



**Special Public Meeting**

**Thursday, March 26, 2020  
via teleconference  
from 4pm-5pm**

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

**SPECIAL PUBLIC MEETING AGENDA  
TELECONFERENCE**

**Members of the Public may access it by dialing  
416-641-6104, enter passcode 1061538, followed by the # key  
[www.tpsb.ca](http://www.tpsb.ca)**

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Call to Order

Indigenous Land Acknowledgement

Declarations of Interest under the [Municipal Conflict of Interest Act](#).

1. **Notice of Motion**

2. March 24, 2020 from Ryan Teschner, Executive Director

**Re: [Board delegation of authority, information sharing and consultation  
protocol in response to the COVID-19 pandemic](#)**

Adjournment

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**Members of the Toronto Police Services Board**

Jim Hart, Chair  
Uppala Chandrasekera, Member  
Michael Ford, Councillor & Member  
Ainsworth Morgan, Member

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



## **NOTICE OF MOTION**

### **Procedural changes for the March 26, 2020 Special Public Meeting of the Toronto Police Services Board in response to the COVID-19 Pandemic**

**Moved by: Marie Moliner, Vice-Chair**

**Seconded by: Frances Nunziata, Councillor and Member**

#### **RECOMMENDATIONS:**

- 1) Permit, at this Special Public Board Meeting of March 26, 2020:
  - a) Board Members to participate in the Board meeting by telephone;
  - b) Board Members to be deemed present for the purpose of quorum when participating by telephone; and,
  - c) Board Members who are participating by telephone to vote at this meeting.
- 2) Ensure this Special Public Board Meeting of March 26, 2020 remains open to the public and media through the use of live telephone conferencing technology and that a complete audio recording of this Special Public Board Meeting be posted on the Internet as soon after the Meeting as practical;
- 3) Any deputations are to be heard in accordance with rule 17 of the Procedural By-law by way of telephone conferencing technology; and,
- 4) The waiving, pursuant to section 4.4 of the Procedural By-law, of any rules of procedure necessary to proceed in accordance with items 1, 2 and 3 of this motion.

#### **SUMMARY:**

A number of recommendations have been made by Toronto Public Health (TPH) in response to the COVID-19 pandemic, which are reinforced by the Province of Ontario's declaration of a state of emergency under the *Emergency Management and Civil*

*Protection Act*, to reduce social interaction to prevent further transmission of the virus. This includes a prohibition on all organized public events of more than fifty (50) people.<sup>1</sup>

The Toronto Police Services Board (Board) recognizes that we are in the midst of an unprecedented public health emergency at this time and it is critical to ensure the continuity of adequate and effective policing services, as well as to provide reassurance to the community that the Board remains continually engaged in its governance and civilian role.

As a result, and to protect public health and safety, I am recommending that the Board approve this motion.

The Board recognizes the importance of open and public meetings and values the participation of members of the public through their attendance and deputations at those meetings. However, the Board must also consider the recommendations made by TPH, the City's Medical Officer of Health and other health professionals to protect the health and well-being of the public and its employees. Those recommendations include practicing social distancing and, where public meetings are held, transitioning to virtual meetings where possible.<sup>2</sup> The Board must also abide by the legal order put into effect by the Province. The City of Toronto has cancelled all regular Council and Committee meetings until April 3, 2020 as part of its COVID-19 response and the Board cancelled its regular meeting scheduled March 26, 2020.

The Board is unable to hold an in-person public meeting at this time because of the prohibition on gatherings and because the locations where meetings are held are currently closed to the public.

This motion, if approved, would permit the Board to proceed with this Special Public Meeting with Board Members participating by telephone. To ensure that members of the public can participate in this meeting, this motion, if approved, would also permit the Board to hear deputations by telephone or through the electronic system. Finally, this motion, if approved, would allow members of the public and members of the media to call into the meeting and listen to the proceedings live through the use of live telephone conferencing technology.

I recommend these steps be taken to balance the importance of open, public and transparent Board meetings with the importance of protecting the health and safety of Board members, members of the public and Board, Board Staff and TPS Staff. This approach is in line with a memorandum sent to all Ontario police services boards from the Ontario Ministry of the Solicitor General (Public Safety Division and Public Safety Training Division), which stated that police services board meetings may be held virtually if they are open to the public and boards "take all feasible measures to facilitate public and media participation in open meetings."<sup>3</sup>

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<sup>1</sup> Toronto Medical Officer of Health makes recommendations on travel, mass gatherings:

<https://www.toronto.ca/home/media-room/news-releases-media-advisories/?nrkey=5957813844C67D6F852585290073236C>. See also Order in Council 520/2020 (approved and ordered March 17, 2020).

<sup>2</sup> Ibid.; Update on COVID-19, March 18, 2020: [https://www.toronto.ca/wp-content/uploads/2020/03/8d1e-MOH-Statement\\_18March2020.pdf](https://www.toronto.ca/wp-content/uploads/2020/03/8d1e-MOH-Statement_18March2020.pdf)

<sup>3</sup> Ontario Ministry of the Solicitor General, Memorandum dated March 23, 2020, "Guidance to Police Services

The approach proposed in this motion ensures that the recommendations of health experts are followed during the COVID-19 pandemic while also allowing the public and media to observe and participate in the Board meeting in these challenging circumstances.

March 26, 2020



## Toronto Police Services Board Report

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March 24, 2020

To: Chair and Members  
Toronto Police Services Board

From: Ryan Teschner  
Executive Director

**Subject: BOARD DELEGATION OF AUTHORITY, INFORMATION-SHARING AND CONSULTATION PROTOCOL IN RESPONSE TO THE COVID-19 PANDEMIC**

### Recommendations:

It is recommended that the Board:

- 1) Delegate authority to the Chair and Vice-Chair to authorize, approve, award, execute agreements or otherwise permit requests from the Chief of Police of the types described below where such authorization, approval, award, execution or permission is deemed to be urgent and operationally necessary to the ongoing operation of the Toronto Police Service between March 26, 2020 and the date of the next regular meeting of the Board:
  - a. the acquisition of goods or services in accordance with the Purchasing By-law, including non-competitive procurements, where the value of the goods or services exceeds the authority of the Chief under the Purchasing By-law;
  - b. agreements, including indemnification clauses;
  - c. real estate permissions, including leases;
  - d. human resources matters, including the employment of senior officers and terminations; and,
  - e. appointments made under the *Police Services Act* and any agreements or authorizations required to facilitate those appointments.
- 2) Require the Chair and Vice-Chair to report the exercise of their delegated authority at the next regular meeting of the Board.
- 3) Institute a formalized information-sharing protocol to ensure continued and regular communications with the Service in relation to its COVID-19 response and related matters. This information-sharing protocol, detailed in the “Discussion” section of this report, will ensure the Board receives regular updates on matters related to its statutory mandate and responsibilities.

## **Financial Implications:**

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

## **Background / Purpose:**

On March 11, 2020, the World Health Organization (WHO) assessed COVID-19 as a pandemic. On March 17, 2020, the Province of Ontario declared a state of emergency as a result of “the outbreak of a communicable disease namely COVID-19 coronavirus disease [which] constitutes a danger of major proportions that could result in serious harm to persons.” (Ontario Order in Council 518/2020, “Declaration of Emergency under the Emergency Management and Civil Protection Act” ([ontario.ca/orders-in-council/oc-5182020](http://ontario.ca/orders-in-council/oc-5182020))).

## **Discussion:**

### *The public health context*

A number of recommendations have been made by Toronto Public Health (TPH) in response to the COVID-19 pandemic, which are reinforced by the Province’s declaration of a state of emergency under section 7.0.1(1) of the *Emergency Management and Civil Protection Act*, to reduce social interaction to prevent further transmission of the virus. This includes prohibiting and choosing not to engage in large in-person public meetings or gatherings.

### *Ensuring the continuity of the Board’s civilian governance and oversight roles*

The Toronto Police Services Board (Board) recognizes that we are in the midst of an unprecedented public health emergency at this time and it is critical to ensure the continuity of adequate and effective policing services, as well to provide reassurance to the community that the Board’s remains continually engaged in its civilian governance and oversight roles, both with respect to COVID-19-related and other matters that fall within the Board’s statutory mandate.

We are in a challenging period. There may be difficulties with respect to the Board meeting regularly as usual. However, there must still exist a mechanism for responsive and informed decision-making related to urgent matters that go to the adequacy and effectiveness of policing in Toronto. Therefore, I am recommending that the Board approve the recommendations listed at the beginning of this report.



## Part 1: Delegation of Board Authority

### *Assignment of responsibility and grant of Board authority to delegates*

Section 34 of the *Police Services Act* states that a “board may delegate to two or more of its members any authority conferred on it by this *Act*.” I suggest that the current situation is precisely the type where such a delegation is appropriate. Establishing a delegation to the Chair and Vice-Chair, with appropriate parameters and accountabilities, will ensure the Board can be responsive to rapidly evolving and urgent circumstances that may require decisions to be made that relate to the adequacy and effectiveness of policing in Toronto. If approved, and consistent with legal principle, there could be no sub-delegation of the delegated authority.

To ensure the recommended delegation would grant authority for relevant matters that may arise, the Board Office consulted with the Chief’s Office on the categories of delegated decision-making. I can confirm that the suggested categories of delegated decision-making set out in the recommendations above, relate to matters that may become urgent, operationally necessary and essential to the ongoing operation of the Toronto Police Service between March 26, 2020 and the date of the next regular meeting of the Board.

### *Public accountability of delegates for the exercise of delegated authority*

To ensure there is accountability to the Board and to the public for the exercise of any delegated authority, the Chair and Vice-Chair will be required to report back to the Board on any exercise of these delegated powers at the next regular meeting of the Board at the very latest. This will ensure transparency and openness with respect to any actions taken by the delegates during the period they exercise authority on behalf of the Board.

In addition, the Board Office will continue to actively explore options to would ensure that the public is kept apprised of the Board’s delegated decision-making and to remain as transparent as possible throughout this period. The Board will look to update its website regularly to provide information regarding decisions made under the delegated authority, if approved, as well as information concerning activities related to the impact of COVID-19 more generally. I invite members of the public to check our website regularly for updates.

### *Time-limited delegation*

The recommendations included in this report are time-limited in the sense that the delegation would last only until the next regular meeting of the Board, unless the Board specifically decides to extend the delegation. The recommended delegation is critical to ensure that urgent decision-making can take place, effectively, transparently and

expeditiously, with as much public input that is feasible at the time.

## Part 2: Information-Sharing Protocol and Consultation

### *Ensuring timely and relevant flow of information to the Board*

In response to the emergency, the Service and Board have, to date, followed an effective, but ad-hoc information-sharing process. In order to ensure that the Board continues to perform its civilian governance and oversight functions, it is recommended that the open information exchange that critical events require be formalized. This will ensure that the Board's expectations about the type of information it should receive are clear and consistent.

Since the pandemic arose, the Chief and Chief's Office have been diligent in updating the Board through daily calls with the Chair and Executive Director, who, in turn, have been providing these regular updates to the whole Board. The Board thanks the Chief for these important efforts. The protocol recommended in this Report simply seeks to formalize these communications to ensure public transparency and, if approved, to provide the Service with clear direction on the Board's priorities with regard to this on-going communication.

### *Appropriate consultation during a critical point*

Where a critical point such as the current emergency arises, an effective information-sharing protocol enables the Board to discharge its statutory functions – in particular, to consult with the Chief of Police in developing the Service's priorities and objectives, as well as to create policies where necessary. To perform its role, the Board must remain engaged through the life of the operational planning development process with respect to a critical point. It is only through such engagement that the Board can discharge its statutory mandate and minimize policy vacuums. As required by the *Police Services Act*, this consultation and direction must not result in the Board directing the Chief with respect to day-to-day operations.

Given the current COVID-19 pandemic and provincial state of emergency, it is recommended that the Board establish the following formal information-sharing protocol for the flow of information related to the COVID-19 pandemic:

1. The Board's Executive Director, as the Board's liaison, and the Chief's liaison (as determined by the Chief) will continue to remain in close contact, including by having regular updates by phone or videoconference:
  - a. Except as otherwise directed by this protocol, the flow of information and any requests for information will occur through these liaisons.

- b. To ensure the flow of critical and accurate information, the Board directs the Chief to ensure that the designated liaison has timely access to the necessary information for the purpose of providing regular updates.
  - c. Regular updates will provide information pertaining to matters that relate to the Board's statutory responsibilities, as well as any other urgent or emerging matter related to the COVID-19 pandemic.
  - d. The Board's Executive Director will provide Board Members with an update based on the information provided by the Service.
2. In addition, the Chief of Police will report to the Board, or, in the alternative, to the Chair and Vice-Chair of the Board once per week to provide a current status and forecast for the following week. The timing of these weekly reports will be agreed to by the Board and Chief, and the content of these reports will be shared with all Board Members. The reports may be made by teleconference or video conference. The Chief of Police will be prepared to answer questions or have someone from the Service available to answer questions related to the following categories of information:
- a. Business continuity, including:
    - i. Whether deployment levels of sworn officers and civilians are adequate given the current situation;
    - ii. Any deficiencies in supplies or equipment, including self-protection equipment, necessary to maintain operations, including the response to the pandemic; and
    - iii. Any deficiencies in the capacity of the Service to perform its core functions or to respond to the pandemic and enforce provincial orders.
  - b. Provision of adequate and effective policing, for example:
    - i. Any abnormal increases in calls for service or crime across the city or in any particular area, or any serious breaches of the peace related to the pandemic;
    - ii. Developments in respect of emergency management planning;
    - iii. A summary of the actions taken by the Service to enforce provincial orders, including with respect to maintaining public order; and
    - iv. A summary of significant complaints known to the Service arising specifically from its response to the pandemic and in enforcing provincial orders.
  - c. Member wellness, for example:
    - i. The number of sworn or civilian Members that cannot report for duty due to self-isolation or infection with severe acute respiratory syndrome coronavirus 2 or the diagnosis of coronavirus disease (COVID-19).
3. In the event of a critical incident, which includes any significant event that would affect the ability of the Service to deliver adequate and effective policing or could bring the Service's reputation into disrepute, the Chief will report directly and, as

soon as practical, to the Chair of the Board. The Chair and/or Executive Director of the Board will advise all other Board Members as soon as practical.

**Conclusion:**

The COVID-19 pandemic has, and is likely to continue to have impacts with respect to policing in the City of Toronto. The Service – through the Chief and the Chief’s Office – has been providing relevant and timely updates to the Board through the Chair and the Executive Director. To facilitate responsive and informed decision-making in the context of this pandemic, it is recommended that the Board approve the recommendations in this report pertaining to delegation and an information-sharing protocol.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "R. Teschner".

Ryan Teschner  
Executive Director