

Training

In 2016, the training delivered at the Toronto Police College (TPC) was set in place to ensure that frontline officers had the necessary information concerning the Regulation, prior to January 1, 2017. The training was met with a considerable amount of challenges, many of which were catalogued by Justice Tulloch in his report. As Justice Tulloch described, these challenges stemmed, in large part, from the fact that there was insufficient time from when the Regulation was announced and when it was to come into effect, to when the training had to be developed and rolled out. The overall impact of this shortened time period had a larger effect where matters that arose during implementation were not sufficiently dealt with, follow up was not as thorough as desired, and those trained were left to fill in certain training voids.

According to the Regulation, it was mandatory for officers to receive training on:

1. The right of an individual not to provide information to a police officer, the limitations on this right and how to ensure that this right is respected.
2. The right of an individual to discontinue an interaction with a police officer, the limitations on this right and how to avoid unlawfully psychologically detaining an individual.

3. Bias awareness, discrimination and racism and how to avoid bias, discrimination and racism when providing police services.
4. The rights that individuals have to access information about themselves that is in the custody, or under the control, of a police force.
5. The initiation of interactions with members of the public; and,
6. The Regulation and its application

The trainers at the TPC implemented a system that employed the “Train-the-Trainer” model in order to expedite the training. Under this model, approximately 25 training officers in local divisions/units were trained to deliver the training at their local division/unit. At the TPC, a third day of the In Service Training Program (ISTP) was implemented, that focused on various aspects of the *Charter* and Human Rights legislation. This day also included very specific training on the Regulation. Since that training began three years ago, the third day of training has evolved and now covers more subjects that have been integrated based on inquest recommendations, new procedures, and keeping current with new societal developments. As such, the time allocated to deliver training on regulated interactions has been reduced to accommodate this new content.

Board Staff understand that, broadly, the recommendations in Justice Tulloch’s report concerning training (see **Appendix B**) are currently being implemented at the TPC. However, it is recommended that Board Staff be directed to explore specifically how the recommendations are being implemented, and, if necessary, make recommendations for how the training could be enhanced.

Public Education

Although not specifically addressed in the current Board Policy, public education concerning the Regulation, street checks, carding, and community and officer expectations is vital. Developing a public understanding of these issues – and a common baseline – is paramount in building and bridging public trust, particularly in vulnerable neighbourhoods. Justice Tulloch emphasized the need for better public understanding of this complex interaction throughout his report.

A robust public education and communication strategy explaining the Regulation, officer duties and authorities, and residents’ rights should be developed using social media, mainstream media and ethnic media. The content and method for delivery of this education should be developed in close consultation with key stakeholders, local community partners, and organizations who are actively engaged in these issues.

Of course, given that the province’s specific response to Justice Tulloch’s report may be forthcoming, any public education and communication strategy would need to be flexible to adapt to changes in the Regulation.

It is recommended that Board Staff explore various ways to support the public education and communication surrounding the Regulation, both with the Service and through the Board's own platforms and networks.

Workplan:

With the Board's direction, Board Staff can begin a process to explore the issues of data retention, training, and public education more fully, premised on the analysis of issues provided in Justice Tulloch's report. Specifically, Board Staff will undertake the following:

1. Lead a review of options concerning historical data, and report back to the Board with recommendations;
2. Consider the current training concerning the Regulation being delivered by the Service, and identify any recommendations for improvement; and,
3. Work with and support a community organization in developing a robust public education and communication strategy concerning the Regulation, street checks and carding.

Conclusion:

Ryan Teschner, the Board's Executive Director, will be in attendance and will respond to any questions that the Board may have regarding this report.

Respectfully submitted,

Original Signed

Ryan Teschner
Executive Director
: dd

APPENDIX A: RECOMMENDATIONS

Report of the Independent Street Checks Review Chapter 8: Inclusion of Collected Information in Databases

Recommendation 8.1

The Regulation should state that chiefs of police should ensure that every police officer on their police service who attempts to collect identifying information does so in compliance with this Regulation.

Recommendation 8.2

Identifying information should be included in a restricted database until it has been confirmed that it is in compliance with the Regulation and may be included in a non-restricted database.

Recommendation 8.3

There should be limited types of ongoing police investigations for which access to restricted information may be obtained.

Recommendation 8.4

Whenever a person views information in the restricted database, a record should be made of who viewed the information and the reason for viewing the information.

Recommendation 8.5

Information obtained during a regulated interaction should not be shared with any other government agency for any purpose other than as set out in subsection 9(10)(2) of the Regulation.

Recommendation 8.6

Identifying information should be destroyed no later than five years after it is first entered into a police database unless it is being used for a purpose set out in subsection 9(10)(2) of the Regulation, in which case it should be destroyed once it is no longer required for that purpose.

Recommendation 8.7

A police service may elect to destroy identifying information earlier than five years after it was collected.

Recommendation 8.8

Define and standardize an “appropriately sized random sample” needed for data analysis by chiefs of police/designates across the province.

Recommendation 8.9

The collected and de-identified data should be made available to reputable independent organizations for research purposes.

Recommendation 8.10

Identifying information collected before January 1, 2017 to which this Regulation would have applied had the information been collected after January 1, 2017 (“historical data”) should be stored in a restricted database and only be used for a purpose set out in subsection 9(10)(2) of the Regulation.

Recommendation 8.11

The authorization required under subsection 9(10)(1) of the Regulation should apply to historical data.

Recommendation 8.12

Historical data should be automatically destroyed five years after it was collected unless it is being used for a purpose set out in subsection 9(10)(2) of the Regulation, in which case it should be destroyed once it is no longer being used for that purpose.

Recommendation 8.13

A police service may elect to destroy historical data earlier than five years after it was collected.

APPENDIX B: RECOMMENDATIONS

Report of the Independent Street Checks Review Chapter 9: Training of Police and Public Education

Recommendation 9.1

The training should be provided to those who supervise the police officers who attempt to collect identifying information as well as to those who verify the submitted regulated interactions and the collected identifying information for compliance with the Regulation.

Recommendation 9.2

Police services should ensure that supervising officers support the operation of not only the Regulation, but also the direction of police leadership.

Recommendation 9.3

Police services should select trainers who are supportive of the Regulation, and who are seen by police officers to be credible.

Recommendation 9.4

The training should be standardized and include the following topics:

- (a) The reason for the Regulation and the legal framework under which requests for information may be made, including the meaning of articulable cause, reasonable suspicion and investigative detention;
- (b) How to take proper notes of the reasons for the interaction;
- (c) Rights of individuals under the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code;
- (d) The initiation of interactions with members of the public;
- (e) The right of an individual not to provide information to a police officer, the limitations on this right and how to ensure that this right is respected;
- (f) The right of an individual to discontinue an interaction with a police officer, the limitations on this right and how to avoid unlawfully psychologically detaining an individual;
- (g) Bias awareness, including recognizing and avoiding implicit bias, as well as how to avoid bias and discrimination;
- (h) Promoting public trust and public confidence by recognizing the social cost of some historic police practices;
- (i) Indicating how the use of respectful language, tone and demeanour during regulated interactions benefits the community, individuals, officers and police services;
- (j) Strategic disengagement and conflict de-escalation techniques, as well as

de-personalization techniques particularly when an individual is disrespectful during a regulated interaction;

(k) Training on the specific communities being served and their particular issues;

(l) Adolescent development as it may relate to a regulated interaction and the specific requirements and limitations related to collecting identifying information from children;

(m) The impact of technology such as mobile phones and body-worn cameras;

(n) The rights that individuals have to access information about themselves that is in the custody or under the control of a police service; and

(o) The Regulation and its application.

Recommendation 9.5

The training should consist of more than video presentations. The training should include realistic real-world scenarios and role playing

Recommendation 9.6

The training should be prepared and delivered with the assistance of members of police services who understand the challenges of regulated interactions and the realistic scenarios police officers might encounter.

Recommendation 9.7

The training should be prepared and delivered with the assistance of racialized groups and Indigenous peoples who understand the effect of regulated interactions.

Recommendation 9.8

Anti-bias training should be provided to all police officers and not just those who are most likely to be involved in a regulated interaction.

Recommendation 9.9

The training should involve testing.

Recommendation 9.10

The training should have a special focus on the ability to articulate the reasons for a regulated interaction.

Recommendation 9.11

There should be annual refresher training on the Regulation for all police officers.

Recommendation 9.12

When a police officer transfers from one police service to another, they should be required to receive training about the specific communities being served and their particular issues.

Recommendation 9.13

Consideration should be given to establishing a College of Policing.

Recommendation 9.14

Working with post-secondary institutions, a task force or advisory group should be created to evaluate, modernize and renew police studies and law enforcement-related course offerings across post-secondary institutions. Consideration should be given to updating the Ontario Police College curriculum, including the creation of a post-secondary degree in policing.

Recommendation 9.15

A Code of Practice similar to those used in the United Kingdom should be developed to explain how the Regulation operates and the circumstances under which it is to be applied.

Recommendation 9.16

The Province of Ontario should make efforts to raise public awareness about the content of the Regulation, and the circumstances under which people are and are not required to provide identifying information to the police. These efforts should involve collaboration with community groups, youth advocacy groups, legal aid clinics and school boards.

Recommendation 9.17

The MCSCS should launch a full, cross-platform advertising and social media campaign to inform the public about the Regulation and its operation.

Recommendation 9.18

The Code of Practice should be made publicly available on the internet and in print, in all accessible formats.



Toronto Police Services Board Report

January 17, 2019

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Request for Special Funds: Workplace Well-being, Harassment and Discrimination Review

Recommendation(s):

It is recommended that the Toronto Police Services Board (Board) approve an expenditure of up to \$150,000 from the Board's Special Fund to support the Toronto Police Service (Service) conducting a Workplace Well-being, Harassment and Discrimination Review (Review).

Financial Implications:

It is estimated that the acquisition of professional services to support the Review will cost approximately \$150,000. It is recommended that this initiative be funded from the Board's Special Fund.

Background / Purpose:

Ensuring a safe and inclusive workplace is the collective statutory responsibility of the Board, as the employer, and the Service. The Board has policies that inform the Service's strategic direction and modernization, specifically, the Race and Ethnocultural Equity Policy (Min. No. P81/06 refers), the Occupational Health and Safety Policy (Min. No. P208/07 refers), the Equal Opportunity, Discrimination and Workplace Harassment Prevention Policy (Min. No. P198/01 refers) and the Human Rights Policy (Min. No. P95/10 refers) respectively.

A positive and respectful environment is the cornerstone of the Service's new Core Values:

- Service at our core
- Do the right thing
- Connect with compassion

- Reflect and grow

In the wake of unprecedented public discussion about harassment and discrimination, and following the emergence of #MeToo and #TimesUp movements, the Service recognizes that no organization can overlook these social issues. The Service also recognizes that it has seen these issues reflected in the lived experiences of its members. The Service is cognizant that an environment and culture that values and respects diversity and inclusion becomes increasingly critical as more and more public safety services are delivered through collaborative arrangements with community partners, different levels of government, and other law enforcement agencies.

The Service reported at the Board meeting on June 21, 2018 that its procedural content and practices were consistent with industry-standard best practices for the sexual harassment provisions within the Occupational Health and Safety policy. That said, the Service seeks to continuously improve its operations and outcomes for its members and our communities. As such, in support of Board policies and employer statutory duties, the Service recommends a partnership with the Board and financial support for a Workplace Well-being, Harassment and Discrimination Review. This review will explore the attitudes, perceptions and experiences of Service members in relation to workplace harassment and discrimination. The Review will also identify and obtain a measure of wellness needs, along with any current barriers that our members may be facing.

Discussion:

Toronto deserves a police service that demonstrates excellence in everything that it does. Key to this excellence is being where the people of Toronto need us most, embracing partnerships to create safe communities and build trust, while focusing on the complex needs of our large, urban city. To demonstrate excellence, the Service must be an excellent place to work. This means that every member of the Service deserves a work environment that is, at its minimum, free from all forms of harassment and violence, but more importantly, an environment that cares for its members, supports them, and provides them with the opportunity to achieve their full potential.

Rationale for Review

Recent social movements that emphasize respect and dignity, along with the principles guiding the Service's modernization make this an opportune time to conduct a Review. This Review will provide insights into where the Service can potentially make organizational improvements, ensuring that it provides a safe, inclusive and supportive work environment for its members.

The goals for this review are as follows:

- Capture our Current Environment: Create a better understanding of the current environment, taking into consideration the variety of viewpoints and experiences of members across the Service at all ranks;

- Policies, Procedures and Programs: Examine our current policies, procedures and programs in relation to their effectiveness and efficacy; and
- Awareness and Ease of Access: Conduct an audit of our current reporting tools, and member awareness of their existence and their ease of access.

It is envisioned that the review would consist of the following four-stage process:

- (1) A review and analysis of all policies and procedures with regard to workplace harassment, discrimination and member well-being to ensure legal compliance and consistency of application, as well as their impact on all personnel;
- (2) An analysis of the practices associated with formal policies to determine consistency of application, as well as the impact on personnel;
- (3) Input through focus groups and interviews with Service members to identify organizational culture, perceptions, and experiences surrounding workplace harassment and discrimination, and overall member well-being; and
- (4) A review of best practices to inform any recommendations outlining opportunities for improvement.

It is envisioned that members will be consulted through working groups, focus groups, interviews and surveys. The Review will identify the effectiveness of harassment and discrimination prevention initiatives and resolution processes. Member input will allow the Service to identify any gaps and opportunities to improve its current environment, as well as access to support resources for its members. The results of this Review will inform the Service's diversity strategy and coordinated wellness strategy, both of which were envisioned in the 2017-2019 People Plan, which was presented to the Board at its October 26, 2017 meeting (Min. No. P228/17 refers).

Special Fund Request Rationale

This review will involve a technical examination of Service policies and practices, and will be led by the Service's recently hired Manager of Diversity & Inclusion, Ms. Suelyn Knight, who continues to build the Service's capabilities in this important area. To be successful, the nature and scope of this review will require external expertise in workplace harassment and discrimination auditing, wellness best practices, and legal matters, to name a few.

While the Request For Proposal (R.F.P.) process will more accurately determine expenses and timelines, it is estimated that the review will cost approximately \$150,000 to complete, and could be completed within six (6) months (excluding the time required for the R.F.P. process). Funding has not been identified within the Service's 2019 Operating Budget. As such, it is recommended that the Board approve the use of a portion of its Special Fund for this purpose.

The request to fund this review does not fit within the six (6) delegated categories as defined within Board Policy #112 – Special Fund. That said, administrative process #11 within Policy #112 directs that:

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

The Service's desire to reinforce a zero tolerance policy for any form of harassment or discrimination requires strong leadership and sustained commitment. The willingness of the Service to take a hard look at its own culture, practices and procedures is just one indication of its support for the well-being of its members. At the centre of this initiative is the goal of ensuring a positive, safe and inclusive workplace. Healthier minds and healthy internal working relationships will positively impact our members' collective abilities to serve those who live, work and play in our city, all of which will translate into better service delivery to our communities.

As such, the Service is requesting funding from the Board's Special Fund as an exception under administrative process #11. This is a one-time request.

Conclusion:

To properly support the health and well-being of members who provide service to our communities, key investments are required from the Service and the Board. These investments include an organizational review of employee wellness and workplace harassment and discrimination by a professional services firm to be procured through a competitive process.

It is recommended that the Board approve an expenditure from its Special Fund in an amount not to exceed \$150,000.

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

Respectfully submitted,

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

Filename: Board Report - Request for Special Funds: Well-being and Harassment Review.doc



Toronto Police Services Board Report

December 20, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

**Subject: Request to Restructure Conducted Energy Weapon
(C.E.W.) Reporting**

Recommendation(s):

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

- 1) That the reporting periods be restructured from a quarterly to a tri-annual basis.

The proposed schedule would see three reports submitted for 2019 and 2020 – two partial year reports and an annual report. For 2021, the Toronto Police Service (Service) would submit a semi-annual report and an annual report, before moving to an annual report for 2022.

Financial Implications:

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

Background / Purpose:

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

At its meeting of October 25, 2018, the Board considered a report from the Chief entitled: September 2018 – Quarterly Report: Conducted Energy Weapon Use (being renamed in future reporting Q3-2018 Quarterly Report: Conducted Energy Weapon Use). At the same meeting, the Board approved the following Motions (Min. No. P204/18 refers):

THAT the Board direct the Chief to:

1. Ensure that all future quarterly reports concerning C.E.W.s contain the following additional information:
 - a. A definition of a “person in crisis;” and
 - b. Quarter-to-quarter comparisons for the calendar year and the previous calendar year.
2. Ensure that the outstanding reports on C.E.W.s requested by the Board at its February 2018 meeting be provided to the Board no later than its December 18, 2018 meeting.
3. Ensure that future quarterly reports on the use of C.E.W.s also address the same areas and include the same level of detail as that which is included in the “Annual Report: Use of Conducted Energy Weapons”.
4. Resubmit the “September 2018 Quarterly Report: Conducted Energy Weapon Use” to ensure that it conforms to the direction provided by the Board in the motion.

As the Service began work on drafting the Q4-2018 Quarterly Report: Conducted Energy Weapon Use, it quickly became evident that producing these reports concurrently was a challenge. The current staffing level of the Use of Force Analyst Office, as well as the delay in receiving accurate C.E.W. use data, did not allow for the production of concurrent Board reports as directed in the above motions. As such, the Service is proposing a new schedule for C.E.W. reporting described within this report.

Discussion:

In 2018, with the approved expansion of the C.E.W., the Service trained 584 frontline constables. This training started in May 2018, and has resulted in approximately double the number of C.E.W. operators. This number will continue to increase until all frontline P.C.s are trained.

Since the expanded deployment of the C.E.W. to the frontline, the workload of the Use of Force Analyst Office (Analyst’s Office) has increased. The Analyst’s Office, which produces the C.E.W. Board reports, is now faced with producing quarterly reports of an increased scope, given the approved October 2018 motion, as well as the annual report during the same time frame. Current business processes and limited human resource assignment in the Analyst’s Office have challenged the Service’s ability to fulfil this requirement.

Compounding this situation, is the fact that C.E.W. use is largely reported through a paper process. This process requires the completion of a Service form, along with the provincial Use of Force form. These forms are reviewed for accuracy before their content can be analyzed. While this practice was sufficient for previous C.E.W. deployment to supervisors and specialized units, the expanded C.E.W. deployment has

challenged the production of quarterly reports with the level of detail that is being requested by the Board.

In 2018, the Service attempted to mitigate this issue by assigning an additional staff member to the Analyst's Office for the purpose of meeting the requirements of the October 2018 Board motion. The Service also began reviewing its business process for use of force analysis and reporting. The Analyst's Office engaged the Analytics and Innovation Unit and the Strategy Management Unit to process map the reporting practice, and assist with researching a more effective technological solution. While this work is currently ongoing, the Service has not been able to meet the analytics required of the quarterly reporting schedule.

To mitigate this issue, the Service is requesting that the reporting periods be restructured to a tri-annual basis, commencing in 2019. The proposed schedule would see three reports submitted for 2019 – two partial year reports and an annual report, with the same schedule maintained for 2020. For 2021, the Service would submit a semi-annual report and an annual report before moving to an annual report for 2022. This schedule recognizes 2019 as the first full calendar year for the expanded C.E.W. deployment. As such, it will be the baseline year to which the following years are compared.

The proposed schedule is as follows:

<u>2019</u>	<u>Month Submitted</u>
January – April 2019	July 2019
May – August 2019	November 2019
January – December 2019	March 2020
<u>2020</u>	<u>Month Submitted</u>
January – June 2020	October 2020
May – August 2020	November 2020
January – December 2020	March 2021
<u>2021</u>	<u>Month Submitted</u>
January – June 2021	October 2021
January – December 2021	March 2022
<u>2022</u>	<u>Month Submitted</u>
January – December 2022	March 2023

Note: The Service has been requested to resubmit the “September 2018 Quarterly Report: Conducted Energy Weapon Use” in a form that meets the October 2018 Board motion. The information and analysis that would be contained within this report is included in the 2018 Annual Report that has been submitted for the March 2019 Board meeting.

Conclusion:

Restructuring C.E.W. reporting according to the proposed schedule provides sufficient time for the Analyst's Office to ensure data accuracy, while still allowing the Board to have intermittent reporting on C.E.W. use.

It is therefore recommended that the Board approve the proposed schedule outlined within this report.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to respond to any questions the Board may have in regard to this matter.

Respectfully submitted,

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



Toronto Police Services Board Report

February 5, 2019

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

**Subject: Special Constable Appointments and Re-Appointments –
March 2019**

Recommendation:

It is recommended that the Board approve the appointments and re-appointments of the individuals listed in this report as special constables for the Toronto Community Housing Corporation (T.C.H.C.) and the Toronto Transit Commission (T.T.C.), 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 Board is authorized to appoint and re-appoint special constables, subject to the approval of the Minister of Community Safety and Correctional Services. Pursuant to this authority, the Board now has agreements with the University of Toronto (U. of T.), Toronto Community Housing Corporation (T.C.H.C.) and Toronto Transit Commission (T.T.C.) governing the administration of special constables (Min. Nos. P571/94, P41/98 and P154/14 refer).

The Service has received requests from the T.T.C and T.C.H.C. to appoint the following individuals as special constables:

Table 1 Name of Agency and Special Constable Applicant

Agency	Name	Status Request
T.T.C.	Alan CAKEBREAD	Appointment
T.C.H.C.	Carl ANDREWS	Re- Appointment
T.C.H.C.	Joseph ANNOUZA	Appointment
T.C.H.C.	Adeel ANSARI	Appointment
T.C.H.C.	Fazil BACCHUS	Re- Appointment
T.C.H.C.	Nicola CAMPOLONGO	Appointment
T.C.H.C.	Christopher COCHRANE	Appointment
T.C.H.C.	Willis COULTER	Appointment
T.C.H.C.	Liban DAMBALLA	Appointment
T.C.H.C.	Jason DEANGELIS	Re- Appointment
T.C.H.C.	Julian DIAS	Appointment
T.C.H.C.	Daniel GODINHO	Appointment
T.C.H.C.	Dominic GOLOB	Appointment
T.C.H.C.	Fitzroy George HAYLE	Re- Appointment
T.C.H.C.	Steven HOLLAWAY	Appointment
T.C.H.C.	Stalin JOHNSON	Re- Appointment
T.C.H.C.	Ashton KELLY	Appointment
T.C.H.C.	Winston KENLEY	Re- Appointment
T.C.H.C.	Jason KIRKWOOD	Re- Appointment
T.C.H.C.	Michael LePAGE	Re- Appointment
T.C.H.C.	Walless McLEAN	Appointment
T.C.H.C.	William Norman NEAL	Re- Appointment

Agency	Name	Status Request
T.C.H.C.	Kevin PENDER	Re- Appointment
T.C.H.C.	Colin PIKE	Appointment
T.C.H.C.	Julia PIOS	Appointment
T.C.H.C.	Wesley QUAlFE	Appointment
T.C.H.C.	Ronald SAMPSON	Appointment
T.C.H.C.	Lauriston SHAND	Appointment
T.C.H.C.	David QUIGLEY	Re- Appointment
T.C.H.C.	Robert TOMCZYSZYN	Re- Appointment

Discussion:

The 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 their respective properties within the City of Toronto.

The agreements between the Board and each agency require that background investigations be conducted on all individuals who are being recommended for appointment or re-appointment as special constables. The Service's Talent Acquisition 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 T.C.H.C. and the T.T.C. have advised the Service that the above individuals satisfy all of the appointment criteria as set out in their agreement with the Board. The agencies' approved strength and current complements are indicated below:

Table 2 Name of Agency, Approved Strength and Current Number of Special Constables

Agency	Approved Strength	Current Complement
T.C.H.C.	300	117
T.T.C.	N/A	54

Conclusion:

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

Deputy Chief of Police James Ramer, Specialized Operations Command, will be in attendance to answer any questions that the Board may have with respect to this report.

Respectfully submitted,

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

MS:ao

Special Constable Appointments and Re Appointments – March 2019.docx



Toronto Police Services Board Report

February 21, 2019

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Medical Advisory Services – Vendor Selection

Recommendations:

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

1. approve a contract award to Drs. Schweigert and Dykeman as the vendor to support and perform fitness for duty assessments and determinations, as well as provide occupational health, safety and medical consulting services for the period April 1, 2019 to December 31, 2021;
2. authorize the Chief of Police, at his discretion, to extend the contract for an additional two separate one-year terms, subject to satisfactory performance by the vendor; and
3. authorize the Chair to execute any required agreements and related documents on behalf of the Board, subject to approval as to form by the City Solicitor.

Financial Implications:

Based on the proposed hourly rate and the estimated annual occupational health and safety and medical consulting services required, the estimated annual cost is \$555,300, including taxes. This amount will be funded from the Toronto Police Service's (Service) 2019 operating budget, and the future year cost estimates will be included in the Service's operating budget request for each subsequent year of the three-year term. It should be noted, however, that the estimated cost will be impacted by the number of assessments and other services required.

Background / Purpose:

The current contract for the provision of fitness for duty assessments and occupational health, safety and medical consulting services held by Wellpoint Health Ltd. expired on December 31, 2018.

The purpose of this report is to obtain Board approval for a new vendor for the provision of fitness for duty assessments and other medical consulting services.

Discussion:

The Medical Advisor has medical charge of all members who, on account of illness, injury or disability, are unable to perform their duties and/or work assignments. To fulfil this role, the Service requires Medical Advisors to oversee, support and perform fitness for duty assessments and provide any other required occupational health and safety and medical consulting services. The services provided by the Medical Advisory Service are not intended for primary medical care, as this is at the discretion of the member and not the employer.

On August 22, 2018, an R.F.P. (#1284054-18) was issued by the Service's Purchasing Services unit for the provision of medical advisory services for a three-year term, with an option to extend for an additional two separate one-year terms at the Chief's discretion, and subject to satisfactory performance by the vendor.

At its meeting on November 22, 2018, the Board approved Workplace Medical Corp. as the vendor to support and perform fitness for duty assessments and determinations, as well as provide occupational health, safety and consulting services for a three-year term from January 1, 2019 to December 31, 2021. The Board also approved an option to extend for two separate one-year terms at the discretion of the Chief (Board Min. No. P224/18 refers).

Following the Board's approval of the vendor, the Service commenced its due diligence process and, unfortunately, was not able to proceed to enter into an agreement with Workplace Medical Corp.

As a result, the Service considered the next two highest scoring proponents, Oncidium Inc. and Drs. Schweigert and Dykeman.

Conclusion:

Following the completion of its due diligence process with the two other vendors, Drs. Schweigert and Dykeman is being recommended as the vendor to support and perform fitness for duty assessments and determinations, as well as occupational health, safety and medical consulting services for the period April 1, 2019 to December 31, 2021, with an option to extend for two separate one-year options, at the discretion of the Chief.

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

Respectfully submitted,

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

MS:IN

Filename: Public – Medical Advisory Services – Vendor Selection.doc



Toronto Police Services Board Report

March 4, 2019

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Electrical Services – Vendor of Record

Recommendations:

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

- (1) approve Stevens & Black Electrical Contractors Ltd. as the Vendor of Record for the provision of electrical and data repairs, renovations, and modifications for the Toronto Police Service for a three-year term commencing May 1, 2019 to April 30, 2022, with two additional one-year extensions; and
- (2) authorize the Chief of Police to extend the two additional one-year option periods, subject to the satisfactory performance of the vendor and other considerations, effective May 1, 2022.

Financial Implications:

The estimated annual expenditure for electrical and data repairs, renovations, and modifications is approximately \$500,000. Funding for this purpose is included in the Toronto Police Service's (Service) annual operating and capital budgets. The approximate value of the contract award over the term of the agreement is \$2.5 Million (M), plus applicable taxes.

Background / Purpose:

The Service requires a Vendor of Record (V.O.R.) for the provision of electrical and data repairs, the refitting and upgrading of existing Service facilities, and the installation of electrical wiring and data cabling utilized for communications transmission/network connectivity (Panduit Certification) at its facilities. The V.O.R. agreement allows the Service to provide a swift response to emergency repairs and ensures that other electrical work is completed in a timely manner.

Stevens & Black Electrical Contractors Ltd. is the current V.O.R. for the provision of electrical services under an agreement that expires on April 30, 2019.

The purpose of this report is to obtain Board approval for a new V.O.R. agreement for the provision of electrical and data repairs, renovations, and modifications to meet the requirements of the Service.

Discussion:

To secure a new V.O.R. for the provision of electrical services, the Service's Purchasing Services unit issued a Request for Proposal (R.F.P.) #1295458-18 on November 16, 2018. The R.F.P. was advertised on MERX, an electronic tendering service, and closed on December 20, 2018. The R.F.P. documents were downloaded by six suppliers. However, at closing, a submission was only received from the incumbent, Stevens & Black Electrical Contractors Ltd., who has been the electrical services V.O.R. for the Service since 2010.

All five suppliers who did not submit a proposal were contacted to solicit their feedback as to why they did not submit a proposal. One supplier indicated that they do not support Panduit Certification (data/fibre optic wiring/network cabling), and two other suppliers indicated that they were unable to submit a proposal due to competing priority projects. The two remaining suppliers did not respond.

The submission from Stevens & Black Electrical Contractors Ltd. was evaluated based on a set of pre-determined weighted criteria, as outlined in the R.F.P. document. The criteria included among other things:

- Size and financial stability of the company;
- Qualifications and relevant experience of personnel;
- Summary of projects with similar scope of work (past two years) and related work;
- Summary of projects completed in public sector/policing (past five years);
- Evidence of satisfactory and timely completion of similar projects;
- Competency questionnaire; and
- Pricing.

Conclusion:

The proposal submission from Stevens & Black Electrical Contractors Ltd. was evaluated by representatives of the Service's Facilities Management unit. The evaluation team has confirmed that the vendor meets the R.F.P. requirements and is, therefore, recommended as the Vendor of Record for a three-year period commencing May 1, 2019, with an option to extend for two additional one-year terms at the discretion of the Chief of Police.

In accordance with the agreement, the vendor will be subject to performance evaluations during the term of the agreement. The vendor will also be required to adhere to the warranty obligations specified in the agreement and to retain any warranty obligations beyond the term of the agreement if the work was awarded or commenced prior to the agreement's expiry date.

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

Respectfully submitted,

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



Toronto Police Services Board Report

February 5, 2019

To: Chair and Members
Toronto Police Services Board

From: Andy Pringle
Chair

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

Recommendation(s):

It is recommended that the Board approve payment of an invoice dated February 28, 2019, in the amount of \$81,703.35 and that such payment be drawn from the Board's on-going operating budget for professional services rendered by Honourable Gloria Epstein and Cooper, Sandler, Shime and Bergman LLP.

Financial Implications:

The total amount invoiced to date is \$402,606.98.

Background / Purpose:

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

The City has agreed to provide funding to the Board to pay for the cost of the Review (Min.P112/18 refers). The Board has now received the Review's second account for services rendered up to and including February 28, 2019, in the amount of \$81,703.35.

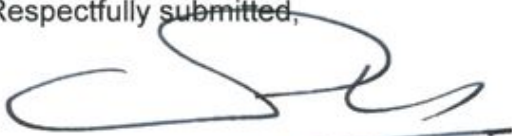
Discussion:

I have attached a copy of the Review's detailed account for services renders, up to and including February 28, 2019, in the amount of \$81,703.35. A detailed statement is included on the in-camera agenda for information.

Conclusion:

It is, therefore, recommended that the Board approve payment of an invoice dated February 28, 2019, in the amount of \$81,703.35, and that such payment be drawn from the Board's on-going operating budget for professional services rendered by Honourable Gloria Epstein and Cooper, Sandler, Shime and Bergman LLP.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'AP', with a long horizontal line extending to the right.

Andy Pringle
Chair

IN ACCOUNT WITH

COOPER, SANDLER
SHIME & BERGMAN LLP
BARRISTERS & SOLICITORS

SUITE 1900
439 University Avenue
Toronto, Ontario
M5G 1Y8

TELEPHONE: (416) 585-9191
FAX: (416) 408-2372

February 28, 2019

PRIVATE AND CONFIDENTIAL

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

DATE RECEIVED

MAR 06 2019

TORONTO POLICE SERVICE BOARD

Re: The Independent Civilian Review into Missing Persons Investigations – Our File
#CTinv001

FOR SERVICES RENDERED: From February 1, 2019 to February 28, 2019

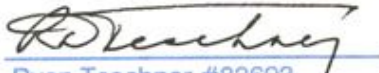
Total Fees	\$33,138.00 ✓	
HST on Fees (13%)	4,307.94	
Total Fees & HST		\$37,445.94
Disbursements Sub-total	\$39,165.85 ✓	
HST on Disbursements (13%)	5,091.56	
Total Disbursements & HST		\$44,257.41
TOTAL FEES AND DISBURSEMENTS		\$81,703.35 ✓

for this account dated February 28, 2019

OUTSTANDING BALANCE \$179,893.06

BALANCE OWING \$261,596.41

Approved By:


Ryan Teschner #83693
Executive Director
Toronto Police Services Board

Approved By:


Andy Pringle #82420
Chair
Toronto Police Services Board



Toronto Police Services Board Report

February 22, 2019

To: Chair and Members
Toronto Police Services Board

From: Andy Pringle
Chair

Subject: Request for Special Funds – 52nd Annual Police Officer of the Year Awards

Recommendation(s):

It is recommended that:

- (1) the Board approve an expenditure from the Special Fund in the amount of \$15,000.00 to sponsor the 52nd Annual Police Officer of the Year Awards, taking place on May 7, 2019; and
- (2) the Board approve the purchase of tickets for interested Board members and/or Board staff members at a cost of \$99/ticket.

Financial Implications:

If the recommendations contained in this report are approved, the Special Fund will be reduced in the amount of \$15,000.00 for sponsorship as well as \$99.00 for the cost of tickets for interested Board Members and/or Board staff members. The current balance of the Special Fund is approximately \$934,680.00.

Background / Purpose:

The Police Officer of the Year Awards program was initiated in 1967 by the Toronto Region Board of Trade for the purpose of recognizing the admirable contributions made by members of the Toronto Police Service (the Service) who have gone beyond the call of duty to ensure that Toronto is one of the safest cities in the world. All nominations are initiated through the Awards Co-ordinator, Professional Standards Support, and judged by a panel of judges comprised of members of the local media, and business and community leaders. This year, two students from George Brown's Police Foundations course are joining the judging panel for the first time.

Nominees are judged according to the following criteria:

Bravery
Humanitarianism
Superior Investigative Work; and
Outstanding Police Skills

This year, in addition to the Police Officers of the Month and Police Officers of the Year awards, the following awards of note will be presented at the event:

- **Civilian Excellence Award:** This award will be given to a civilian Member(s) of the Toronto Police Service who has demonstrated superior diligence, dedication, initiative, and/or leadership which has improved the administration or operation of the Service and/or positively impacted the community
- **Business Excellence Award:** This award which was established to honour exceptional Service Members whose valuable contributions enable the organization to work effectively and efficiently is being re-instituted this year.
- **Special Commendations:** These important awards are being granted in very unique and special circumstances to recognize the work of Service Members in keeping the City of Toronto safe and making its residents proud.

Discussion:

The Police Officer of the Year Awards program is a very important initiative, which the Board has historically supported. This initiative is in keeping with provisions in the Board's Special Fund policy to recognize the work of Service Members. It is an important demonstration of the community and the police working together, supporting one another and celebrating community safety achievements together. These awards celebrate excellence in policing and show the immense appreciation that our community has for its police officers. This year, we are also highlighting the significant contribution of the Service's civilian Members.

The event will take place on May 7, 2019, at the Arcadian Court, Toronto. Attached is a letter from Mr. Christopher Worth, Chair, Police Officer of the Year Awards, providing details about the event.

Conclusion:

It is, therefore, recommended that:

- (1) the Board approve an expenditure from the Special Fund in the amount of \$15,000.00 to sponsor the 52nd Annual Police Officer of the Year Awards, taking place on May 7, 2019; and
- (2) the Board approve the purchase of tickets for interested Board members and/or Board staff members at a cost of \$99/ticket.

Respectfully submitted,

Andy Pringle
Chair

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line that extends to the right and ends in a small arrowhead.



TORONTO
REGION
BOARD OF TRADE

1 First Canadian Place, P.O. Box 60
Toronto, Ontario, Canada M5X 1C1
Tel: 416.366.6811
Fax: 416.366.8406
www.bot.com

February 22, 2019

Mr. Andy Pringle
Chair
Toronto Police Services Board
40 College St.
Toronto, Ontario
M5J 2G3

The 52nd Annual Police Office of the Year Awards will be taking place on May 7th, 2019 from 6:00pm-9:00pm at Arcadian Court. Created by the Board of Trade in 1967, this annual Awards event pays tribute to the men and women of the Toronto Police Service who have made extraordinary contributions to making Toronto one of the safest cities in the world.

Last year, the Toronto Police Services Board had generously provided a \$15,000 sponsorship. Having continued the tradition and each year seeing growth in attendance, the Board wants to ensure the event continues to create awareness for the Toronto Police Service Board and selected members of the business community. With ongoing growth in the attendance and to cover costs and expenses with a new venue, we are respectfully requesting your support to provide \$15,000 in sponsorship.

The Toronto Region Board of Trade is very proud of this event and the impact it has on our members for so many years. Your support will ensure the strength of this event and help carry on tradition.

Thank you for your time and attention in this matter.

Kind Regards,

Christopher Worth
Chair, Police Officer of the Year Awards



Toronto Police Services Board Report

March 12, 2019

To: Members
Toronto Police Services Board

From: Andy Pringle
Chair

Subject: Notification Re: Board Ratification of Collective Bargaining Settlement with the Toronto Police Association Dated February 15, 2019

Recommendation:

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

Financial Implications:

The total five-year impact of the Memorandum of Settlement between the Board and the Association is \$112,606,100. The 2019 budget impact of the Memorandum of Settlement between the Board and the Association is \$25,245,500.

Background/Purpose:

The six uniform and civilian collective agreements in force between the Board and the Association expired on December 31, 2018. The Board's Bargaining Team met with the Association to begin collective bargaining for renewed collective agreements and exchanged proposals on January 18, 2019. The parties subsequently met on February 12, February 13, and February 15, 2019 to negotiate. After a prolonged period of bargaining on February 15, the parties reached a tentative agreement on the evening of February 15, 2019.

The Association membership ratified the bargaining settlement on March 8, 2019. The Board, which typically ratifies after the Association, considered the bargaining settlement at its Confidential meeting earlier today.

The ratified bargaining settlement resolves six uniform and civilian collective agreements between the Board and the Association for a term of five years, from January 1, 2019 to December 31, 2023.

Discussion:

Highlights of the settlement include:

- Five-year term from January 1, 2019 to December 31, 2023.
- Wage increase of 11.06% over five-year term (average of 2.21% per year)
- Priority Response Unit (P.R.U.) Patrol Allowance of 3% of basic salary for all hours worked by Uniform members with more than five years of service in P.R.U. function, which recognizes the important and unique role of the P.R.U. in urban policing in Toronto.
- Modernization and Transformation:
 - Association commitment to mission, principles, and goals of *The Way Forward* in a letter from Mike McCormack to be appended to collective agreement, confirming the Association's commitment to working with the Board and the Toronto Police Service (Service) to implement the transformation plan.
 - Association agreement on a part-time retiree pilot (non-union and outside the Collective Agreements) for 18 months to reduce the workload of front-line officers.
 - More flexibility in the deployment of one-officer patrol cars aligned to shift schedule changes.
 - Elimination of cleaning vouchers and replacement with cleaning allowance.
 - Joint review and modernization of civilian job evaluation process by December 31, 2020.
- Increases in key health and dental benefits, including sector-leading psychological/counselling benefit coverage.
- Differential terms between the Uniform and Civilian Collective Agreements and elimination of unnecessary language in the areas of legal indemnification and cleaning vouchers.

This is the first time the Board and the Association have been able to negotiate a five-year term, and it will ensure labour stability during this critical phase of transformation for the Service. The new five-year agreements will allow the Board to continue to work together with the Association to tackle the challenges of modernization and to meet the complex and evolving nature of policing in Toronto. At the same time, the settlement ensures that the Service continues to be recognized as a world leader in policing by ensuring the health and wellbeing of its members, all while being fiscally responsible.

A negotiated settlement between an employer and its association is always an achievement. It ensures labour peace, and usually signifies a good working relationship between the parties. These elements are not achieved lightly, or easily.

The Board thanks the members of the bargaining team for achieving this favourable settlement: Simon Mortimer, Hicks Morley (Chief Spokesperson), Chair Andy Pringle, Ryan Teschner, Board Executive Director, Deputy Chief Shawna Coxon, Jeanette May, Director, People & Culture, Peter Mowat, Manager of Labour Relations, Andrew Cernowski, Financial Planner, Budget & Financial Analysis, and City of Toronto staff from Legal Services and Employee & Labour Relations.

Conclusion:

The conclusion of negotiations resulting in five-year collective agreements is a significant achievement for the Board and the Association in the current policing environment. It is especially critical to maintain a positive labour relations environment during this period of transformation and modernization for the Service.

Jeanette May, Director, People & Culture, Peter Mowat, Manager of Labour Relations, and Simon Mortimer, Chief Spokesperson, will be in attendance to answer any questions that Board members may have regarding this report.

Respectfully submitted,

Original Signed

Andy Pringle
Chair

AP:pm



Toronto Police Services Board Report

February 8, 2019

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Annual Report 2018: Use of Conducted Energy Weapons

Recommendation(s):

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

Financial Implications:

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

Background / Purpose:

On March 27, 2008, the Board directed the Chief of Police to provide a report that outlined revised content for future annual reports on conducted energy weapon (C.E.W.) usage (Min. No. P60/08 refers). A response was provided at the September 18, 2008 Board meeting which also outlined the content required for future reporting (Min. No. P253/08 refers):

- Type of Use
- Division of C.E.W. Use
- C.E.W. Users
- Type of Incident
- Subject's Condition at Time of C.E.W. Use
- Subject's Behaviour/Threat Level
- Subject Description
- Subject's Age
- Cycles
- C.E.W. Effectiveness
- Other Force Option Used Prior to C.E.W. Use

- Injuries/Deaths
- Civil Action
- Officer Training

The 2018 annual report continues to include all of the aforementioned categories as well as the following additional categories that were requested by the Board in 2009:

- Subject Apprehended Under the *Mental Health Act (M.H.A.)*
- Subject Believed Armed
- Subject Confirmed Armed

In 2015, Corporate Risk Management began tracking and reporting on the effectiveness of C.E.W. use on persons in crisis (P.I.C.). This information is included for this reporting period. In addition, the types of C.E.W. use on persons who were perceived to be suffering from the combined effects of being in a state of crisis and alcohol and / or drug usage is also included in this report.

During its meeting of February 22, 2018, the Board approved expansion of the C.E.W.s to frontline police constables (P.C.s) and, in doing so, the Chief agreed to provide the Board with quarterly reports as well as an annual report of C.E.W. usage (Min. No. P19/18 refers). To compare C.E.W. usage between rank and function, “types of use” and “C.E.W. user” chart data will be broken down into the following three categories: P.C.s, supervisors and the Emergency Task Force (E.T.F.).

To identify any trends in C.E.W. usage, previous annual reports included statistical data from prior years (Min. No. P56/11 refers). It is important to note that the expansion of C.E.W.s to frontline P.C.s in 2018 has resulted in approximately double the number of C.E.W. operators and this number will continue to increase until all frontline P.C.s are trained. Therefore, comparing current C.E.W. usage data to previous years does not provide an accurate baseline for comparison at this time. For this reason, the T.P.S. will defer year to year comparisons until the 2020 reporting period at which time 2019 will be deemed the baseline year and 2020 the first comparison year.

At its February 22, 2018 meeting, the Board directed the Chief “to conduct, by engaging an external body, an international review of best practices regarding use of force options, including possible alternatives to C.E.W.s, and tactical approaches, and to provide a public report with recommendations, where appropriate, at the culmination of this review” (Min. No. P19/18 refers). As a result of this motion, the T.P.S. Armament Officer is in the process of preparing a Request for Proposal in order to solicit qualified proposals for this research.

New for 2018 is Appendix A which contains the Board motion from February 22, 2018 (Min. No. P19/03 refers) outlining T.P.S. requirements for future quarterly C.E.W. reports. Page numbers referencing the various items that are contained within the body of this report have been added to the appendix.

This report provides a review of C.E.W. use by T.P.S. officers for the period of January 1, 2018 to December 31, 2018, formatted into the applicable categories. It consists of two components: an explanation of terminology and information regarding the classification of data, and charts containing the aggregate data.

Discussion:

As of December 31, 2018, a total of 4,315 T.P.S. officers received the three-day In-Service Training Program and 1,196 officers were qualified to use the Taser models X-26 and X-2. Qualified C.E.W. users include members of the Emergency Task Force (E.T.F.), uniform frontline supervisors and P.C.s, as well as supervisors of high-risk units such as Emergency Management and Public Order (E.M.P.O.), Intelligence Services, Organized Crime Enforcement (including Hold-Up and Drug Squad) and the Provincial Repeat Offender and Parole Enforcement (R.O.P.E.) and Fugitive Squad.

To provide context for this report, as of December 31, 2018, T.P.S. officers attended 663,795 calls for service, 29,076 of which involved persons in crisis (an increase of 7% over 2017). Officers apprehended 10,667 persons under the *Mental Health Act* (M.H.A.), and arrested 26,727 persons. In 2018, the C.E.W. was used 547 times during 502 incidents involving as many as 538 subjects. The data includes nine incidents where demonstrated force presence was used against groups of two or more subjects.

In accordance with the Ministry of Community Safety and Correctional Services (Ministry) standards and T.P.S. procedures, the C.E.W. is only used in full deployment or drive stun mode (direct application) when the subject is assaultive as defined by the *Criminal Code*. This includes threatening behaviour if the officer believes the subject intends and has the ability to carry out the threat, or where the subject presents an imminent threat of serious bodily harm or death, which includes suicide threats or attempts. Therefore, direct application of the device is only utilized to gain control of a subject who is at risk of causing harm, not to secure compliance of a subject who is merely resistant.

Types of Use

There are three ways to use the C.E.W.:

(1) Demonstrated Force Presence

The C.E.W. is un-holstered and/or pointed in the presence of the subject, and/or a spark is demonstrated, and/or the laser sighting system is activated. This mode is justified for gaining compliance of a subject who is displaying passive or active resistance and under certain conditions, may be effective in situations where a subject is assaultive or presents the threat of serious bodily harm or death.

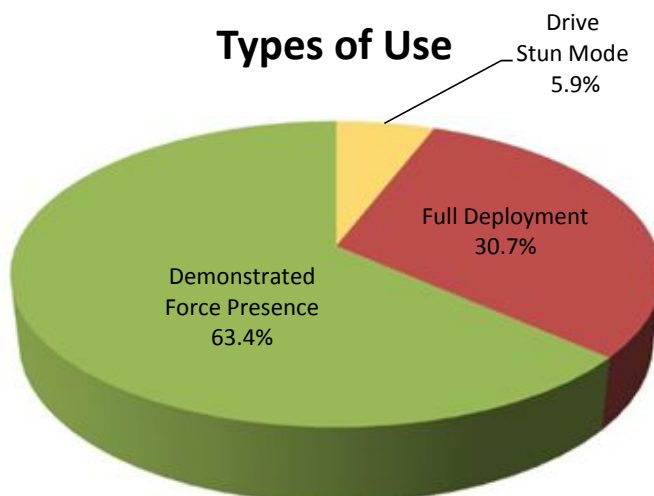
(2) Drive Stun Mode

This term, coined by the manufacturer, describes when the device is placed in direct contact with the subject and the current applied; the probes are not fired. Due to the minimal distance between the contact points on the C.E.W., drive stun is primarily a pain compliance mode. This mode is only justified to gain control of a subject who is assaultive or where the subject presents an imminent threat of serious bodily harm or death.

(3) Full Deployment

Probes are fired at a subject and the electrical pulse applied. In this mode, the device is designed to override the subject's nervous system and affect both the sensory and motor functions causing incapacitation. As with drive stun, this mode is only justified to gain control of a subject who is assaultive or where the subject presents an imminent threat of serious bodily harm or death.

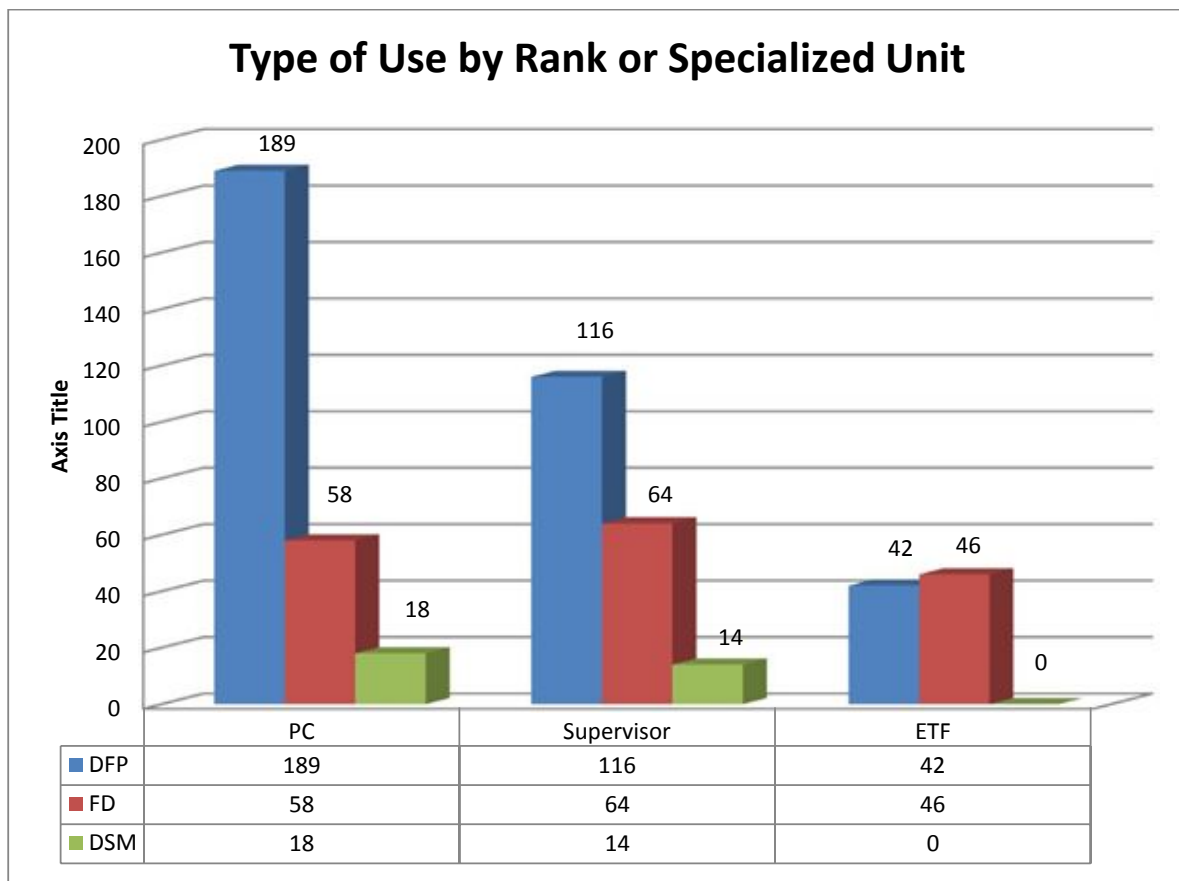
Subjects under the influence of drugs and persons in crisis often have a higher pain tolerance. Most intermediate force options such as the baton, Oleoresin Capsicum (O.C.) spray and empty hand strikes rely on the infliction of pain to gain control of the subject; however, C.E.W.s are designed to incapacitate for a brief period of time until the subject is secured. Under these circumstances, C.E.W.s are often more effective than other intermediate force options. The charts below illustrate the type of C.E.W. use as both a number and a percentage (demonstrated force presence, in drive stun mode, and as a full deployment). The full deployment category includes 19 unintentional discharges.



Type of Use	#	%
Demonstrated Force Presence (DFP)	347	63.4
Full Deployment (FD)	168	30.7
Drive Stun Mode (DSM)	32	5.9
Total Uses	547	100

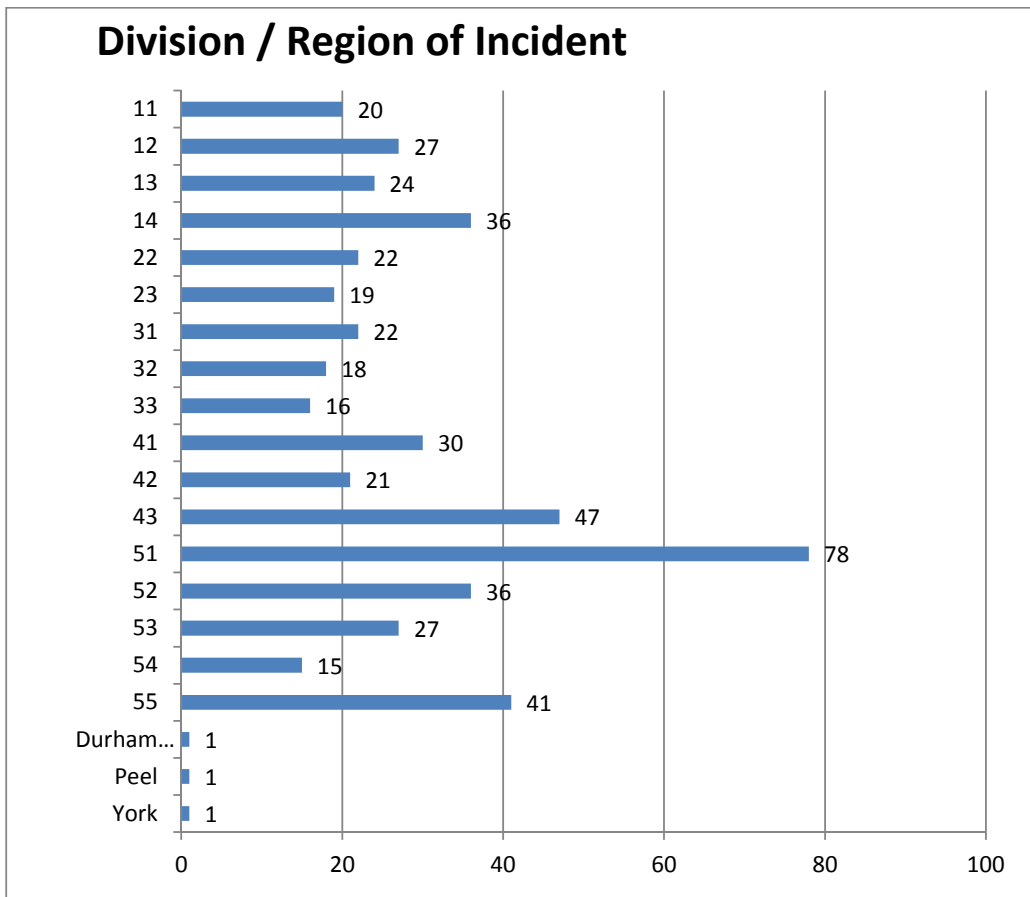
Demonstrated force presence was used 63.4% of the time. Full deployment was the next highest method used at 30.7%. Conducted energy weapons are most effective when used in full deployment because this promotes neuromuscular incapacitation and gives officers the opportunity to secure the subject with handcuffs. However, since the conducting wires are fragile, contact during full deployment can be broken allowing the subject to break free so officers may have to resort to drive stun mode to maintain control of the subject. In cases where full deployment and drive stun were used in combination, the number was recorded as a full deployment.

Changes to the 2018 report includes separate reporting of type of use for E.T.F., supervisors and P.C.s. Members of high risk units and members of E.M.P.O. are included in either the supervisor or P.C. category, depending on their T.P.S. rank. The chart below refers.



Division

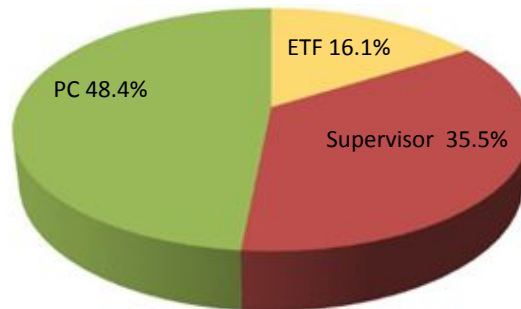
The following chart refers to the division within the city of Toronto, or to the location outside of Toronto, where T.P.S. members used a C.E.W.



C.E.W. Users

The chart below specifies the type of assignment and / or rank for each C.E.W. user.

C.E.W. User



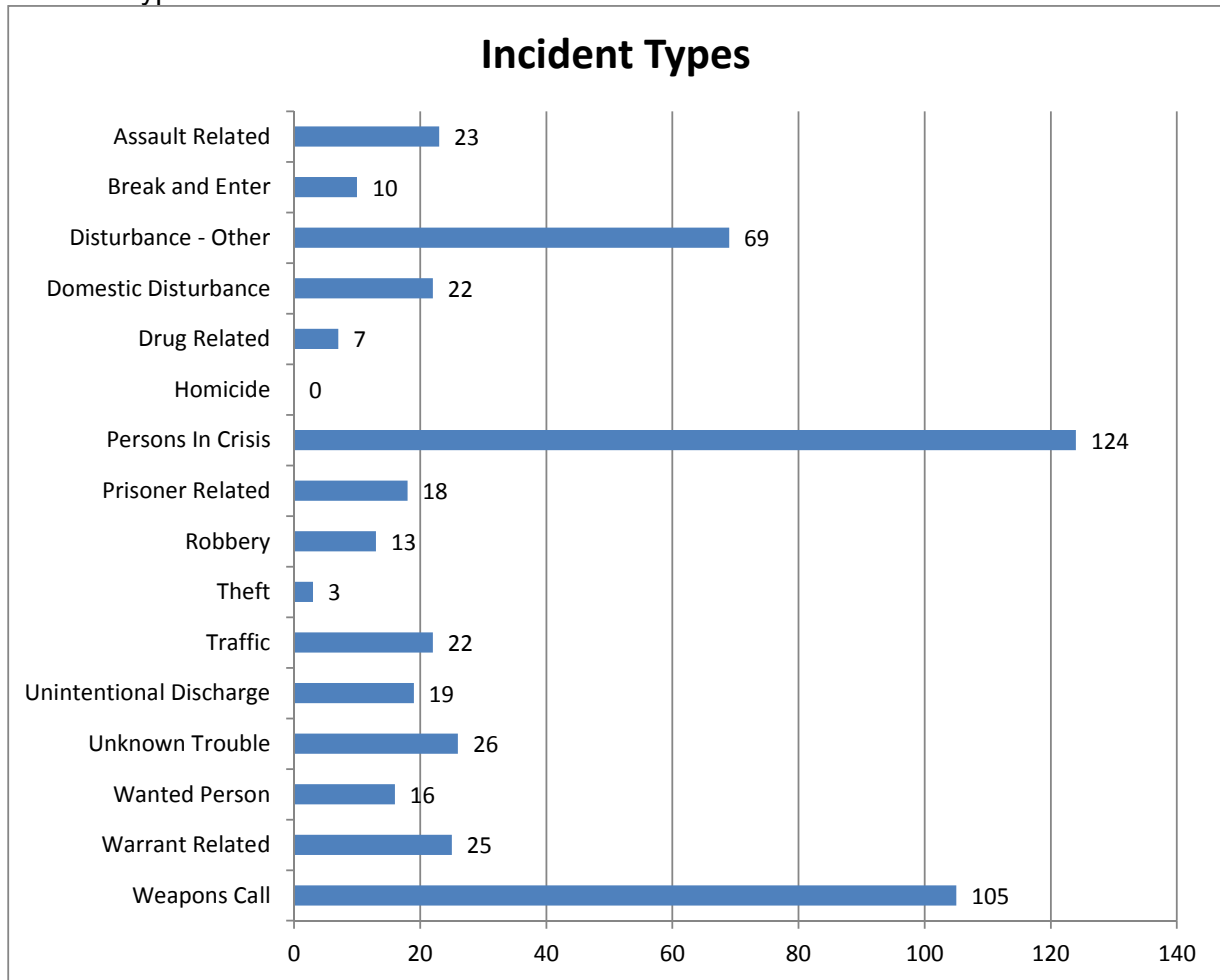
Type of User	#	%
P.C.s	265	48.4
Supervisors	194	35.5
Emergency Task Force	88	16.1
Total Uses	547	100

Of 547 C.E.W. uses in 2018, P.C.s accounted for 265 or 48.4% of use. Supervisors accounted for the second highest number of uses at 194 or 35.5%.

Type of Incident

The chart below indicates the type of incident that officers were responding to when the C.E.W. was used. A description of the incident is based on the initial call for service received by the attending officers. This information is collected from the Use of Force Report (U.F.R. Form 1) that must be completed subsequent to each C.E.W. use, as mandated by T.P.S. Procedures 15-01, "Use of Force" and 15-09, "Conducted Energy Weapon".

Incident Types



Subject Condition at Time of C.E.W. Use

Officers often interact with subjects who are in crisis, under the influence of drugs and / or alcohol, or experiencing a variety of mental health issues as well as any combination thereof. Officers are requested to categorize their perception of the condition of the subject at the time of C.E.W. use on the applicable sections of the Conducted Energy Weapon Use Report (T.P.S. Form 584). An officer's perception is based on experience, knowledge and training. For the purpose of C.E.W. reporting, a person in crisis also includes any person who has mental health issues. Below are the definitions of the various subject conditions.

- Person in Crisis (P.I.C.)

This refers to a person who suffers a temporary breakdown of coping skills but remains in touch with reality.

- Alcohol

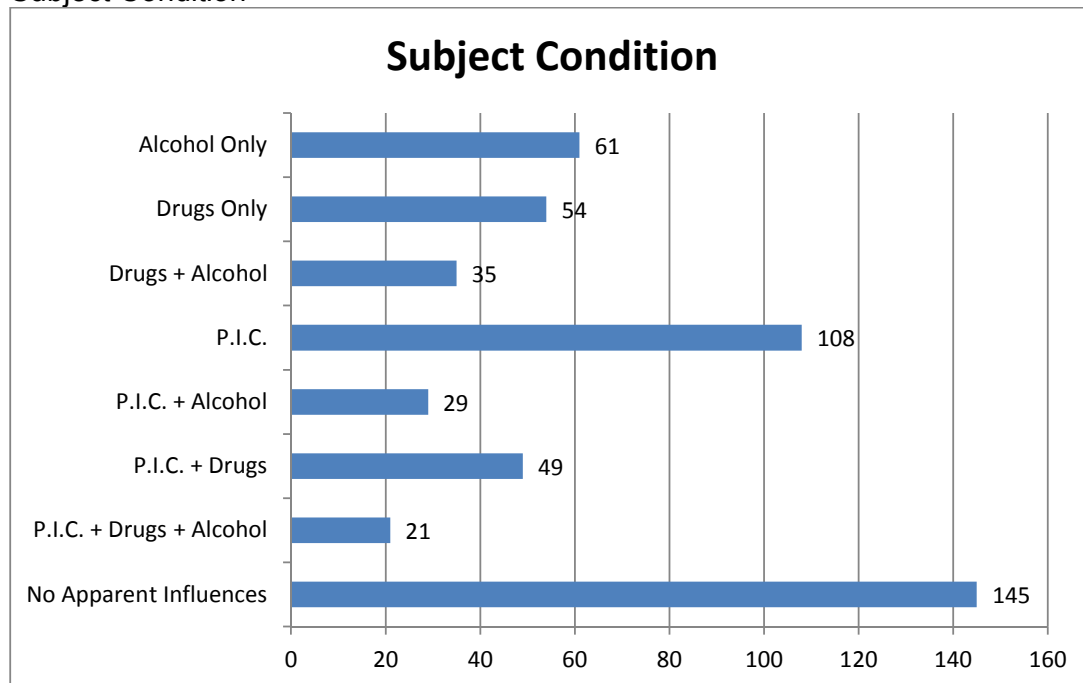
A person believed to be under the influence of alcohol.

- Drugs

A person believed to be under the influence of drugs.

The chart below indicates a subject's condition as identified by the reporting officer on a T.P.S. Form 584. The "No Apparent Influences" category refers to situations where an officer did not believe that there were any external factors affecting the subject's behaviour and includes 19 unintentional discharges, five group incidents and two dog incidents. Four other group incidents involved subject behaviour that was consistent with alcohol use. Of the 502 incidents of C.E.W. use, 108 or 21.5% involved subjects whom officers believed were in crisis. The figure increases to 207 or 41.2%, when persons in crisis were also believed to be under the influence of alcohol and / or drugs.

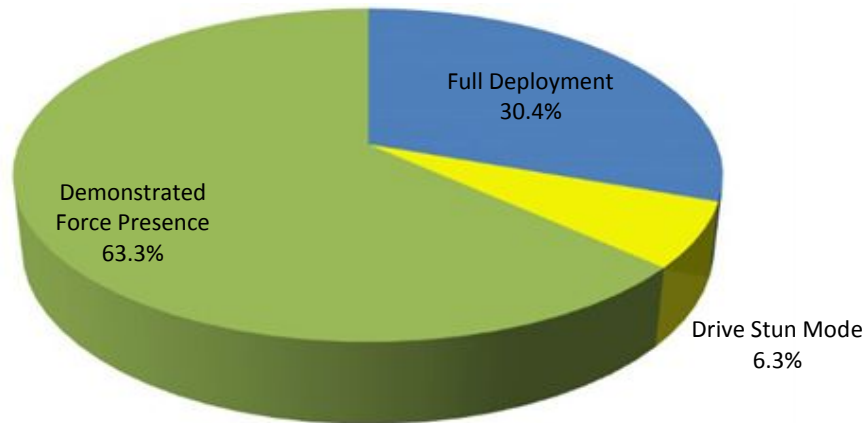
Subject Condition



Type of Use on P.I.C.

The chart below indicates the type of C.E.W. use on P.I.C. who may or may not have also been perceived to be suffering from the combined effects of alcohol and / or drugs. In 63.3% of cases, the type of use was reported as a demonstrated force presence.

Type of Use on P.I.C.



Type of Use on P.I.C.	#	%
Demonstrated Force Presence	131	63.3
Drive Stun Mode	13	6.3
Full Deployment	63	30.4
Total # of P.I.C. Incidents	207	100

Mental Health Act Apprehension

These incidents describe situations where the subject was apprehended under the *M.H.A.* and transported to a psychiatric facility for assessment. Out of 502 incidents, 147 or 29.3% resulted in apprehensions under the *M.H.A.*

The data does not capture the results of the assessment and so further caution is warranted against concluding that those apprehended were, in fact, suffering from a mental health condition at the time.

Finally, it must be remembered that the C.E.W. was only used in response to the subject's behaviour and not because of the subject's condition.

The chart below specifies C.E.W. uses where subjects were apprehended under the *M.H.A.* The "Not Applicable" category refers to 19 unintentional discharges, nine group incidents and two uses on dogs.

Subject Apprehended Under the *M.H.A.*

Apprehension	#	%
Yes	147	29.3
No	325	64.7
Not Applicable	30	6.0
Total	502	100

Subject's Behaviour/Threat Level

Subject behaviour during a C.E.W. incident is described within the context of the Ontario Use of Force Model (2004) under the following categories:

- **Passive Resistant**

The subject refuses, with little or no physical action, to cooperate with an officer's lawful direction. This can assume the form of a verbal refusal or consciously contrived physical inactivity.

- **Active Resistant**

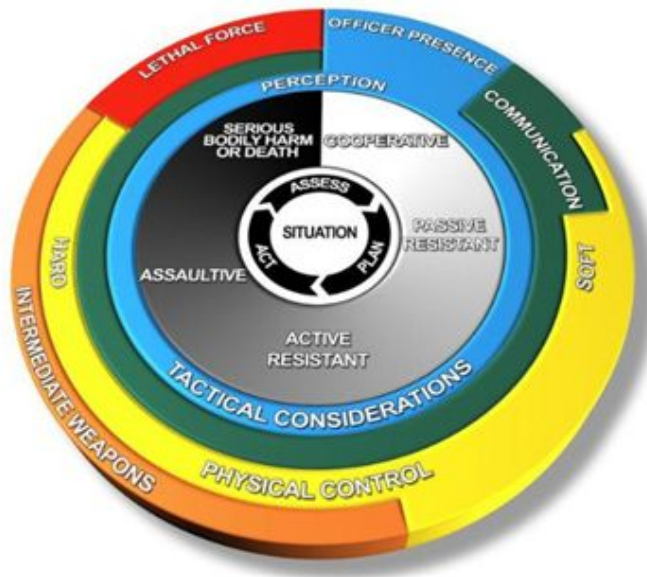
The subject uses non-assaultive physical action to resist an officer's lawful direction. Examples would include pulling away to prevent or escape control, or overt movements such as walking or running away from an officer.

- **Assaultive**

The subject attempts to apply, or applies force to any person, or attempts or threatens by an act or gesture to apply force to another person, if they have, or causes that other person to believe upon reasonable grounds that they have, the present ability to carry-out their purpose. Examples include kicking and punching, but may also include aggressive body language that signals the intent to assault.

- **Serious Bodily Harm or Death**

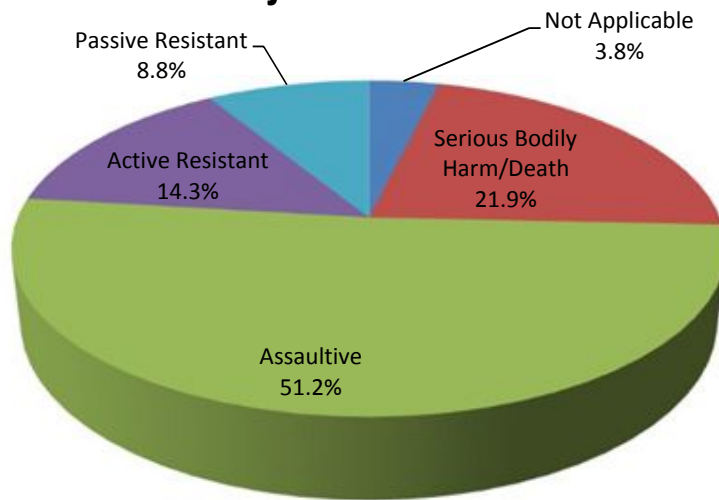
The subject exhibits actions that the officer reasonably believes are intended to, or likely to, cause serious bodily harm or death to any person, including the subject. Examples include assaults with a weapon or actions that would result in serious injury to an officer or member of the public, and include suicide threats or attempts by the subject.



The 2004 Ontario Use of Force Model is used to assist officers in determining appropriate levels of force and articulation. It represents the process by which an officer assesses, plans, and responds to situations that threaten public and officer safety. The assessment process begins in the centre of the model with the situation confronting the officer. From there, the assessment process moves outward and addresses the subject's behaviour and the officer's perception and tactical considerations. Based on the officer's assessment of the conditions represented by these inner circles, the officer selects from the use of force options contained within the model's outer circle. After the officer chooses a response option the officer must continually reassess the situation to determine if his or her actions are appropriate and / or effective or if a new strategy should be selected. The whole process should be seen as dynamic and constantly evolving until the situation is brought under control.

The below chart refers to subject behaviour in the 502 situations where a C.E.W. was used. The "Not Applicable" category refers to unintentional discharges.

Subject Behaviour



Subject Behaviour	#	%
Passive Resistant	44	8.8
Active Resistant	72	14.3
Assaultive	257	51.2
Serious Bodily Harm/Death	110	21.9
Not Applicable	19	3.8
Total Incident #	502	100

In situations where a subject is displaying passive or active resistance, T.P.S. procedure prohibits officers from using a C.E.W. in any manner other than a demonstrated force presence.

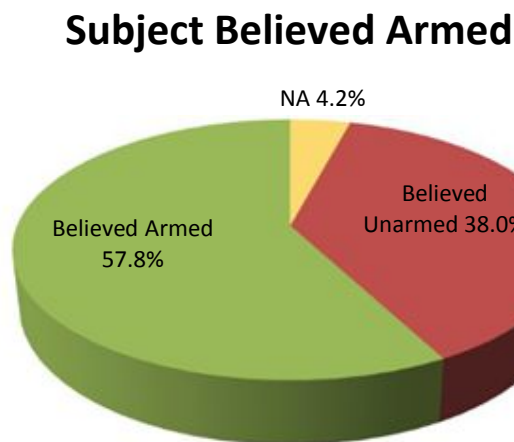
In 51.2% of incidents officers perceived the subject's behaviour as assaultive and in 21.9% of the incidents officers believed the behaviour was likely to cause serious bodily harm or death. Upon further review, some of the incidents involved life-saving interventions such as suicide attempts and others that invariably prevented subject and officer injury. The following paragraphs describe two such examples.

Example One: Officers attended a radio call for a threaten suicide where a female called her mother stating that she was going to electrocute herself in a bathtub with a hair dryer. Officers responded and ensured that the power was cut to the female's apartment. Due to the nature of the call, the E.T.F. was requested. The E.T.F. attended and attempted to negotiate with the distraught woman. Her behaviour changed for the worse; she grabbed a razor blade and placed it up against her wrist. An officer fully deployed a C.E.W., which was effective, and a razor blade and a knife were removed from the female before she was able to injure herself.

Example Two: Officers received a call for a threaten suicide where a male was in a park and believed to be armed with a handgun. He advised the dispatcher that he wanted to commit suicide by police. Two officers located the male in the park seated on a set of bleachers. He was bent over and advised that he had a gun pointed at his heart and that he wanted officers to shoot him; his hands were not visible. Based on the nature of the information received, officers approached the male with a C8 rifle and Service pistol. After lengthy conversation, the male still refused to show officers his hands and continued to state that they would have to shoot him. One officer maintained lethal over-watch while the second officer transitioned to a C.E.W. After prolonged but unsuccessful negotiations, the C.E.W. was used by way of full deployment. While under full power of the C.E.W., other officers on scene gained control of the male safely. A replica firearm, almost identical to a Glock pistol, was recovered.

Subject Believed Armed

Of the situations where the C.E.W. was used, officers believed that the subject was armed in 290 or 57.8% of these incidents. An officer may believe that a subject is armed based on a number of factors, including visual confirmation; subjects' verbal cues / behaviour; information from witnesses or dispatchers; or other indirect sources. The chart below indicates, as a percentage, whether an officer believed the subject was armed. The "Not Applicable" category refers to 19 unintentional discharges and two uses on dogs.



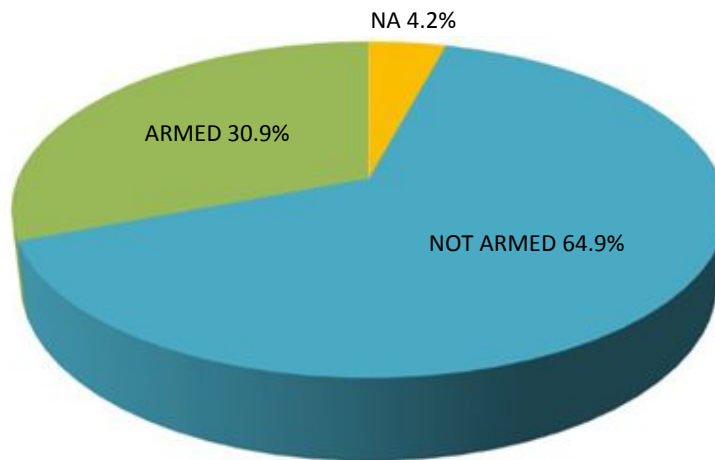
Subject Believed Armed	#	%
Believed Armed	290	57.8
Believed Unarmed	190	38
N/A	22	4.2
Total	502	100

Subject Confirmed Armed

Of 502 incidents, officers confirmed the presence of a weapon 155 or 30.9% of the time.

Officers are trained to continually assess, plan and act based on a number of factors, including the potential that subjects may be armed. The belief that a subject is armed or a weapon is present, however, does not, by itself, justify the direct application of a C.E.W. However, when this is combined with the belief that the subject is assaultive or likely to cause serious bodily harm or death, the officer is justified in directly applying the C.E.W. The chart below indicates the percentage of subjects that were confirmed to be armed. The “Not Applicable” category refers to 19 unintentional discharges and two uses on dogs.

Subject Confirmed Armed

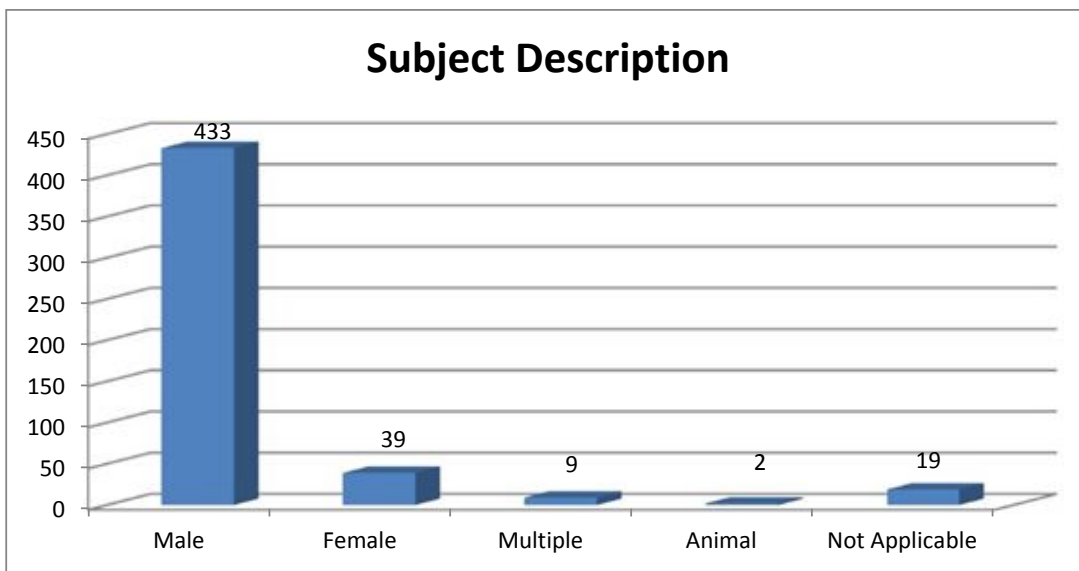


Subject Confirmed Armed	#	%
Armed	155	30.9
Not Armed	326	64.9
N/A	21	4.2
Total	502	100

Subject Description

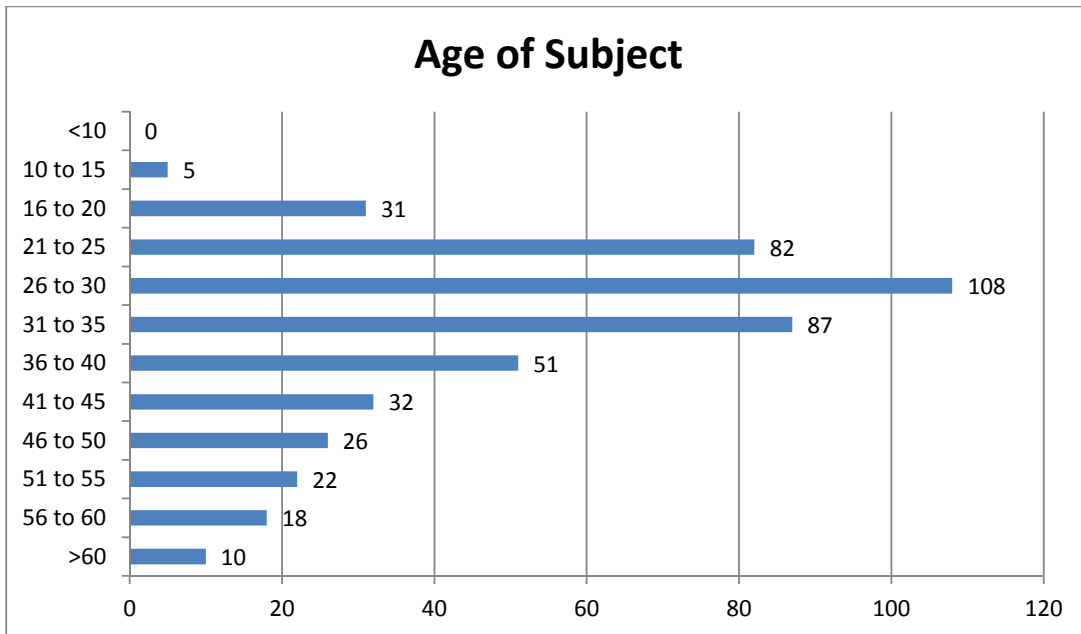
This chart categorizes subjects by their gender. Males accounted for 433 or 86.3% of subjects. Also recorded is C.E.W. use on animals and use on multiple subjects. In 2018, there were nine group incidents and two incidents involving dogs. In each situation, an officer used the C.E.W. as a demonstrated force presence except in one

instance where officers were executing a search warrant and were attacked by a large dog. In this case, a full deployment was required for the safety of the officers involved. The “Not Applicable” category refers to unintentional discharges.



Age of Subject

The C.E.W. has been used on a variety of age groups. The chart below categorizes C.E.W. use on various age groups. The highest percentage of subjects was between 21 and 35 years of age and equates to 58.7% of C.E.W. use. Excluded from this chart are 19 unintentional discharges, nine group incidents and two uses on dogs.



Use on Subjects 16 and Under

There were six incidents in 2018 where a C.E.W. was used to control potentially harmful situations involving young people who were 14, 15 and 16 years of age. Of the six situations, five involved the use of the C.E.W. as a demonstrated force presence. The sixth situation involved a youth in crisis who had assaulted staff and damaged a youth home before leaving the residence and running into traffic. A full deployment was utilized when he began kicking the officers who were trying to apprehend him for his own safety. The chart below gives a brief description of each of these incidents.

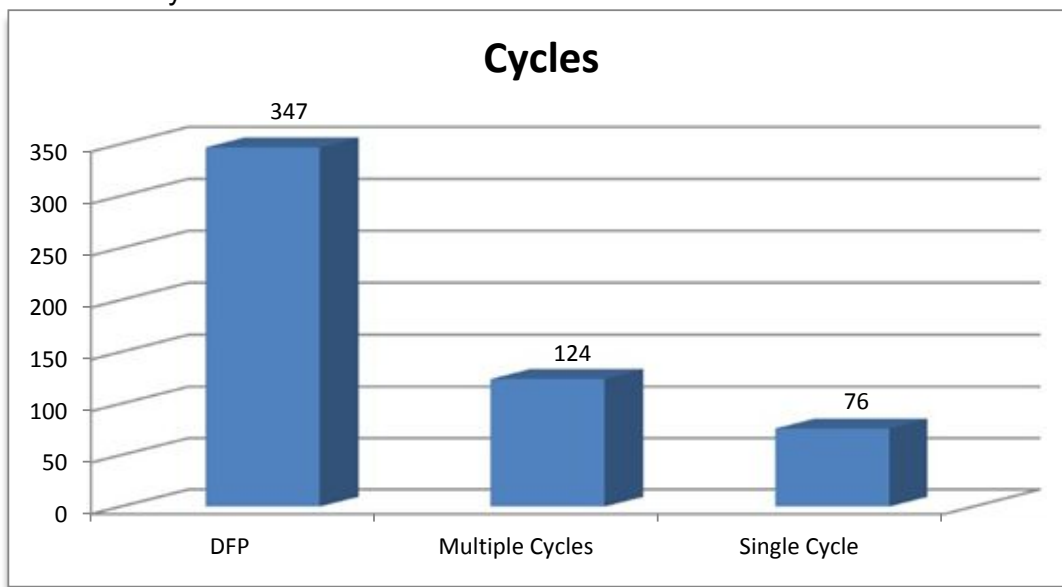
16 Years and Under Summary

Age	C.E.W. Use	Description
14	Demonstrated Force Presence	A mother called 911 regarding her son who had a knife and was threatening to stab her.
14	Demonstrated Force Presence	Foot pursuit where a male showed signs of being armed with an offensive weapon.
14	Demonstrated Force Presence	A barricaded male had threatened his mother with a knife prior to her fleeing and calling police.
16	Demonstrated Force Presence	A carjacking with unknown weapons. Male refusing to exit vehicle when stopped by police.
15	Full Deployment	A male in crisis ran into traffic and was assaultive to police and others. Full deployment was used for the safety of all.
14	Demonstrated Force Presence	Sound of gunshots radio call. Male wearing a balaclava was caught while fleeing the area.

Number of Cycles

During training and recertification, officers are instructed to apply the current only as long as it takes to gain control of the subject. Control is achieved when the subject is placed in restraints, such as handcuffs, and is no longer considered a threat. After the initial application of a single cycle, an officer is asked to re-assess the subject's behaviour before continued or renewed application of the current is used. The following chart reports whether single or multiple cycles were used. A complete cycle is five seconds in duration. A partial cycle of less than five seconds can occur when the C.E.W. is manually disengaged or the power is shut off. For the purpose of this report, partial cycles are recorded as a single cycle.

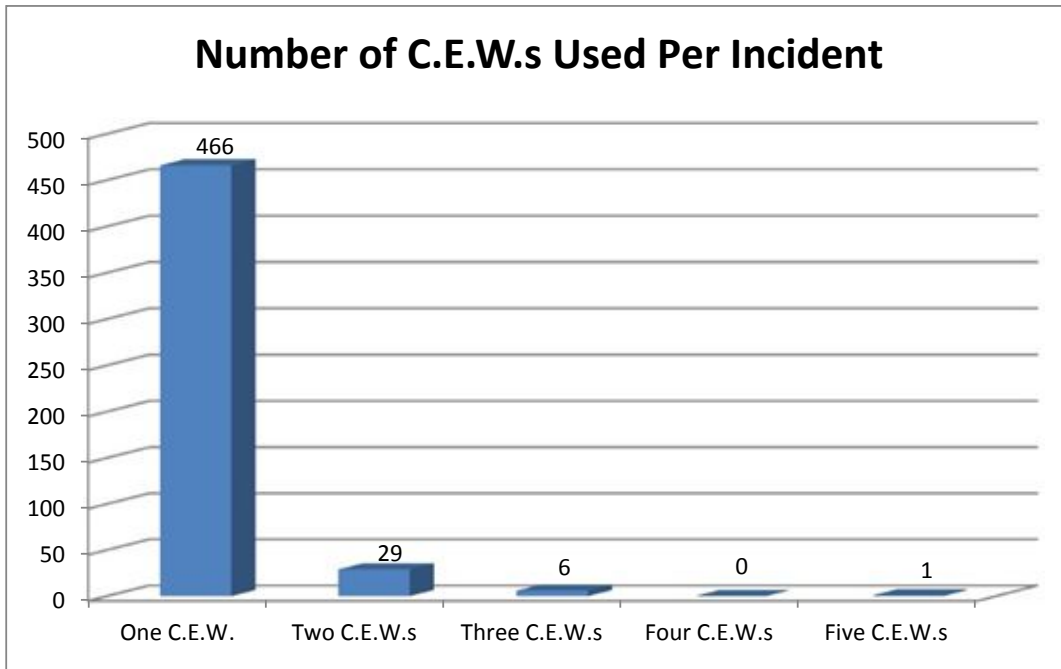
Number of Cycles



Number of C.E.W.s Used per Incident

If it has been determined to be reasonably necessary, officers may use more than one C.E.W. at an event if the first one is ineffective. In 2018, there were 36 events where more than one C.E.W. was used. The chart below summarizes the number of C.E.W.s used during each incident.

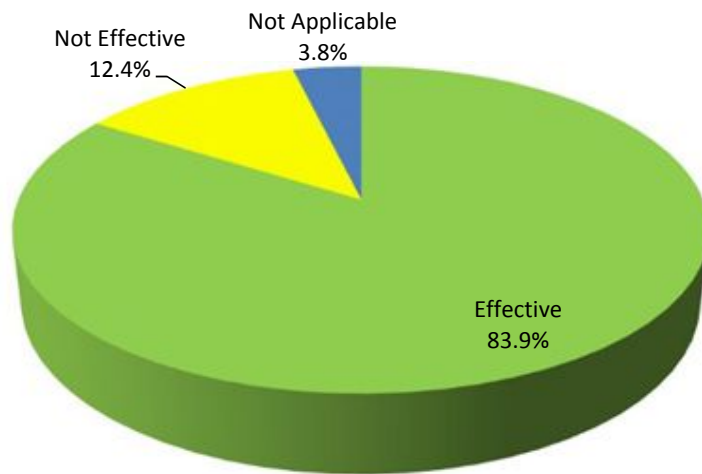
Number of C.E.W.s Used Per Incident



C.E.W. Effectiveness

Effectiveness is measured by the ability of officers to gain control of a subject while utilizing a C.E.W. in compliance with Ministry and T.P.S. standards and training. Of the 502 incidents of C.E.W. use in 2018, its effectiveness has been shown to be 83.9%. Ineffectiveness has been associated with shot placement, poor conduction (e.g. the subject was wearing heavy clothing), or situations where the subject failed to respond to the demonstrated force presence of the C.E.W. C.E.W. effectiveness is outlined in the chart below. The “Not Applicable” category refers to unintentional discharges.

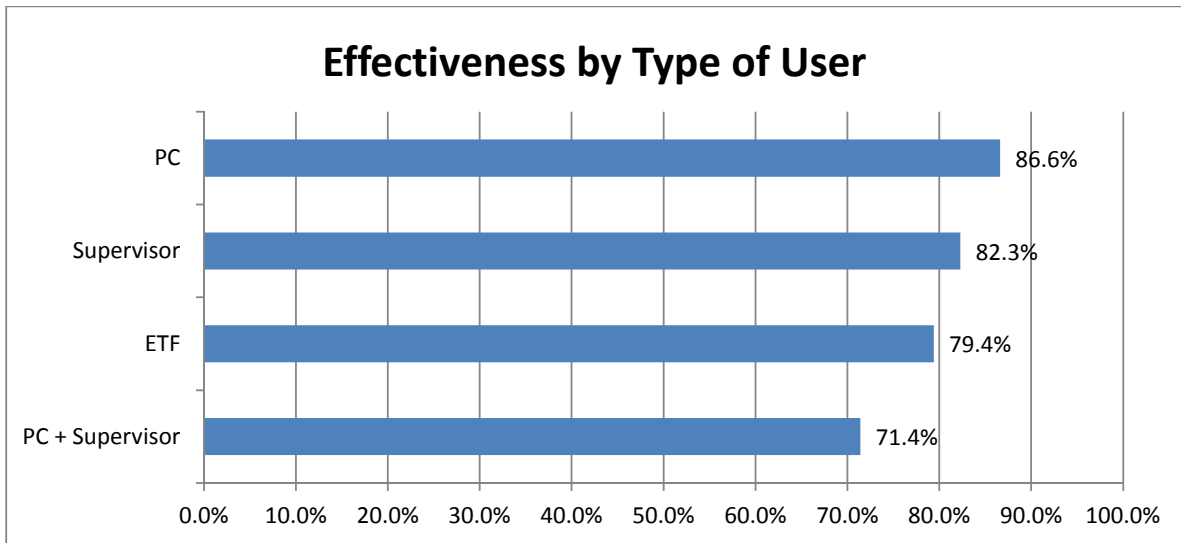
Overall C.E.W. Effectiveness



Overall C.E.W. Effectiveness	#	%
Effective	421	83.9
Not Effective	62	12.4
N/A	19	3.8
Total	502	100

Effectiveness by Type of User

As a result of expansion to front line P.C.s in 2018, effectiveness of C.E.W. use has also been divided into categories based on type of user. The following chart shows the effectiveness for members of the E.T.F., supervisors and P.C.s. There is also a separate category for instances where a supervisor and a P.C. have used a C.E.W. in conjunction at an incident.

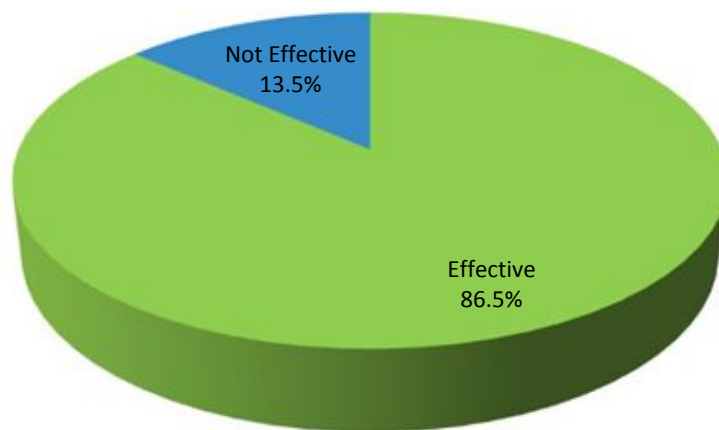


C.E.W. Effectiveness on Persons in Crisis

In 2015, Corporate Risk Management began tracking and reporting on the effectiveness of C.E.W. use on persons in crisis. The chart below includes the 207 incidents where the involved subjects were described as being in crisis or being in crisis and under the influence of drugs and / or alcohol.

Of these incidents, 86.5% were deemed to be effective. It should be noted that 131 or 63.3% of the incidents involved the use of C.E.W.s as a demonstrated force presence only.

Effectiveness on Persons in Crisis



Effectiveness on Persons in Crisis	#	%
Effective	179	86.5
Not Effective	28	13.5
Total	207	100

Other Use of Force Option Used (Prior to C.E.W. Use)

C.E.W.s are one of several force options that a police officer can employ. Officer presence and tactical communications, while not strictly considered force options, are typically used at C.E.W. incidents. Other force options include impact weapons, physical control, O.C. spray and firearms used as a display of lethal force.

It is important to note that force options are not necessarily used or intended to be used incrementally or sequentially. Events that officers are trained to deal with can unfold rapidly and are often very dynamic. Officers are trained to use a variety of strategies to successfully de-escalate volatile situations; however, there is no single communication method, tool, device, or weapon that will resolve every scenario. Therefore, the use of a C.E.W. or any other force option is the result of careful deliberation by the officers involved. The data shows that C.E.W. users chose other force options first in 11.0% of encounters. The below chart indicates what, if any, other force option was utilized by the C.E.W. equipped officer prior to their use of a C.E.W.

Other Force Option Used Prior to C.E.W. Use

Other Force Option	#	%
Firearm Display	8	1.6
Impact Weapon	1	0.2
O.C. Spray	1	0.2
Physical Control	45	9.0
None	447	89.0
Total	502	100

Unintentional Discharge

Unintentional discharges occur when the probes are fired from the C.E.W. cartridge due to officer error or device malfunction. In 2018, there were 19 unintentional discharges as a result of officer error. Ten of the incidents involved P.C.s while nine incidents involved front line supervisors. In all cases, officers inadvertently discharged the probes into a proving station while spark testing the C.E.W. Discipline is determined by the individual officer's Unit Commander, and in each case the officer attended the T.P.C. for re-training on safe handling practices.

Spark testing is required at the start of each tour of duty for the following reasons:

- To verify that the C.E.W. is working

- To verify that the batteries are performing and are adequately charged
- To condition the C.E.W. because the devices are more reliable when energized on a regular basis

In 2018, there were two device malfunctions that occurred subsequent to C.E.W.s being exposed to water. No injuries resulted from the unintentional discharges and the incidents were properly reported.

Injury

When deployed in drive stun mode, the C.E.W. may leave minor burn marks on the skin where the device makes contact. When the C.E.W. is fully deployed, the subject may receive minor skin punctures from the darts. As each of these injuries is anticipated when the C.E.W. is used, they are not included in the classification of “injury” for the purposes of this report. The more notable risk is a secondary injury from a fall. Subjects will often immediately collapse to the ground upon direct deployment and, since the major muscles are locked, they will not be able to break the fall. Officers are trained to consider the best location and environment when using the C.E.W. and to use caution as part of their decision-making process.

In 2018, there were eleven minor injuries directly related to C.E.W. use. Eight of these injuries consisted of bumps or minor cuts. The remaining injuries consisted of a sore wrist and ankle due to a fall after a full deployment, while another incident resulted in the party being taken to the hospital after a protracted struggle with officers. The male complained of chest pains and was subsequently released from hospital after examination by a doctor. In another instance, a male hit his head on a metal stair railing after a full deployment resulting in brief unconsciousness. The male was subsequently treated at hospital. In this case, the Special Investigations Unit invoked its mandate.

In the last five years, the T.P.S. has averaged 5.6 injuries per year that were directly attributed to C.E.W. use. The negligible number of injuries each year indicates that officers are taking environmental factors and probe placement into consideration prior to use.

Deaths

There were no deaths directly associated with C.E.W. use by officers of the T.P.S. in 2018.

Civil Action

There were no civil actions initiated in 2018 against the T.P.S. as a result of C.E.W. use. In the last five years, the T.P.S. has had an average of 2.2 C.E.W. related law suits initiated per year.

Training

All C.E.W. training is conducted by a Ministry-certified use of force instructor on the specific weapon used and approved by the T.P.S. For initial training, authorized T.P.S. officers received 20 hours of training, which is eight hours longer than the provincial standard. This training includes theory, practical scenarios, and a practical and written examination. The additional eight hours includes in-class training that emphasizes judgement training, decision making and de-escalation, which is conducted in accordance with the guidelines established by the Ministry. Officers are also required to complete a one hour on-line tutorial prior to attending C.E.W. training at the Toronto Police College. Recertification training takes place at least once every 12 months, in accordance with Ministry guidelines and Ontario Regulation 926 of the *Police Services Act (P.S.A.)*.

T.P.S. training emphasizes that before a C.E.W. is used against any subject, officers should consider de-escalation as a first priority whenever it is safe and practical to do so. Note: De-escalation begins with the T.P.S. communications. The call taker is trained to reduce the person's anxiety while eliciting information about the situation for responding officers.

Other operational considerations include disengagement, distance, time, cover, concealment and the use of other force options when appropriate. While there were no significant training issues in 2018, five officers (three P.C.s and two supervisors) were directed to attend the T.P.C. for refresher training by Armament Section staff.

Misconduct

In 2018, less than 0.6 % of C.E.W. use resulted in allegations of misconduct unrelated to unintentional discharges. Misconduct was identified in two cases that were resolved at the unit level. In the third case, *Police Service Act* charges have been laid, and the matter is currently before the Tribunal.

Governance

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

in Charge of the division where a C.E.W. was used.

The T.P.S. Form 584 required by all officers who deploy a C.E.W. has also been updated since expansion to frontline P.C.s. The form now records de-escalation techniques attempted prior to deploying a C.E.W. Also new to the form, is the inability for officers to print a hard copy report until they have emailed the form to the Use of Force Analyst.

Conclusion:

This report summarizes the frequency and nature of C.E.W. use by the T.P.S. While the number of reportable use of force incidents has increased, this is attributed to P.C.s having the option of displaying a C.E.W. in lieu of resorting to empty-hand techniques to control a non-compliant or assaultive subject. There is no requirement to report the use of empty-hand techniques unless a subject is injured and requires medical attention. There is, however, a requirement to report the display of a C.E.W. which has resulted in an increase in the number of reportable use of force incidents. The data, particularly the high percentage of demonstrated force presence, indicates that officers are using good judgement under difficult circumstances. They are making appropriate decisions to use only the force necessary to resolve tense and dangerous situations.

The T.P.S. is confident that the C.E.W. is an effective tool that has helped avoid injuries to both the public and police officers. Consequently, the T.P.S. believes that through proper policy, procedures, training, and accountability, the C.E.W. is an appropriate use of force option that can help maintain public and officer safety.

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

Respectfully submitted,

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

MS:jt

Filename: 2018 C.E.W. annual report

Appendix A

3. THAT as part of the next applicable quarterly report with respect to C.E.W.s the Board direct the Chief to include information on the following:

a. Input from MCIT members with respect to any proposed changes to the MCIT program, especially in light of the expansion of C.E.W.s. [\[This was included in the first quarterly report and is no longer required.\]](#)

b. Input from consumer survivor groups and experts in human rights and mental health including the Board's recently established anti-Black racism committee with respect to the impact of the expansion of C.E.W.s, on the lives of people with lived experience with mental health issues. [\[This will be included in all future quarterly and annual reports\]](#)

c. A discussion of any possible reliance upon or misuse of C.E.W.s and the steps taken to remedy any overreliance or misuse, including additional training, and discipline where appropriate. [\[pages 22, 23, and 24\]](#)

d. Analysis so that data from the phased expansion of C.E.W.s is analyzed in consideration of such factors as per The Honourable Frank Iacobucci:

i. whether C.E.W.s are used more frequently by primary response units, as compared to baseline information on current use of C.E.W.s by supervisors; [\[page 5\]](#)

ii. whether C.E.W.s are misused more frequently by primary response units, as compared to baseline information on current use of C.E.W.s by supervisors; [\[pages 22 and 24\]](#)

iii. the disciplinary and training responses to misuses of C.E.W.s by officers and supervisors; [\[page 22 and 24\]](#)

iv. whether TPS procedures, training or disciplinary processes need to be adjusted to emphasize the objective of reducing deaths without increasing the overall use of force or infringing on civil liberties; [\[pages 23 and 24\]](#) and

v. whether use of force overall increases with expanded availability of C.E.W.s. [\[page 24\]](#)

e. Number of officers who have received the three-day de-escalation training in the last 12 months, and that this be reported annually hereafter. [\[page 3\]](#)



Toronto Police Services Board Report

January 10, 2019

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

**Subject: Response to the Jury Recommendations from the
Coroner's Inquest into the Death of Mr. Mark Tomic**

Recommendation(s):

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

- (1) receive the following report for information; and
- (2) forward a copy of the following report to the Chief Coroner for the Province of Ontario.

Financial Implications:

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

Background / Purpose:

A Coroner's inquest into the death of Mr. Mark Tomic was concluded in the City of Toronto during the period of June 18 to June 22, 2018. As a result of the inquest, the jury made 1 recommendation directed to the Ontario Police College and the Toronto Police Service (Service).

The purpose of this report is to inform the Board of the Service's review and implementation of the jury recommendation.

The following is a summary of the circumstances of the death of Mr. Mark Tomic and issues addressed at the inquest, as delivered by Dr. John Carlisle, presiding coroner.

Summary of the Circumstances of the Death:

On the night of June 30 – July 1, 2015, Toronto Police were called to the vicinity of Oakwood Avenue and Earnscliffe Road in Toronto because of 911 calls from residents concerning a disturbance in the backyards and the presence of a car in the backyard area of 12 Earnscliffe Road, an area not normally accessible to vehicles.

Police attended and found a damaged car in a back yard after it apparently entered there from an adjacent back driveway by breaking down a fence, dropping down over a retaining wall and mounting, and subsequently becoming stuck on a fence and back yard deck. The driver was not found with the vehicle.

A search of the area with the assistance of a police dog brought officer into contact with a man later identified as Mr. Tomic. The man had obvious injuries and was acting in a disorderly and erratic manner such that police believed he needed to be apprehended. When this was attempted he resisted violently and was handcuffed and restrained.

Shortly afterwards while briefly awaiting the arrival of Emergency Medical Services who were nearby, he became unresponsive. Police and EMS officers provided care and an emergency run to hospital where, unfortunately, he could not be revived. A coroner was called and a post mortem examination was ordered.

The post mortem examination concluded that Mr. Tomic died as a result of the effects of cocaine intoxication based on toxicology results showing a high level of the that drug.

Since he died while in the custody of police, an inquest was conducted.

The jury sat for five days, heard from 21 witnesses, considered 20 exhibits and deliberated for three hours.

Discussion:

Professional Standards Support – Governance was tasked with preparing a response for the jury recommendation directed to the Service from the Coroner's inquest into the death of Mr. Tomic.

Service subject matter experts from the Toronto Police College (T.P.C.) contributed to the response contained in this report.

Response to the Jury Recommendations:

To the Ontario Police College and the Toronto Police College

Recommendation #1:

Consider using the circumstances of the death of Mark Tomic as a dynamic training scenario and for discussion purposes. It may help illustrate how officers make their initial assessments of the situation and their need to continually reassess, plan, and act as the available information or change. This may include transitions between different response options circumstances.

The Service concurs and is in compliance with this recommendation.

The Service's In-Service Training (I.S.T.) delivered by the T.P.C. is a mandatory annual use of force requalification course for all sworn officers currently in possession of their use of force options. At the time this inquest recommendation was received, the 2019 I.S.T. curriculum had already been completed and therefore will not specifically discuss the circumstances of the death of Mr. Mark Tomic. It will however, be considered for the 2020 I.S.T. program. The learning objectives of the I.S.T. program remains to provide officers with the tools to de-escalate situations and to use sound judgement in selecting the most appropriate response to the situation.

The I.S.T. incorporates training in crisis communication and negotiation, de-escalation and containment measures. Communication and de-escalation are thoroughly discussed in the classroom setting and practiced in dynamic scenarios in both video training and the indoor/outdoor tactical area. Training stresses that officers consider various communication strategies to elicit effective communication with the subject, each other and the communication operator. The aim is to de-escalate situations and to reduce the intensity, with the goal of achieving compliance and a peaceful resolution when it is safe and practical to do so. Officers are taught to continually re-assess the situation for changes in threats to their safety and the safety of the subject. They are encouraged to think about "managing imminence" and must weigh the subject's behaviour, officer's perception and tactical considerations and re-adjust their plan accordingly.

If force is necessary to achieve compliance, officers are taught to employ the principles of officer safety to make reasonable judgements. Officers are also taught to use the appropriate level of force as to minimize harm to the subject, as well as both the public and police, with the goal of achieving zero death. Officers are required to display effective, efficient and safe arrest techniques. They are encouraged to use the "Think, Act, Explain" concept when articulating and justifying their actions.

The Service continually reviews its training curriculum to ensure that it reflects the latest knowledge and best practices to assist its members in safely resolving violent and dangerous situations.

Conclusion:

As a result of the Coroner's inquest into the death of Mr. Mark Tomic and the subsequent jury recommendation, the Service has conducted a review of Service Governance, training and current practices.

In summary, the Service concurs with the recommendation contained in this report and is in compliance with this recommendation.

The Service continues to provide training to all officers to assist officers with developing appropriate responses in all their interactions. Training emphasizes communication and de-escalation skills consistent with the Service's goal of zero deaths

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

Respectfully submitted,

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

MS:ec

Filename: Tomic Inquest.docx

Attachments: Appendix A –Jury Verdict and Recommendations (Tomic Inquest)



Office of the
Chief Coroner
Bureau du
coroner en chef

Verdict of Coroner's Jury Verdict du jury du coroner

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

We the undersigned / Nous soussignés,

_____ of / de Toronto
_____ of / de Toronto
_____ of / de Toronto
_____ of / de Toronto
_____ of / de Toronto

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

Surname / Nom de famille
Tomic

Given Names / Prénoms
Mark

aged 33 held at 25 Morton Shulman Avenue, Toronto, Ontario
à l'âge de _____ tenue à _____

from the 18th day of June to the 22nd day of June 20 18
du _____ au _____

By Dr. / Dr John Carlisle
Par _____

Coroner for Ontario
coroner pour l'Ontario

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

Name of Deceased / Nom du défunt
Mark Tomic

Date and Time of Death / Date et heure du décès
July 1, 2015 at 02:57AM

Place of Death / Lieu du décès
Sunnybrook Health Sciences Center, Toronto

Cause of Death / Cause du décès
Cocaine intoxication in a man with chronic heart disease, past cocaine use, anabolic steroid use, and multiple injuries.

By what means / Circonstances du décès
Accident

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

Original signed by jurors / Original signé par les jurés

The verdict was received on the 22 day of June 20 18
Ce verdict a été reçu le _____ (Day / Jour) _____ (Month / Mois)

Coroner's Name (Please print) / Nom du coroner (en lettres moulées)
Dr. John Carlisle

Date Signed (yyyy/mm/dd) / Date de la signature (aaaa/mm/dd)

Coroner's Signature / Signature du coroner

We, the jury, wish to make the following recommendations: (see page 2)
Nous, membres du jury, formulons les recommandations suivantes : (voir page 2)



Office of the
Chief Coroner
Bureau du
coroner en chef

Verdict of Coroner's Jury Verdict du jury du coroner

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

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

Mark Tomic

JURY RECOMMENDATIONS RECOMMANDATIONS DU JURY

To the Ontario Police College and the Toronto Police College:

1. Consider using the circumstances of the death of Mark Tomic as a dynamic training scenario and for discussion purposes. It may help illustrate how officers make their initial assessments of the situation and their need to continually reassess, plan, and act as the available information or circumstances change. This may include transitions between different response options.

Personal information contained on this form is collected under the authority of the *Coroners Act*, R.S.O. 1990, C. C.37, as amended. Questions about this collection should be directed to the Chief Coroner, 25 Morton Shulman Avenue, Toronto ON M3M 0B1, Tel.: 416 314-4000 or Toll Free: 1 877 991-9959.

Les renseignements personnels contenus dans cette formule sont recueillis en vertu de la *Loi sur les coroners*, L.R.O. 1990, chap. C.37, telle que modifiée. Si vous avez des questions sur la collecte de ces renseignements, veuillez les adresser au coroner en chef, 25, avenue Morton Shulman, Toronto ON M3M 0B1, tél. : 416 314-4000 ou, sans frais : 1 877 991-9959.

Verdict Explanation

**Inquest into the Death of
Mark Tomic**

Dr. John R. Carlisle, Presiding Coroner

**June 18 – 22, 2018
Coroner's Courts
25 Morton Shulman Ave
Toronto, Ontario**

Opening comment:

This verdict explanation is intended to give the reader a brief overview of the circumstances surrounding the death of Mark Tomic along with some context for the recommendation made by the jury. The synopsis of events and coroner's comments herein are based on my recollection, as presiding coroner of the evidence presented, and on what I believe to be the jury's findings of fact from that evidence. This explanation has been written to assist in understanding the intent of the various recommendations so that recipient organizations, agencies and ministries of government might be in a better position to consider their implementation.

Participants:

Counsel to the Coroner:

Michael Blain
Counsel
Office of the Chief Coroner
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Toronto, ON M3M 0B1
647-329-1850

Investigating Officers:

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Coroner's Constable:

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Coroner's Inquest Unit
25 Morton Shulman Avenue
Toronto, ON M3M 0B1
647-329-1732

Court Reporter:

Devon Lockett
Network Reporting Services
100 King St. W., Suite 900
Toronto, ON M5X 1E3
416-359-0305
Fax: 416-359-1611

Parties with Standing:**Represented by:****Chief of the Toronto Police Service**

Ms. Gail Glickman
40 College St., Suite 805
Toronto, ON M5G 2J3
416-808-8057

Toronto Police Services Board

Mr. Glen Chu
26th Floor, Metro Hall
55 John St.
Toronto, ON M5V 3C6
416-808-7807

**Police Constables Morphet,
Barsaku, and Glowa**

Mr. Gary Clewley
357 Bay St., Suite 703
Toronto, ON M5H 2T7
647-999-8910

Police Sergeant Venn

Mr. Jimmy Lee
357 Bay St., Suite 703
Toronto, ON M5H 2T7
647-999-8912

Summary of the Circumstances of the Death:

On the night of June 30 – July 1, 2015, Toronto police were called to the vicinity of Oakwood Avenue and Earnscliffe Road in Toronto because of 911 calls from residents concerning a disturbance in the backyards and the presence of a car in the backyard area of 12 Earnscliffe Road, an area not normally accessible to vehicles.

Police attended and found a damaged car in a back yard after it apparently entered there from an adjacent back driveway by breaking down a fence, dropping down over a retaining wall and mounting, and subsequently becoming stuck on a fence and back yard deck. The driver was not found with the vehicle.

A search of the area with the assistance of a police dog brought officers into contact with a man later identified as Mr. Tomic. The man had obvious injuries and was acting in a disorderly and erratic manner such that police believed he needed to be apprehended. When this was attempted he resisted violently and was handcuffed and restrained.

Shortly afterwards while briefly awaiting the arrival of Emergency Medical Services who were nearby, he became unresponsive. Police and EMS officers provided care and an emergency run to hospital where, unfortunately, he could not be revived. A coroner was called and a post mortem examination was ordered.

The post mortem examination concluded that Mr. Tomic died as a result of the effects of cocaine intoxication based on toxicology results showing a high level of that drug.

Since he died while in the custody of police, an inquest was conducted.

The jury sat for five days, heard from 21 witnesses, considered 20 exhibits and deliberated for three hours.

Verdict:

Name of the Deceased:	Mark Tomic
Date and Time of Death:	July 1, 2015 at 2:57 AM
Place of Death:	Sunnybrook Health Sciences Centre, Toronto
Cause of Death:	Cocaine intoxication in a man with chronic heart disease, past cocaine use, anabolic steroid use, and multiple injuries
By What Means :	Accident

Recommendations:

To the Ontario Police College and the Toronto Police College:

1. Consider using the circumstances of the death of Mark Tomic as a dynamic training scenario and for discussion purposes. It may help illustrate how officers make their initial assessments of the situation and their need to continually reassess, plan, and act as the available information or change. This may include transitions between different response options circumstances

Coroners Comment:

The jury heard that when Mr. Tomic was first encountered by the officers, he took up an object believed to be a stone and threw it at the officers. When it was observed that he had this weapon, officers drew their firearms according to their training. When it was seen that Mr. Tomic no longer held a weapon, the officers put away their firearms and apprehended him using less lethal options.

The jury thought that these actions illustrated well what they heard was the training for appropriate action in these circumstances and felt that the facts of this case would be useful for the training of officers as an example of what should happen.

Closing Comment:

In closing, I reiterate that this document has been prepared solely for the purpose of assisting interested parties in understanding the jury's verdict and providing some context for its recommendations so that their intent might be better understood. The comments are based on my personal recollection of the evidence, and on what I believe to be the jury's findings of fact. Should the reader contest any of my recollection of the evidence, I would defer to the official record maintained by the court reporter.



John R. Carlisle M.D., LL.B., FCLM
Coroner

June 22, 2018
Date



Toronto Police Services Board Report

February 16, 2019

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

**Subject: ANNUAL REPORT: LABOUR RELATIONS COUNSEL AND
LEGAL INDEMNIFICATION: CUMULATIVE LEGAL COSTS FROM
JANUARY 1 – DECEMBER 31, 2018**

Recommendation(s):

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

Financial Implications:

There are no financial implications relating to the recommendation contained within this report. Labour relations counsel, legal indemnification, arbitration and inquest costs are funded from the Service's Legal Reserve.

Background / Purpose:

At its meeting on January 25, 2001, the Board approved a policy governing payment of legal accounts, which provides for a semi-annual report relating to payment of all accounts for labour relations counsel, arbitration fees, legal indemnification claims and accounts relating to inquests which were approved by the Director, People & Culture, and the Manager of Labour Relations (Min. No. P5/01 refers).

At its meeting on April 16, 2015, the Board approved a motion to amend the Legal Indemnification policy to indicate that future reports will be submitted annually, to coincide with the reporting of labour relations matters, as opposed to semi-annually (Min. No. P102/15 refers).

Discussion:

During the period of January 1 to December 31, 2018, 385 invoices for external labour relations counsel totalling \$342,489 were received and approved for payment by the Manager of Labour Relations. Five invoices totalling \$16,929 were received and approved for payment to arbitrators presiding over grievances.

During the same period, 116 accounts from external counsel relating to legal indemnification were paid totalling \$789,577. Four accounts from external counsel in relation to inquests were paid totalling \$475,605, and no accounts were submitted for civil actions.

Cumulative Summary for 2018

For the period January 1 to December 31, 2018, legal costs incurred by Labour Relations and Legal Indemnification totalled \$1,624,600 as follows:

Number	Type of Account Paid	2018 Costs Incurred
385	Payments for labour relations counsel: 49 payments for labour relations counsel \$108,174 12 payments for bargaining (TPA & SOO) \$31,365 324 payments for WSIB case management \$202,950	\$342,489
5	Arbitration Costs related to Grievances: 5 payments for grievance activity \$16,929	\$16,929
116	Legal Indemnification	\$789,577
4	Inquests	\$475,605
0	Civil Actions	\$0
	Total Costs for 2018	\$1,624,600

Conclusion:

In summary, this report provides the Board with an annual update for the period January 1 to December 31, 2018 of the total cumulative legal costs for labour relations counsel, legal indemnification claims, and claims relating to inquests.

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

Respectfully submitted,

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

MS:PM:jqa

Board Report – Annual Report – 2018 Labour Relations Counsel and Legal
Indemnification Costs.docx



Toronto Police Services Board Report

February 22, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

**Subject: Update on the Enhanced Neighbourhood Officer Program –
90-Day Check-In**

Recommendation(s):

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

Financial Implications:

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

Background / Purpose:

At its meeting on September 28, 2018, the Board received a report and presentation on the expansion of the Enhanced Neighbourhood Officer Program (N.O.P.). At this same meeting, the Board approved of the following motion that stated, in part, THAT:

(2) the Board direct the Chief to report back to the Board with respect to the findings of the “mid check point” in January 2019, or as soon thereafter as reasonable (Min. No. P185/18 refers.)

The Toronto Police Service (T.P.S.) engaged its partners at Humber College at the conclusion of the September meeting to determine a reasonable timeline for their surveys to be completed with the results provided to the Service at the conclusion of the 90-day review on January 17, 2019. It was determined that, due to the timeline provided by Humber conflicting with the scheduling of the closing of the agenda, the earliest meeting the Service would be able to report back to the Board would be at the March 2019 meeting. Office of the Chief staff communicated this revised timeline to Board staff and the revised date of March 2019 was agreed upon.

The following report responds to the obligation to report back to the Board at the conclusion of the 90-day mid-check point as described in the above noted motion.

Discussion:

The first phase of the Enhanced N.O.P. commenced on October 1, 2018, with an initial deployment of 40 Neighbourhood Officers (N.O.s) and four N.O. Sergeants in eight City of Toronto neighbourhoods that are housed within four T.P.S. Divisions: 11, 22, 41 and 42.

Enhancements

Enhancements for the N.O.s include every officer having a connected smartphone and distinctive N.O. uniforms, which include “Neighbourhood Officer” wording on their vests and baseball hats. These enhancements allow the N.O.s to be “connected” with their community and be readily recognized as N.O.s. Additionally, the vehicles that N.O.s use have special “Neighbourhood Officer” decals, which help the community to easily identify them.

Structural enhancements in the Enhanced N.O.P. include the requirement for N.O.s to facilitate monthly community meetings in their neighbourhoods and complete an internal monthly N.O. Report. It is also mandatory for N.O.s to attend Community-Police Liaison Committee (C.P.L.C.) meetings as well as attend and present at the weekly Divisional Crime Management Meeting.

The Enhanced N.O.P. also includes the creation of a N.O. Sergeant for direct supervision of the N.O.s. This addition was designed to allow the N.O. to fulfill their mandate in a controlled and consistent manner, ensuring that neighbourhood concerns are being addressed effectively.

N.O.s attended 10 days of Neighbourhood Officer Training, which was created in consultation with Command Officers, Senior Officers, Police Officers, Community Members, current best practices and a review of academic literature.

90-Day Check-In

On January 17, 2019, N.O.s from the Enhanced N.O.P. attended the Toronto Police College for a 90-Day Check-In Session with Senior Officers and members of Command. In addition, professors from the Humber College Research Team were present to administer a survey to, and conduct focus groups with, the N.O.s.

Chief Mark Saunders addressed the N.O.s followed by Deputy Chief Peter Yuen, who then held feedback sessions with the N.O.s., N.O. Supervisors, C.R.U. Staff Sergeants and Divisional Unit Commanders. The overwhelming response from N.O.s to the Enhanced N.O.P. was very positive; N.O.s discussed how their position provides them

the opportunity to get to know their community at the neighbourhood level which often leads to new partnerships, crime prevention, and invaluable information sharing.

Description of Participants at the 90-Day Check-In Session

- Neighbourhood Officer P.C.s: 39
- N.O. Sergeants: 3
- Staff Sergeants: 2

Academic Involvement

The Humber College Research Team conducted surveys, and focus groups, with the Enhanced Model N.O.s, Sergeants and Staff Sergeants. The surveys were delivered in an online format and the focus group sessions were facilitated in person; they lasted approx. 45 to 60 minutes (in total five focus groups were conducted).

The results can be interpreted as a 'temperature check' as to what is working under this new model and what needs improvement from the N.O.s perspective. This feedback will inform the next stage of this research which will involve a survey of community members in the Enhanced N.O.P. neighbourhoods in Spring 2019, and provide a comparison to previous research about the initial N.O.P. conducted by the Humber College Research Team.

In addition, a survey and focus group session is planned with the N.O.s one year after the rollout of the Enhanced Model of the N.O.P. to track consistencies and changes in attitudes (October 2019).

Additional Training

All N.O.s in the Enhanced N.O.P. underwent two weeks of training in Fall 2018, on topics including; Effective Presentation, Mental Health Awareness, Emotional Intelligence, Crime Prevention, Social Media Relations, Gang Prevention/Intervention, Lawful Authorities and Community Safety and Wellbeing. The N.O.s agreed that this training was sufficient in preparing them for their role in the Enhanced N.O.P.

The Community Partnerships and Engagement Unit (C.P.E.U.) in collaboration with the Toronto Police College (T.P.C.) continue to explore training opportunities to enhance N.O. capacity to provide community-centric services including early intervention and prevention strategies.

Feedback from the N.O.s will help guide the training curriculum moving forward, fostering a training environment that is responsive to N.O.s requirements.

Opportunities to involve members of the community are continuously being explored in the on-going efforts to create meaningful relationships. This open and transparent approach to community building can help build trust and understanding which can

promote authentic community-police partnerships.

Initial Community Feedback

At this stage, no research has been formally conducted on the community's perception of the Enhanced N.O.P. This has been done for three key reasons:

- It is winter and the cold weather results in community members not being outside as frequently or having an opportunity to connect with their N.O.s.
- It has only been 90 days since the Enhanced N.O.P. commenced. As was found in the first study, it takes at least six months (and likely even longer) for the N.O.s to be accepted and recognized by their communities.
- Research suggests that response rates of surveys increase as trust increases (Saleh and Bista, 2017). Survey data collection commencing in the Spring and Summer of 2019 will result in a more robust, diverse, and fruitful sample of community responses. The community needs time to get to know their N.O.s. to be able to provide feedback on their effectiveness (McDavid, Huse, and Hawthorn, 2019).

We can say though, that based on Humber College's review of the N.O.P. from 2013 to 2017, the community responded positively to N.O.s, specifically that community members surveyed believe that N.O.s assist victims of crime, help build trust between the police and the community and make the community feel safer.

Recent anecdotal N.O. and Unit Commander experiences further confirm these findings with overwhelmingly positive community feedback regarding the Enhanced N.O.P. Unit Commanders also recognize the valuable contributions made by N.O.s in engaging the community to problem solve local neighbourhood issues.

Initial Officer Feedback

Preliminary results show that the N.O.s strongly support the Enhanced N.O.P. Key strengths to date are the strong commitment to their roles and duties, understanding their mandate and their role in community safety and development.

There is strong support for the new service-connected phones and the "Neighbourhood Officer" branding. N.O.s believe this branding helps identify them to community members as "Neighbourhood Officers" and makes them more approachable as compared to their regular uniform.

N.O.s see the N.O. Sergeant as being critical in ensuring the N.O.s are able to carry out their assigned mandate. The N.O. Sergeant also assists with providing clarity and promotion of the N.O. role to other members of the Division and T.P.S.

N.O.s have found the monthly neighbourhood meetings to be an effective way to engage community members, community partners and local businesses. This inclusive approach encourages collaborative problem solving efforts with the community.

The N.O. Monthly Team Report has proven to be a beneficial way to share information with specialized units within the Service, which allows N.O.'s to mobilize the appropriate internal resources to address local neighbourhood issues. The N.O. Monthly Team Report also contributes to effective Crime and Traffic Management Strategies at the Divisional level.

Conclusion:

Overall, N.O. feedback from the 90-Day Review Information Session was positive. The survey results, along with feedback from the N.O.s discussion session with Deputy Chief Yuen, confirm that the N.O.s are passionate about their role and see themselves as advocates for the community.

N.O.s are demonstrating exceptional commitment to their assigned neighbourhoods; building relationships and sustainable partnerships to support their mandate. N.O.s see the value of the program, they enjoy problem solving with the community and the autonomy and responsibility that goes with the role.

This collaborative approach to addressing community issues can help build social capacity and empower citizens, which can lead to increased trust with the police and enhance police legitimacy.

Opportunities for improvement identified with the Enhanced N.O.P. will be further explored and implemented as necessary to ensure the N.O.P. continues to evolve and improve throughout the pilot.

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

Respectfully submitted,

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

MS/DR/RD

Filename: Board Report N.O.P. 90-Day Check-In v16.docx



Toronto Police Services Board Report

March 01, 2019

to: Members
Toronto Police Services Board

From: Andrew Pringle
Chair

**Subject: Semi-Annual Report: Toronto Police Services Board
Special Fund Unaudited Statement: July to December 2018**

Recommendation:

It is recommended that the Board receive the report on the Toronto Police Services Board's Special Fund un-audited statement for information.

Financial Implications:

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

Background / Purpose:

As required by the Toronto Police Services Board (T.P.S.B.) Special Fund policy (Board Minute #P152/17) expenditures from the Special Fund shall be reported to the Board on a semi-annual basis. This report is provided in accordance with such directive. The T.P.S.B. remains committed to promoting transparency and accountability in the area of finance.

Discussion:

Enclosed is the un-audited statement of receipts and disbursements with respect to the Toronto Police Services Board's Special Fund for the period July 01 to December 31, 2018.

As at December 31, 2018, the balance in the Special Fund was \$954,929. During the second half of the year, the Special Fund recorded receipts of \$426,689 and disbursements of \$172,991. There has been a net increase of \$153,714 against the December 31, 2017 fund balance of \$801,215.

Auction proceeds have been estimated for the months of November and December 2018 as the actual deposits have not yet been made.

For the second half of 2018, the Board approved and disbursed the following sponsorships:

Sponsorship	Total Amount
Expansion of Walkabout Program into 51 Division	\$6,500
Chief's Fundraising Gala/Victim Services Toronto	\$4,000
Occupational Health and Safety Awareness Day	\$2,000
New Canadian Citizenship Ceremony	\$1,570

The following unused funds were returned:

Unused Funds	Total Amount
United Way	\$7,685
Community Consultative Groups	\$6,072
Toronto Police Service Crossing Guard	\$2,103
Volunteer Appreciation Event	\$1,948
Asian Heritage Month	\$1,670
National Aboriginal Day	\$1,200
Toronto Caribbean Carnival	\$1,162
Community Police Consultative Conference	\$892
Pride Reception	\$835
International Francophone Day	\$395
Chief's Fundraising Gala/Victim Services Toronto	\$320
Ontario Special Olympics	\$283
The Community Police Academy	\$117

In addition, the Board approved and disbursed the following:

Disbursed Funds	Total Amount
Organizational Change Management Consultant	\$92,407
Funeral Cost for Toronto Police Service Uniform Officer	\$26,596
Recognition of Service Members	\$25,688
Toronto Police Amateur Athletic Association	\$18,200
2017 Pearls in Policing Conference – Outstanding Bill	\$7,632
Toronto Police Service Board (T.P.S.B.) and Toronto Police Association (T.P.A.) Retirement Dinner	\$3,907
Recognition of Community Members	\$2,897
Event Tickets	\$150
Donations/Flowers in Memoriam	\$100
Recognition of Board Members	\$94

Annual Reporting

The Special Fund policy also requires the following annual reporting:

1. Awards and Recognition

Expenditures related to the recognition of the work of Board members, Toronto Police Service members, and community members for 2018:

Disbursed Funds	Total Amount
Toronto Police Service Members	\$35,837
Community Members	\$5,373
School Crossing Guards	\$3,897
Board Members	\$127

2. Toronto Police Amateur Athletic Association

Funding to offset the expenses of members participating in Toronto Police Amateur Athletic Association (T.P.A.A.A.) sponsored events and competitions to a maximum of \$200 per member, per event. The total funding provided by the Board and incurred in 2018 was \$22,400.

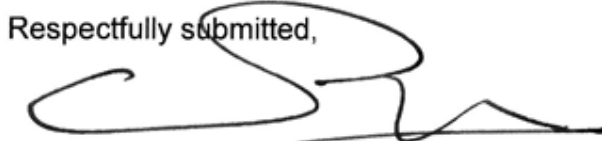
3. Fitness Facilities

Shared Funding (1/3 payable by the Board) to offset the cost of fitness equipment located at police facilities. The balance of the costs will be shared equally by the T.P.A.A.A. and members. There was no funding provided by the Board as no fitness equipment cost incurred in 2018.

Conclusion:

As required by Toronto Police Services Board Special Fund policy, it is recommended that the Board receive the attached report.

Respectfully submitted,



Andrew Pringle
Chair

File Name: 2018 second half year special funds board letter

Appendix A

The Toronto Police Services Board Special Fund 2018 Second Half Year Result with Initial Projections

Particulars	Initial Projection 2018	January 01 to June 30, 2018	July 01 to December 31, 2018	January 01 to December 31, 2018	January 01 to December 31, 2017	Comments Relating to Current Reporting Period
Balance Forward	801,215	801,215	701,231	801,215	1,090,661	
Revenue						
Proceeds From Auctions	130,000	82,639	136,662	219,301	292,129	
Less Overhead Cost	(62,846)	(40,224)	(65,713)	(105,937)	(141,225)	
Unclaimed Money	230,901	142,467	354,390	496,857	230,901	
Less Return of Unclaimed Money	(11,786)	(2,075)	(5,450)	(7,525)	(11,786)	
Interest	5,727	3,653	8,132	12,086	5,727	Interest income is based on the average monthly bank balance
Less Bank Service Charges	(1,548)	(319)	(1,333)	(1,652)	(1,548)	
Others	325	276	-	276	325	
Total Revenue	290,773	186,716	426,669	613,405	374,522	
Balance Forward Before Expenses	1,091,988	987,932	1,127,920	1,414,620	1,465,183	
Disbursements						
Police Community Sponsorships - Toronto Police Service						
Community Partnerships and Engagement Unit Events	114,500	104,000	10,500	114,500	99,000	
Community Consultative Groups	30,000	30,000	-	30,000	30,000	
New Canadian Citizenship Ceremony	-	-	1,670	1,670	-	
Occupational Health and Safety Awareness Day	2,000	-	2,000	2,000	2,000	
The Community Police Academy	-	-	-	-	8,000	
Police Community Sponsorships - Community						
Victim Services Program	25,000	25,000	-	25,000	25,000	
Toronto Region Board of Trade	15,000	15,000	-	15,000	15,000	
Ontario Association of Police Services Board	-	2,000	-	2,000	-	
The Gatehouse	-	-	-	-	55,000	
Toronto Beyond the Blue	-	-	-	-	30,000	
Association of Black Law Enforcers	-	-	-	-	5,000	
Black Business and Professional Association	-	-	-	-	1,750	
Funds Returned on Sponsorships						
Asian Heritage Month	-	-	(1,670)	(1,670)	(38)	
Auxiliary Appreciation Event	-	(966)	-	(966)	(2,368)	
Black History Month	-	(835)	-	(835)	(1,754)	
Board & Chief's Pride Reception	-	-	(835)	(835)	-	
Chief's Fundraising Gala/Victim Services Toronto	-	-	(320)	(320)	-	
Community Consultative Groups	-	-	(6,072)	(6,072)	(8,497)	
Community Police Consultative Conference	-	(892)	-	(892)	-	
Day of Pink	-	(526)	-	(526)	(419)	
International Francophone Day	-	-	-	-	(1,105)	
Lesbian, Gay, Bisexual, Transgender and Queen (L.G.B.T.Q.)	-	-	(396)	(396)	-	
National Aboriginal Day	-	-	-	-	(625)	
National Victims	-	-	(1,200)	(1,200)	(346)	
Ontario Special Olympics	-	-	-	-	-	
Toronto Crime Stoppers	-	-	(283)	(283)	-	
The Community Police Academy	-	-	(117)	(117)	-	
Toronto Caribbean Carnival	-	-	(1,162)	(1,162)	(804)	
Toronto Police Amateur Athletic Association (T.P.A.A.) Assistance	-	(1,000)	-	(1,000)	-	
United Way	-	-	(7,685)	(7,685)	(7,128)	
Victims of Crime	-	-	-	-	-	
Volunteer Appreciation Event	-	-	-	-	(325)	
Youth in Policing Initiative (Y.I.P.I.)	-	-	(1,948)	(1,948)	-	
Toronto Police Amateur Athletic Association (T.P.A.A.) Assistance	40,000	5,200	18,200	23,400	28,400	

**The Toronto Police Services Board Special Fund
2018 Second Half Year Result with Initial Projections**

Particulars	Initial Projection 2018	January 01 to June 30, 2018	July 01 to December 31, 2018	January 01 to December 31, 2018	January 01 to December 31, 2017	Comments Relating to Current Reporting Period
Recognition of Service Members						
Awards	118,000	9,912	12,463	22,374	63,404	
Catering	22,000	6,238	13,226	19,463	17,452	
Return of Unused Funding	-	-	(2,103)	(2,103)	(1,703)	Crossing Guards
Recognition of Community Members						
Awards	5,000	1,400	1,701	3,101	10,645	
Catering	4,000	1,076	1,196	2,272	854	
Recognition of Board Members						
Awards	1,000	33	94	127	61	
Catering	1,000	-	-	-	-	
Conferences						
Pearls in Policing Conference	-	-	7,632	7,632	109,129	
Ontario Association of Police Services Board (O.A.P.S.B.)	5,000	5,000	-	5,000	5,000	
Canadian Association of Police Governance	10,000	10,000	-	10,000	10,000	
Donations/Flowers in Memoriam	800	663	100	763	995	
Toronto Police Service Board (T.P.S.B.) and Toronto Police Association (T.P.A.) Retirement Dinner	10,500	5,098	3,907	9,005	9,005	
Event Tickets	6,000	1,497	150	1,647	1,789	
Internal Control Review Fee	6,000	-	5,933	5,933	4,823	2018 PWC Audit Fees Accrual
Other Expenses						
Organizational Change Management Consultant	80,000	67,915	92,407	160,322	58,775	Randstad Technologies
Funeral cost	-	-	26,596	26,596	-	Toronto Police Services Uniform Officer
Review of Conducted Energy Weapon	80,000	-	-	-	-	
Community Survey to Assess the Impact of Rule Changes under Regulation 569/16	-	-	-	-	98,000	
Total Disbursements	575,800	286,701	172,991	459,691	663,968	
Special Fund Balance	516,188	701,231	964,929	954,929	801,215	



Toronto Police Services Board Report

March 1, 2019

To: Chair and Members
Toronto Police Services Board

From: Andy Pringle
Chair

Subject: Annual Report: Toronto Police Services Board's 2018 Consulting Expenditures

Recommendation(s):

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

Financial Implications:

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

Background / Purpose:

At its meeting on February 20, 2003 the Board approved a motion requiring the reporting of all consulting expenditures on an annual basis (Min. No. P45/03 refers).

This report provides details of the 2018 consulting expenditures for the Toronto Police Services Board, in the City's prescribed format and based on the definition of consulting services provided by the City. The City's definition of consulting services is as follows:

any firm or individual providing expert advice/opinion on a nonrecurring basis to support/assist management decision making in the areas of technical, information technology, management/research and development (R&D), external lawyers and planners, and creative communications.

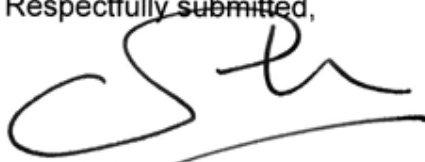
Discussion:

The information contained in this report has already been forwarded to the City, as the completion of the Service's year-end accounting process and the timing of the Board meetings did not allow this report to be forwarded to the Board in advance of the City's February 28, 2019 deadline.

Conclusion:

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'APringle', with a long horizontal flourish extending to the right.

Andy Pringle
Chair

1918 Counting Service Expansion : Capital
Division, Agencies and Corporations

Figure 1. Photos showing the paper template is attached to with the correct



Toronto Police Services Board Report

March 1, 2019

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Annual Report - 2018 Proof of Claim Documents Filed on Behalf of the Toronto Police Services Board

Recommendation:

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

Financial Implications:

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

Background / Purpose:

At its meeting of December 15, 2011, the Board delegated authority to the Chief of Police, or his designate, to act on its behalf in all situations where a Proof of Claim must be signed and returned to the Trustee in Bankruptcy within a specified period of time, in order to allow the Toronto Police Service's (Service) claim against customers or vendors to be considered as part of any consumer proposal or bankruptcy proceedings (Min. No. P334/11 refers).

At that meeting, the Board requested the Chief of Police to report annually in the years in which this delegated authority was exercised.

Discussion:

Annual report - Proof of Claim:

During 2018, there was no Proof of Claim document submitted by the Service on behalf of the Board in relation to a bankruptcy notice.

Conclusion:

This report provides an update to the Board on matters relating to the Proof of Claim documents submitted by the Service on behalf of the Board in relation to a bankruptcy notice.

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

Respectfully submitted,

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



Toronto Police Services Board Report

February 15, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Annual Report: 2019 Filing of Toronto Police Service Procedures

Recommendation(s):

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

Financial Implications:

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

Background / Purpose:

At its meeting of January 16, 2014, the Board approved the policy entitled "Filing of Toronto Police Service Procedures" (Min. No. P05/14 refers). This Board policy directs, in part, that:

5. *On an annual basis, the Chief of Police will file with the Board for its information, the complete index of Service procedures, noting those procedures which arise from Board policies; and*
6. *Such filing will take place as part of a report submitted to the Board and included on a regular public meeting agenda.*

Discussion:

Professional Standards Support – Governance has reviewed all Service procedures for the purpose of updating the index of Service procedures. The attached Appendix A contains the complete index and notes those procedures which arise from Board

policies. Additionally, the attached Appendix B contains an index of procedures that make reference to Board by-laws. These indices are current as of February 15, 2019.

Conclusion:

The attached Appendix A contains the complete index of Service procedures, noting those which arise from Board policies, and the attached Appendix B contains an index of procedures that make reference to Board by-laws.

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

Respectfully submitted,

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

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Filename: 2019 Filing Service Procedures.docx

Attachments:

Appendix A – Complete Index of Service Procedures
Appendix B – Index of Service Procedures Referencing Board By-Laws

Appendix A – Complete Index of Service Procedures

Procedure Number	Procedure Name	Arising from Board Policy
01-01	Arrest	Yes
01-02	Search of Persons	Yes
01-02 Appendix B	Risk Assessment – Level of Search	Yes
01-02 Appendix C	Trans Persons	No
01-02 Appendix D	Handling Items of Religious Significance	No
01-03 Appendix E	Full Body Scanner	Yes
01-03	Persons in Custody	Yes
01-03 Appendix A	Medical Advisory Notes	Yes
01-03 Appendix B	Cell and Prisoner Condition Checks	Yes
01-03 Appendix C	Designated Lock-ups	Yes
01-03 Appendix D	Booking Hall/Detention Area Monitoring	Yes
01-03 Appendix E	Lodging of Trans Persons	Yes
01-03 Appendix F	Privacy Shields	Yes
01-03 Appendix G	Spit Shields	Yes
01-05	Escape from Police Custody	Yes
01-07	Identification of Criminals	Yes
01-08	Criminal Code Release	No
01-08 Appendix A	Appearance Notice (Form 9)	No
01-08 Appendix B	Promise To Appear (Form 10)	No
01-08 Appendix C	Recognizance Entered Into Before an Officer in Charge (Form 11)	No
01-08 Appendix D	Undertaking Given to an Officer in Charge (Form 11.1)	No
01-09	Criminal Summons	No
01-10	Provincial Offences Act Releases	No
01-15	Bail Hearings and Detention Orders	Yes
01-15 Appendix A	Show Cause Brief	No
01-15 Appendix B	Guidelines for Bail Conditions	No
01-15 Appendix C	Guidelines for the Commencement of Revocation of Bail Process	No
01-17	Detention Order (Provincial Offences Act)	No
02-01	Arrest Warrants	Yes
02-01 Appendix A	List of Arrest Warrant Forms	No
02-01 Appendix B	Arrest Warrant Forms	No
02-01 Appendix C	Forms to Obtain Bodily Substances, Prints or Impressions	No
02-02	Warrants of Committal	No
02-10	National Parole Warrants	Yes
02-11	Provincial Parole Warrants	Yes
02-12	Ontario Review Board Warrants and Dispositions	Yes

Procedure Number	Procedure Name	Arising from Board Policy
02-13	Child Apprehension Warrants	Yes
02-14	Civil Warrants	No
02-14 Appendix A	Civil Warrant – Response	No
02-15	Returning Prisoners on Warrants Held by Toronto Police Service	No
02-15 Appendix A	Approval to Return Person in Canada on Criminal Code Warrants Held by Toronto Police Service	No
02-15 Appendix B	Approval to Return Person on Warrants Held by Toronto Police Service	No
02-17	Obtaining a Search Warrant	Yes
02-18	Executing a Search Warrant	Yes
02-19	Report to a Justice/Orders for Continued Detention	No
02-19 Appendix A	Report to a Justice (Form 5.2) – Distribution Chart	No
03-03	Correctional Facilities	Yes
03-03 Appendix A	Correctional Facilities Admitting & Visiting Hours	No
03-04	Outstanding Charges/Warrants of Committal for Incarcerated Persons	No
03-05	Withdrawal Management Centres	No
03-06	Guarding Persons in Hospital	Yes
03-07	Meal Provision for Persons in Custody	Yes
03-08	Community Correctional Centres & Community Residential Facilities	No
03-09	Bail Reporting	No
04-01	Investigations at Hospitals	No
04-02	Death Investigations	Yes
04-03	Use of Photo Line-Ups for Eyewitness Identification	No
04-04	Facial Recognition System	No
04-05	Missing Persons	Yes
04-06	Building Checks and Searches	Yes
04-07	Alarm Response	No
04-09	American Sign Language and Language Interpreters	Yes
04-10	Passports	No
04-11	Persons Seeking Asylum	No
04-12	Diplomatic and Consular Immunity	No
04-12 Appendix A	Identity Cards	No
04-12 Appendix B	Summary of Law Enforcement Measures	No
04-13	Foreign Nationals	No
04-14	Regulated Interactions	Yes
04-15	Obtaining Video/Electronic Recordings from the Toronto Transit Commission	Yes
04-16	Death in Police Custody	Yes

Procedure Number	Procedure Name	Arising from Board Policy
04-17	Rewards	No
04-18	Crime and Disorder Management	Yes
04-18 Appendix A	Guidelines for Divisional Crime Management	Yes
04-18 Appendix B	Guidelines: Problem Solving	Yes
04-18 Appendix C	Community Partnerships	Yes
04-18 Appendix D	Divisional Deployment	Yes
04-18 Appendix E	Crime Analysis	Yes
04-18 Appendix F	Strategy Management - Business Intelligence & Analytics	Yes
04-18 Appendix G	Duties of a Police Officer – Subsection 42(1) <i>Police Services Act</i>	No
04-19	Surveillance	Yes
04-20	Electronic Surveillance	Yes
04-21	Gathering/Preserving Evidence	Yes
04-22	Polygraph Examinations	No
04-23	Marine Response	Yes
04-24	Victim Impact Statements	Yes
04-25	Foreign Inquiries/Investigations/Extradition Requests	Yes
04-26	Security Offences Act	Yes
04-27	Use of Police Dog Services	Yes
04-28	Crime Stoppers	No
04-29	Parolees	Yes
04-30	Scenes of Crime Officer (S.O.C.O.)	Yes
04-31	Victim Services Toronto	Yes
04-32	Electronically Recorded Statements	Yes
04-32 Appendix A	Guidelines for the Sworn Statement Caution (K.G.B. Caution)	No
04-33	Lawful Justification	No
04-34	Attendance at Social Agencies	No
04-35	Source Management – Confidential Source	Yes
04-35 Appendix A	Source Management – Payment Requests	No
04-35 Appendix B	Source Management – Crown Letters	Yes
04-36	Agents	Yes
04-36 Appendix A	Agents – Crown Letters	Yes
04-37	Witness Assistance & Relocation Program (W.A.R.P.)	Yes
04-38	Intelligence Services	Yes
04-39	Joint Forces Operations	Yes
04-40	Major Incident Rapid Response Team	No
04-41	Youth Crime Investigations	Yes
04-41 Appendix A	Class of Offences and Recommended Dispositions	No

Procedure Number	Procedure Name	Arising from Board Policy
04-41 Appendix B	Under 12 – Centralized Services Protocol	No
04-42	Non-Emergency Primary Report Intake	No
04-43	Burial Permits	No
04-44	Undercover Operations	Yes
04-45	Internet Facilitated Investigations	No
04-46	Closed Circuit Television (C.C.T.V.)	Yes
04-46 Appendix A	Site Selection Process – C.C.T.V./R.D.C.C.T.V.	No
Ch. 5 Appendix A	Excerpt from Guideline LE-029 – Preventing or Responding to Occurrences Involving Firearms	No
05-01	Preliminary Homicide Investigation	Yes
05-01 Appendix A	Investigation Questionnaire: Pediatric Injury	No
05-01 Appendix B	Investigation Questionnaire for Sudden Unexpected Deaths in Infants	No
05-02	Robberies/Hold-ups	Yes
05-03	Break and Enter	Yes
05-04	Domestic Violence	Yes
05-04 Appendix A	Domestic Violence Risk Management – Ontario Domestic Assault Risk Assessment (DVRM/ODARA)	Yes
05-05	Sexual Assault	Yes
05-05 Appendix A	Third Party Records	Yes
05-06	Child Abuse	Yes
05-06 Appendix A	Subsections 72(1)(1.1)(2)(3) of the <i>Child and Family Services Act</i>	No
05-06 Appendix B	Centre for Forensic Sciences - Police Submission Guidelines	No
05-06 Appendix C	Protection Services for 16 and 17 Year Olds	Yes
05-07	Fire Investigations	No
05-08	Criminal Writings	Yes
05-09	Tampering or Sabotage of Food, Drugs, Cosmetics or Medical Devices	No
05-10	Threatening/Harassing Telephone Calls	Yes
05-11	Fail to Comply/Fail to Appear	No
05-12	Counterfeit Money	No
05-13	Breach of Conditional Sentence	No
05-14	Immigration Violations	No
05-15	Asset Forfeiture Investigations	Yes
05-16	Hate/Bias Crime	Yes
05-17	Gambling Investigations	Yes
05-18	Fraudulent Payment Cards	Yes
05-19	Violent Crime Linkage Analysis System	Yes
05-21	Firearms	Yes
05-22	Abuse of Older or Vulnerable Persons	Yes

Procedure Number	Procedure Name	Arising from Board Policy
05-22 Appendix A	Older and Vulnerable Person Abuse Investigations – Contact Information	Yes
05-23	Financial Crime Investigations	Yes
05-24	Child Exploitation	Yes
05-25	Pawnbrokers and Second Hand Dealers	Yes
05-26	Child Abductions	Yes
05-27	Criminal Harassment	Yes
05-27 Appendix A	Specialized Criminal Investigations - Sex Crimes - Behavioural Assessment Section	No
05-27 Appendix B	Excerpt from L.E.–028 - Criminal Harassment	No
05-28	Gang Related Investigations	No
05-29	Sex Offender Registries	Yes
05-30	Major Drug Investigations	Yes
05-31	Human Trafficking	Yes
05-32	Kidnapping	Yes
06-01	Commencing P.O.A. Proceedings	Yes
06-02	Withdrawal of a Provincial Offences Act Charge	No
06-03	Prosecuting Business Establishments	No
06-04	Emotionally Disturbed Persons	Yes
06-04 Appendix A	Quick Reference Guide for Police Officers – Emotionally Disturbed Persons	No
06-04 Appendix B	Designated Psychiatric Facilities	No
06-05	Elopees and Community Treatment Orders	Yes
06-06	Apprehension Orders	Yes
06-07	Restraining Orders	Yes
06-08	Orders for Exclusive Possession of a Matrimonial Home	No
06-09	Animal Control	No
06-10	Landlord and Tenant Disputes	No
06-11	Licensed Premises	Yes
06-12	Municipal Licensing & Standards/Toronto Licensing Tribunal	No
07-01	Transportation Collisions	Yes
07-02	Fail to Remain Collisions	Yes
07-03	Life Threatening Injury/Fatal Collisions	Yes
07-04	Railway Collisions	Yes
07-04 Appendix A	Rail Accident Protocol	No
07-04 Appendix B	Canadian Rail Incident Investigation Guideline	No
07-05	Service Vehicle Collisions	Yes
07-06	Ability Impaired/Over 80 – Investigation	Yes
07-06 Appendix A	Ability Impaired/Over 80 Summary Chart	No
07-06 Appendix B	Quick Chart – Administrative Suspensions & Impoundments under the H.T.A.	No

Procedure Number	Procedure Name	Arising from Board Policy
07-07	Ability Impaired/Over 80 – Hospital Investigation	Yes
07-08	Approved Screening Device	Yes
07-08 Appendix A	Approved Screening Device Summary Chart – First Breath Analysis	No
07-08 Appendix B	Second Breath Analysis Instructions	No
07-09	Breath Interview	No
07-10	Speed Enforcement	Yes
07-11	Impounding/Relocating Vehicles	Yes
07-11 Appendix A	Divisional Chart for Forensic Exam Vehicle Impound	No
07-12	Theft of Vehicles	Yes
07-12 Appendix A	Letter of Direction	No
07-13	Unsafe Vehicles	Yes
07-14	Parking Infraction Notice	No
07-15	Drug Recognition Expert Evaluations and Standardized Field Sobriety Testing	Yes
07-18	R.I.D.E. Program	Yes
07-19	Suspended/Disqualified Driving	No
07-19 Appendix A	Administrative Suspensions & Impoundments Under the H.T.A.	No
07-20	Licence Plates/Accessible Parking Permits	No
08-01	Employee and Family Assistance Program (E.F.A.P.)	Yes
08-02	Sickness Reporting	No
08-03	Injured on Duty Reporting	No
08-04	Members Involved in a Traumatic Critical Incident	No
08-04 Appendix A	Critical Incident Stress Handout	No
08-04 Appendix B	Guidelines for the Support and Assistance of Affected Members	No
08-04 Appendix C	Critical Incident Response Team / Peer Support Volunteers Flow Chart	No
08-05	Substance Abuse	No
08-06	Hazardous Materials, Decontamination and De-infestation	Yes
08-07	Communicable Diseases	Yes
08-08	Central Sick Leave Bank	No
08-09	Workplace Safety	Yes
08-10	External Threats Against Service Members	No
08-11	Workplace Violence	Yes
08-12	Workplace Harassment	Yes
08-13	Workplace Accommodation - Medical	Yes
08-14	Psychological Health & Wellness	No
08-15	Naloxone	No

Procedure Number	Procedure Name	Arising from Board Policy
08-16	Fitness For Duty	No
09-01	Property – General	Yes
09-02	Property – Vehicles	Yes
09-03	Property – Firearms	Yes
09-04	Controlled Drugs & Substances	Yes
09-05	Property – Liquor	Yes
09-06	Property of Persons in Custody	Yes
Ch. 10 Appendix A	Incident Management System Organizational Chart	Yes
Ch. 10 Appendix B	Containment & Perimeter Control	Yes
10-01	Emergency Incident Response	Yes
10-02	Incidents Involving Hazardous Materials	No
10-03	Bomb Threats, Suspicious Packages/Devices and Explosions	Yes
10-03 Appendix A	Explosive Device Safe Standoff Distance Chart	No
10-04	Nuclear Facility Emergencies	No
10-04 Appendix A	Notification Protocols	No
10-04 Appendix B	Nuclear Safety Status Zones	No
10-05	Incidents Requiring the Emergency Task Force	Yes
10-06	Medical Emergencies	No
10-07	Industrial Accidents	No
10-08	Chemical / Biological / Radiological / Nuclear Agents Events	Yes
10-09	Evacuations	No
10-10	Emergencies and Pursuits on T.T.C. Property	Yes
10-11	Clandestine Laboratories and Marihuana Grow Operations	No
10-12	Counter–Terrorism	Yes
10-13	Threats to School Safety	No
10-14	Public Health Emergencies/Pandemic Response	Yes
11-01	Emergency Management & Public Order Response	Yes
11-03	Police Response at Labour Disputes	Yes
11-04	Protests and Demonstrations	Yes
11-05	Major Disturbances at Detention Centres	No
11-06	Labour Disputes at Detention Centres	Yes
11-07	Special Events	Yes
11-08	Use of Mounted Section	No
12-01	Confidential Crown Envelope	No
12-02	Court Attendance	No
12-03	Use of Affidavits	No
12-04	Unserved Criminal Summons	No
12-05	Request to Withdraw Criminal Charge	No

Procedure Number	Procedure Name	Arising from Board Policy
12-06	Coroner's Inquest	No
12-08	Disclosure, Duplication and Transcription	No
12-08 Appendix A	Memorandum Books	No
12-09	Request for Adjournment	No
12-10	Re-laying Charges and Appeal Notices	No
12-11	High Risk Security Court Appearances	Yes
Ch. 13 Appendix A	Unit Level Criteria / Conduct Penalties	Yes
Ch. 13 Appendix B	Chief's Advisory Committee	No
Ch. 13 Appendix C	Progressive Discipline	No
Ch. 13 Appendix F	Notification for Legal Indemnification Time Limit	Yes
Ch. 13 Appendix G	Expunge Police Services Act Conviction	Yes
13-01	Awards	Yes
13-02	Uniform External Complaint Intake/Management	Yes
13-03	Uniform Internal Complaint Intake/Management	No
13-04	Uniform Unit Level Discipline	Yes
13-05	Police Services Act Hearings	Yes
13-06	Uniform Complaint Withdrawal	No
13-07	Policy/Services Provided Complaints	Yes
13-08	Uniform Suspension from Duty	No
13-09	Civilian Complaint and Discipline Process	Yes
13-10	Civilian Suspension from Duty	No
13-11	Unsatisfactory Work Performance	No
13-12	Legal Indemnification	Yes
13-13	Civil Documents	Yes
13-14	Human Rights	Yes
13-16	Special Investigations Unit	No
13-17	Notes and Reports	Yes
13-18	Anonymous Reporting of Discreditable Conduct	Yes
13-19	Breath Test for Service Members	No
13-20	Accessibility for Persons with Disabilities	Yes
14-01	Skills Development and Learning Plan - Uniform	Yes
14-02	Evaluations, Reclassifications and Appraisals	Yes
14-02 Appendix A	Appraisal Process – Uniform	Yes
14-02 Appendix B	Evaluation Process - Civilian	Yes
14-03	Probationary Constable / Field Training	Yes
14-04	Acting Assignments	No
14-06	School Crossing Guards	No
14-07	Changes to Uniform and Civilian Establishment	Yes
14-08	Request to Fill Established Positions and Hire Part-Time or Temporary Staff	No
14-09	Civilian Transfer, Reclassification and Promotion	Yes
14-10	Uniform Promotion Process – up to & Including the Rank of Inspector	Yes

Procedure Number	Procedure Name	Arising from Board Policy
14-11	Uniform Promotion Process to Staff Inspector, Superintendent & Staff Superintendent	Yes
14-12	Voluntary Lieu Time Donations	No
14-13	Contract Persons & Consultants	Yes
14-14	Termination of Employment	No
14-15	Secondments	Yes
14-17	Detective Classification and Plainclothes Assignment	No
14-18	Internal Support Networks (I.S.N.)	Yes
14-19	Workplace Accommodation - Non Medical	Yes
14-20	Auxiliary Members	Yes
14-21	W.P.P.D. – Senior Officers	No
14-22	Conflict of Interest Involving Related Members	No
14-23	Attendance at Special Activities	No
14-24	Police Officers Reclassified to Civilian Senior Officer Positions	No
14-25	Secondary Activities	Yes
14-26	Leaves of Absence	Yes
14-27	Bereavement Leave & Funeral Entitlements	No
14-28	Attendance at Competitions or Events	Yes
14-29	Change in Personal Information	No
14-30	Re-Employment of Former Members and Lateral Entries	Yes
14-30 Appendix A	Criteria: Hiring Levels and Training Requirements	Yes
14-31	Members Serving on Boards/Committees	Yes
14-32	Crime Prevention	Yes
14-33	Social Functions & Community Events	Yes
14-34	Transfer – Police Officer	No
14-35	Special Constables	No
14-36	Participation in a Learning Opportunity	No
15-01	Use of Force	Yes
15-01 Appendix A	Provincial Use of Force Model	No
15-01 Appendix B	Provincial Use of Force Model Background Information	No
15-02	Injury/Illness Reporting	Yes
15-03	Service Firearms	Yes
15-04	C-8 Rifle	Yes
15-05	Shotgun	Yes
15-06	Less Lethal Shotguns	Yes
15-07	Use of Authorized Range	No
15-08	M.P.5 Submachine Gun	Yes
15-09	Conducted Energy Weapon	Yes
15-10	Suspect Apprehension Pursuits	Yes

Procedure Number	Procedure Name	Arising from Board Policy
15-11	Use of Service Vehicles	Yes
15-12	Inspection of Service Vehicles and Equipment	Yes
15-13	Requests for Loan Vehicles	No
15-14	Fuel and Oil	Yes
15-15	Shared Equipment	Yes
15-16	Uniform, Equipment and Appearance Standards	Yes
15-16 Appendix A	Uniformed Command Officers and Uniformed Senior Officers	No
15-16 Appendix B	Police Constable to Staff Sergeant	No
15-16 Appendix C	Uniformed Civilian Members	No
15-16 Appendix D	Auxiliary Members and Volunteers	Yes
15-16 Appendix E	Officers – Specialized Functions	No
15-16 Appendix F	Appearance Standards – Officers and Civilian Uniformed Members	No
15-16 Appendix G	Wearing of Decorations and Medals	No
15-16 Appendix H	Wearing of Name Badges	Yes
15-17	In–Car Camera System	No
15-18	Secure Laptop	No
15-19	Soft Body Armour	No
16-01	Service and Legislative Governance and Legal Agreements	Yes
16-01 Appendix A	Routine Order Approval and Publication Process	No
16-03	Forms Management	No
16-06	Audit and Quality Assurance Process	Yes
16-06 Appendix A	Process for Ministry of Community Safety and Correctional Services Inspections of the Toronto Police Service	Yes
16-06 Appendix B	City of Toronto Auditor General Report and Follow-up Recommendation Process	Yes
16-06 Appendix C	City of Toronto Internal Audit Division Report and Follow-up Recommendation Process	Yes
16-07	Collection and/or Use and/or Reporting of Statistics Related to Prohibited Grounds	Yes
17-01	News Media	Yes
17-01 Appendix A	Sample News Release	No
17-02	Information Breaches	No
17-03	Requests for Information Made Under the Municipal Freedom of Information and Protection of Privacy Act	No
17-04	Community/Public Safety Notifications	Yes
17-04 Appendix A	Disclosure of Personal Information	Yes
17-04 Appendix B	Occurrences where Public Warning/Notification and Consultation with BAS be Considered	Yes

Procedure Number	Procedure Name	Arising from Board Policy
17-04 Appendix C	Protocol for Public Notification	Yes
17-05	Correspondence and File Management	Yes
17-05 Appendix A	Unit Commander File Index	Yes
17-06	C.P.I.C. Purge List	Yes
17-07	B.O.L.O.'s and F.Y.I.'s	Yes
17-08	Use of Special Address System	Yes
17-09	Use of the Service Image	Yes
17-10	Internet	No
17-11	Toronto Police Service Intranet (T.P.S.net)	No
17-12	Service Communication Systems	Yes
17-13	Social Media	No
18-01	Covert Credit Cards	No
18-02	Transfer of Funds	No
18-03	Requests for Goods and/or Services	No
18-04	Third Party Claims for Damage to or Loss of Private Property	No
18-05	Reimbursement for Damaged or Soiled Personal Items and Clothing	No
18-06	Flashroll	No
18-07	329 Fund	Yes
18-08	Donations	Yes
18-09	Service Seminars	No
18-10	Collection of Overpayments	No
18-11	Lieu Time – Negative Balance	No
18-12	Membership in Professional and Occupational Associations	No
18-13	Authorization and Expense Reimbursement for Service Business Travel	No
18-13 Appendix A	Authorization Limits and Required Signatures	No
18-13 Appendix B	Expense Allowances	No
18-14	Authorization and Expense Reimbursement for Service Training	No
18-14 Appendix A	Authorization Limits and Required Signatures	No
18-14 Appendix B	Expense Allowances	No
18-15	Shared Resources	No
18-16	Use of Revenue	No
18-17	Corporate Credit Cards	No
18-17 Appendix A	Expenditures Authorized for Payment with a Corporate Credit Card	No
18-18	Business Expenses	No
18-18 Appendix A	Examples of Appropriate Business Expenses	No
18-19	Paid Duties	No
18-20	Paid Duties at Commercial Filming Locations	No

Procedure Number	Procedure Name	Arising from Board Policy
19-01	Fire Safety Plans	No
19-02	Service Facilities	Yes
19-02 Appendix A	Notice	No
19-02 Appendix B	Parking Access - Personal Vehicles	No
19-03	Police Headquarters and Toronto Police Operations Centre	Yes
19-03 Appendix A	Parking at Police Headquarters	No
19-09	Off Site Police Facilities	No
19-10	Unit Operational Continuity Plan	Yes

Appendix B – Index of Service Procedures Referencing Board By-Laws

Procedure Number	Procedure Name
18-04	Third Party Claims for Damage to or Loss of Private Property
18-12	Membership in Professional and Occupational Associations
18-16	Use of Revenue
18-17	Corporate Credit Cards
18-18	Business Expenses



Toronto Police Services Board Report

February 16, 2019

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Annual Report: 2018 Secondary Activities

Recommendation:

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

Financial Implications:

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

Background / Purpose:

At its meeting on February 11, 1993, the Board requested that the Chief of Police submit a semi-annual report on Secondary Activities (Min. No. C45/93 refers). At the March 21, 1996 meeting, the Board further requested that all further semi-annual reports on secondary activities include the number of new applications for secondary activities, how many were approved or denied on a year-to-date basis, as well as the total number of members engaged in secondary activities at the time of the report (Min. No. P106/96 refers). At its meeting on October 26, 2000, the Board passed a motion that future reports regarding secondary activities be provided to the Board on an annual basis rather than semi-annual (Min. No. P450/00 refers). At its meeting on February 22, 2001, the Board requested that future annual reports regarding secondary activities include a preamble that describes the Service's policy governing secondary activities (Min. No. P55/01 refers).

Service Procedure 14-25 – Secondary Activities:

Service Procedure 14-25 was reviewed, revised and published on February 8, 2016. Members are required to submit an Application for Secondary Activity on Form TPS 778

for approval by the Chief of Police if the member believes the activity may place him, her or them in a conflict with Section 49(1) of the *Police Services Act (P.S.A.)*. Service Procedure 14-25 does not outline an exhaustive list of activities that may contravene Section 49(1) of the *P.S.A.* Approval to engage in a secondary activity may be granted provided that the secondary activity does not contravene the restrictions set out in Section 49(1) of the *P.S.A.*

Police Services Act Provisions – Secondary Activity:

Section 49(1) states:

49(1) A member of a police force shall not engage in any activity:

- (a) that interferes with or influences adversely the performance of his or her duties as a member of the police service, or is likely to do so; or
- (b) that places him or her in a position of conflict of interest, or is likely to do so; or
- (c) that would otherwise constitute full-time employment for another person; or
- (d) in which he or she has an advantage derived from employment as a member of a police force.

The Chief may also deny applications for secondary activity for the following reasons:

- (1) Where the applicant has demonstrated a history of poor attendance or poor performance; or
- (2) Where the secondary activity might bring discredit upon the member's reputation as an employee or upon the reputation of the Toronto Police Service; or
- (3) Where it involves the use of programs, lesson plans, technology, materials, equipment, services or procedures which are the property of the Service.

The Chief of Police exercises his discretion, on a case-by-case basis, to determine whether an application is likely to contravene the restrictions set out in Section 49(1) of the *P.S.A.* Members whose applications are approved are required to sign an agreement which outlines the terms and conditions of the approval.

A "member", as defined in the *P.S.A.*, means a police officer, and in the case of a municipal police force includes an employee who is not a police officer. Therefore, both uniform and civilian employees are considered members covered under Section 49(1) of the *P.S.A.*

Auxiliary police officers are not covered under Section 49(1) of the *P.S.A.* or Service Procedure 14-25. Auxiliary police officers are volunteers, not employees of the Service.

The purpose of this report is to provide a summary of the applications for secondary activities received in 2018.

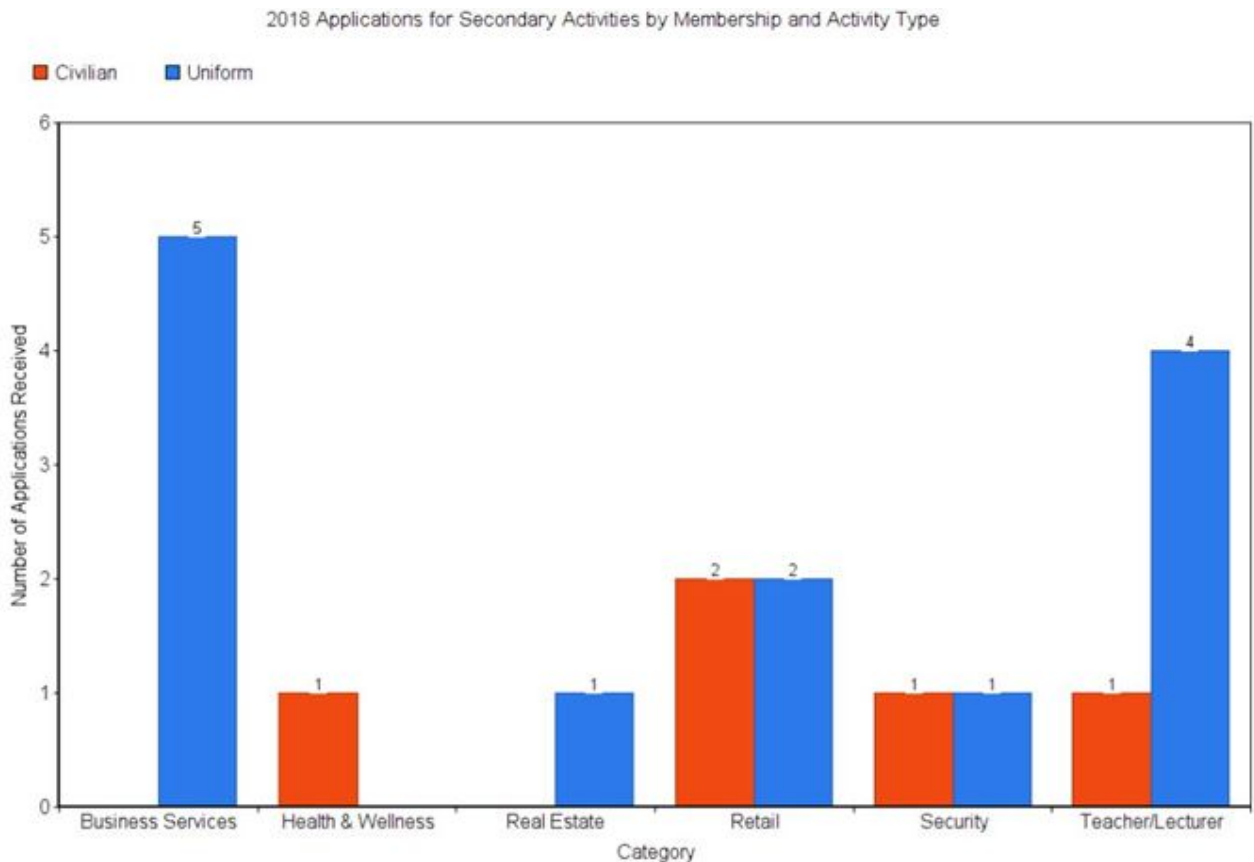
Discussion:

The chart below outlines the number of secondary activity applications received for uniform and civilian members for the past ten years. These members may or may not be continuing to engage in these activities.

Received Secondary Activity Applications from 2009 to 2018			
Year	Uniform	Civilian	Total
2009	30	8	38
2010	10	19	29
2011	13	20	33
2012	11	18	29
2013	14	7	21
2014	11	16	27
2015	16	19	35
2016	16	14	30
2017	13	12	25
2018	13	5	18

During 2018, there were 18 new applications received from members requesting approval to engage in secondary activities. Of these 18 applications, 17 were approved and considered to not be in conflict with Section 49(1) of the *P.S.A.*, while one was denied.

The bar chart below summarizes the number of applications received in 2018 and details the type of secondary activities requested, broken down by the number of applications received from uniform and civilian members.



There were no applications received in the following types of activities: Arts/Media, Emergency Services, Food and Beverage, Political, Residential Services, Social Services, and Sport Instructors.

Given that members are only required to seek approval to engage in secondary activities when they believe the activity may place them in a conflict with Section 49(1) of the *P.S.A*, it is not possible to report the total number of members currently engaged in secondary activities.

Conclusion:

Members are required to request the approval of the Chief of Police to engage in secondary activities, if the member believes the activity may place him or her in a conflict with Section 49(1) of the *P.S.A*. This report outlines the Service's procedure regarding secondary activities, and provides a summary of applications received in 2018.

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

Respectfully submitted,

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

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Annual Report - 2018 Secondary Activities.doc



Toronto Police Services Board Report

March 1, 2019

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Semi-Annual Report: Write-off of Uncollectible Accounts Receivable Balances July to December 2018

Recommendation:

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

Financial Implications:

Similar to the first half of 2018, there are no accounts receivable write-offs to report for the second half of 2018. The Toronto Police Service (Service) performed extremely well in the area of billings and collections, with zero write offs for the entire year.

The year end 2018 Accounts Receivable balance was approximately \$3.6M and the total revenues for the year were about \$80M, excluding grants.

With zero write-offs, the Service performed better than the industry standard at 0.065% of total sales.

Background / Purpose:

At its meeting of May 29, 2003, the Board approved Financial Control By-law 147. Part IX, Section 29 – Authority for Write-offs, delegates the authority to write-off uncollectible accounts of \$50,000 or less to the Chief of Police and requires that a semi-annual report be provided to the Board on amounts written off in the previous six months (Min. No. P132/03 refers).

The purpose of this report is to provide the Board with information on the amounts written off during the period of July 1 to December 31, 2018.

Discussion:

External customers receiving goods and/or services from Service units are invoiced for the value of such goods or services. The Service's Accounting Services Unit (Accounting) works closely with divisions, units and customers to ensure that some form of written authority is in place with the receiving party prior to work commencing and an

invoice being sent. Accounting also ensures that accurate and complete invoices are sent to the proper location, on a timely basis.

The Service has instituted a very rigorous process to mitigate the risk of accounts becoming uncollectible and therefore written off, and to date this process is working well.

Conclusion:

In accordance with Section 29 – Authorization for Write-offs, of By-law 147, it is recommended that the Board receive this report.

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

Respectfully submitted,

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



Toronto Police Services Board Report

March 1, 2019

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Annual Report: 2018 Sole and Single Source Purchases

Recommendation:

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

Financial Implications:

Funding for the expenditures detailed in this report was included in the Toronto Police Service's (Service) 2018 operating budget and capital program. The goods and services expenditures referenced in this report are net of harmonized sales tax (H.S.T.) rebate.

Background/Purpose:

The Toronto Police Services Board Financial By-Law No. 147 amended by By-Law No. 148, 151, 153, 156 and 157, requires the Chief of Police to report annually to the Board on any sole and single source purchases for goods or services with a value greater than \$10,000 in the preceding year.

The purpose of this report is to respond to this requirement, which includes expenditures made by both the Service and the Board.

Discussion:

"Sole sourcing" is defined as the procurement of goods or services that are unique to a particular vendor and cannot be obtained from another source. In a sole source procurement arrangement, there is no choice but to use a certain vendor.

"Single sourcing" is defined as the procurement of goods or services from a particular vendor rather than through an open solicitation of bids from other vendors who can provide similar items.

Both sole and single source purchases are made and can be justified, in the following circumstances:

- in emergency situations;
- when the vendor has proprietary rights to a product or service;
- for situations where confidentiality is a requirement in order to do business with the Service;
- where a product is required to match existing equipment;
- for purchases where health and safety concerns exist;
- where there are time constraints associated with making a purchase;
- where there is scarcity of supply in the market; and
- to avoid violating warranties and guarantees where service is required for a good that already exists in the organization.

In these cases, the award is made to a specific vendor without undergoing a competitive process.

In accordance with the Service's Requests for Goods and/or Services Procedure, requests to retain a vendor on a sole or single source basis are submitted to the Service's Purchasing Services unit (Purchasing) with justification. If the justification is acceptable to the manager of Purchasing and the purchases meet the above criteria, the requests are processed.

Appendix A and Appendix B summarize the sole and single source purchases over \$10,000 that occurred in 2018.

Sole Source Purchases:

In 2018, there were 59 instances where goods and/or services, costing over \$10,000, were sole sourced. These purchases were made across 51 purchase orders (P.O.s), as identified in Appendix A, and totalled \$3,874,561.

These sole source purchases were made due to proprietary arrangements (e.g. rights, sole distributor, manufacturer), including but not limited to: annual maintenance; the avoidance of violating warranties and guarantees; to match existing equipment; and to maintain continuity of services, where necessary, on projects.

These 59 purchases represent 4.6% of the 1295 P.O.s issued by the Service in 2018. The dollar value of the sole source purchases represents 3.8% of the \$102 Million (M) in total dollar value purchases made by the Service.

Single Source Purchases:

Appendix B identifies 38 instances where goods and/or services, totalling \$2,098,428 were single sourced. In addition, there were 10 purchases totalling \$615,275 that were

classified as confidential for covert reasons. Therefore, the Service engaged in 48 instances (over \$10,000) of single sourcing, totalling \$2,713,702.

These single source purchases were made using one supply source without a competitive bidding process for justifiable reasons (e.g. health and safety, time constraints, specialized services, confidentiality of purchase).

Many of the instances were the result of specialized services (e.g. legal services) which require a specific expertise to properly execute the required work.

The 48 instances represent 3.7% of the 1295 P.O.s issued by the Service in 2018. The total dollar value (\$2,713,702) represents 2.7% of the \$102M total dollar purchases made by the Service.

Conclusion:

The Service's purchasing procedures require that goods/services be obtained through a competitive process. The Service is committed to keeping single source purchases to an absolute minimum, however, there are situations where goods/services must be single or sole sourced. These types of procurements, managed through a formal procedure that is overseen by the manager of Purchasing, must meet specific criteria requiring proper justification and approval before a commitment is made.

In 2018, the Service engaged in 107 instances where purchases were made on a single or sole source basis at a dollar value of \$6.6M. This represents a total of 8.2% of the total number of P.O.s (1295) issued in 2018. They also represent 6.5% of the total dollar value, \$102M, of P.O.s issued by the Service. In comparison to 2017, the Service reduced the number of instances where it relied on single and sole sourcing by 2.4% (107 instances in 2018 instead of 141 in 2017). The overall dollar value of these purchases remains flat year over year at 6% of total spending.

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

Respectfully submitted,

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

Appendix A		
2018 Sole Source Purchases		
	Goods/Services	Vendor Total P.O Value (Net of H.S.T. Rebate)
A.B. Precision (Poole) Limited	Equipment	\$12,571 .43
Access Group Incorporated	Media Kit	\$70,011
Axon Enterprise Incorporated	Maintenance Digital Video Asset Management (D.V.A.M)	\$129,000
Bluebear Law Enforcement Services	Annual Maintenance	\$12,720
Board Of Governors Of Exhibition Place	Landlord Requirements	\$80,390
Brooks Performance Horse Feeds	Specialized Food	\$23,405
Cellebrite U.S.A. Corporation	Maintenance, Support and Equipment	\$198,426
Cherwell Software Incorporated	Maintenance and Support	\$51,015
Colt Canada Corporation	Weapons and Rounds	\$188,606
Compass Group Canada (Beaver)	Catering Services	\$10,448
D & R Electronics Co. Limited	Accessories	\$19,703
Dejero Labs Incorporated	Transmitter	\$18,912
Draeger Safety Canada Limited	Breathalyzer Equipment	\$29,280
Dyplex Communications Limited	Speciality Equipment	\$74,690
F12.net Incorporated	Rack Wise Support	\$18,336
Fujifilm Canada Incorporated	Photographic Material	\$12,525
Hike Metal Products Limited	Boat Repairs	\$75,310
I.B.M. Canada Limited	I.B.M. i2 License	\$32,685
Infor (Canada) Limited	Maintenance and Support	\$304,708
Inland Liferrafts & Marine Limited	Boat, Parts and Repairs	\$23,363
Interfax Systems Incorporated	Radiation Meter	\$11,259
Intergraph Canada Limited	Professional Services	\$115,008
J.S.I. Telecom	Annual Maintenance	\$14,979
Kane Veterinary Supplies Limited	Specialized Food	\$24,900
Lexmark Canada Inc	E-Disclosure Software	\$11,490

Appendix A		
2018 Sole Source Purchases		
	Goods/Services	Vendor Total P.O Value (Net of H.S.T. Rebate)
Linkedin Ireland Unlimited Company	Recruiter Posting	\$46,962
Magnet Forensics Inc.	Annual Maintenance	\$27,872
M.D. Charlton Co. Limited*	Various Equipment	\$482,603
Mercury Marine	Mercury Boat Parts	\$74,825
Morpho Canada Incorporated	Maintenance and Support	\$146,660
Open Text Corporation	Maintenance and Support	\$42,848
Canada U.L.C.	PeopleSoft ePerformance Software	\$285,598
Paradigm Business Systems North	Maintenance and Support	\$85,478
Porter Lee Corporation	Forensic Identification Services Crime Scene Laboratory Information Maintenance Software Support	\$15,333
Progress Software Corporation	Client Networking	\$33,257
Proparms Limited	Maintenance and Support	\$16,466
Public Safety Corporation	Maintenance and Support	\$25,572
Q.A. Cafe	Network Port Monitor	\$13,603
Quest Software Canada Incorporated	Maintenance and Support	\$71,568
Ram Power Systems Limited	Blast Mats	\$153,839
Rampart International Corporation	Rounds	\$123,037
Rapid7 L.L.C.	Maintenance and Support	\$20,065
Regional Municipality Of Niagara	2018 Ontario Police Video Training Alliance Renewal	\$28,137
Royal Lifesaving Society Canada	Clothing and Accessories	\$16,881
Scantron Canada Limited	Annual Maintenance	\$10,635
Sra International Incorporated	Maintenance and Support	\$15,922
Summit Canada Distributors	Various Equipment	\$415,891
Taramis Distributions Incorporated	All Terrain Vehicle (A.T.V.) Helmets	\$47,268

Appendix A		
2018 Sole Source Purchases		
	Goods/Services	Vendor Total P.O Value (Net of H.S.T. Rebate)
Toronto Hydro Electric System Limited	Closed Circuit TV (C.C.T.V) Pole	\$22,497
Wajax Equipment	Marine Engine	\$88,328
Spacesaver Solutions Incorporated	Equipment	\$12,247
Total:		\$3,874,561

*There were eight purchases greater than \$10,000 related to M.D. Charlton Co. Limited across three areas of the Service: Toronto Police College, Fleet and Purchasing. The purchases are as follows:

Taser Simulator	\$13,820
Hobble Restraints	\$15,685
Taser Magazines	\$30,095
Training Ammunition	\$36,621
Sock Rounds	\$44,215
Hobble Restraints	\$44,768
Cartridge/Magazines	\$131,775
Power Magazines	\$165,624

Appendix B		
2018 Single Source Purchases		
Vendor Name	Goods and Services	Vendor Total P.O. Value (Net of H.S.T. Rebate)
400525 Ontario Limited	Specialized Services	\$106,192
Andy Hunter Consultants Incorporated	Specialized Services	\$23,914
Brunswick Commercial & Government	Boat	\$38,753
B-Seen Design Group Inc	Specialized Services	\$32,512
Canadian Centre For Threat Assessment & Trauma Response	Training	\$162,477
Code 4 Canada	Civic Hall Toronto Membership	\$15,264
Davies, Breese	Specialized Services	\$29,246
Edelman P.R. Worldwide Canada Incorporated	Specialized Services	\$26,488

Appendix B		
2018 Single Source Purchases		
Vendor Name	Goods and Services	Vendor Total P.O. Value (Net of H.S.T. Rebate)
Endeavor Robotics	Robot and Parts	\$23,509
Feschuk-Reid	Specialized Services	\$40,704
Foster, Sandra	Nurse	\$63,000
Gartner Canada	Specialized Services	\$126,437
General Starlight Co. Incorporated	Night Vision Goggles	\$22,511
Genesis Integration Incorporated	Equipment	\$29,338
Grayshift L.L.C.	Licenses	\$15,459
iForce Bikes	Light and Siren Bicycle Kit	\$30,719
Inland Liferrafts & Marine Limited	Boat	\$19,910
Johnstone & Cowling L.L.P.	Specialized Services	\$227,325
Lexisnexis Canada Incorporated	Legal Briefs and Notes for Research Papers	\$15,262
Marinus Analytics L.L.C.	Maintenance and Support	\$12,367
Odgers Berndtson Canada Incorporated	Specialized Services	\$38,669
Old Mill Toronto, The	Awards Presentation	\$11,316
Omni Provincial Electronics Incorporated	Equipment	\$69,248
Ryerson University	Internship	\$10,806
Ryerson University Financial Service	Event Planner	\$24,000
Smiths Detection Montreal Inc	Specialized Equipment	\$50,277
S.S.B. Incorporated	Headlight and Taillight Bicycle Kit	\$40,472
University Of Toronto	Internship	\$50,000
Vitruvian Ergonomics	Specialized Equipment	\$28,141
Volvo Penta	Parts	\$50,880
Esri Canada Limited	Specialized Services	\$45,949
Ceyssens & Bauchman	Legal Services	\$10,176
Cunningham Dispute Resolution	Legal Services	\$31,851
Grassroots K9	Specialty Animals	\$10,685
Henein Hutchison L.L.P.	Legal Services	\$457,969
Lerners L.L.P.	Legal Services	\$34,357
Pink Elephant Incorporated	Subscription	\$11,189
Preston Adjudication Incorporated	Specialty Services	\$61,056
Total:		\$2,098,428

Excludes purchases made for confidential/covert reasons.



Toronto Police Services Board Report

September 26, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury to Ms. Simone Telford

Recommendation(s):

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

Financial Implications:

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

Background / Purpose:

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

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

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

Section 11(2) of the Regulation states:

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

Section 11(4) of the Regulation states:

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

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

Discussion:

On Tuesday, February 21, 2017, T.P.S. Communications Services received a 9-1-1 call from a homeowner, in the area of Bloor Street West and Mill Road, advising that there was an unknown person, later identified as Ms. Simone Telford, who had broken into his home. The homeowner was not at home at the time but was watching a live, remote video feed of the interior of his residence.

Officers of 22 Division were dispatched. Constable A attended the rear of the residence and observed Ms. Telford, through the rear glass door, retreat from the door back into the residence.

Other officers gained entry to the residence and began to search for Ms. Telford, who was uncooperative and hiding within. Constable B searched the basement of the residence and located Ms. Telford hiding in one of the rooms. Ms. Telford remained uncooperative and was arrested after a brief struggle with Constables A and B, with other officers also assisting. During the struggle, Ms. Telford struck her face on the ground.

Ms. Telford was then escorted up the basement staircase at which time she accidentally slipped and struck her face on the stairs. Ms. Telford’s fall on the stairs was captured on the homeowners video.

Ms. Telford suffered minor injuries during her arrest which consisted of redness to her right cheek and a swollen lip.

While lodged in the cells at 22 Division, Ms. Telford requested medical treatment.

Officers transported Ms. Telford to St. Joseph’s Health Centre where she was diagnosed and treated for a fractured nasal bone.

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

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

The S.I.U. investigation was unable to determine at which point Ms. Telford sustained her injuries, as they could have resulted during the struggle with officers or from the fall on the staircase. In his public report of investigation, Director Loparco did address the fact that neither scenario was tantamount to excessive force on the part of the subject officer.

In a letter to the T.P.S. dated Monday, April 23, 2018, Director Tony Loparco of the S.I.U. advised that the investigation was completed, the file has been closed and no further action is contemplated.

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

As a result, a separate Part V investigation was commenced against the noncompliant officers; misconduct was substantiated and unit level discipline was imposed.

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

<https://www.ontario.ca/page/siu-directors-report-case-17-tci-038>

On Tuesday, June 19, 2018, the S.I.U. issued a news release exonerating the subject officers. The news release can be viewed at the following link:

https://www.siu.on.ca/en/news_template.php?nrid=3997

Summary of the Toronto Police Service's Investigation:

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

P.S.S. examined the alleged custody injury in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

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

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

- Procedure 01-01 (Arrest)
- Procedure 01-02 (Search of Persons)
- Procedure 01-03 (Persons in Custody)
- Procedure 04-06 (Building Checks and Searches)
- Procedure 05-03 (Break and Enter)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-01 (Use of Force)
- Procedure 15-02 (Injury/Illness Reporting)
- Procedure 15-17 (In-Car Camera System)

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

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

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

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

As a result, a separate Part V investigation was commenced against the noncompliant officers; misconduct was substantiated, and unit level discipline was imposed.

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

Respectfully submitted,

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

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Toronto Police Services Board Report

October 12, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

**Subject: Chief's Administrative Investigation into the Custody
Death of Mr. Franjo Marincic**

Recommendation(s):

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

Financial Implications:

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

Background / Purpose:

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

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

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

Section 11(2) of the Regulation states:

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

Section 11(4) of the Regulation states:

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

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

Discussion:

On March 9, 2017, the S.I.U. contacted the T.P.S. to report an event.

The S.I.U. advised that the family of a male, identified as Mr. Franjo Marincic, was reporting that the death of Mr. Marincic was the result of suspected foul play. Mr. Marincic died in custody in a cell at the old 12 Division station on September 5, 1982.

A review of the sudden death occurrence indicated that on September 5, 1982, Mr. Marincic walked into 12 Division at 0520 hours; he requested a beer. Officers determined that he was intoxicated and also learned that he had driven himself to the station. The officers at the front desk engaged Mr. Marincic and he threatened to shoot them.

Mr. Marincic was arrested for Impaired Driving and a struggle ensued. Officers placed him in a police vehicle for transport to #1 District Traffic for breath tests. While on route to the Traffic station, Mr. Marincic remained violent and began to kick at the rear doors and windows of the police vehicle. He was returned to 12 Division and lodged into Cell #3 at 0535 hours to await the arrival of a mobile Breathalyzer Technician. There was no technician available, so no tests were conducted. He was held in custody for Being Intoxicated in a Public Place under the *Liquor Licence Act*. His belt, keys and shoe laces were removed.

While in the cells, Mr. Marincic was verbally abusive and continued yelling until approximately 0625 hours when he was reported to have fallen asleep. At 0632 hours, he was discovered hanging from the cell bars by his shirt. He was immediately cut down and lifesaving efforts were made. He was transported by ambulance to the Northwestern General Hospital where he was pronounced dead by Doctor H. Goldman at 0710 hours.

The death became the subject of a Coroner’s Inquest (Inquest) held from January to March in 1983. The attending Coroner was Doctor John Fraser, the Deputy Crown Attorney was Mr. Norm Matusiak, and Doctor Charles Smith conducted the post mortem examinations of the body in the first instance. The cause of death was determined as

asphyxia by suspension. Mr. Marincic's blood alcohol concentration was determined to be about 280 milligrams of alcohol in 100 millilitres of blood, more than 3 times the legal limit. The hyoid bone from Mr. Marincic's neck was reported as fractured in two places.

During the Inquest, the original pathologist, Doctor Smith indicated that the fracturing of the hyoid bone was indicative of manual strangulation. This revelation was in direct conflict with involved officer's testimony that indicated that the deceased was found hanging from his shirt. The Coroner suspended the Inquest and contacted the Metropolitan Toronto Police Homicide Squad to assist in investigating the matter further.

Mr. Marincic's remains were exhumed and a second post mortem examination was conducted. The tissue samples and hyoid bone from the original post mortem examination were retrieved from Doctor Smith's home. He told the Inquest that he stored these items at his home as there was insufficient room to store evidence at the Centre of Forensic Sciences (C.F.S.) offices. The hyoid bone examination indicated that it was not fractured. Obvious ligature marks were evident on the deceased's neck which were consistent with the strangulation from hanging. Evidence was also presented that indicated that the knot in the shirt that Mr. Marincic had used in his death had been untied by persons unknown at the station. It was never established who that person was during the investigation and Inquest.

One civilian witness to the events in the cell area of the station, a prisoner in Cell #1, supported the summary of the officer's evidence at the Inquest. He indicated that there was a struggle, that it took several minutes to lodge Mr. Marincic into the cells, he was violent and kept yelling, and that officers were checking on his condition on a regular basis prior to his discovery with the shirt tied around his neck.

The final finding of the Inquest into the death of Mr. Marincic was reported as death by means of a shirt sling suspended from a horizontal member of the door assembly of Cell #3 at the 12 Division station. Mr. Marincic was in an abnormal mental state at the time aggravated by extreme intoxication.

The S.I.U. did not designate any members of the T.P.S. as subject or witness officers in their investigation.

The only document available for the T.P.S. Section 11 investigation was the original 'sudden death' occurrence. The Homicide Squad files were not located.

In a letter to the T.P.S. dated March 5, 2018, Director Tony Loparco of the S.I.U. advised that the investigation was completed, the file has been closed and no further action is contemplated.

The S.I.U. published a media release on March 8, 2018. The media release is available at: https://www.siu.on.ca/en/news_template.php?nrld=3730.

Summary of the Toronto Police Service's Investigation:

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

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

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

- Procedure 01-01 (Arrest)
- Procedure 01-02 (Search of Persons)
- Procedure 01-03 (Persons in Custody)
- Procedure 04-02 (Death Investigations)
- Procedure 04-16 (Death in Police Custody)
- Procedure 07-06 (Ability Impaired/Over 80-Investigation)
- Procedure 10-06 (Medical Emergencies)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-01 (Use of Force)
- Procedure 15-02 (Injury/Illness Reporting)

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

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

The P.S.S. investigation determined that the current T.P.S. policies and procedures associated with the custody death were found to be lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

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

Respectfully submitted,

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

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Toronto Police Services Board Report

January 14, 2019

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

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

Recommendation(s):

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

Financial Implications:

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

Background / Purpose:

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

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

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

Section 11(2) of the Regulation states:

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

Section 11(4) of the Regulation states:

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

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

Discussion:

On July 29, 2017, at approximately 1959 hours, a 43 Division Neighbourhood Safety Unit (N.S.U.) officer, was working in a plainclothes capacity and operating an unmarked Toronto Police Service (T.P.S.) vehicle in the area of Kingston Road and Brimley Road.

The officer observed an individual, later identified as Sexual Assault Complainant 2018-R (2018-R), operating a motor vehicle and using a cellular device. The officer began to follow 2018-R and make observations of their driving. The officer also voiced out over the radio system for a marked T.P.S. vehicle to assist in conducting a traffic stop of 2018-R. The officer made several observations of excessive speed, several unsafe lane changes, and the disobeying of red traffic signals at one intersection.

With the assistance of a 43 Division marked police vehicle, 2018-R was stopped and investigated for the use of the cellular device while driving. During the investigation, a quantity of marihuana was located in plain sight in the driver’s door pocket.

2018-R was placed under arrest without incident for Dangerous Driving, Possession of a Schedule II Substance, and Breach of Probation. A further search of the vehicle located another quantity of Schedule II Substance, a digital scale, several cellular telephones and \$2,440.00 in cash.

2018-R was transported to 43 Division for further investigation and processing on several criminal charges. At the station, the Officer-in-Charge, authorized a Level 3 search of 2018-R.

The Officer-in-Charge explained the search process to 2018-R and 2018-R immediately responded that the search would constitute a breach of their rights and repeatedly stated they would not cooperate. 2018-R was taken into the Level 3 search area by two uniformed officers, the officers who had transported 2018-R to the station. 2018-R accompanied the officers to the search room and physically complied with their directions while at the same time verbally protesting the search.

2018-R, after removing their underwear, refused to unclench their buttocks. This raised a concern for the officers in that they believed 2018-R might be concealing contraband. Repeated requests failed to yield compliance which led to the booking officer joining the other two officers in the search room.

2018-R continued to state that the search was against their religious beliefs and refused to comply with the officers' request. The officers took physical control of 2018-R and placed them on the ground. They were able to leverage the movement of 2018-R's legs to visually satisfy themselves that no contraband was secreted in the buttock area. The remainder of 2018-R's clothes were returned to 2018-R; the three officers and 2018-R returned to the booking hall where the Officer-in-Charge continued the booking process. It was at this point that 2018-R alleged that the officers had digitally penetrated their anus. 2018-R was lodged in an interview room and the Officer-in-Charge commenced a preliminary inquiry with the three officers involved in the search. While in the interview room 2018-R repeatedly yelled that they had been sexually assaulted.

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

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

In a letter to the T.P.S. dated May 31, 2018, Director Tony Loparco of the S.I.U. advised that the investigation was completed, the file has been closed and no further action is contemplated.

Director Loparco does not publish a public report of the S.I.U.'s investigation in cases of alleged sexual assaults.

Summary of the Toronto Police Service's Investigation:

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

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

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

- Procedure 01-01 (Arrest)
- Procedure 01-02 (Search of Persons)
- Procedure 01-03 (Persons in Custody)
- Procedure 05-05 (Sexual Assault)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-01 (Use of Force)

- Procedure 15-17 (In-Car Camera System)

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

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

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

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

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

Respectfully submitted,

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

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