



**Public Meeting**  
**Thursday,**  
**September 19, 2019**  
**Auditorium – Police Headquarters**  
**1:30 PM**



**PUBLIC MEETING**  
**Minutes**  
**Thursday, September 19, 2019 at 1:30 PM**  
**Auditorium 40 College Street, 2nd Floor**  
**Toronto, Ontario**

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

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The following *draft* Minutes of the meeting of the Toronto Police Services Board that was held on September 19, 2019 are subject to adoption at its next regularly scheduled meeting.

Attendance:

The following members were present:

Andrew Pringle, Chair  
Marie Moliner, Vice-Chair  
John Tory, Mayor & Member  
Frances Nunziata, Councillor & Member  
Uppala Chandrasekera, Member  
Ken Jeffers, Member

The following individuals were also present:

Mark Saunders, Chief of Police, Toronto Police Service  
Ryan Teschner, Executive Director, Toronto Police Services Board  
Diana Achim, Board Administrator, Toronto Police Services Board  
Jane Burton, Solicitor, City of Toronto - Legal Services Division

Declarations:

There were no declarations of interest under the *Municipal Conflict of Interest Act*.

**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P176. Retirement of Andy Pringle, Chair

Mr. Ryan Teschner, Executive Director, announced that this was the last meeting of the Chair, Andy Pringle, as his term as a Member of the Board was ending. Vice-Chair Marie Moliner paid tribute to Chair Pringle's work on the Board and his many accomplishments during his term. Chair Pringle was also presented with a plaque recognizing his six years of dedication to the Service, the Board and the community. Mayor Tory also congratulated Chair Pringle on his term. Chief Mark Saunders also made remarks and thanked Chair Pringle for his years of service and dedication. Mr. Teschner also provided some reflections to mark Chair Pringle's time on the Board.

Chair Pringle thanked the Board and those who had spoken in tribute to him and stated that it was his honour and privilege to serve on the Board, both as a Member and as Chair. He also thanked the extraordinary members of the Services who do an "excellent job, day in and day out."

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

Previous Minutes:

P177. The Board approved the Minutes from the meeting that was held on [July 31, 2019](#).

Moved by: M. Moliner  
Seconded by: F. Nunziata

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P178. [Toronto Police Services Board's Race-Based Data Collection Policy](#)

The Board was in receipt of a report dated September 10, 2019 from Andy Pringle, Chair, Uppala Chandrasekera, Board Member and Co-Chair of the Anti-Racism Advisory Panel (ARAP) and Notisha Massaquoi, Co-Chair of the Anti-Racism Advisory Panel (ARAP).

Recommendations:

- 1) Approve the new Race-Based Data Collection, Analysis and Public Reporting Policy (Appendix A), as attached, with the first phase of implementation by January 1, 2020 for Use of Force incidents;

- 2) Direct the Chief to develop procedures that include a piloted, phased-in approach to self-identification data, in consultation with the Board;
- 3) Direct the Chief to provide a public report to the Board on the implementation of the first phase of this Policy at its meeting of December 19, 2019, and, by the Board's September 2020 meeting, the timeline for implementation of all remaining phases of this Policy;
- 4) Forward to the Chief any information obtained through the Board's policy development process, including through consultations, which could be pertinent to the development of Service procedures, processes, training and initiatives arising from this Policy.

Deputations: Camille Orridge

Michael Kerr, Colour of Poverty Colour of Change

Miguel Avila-Velarde

Dr. Tanya L. Sharpe

Aina-Nia Grant, Confronting Anti-Black Racism Unit

Dave D'Oyen

\*[Renu Mandhane](#), Chief Commissioner of the Ontario Human Rights Commission

Derek Moran

\*[Akwasí Owusu-Bempah](#), Scot Wortley and Julius Haag

\*[Jennifer Chambers](#), Empowerment Council

\*[Kingsley Gilliam](#), Black Action Defense Committee Inc.

\*[Allyson Collymore](#) – written submission only

\* means the deputation includes a written submissions

## Motion

**That the Board amend page 20 of the report "Appendix B" to remove reference to the Canadian Civil Liberties Association (CCLA) from the list of individuals and organizations with whom we consulted in the development of this Policy.**

**CCLA was among the community stakeholders invited to participate in the consultation process. However, we appreciate that the representative of the CCLA who attended a consultation session did so in the capacity of an observer as opposed to a participant and we apologize for the misrepresentation.**

Ms. Notisha Massaquoi and Mr. Ryan Teschner presented this item before the Board. A copy of the [presentation](#) is attached to this Minute

**The Board received the deputations, foregoing presentation, passed the motion and approved the report.**

Moved by: U. Chandrasekera

Seconded by: J. Tory

**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P179. [Board Dashboard](#)

Mr. Ryan Teschner introduced this item to the Board, advising that he had worked with the Service to produce a “Board Governance Dashboard” that would provide the Board and public with relevant, operational information about the Service’s “health” in a variety of areas, including enforcement activities; human resources; budget; and, others. The intent of the Dashboard is to provide the Board with regular information that assists it in discharging its governance responsibilities. The intent is to present the Dashboard quarterly, but have it accessible to Board Members and the public at all times via a website. Mr. Teschner thanked Mr. Ian Williams, Manager of Analytics & Innovation for all his and his team’s work in making this concept a reality.

Mr. Ian Williams, Manager of Analytics & Innovation, presented this item to the Board. He advised the Board that the public can access this information at the following link:

<http://data.torontopolice.on.ca/pages/tpsb>

\*A copy of the [presentation](#) is attached to this Minute

**The Board received the presentation.**

Moved by: M. Moliner  
Seconded by: K. Jeffers

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P180. [Toronto Police Service Response to Recommendations from O.I.P.R.D. Report “Breaking the Golden Rule: A Review of Police Strip Searches in Ontario”](#)

The Board was in receipt of a report dated August 26, 2019, from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation:

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

Deputations: John Sewell,  
Toronto Police Accountability Coalition  
(\*includes [written submission](#))  
Derek Moran

Kris Langenfeld, (\*written submission to be read by a member of the public on behalf of Mr. Langenfeld)

Acting Staff Superintendent Domenic Sinopoli made a presentation\* to the Board. He stated that out of the 45 recommendations, 30 have been implemented, five are in the process of being implemented and there are approximately ten remaining recommendations that are currently being reviewed. He further advised the Board that in the first quarter of 2020, the Service will be providing the Board with another update on this topic.

\*A copy of the [presentation](#) is attached to this Minute

In response to a question about increasing the use of body scanners, Deputy Chief Peter Yuen advised the Board that due to the cost and lack of space in police divisions, it is challenging to bring in body scanners; to do so would require renovations to be done at the divisions. The Chair encouraged Deputy Chief Yuen to come back to the Board with an update on the plan to implement body scanners more broadly and at the earliest realistic opportunity, as this is a priority for the Board. Mayor Tory asked that the Service provide the Board with a report responding to the questions that Board Members have raised regarding this issue. Chief Saunders confirmed that he would undertake to complete such a report and provide it to the Board.

### **Motion**

**That the Chief provide a report to the Board at its November 2019 public meeting concerning the results of the pilot project for body scanning technology in police divisions as an alternative to Level 3 searches.**

**This report should include, at a minimum:**

- (i) the detailed results of the pilot project, including usage rates and identified trends and best practices;**
- (ii) design or other issues that were identified with respect to the further implementation of these devices;**
- (iii) projected costs associated with the further implementation of these devices; and,**
- (iv) recommendations concerning how to most efficiently and effectively further implement these devices across Toronto Police Service locations.**

**The Board received the foregoing report, depositions, presentation, and approved the above-noted Motion.**

Moved by: U. Chandrasekera  
Seconded by: M. Moliner

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P181. [New Job Description – Claims Lead, Wellness](#)

The Board was in receipt of a report dated September 3, 2019 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) approve the attached new civilian job description and classification for the position of Claims Lead, Wellness.

**The Board approved the foregoing report.**

Moved by: J. Tory  
Seconded by: U. Chandrasekera

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P182. [New Job Descriptions in People, Strategy & Performance – People & Culture Project Manager, Communication & Change Project Manager and Professional Development Coordinator](#)

The Board was in receipt of a report dated September 3, 2019 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) approve the attached new civilian job descriptions and classifications for the positions within People, Strategy & Performance. The positions include a People & Culture Project Manager, a Communication & Change Project Manager and a Professional Development Coordinator.

**The Board approved the foregoing report.**

Moved by: M. Moliner  
Seconded by: U. Chandrasekera

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P183. [Special Constable Appointments and Re-Appointments – September 2019](#)

The Board was in receipt of a report dated September 19, 2019, from Mark Saunders, Chief of Police, with regard to this matter.

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 Transit Commission (T.T.C.), the Toronto Community Housing Corporation (T.C.H.C) and the University of Toronto (U of T) subject to the approval of the Ministry of the Solicitor General.

Deputation: Miguel Avila-Velarde

**The Board received the deputation and approved the foregoing report.**

Moved by: F. Nunziata  
Seconded by: J. Tory

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P184. [Operating Budget Variance Report for the Toronto Police Services Board, Period Ending June 30, 2019](#)

The Board was in receipt of a report dated October 8, 2019, from Andy Pringle, Chair, with regard to this matter.

Recommendations:

- 1) That the Board receive this report; and
- 2) That the Board forward a copy of this report to the City of Toronto's (City) Chief Financial Officer for information and for inclusion in the variance reporting to the City's Budget Committee.

**The Board received the foregoing report.**

Moved by: U. Chandrasekera  
Seconded by: J. Tory

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P185. [2019 Operating Budget Variance for the Toronto Police Service, Period Ending June 30, 2019](#)

The Board was in receipt of a report dated September 4, 2019 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendations:

- 1) That the Board approve a revised 2019 Toronto Police Service (Service) net operating budget of \$1,050.9M (gross \$1,196.9M); and
- 2) That the Board forward a copy of this report to the City of Toronto's (City) Chief Financial Officer and Treasurer for information and inclusion in the variance reporting to the City's Budget Committee.

Deputation: Miguel Avila-Velarde

**The Board received the deputation and approved the foregoing report.**

Moved by: F. Nunziata  
Seconded by: J. Tory

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P186. [Operating Budget Variance Report for the Toronto Police Service Parking Enforcement Unit, Period Ending June 30, 2019](#)

The Board was in receipt of a report dated August 23, 2019 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) forward a copy of this report to the City of Toronto's (City) Chief Financial Officer for information and inclusion in the overall variance report to the City's Budget Committee.

**The Board received the foregoing report.**

Moved by: K. Jeffers  
Seconded by: J. Tory

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P187. [Capital Budget Variance Report for the Toronto Police Service, Period Ending June 30, 2019](#)

The Board was in receipt of a report dated September 5, 2019 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) forward a copy of this report to the City of Toronto's (City) Chief Financial Officer for information and inclusion in the variance reporting to the City's Budget Committee.

**The Board received the foregoing report.**

Moved by: F. Nunziata  
Seconded by: K. Jeffers

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P188. [Increase to Special Fund payment Authority for Found and Unclaimed Money](#)

The Board was in receipt of a report dated October 8, 2019 from Andy Pringle, Chair, with regard to this matter.

Recommendations:

- 1) That the Toronto Police Services Board (Board) delegate to the Board's Executive Director the authority to make payments up to \$10,000 out of the Board's Special Fund for monies deposited into this account for found or unclaimed money that is subsequently claimed by the finder, the rightful owner or the next of kin; and
- 2) That the payments made under this authority be reported to the Board on a semi-annual basis.

**The Board approved the foregoing report.**

Moved by: M. Moliner  
Seconded by: K. Jeffers

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P189. [Independent Civilian Review into Missing Persons Investigations – Account for Professional Service](#)

The Board was in receipt of a report dated August 27, 2019, from Andy Pringle, Chair, with regard to this matter.

Recommendations:

It is recommended that the Board:

- 1.) Approve payment of an invoice dated August 1<sup>st</sup>, 2019, in the amount of \$118,959.48 and that such payment be drawn from the Board's ongoing operating budget for professional services rendered by Honourable Gloria Epstein and Cooper, Sandler, Shime and Bergman LLP; and,
- 2.) Approve payment of an invoice dated August 30<sup>th</sup>, 2019, in the amount of \$120,232.90 and that such payment be drawn from the Board's ongoing operating budget for professional services rendered by Honourable Gloria Epstein and Cooper, Sandler, Shime and Bergman LLP; and,
- 3.) Delegate to the Chair the authority to approve payment of all future invoices from the Honourable Gloria Epstein and Cooper, Sandler, Shime and Bergman LLP, not to exceed a total amount of \$3.0M, as allocated to the Review's budget.

**The Board approved the foregoing report.**

Moved by: U. Chandrasekera  
Seconded by: M. Moliner

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P190. [Semi-annual Report: Toronto Police Services Board Special Fund Unaudited Statement: January to June 2019](#)

The Board was in receipt of a report dated August 13, 2019 from Andy Pringle, Chair, with regard to this matter.

Recommendation:

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

Deputation: Miguel Avila-Velarde

**The Board received the deputation and the foregoing report.**

Moved by: J. Tory  
Seconded by: F. Nunziata

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P191. [Quarterly Report: Occupational Health & Safety Update for April 1, 2019 to June 30, 2019](#)

The Board was in receipt of a report dated July 25, 2019 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation:

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

Ms. Ivy Nanayakkara and Deputy Chief Barbara McLean answered questions from Board Members regarding this report. Deputy Chief McLean advised the Board that in the case of a psychological injury, the first step is documenting the injury, working with the medical advisor and staff from the Wellness Unit, as well as three psychologists who work for the Service and are available to provide support to Members of the Service. She further advised that there are different programs to support the wellness of our Members and their families, such as Toronto Beyond the Blue and a Family Day at the Toronto Police College for the new recruits and their families. Ms. Chandrasekera asked about the number of short-term and long-term disability cases that the report shows are due to psychological injuries. Ms. Nanayakkara advised that there is no way to currently categorize the diagnostic reasons for which Members are on a medical leave or on disability (short- or long-term) and that the Service is working towards being able to categorize that in the future.

**The Board received the foregoing report.**

Moved by: U. Chandrasekera  
Seconded by: F. Nunziata

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P192. [Quarterly Report for February 15, 2019 to May 14, 2019: Conducted Energy Weapon Use](#)

The Board was in receipt of a report dated July 22, 2019 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation:

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

Deputation: John Sewell  
Toronto Police Accountability Coalition  
(\*written submission only)

**The Board received the written deputation and the foregoing report.**

Moved by: J. Tory  
Seconded by: F. Nunziata

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P193. [Chief's Administrative Investigation into the Vehicle Injury to Mr. Alex Felix](#)

The Board was in receipt of a report dated February 19, 2019 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation:

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

**The Board received the foregoing report.**

Moved by: M. Moliner  
Seconded by: F. Nunziata

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P194. [Chief's Administrative Investigation into the Custody Injury to Mr. Aden Maalin](#)

The Board was in receipt of a report dated February 19, 2019 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation:

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

**The Board received the foregoing report.**

Moved by: K. Jeffers  
Seconded by: U. Chandrasekera

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P195. [Chief's Administrative Investigation into the Custody Injury to Mr. Evon Reid](#)

The Board was in receipt of a report dated February 25, 2019 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation:

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

**The Board received the foregoing report.**

Moved by: J. Tory  
Seconded by: M. Moliner

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P196. [Chief's Administrative Investigation into the Firearm Injury to Mr. Jamion Hines](#)

The Board was in receipt of a report dated February 6, 2019 from Mark Saunders, Chief of Police, with regard to this matter.

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

**The Board received the foregoing report.**

Moved by: K. Jeffers  
Seconded by: M. Moliner

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P197. Other Business

Mending A Crack In The Sky

Mr. Ken Jeffers provided an update to the Board with respect to the Motion that the Board approved at its last Board Meeting of July 31, 2019 (Min. No. P156/90)

regarding the Somali Mothers Movement (Midaynta Community Services). He advised the Board that individuals from the Somali Mothers Movement have been consulting with others in the community and have since realized that the Memorandum of Understanding (MOU) that they undertook to draft requires more work than had been previously anticipated. He said that individuals representing the Somali Mothers Movement (Midaynta Community Services) will continue to work with Board Office staff and intend to provide a status update on this work to the Board at its meeting of October 22, 2019.

**The Board received the update.**

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**This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on September 19, 2019**

P198. Confidential

In addition to the public meeting conducted by the Board today, a confidential meeting was held to consider a number of matters which were exempt from the public agenda in accordance with the criteria for considering confidential matters set out in section 35(4) of the *Police Services Act*.

The following members attended the confidential meeting:

Mr. Andrew Pringle, Chair  
Ms. Marie Moliner, Vice-Chair  
Mr. John Tory, Mayor & Member  
Ms. Frances Nunziata, Councillor & Member  
Mr. Michael Ford, Councillor & Member (for part of the meeting)  
Ms. Uppala Chandrasekera, Member  
Mr. Ken Jeffers, Member

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Next Regular Meeting

Date: Tuesday, October 22, 2019  
Time: 1:30 PM  
Location: Auditorium, 40 College Street, 2nd Floor

Minutes Approved by:

*-original signed-*

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Marie Moliner  
Acting Chair

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**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



## Toronto Police Services Board Report

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September 10, 2019

To: Members  
Toronto Police Services Board

From: Andy Pringle  
Chair

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

Notisha Massaquoi  
Co-Chair  
Anti-Racism Advisory Panel  
(ARAP)

**Subject: Toronto Police Services Board's Race-Based Data  
Collection Policy**

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

It is recommended that the Board:

- 1) Approve the new Race-Based Data Collection, Analysis and Public Reporting Policy (Appendix A), as attached, with the first phase of implementation by January 1, 2020 for Use of Force incidents;
- 2) Direct the Chief to develop procedures that include a piloted, phased-in approach to self-identification data, in consultation with the Board;
- 3) Direct the Chief to provide a public report to the Board on the implementation of the first phase of this Policy at its meeting of December 19, 2019, and, by the Board's September 2020 meeting, the timeline for implementation of all remaining phases of this Policy;
- 4) Forward to the Chief any information obtained through the Board's policy development process, including through consultations, which could be pertinent to the development of Service procedures, processes, training and initiatives arising from this Policy.

### **Financial Implications:**

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

## **Background / Purpose:**

### ***Establishment of Board's Anti-Racism Advisory Panel (ARAP)***

The Board, at its meeting of December 14, 2017, considered a report from Chair Pringle with respect to the "Implementation of Recommendations Arising from the Inquest into the Death of Andrew Loku" (P261/17 refers). At this report notes, three of the recommendations made by the jury in this inquest were directed to the Board, including recommendation #17 which states as follows:

1. Establish a new committee to consider possible or identified disparities in services and outcomes for racialized persons and consider interventions to address any such disparities. The committee should include representatives of the Toronto Police Service, subject matter experts and members of racialized communities, including the Black community. The committee should consider the intersectionality of mental health and race both in terms of member composition and issues to be addressed.

At its meeting of April 18, 2018 the Board approved a document pertaining to the establishment of the Anti-Racism Advisory Panel (ARAP), detailing its mandate, terms of reference, as well as a number of other relevant issues (Min. No. P62/18 refers). At its meeting of August 23, 2018, the Board approved the recommended membership of ARAP (Min. No. 158/18 refers). ARAP members include community representatives, academic experts and a variety of Toronto Police Service Members, including at the Command level.

### ***Origins of Development of Race-Based Data Collection Policy***

At its meeting of December 18, 2018, the Board considered ARAP's first quarterly report (Min. No. P257/18 refers). At the same meeting, and in discussing this item, the Board discussed the Ontario Human Rights Commission's (OHRC) interim report, released December 10, 2018, entitled "A Collective Impact: Interim report on the inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service."

As part of its discussion of this issue, the Board noted the following:

**The Board is committed to using the collection of race-based data to promote evidence-based policy-making and organizational change, including in monitoring systemic racial and other disparities to identify gaps, eliminate barriers and advance the fair treatment of every person;**

**The Board currently has a policy entitled "Collection, Use and Reporting of Demographic Statistics," approved in October 2007 and subsequently amended in 2010 and 2011, which permits the Chief of Police to collect race-based data from members of the public, analyze this data, and report**

this data publicly; however, this Policy has not been operationalized by the Service;

The Board approved a motion at its meeting of October 26, 2017, in which the Chief was directed to provide a report that includes past recommendations referencing the collection of race-based statistics and a description of the Chief's strategy for implementing those recommendations;

The Toronto Police Service currently collects and publicly reports on race-based data pursuant to its obligations under O. Reg. 58/16, *Collection of Identifying Information in Certain Circumstances*;

In April 2018, the Government of Ontario published its *Data Standards for the Identification and Monitoring of Systemic Racism*, which permits the collection of race-based data (among other types) by provincial public-sector organizations;

There are no data standards for the collection of race-based data that apply to municipal organizations, such as the Board, and the Ontario Human Rights Commission has not published specific data standards concerning the collection and public reporting of race-based data by police services; and,

The Board views it as essential that its "Collection, Use and Reporting of Demographic Statistics Policy be amended to capture more current standards and best practices related to the collection, analysis and public reporting of race-based data.

As a result, the Board approved a Motion that:

1. The Board refer its existing "Collection, Use and Reporting of Demographic Statistics" Policy to the Board's Anti-Racism Advisory Panel (ARAP) to be reviewed, with recommendations made for amendments to the Board, based on a consideration of current standards and best practices related to the collection, analysis and public reporting of race-based data related to complainants and victims (i.e. those involved in a call for service), those arrested, those who are stopped by police, and those who are involved in incidents involving police use of force;
2. The Chief continue to engage with ARAP's work through the existing representation and participation of Service Members on ARAP, so that perspectives of an operational nature can be shared and considered during the development of revisions to the Policy;
3. ARAP report back to the Board with a recommended updated Policy for

**Board consideration by no later than the Board's May 2019 meeting; and**

- 4. The Board request the Ontario Human Rights Commission to provide a presentation to ARAP concerning best practices it has identified for the collection of race-based data by police services, including any challenges associated with collecting and publishing race-based data arising from various types of policing interactions, and recommendations for addressing those challenges in a manner that balances the law enforcement function police must provide with the importance of building community trust.**

ARAP has focused its work on the development of a new policy to deal with the collection, analysis and public reporting of race-based data. This has been a lengthy and very comprehensive process, which has involved considerable research, analysis, discussion and deliberation.

ARAP has met on the following dates as part of its policy development process:

- February 14, 2019
- March 18, 2019
- April 4, 2019
- May 6, 2019
- June 10, 2019
- July 10, 2019
- September 4, 2019

Each meeting has been at least three to four hours in length, with the vast majority of the time being focused on the development of this Policy, and has involved a number of presentations and considerable analysis, debate, deliberation and discussion. Meetings included presentations by the OHRC, Ontario's Anti-Racism Directorate, and representatives of the Service regarding data collection and operational considerations. Board Staff also conducted independent research into international best practices, which included a review of institutions that have instituted a race-based data collection process in various jurisdictions.

### ***Consultation Process***

The policy development process has also focused on community engagement and consultation, which ARAP members viewed as essential to building community trust. Working with the ARAP Co-Chairs, Board Staff reached out to a variety of stakeholders, including internal police stakeholders, to engage them in discussion. A draft of this Policy was made available to all stakeholders with whom we engaged. Stakeholders were invited to participate through direct communication, and the general public was also invited to participate through a variety of social media platforms and an online feedback form. Consultations included organizations such as the OHRC, Ontario's Anti-Racism Directorate, the Information and Privacy Commission of Ontario, the Toronto

Police Association, the Ontario Association of Chiefs of Police, the Ontario Association of Police Services Boards, the Black Legal Aid Clinic, the Black Action Defense Committee, the Jamaican Canadian Association, and Midaynta Community Services (for a complete list of stakeholders, see Appendix B).

The feedback received throughout this process was extremely useful in the development of the Policy. The feedback which was incorporated has resulted in a more robust and comprehensive Policy and for that, we are thankful to everyone who took the time to engage in our process.

## **Discussion:**

### ***Rationale for the Policy***

The Board and the Service have acknowledged that no institution or organization, including ours, is immune from overt and implicit bias. While we know that systemic bias and racism is impossible to deny, at the same time, we do not consider it either inevitable or acceptable. We know that other organizations, across law enforcement and in other sectors like health care and education, deal with the same challenges that we face. As a Board, we are committed to the belief that our Service Members are dedicated, hard-working and fair, performing their duties respectfully and professionally every single day. We also recognize that the job of our officers is a challenging one, extremely difficult and uniquely complex.

Nevertheless, we acknowledge that a unique obligation is required from those who are charged with upholding the law and serving and protecting all of the members of Toronto's various communities.

The Policy is premised on recognizing Toronto's diversity and the imperative that our policing services should be delivered in a professional manner that is free from discrimination, equitable, and culturally competent. The Board has heard from members of the community who feel that they have been subject to differential police treatment because of their race. We understand that this has created a sense of distrust and we know that only by acknowledging these lived experiences can we continue to work with our community partners to achieve meaningful changes.

Over the past several years, the Board, along with the Service, has been committed to working hard to confront issues of systemic bias in a variety of ways and with a variety of partners.

However, we recognize that we cannot fully understand or change what we do not measure. As a result, the collection, analysis and public reporting of race-based data is critical to meaningful and effective organizational and cultural change. The Board recognizes the importance of collecting, analyzing and publicly reporting on data related to the race of those with whom police interact. Collecting, analyzing and reporting on this data is also critically important to the Board's goal of promoting equity, fairness and non-discriminatory police service delivery. In order to assess the effectiveness of legal,

policy and procedural initiatives aimed at reducing bias, it is vital to track and publicly report on race-based data that is collected by police officers in the course of their duties. Ultimately, the Board views this Policy as vital to improving transparency, accountability, and oversight in how police services are delivered – necessary for continuing to build community trust and engagement between Members of the Service and the communities we serve.

The Board also recognizes that the collection of race-based data is complex, multifaceted and sensitive and is a process that must be handled with respect and care so as to protect the privacy and dignity interests of all those involved.

### ***Ensuring Communities are Not Stigmatized and Enabling Trend Analysis***

Importantly, this Policy has been drafted with a focus on ensuring its implementation does not result in the stigmatization or stereotyping of any communities. The Policy also builds in important privacy safeguards to protect the sensitive information that is collected and publicly reported. While the Policy and its implementation should not be used for performance management or to identify individual Service Members, it will enable the identification of trends so as to contribute to professional development and organizational change. We have been, and continue to be, focused on institutional and structural practices. We acknowledge that the *Police Services Act* (PSA) and its related disciplinary measures, apply, as always to the actions of Service Members, and the purposes of this Policy are distinct from those of the disciplinary process.

### ***Phased-In Approach to Implementation, Starting with Use of Force***

As the Policy notes, we recognize that race-based data collection is an evolving area that requires constant feedback to improve. As a result, the Policy has been drafted on the basis of a phased implementation, with a focus on a single area for collection first: Use of Force incidents.

The decision to begin with Use of Force incidents as the first phase was premised on a variety of factors, and the subject of considerable discussion by ARAP. We looked at the issue from a number of different perspectives. Provincial law in Ontario has a specific definition for what constitutes a “Use of Force” incident, making it more straightforward to delineate what incidents would fall under this Policy at the start of its implementation. Importantly, Ontario Regulation 267/18, which is made under Ontario’s *Anti-Racism Act, 2017*, specifically mandates the Ministry of the Solicitor General to collect race information from police services in Use of Force reports, beginning in January 2020. Recognizing that race-based data will be collected in Use of Force incidents provincially, sooner than in other areas, was important from an operational perspective. This alignment with the direction in our Policy is significant.

In addition, the Service currently averages approximately 1500 Use of Force incidents annually, a number that is small enough to be manageable to measure while Policy implementation is new, yet large enough to result in statistically significant analysis.

It should be noted that Use of Force incidents include those involving a Conducted Energy Weapon (CEW). This includes incidents in which a CEW is displayed without being discharged or deployed (what is known as “demonstrated force presence”) and, therefore, even when a CEW does not result in any physical injury. Similarly, should a firearm be displayed without any discharge, this also constitutes a Use of Force incident that would, under the first phase of the Policy, require the collection of race-based data.

The decision to begin with Use of Force incidents will mean that changes and technical enhancements to existing Service processes and systems can be accomplished in a phased manner, expediting and simplifying the implementation of this Policy and, ideally, limiting cost implications. As we progress through each phase of the Policy, we will be able to make system change recommendations, and their subsequent implementation, accordingly.

After this first phase, the Policy requires that the Board will, as soon as possible, expand the application of this Policy to the mandatory collection of race-based data across many other areas of interaction with members of the public. The Board believes that this approach will establish the Service as “best in class” in this important area.

### ***Community Engagement and Independent Research in Developing the Policy***

In developing this Policy, we felt it was extremely important to include the community voice in an ongoing and meaningful way. Indeed, paragraph 5 of the Policy requires the creation of a Community Advisory Working Group that comprises representatives from Toronto’s Black, racialized, and Indigenous communities who have expertise in the collection, analysis and public reporting of race-based data and who are able to provide perspectives, including through lived-experience, concerning how the Service can engage in these activities in a manner that optimally furthers the purposes of this Policy.

Also essential to the Policy is the requirement for independent review and analysis of the data collected. As noted in paragraph 8 of the Policy, the Service’s analysis and reporting will be subject to review by an external, independent organization that will report directly to the Board. As demonstrated by provisions like these, the Policy is founded on a commitment to the Service’s continuous improvement.

### ***Piloted, Phased-In Approach to Implementation of Self-Identification Data***

In the first phase, the focus is on perception data, which means that the data collected is based on the Service Member’s perception of the race of the person with whom they are interacting. The Policy also envisions a piloted, phased-in approach to the implementation of self-identification data (see paragraph 3). This is an acknowledgement of the sensitivity and complexity surrounding this method of data collection and the resulting need to move carefully in implementing it. We recognize that for many people, however, it is the preferred method of data collection in terms of protecting their right to self-identifying their own race. This important perspective must

receive sufficient attention. The recommendation that the Board direct the Chief to develop procedures that include a piloted, phased-in approach to self-identification data, in consultation with the Board, has been drafted to ensure that this important issue is thoroughly and thoughtfully explored as we move forward in the implementation process.

The use of self-identification data, and how it should be built into the Policy, was the topic of much debate and discussion amongst ARAP members and in the consultations. In the end, there were some ARAP members who did not support the phased-in approach to the use of self-identification data with respect to the Policy. However, the majority of ARAP members agreed with a phased-in approach, through a carefully-designed pilot project that can be expanded as appropriate, and based on the results of the first phase. It should be noted that the pilot project should be devised and implemented in such a way that builds in supports emphasizing respect for both individual and cultural dignity.

### ***Chief to Report Back on Implementation***

As part of this report, we recommend that the Chief be required to provide a public report to the Board on the implementation of the first phase of this Policy at the Board's December 19, 2019 meeting. Further, we recommend that the Chief also provide a public report to the Board, by its September 2020 meeting, with a timeline for the implementation of all remaining phases under the Policy.

### ***Input regarding Relevant Procedure(s)***

During the consultation process, there were also views shared concerning operational considerations which are more closely related to the procedural aspects of the Policy implementation, as opposed to the broader policy and governance considerations. ARAP wished for this information to be shared so as to inform the development of any procedure(s) associated with the Policy. As a result, we are recommending that the Board forward the consultation submissions and recommendations to the Chief for his consideration in the development of relevant procedure(s) and other operational aspects arising from the implementation of the Policy.

### **Conclusion:**

The Board's Race-Based Data Collection Policy heralds a critical step forward for the Board, and for the Service. Indeed, the Ontario Human Rights Commission, in its submission, notes that:

*Approving this Draft Policy will be a historic step forward. It will signal that the TPSB and Toronto Police Service are genuinely committed to identifying, monitoring and addressing racial profiling and racial discrimination. Once fully implemented, the policy will require race-based*

*data collection across the full range of police-civilian interactions and will make the TPSB and TPS a national leader in race-based data collection.*

Likewise, the Province of Ontario's Anti-Racism Directorate has stated that the "TPSB is helping to lead race-based data collection for equity purposes in Ontario. This is immensely important work that could not have come sooner." In its submission, the Anti-Racism Directorate also recognizes that the "TPSB is commended for leading the policing sector in Canada in its commitment to race-based data collection for race equity purposes," which "explicitly builds on Ontario's Anti-Racism Data Standards." Indeed, these Standards were a driving force in the development of this Policy, and we believe will place the Service ahead of even the legal requirements concerning race-based data collection that are on the horizon.

These are important messages from some of our most significant stakeholders.

We have long heard from many members of the public that they want to see the collection of race-based data in police interactions – to enhance accountability, transparency and oversight, to identify potential systemic bias, and to preserve individual and community dignity, among other objectives. In the development of this Policy, we recognize the importance of listening to these voices, while endeavouring, at all times, to ensure that we treat this data carefully and respectfully, using it solely for its important intended purposes.

If approved, this Policy will lead to the establishment of Service procedure(s) that will ensure that data is collected in a consistent, transparent and meaningful manner to inform evidence-based decision-making and public accountability in the context of community safety and policing services.

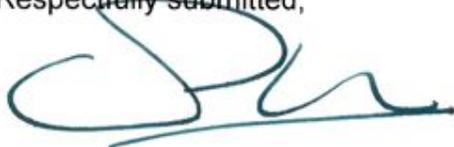
Of important note, the comprehensive consultative model that was used in the development of this Policy is one that can and should be employed again where the Board seeks to develop policies concerning other issues of significant public interest. This consultative model provides the Board with the opportunity to ensure that the voices of our communities are integrated meaningfully into our policy-making process.

We would like to thank ARAP members for their time and dedication to the development of this important Policy. The expertise, lived-experiences and valuable insights of ARAP members helped give shape to a Policy we should all be proud of. On behalf of the Board and ARAP, we also wish to pay tribute to all of the organizations and individuals that participated in the consultation process.

Therefore, it is recommended that the Board:

- 1) Approve the new Race-Based Data Collection, Analysis and Public Reporting Policy (Appendix A), as attached, with the first phase of implementation by January 1, 2020 for Use of Force incidents;
- 2) Direct the Chief to develop procedures that include a piloted, phased-in approach to self-identification data, in consultation with the Board;
- 3) Direct the Chief to provide a public report to the Board on the implementation of the first phase of this Policy at its meeting of December 19, 2019, and, by the Board's September 2020 meeting, the timeline for implementation of all remaining phases of this Policy;
- 4) Forward to the Chief any information obtained through the Board's policy development process, including through consultations, which could be pertinent to the development of Service procedures, processes, training and initiatives arising from this Policy.

Respectfully submitted,



Andy Pringle  
Chair



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



Notisha Massaquoi  
Co-Chair  
Anti-Racism Advisory Panel  
(ARAP)

Att.



## TORONTO POLICE SERVICES BOARD

### RACE-BASED DATA COLLECTION, ANALYSIS AND PUBLIC REPORTING

<b>DATE APPROVED</b>		
<b>DATE(S) AMENDED</b>		
<b>DATE REVIEWED</b>		
<b>REPORTING REQUIREMENT</b>	As set out below	
<b>LEGISLATION</b>	<i>Police Services Act</i> , R.S.O. 1990, c.P.15, as amended, s. 31(1)(c)  <i>Ontario Human Rights Code</i> , R.S.O. 1990, c. H.19  <i>Anti-Racism Act, 2017</i> , 2017, S.O. 2017, c. 15 and the <i>Data Standards for the Identification and Monitoring of Systemic Racism</i> made under s. 6(1) of this <i>Act</i>	
<b>DERIVATION</b>	Rule 4.3.9 – Release of Statistics	

#### *Guiding Principles*

The City of Toronto is home to people who represent nearly every race, ethnicity, country, language, and faith in the world. The Toronto Police Services Board embraces this diversity and is committed to ensuring that the Toronto Police Service will provide services in partnership with all the communities of the City. These policing services should be delivered in a professional manner that is free from discrimination, equitable, culturally competent, and inspires confidence in addressing community concerns regarding policing with racialized individuals and in communities.

The Board understands that bias and racism in society is impossible to deny, but must never be seen as inevitable or acceptable. As the employer, the Board knows that the Members of the Service are deeply committed to this principle. The Board also realizes that efforts to reduce or eliminate bias and to specifically address anti-Black and anti-Indigenous discrimination must focus on institutional and structural practices – practices that manifest in every institution and which are systemic in their nature – that can result in racial disparities and prejudicial treatment.

Guided by the constitutional and legal principles of the *Canadian Charter of Rights and Freedoms*, the *Ontario Human Rights Code*, Ontario's *Anti-Racism Act*, and based on the principle that only what is measured can be effectively understood and improved, the Board

recognizes the importance of collecting, analyzing and publicly reporting on data related to the race of those with whom police interact. Collecting, analyzing and reporting on this data is also critically important to the Board's goal of eliminating racial bias, promoting equity, fairness and non-discriminatory police service delivery. In order to assess the effectiveness of legal, policy and procedural initiatives aimed at reducing bias, it is vital to track and publicly report on race-based data that is collected by police officers in the course of their duties. Ultimately, the Board views this Policy as vital to improving transparency, accountability, and oversight in how police services are delivered – necessary ingredients for continuing to build community trust and engagement between Members of the Service and the communities we serve.

The Board recognizes that the collection of race-based data is complex, multifaceted and sensitive and is a process that must be handled with respect and care. The process must protect an individual's personal privacy and respect their dignity. The results of collecting race-based data must also lead to reliable and high-quality race-based statistics that contribute to informed public discourse and evidence-based decision-making. Recognizing the important dimensions of this issue, in developing this Policy, the Board has consulted with and obtained valuable input and feedback from its Anti-Racism Advisory Panel (ARAP), various professional stakeholders and experts, and through extensive community consultations. The Board has also incorporated findings from research and international best practices related to race-based data collection, analysis and reporting in other jurisdictions.

Recognizing that this is an evolving area that requires constant feedback to improve, the Board has chosen to engage in a phased implementation of this Policy, with a focus on a single area for collection first: Use of Force. After this first phase, the Board will, as soon as possible, expand the application of this Policy to the mandatory collection of race-based data across the following additional areas: stops, questioning and searches; arrests; the laying of charges; as well as any discrete interaction between an individual and a Toronto Police Service Member that (i) leads to a decision that determines an outcome for the individual, where (ii) the Member has the authority to make a decision that can have a significant outcome for the individual, and (iii) the decision and/or outcome can be measured or documented.<sup>1</sup> The Board believes that this approach will establish the Service as 'best in class' in this important area.

### ***Purpose of Policy***

The purpose of this Policy is to use race-based data collection, analysis and public reporting to:

- identify, monitor and eliminate potential systemic racism and racial bias;
- identify equitable service delivery that can contribute to understanding and best practice;
- advance the delivery of police services that advance the fair treatment of every person by supporting the development of equitable policies, procedures, services and initiatives;
- preserve the dignity of individuals and communities; and
- enhance trend analysis, professional development and public accountability.

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<sup>1</sup> These criteria are consistent with Ontario's *Anti-Racism Data Standards*, Standard 39: <https://www.ontario.ca/page/anti-racism-data-standards-order-council-8972018>.

Importantly, this Policy and its implementation by the Service should not result in the stigmatization or stereotyping of any communities, and must have regard to the sensitive nature of the information that is collected so that the Service can protect the privacy of the individuals with whom it comes into contact. In addition, the Board is clear that this Policy and its implementation should not be used for performance management or to identify individual Service Members, but, rather, as a tool to identify trends that contribute to professional development and organizational change. It should be noted that the Professional Standards and public complaint processes that are required by the *Police Services Act* are not impacted by this Policy.

This Policy will lead to the establishment of Service procedure(s) that will ensure that data is collected in a consistent, transparent and meaningful manner to inform evidence-based decision-making and public accountability in the context of community safety and policing services. A race-based data collection, analysis and public reporting approach examines the effectiveness of police intervention with members of the community, and not crime rates of the communities with whom the police interact.

To monitor and ensure that the Chief of Police and Service provide police services in a manner that does not discriminate based on race, contrary to law, this Policy directs the Chief to design and implement a system to collect race-based data with respect to the delivery of police services, using a phased-in implementation approach. To underscore the Board's commitment to transparency and accountability in policing – and specifically in the collection and reporting of de-identified race-based data – the Chief will be required to collect, analyze and publicly report on this data. In addition, the Service's analysis and reporting will be subject to review by an external, independent organization that will report directly to the Board. The Policy is founded on a commitment to the continuous improvement in the services delivered by the Service.

This Policy builds on the Province of Ontario's *Data Standards for the Identification and Monitoring of Systemic Racism* (also known as Ontario's *Anti-Racism Data Standards*) made under s. 6(1) of the *Anti-Racism Act, 2017*, which "were established to help identify and monitor systemic racism and racial disparities within the public sector."

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

1. Establish a procedure(s) for the mandatory collection, analysis and public reporting of race-based data that considers models developed by other jurisdictions for the collection, analysis and reporting of race-based data, and is consistent with Ontario's *Anti-Racism Act, 2017*, Ontario's *Anti-Racism Data Standards* and any future regulations that may be made under Ontario's *Anti-Racism Act, 2017*;
2. In developing these procedures, incorporate the use of ***Service Members' perception data*** with respect to race identification in every case of data collection. ***Service Members' perception data*** is defined as the information derived from a Member making a determination with respect to the race of an individual by observation, solely on the basis of that officer's own perception;

3. In developing these procedures, also incorporate the use of *self-identification data* with respect to race identification piloting a phased-in approach, determined in consultation with the Board, that will allow for proper evaluation on an ongoing basis. *Self-identification data* is defined as the information that derives from an individual providing their race in response to being asked this information by a Service Member, unless it is impracticable to do so, where that Member is also seeking other identifying information<sup>2</sup> as a result of an interaction with that individual. The approach to obtaining self-identification data should emphasize respect for individual and cultural dignity;
4. In developing these procedure(s), use only the following race categories (which are the categories listed in Ontario's *Anti-Racism Data Standards*), as follows:
  - a. Black
  - b. East/Southeast Asian
  - c. Indigenous
  - d. Latino
  - e. Middle Eastern
  - f. South Asian
  - g. White
  - h. Another race category (applicable only to perception data collection)
  - i. Prefer not to answer (applicable only to self-identification data collection);

#### ***Analysis, Development of Action Plans and Reporting to the Board and Public***

5. In developing these procedure(s), create a Community Advisory Working Group that comprises representatives from Toronto's Black, racialized, and Indigenous communities who have expertise in the collection, analysis and public reporting of race-based data and who are able to provide perspectives, including through lived-experience, concerning how the Service can engage in these activities in a manner that optimally furthers the purposes of this Policy. The Community Advisory Working Group will include representatives from affected communities with lived experience of racial discrimination;
6. Develop and implement a framework for the Service to analyze and publicly report on the race-based data that is collected. This framework must enable the Service to, on a qualitative and quantitative basis:

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<sup>2</sup> Identifying information means any information that alone, or in combination with other information, can be used to identify an individual. It may include information about an individual's race, age, sex, sexual orientation, gender identity, marital or family status, economic circumstances, and education, medical, psychiatric, psychological, criminal or employment history.

- a. conduct its own analysis of the data, and, where possible, develop an approach that permits an intersectional analysis of various factors (*e.g.* in addition to race, age, gender identity, etc.);
  - b. incorporate relevant contextual information in its analysis, such as demographic and census information, deployment information, *etc.*;
  - c. develop and identify appropriate benchmarks that are relevant to the police interaction at issue, can assist in objectively identifying bias, and can be applied in the analysis and public reporting of the data collected;
  - d. identify any trends identified;
  - e. apply key performance indicators that assist in assessing whether racial disproportionalities or racial disparities in the data collected exist;
  - f. assess the community safety outcome(s) of the interaction the data is collected in relation to – that is, whether the community safety objective(s) sought to be achieved by the policing interaction were accomplished<sup>3</sup>;
  - g. evaluate compliance with this Policy and the procedure(s);
  - h. comment on training needs and opportunities identified through analysis;
  - i. identify possible key performance indicators that can be applied to monitor the appropriateness and effectiveness of the police interaction at issue;
  - j. create Action Plans<sup>4</sup> to address any issues that arise from the Service’s findings, as well as the ongoing monitoring and implementation of any Actions Plans, the tracking of progress in the implementation of the Action Plans, and the evaluation of outcomes related to this implementation; and,
  - k. regularly and meaningfully consult with Community Advisory Working Group concerning the matters listed in a. – j., above, to ensure its perspectives are incorporated into the Service’s analysis, reporting and development of Action Plans;
7. Ensure the framework developed by the Service also includes the development of reports to be submitted to the Board on an annual basis concerning the items listed in paragraph 6, above, in a form appropriate for publication;
  8. In consultation with the Board, enter into an ongoing partnership with an independent academic or other organization (“the independent organization”) for the purpose of that organization:
    - a. conducting its own analysis of de-identified race-based data collected by the Service;

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<sup>3</sup> For example, where police use of force is being examined, the community safety outcomes would include analyzing whether: (i) the police use of force in a particular situation was justified by law, policy and procedure, (ii) resulted in addressing the particular threat the use of force was meant to neutralize, and (iii) an arrest or other enforcement response occurred as a result of the use of force interaction (*e.g.* mental health apprehension, etc.).

<sup>4</sup> Action Plans are defined as evidence-based approaches that seek to remove systemic barriers and advance racial equity in the context of the Service’s delivery of policing services to members of the public, built on a commitment of continuous improvement.

- b. reporting to the Board with its independent findings arising from an examination of the Service's analysis and findings regarding the race-based data that has been collected; and,
  - c. reporting to the Board with recommendations to improve the Service's Action Plans so as to increase their responsiveness to the issues identified through any findings.
9. Ensure the partnership with the independent individual or organization requires that the independent individual or organization be provided with all available, de-identified data collected pursuant to this Policy and have made available to it any relevant contextual information it determines is necessary, such as, but not limited to demographic and census information (race, Indigenous ancestry, age and gender of the individual), deployment information, detailed information about where the interaction occurred, etc. that assists with an analysis of the data;
10. Annually include the data collected by the Service in the information provided on the Service's Public Safety Data Portal, in a manner that complies with the *Municipal Freedom of Information and Protection of Privacy Act*, so as to ensure individuals cannot be identified;
11. In consultation with the Information and Privacy Commissioner of Ontario, develop data privacy safeguards that will: (i) ensure personal privacy is protected in the collection, analysis and public reporting of the race-based data that is collected, (ii) limit the access to or use of race-based data other than in a manner that complies with this Policy, and (iii) create accountability and reporting requirements to prevent and address the possible misuse of race-based data as well as data breaches.

#### ***Monitoring Compliance with Policy and Procedure***

12. Ensure that compliance with this Policy and relevant procedure(s) is regularly monitored;
13. Report to the Board on an annual basis on compliance monitoring with respect to this Policy and relevant procedure(s);

#### ***Training and Ongoing Support and Development***

14. Develop comprehensive and adequately-resourced training to be delivered to all Service Members to whom this Policy and relevant procedure(s) apply. This training should utilize adult learning approaches, including experiential learning and realistic scenario-based training to provide Members the opportunity to develop skills in settings they may encounter in their work. This training should also be developed having regard to international best practices for training in areas covered by this Policy and the relevant procedure(s), and be consistent with any provincial training created in this area;

15. Ensure that this training is developed in consultation with the community, including community members that are knowledgeable about relevant issues, including issues of race, ethnicity, national origin, gender, age, religion, sexual orientation, gender identity, and disability, with an emphasis on those who have lived experience that would contribute to the learning environment;
16. Include in this training, at a minimum, information about:
  - a. the purpose of the policy, that is, to preserve the dignity of individuals and communities; to enhance measures of accountability; to advance the delivery of police services that are not discriminatory or contrary to law; and, to identify disparities in service through the public reporting of the information collected under this Policy;
  - b. how to carry out race-based data collection in a manner that promotes transparency, accountability, equity, and a positive police-community relationship;
  - c. intersectionality, bias awareness, discrimination and racism and how to avoid bias, discrimination and racism when providing police services, with specific reference to this Policy, relevant procedure(s) and the approach to policing that is required by Ontario's *Human Rights Code*;
  - d. the impact of historical events on police-community relations, including specific relevant local incidents that have contributed to negative perceptions of the police by some members of the public; and,
  - e. the general impact of this Policy and procedure(s) in the communities the Service serves, on the basis of feedback provided by the Community Advisory Working Group.
17. Ensure that the training content is regularly updated in light of developments in relevant subject-matter areas and based on emerging best practices and incorporates the data that is publicly reported on the Public Safety Data Portal;
18. Develop a training approach that ensures that training on this Policy and relevant procedure(s) is integrated into a regular and continuous program of learning, including delivery at the Divisional level, and utilizing a variety of educational tools and methods, involving members of the community in the delivery of training, where feasible;
19. Ensure that additional, ongoing learning and development supports and opportunities are created, are both proactively and reactively made available to Members following the completion of training, are responsive to questions, concerns and the need for ongoing reinforcement of and development in line with the training objectives;
20. Ensure that this training is subject to regular external and independent evaluation, including by participants, stakeholders and members of the community, which evaluation will include an assessment of the effectiveness of this training and an assessment of whether the training objectives were meaningfully met;

### ***Communication***

21. Develop comprehensive internal and external communication strategies, based on the Guiding Principles and Purposes of this Policy, so that both Service Members and members of the public are aware of this Policy, and its purposes and desired outcomes;
22. Utilize a variety of communication tools, including the use of social media, to ensure that communications are accessible and widely disseminated within the Service and publicly;
23. Ensure that Service Members, stakeholders and members of the public are consulted in the development of these communication strategies; and

### ***Resources***

24. Ensure that adequate resources are provided in areas across the Service so that this Policy can be effectively implemented.

### ***Phased Implementation of Policy***

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

25. For the first phase, this Policy applies only to the collection of race-based data as it related to all Use of Force reports submitted by Members of the Service, effective no later than January 1, 2020;
26. Additional phases will ensure that this Policy applies to the various other interactions between members of the public and the Toronto Police Service, with such later phases to be specified by the Board. The Chief will report to the Board, by September 2020, concerning a timeline for the operational implementation of the remaining phases under this Policy. For greater clarity, this Policy must be implemented in a manner that complies with the timelines specified in O. Reg. 267/18 and any related legal requirements; and,
27. The Board will review this Policy annually.

## APPENDIX B

The following stakeholders were consulted in the development of the Race-Based Data Collection, Analysis and Public Reporting Policy:

- Anti-Racism Directorate (ARD) (one meeting, one submission)
- Black Action Defense Committee (BADC)
- Black Legal Aid Clinic
- Canadian Civil Liberties Association (CCLA)
- City of Toronto, Confronting Anti-Black Racism Unit (CABR)
- City of Toronto, Equity, Diversity, and Human Rights
- Colour of Poverty
- Individual community activists
- Information and Privacy Commissioner of Ontario (IPC) (one meeting, two submissions)
- Jamaican Canadian Association (JCA)
- Midaynta Community Services
- Ontario Association of Chiefs of Police (OACP)
- Ontario Association of Police Services Board (OAPSB)
- Ontario Human Rights Commission (OHRC) (one meeting, two submissions)
- Toronto District School Board (TDSB)
- Toronto Police Association (TPA)
- Wellesley Institute
- Young & Potential Fathers (YPF)

Within the Toronto Police Service, the following units and organizations were consulted:

- Internal Support Networks (Black ISN, Women's ISN, LGBTQ2S+ ISN, South-Asian ISN, No Boundaries ISN)
- Analytics & Innovation
- Toronto Police College
- Corporate Risk Management
- Professional Standards
- Community Partnerships & Engagement
- Equity, Inclusion & Human Rights



**RACE-BASED  
DATA  
COLLECTION,  
ANALYSIS AND  
PUBLIC  
REPORTING**

*PROPOSED POLICY*



## Race-Based Data Collection, Analysis and Public Reporting Draft Policy

### *Background:*

- *Anti-Racism Act 2017*
- *Andrew Loku Coroner's Inquest recommendations*
- *TPSB Anti-Racism Advisory Panel*
- *Confronting Anti-Black Racism Strategic Plan*
- *Justice Tulloch's Report of the Independent Street Checks Review*
- *Perceptions of The Toronto Police and Impact Of Rule Changes Under Regulation 58/16: A Community Survey*
- *Ontario Human Rights Commission Interim Inquiry: A Collective Impact*





Race-Based Data Collection, Analysis  
and Public Reporting Draft Policy

women  
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*Purpose:*

*“Policy will promote equity, fairness and non-discriminatory police service delivery by identifying, monitoring and helping identify approaches to eliminating potential systemic racism and racial bias”*



Race-Based Data Collection, Analysis  
and Public Reporting Draft Policy

*Collection:*

*“Incorporate the use of Service Members’ perception data with respect to race identification in every case of data collection, phasing in the use of self-identification data when practicable”*





## Race-Based Data Collection, Analysis and Public Reporting Draft Policy

### *Analysis:*

#### *The Policy directs the Chief to:*

- *Create a framework for the analysis and public reporting on the race-based data that is collected*
- *Create a Community Advisory Working Group to analyze and provide the appropriate historical & cultural context on the race-based data that is collected*
- *Partner with an independent individual or organization for the purpose of conducting analysis of de-identified race-based data collected by the Service*
- *Develop Action Plans to address any issues that arise from the Service's findings*





## Race-Based Data Collection, Analysis and Public Reporting Draft Policy

### Reporting:

- *Public Safety Data Portal*
- *Board website*

The screenshot shows the homepage of the Toronto Police Service Public Safety Data Portal. At the top left is the Toronto Police Service logo. To its right, the text reads "Toronto Police Service PUBLIC SAFETY DATA PORTAL". Below this is a navigation menu with links: Home, Catalogue, Open Data, Data Analytics, Maps, Crime @ a Glance, Strategy, Terms of Use, and FAQ. The main content area features a background image of a white Toronto Police car. Overlaid on this image is the text: "The Public Safety Data Portal is intended to improve the understanding of policing, improve transparency and enhance confidence through the creation and use of open data for public safety in Toronto." Below the image is a section titled "What's New" which contains a list of updates: "Major Crime Indicators (MCI) Updates", "Homicide Open Data", "New Dashboard - Shootings Historical", and "New - Open Data Catalogue". A prominent blue banner at the bottom of the "What's New" section reads "Major Crime" in white text.



## Race-Based Data Collection, Analysis and Public Reporting Draft Policy



### *Training:*

*“Develop comprehensive training to be delivered to all Service Members to whom this Policy and relevant procedure(s) apply, using adult learning approaches, experiential learning, realistic scenario-based training, in consultation with community members that are knowledgeable about issues of race, ethnicity, national origin, gender, age, religion, sexual orientation, gender identity, and disability, with an emphasis on those who have lived experience”*



## Race-Based Data Collection, Analysis and Public Reporting Draft Policy

### *Safeguards:*

*De-identified data · Privacy governance · Independent verifiers ·  
Community Working Group · Action Plans · Annual Public Reporting*



## Race-Based Data Collection, Analysis and Public Reporting Draft Policy



*Communications: “A variety of communication tools, including the use of social media, will be used to ensure that communications are accessible and widely disseminated within the Service and publicly”*





## Race-Based Data Collection, Analysis and Public Reporting Draft Policy

*“Approving this Draft Policy will be a historic step forward. It will signal that the TPSB and Toronto Police Service (TPS) are genuinely committed to identifying, monitoring and addressing racial profiling and racial discrimination.” – OHRC submission, August 27, 2019*



**Ontario  
Human Rights Commission**  
Commission ontarienne des  
droits de la personne



Information and Privacy  
Commissioner of Ontario  
Commissaire à l'information et à la  
protection de la vie privée de l'Ontario

*“The Board is to be commended for moving forward in this direction.” – Information & Privacy Commissioner of Ontario submission, August 20, 2019*

*“TPSB is commended for leading the policing sector in Canada in its commitment to race-based data collection for race equity purposes. We are deeply appreciated of the leadership and standard the TPSB is setting for all Ontarians.” - Anti-Racism Directorate submission, August 27, 2019*

Ontario

Anti-Racism Directorate



## Race-Based Data Collection, Analysis and Public Reporting Draft Policy





# TORONTO POLICE SERVICES BOARD DASHBOARD

Prepared by: Analytics & Innovation

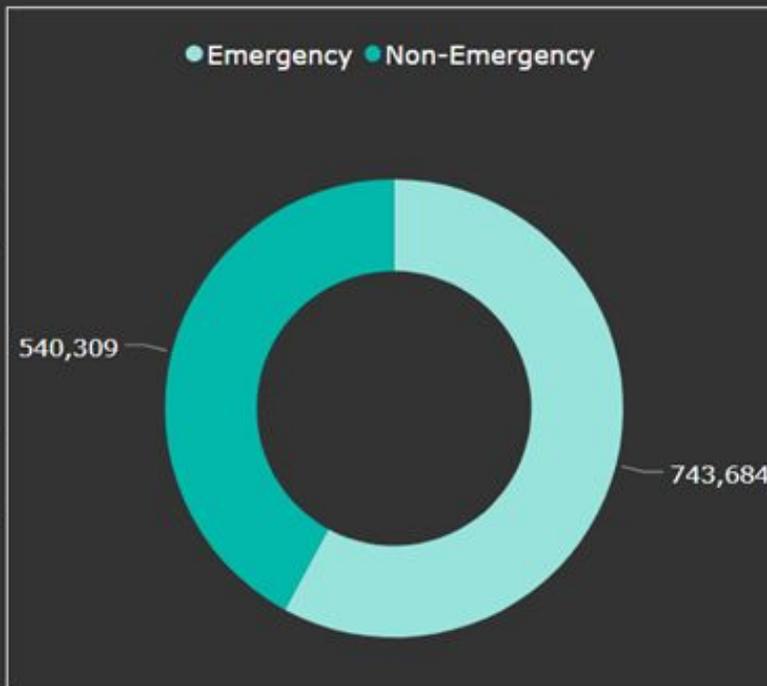


## CALLS FOR SERVICE

Emergency  
2.3%

Non-Emergency  
-4.3%

Events Attended  
-1.9%



Type	2018	2019	% Chg
Emergency	726,890	743,684	2.3%
Non-Emergency	564,763	540,309	-4.3%
<b>Total</b>	<b>1,291,653</b>	<b>1,283,993</b>	<b>-0.6%</b>

Statistics year to date August 31st



# TORONTO POLICE SERVICES BOARD DASHBOARD

Prepared by: Analytics & Innovation



## KEY CHANGES

### CALLS FOR SERVICE

Emergency

2.3%

Non-Emergency

-4.3%

Total Events

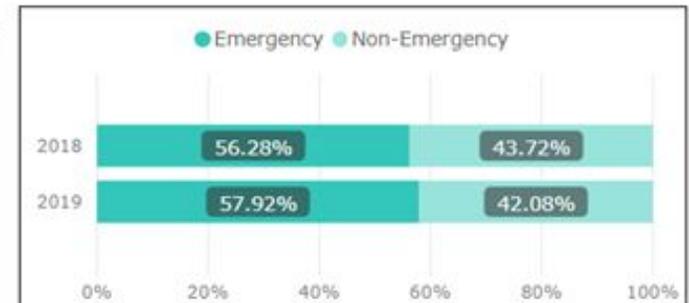
3.4%

Events Attended

-2.6%

## CALLS RECEIVED

Type	2018	2019	Percentage Change
Emergency	726,890	743,684	2.3%
Non-Emergency	564,763	540,309	-4.3%
<b>Total</b>	<b>1,291,653</b>	<b>1,283,993</b>	<b>-0.6%</b>



All Events

Gun CFS

Persons In Crisis

Violent CFS

## TOTAL EVENTS

2018	2019	Percentage Change
790,755	817,907	3.4%

## EVENTS ATTENDED

2018	2019	Percentage Change
284,829	277,460	-2.6%

	Total Events Attended	Filtered Events Attended	% of Total
2018	284,829	284,829	100.0%
2019	277,460	277,460	100.0%
<b>Total</b>	<b>562,289</b>	<b>562,289</b>	<b>100.0%</b>



# TORONTO POLICE SERVICES BOARD DASHBOARD



Prepared by: Analytics & Innovation

## PERSONS IN CRISIS

Events Attended

5.0%

Persons in Crisis

2.0%

Overdose

36.4%

Total Events Attended



MCIT Events Attended



Statistics year to date August 31st



# TORONTO POLICE SERVICES BOARD DASHBOARD

Prepared by: Analytics & Innovation



## KEY CHANGES

### PERSONS IN CRISIS

Events Attended

# 5.0%

Officer Time on Call

# 9.8%

Time at Hospital

# -1.5%

### Calls for Service Attended

Event Type	2018	2019	Absolute Change	Percentage Change
Overdose	1,706	2,327	621	36.4%
Persons In Crisis	18,061	18,431	370	2.0%
<b>Total</b>	<b>19,767</b>	<b>20,758</b>	<b>991</b>	<b>5.0%</b>

### Total Officer Time on Call (Hours)

Event Type	2018	2019	Absolute Change	Percentage Change
Overdose	6,208.39	7,717.73	1,509.34	24.3%
Persons In Crisis	87,398.29	95,079.05	7,680.75	8.8%
<b>Total</b>	<b>93,606.68</b>	<b>102,796.78</b>	<b>9,190.10</b>	<b>9.8%</b>

### Time at Hospital (Hours)

2018	2019	Absolute Change	Percentage Change
10,360.8	10,209.7	-151.1	-1.5%

## MOBILE CRISIS INTERVENTION TEAM (MCIT)

### Calls for Service Attended

Event Type	2018	2019	Absolute Change	Percentage Change
MCIT	2,792	2,493	-299	-10.7%
<b>Total</b>	<b>2,792</b>	<b>2,493</b>	<b>-299</b>	<b>-10.7%</b>

### Total Officer Time on Call (Hours)

Event Type	2018	2019	Absolute Change	Percentage Change
MCIT	4,618.72	4,011.16	-607.55	-13.2%
<b>Total</b>	<b>4,618.72</b>	<b>4,011.16</b>	<b>-607.55</b>	<b>-13.2%</b>



# TORONTO POLICE SERVICES BOARD DASHBOARD

Prepared by: Analytics & Innovation



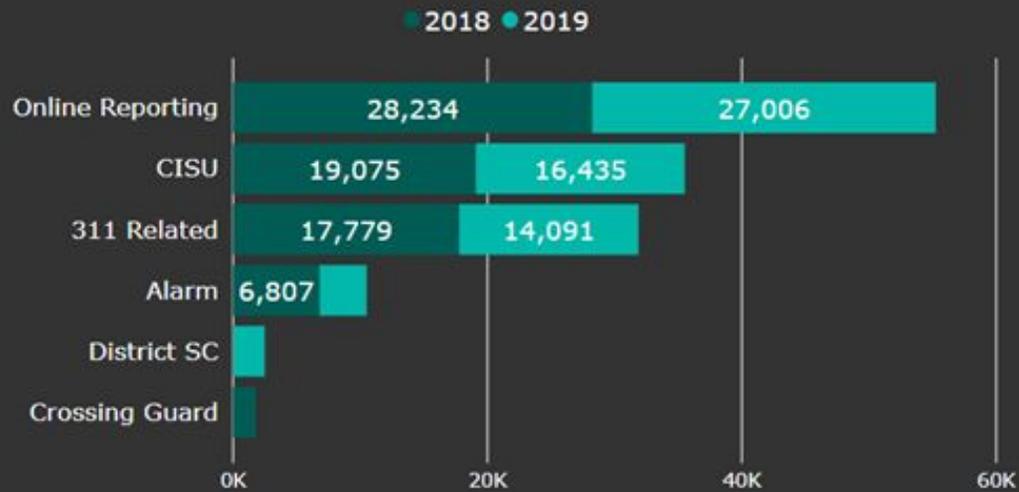
## MODERNIZATION INITIATIVES

311 Related  
**-20.7%**

Online Reporting  
**-4.3%**

CISU  
**-13.8%**

Crossing Guard  
**-99.6%**



Statistics year to date August 31st



# TORONTO POLICE SERVICES BOARD DASHBOARD

Prepared by: Analytics & Innovation



## KEY CHANGES

### MODERNIZATION

311 Related

**-20.7%**

Online Reporting

**-4.3%**

CISU

**-13.8%**

Calls for Service Attended

	2018	2019	Absolute Change	Percentage Change
311 Related	17,779	14,091	-3,688	-20.7%
Alarm	6,807	3,700	-3,107	-45.6%
CISU	19,075	16,435	-2,640	-13.8%
Crossing Guard	1,741	7	-1,734	-99.6%
District SC	49	2,444	2,395	4887.8%
Online Reporting	28,234	27,006	-1,228	-4.3%
<b>Total</b>	<b>73,685</b>	<b>63,683</b>	<b>-10,002</b>	<b>-13.6%</b>

Total Officer Time on Call (Hours)

	2018	2019	Absolute Change	Percentage Change
311 Related	34,304.6	29,957.6	-4,346.9	-12.7%
Alarm	9,840.6	6,606.8	-3,233.8	-32.9%
CISU	39,436.8	34,930.9	-4,505.8	-11.4%
Crossing Guard	6,680.2	18.2	-6,662.0	-99.7%
District SC	211.4	9,776.5	9,565.2	4525.8%
Online Reporting	7,428.0	7,357.2	-70.9	-1.0%
<b>Total</b>	<b>97,901.5</b>	<b>88,647.2</b>	<b>-9,254.3</b>	<b>-9.5%</b>



# TORONTO POLICE SERVICES BOARD DASHBOARD

Prepared by: Analytics & Innovation



## SEIZED FIREARMS

All Firearms

594

Handguns

314

Shotguns/Rifles

132



Statistics year to date August 31st

[Calls for Service Summary](#)

[Calls for Service](#)

[Persons in Crisis Summary](#)

[Persons in Crisis](#)

[Modernization Summary](#)

[Modernization](#)

[Firearm Summary](#) <sup>x</sup>

[Firearm Seizures](#)

[HR Summary](#)

[Budget Summary](#)



# TORONTO POLICE SERVICES BOARD DASHBOARD

Prepared by: Analytics & Innovation



## KEY CHANGES

### FIREARM SEIZURES

Total

**-177**

Handguns

**-65**

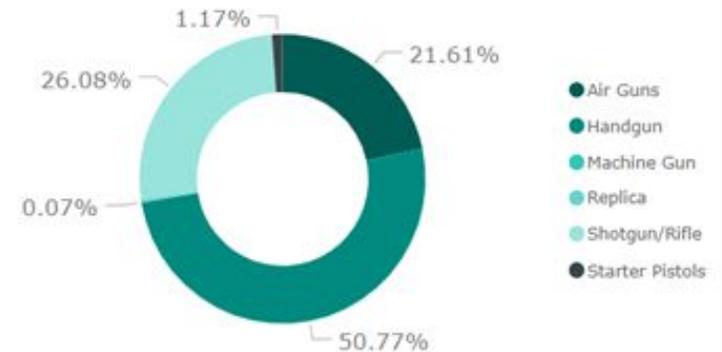
Shotguns / Rifles

**-92**

Firearm Seizures

Type	2018	2019	Absolute Change	Percentage Change
Air Guns	156	139	-17	-11%
Handguns	379	314	-65	-17%
Machine Guns	1		-1	
Replicas	1	3	2	200%
Shotguns/Rifles	224	132	-92	-41%
Starter Pistols	10	6	-4	-40%
<b>Total</b>	<b>771</b>	<b>594</b>	<b>-177</b>	<b>-23%</b>

2019 Seizures by Firearm Type





# TORONTO POLICE SERVICES BOARD DASHBOARD



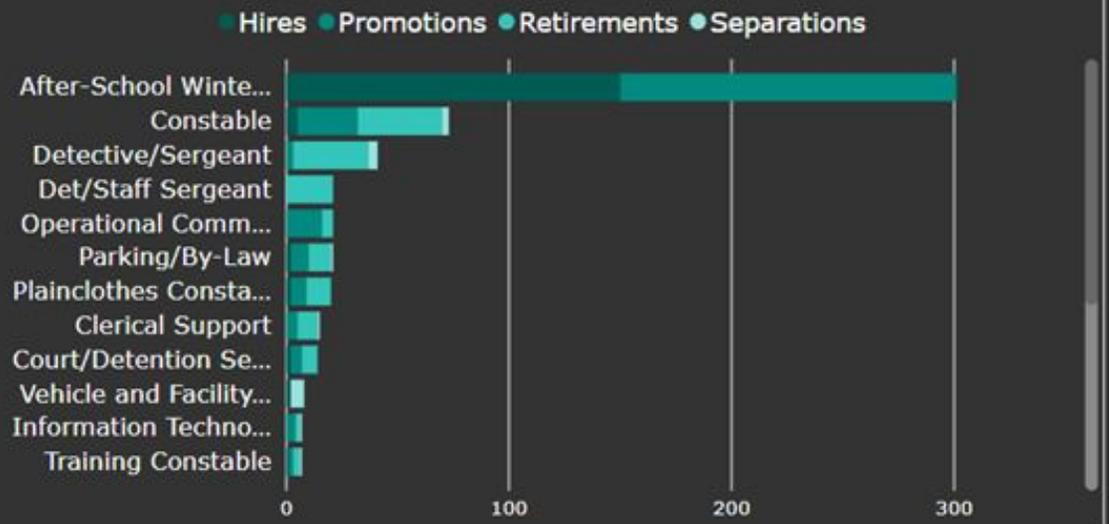
Prepared by: Analytics & Innovation

## STAFF MOVEMENT

Active Members

7,007

- Civilian
- Uniform



Statistics year to date August 31st, 2019



# TORONTO POLICE SERVICES BOARD DASHBOARD

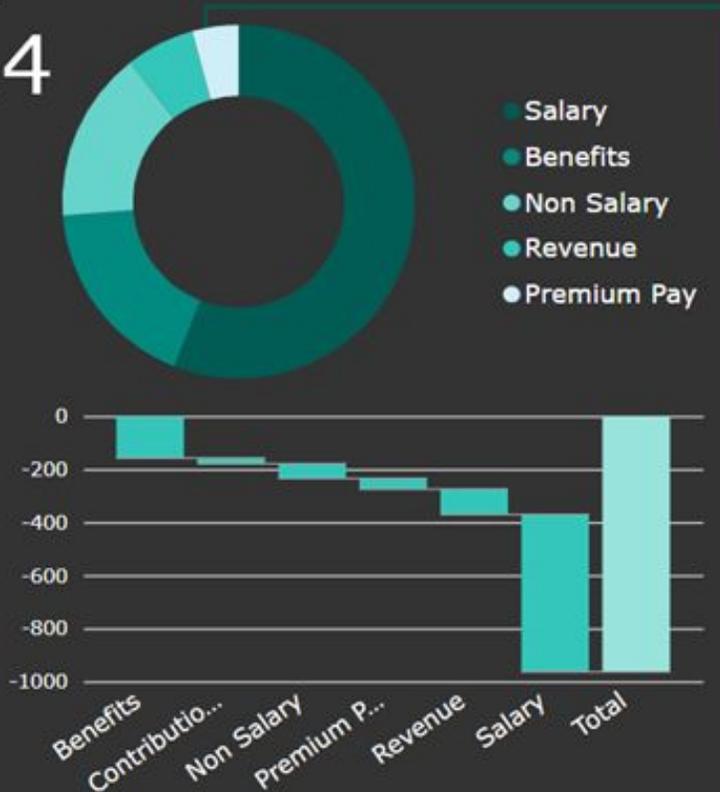


Prepared by: Analytics & Innovation

## 2019 OPERATING BUDGET (ACTUALS)

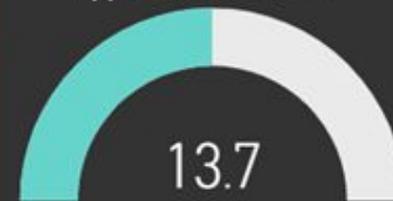
\$ MILLION

# 282.4



## PREMIUM PAY

Approved vs. Actual



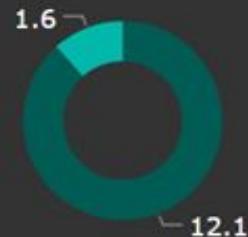
Approved

# 53.9

Actual

# 13.7

Uniform Civilian



Statistics Q1 2019  
All figures in \$ million



# TORONTO POLICE SERVICES BOARD DASHBOARD

Prepared by: Analytics & Innovation



## PROJECTED

### OPERATING BUDGET

Operating Budget

# 1.3bn

Salary

# 766.1M

Premium Pay

# 71.5M

### Salary (\$ million)

Type	Approved	Actual	Projected
Civilian	203.5	44.6	195.70
Uniform	570.3	136.2	570.40
<b>Total</b>	<b>773.8</b>	<b>180.8</b>	<b>766.10</b>

### Premium Pay (\$ million)

Type	Approved	Actual	Projected
Civilian	5.1	1.6	8.90
Uniform	48.8	12.1	62.60
<b>Total</b>	<b>53.9</b>	<b>13.7</b>	<b>71.50</b>

### Benefits (\$ million)

Type	Approved	Actual	Projected
Benefits	212.8	57.6	211.80
<b>Total</b>	<b>212.8</b>	<b>57.6</b>	<b>211.80</b>

### Contributions to / Draws from Reserves (\$ million)

Type	Approved	Actual	Projected
Contributions to / (Draws from) Reserves	21.4	0.0	21.40
<b>Total</b>	<b>21.4</b>	<b>0.0</b>	<b>21.40</b>

### Non Salary (\$ million)

Type	Approved	Actual	Projected
Caretaking /Maintenance Utilities	20.6	0.0	20.60
Computer/Systems Maintenance	20.7	18.3	20.60
Other	53.7	24.0	61.80
Vehicles (gas, parts)	11.2	8.4	11.00
<b>Total</b>	<b>106.2</b>	<b>50.7</b>	<b>114.00</b>

### Revenue (\$ million)

Type	Approved	Actual	Projected
Fees and Recoveries	32.9	5.9	34.30
Government Grants	57.6	9.7	63.80
Other	1.0	0.3	2.60
Paid Duty (Officer)	24.7	4.5	24.70
<b>Total</b>	<b>116.2</b>	<b>20.4</b>	<b>125.40</b>

Persons in Crisis Summary

Persons in Crisis

Modernization Summary

Modernization

Firearm Summary

Firearm Seizures

HR Summary

Budget Summary

Operating Budget

Issue of the Month - Gun Violence





# TORONTO POLICE SERVICES BOARD DASHBOARD

Prepared by: Analytics & Innovation



## GUN VIOLENCE - SHOOTINGS

Shooting Events

3%

Shooting Victi...

6%

Shooting Deaths

-31%



Victims includes injuries and death only

Statistics year to date August 31st, 2015 - 2019



## Toronto Police Services Board Report

---

August 26, 2019

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Toronto Police Service Response to Recommendations from O.I.P.R.D. Report “Breaking the Golden Rule: A Review of Police Strip Searches in Ontario”**

### **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:**

In March 2019, Mr. Gerry McNeilly, Director of the Office of the Independent Police Review Director (O.I.P.R.D.) released a report entitled “Breaking the Golden Rule: A Review of Police Strip Searches in Ontario”. The report can be viewed at [https://www.oiprd.on.ca/wp-content/uploads/OIPRD\\_Breaking-the-Golden-Rule\\_Report.pdf](https://www.oiprd.on.ca/wp-content/uploads/OIPRD_Breaking-the-Golden-Rule_Report.pdf)

As indicated in the O.I.P.R.D. report, the systemic review examined:

- The prevalence of strip searches incidental to police arrest or detention
- Existing policies of police services across Ontario, as they relate to when and how strip searches are to be conducted
- The extent to which front-line officers are aware of existing policies, and how, if at all, compliance with existing policies is monitored and supported
- The extent to which strip search decisions are documented

- The extent to which judicial findings of improper strip searches are identified by the relevant police services and addressed
- Ontario Police College and police services training provided to supervisors and front-line officers regarding strip searches.

The systemic review was conducted in the City of Toronto during the period of July 2016 to March 2019 and resulted in the O.I.P.R.D. report containing 50 recommendations being directed as follows:

- every police service in Ontario (45 recommendations)
- the Ministry of the Solicitor General (3 recommendations)
- every police services board in Ontario (1 recommendation)
- the Ontario Police College (1 recommendation)

The purpose of this report is to inform the Board of the Toronto Police Service’s (T.P.S.) progress in its review of the O.I.P.R.D. report and consideration of recommendations for potential implementation.

**Discussion:**

Professional Standards Support (P.S.S.) – Governance was tasked with reviewing the O.I.P.R.D. report and preparing a response to recommendations directed to the T.P.S.

P.S.S. – Governance completed a review of the O.I.P.R.D. report recommendations and concluded that 45 of the 50 recommendations would be assessed and considered for potential implementation by the T.P.S. Internal stakeholders were identified and assigned the recommendations as appropriate.

The following chart summarizes the designated assignments for the 45 recommendations directed to the T.P.S.:

Unit	Total Recommendations assigned:
Governance	36
Analytics & Innovation	5
Toronto Police College	3
Legal Services	1
<b>Total</b>	<b>45</b>

Deputy Chief Barbara McLean, Human Resources Command, has overseen the internal implementation team that was tasked with administering the review process for all O.I.P.R.D. report recommendations directed to the T.P.S.

The team has engaged in consultations with stakeholders and a fulsome analysis of T.P.S. Procedure 01-02 “Search of Persons” and training has been conducted.

The team has assessed that the majority of the recommendations have already been implemented, however, further work is required in some areas.

The following chart indicates the status of the recommendations directed to the T.P.S:

	Implemented	Ongoing	Implemented/Ongoing
Recommendation No.	6, 7, 8, 12, 13, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 28, 29, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 44, 46	1, 2, 3, 4, 5, 11, 15, 30, 35, 42, 43, 45, 49	21, 27

Appendix “A” attached to this report details the T.P.S. response and status to each assigned recommendation.

The T.P.S. continually assesses new legislation, Ministry direction, and best practices and amends applicable governance as necessary. The Toronto Police College subsequently reviews and updates its training to ensure compliance with any changes to governance.

**Conclusion:**

The T.P.S. has been working diligently with stakeholders, both internally and externally, while considering all recommendations for potential implementation. To date, all 45 recommendations have been assigned to the appropriate units. The T.P.S. has assessed and implemented 30 of the recommendations. The remaining 15 recommendations, as indicated, require further research and assessment for potential implementation. This work will continue and an update brought before the Board at a future meeting.

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

Attachments:

Appendix A – T.P.S. Response to OIPRD Report Recommendations (Breaking the Golden Rule: A Review of Police Strip Searches in Ontario)

\*original copy with signature on file in Board office

A Review of Police Strip Searches in Ontario”

O.I.P.R.D. STRIP SEARCH RECOMMENDATIONS	Unit Assigned	Status	T.P.S. RESPONSES
<p><b>1. Every police service in Ontario, in consultation with the Ministry of the Attorney General and local Crown counsel, should ensure that they are made aware of judicial findings of charter violations in strip search cases, and proactively take measures to address the issues raised when appropriate. Such measures may involve anything from counselling, guidance, added supervision or training to prevent future violations to disciplinary proceedings in more egregious cases.</b></p>	<p><b>Legal Services</b></p>	<p><b>On-going</b></p>	<p>T.P.S. will consult with MAG and the Crown Attorney for Toronto to arrange a protocol to notify the Service of judicial findings of charter violations involving strip searches.</p>
<p><b>2. All police services in Ontario should ensure that they keep accurate statistics of the number of persons they arrest</b></p>	<p><b>Analytics &amp; Innovation</b></p>	<p><b>On-going</b></p>	<p>T.P.S. will continue to use the numbering system, to report number of searches (i.e. Level 3 and Level 4 searches) but will add the term “strip search” to the applicable level of search to enhance understanding of the report.</p>

**A Review of Police Strip Searches in Ontario”**

<p>or detain, the number of persons strip searched (based on a uniform interpretation of what a strip search entails, as set out in this report’s procedures template, and in accordance with binding jurisprudence) and the justifications provided for such strip searches.</p>			<p>T.P.S. will also report the names of searches to Level 3 &amp; Level 4 searches.</p> <p>They are: Level 3 is a “strip search” and level 4 is a “body cavity search”.</p> <p>Currently, name of searches are in the definition, but not in the report itself.</p> <p>However, T.P.S. will continue to report on statistics of number of persons arrested and number of ‘Level 3’ and ‘Level 4’ searches.</p>
<p><b>3. The statistics should also identify, among other things, the race of the person subjected to such a strip search.</b></p>	<p><b>Analytics &amp; Innovation</b></p>	<p><b>On-going</b></p>	<p>T.P.S. does capture the “Ethnicity” of a person subjected to a search, however doesn’t report searches by the “Ethnicity” as this field within Record Management System is not mandatory. This field also allow officers to enter “free text”, as such, leading to data quality issues. Another challenge is that the race-related terminology within the current and previous Records Management systems is inconsistent.</p> <p>T.P.S. is currently working on developing a race-based data collection strategy through Equity, Inclusion &amp; Human Rights unit. To this end, the provincial government has already developed the race data standards. Subsequent to the engagement of community members; training of Service members; and implementation of new collection practices on the new T.P.S. strategy, this information will be reported publically.</p>
<p><b>4. Statistics pertaining to the number of persons arrested and number of persons strip searched, including race-related information, should be</b></p>	<p><b>Analytics &amp; Innovation</b></p>	<p><b>On-going</b></p>	<p>T.P.S. currently provides number of persons arrested and number of persons strip searched to the public annually.</p> <p>The report does NOT contain personal identifiers which can lead to the identification of the persons who were the subject of the searches.</p>

**A Review of Police Strip Searches in Ontario”**

<p>made available to the public annually. Any public report should not contain information that might lead to the identification of the persons who were the subject of the searches.</p>			<p>T.P.S. is currently working on developing a race-based data collection strategy through Equity, Inclusion &amp; Human Rights Unit. To this end, the provincial government has already developed the race data standards. Subsequent to the engagement of community members; training of Service members; and implementation of new collection practices on the new T.P.S. strategy, this information will be reported publically.</p>
<p><b>5. Electronic record-keeping greatly facilitates the collection of these statistics. Police services should continue to move to implement electronic record-keeping to enable, among other things, accurate and timely access to statistics on the number of arrests and strip searches conducted and facilitate access to case-specific information pertaining to individual strips searches.</b></p>	<p><b>Analytics &amp; Innovation</b></p>	<p><b>On-going</b></p>	<p>T.P.S. currently facilitates electronic record-keeping of arrests and searches through its Record Management System, i.e. Versadex. These records facilitate access to case-specific information pertaining to individual searches.</p> <p>T.P.S. also provides accurate and timely access to statistics on the number of arrests and Level 3 &amp; Level 4 searches through Cognos Reports (web-based reporting tool).</p>
<p><b>6. Every police service in Ontario should ensure that statistics pertaining to strip searches include accurate and complete information on the nature and number of items</b></p>	<p><b>Analytics &amp; Innovation</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. currently provides Level 3 &amp; Level 4 statistics searches through its Record Management System (i.e. Versadex) and a Cognos Report. It is electronically accessible to Service members. The Cognos Report provides information such as type of search, date &amp; time of search, officer(s) information who conducted search, location of search, justification for conducting a search, items found during a search, description of item(s) found etc.</p>

A Review of Police Strip Searches in Ontario”

<p>found and/or removed as a result of such strip searches. These statistics should be electronically accessible.</p>			<p>This is provided to members internally on an ongoing basis.</p>
<p>7. The training for police officers respecting strip searches should include, as a component, how to accurately document the items found and/or removed during a strip search, and why any such items were removed, as well as the importance of distinguishing between the types of search that resulted in the items being found and/or removed.</p>	<p>Toronto Police College</p>	<p><b>Implemented</b></p>	<p>The T.P.S. concurs with this recommendation.</p> <p>Details about “Level III searches (including a checklist of the six categories of grounds as per Appendix B – Procedure 01-02) were incorporated into a search template as part of CIPS. That same template was enhanced and incorporated into Versadex from its T.P.S. inception.</p> <p>Based on anecdotal reports and some analytical data (see Point 1 regarding Recommendation #8), lessons were created and integrated into T.P.C. training. In addition to strip searches being the primary topic of the investigative portion of the of the 2013 ISTP (noted in Recommendation #8), lessons on <i>Booking Hall Issues</i> - primarily strip search grounds, authorizations, and methods - were created in 2013 for the Frontline Supervisors and the Advanced Leadership course. It was also incorporated into the <i>Search Law</i> lesson of the General Investigators course in 2014.</p> <p>In early 2019, discussion of strip search grounds, methods, and issues arising from Golden (2001) and MacPherson (2017 ONCJ) was incorporated into the Operational Planning lesson within the Introduction to Drug Investigations course. Starting with Recruit class 19-01, strip searches were added to the Post OPC curriculum.</p> <p>Since 2013, training on decision-making, particularly how to reason and its importance as explained within dual processing theory, has been increasingly integrated into T.P.C. curricula.</p>

**A Review of Police Strip Searches in Ontario”**

			The T.P.C and I.T.S will continue to work on alternative means of reaching large numbers of officers with brief bulletins, reminders, or other resources.
<b>8. Police services, government and oversight agencies should draw upon the accurate, uniform and comprehensive statistics to be collected by police services across Ontario to inform existing and best practices, as well as the need for education and training, identify areas of continuing concern, and take measures to rectify poor practices and ensure accountability.</b>	<b>Toronto Police College</b>	<b>Implemented</b>	<p>T.P.S. concurs with this recommendation.</p> <p>Since 2012, the T.P.C. has responded to statistical data to help determine topics and teaching points concerning strip searches. That year, A&amp;QA did an audit on notes concerning requests for Strip Search authorization. Although their analysis was a sampling, the data were consistent with anecdotal reports from the field. Those data resulted in the 2013 ISTP (investigative portion) significantly addressing strip searches.</p> <p>Furthermore, T.P.C. consults with both P.R.S. investigators and Toronto Police Association representatives on emerging issues, including those concerning strip searches, P.R.S. This collaboration allows T.P.C. to adjust training as required. P.R.S..</p> <p>Similarly, the recent pilot for Full Body Scanners (14 Division) may also yield useful data about search assessments that were carried out in a busy Central Lock-Up unit.</p>
<b>9. The Ministry of Community Safety and Correctional Services should update the Policing Standards Manual, and most particularly the Search of Persons Guideline to reflect existing jurisprudence, including but not limited to, the</b>	<b>Ministry of Solicitor General</b>		<b>N/A</b>

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<p>decision of the Supreme Court of Canada in <i>R. v. Golden</i>.</p>			
<p>10. The Search of Persons Guideline should provide much greater assistance in enabling police service boards and police services to develop compatible policies, procedures and practices respecting searches across the province. This assistance should include a clear definition of a strip search (drawn from the <i>Golden</i> decision), clear demarcation between strip searches and frisk, pat-down or field searches, on the lower end of the spectrum of searches, and body cavity searches at the higher end of the spectrum. It should also include greater specificity around whether and how strip searches are conducted, authorized or supervised. Its content should be informed by the</p>	<p>Ministry of Solicitor General</p>		<p>N/A</p>

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<p>recommendations in this report.</p>			
<p>11. All policies and procedures across the province should use the same terminology to describe a strip search, such as the definition of a strip search in our procedures template.</p>	<p>Governance</p>	<p>On-going</p>	<p><b>T.P.S. Level 3 Definition:</b> means a search that includes the removal of some or all of a person’s clothing and a visual inspection of the body. More specifically, a Level 3 search involves the removal of clothing that fully exposes the undergarments or an area of the body normally covered by undergarments (genitalia, buttocks, women’s breasts).</p> <p><i>NOTE: The mere fact that portions of a person’s body normally covered by undergarments are exposed because of the way the person was dressed when taken into custody does not constitute a Level 3 search, if the removal of such clothing was not caused by the police (i.e. the arrest of a naked person does not in itself constitute a Level 3 search).</i></p> <p>Due to the high degree of intrusiveness of this type of search, it shall only be conducted when it is reasonable and necessary, considering the purpose and the grounds that exist at the time, which justify the search.</p> <p>A Level 3 search is equivalent to the term "strip search" used by the courts and other government agencies.</p> <p><b>OIPRD Recommendation: Strip Search:</b> The removal or rearrangement of some or all of the clothing of a person so as to permit a visual inspection of a person’s private areas, namely genitals, buttocks, breasts (in the case of a female), or undergarments. This definition is from the procedures template in the OIPRD report.</p> <p><b>Implement:</b> to add to our existing definition “the rearrangement of clothing” to reflect the key points of the R. v. <i>Golden</i> definition. Currently T.P.S. has only the removal of</p>

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			clothing. Include the full definition of R. v. <i>Golden</i> in Procedure 01-02 Search of Persons and the definition’s section on the T.P.S. Intranet.
<b>12. All policies and procedures across the province should incorporate the term “strip search” into their policies and procedures. Terms such as “complete,” “thorough” or “detailed” are confusing and should be avoided.</b>	<b>Governance</b>	<b>Implemented</b>	T.P.S. has incorporated the exact wording “strip search” into the definition section of the procedure. An example is Level 3 (Strip Search).
<b>13. If police services wish to situate strip searches within a spectrum of searches of different levels (such as the numbering system used by Toronto Police Service), their policies and procedures should explicitly relate the applicable level of search to the term “strip search” to enhance understanding and connect those policies and procedures to existing jurisprudence.</b>	<b>Governance</b>	<b>Implemented</b>	T.P.S. will continue to use the numbering system and has added the term “strip search” to the applicable level of search to enhance understanding and connect those procedures to existing jurisprudence. Also, T.P.S. has added the names of searches to all the four levels of search.  They are: Level 1 “frisk” or “pat-down” search. This is considered a “field search”. Level 2 is a “general search”, Level 3 is a “strip search” and level 4 is a “body cavity search”. Currently, the name of searches are in the Procedure definition that form part of the procedure.

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<p><b>14. Through the Search of Persons Guideline or other regulation, the Ministry of Community Safety and Correctional Services should ensure that levels of searches are described and defined consistently throughout the province.</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. has defined the levels of searches by definition. Definition links are accessible in the beginning of the procedure. The definitions are consistent with the Search of Persons Guideline and other regulations.</p>
<p><b>15. All policies and procedures pertaining to strip searches should explicitly contain a definition of a strip search. That definition should conform to the full definition provided by the Supreme Court of Canada in the <i>Golden</i> decision, such as the definition of a strip search in our procedures template.</b></p>	<p><b>Governance</b></p>	<p><b>On-going</b></p>	<p>T.P.S. will amend the full strip search definition provided by the Supreme Court of Canada in the <i>Golden</i> decision and which is documented in the procedures template of the OIPRD report.</p>
<p><b>16. Where a policy or procedure extends to police searches that are not covered by the <i>Golden</i> definition, the other types of searches should be clearly differentiated from</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. already concurs with this recommendation in Procedure 01-02 Search of Persons under the Recording Searches section. The procedure states that <b>all</b> searches shall be recorded in the memorandum book including the grounds for the level of search conducted. Appropriate entries shall be recorded in the applicable eReport for all Level 3 and Level 4 searches.</p>

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<p>strip searches. This promotes accurate statistical and comparative analyses, accountability, oversight and training for officers.</p>			
<p>17. Every police service in Ontario should ensure that their procedures pertaining to strip searches explicitly set out the threshold preconditions to a valid strip search, with particular emphasis on the requirement that the police must believe, on reasonable and probable grounds, that a strip search is necessary in the particular circumstances of the case either for safety (that is, for the purpose of discovering weapons in the detainee’s possession) or to discover evidence related to the reason for the arrest.</p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. already concurs with this recommendation in Procedure 01-02 Search of Persons under Grounds for Searching a Person and in Appendix B - Level 3 Searches. It states in part:</p> <p><b><u>Grounds for Searching a Person</u></b></p> <p>For a search to be lawful it must be reasonable and justified given all the circumstances and it must be conducted for a valid reason.</p> <p>Search of a person without <i>Warrant</i> is <i>prima facie</i> unreasonable under s. 8 of the Charter. The onus is on the officers conducting and authorizing a search to demonstrate that the search is justified in law, necessary and reasonable. Searches conducted simply as a matter of routine or “standard procedure” is not justified in law. However, for safety reasons, except in extenuating circumstances, all persons under arrest must be searched prior to being placed in a police vehicle, prior to being brought into a police station, and prior to being placed in a police cell.</p> <p>Stronger grounds are required as the level of intrusiveness of a search increases. The decision as to the appropriate level of search rests with the searching officer, except in the case of Level 3 or 4 searches where the searching officer must consult with the Officer in Charge to ensure that reasonable grounds exist for conducting the search. The more</p>

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			<p>intrusive the search the more justification is required, and officers must be able to articulate the need for the more intrusive search.</p> <p><b><u>Level 3 Searches</u></b></p> <p>In 2001, the Supreme Court of Canada, in the matter of R. v. Golden, while upholding the common law right to search a person who had been lawfully arrested, placed restrictions on police officers contemplating Level 3 searches.</p> <p>In light of this decision, the Toronto Police Service has adopted the following official policy in regard to Level 3 searches of persons who are in custody, incident to arrest.</p> <p>When a person has been lawfully arrested and transported to a police facility, an assessment of the risk factors shall be conducted. Where reasonable grounds exist to conduct a Level 3 search, a Level 3 search shall be conducted. Where reasonable grounds do not exist for a Level 3 search, a Level 2 search shall be conducted. (A Level 3 search may be conducted if reasonable grounds are established as a result of the Level 2 search.)</p> <p><b><u>Risk Factors</u></b></p> <p>Officers contemplating a Level 3 search of a person shall consider all the circumstances, including but not limited to</p> <ul style="list-style-type: none"> <li>• the details of the current arrest</li> <li>• the history of the person</li> <li>• any items already located on the person during a Level 1 or 2 search</li> <li>• the demeanour or mental state of the individual</li> </ul>
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			<ul style="list-style-type: none"> <li>• the risks to the individual, the police, or others, associated with not performing a Level 3 search</li> <li>• the potential that the person will come into contact with other detainees, creating an opportunity for the person to hand off contraband, weapons, etc...to another prisoner (R. v. Coulter)</li> </ul>
<p><b>18. These procedures should also explicitly state that a strip search, done as a matter of routine without regard to the specific circumstances of the specific case, will violate section 8 of the charter even if it is carried out in good faith without violence.</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. already concurs with this recommendation under Grounds for Searching a Person in Procedure 01-02 Search of Persons</p> <p><b><u>Grounds for Searching a Person</u></b></p> <p>For a search to be lawful it must be reasonable and justified given all the circumstances and it must be conducted for a valid reason.</p> <p>Search of a person without Warrant is <i>prima facie</i> unreasonable under s. 8 of the Charter. The onus is on the officers conducting and authorizing a search to demonstrate that the search is justified in law, necessary and reasonable. Searches conducted simply as a matter of routine or “standard procedure” is not justified in law. However, for safety reasons, except in extenuating circumstances, all persons under arrest must be searched prior to being placed in a police vehicle, prior to being brought into a police station, and prior to being placed in a police cell.</p> <p>Stronger grounds are required as the level of intrusiveness of a search increases. The decision as to the appropriate level of search rests with the searching officer, except in the case of Level 3 or 4 searches where the searching officer must consult with the Officer in Charge to ensure that reasonable grounds exist for conducting the search. The more intrusive the search the more justification is required, and officers must be able to articulate the need for the more intrusive search.</p>

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<p><b>19. The fact that an individual is being held for a show cause hearing does not conclusively determine whether a strip search is permissible, though it is a relevant factor for consideration, together with the anticipated circumstances surrounding the arrestee’s detention, pending the show cause hearing or release from custody.</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. already concurs with this recommendation under Grounds of Searching a Person in Procedure 01-02 Search of Persons.</p> <p><b>NOTE:</b> <i>Level 3 searches shall not be conducted on persons brought into custody by Toronto Police officers based solely on the grounds that the person may come into contact with other persons in custody. Accordingly, persons in custody who have been Level 2 searched are no longer restricted from being placed with those who have been Level 3 searched.</i></p> <p>A Routine Order was also published in September 2015 directing officers that, “Level 3 searches shall not be conducted on persons brought into custody by Toronto police officers based solely on the grounds that the person may come into contact with other persons in custody.”</p>
<p><b>20. Every police service in Ontario should ensure that their procedures and training reflect that the fact that a show cause hearing will be held does not mandate a strip search in every case.</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. already concurs with this recommendation under Grounds of Searching a Person in Procedure 01-02 Search of Persons.</p> <p><b>NOTE:</b> <i>Level 3 searches shall not be conducted on persons brought into custody by Toronto Police officers based solely on the grounds that the person may come into contact with other persons in custody. Accordingly, persons in custody who have been Level 2 searched are no longer restricted from being placed with those who have been Level 3 searched.</i></p> <p>A Routine Order was also published in September 2015 directing officers that, “Level 3 searches shall not be conducted on persons brought into custody by Toronto police</p>

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			<p>officers based solely on the grounds that the person may come into contact with other persons in custody.”</p>
<p><b>21. Every police service in Ontario must communicate effectively to their officers, through illustrations informed by existing jurisprudence, what would amount to unlawful routine strip searches. Such communication should form an essential part of officer training. However, such police services would also be well advised to briefly include in their procedures several prominent examples of unlawful strip searches done routinely. These examples might include:</b>  <b>(a) Strip searches inevitably done, regardless of the individual circumstances, based on the nature of the charge(s) (e.g. drug</b></p>	<p><b>Governance</b></p>	<p><b>Implemented/On-going</b></p>	<p>21 (a) (b) Relevant Case Law is documented under the Governing Authorities section of Procedure 01-02 Search of Persons and Procedure 01-02 – Appendix B Risk Assessment – Level of Search.</p> <p><b>Relevant Case Law</b> Cloutier v. Langlois (Supreme Court of Canada) (1990)  R. v. Flintoff (Ontario Court of Appeal) (1998)  R. v. Coulter (Ontario Court of Justice) (2000)  R. v. Golden (Supreme Court of Canada) (2001)  R. v. Clarke, Heroux and Pilipa (Ontario Superior Court of Justice) (2003)  R. v. MacDonald</p> <p>(c) Currently, T.P.S. does not specifically address the automatic removal and seizure of bras, underwire bras and string bikini tops regardless of the individual circumstances.</p> <p>According to the OIPRD report, “The only service that consistently documented whether bras were seized during strip searches prior to the arrestee being lodged in a cell for the period 2014 to 2016 was Toronto Police Service. The data shows that bras were seized in 35.22 per cent of all female strip searches.”</p> <p>According to the OIPRD report, “Based on our review of both judicial decisions and underlying documentation from police services across the province, it is obvious to me that officers continue to routinely remove and seize underwire bras from women being lodged in detention cells. This occurs despite the absence of reasonable grounds to believe that it is necessary to do so.”</p>

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<p>offences) faced by the arrested individual.                  (b) Strip searches inevitably done because the arrested individual will be held for a show cause hearing, regardless of whether that individual will be detained or transported with others, and regardless of whether reasonable grounds exist that a strip search is necessary for the safety of that individual or others.                  (c) The automatic removal of bras or underwire bras, and string bikini tops, regardless of the individual circumstances.</p>			
<p>22. The procedures for every police service in Ontario should state that strip</p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. already concurs with this recommendation in Procedure 01-02 Search of Persons under the Member title.</p>

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<p>searches should always be conducted in a private area within the police station or detachment unless exigent circumstances exist, which are fully documented by the officers involved, to conduct a strip search in the field.</p>			<p>When a Level 3 search is deemed necessary by the Officer in Charge, the searching officers shall search the person in a private area and ensure the search is not videotaped.</p>
<p><b>23. The procedures for every police service in Ontario should state that a strip search will always be unreasonable if it is carried out abusively or for the purpose of humiliating or punishing the arrested person.</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. already concurs with this recommendation in Procedure 01-02 Search of Persons under the Procedure title.</p> <p>Searches of persons shall be conducted keeping in mind that the safety of Service members, the person being searched, and the public are paramount. All searches of the person should be conducted thoroughly and in a methodical manner. Searches of the person shall not be conducted in an abusive fashion or be conducted to intimidate, ridicule or induce admissions.</p>
<p><b>24. Every police service in Ontario should promote, in their procedures, the use of a frisk and/or wand or analogous less intrusive search methods before officers decide whether to conduct a strip search.</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. already concurs with this recommendation in Procedure 01-02 Search of Persons</p> <p>The right to search a person is of paramount importance to the safety of prisoners, members, and all other persons employed within the criminal justice system. It is critical that officers make a proper evaluation of the potential risks, ensure that the appropriate level of search is conducted, and that they are diligent while searching persons in custody.</p> <p>When assessing the level of search, the Officer in Charge / police officer shall on a case-by-case basis, evaluate the circumstances relevant to the individual to be searched and</p>

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<p><b>If the results of a frisk/wand or analogous search methods are negative, officers should not conduct a strip search on safety grounds unless they are able to articulate why they have reasonable and probable grounds to believe that the arrested person is concealing a weapon.</b></p>			<p>determine the appropriate level of search required to address any risk factors, keeping in mind that the safety of the officers, the individual and to others is paramount. The Officer in Charge is responsible for ensuring that the level of search appropriately addresses the risk factors associated to the current arrest including those related to the person, and logistical issues such as the type of transportation and contact with others that this individual is expected to encounter</p> <p>As part of the Body Scan project, T.P.S. is exploring the use of technology as a less intrusive search method (see response to Recommendation #35).</p>
<p><b>25. Every Ontario police service’s procedures should provide that:</b>  <b>(a) Absent exigent circumstances, strip searches should always be authorized, in advance, by a supervisor (who may include the Officer-in-Charge).</b>  <b>(b) Such authorization should be given in writing or alternatively, by telephone.</b>  <b>(c) Absent exigent circumstances, that</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. already concurs with this recommendation in Procedure 01-02 Search of Persons. Also, the text template for Search of Person Level 3 and Level 4 requires a supervisor/officer in charge to authorize the form.</p> <p><b><u>Officer in Charge</u></b></p> <ol style="list-style-type: none"> <li>1. When in charge of a unit where persons are detained shall ensure             <ul style="list-style-type: none"> <li>• searches are conducted appropriately and a Search of Person text template has been completed for all Level 3 and Level 4 searches, signed and enclosed in the applicable Confidential Crown Envelope (crown envelope)</li> </ul> </li> </ol>

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<p>authorization should be obtained from a supervisor who is senior in rank to the most senior searching officer and who was not actively involved in the investigation that led to the arrest.</p> <p>(d) Absent exigent circumstances, that authorization should be obtained in writing; in any event, the authorization should be documented by the searching officer and the supervisor in accordance with the police service’s documentation requirements, whether through notes, strip search forms or both.</p> <p>(e) Exigent circumstances, involving the failure to obtain authorization or</p>			
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<p>the failure to obtain written authorization in advance should also be documented as provided for in the service’s procedures.  <b>(f) Practices surrounding strip searches are to be reviewed by the service on at least an annual basis.</b></p>			
<p><b>26. Every police service in Ontario should ensure that its procedures address:</b>  <b>(a) The ordinary requirement that searching officers be of the same gender as the person to be searched.</b>  <b>(b) The practice to be adopted when there are insufficient officers of the same gender to participate in the strip search.</b>  <b>(c) The circumstances under which the strip</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. already concurs with this recommendation in Procedure 01-02 Search of Persons</p> <p>All searches of the person shall be conducted by peace officers of the same sex unless circumstances make it impractical to do so, having regard to the immediate risk of injury, escape, or the destruction of evidence. Consideration shall be given when dealing with trans persons, wherever practicable.</p>

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<p>search should not be conducted by searching officers of the same gender as the person to be searched: for example, based on the person’s self-identification respecting sexual orientation.</p>			
<p><b>27. Every police service in Ontario should ensure that their procedures specifically address the appropriate practices for strip searches involving transgender persons.</b>  <b>(a) Procedures should define terms such as: transgender, trans man, trans woman, transsexual, gender identity and intersex.</b>  <b>(b) Police services are encouraged to consult with the Ontario Human Rights Commission and community organizations with</b></p>	<p><b>Governance</b></p>	<p><b>Implemented/On-going</b></p>	<p>T.P.S. already concurs with this recommendation in Procedure 01-02 Search of Persons – Appendix C Trans Persons. T.P.S. will review terms such as: transgender persons, trans man, trans woman, transsexual, gender identity and intersex. Some definitions may have to be added and changed. The process and accommodation piece is already present in the current procedure.</p> <p>The term trans refers to people with diverse gender identities and expressions. It includes, but is not limited to people who identify as transgender, transsexual, and/or gender non-conforming identities and experiences. Transgender people may identify as straight, gay, etc. Transitioning may or may not include transgender surgery.</p> <p>When interacting with trans persons, officers shall be sensitive to needs and concerns without jeopardizing officer and prisoner safety, and the need to perform a legal and thorough search.</p> <p>In order to best address the specific needs or concerns of each person, each case must be assessed individually. To that end, the Officer in Charge shall determine the best possible course of action in order to respect the dignity of the person being searched.</p>

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<p><b>specialized knowledge, in crafting appropriate practices. (c) Procedures should be centred on reasonable accommodation based on self-identification. For example, where the arrested person identifies as trans man or trans woman, the arrested person should specifically be given the choice of a male, female or split search.</b></p>			<p>For the purpose of search, when an individual has self-identified as trans, the Officer in Charge shall</p> <ul style="list-style-type: none"> <li>- refer to the person in their preferred name and gender pronoun;</li> <li>- after discussion with the prisoner, lodge the prisoner according to their self-identified gender or lodging preference unless it can be proven that there are specific overriding health and safety concerns that cannot be resolved, rendering the accommodation impossible. When a prisoner cannot be accommodated in this regard, members shall clearly articulate the reasons in their memorandum book; and</li> <li>- ensure that information regarding a trans prisoner’s gender identity or gender history is shared on a need-to-know basis only with those persons directly involved with the case</li> <li>- explain to the individual the following 3 options for a Level 3 Search             <ul style="list-style-type: none"> <li>(a) male officers only or</li> <li>(b) female officers only or</li> <li>(c) a split search</li> </ul>             the Officer in Charge shall be guided by the preference of the individual to be searched, in terms of the gender of the person conducting the search           </li> <li>- make appropriate entries in the memorandum book, including the Level 3 Search option selected by the person, and the rationale for the course of action taken</li> <li>- complete the Trans Persons Specific Details section of the Search of Person Level 3 text template</li> </ul>
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<p><b>28. Every police service in Ontario should ensure that their procedures provide that ordinarily, strip searches should be conducted by no more than two officers, unless security concerns compel the presence of additional officers. When that presence is required, the additional officer or additional officers should ordinarily remain outside the searching room, not facing the person to be searched, unless their active assistance is required. It represents a best practice for strip searches, where practicable, to be conducted by officers other than the arresting or investigating officer.</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. already concurs with this recommendation in Procedure 01-02 Search of Persons</p> <p>When a Level 3 search is deemed necessary by the Officer in Charge, the searching officers shall ensure only 2 members of the same sex as the person being searched are present during the search, unless additional officers are required to assist.</p>
<p><b>29. Every police service in Ontario should ensure that their procedures provide that, absent exceptional circumstances, arrested persons should be given the</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. already concurs with this recommendation in Procedure 01-02 Search of Persons</p> <p>When a Level 3 search is deemed necessary by the Officer in Charge, the searching officers shall where appropriate, ask the person to remove clothing one article at a time.</p>

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opportunity to remove their clothing, as directed by the police, on their own.			
30. Every police service in Ontario should ensure their procedures direct officers to document whether arrested persons removed items of clothing themselves.	Governance	On-going	Procedure 01-02 Search of Person will be amended to explicitly record whether arrested persons removed items of clothing themselves. Currently, the procedure outlines that the arrested person may remove their clothing items, but the procedure does not instruct the members to document it in their memorandum book, or on the Search of Persons text template.
31. Every police service in Ontario should ensure their procedures reflect that officers are only to use force when necessary and in proportion to the resistance of the arrested person.	Governance	Implemented	T.P.S. already concurs with this recommendation in Procedure 01-02 Search of Persons under the Member section.  <u>Member</u>  2. When conducting a search shall <ul style="list-style-type: none"> <li>• not use any more force than is necessary and reasonable under the circumstances to conduct a search</li> </ul>
32. Every police service in Ontario should consider whether they can designate a	Governance	Implemented	T.P.S. concurs with this recommendation and in Procedure 01-02 Search of Persons, the procedure identifies that the search of a person be conducted in a private area and ensure the search is not videotaped.

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<p>fixed location or fixed locations where strip searches are to be conducted, absent exigent circumstances. Of course, these fixed locations should be designed so as to promote privacy.</p>			<p>When a Level 3 search is deemed necessary by the Officer in Charge, the searching officers shall search the person in a private area and ensure the search is not videotaped.</p>
<p>33. Every police service in Ontario should ensure that their procedures provide that officers note the time a strip search commenced and the time it was completed, and provide an explanation in writing for a strip search of unusual duration.</p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. concurs with this recommendation and in Procedure 01-02 Search of Person, the procedure indicates under the Recording Searches section that full details of all searches shall be recorded in the memorandum book including the grounds for the level of search conducted. Also, appropriate entries shall be recorded in the applicable eReports for all Level 3 and Level 4 searches. Time of the commencement and completion is documented in the memorandum book and eReport.</p> <p><b><u>Recording Searches</u></b></p> <p>Full details of <b>all</b> searches shall be recorded in the memorandum book including the grounds for the level of search conducted. Appropriate entries shall be recorded in the applicable eReport for all Level 3 and Level 4 searches.</p>
<p>34. Every police service in Ontario should ensure that their procedures provide that: (a) Detainees should never be completely</p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. concurs with this recommendation and in Procedure 01-02 Search of Person under Member section. The procedure outlines the necessary steps and sequence of removal and replacement of clothing items.</p>

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<p>naked, absent exigent circumstances.  <b>(b) The removal of items of clothing should be done sequentially.</b>  <b>(c) Officers should document the sequence of removal and replacement of items of clothing.</b></p>			<p>When a Level 3 search is deemed necessary by the Officer in Charge, the searching officers shall</p> <ul style="list-style-type: none"> <li>• where appropriate, ask the person to remove clothing one article at a time</li> <li>• not remove of any more articles of clothing than necessary</li> <li>• not perform any more visual inspection of the person’s body than is necessary to achieve the objectives of the search</li> <li>• inspect each article of clothing in a methodical manner</li> <li>• permit the person to replace articles of clothing after inspection, where appropriate</li> <li>• provide replacement clothing for articles seized as evidence as soon as possible</li> <li>• not leave the person in a completely naked state after the search</li> </ul>
<p><b>35. I support the pilot project of Toronto Police Service to evaluate whether the use of full-body scanners can be used as a way to reduce the number of strip searches conducted by the service.</b></p>	<p><b>Governance</b></p>	<p><b>Evaluation On-going</b></p>	<p>According to the OIPRD report, “in September 2018, Toronto Police Service began a full-body scanner pilot project to determine and evaluate the operational benefit of using such technology. The service is testing two different scanners over the six-month pilot project.</p> <p>These body scanners are capable of detecting metallic, plastic, biological and ceramic items on or inside a person’s body. The system manufacturers state that the technology,</p>

**A Review of Police Strip Searches in Ontario”**

			<p>which uses low-dose radiation, is safe, quick and shows a clear difference between human tissues and other materials.”</p> <p>The Toronto Police Service has just completed the pilot project to test the feasibility of using Full Body Scanner technology in a policing context. The project concluded April 20<sup>th</sup>, 2019. Two different manufacturers were each tested for a period of 3 months. The evaluation of the pilot is currently in progress. The project team anticipates a final report will be completed by summer of 2019.</p>
<p><b>36. Every police service in Ontario should ensure that their procedures provide that strip searches should generally involve only a visual inspection, rather than physical contact and that any physical contact should be documented.</b></p> <p><b>(a) Such procedures should clearly articulate when a strip search becomes a more intrusive body cavity search.</b></p> <p><b>(b) Procedures should separately address when and how body cavity</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. concurs with this recommendation and in Procedure 01-02 Search of Person, the procedure outlines the requested information in the Member/Police Officer/ Officer in Charge section.</p> <p>not perform any more visual inspection of the person’s body than is necessary to achieve the objectives of the search</p> <p>Where there are reasonable grounds to believe that a person under arrest has secreted weapons or evidence in a body cavity shall</p> <ul style="list-style-type: none"> <li>• consult with the Officer in Charge</li> <li>• escort the person to the hospital</li> <li>• comply with Procedure <a href="#">03-06</a></li> <li>• request that the person remove the item in a controlled area of the hospital and with a medical professional present, if possible</li> </ul>

**A Review of Police Strip Searches in Ontario”**

<p><b>searches can and should be conducted. (c) Such procedures should also provide that if a visual inspection reveals the likely presence of a weapon or evidence in a body cavity, the arrested person should be given the option of removing the items themselves or having the items removed by a trained medical professional. Otherwise, the police should seek the advice and assistance of a trained medical professional to ensure that the items can be safely removed. The ultimate manner of removal should be documented.</b></p>			<ul style="list-style-type: none"> <li>• if the person is unable or unwilling to remove the item and consents to a search             <ul style="list-style-type: none"> <li>– ensure that the search is conducted by a qualified medical practitioner</li> <li>– remain with the person while the search is taking place (same sex officers only)</li> <li>– advise the Officer in Charge of the results</li> </ul> </li> <li>• where the person refuses a Level 4 search by a medical practitioner, and the item has not been removed             <ul style="list-style-type: none"> <li>– advise the Officer in Charge</li> <li>– restrain the person and hold in isolation pending a Show Cause Hearing</li> <li>– continuously monitor the person to ensure their safety and the safety of Service members until recovery of the item or substance is made</li> </ul> </li> </ul> <p>When a Level 4 search has been completed shall complete a Search of Person Level 4 text template in compliance with item 6.</p>
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**A Review of Police Strip Searches in Ontario”**

<p><b>37. Every police service in Ontario should ensure that their procedures provide that all strip searches must be fully documented, including:</b></p> <ul style="list-style-type: none"> <li><b>(a) The grounds for such a search.</b></li> <li><b>(b) The officers conducting the search.</b></li> <li><b>(c) The manner in which the search was conducted, including what items were removed or replaced and in what sequence, whether items were removed by the detainee or the officer, and what, if any, physical contact accompanied the search.</b></li> <li><b>(d) The supervisor authorizing the search.</b></li> <li><b>(e) The time frame within which the search was conducted.</b></li> <li><b>(f) A description of items found as a result of the</b></li> </ul>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. concurs with this recommendation and in Procedure 01-02 Search of Person, the procedure outlines the documentation of strip searches in memorandum books and eReports.</p> <p>According to the OIPRD report, “Toronto Police Service, for example, states that full details of <b>all</b> searches shall be recorded in the memorandum book, including the grounds for the level of search conducted. Appropriate entries shall be recorded in the applicable eReport for all Level 3 and Level 4 searches.”</p>
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A Review of Police Strip Searches in Ontario”

<p>search, and where they were found.                  (g) If it appears that a bodily cavity contains an item to be seized, what steps were taken to obtain the items, including any options given to the detainee.                  (h) What, if any, exigent circumstances existed that required deviation from established procedures.</p>			
<p><b>38. Based on the sample strip search form contained in this report, every police service in Ontario should adopt a strip search form to enhance proper documentation of strip searches.</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. concurs with this recommendation and already uses a text template in the applicable eReport for all Level 3 and Level 4 searches.</p>
<p><b>39. Such procedures should provide direction on when the strip search form or parts thereof should be completed.</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. concurs with this recommendation and Procedure 01-02 Search of Persons already indicates when the strip search text template should be completed.</p>

**A Review of Police Strip Searches in Ontario”**

<p><b>40. These forms should be accessible electronically.</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. concurs with this recommendation and already uses electronic versions of Search of Person text template and Level 3 &amp; 4 text template in the applicable eReport.</p>
<p><b>41. There should be no video recording of strip searches. However, police services may establish procedures to video record the process leading up to the strip search, including the articulation of the grounds for the strip search.</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. does video record the process leading up to the strip search, including the articulation of the grounds for the strip search. This information is located in the Officer in Charge section of Procedure 01-02 Search of Persons.</p> <p><b><u>Officer in Charge</u></b></p> <p>3. When in charge of a unit where persons are detained shall ensure</p> <ul style="list-style-type: none"> <li>• all arrested parties are advised, on camera, of the level of search to be performed and the manner and location in which it will be carried out</li> </ul>
<p><b>42. Unless impracticable to do so, every police service in Ontario should establish procedures to audio record strip searches. Officers should be trained on audio taping procedures, including the need to verbalize what is transpiring and seek verbal acknowledgements from the</b></p>	<p><b>Governance</b></p>	<p><b>On-going</b></p>	<p>Pursuant to the report, both the Waterloo Regional Police and the T.P.S. have recommended the adoption of audio recording searches.</p> <p>Currently, the following divisions already have audio capability in designated search areas:  D11  D13  D23  D51  D52</p>

**A Review of Police Strip Searches in Ontario”**

<p><b>detainee throughout the search.</b></p>			<p>The following stations will have the audio capabilities by 2020:                  D14                  D32                  D43                  D53                  D31</p> <p>Remaining divisions are to have these capabilities by 2021.</p> <p>We are examining the feasibility and implications of establishing a consistent approach to this recommendation as well as the financial implications of data storage.</p> <p>Currently, divisions that have this capability have the audio stored on local divisional servers for a period of 365 days.</p>
<p><b>43. Every police service in Ontario should ensure that they collect race related information pertaining to strip searches. Their procedures should address how that information should be collected and recorded. Race categories and how such information is collected should be uniform across the province, and informed by best practices identified by the Anti-</b></p>	<p><b>Governance</b></p>	<p><b>On-going</b></p>	<p>T.P.S. has not included race-related information pertaining to strip searches in their procedures, but on the Search text template a space is provided for race and for place of birth. Limited Race-related data pertaining to strip searches is available and, the T.P.S. began work on a major modernization effort regarding Race-Based Data Collection Strategy.</p>

**A Review of Police Strip Searches in Ontario”**

<p><b>Racism Directorate, in consultation with the Ministry of Community Safety and Correctional Services.</b></p>			
<p><b>44. Every police service in Ontario should ensure that their procedures address the accommodation of observant persons of faith.</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. concurs with this recommendation and Procedure 01-02 Search of Persons and Appendix D Handling Items of Religious Significance addresses the accommodation of observant persons of faith.</p> <p>The Toronto Police Service recognizes that special arrangements may have to be made when handling items, articles, apparel, or clothing of religious importance (item of religious significance). Although there are a multitude of items of religious significance that differ between and amongst religions, any item of religious significance identified by a person shall be handled according to the process below.</p> <p>In addition to the process below, members should seek direction from the person regarding the handling of the item of religious significance and, if practicable, handle the item as requested by the person. In general, items of religious significance shall be treated with respect and handled appropriately. The procedure includes the following direction:</p> <p>The Toronto Police Service recognizes that special arrangements may have to be made when handling items, articles, apparel, or clothing of religious importance (item of religious significance). Although there are a multitude of items of religious significance that differ between and amongst religions, any item of religious significance identified by a person shall be handled according to the process below.</p>

**A Review of Police Strip Searches in Ontario”**

			<p>In addition to the process below, members should seek direction from the person regarding the handling of the item of religious significance and, if practicable, handle the item as requested by the person. In general, items of religious significance shall be treated with respect and handled appropriately.</p> <p>When handling the item of religious significance, members shall be cognizant of human rights and unless circumstances make it impractical to do so, comply with the process below, having regard for the</p> <ul style="list-style-type: none"> <li>– immediate risk of injury</li> <li>– immediate risk of escape</li> <li>– immediate risk of destruction of evidence</li> <li>– safety of the member</li> <li>– safety of the person</li> <li>– safety of the public.</li> </ul> <p>The following process shall be followed when handling an item of religious significance.</p> <p>Ask the person if they have an item of religious significance on their person or in their possession.</p> <ol style="list-style-type: none"> <li>4. Members shall advise the person if an item of religious significance will be removed, the reason the item is being removed, and provide the person with the opportunity to remove the item themselves if self-removal does not pose potential risk of safety/injury to the person or member.</li> <li>5. When practicable, members shall use gloves when handling an item of religious significance.</li> </ol>
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**A Review of Police Strip Searches in Ontario”**

			<p>6. When practicable, members shall facilitate the replacement of an item of religious significance as soon as possible when the item (apparel or clothing only) is removed and held for any purpose and is not being immediately returned to that person.</p> <p>7. Members shall place an item of religious significance in a separate property bag.</p> <p><b>NOTE:</b> <i>In general, it is acceptable to store items of religious significance together in one property bag.</i></p> <p>8. A sealed property bag containing an item of religious significance may be sealed within the main property bag when the person is being transported or held for a show cause hearing.</p>
<p><b>45. Every police service in Ontario should ensure that their procedures provide for special procedures pertaining to strip searches of young persons. These should include providing young persons with the option of having an adult or guardian present, absent exigent circumstances.</b></p>	<p><b>Governance</b></p>	<p><b>On-going</b></p>	<p>T.P.S. does not have a specific procedure pertaining to strip searches of young persons. At this point, young offenders are not given the option of having an adult or guardian present, absent exigent circumstances.</p> <p>From an operational perspective, there are a number of concerns with this recommendation. Introducing a parent or guardian into a search room who has not been searched poses not only officer safety concerns, but can lead to contamination of evidence, issues with time delays (waiting for arrival or parent/guardian), the potential for interference by the parent/guardian, and creating a further witness who will be compellable to court.</p> <p>A Level 3 search is already an intrusive process. To (potentially) have a young person strip in front of a parent/guardian could result in a traumatic outcome. Some young persons who request a parent/guardian be present may not be fully informed as to what a Level 3 search entails. The potential of the young person requesting that the</p>

**A Review of Police Strip Searches in Ontario”**

			<p>parent/guardian exit the room once the search has commenced poses another issue – leaving the young person in a state of undress, having to escort the parent/guardian to a secure area of the police facility, etc., which will prolong an already sensitive process.</p> <p>Recommendation #42 (audio recording of searches) may serve to alleviate the concerns addressed by recommendation #45.</p>
<p><b>46. Every police service in Ontario should ensure that their procedures address the accommodation of persons with a disability.</b></p>	<p><b>Governance</b></p>	<p><b>Implemented</b></p>	<p>T.P.S. concurs with this recommendation and Procedure 01-02 Search of Person Duty to Accommodate Persons with Disabilities section addresses the accommodation of persons with a disability.</p> <p><b><u>Duty to Accommodate Persons with Disabilities</u></b></p> <p>The Service has a duty to accommodate persons with disabilities under the Ontario <i>Human Rights Code</i> and the <i>Accessibility for Ontarians with Disabilities Act</i>. When required, any infringement of a person’s right to be accommodated must be minimal in nature, and no more than is necessary to achieve the desired objective.</p> <p>Therefore, when it is deemed necessary to remove an assistive device from a person with a disability to conduct a search, the device should be returned to the person as soon as practicable upon completion of the search.</p>
<p><b>47. The Ministry of Community Safety and Correctional Services is mandated to develop and promote programs to enhance professional police practices,</b></p>	<p><b>Ministry of Solicitor General</b></p>		<p>N/A</p>

A Review of Police Strip Searches in Ontario”

<p>standards and training. The ministry should develop guidelines for training specific to strip searches that are informed, in part, by the findings and recommendations contained in this report.</p>			
<p>48. The Ontario Police College (OPC) should develop a standard training model specifically regarding strip searches that covers all aspects of <i>R. v. Golden</i>, along with other relevant jurisprudence. The format should include scenarios and a qualifying test for supervisors, officers and members who are authorized to search a person. The OPC should provide a version of this training through the Canadian Police Knowledge Network, so that more remote police services have ready access to it.</p>	<p>Ontario Police College</p>		<p>N/A</p>

**A Review of Police Strip Searches in Ontario”**

<p><b>49. Every police service in Ontario should incorporate training on strip searches into their annual or biennial training. The training should include a review of all aspects of <i>R. v. Golden</i> and other relevant jurisprudence, as well as scenarios and experiential training so that officers practice articulating grounds and conducting a strip search in a variety of situations.</b></p>	<p><b>Toronto Police College</b></p>	<p><b>On-going</b></p>	<p>T.P.S. concurs with this recommendation.</p> <p>The Toronto Police College is already planning for a 5-part training scenario on booking hall procedures for 2020 mandatory In-Service Training.</p> <p>This will be addressed via discussion scenarios with a scripted set of facts, different for each group:</p> <p>Each scenario will be discussed and the relevant procedures will be debriefed, including the appropriateness of a Level 3 search, as per <i>R. v. Golden</i>.</p>
<p><b>50. Every police services board in Ontario should ensure that their policies provide appropriate direction to police services on (a) the creation or modification of procedures to fully address strip searches, and (b) the training respecting strip searches. Such policies should be informed by the contents of this report.</b></p>	<p><b>Toronto Police Services Board</b></p>		<p>N/A</p>

# Breaking The Golden Rule: A Review of Police Strip Searches in Ontario

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Toronto Police Service (TPS)  
Interim Response to  
Recommendations



# Background Information

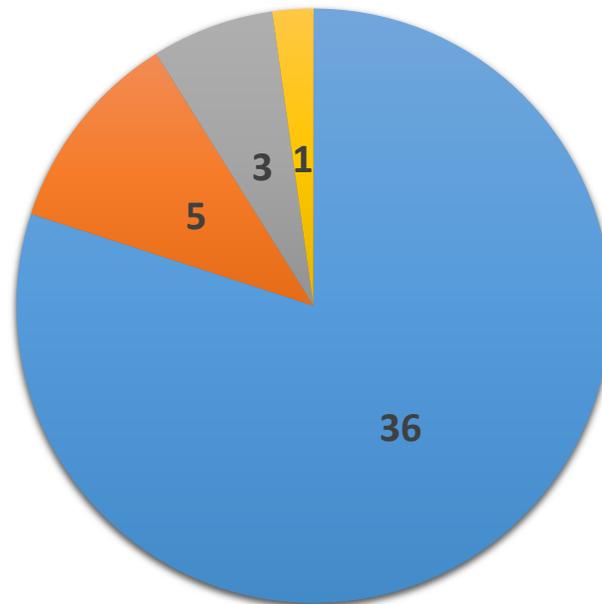
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- Systemic review of Police Strip Searches
- 22,000 Strip Searches / annum
- Conducted July 2016 – March 2019
- Total of 50 recommendations
- 45 applicable to police services



# Recommendation Assignment

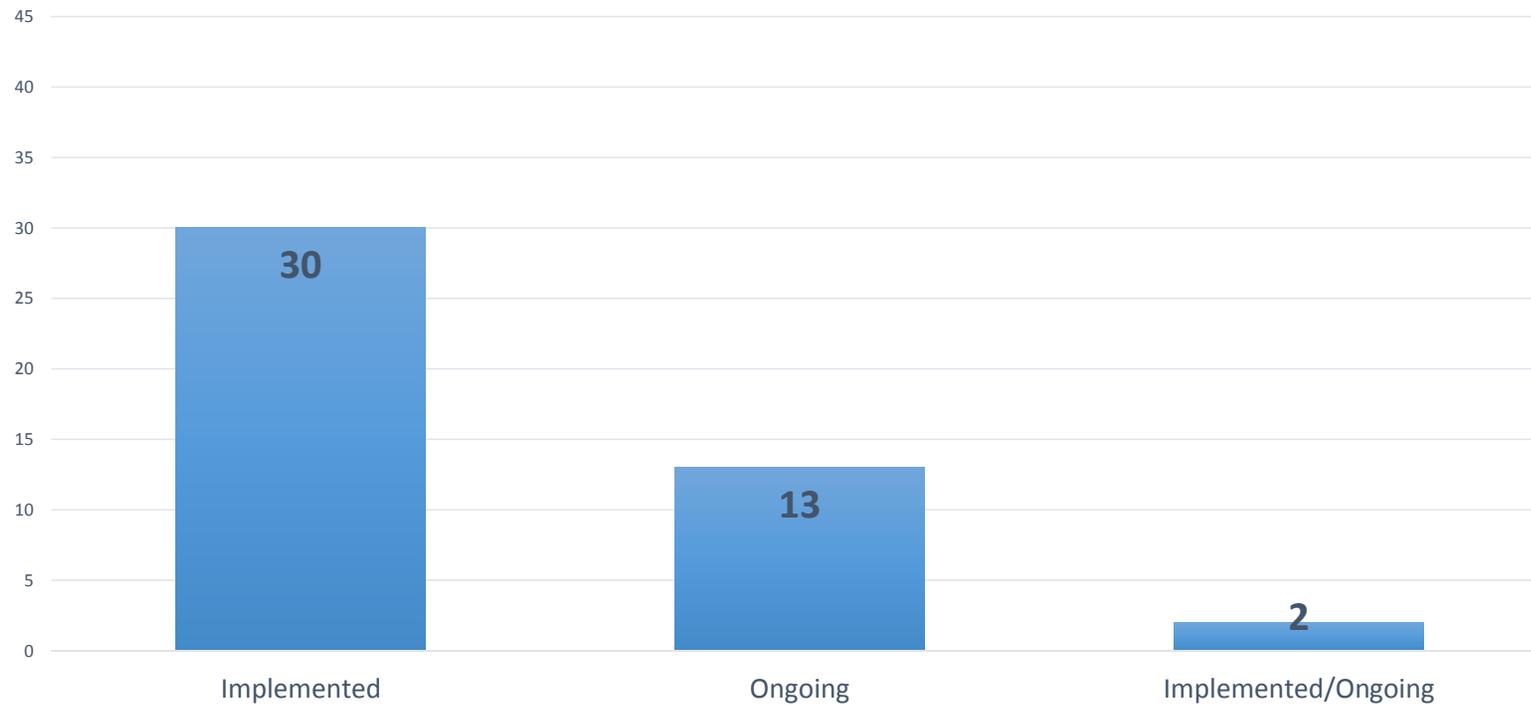
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■ Governance   ■ Analytics & Innovation   ■ Toronto Police College   ■ Legal Services



# Recommendation Status



# Procedure 01-02

## Search of Persons

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- Introduced in 1994
- Updated 18 times
- Last version issued in 2017
- Currently under review
- Policy related to strip searches of trans persons since 2006
- Policy in relation to items of religious significance in place since 2010



# TPS Criticism

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- Majority of the 22,000 searches were conducted by TPS; the outlier
- TPS did not include “the rearrangement” of clothing in the description of a strip search
- Criticized for routinely authorizing strip searches on the basis that the arrestee was being held for a show cause



# Arrests & Level 3 Searches

Arrests (all arrests) vs searches comparison from January 01, 2017 to August 31, 2019

Year	Arrest Count*	Searches**	Strip Search Rate***
2017	45,205	16,596	36.71
2018	43,475	15,668	36.04
2019^	29,373	9,758	33.22

\*Arrests counts are included 'all arrests' as reported in Versadex

\*\*Searches are included 'Level 3 Searches only'

\*\*\*Strip search rate is calculated based on Searches/Arrest

^2019 is included with data from January 01st to August 31st



# TPS Recognized

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- TPS uses a numbering system to describe levels of strip searches
- Commended for pilot project to evaluate use of full-body scanners
- Recognized for keeping consistent documentation (total length of time to conduct strip search, items seized, etc.)
- Response to Recommendation 41: Audio Recording
- Providing a variety of training modules
- Recognized “Think-Act-Explain” model
- Recognized for TPS response to review



# Moving Forward

- TPS is in process of assessing the remaining 15 recommendations
- TPS will provide an update to the TPSB at a meeting in Q1 of 2020
- TPS will continue to assess new legislation, Ministry direction, and best practices and amend applicable Governance as necessary





## Toronto Police Services Board Report

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September 3, 2019

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: New Job Description – Claims Lead, Wellness**

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

It is recommended that the Toronto Police Services Board (Board) approve the attached new civilian job description and classification for the position of Claims Lead, Wellness.

### **Financial Implications:**

The Claims Lead position is classified as a Class Z26 (35 hour), with an annual salary of \$100,123 - \$115,909, effective January 1, 2018.

At its meeting on October 26, 2017, the Board approved the modernization plan for Human Resources (H.R.) in support of *The Way Forward* Implementation (Min. No. P228/17 refers). As part of that approval, the Board approved the investments required to fill vacant and new positions in three phases, with each phase using the annual operating budget. The Claims Lead position is being rolled out in phase two and funding for this new position is included in the Service's approved 2019 operating budget.

### **Background / Purpose:**

A job description for the new Claims Lead position has been recommended. As this is a new position, Board approval is required.

As part of the modernization plan for H.R. that was presented to the Board in October 2017, one of the key features of the new H.R. Service Delivery model included:

- The restructuring of specialized services (Labour Relations, Talent Acquisition, and Wellness) dedicated to case management and the resolution of complex employee issues requiring in-depth expertise, support, and knowledge of Toronto Police Service (Service) policies and programs.

Currently, the medical and non-medical disability and accommodation claims are managed and administered by three separate sub-groups within the Wellness unit without the oversight of one leader to provide consistent direction. The newly approved Wellness unit structure comprises a Claims Lead to oversee the claims administration and case management of all medical and non-medical disability and accommodation claims.

This new model is designed to reduce the human and financial costs associated with absenteeism; improve the user/member experience; clearly delineate job duties, responsibilities and accountabilities for members, vendors and leaders; and promote early identification and resolution to health and wellbeing issues.

### **Discussion:**

Claims management for disability and accommodation is increasingly becoming a more complex speciality that has significant impact to individual member wellness and the Service as a whole. It is imperative that the Service develop and implement a more comprehensive approach to managing the aspect of member wellness. The Claims Lead position will be responsible for the operation of the Claims section within the Wellness unit. The Claims section will handle all occupational and non-occupational claims management, return to work, medical and non-medical accommodation requests and other occupational health and safety matters.

As a subject matter expert, the Claims Lead will develop and/or initiate new best practices, provide training and mentorship to the team of case management co-ordinators in those best practices, and enhance the overall customer experience.

The Claims Lead will directly impact the Service by ensuring compliance with Service Governance and legislative requirements, as well as, enhancing the Service's capacity to competently manage its resources and deploy employees efficiently and effectively.

The new job description for the Claims Lead, Wellness is attached (See Appendix A). The position has been evaluated using the Service's job evaluation plan and has been determined to be a Class Z26 (35 hour) position within the Civilian Senior Officer salary scales. The current salary range for this position is \$100,123 - \$115,909 per annum, effective January 1, 2018.

### **Conclusion:**

It is therefore recommended that the Board approve the job description and classification for the position of Claims Lead, Wellness. Subject to Board approval, this position will be staffed in accordance with the established procedure.

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

## Appendix A

	<b>TORONTO POLICE SERVICE</b>  <b>JOB DESCRIPTION</b>	<b>Date Approved:</b>
		<b>Board Minute No.:</b>  <b>Total Points:</b> 720 <b>Pay Class:</b> Z26

<b>JOB TITLE:</b>	Claims Lead, Wellness	<b>JOB NO.:</b>	Z26026
<b>BRANCH:</b>	Human Resources Command – People & Culture	<b>SUPERSEDES:</b>	New
<b>UNIT:</b>	Wellness	<b>HOURS OF WORK:</b>	35 <b>SHIFTS:</b> 1
<b>SECTION:</b>		<b>NO. OF INCUMBENTS IN THIS JOB:</b>	1
<b>REPORTS TO:</b>	Manager, Wellness	<b>DATE PREPARED:</b>	2019.08.21

### SUMMARY OF FUNCTION:

Responsible for the overall operation of the Wellness unit's Claims Section, including all occupational and non-occupational claims management, return to work, medical and non-medical accommodation requests and other occupational health and safety matters as required. This position will be responsible for ensuring that the Service's disability management programs and claims administration processes are adhering to all relevant legislation, Service Governance, collective agreements and industry best practice. Responsible for quality assurance, reporting and team leadership in the assigned area.

### DIRECTION EXERCISED:

The Claims Lead reports to the Manager, Wellness. This role leads a team of case management co-ordinators for occupational and non-occupational disability management programs as well as the workplace accommodation process. The Claims Lead also has the responsibility of oversight of the activities of Service's Medical Consultants.

### MACHINES & EQUIPMENT USED:

Workstation with associated software and other office equipment as required.

### DUTIES AND RESPONSIBILITIES:

1. Controls, plans, organizes and administers a corporate disability management process that includes both occupational and non-occupational claims to ensure that affected members receive equal and consistent treatment.
2. Provides day-to day leadership and guidance to team members, ensuring achievement of established performance goals.
3. Collaborates with Business Partners/Advisors and their clients to facilitate return to work and remain at work initiatives, ensuring accurate reporting to aid in deployment, decision making and maintaining Service priorities.
4. Develops disability management processes, procedures and metrics that provide consistent and transparent delivery of services. Establishes and promotes Service and industry best practices.
5. Leads case management teams in the planning and/or evaluating of medical and non-medical services and programs/projects with the goal of ensuring members are returned to work in an early and safe manner.

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The above statements reflect the principal functions and duties as required for proper evaluation of the job and shall not be construed as a detailed description of all the work requirements that may be inherent in the job or incidental to it.





## Toronto Police Services Board Report

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September 3, 2019

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: New Job Descriptions in People, Strategy & Performance – People & Culture Project Manager, Communication & Change Project Manager and Professional Development Coordinator**

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

It is recommended that the Toronto Police Services Board (Board) approve the attached new civilian job descriptions and classifications for the positions within People, Strategy & Performance. The positions include a People & Culture Project Manager, a Communication & Change Project Manager and a Professional Development Coordinator.

### **Financial Implications:**

The People & Culture Project Manager and Communication & Change Project Manager have been determined to be Class 11 (35 hour) positions, with an annual salary of \$94,580 - \$109,448, effective July 1, 2019. The Professional Development Coordinator has been determined to be a Class A09 (35 hour) position, with an annual salary of \$78,093 - \$88,345, effective July 1, 2019.

At its meeting on October 26, 2017, the Board approved the modernization plan for Human Resources (H.R.) in support of *The Way Forward* Implementation (Min. No. P228/17 refers). As part of that approval, the Board approved investments required to fill vacant and new positions in three phases, with each phase using the annual operating budget.

The People & Culture Project Manager, Communication & Change Project Manager and Professional Development Coordinator are part of phase two of the implementation strategy and funding for these new positions is included in the Toronto Police Service's (Service) approved 2019 operating budget.

## **Background / Purpose:**

Job descriptions for these new positions have been recommended. As these are new positions, Board approval is required.

*The Way Forward* action plan included 32 recommendations to modernize the Service. Recommendation #30 spoke directly to modernizing and improving the organizational culture of the Service. Specifically, it identified:

- *H.R. policies, processes, analytics and tools that will enable modernization of service-delivery and deployment changes.*

To effectively enable the development and deployment of these programs, critical positions are required within the People & Culture pillar. Included among the positions are the People & Culture Project Manager, Communications & Change Project Manager and Professional Development Coordinator. These positions have been identified as essential in allowing continued growth through the modernization and deployment of enriched H.R. programs, policies and procedures.

## **Discussion:**

As part of the modernization plan for H.R. that was presented to the Board in October 2017, a series of Talent Management programs were identified, including:

- Updating the performance management model
- Succession development planning
- 360 Degree feedback for leaders
- Revamping the uniform promotional process
- Mentorship
- Recognition Program

These programs will provide the Service with stronger performance management and leadership practices by establishing a best-in-class performance management framework, ensuring leaders are equipped with the knowledge and skills to cultivate a high-performing environment; thereby empowering employee growth and implementing tools to obtain better insights into our workforce. While some of these programs have already been initiated through consulting support, in order for them to be effectively executed, internal resources are required.

The People & Culture Project Manager and Communication & Change Project Manager will report to the Manager, People Strategy & Performance and the Professional Development Coordinator will report to the Senior Talent Management Consultant. The positions are integral in ensuring progressive development and delivery of performance and talent management within the Service.

The new job descriptions are attached (See Appendix A). The positions have been evaluated using the Service's job evaluation plan and have been placed within the Unit A Collective Agreement. The People & Culture Project Manager and Communication & Change Project Manager have been determined to be Class 11 (35 hour) positions with a current salary range of \$94,580 - \$109,448 per annum, effective July 1, 2019. The Professional Development Coordinator has been determined to be a Class A09 (35 hour) position with a current salary of \$78,093 - \$88,345 per annum, effective July 1, 2019.

**Conclusion:**

It is therefore recommended that the Board approve the job descriptions and classifications for the positions of People & Culture Project Manager, Communication & Change Project Manager and Professional Development Coordinator. Subject to Board approval, the Toronto Police Association will be notified accordingly, as required by the Unit A Collective Agreement and these positions will be staffed in accordance with the established procedure.

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

## Appendix A



### TORONTO POLICE SERVICE JOB DESCRIPTION

Date Approved:  
Board Minute No.:  
Total Points: 545.5  
Pay Class: All

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<b>JOB TITLE:</b>	People & Culture Project Manager	<b>JOB NO.:</b>	A11031		
<b>BRANCH:</b>	Human Resources Command/People & Culture	<b>SUPERSEDES:</b>	New		
<b>UNIT:</b>	People Strategy & Performance	<b>HOURS OF WORK:</b>	35	<b>SHIFTS:</b>	1
<b>SECTION:</b>		<b>NO. OF INCUMBENTS IN THIS JOB:</b>	1		
<b>REPORTS TO:</b>	Manager, People Strategy & Performance	<b>DATE PREPARED:</b>	2019.07.22		

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#### SUMMARY OF FUNCTION:

The People & Culture (P&C) Project Manager is responsible for driving the successful delivery of P&C projects through proactive and disciplined project delivery. They will leverage a combination of strong organizational, relationship building and communication skills, the ability to design and execute efficient processes, and a proven track record of influence without authority, as well as collaboration with cross functional teams.

#### DIRECTION EXERCISED:

Reports to the Manager, People Strategy & Performance, and at times will be matrixed to other P&C leads.

#### MACHINES AND EQUIPMENT USED:

Workstation with associated software and other office equipment as required.

#### DUTIES AND RESPONSIBILITIES:

1. Responsible for managing projects related to P&C initiatives, ensuring projects are delivered on time and according to business requirements.
2. Manages project communications, deadlines, project plans, and quality measurements related to projects.
3. Effectively and efficiently handles multiple competing priorities, working with stakeholders at all ranks and roles.
4. Identifies opportunities to streamline, consolidate, eliminate or enhance processes related to P&C units and programs.
5. Identifies, tracks and ensures resolution of all project-related issues, escalating when necessary.
6. Encourages new ways of looking at problems, processes or solutions.
7. Fosters a sense of urgency in others for achieving goals, conveys clear expectations for assignments and holds people accountable for achieving their goals.
8. Performs all other duties, functions and assignments inherent to the position.

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The above statements reflect the principal functions and duties as required for proper evaluation of the job and shall not be construed as a detailed description of all the work requirements that may be inherent in the job or incidental to it.



**TORONTO POLICE SERVICE**  
**JOB DESCRIPTION**

**Date Approved:**  
**Board Minute No.:**  
**Total Points:** 545.5  
**Pay Class:** All

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<b>JOB TITLE:</b>	Communication & Change Project Manager	<b>JOB NO.:</b>	A11032		
<b>BRANCH:</b>	Human Resources Command/People & Culture	<b>SUPERSEDES:</b>	New		
<b>UNIT:</b>	People Strategy & Performance	<b>HOURS OF WORK:</b>	35	<b>SHIFTS:</b>	1
<b>SECTION:</b>		<b>NO. OF INCUMBENTS IN THIS JOB:</b>	1		
<b>REPORTS TO:</b>	Manager, People Strategy & Performance	<b>DATE PREPARED:</b>	2019.07.22		

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**SUMMARY OF FUNCTION:**

The Communication & Change Project Manager is responsible for the development and implementation of communication and change strategies in support of People & Culture's (P&C) transformation and ongoing development of people programs and strategies. Depending on project availability, they will also be supporting project/program design, implementation and continuous improvement within P&C.

**DIRECTION EXERCISED:**

Reports to the Manager, People Strategy & Performance, and at times will be matrixed to other P&C leads.

**MACHINES AND EQUIPMENT USED:**

Workstation with associated software and other office equipment as required.

**DUTIES AND RESPONSIBILITIES:**

1. Oversees the P&C Communication strategy development and implementation.
2. Supports the leadership team in communicating P&C information through the development of various communication modes – intranet site, visuals, videos, emails, engaging events, etc.
3. Collaborates with various P&C teams to deliver a broad range of communications that drive engagement and attract/retrain talent.
4. Supports the leadership team to engage employees with clear "what's in it for me?" strategies that drive our strategic priorities and values, while achieving P&C objectives.
5. Provides subject matter expertise and experience in change and project management, specifically around P&C programs and processes.
6. Uses a deep understanding of P&C and Service strategic objectives to implement change management plans and tools to address people, culture, capacity, process, technology, risk and implementation of projects/initiatives.
7. Provides expertise and planning support to the P&C pillar for key strategic initiatives / projects.
8. Uses a deep understanding of HR and the organization to develop change management strategies, plans and tools that address people, culture, capacity, process, technology, risk and implementation.
9. Performs all other duties, functions and assignments inherent to the position.

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The above statements reflect the principal functions and duties as required for proper evaluation of the job and shall not be construed as a detailed description of all the work requirements that may be inherent in the job or incidental to it.



**TORONTO POLICE SERVICE**  
**JOB DESCRIPTION**

**Date Approved:**  
**Board Minute No.:**  
**Total Points:** 474  
**Pay Class:** A09

<b>JOB TITLE:</b>	Professional Development Coordinator	<b>JOB NO.:</b>	A09060
<b>BRANCH:</b>	Human Resources Command/People & Culture	<b>SUPERSEDES:</b>	New
<b>UNIT:</b>	People Strategy & Performance	<b>HOURS OF WORK:</b>	35 <b>SHIFTS:</b> 1
<b>SECTION:</b>		<b>NO. OF INCUMBENTS IN THIS JOB:</b>	1
<b>REPORTS TO:</b>	Manager, People Strategy & Performance	<b>DATE PREPARED:</b>	2019.07.22

**SUMMARY OF FUNCTION:**

The Professional Development Coordinator is responsible for designing and delivering high-quality professional and leadership development solutions, tools and resources. In collaboration with the Toronto Police College, People & Culture senior leaders and external vendors, this role will ensure that development programs are modern and utilize 'best in class' approaches and resources to support the desired outcome of expanding leadership competencies and management bench strength by ensuring that programs are aligned with the Services' business objectives.

The Professional Development Coordinator will lead the following programs (but is not limited to): Leadership and Executive Development tools, programs and assessments, Management Development Courses, Mentorship program, Self and Multi-rater assessments (self, 360, psychometrics) and off-the-shelf eLearning programs in support of the Service's core values and competencies.

**DIRECTION EXERCISED:**

Reports to the Senior Talent Management Consultant and will provide functional expertise around professional learning and leadership development and act as a liaison between Command, People & Culture and the Toronto Police College.

**MACHINES AND EQUIPMENT USED:**

Workstation with associated software and other office equipment as required.

**DUTIES AND RESPONSIBILITIES:**

1. Provides expertise and input into the design of leadership and professional development programs; assists in defining targeted objectives and outcomes and identifies metrics to assess performance of leadership and professional development and reports on them as required (i.e. programs and leaders' performance).
2. Aligns professional and leadership development programs with competency framework and overall talent / people strategy.
3. Reviews the effectiveness and efficiency of all People Strategy & Performance professional development activities, in order to determine both cost-effectiveness and opportunities for continuous improvement towards ensuring the maximized potential of all employees within the Service.
4. Supports HR Business Partners with coaching and mentoring offerings for senior leaders and Managers.
5. Supports the Toronto Police College in designing fit for purpose programs to develop leadership and core competencies across the organization and tailor courses in alignment with the specific staff development needs identified by the HR Business Partners/Advisors and Command.
6. Works with HR Business Partners to understand opportunities for high performing employees (as identified through the performance management program) for their leadership development through special projects, stretch assignments, job rotation, etc.

The above statements reflect the principal functions and duties as required for proper evaluation of the job and shall not be construed as a detailed description of all the work requirements that may be inherent in the job or incidental to it.



**TORONTO POLICE SERVICE**  
**JOB DESCRIPTION**

**Date Approved:**  
**Board Minute No.:**  
**Total Points:** 474  
**Pay Class:** A09

<b>JOB TITLE:</b>	Professional Development Coordinator	<b>JOB NO.:</b>	A09060
<b>BRANCH:</b>	Human Resources Command/People & Culture	<b>SUPERSEDES:</b>	New
<b>UNIT:</b>	People Strategy & Performance	<b>HOURS OF WORK:</b>	35 <b>SHIFTS:</b> 1
<b>SECTION:</b>		<b>NO. OF INCUMBENTS IN THIS JOB:</b>	1
<b>REPORTS TO:</b>	Manager, People Strategy & Performance	<b>DATE PREPARED:</b>	2019.07.22

**DUTIES AND RESPONSIBILITIES:** (cont'd)

7. Conducts research on best practices, emerging learning, development trends and new products and learning solutions and works with the Sr. Talent Management Consultant and/or external vendors to recommend, develop and execute 'best in class' initiatives that support the Services' business strategies and goals.
8. Provides input to, and executes upon, the priorities and programs outlined in the annual plan, identifying clear learning and development objectives and business benefits for each area.
9. Creates project plans for all learning and development programs and effectively communicates, promotes and launches each initiative to ensure a seamless internal customer experience.
10. Leads the content management of all e-learning programs. Executes reporting requirements and ensures employee records are maintained.
11. Facilitates learning and engagement sessions, conducts organizational needs analysis and ensures learning solutions support business growth and change.
12. Tests new learning and development programs with business leaders before launch to obtain buy-in and ensures programs meet business needs.
13. Participates in the development of the Learning and Development strategy.
14. Maintains learning management systems, policies, and processes; acts as the first point of contact for learning and development inquiries.
15. Performs other duties, functions and assignments inherent to the position.

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The above statements reflect the principal functions and duties as required for proper evaluation of the job and shall not be construed as a detailed description of all the work requirements that may be inherent in the job or incidental to it.



## Toronto Police Services Board Report

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September 19, 2019

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Special Constable Appointments and Re Appointments –  
September 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 Transit Commission (T.T.C.), the Toronto Community Housing Corporation (T.C.H.C) and the University of Toronto (U of T) subject to the approval of the Ministry of the Solicitor General.

### **Financial Implications:**

There are no financial implications relating to the recommendations 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 Ministry of the Solicitor General. 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

<b>Agency</b>	<b>Name</b>	<b>Status Request</b>
T.T.C.	James Bingham	Re Appointment
T.T.C.	Thomas Luke FARRELL	Re Appointment
T.T.C.	Joseph Richard Lariviere	Re Appointment
T.T.C.	Mark ALARCON	Appointment
T.T.C.	Inderpaul BAINS	Appointment
T.T.C.	Jermine BATAN	Appointment
T.T.C.	Michael DONNELLY	Appointment
T.T.C.	Alisha GATSIS	Appointment
T.T.C.	Santiago GONZALEZ MANCERA	Appointment
T.T.C.	Benjamin GREGORY	Appointment
T.T.C.	Songul KARAKAYA	Appointment
T.T.C.	Kyle LAWRENCE	Appointment
T.T.C.	Nes Jason LEABRES	Appointment
T.T.C.	Megan Alissa MOLENAAR	Appointment
T.T.C.	Amir NOOR	Appointment
T.T.C.	Ashley RAVEN	Appointment
T.T.C.	Phillip Charles ROBERTS	Appointment
T.T.C.	Christopher Ramsay ROSS	Appointment
T.T.C.	Nenad STEFANOV	Appointment
T.T.C.	Evan Michael TAYLOR	Appointment
T.T.C.	Michael VIBERT	Appointment
T.T.C.	Michel WATT	Appointment
T.T.C.	Cammy Hin-Hei YU	Appointment
T.C.H.C.	Kosta BARKA	Appointment
T.C.H.C.	Zoltan BUNGANIC	Appointment
T.C.H.C.	Ashley COLDEN	Appointment
T.C.H.C.	Sophia EWAN	Appointment
T.C.H.C.	Haddy HAKIM	Appointment
T.C.H.C.	Stacie HANCOCK	Appointment
T.C.H.C.	Raquel JARDIM	Appointment
T.C.H.C.	Jordan KELLY	Appointment
T.C.H.C.	Brian Lass	Appointment
T.C.H.C.	Gary Wright	Appointment
U of T	Krishona Neethirajah	Appointment
U of T	Prasanna Pakitharan	Appointment
U of T	Stefan Wega	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.T.C. and T.C.H.C. have advised the Service that the above individuals satisfies 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.T.C.		67
T.C.H.C.	300	140
U of T Scarborough	25	15

**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.T.C. and T.C.H.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



## Toronto Police Services Board Report

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September 12, 2019

To: Members  
Toronto Police Services Board

From: Andy Pringle  
Chair

**Subject: Operating Budget Variance Report for the Toronto Police Services Board, Period Ending June 30, 2019**

### **Recommendations:**

It is recommended that:

1. the Board receive this report; and
2. the Board forward a copy of this report to the City of Toronto's (City) Chief Financial Officer for information and for inclusion in the variance reporting to the City's Budget Committee.

### **Financial Implications:**

At this time, the Board is anticipating a zero variance on its 2019 operating budget.

### **Background / Purpose:**

The Board, at its January 24, 2019 meeting, approved the Toronto Police Services Board's 2019 operating budget at a net amount of \$2,458,300 (Min. No. P8/19 refers), a 3% increase over the 2018 approved operating budget. Subsequently, City Council, at its March 7, 2019 meeting, approved the Board's 2019 operating budget at \$2,461,000.

The purpose of this report is to provide information on the Board's 2019 projected year-end variance.

**Discussion:**

The following chart summarizes the variance by category of expenditure.

<b>Expenditure Category</b>	<b>2019 Budget (\$000s)</b>	<b>Actual to Jun 30/19 (\$000s)</b>	<b>Projected Year-End Actual (\$000s)</b>	<b>Fav/(Unfav) (\$000s)</b>
Salaries & Benefits	\$1,176.0	\$619.9	\$1,176.0	\$0.0
Non-Salary Expenditures	\$1,285.0	\$647.9	\$1,285.0	\$0.0
Total	\$2,461.0	\$1,267.8	\$2,461.0	\$0.0

It is important to note that expenditures do not all follow a linear pattern and therefore year-to-date expenditures cannot be simply extrapolated to year-end. Rather, the projection of expenditures to year-end is done through an analysis of all accounts, taking into consideration factors such as expenditures to date, future commitments expected and spending patterns.

As at June 30, 2019, a zero variance is anticipated. Details are discussed below.

**Salaries & Benefits**

Year-to-date expenditures are consistent with the budget and therefore no year-end variance is projected at this time.

**Non-salary Budget**

The majority of the costs in this category are for arbitrations/grievances and City charge backs for legal services.

The Toronto Police Services Board cannot predict or control the number of grievances filed or referred to arbitration as filings are at the discretion of bargaining units. In order to deal with this uncertainty, the 2019 budget includes a \$529,000 contribution to a Reserve for costs of independent legal advice. Fluctuations in legal spending will be dealt with by increasing or decreasing the budgeted reserve contribution in future years' operating budgets so that the Board has funds available in the Reserve for these variable expenditures.

**Missing Persons Investigations Review**

The Board, at its June 21, 2018 meeting, approved the Missing Persons Investigation Review Working Group – Review's Terms of Reference and Budget Report (Min. No. P112/18 refers). The Board approved terms of reference for an independent review of the policies, practices and actions of the Board and the Toronto Police Service in relation to missing person reports and investigations. 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 Missing Persons Investigations Review. The Review is expected to require funding over the 2018, 2019 and 2020 budget years. The Council approved 2019 Board operating budget includes an allocation of \$1.8M for the costs projected to occur during 2019, this allocation is being funded from the Tax Rate Stabilization Reserve. The Board will only draw on the reserve to the extent needed to fund the expenditure associated with the review.

**Conclusion:**

As at June 30, 2019, a zero variance is projected.

Respectfully submitted,

Andy Pringle  
Chair



## Toronto Police Services Board Report

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September 4, 2019

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: 2019 Operating Budget Variance for the Toronto Police Service, Period Ending June 30, 2019**

### **Recommendations:**

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

1. approve a revised 2019 Toronto Police Service (Service) net operating budget of \$1,050.9M (gross \$1,196.9M); and
2. forward a copy of this report to the City of Toronto's (City) Chief Financial Officer and Treasurer for information and inclusion in the variance reporting to the City's Budget Committee.

### **Financial Implications:**

At its January 24, 2019 meeting, the Board approved the Service's budget request at \$1,026.8M (Min. No. P5/19 refers), a 3% increase over the 2018 approved operating budget.

Subsequently, City Council, at its March 7, 2019 meeting, approved the Service's 2019 operating budget at the same amount.

Following approval of the budget, there have been a number of adjustments that impact the Service's budget approved by City Council. These adjustments are outlined below.

#### *New Collective Agreement Impact:*

At the time the Service's budget was approved, the impact from the collective agreement negotiations between the Toronto Police Association (T.P.A.) and the Board was not known, and was therefore not included in the 2019 budget request. At its meeting on March 26, 2019, the Board approved the ratification of a five year collective agreement (2019-2023) with the T.P.A. (Min. No. P59/19 refers). As a result of this agreement, City Council, at its July 16, 2019 meeting, approved a transfer from the City's non-program budget to the Service's 2019 approved operating budget, increasing the Service's budget by \$24.3M.

It should be noted that the Senior Officers' Organization (S.O.O.) collective agreement with the Board also expired on December 31, 2018. Any additional funds required in 2019, as a result of a new collective agreement, will be requested once an agreement is ratified.

*Gun Buy Back Program:*

In an effort to reduce the number of firearms in the City, the Service and the City moved forward with a gun buy back program. At its meeting on May 1, 2019, the City's Executive Committee approved a one-time gross and net increase to the Service's 2019 operating budget of \$750,000 to fund this program. The amount was funded from the City's 2019 non-program expenditure budget, and the adjustment was subsequently approved by City Council at its meeting on May 14, 2019.

*Contribution to City Insurance Reserve Fund:*

Following approval of the budget by City Council, the Service was notified by City Finance staff of a reduction of \$943,200 in the Service's required contribution to the Insurance Reserve Fund. This was due to changes in the insurance allocation algorithm. As a result of this reallocation, the Service budget has been restated downwards by \$943,200. However, this change does not result in a reduction of available funds to the Service, as there will be a corresponding reduced charge from the City related to the Service's contribution to the insurance reserve.

As a result of the above adjustments, the Service's 2019 net operating budget has been revised to \$1,050.9M (gross \$1,196.9M) as outlined below.

	<b>2019 Gross Budget (\$Ms)</b>	<b>2019 Net Budget (\$Ms)</b>
Board Approved Budget	\$1,172.8	\$1,026.8
T.P.A. Salary Settlement	\$24.3	\$24.3
Gun Buyback Program	\$0.7	\$0.7
Insurance – Allocation Algorithm	(\$0.9)	(\$0.9)
<b>2019 Revised Operating Budget</b>	<b>\$1,196.9</b>	<b>\$1,050.9</b>

In addition to the above adjustments, the Service was recently notified by City Finance staff of a pending reduction to the Service's interdepartmental charge budget for utilities of \$300,000. The City of Toronto had a City Wide 2019 budget reduction target of \$10.0M and has been allocating the reduction based on expected savings, of which \$300,000 was identified in utilities savings. Similar to reduced contribution to the

Insurance Reserve Fund, this change does not result in a reduction of available funds the Service, as the utilities expense is expected to decrease by the same amount.

To tackle the recent increase in Gang violence, the Federal, Provincial and Municipal governments are jointly providing \$4.5M in funding to the Toronto Police Service in support of Project Community Space to address the current violence. The Federal and Provincial governments are to provide \$1.5M each in grant funding, while the Mayor has requested the Budget Committee & Executive Committee to approve a \$1.5M contribution to the Service budget from the City's Tax Stabilization Reserve.

Once the above adjustments for utilities and Project Community Space are approved by Council, the Service operating budget will be adjusted accordingly through a future variance report.

**Background / Purpose:**

The purpose of this report is to obtain Board approval for a revised 2019 operating budget for the Service, and to provide the Board with the Service's 2019 projected year-end variance as at June 30, 2019.

**Discussion:**

As at June 30, 2019, the Service is projecting a final variance of zero. However, projections show that the Service will have to manage \$3.6M of unfavourable variance risk to come in on budget, down from the \$7.5M reported previously. The Service is evaluating spending plans and opportunities to manage this risk to stay within budget including reviewing the timing and pace of hiring; premium pay spending; non-salary expenditures; revenue and cost-recovery opportunities; and reserve draw and contribution strategies.

The following chart summarizes the variance by expenditure and revenue category. Details regarding these categories are discussed in the section that follows.

Category	2019 Revised Budget (\$Ms)	Actual to Jun 30/19 (\$Ms)	Projected Year-End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Salaries	\$773.8	\$358.5	\$764.7	\$9.1
Premium Pay	\$53.9	\$29.6	\$73.7	(\$19.8)
Benefits	\$212.8	\$106.3	\$210.4	\$2.4
Non Salary	\$106.1	\$64.2	\$113.8	(\$7.7)
Contributions to / (Draws from) Reserves	\$20.5	\$0.0	\$20.5	\$0.0
Revenue	(\$116.2)	(\$52.0)	(\$128.6)	\$12.4
<b>Total Preliminary Net</b>	<b>\$1,050.9</b>	<b>\$506.6</b>	<b>\$1,054.5</b>	<b>(\$3.6)</b>
Expenditure Reductions			(\$3.6)	\$3.6
<b>Total Net</b>			<b>\$1,050.9</b>	<b>\$0.0</b>

It is important to note that expenditures do not all follow a linear pattern and therefore year-to-date expenditures cannot be simply extrapolated to year-end. Rather, the projection of expenditures to year-end is done through an analysis of all accounts, taking into consideration factors such as expenditures to date, future commitments expected and spending patterns. In addition, the Service receives significant amounts of in-year grant funding and the revenues from the grant funding offset any related expenditures.

**Salaries:**

A favourable variance of \$9.1M is projected in the salaries category.

<b>Expenditure Category</b>	<b>2019 Budget (\$Ms)</b>	<b>Actual to Jun 30/19 (\$Ms)</b>	<b>Projected Year-End Actual (\$Ms)</b>	<b>Fav / (Unfav) (\$Ms)</b>
Uniform	\$570.3	\$269.7	\$570.7	(\$0.4)
Civilian	\$203.5	\$88.8	\$194.0	\$9.5
<b>Total Salaries</b>	<b>\$773.8</b>	<b>\$358.5</b>	<b>\$764.7</b>	<b>\$9.1</b>

Uniform Officers - The 2019 approved budget includes funding for 321 uniform hires and assumed that there would be 250 uniform officer separations during the year. As at June 30, 2019, 128 Officers had separated from the Service, as compared to 152 that was assumed in the budget over the same time period. The Service is now projecting year-end separations of 220.

Civilians - Funding was included for the addition of Part-Time Retirees who will be deployed to the Primary Report Intake, Management and Entry (P.R.I.M.E.) unit and Community Investigative Support Units (C.I.S.U.) to supplement existing resources as a stop-gap to current staffing shortages. This will allow frontline officers to focus on higher priority and emergency situations. The 2019 approved budget also includes funding to hire additional District Special Constables, Communications Operators, Bookers and Crime Analysts. In addition, funding was included to backfill critical civilian vacancies such as Court Officers and information technology staff and to continue hiring positions that support the Service's transformation initiatives and ensure day to day work gets done. While the Service has been aggressively hiring to fill positions, many of the positions have been filled through internal promotions thereby creating other vacancies. In addition, as some of the positions have changed due to transformation initiatives and as a result, new job descriptions have to be created and approved. As a result, it is taking longer than anticipated to fully staff some positions and to backfill current year separations, and therefore the Service is projecting a significant savings in civilian salaries. Reduced staffing levels, along with the longer than anticipated hiring timelines have however resulted in civilian premium pay pressures summarized below.

*Premium Pay:*

An unfavourable variance of \$19.8M is projected in the premium pay category.

<b>Expenditure Category</b>	<b>2019 Budget (\$Ms)</b>	<b>Actual to Jun 30/19 (\$Ms)</b>	<b>Projected Year-End Actual (\$Ms)</b>	<b>Fav / (Unfav) (\$Ms)</b>
Uniform	\$48.8	\$25.7	\$63.4	(\$14.6)
Civilian	\$5.1	\$3.9	\$10.3	(\$5.2)
<b>Total Premium Pay</b>	<b>\$53.9</b>	<b>\$29.6</b>	<b>\$73.7</b>	<b>(\$19.8)</b>

**Uniform:**

Premium pay is incurred when staff are required to work beyond their normal assigned hours for extended tours of duty (e.g., when officers are involved in an arrest at the time their shift ends), court attendance scheduled for when the officer is off duty, or call-backs (e.g. when an officer is required to work additional shifts to ensure appropriate staffing levels are maintained or for specific initiatives). The Service's ability to deal with and absorb the impact of major unplanned events (e.g. demonstrations, emergency events, and homicide / missing persons) relies on the utilization of off-duty officers which results in premium pay costs.

The average number of deployed uniform officers is expected to be less in 2019 compared to 2018, causing an ongoing need to supplement resources through premium pay to help meet policing demands on the frontline, as well as support and investigative units of the Service. Premium pay was overspent by \$24.5M in 2018. The 2019 budget includes an \$8.5M increase to the premium pay budget. However, this increase is insufficient compared to the demands on premium pay that were experienced in 2018 and continue to be experienced in 2019. While the over-expenditure in 2018 should have prompted a larger increase in 2019 operating budget request, a higher request was not made to keep the Service's overall budget increase as low as possible. During the first six months of 2019 there was an average of 4,705 deployed officers, which was 139 less than the same time last year. Due to these decreased uniform staffing levels, the Service continues to incur significant pressures in uniform premium pay and is trending to an unfavourable variance of \$14.6M in this category. The Service will endeavour to manage this risk and reduce its premium pay spending to come closer to budget and anticipates that the recent June deployment of the December recruit class (134 recruits) and civilianization hires designed to directly support the front line (e.g. District Special Constables and Booking Officers) will help in alleviating premium pay pressures. However, it must be noted that premium pay is subject to the exigencies of policing (e.g. \$1.5M in premium pay was required to provide security during the Raptors playoff run and parade) and the aforementioned pressures as well as continued police presence required at special and other events will put pressure on premium pay expenditures.

**Civilian:**

Additional premium pay is also incurred as units address critical workload issues resulting from a significant number of civilian staff vacancies across the Service. Civilian overtime and call-backs are authorized when required to ensure deadlines are met, key service levels maintained, projects and initiatives are properly supported and tasks completed in order to ensure risks are mitigated and additional hard dollar costs are avoided. At this time, the projected unfavourable civilian premium pay variance is \$5.2M. Reductions in civilian premium pay spending are expected as vacant civilian positions are filled. However, the large backlog of civilian vacancies due to the hiring moratorium have delayed the filling of vacancies. In addition, many of the civilian positions require weeks or months of ongoing training before the staff can be utilized to their full potential. The projected higher than budgeted civilian premium pay expenditures have been fully offset by savings in civilian salaries.

**Benefits:**

A favourable variance of \$2.4M is projected in this category.

<b>Expenditure Category</b>	<b>2019 Budget (\$Ms)</b>	<b>Actual to Jun 30/19 (\$Ms)</b>	<b>Projected Year-End Actual (\$Ms)</b>	<b>Fav / (Unfav) (\$Ms)</b>
Medical / Dental	\$43.7	\$16.5	\$40.7	\$3.0
O.M.E.R.S. / C.P.P. / E.I. / E.H.T.	\$130.7	\$73.3	\$130.1	\$0.6
Sick Pay Gratuity /C.S.B./L.T.D.	\$21.5	\$9.0	\$21.5	\$0.0
Other (e.g., W.S.I.B., life insurance)	\$16.9	\$7.5	\$18.1	(\$1.2)
<b>Total Benefits</b>	<b>\$212.8</b>	<b>\$106.3</b>	<b>\$210.4</b>	<b>\$2.4</b>

Medical/Dental costs are currently trending lower than budget, therefore a favourable variance is projected at this time. As medical and dental benefit claims vary significantly throughout the year, Service staff monitor spending closely and any variances will be reported to the Board in future variance reports. The Service is projecting an increase in W.S.I.B. costs, primarily due to impacts of Bill 163, Supporting Ontario's First Responders Act regarding Post Traumatic Stress Disorder. As the Service will be undertaking a comprehensive review of W.S.I.B. claims, it's anticipated that greater oversight and controls will help mitigate some of the increase. Favourable variances in the O.M.E.R.S./C.P.P. /E.I. /E.H.T. category is a result of reduced civilian staffing levels.

*Non Salary:*

An unfavourable variance of \$7.7M is projected in this category.

<b>Non Salary</b>	<b>2019 Budget (\$Ms)</b>	<b>Actual to Jun 30/19 (\$Ms)</b>	<b>Projected Year-End Actual (\$Ms)</b>	<b>Fav / (Unfav) (\$Ms)</b>
Vehicles (e.g. gas, parts)	\$13.1	\$10.2	\$12.6	\$0.5
Information Technology	\$26.5	\$25.3	\$30.0	(\$3.5)
Caretaking / maintenance utilities	\$20.6	\$2.6	\$19.5	\$1.1
Contracted Services	\$13.6	\$8.1	\$17.7	(\$4.1)
Uniforms, Clothing and Equipment	\$9.3	\$6.3	\$9.9	(\$0.6)
Other	\$23.0	\$11.7	\$24.1	(\$1.1)
<b>Total Non Salary</b>	<b>\$106.1</b>	<b>\$64.2</b>	<b>\$113.8</b>	<b>(\$7.7)</b>

The projected favourable variance in Vehicles is a result of less than anticipated expenses for automotive parts. In addition, although gas prices have been increasing recently, year to date prices for gasoline are lower than estimated, resulting in projected additional savings.

The unfavourable variance in the Information Technology category is mainly a result of projected expenditures from unspent grant funding carried forward from 2018 (funds can be spent until March 31<sup>st</sup> on provincial grants). These grant expenditures are fully offset by revenue received for the grants. Further information on the grant-funded programs can be found in the revenue section of this report. Also, additional spending pressures are projected due to contracted services to support the Service' recruiting and modernization efforts.

*Contributions to / (Draws from) Reserves:*

A net zero variance is projected in this category.

<b>Reserves Category</b>	<b>2019 Budget (\$Ms)</b>	<b>Actual to Jun 30/19 (\$Ms)</b>	<b>Projected Year-End Actual (\$Ms)</b>	<b>Fav / (Unfav) (\$Ms)</b>
<b>Contribution to Reserves:</b>				
Collective Agreement Mandated - Central Sick, Sick Pay Gratuity & Post-Retirement Health	\$17.1	\$0.0	\$17.1	\$0.0
Legal	\$0.9	\$0.0	\$0.9	\$0.0
Insurance	\$10.0	\$0.0	\$10.0	\$0.0
Vehicle & Equipment	\$22.3	\$0.0	\$22.3	\$0.0

<b>Contribution to Reserves</b>	<b>\$50.3</b>	<b>\$0.0</b>	<b>\$50.3</b>	<b>\$0.0</b>
<b>Draws from Reserves:</b>				
Collective Agreement Mandated - Central Sick, Sick Pay Gratuity & Post-Retirement Health	(\$22.7)	\$0.0	(\$22.7)	\$0.0
Legal & Modernization	(\$7.1)	\$0.0	(\$7.1)	\$0.0
<b>Draws from Reserves</b>	<b>(\$29.8)</b>	<b>\$0.0</b>	<b>(\$29.8)</b>	<b>\$0.0</b>
<b>Contributions to / (Draws from) Reserves</b>	<b>\$20.5</b>	<b>\$0.0</b>	<b>\$20.5</b>	<b>\$0.0</b>

As part of the annual operating budget process, the Board and Council approve contributions to and expenditures from reserves. The various reserves are established to provide funding for anticipated expenditures to be incurred by the Service, and to avoid large swings in costs from year to year. The Service contributes to and/or draws from the following reserves: City Sick Pay Gratuity; City Insurance; Vehicle and Equipment; Central Sick; Post-Retirement Health; and Legal.

The adequacy of reserves is reviewed annually, based on the Service's estimated spending and asset replacement strategies. Contributions are made and expensed to the operating budget accordingly. At this time, no variance is anticipated.

The Service has developed a framework for measuring and tracking the impact of cannabis legalization on the Service which includes, but is not limited to the following:

- targeting illegal dispensaries;
- training;
- impact on front-line demands; and
- processing and destruction of seized cannabis.

This year, to June 30<sup>th</sup>, \$0.75M has been spent on cannabis related enforcement, closure of illegal dispensaries, training and destruction of seized cannabis. The Ministry of Finance has provided funds to the City from the Ontario Cannabis Legislation Implementation Fund (O.C.L.I.F.), which the City has placed in reserve. Municipalities must use their O.C.L.I.F. funding to address the implementation costs that directly relate to the legalization of recreational cannabis. The Service is currently working with the City to determine the amount of draws that can be made for Service-related cannabis costs. Impacts, if any, of approved draws will be reported in future variance reports.

**Revenue:**

A favourable variance of \$12.4M is projected in this category.

Revenue Category	2019 Budget (\$Ms)	Actual to Jun 30/19 (\$Ms)	Projected Year-End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Government grants	(\$57.6)	(\$24.1)	(\$65.6)	\$8.0
Fees and Recoveries (e.g., paid duty, secondments, reference checks.)	(\$32.9)	(\$15.3)	(\$35.3)	\$2.4
Paid Duty - Officer Portion	(\$24.7)	(\$12.2)	(\$24.7)	\$0.0
Miscellaneous Revenue	(\$1.0)	(\$0.4)	(\$3.0)	\$2.0
<b>Total Revenues</b>	<b>(\$116.2)</b>	<b>(\$52.0)</b>	<b>(\$128.6)</b>	<b>\$12.4</b>

During 2018, the Service was in receipt of Policing Effectiveness and Modernization grant funding and Guns and Gangs grant funding from the Province of Ontario. The grants are to assist the Service in funding incremental spending on modernization and anti-gang crime initiatives, respectively. As the provincial fiscal year ends on March 31<sup>st</sup>, versus December 31<sup>st</sup> for the Service, unspent provincial grant funding from 2018 was carried forward into the first quarter of 2019. The favourable variance in grants is mainly a result of these carry forwards. As this grant funding is meant to offset specific expenditures, the Service is projecting an offsetting increase in expenditures, as shown in the Non-Salary – Other expenses.

The Service was eligible to apply for \$17.4M in Community Safety and Policing (C.S.P.) grant funds from the Ministry of the Solicitor General for fiscal year 2019-2020. This grant replaces the Policing Effectiveness and Modernization Grant. Applications for the C.S.P. grant are currently being reviewed by the Ministry and approvals are pending. The Service budget assumed that \$10.0M would be provided through this grant to cover the cost of the Public Safety Response Team. The remaining amount was not included in the Service operating budget as the amounts were not guaranteed at the time of budget preparation and the remaining \$7.4M was to cover new expenditures, therefore would not have an impact on the net operating budget submission. While the net variance for grants will generally be zero, the gross variance is difficult to project with certainty because of the Province’s different fiscal year end.

Year to date recoveries for the paid duty administrative fees and reference checks are greater than expected. As a result, the Service is projecting a favourable variance to year-end in fees and recoveries.

The favourable variance in Miscellaneous Revenue is a result of liability reversals.

**Conclusion:**

As at June 30, 2019, the Service is projecting a final variance of zero.

While preliminary projections are trending \$3.6M unfavourable, it must be noted that projections are based on estimates. The Service is working to stay within its approved budget and some of the actions and mitigations that the Service is currently exploring include the following:

- Ongoing review of the timing and pace of hiring and associated impacts to the Service's workforce. It is anticipated, but not yet certain, that salary savings attributed to delays in filling civilian staffing requirements will continue to increase. Consequently, benefit savings are expected to increase if hiring is delayed due to a lower than planned Service size.
- Close monitoring of premium pay expenses across the Service to keep expenditures to an absolute minimum, taking into account pressures on the front line, investigative and support units as a result of low staffing levels.
- A reassessment of non-salary expenditures.
- Reassessing contribution strategies with a view to deferring reserve contributions where warranted, subject to protecting future funding viability.

The Board will be kept apprised through the variance reporting process or ad hoc reports, as necessary and appropriate.

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

\*original copy with signature on file in Board office



## Toronto Police Services Board Report

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August 23, 2019

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Operating Budget Variance Report for the Toronto Police Service Parking Enforcement Unit, Period Ending June 30, 2019**

### **Recommendations:**

It is recommended that the Toronto Police Services Board (Board) forward a copy of this report to the City of Toronto's (City) Chief Financial Officer for information and inclusion in the overall variance report to the City's Budget Committee.

### **Financial Implications:**

At its January 24, 2019 meeting, the Board approved the Toronto Police Service Parking Enforcement Unit (P.E.U.) budget request at \$46.7M (Min. No. P7/19 refers), a 0% increase over the 2018 approved operating budget.

Subsequently, City Council, at its March 7, 2019 meeting, approved the P.E.U.'s 2019 operating budget at the same amount. At the time the P.E.U.'s budget was approved, the impact from the collective agreement negotiations between the Toronto Police Association (T.P.A.) and the Board was not known, and was therefore not included in the budget request.

The Board, at its May 30, 2019 meeting, requested the approval of a transfer of \$0.9M to the P.E.U.'s 2019 net operating budget from the City's Non-Program operating budget, with no incremental cost to the City, to reflect the salary and benefits impact of the now-ratified contract with the T.P.A. (Min. No. P111/19 refers), bringing the total net P.E.U. budget to \$47.6M.

### **Background / Purpose:**

The P.E.U. operating budget is not part of the Toronto Police Service's operating budget. While the P.E.U. is managed by the Service, the P.E.U.'s budget is maintained

separately in the City's non-program budget. In addition, revenues from the collection of parking tags issued accrue to the City, not the Service.

The purpose of this report is to provide information on the P.E.U.'s 2019-projected year-end variance as at June 30, 2019.

**Discussion:**

As at June 30, 2019, a favourable variance of \$0.4M is projected to year-end.

The following chart summarizes the variance by category of expenditure, followed by information on the variance for both salary and non-salary related expenses.

<b>Category</b>	<b>2019 Budget (\$Ms)</b>	<b>Actual to Jun 30/19 (\$Ms)</b>	<b>Projected Year-End Actual (\$Ms)</b>	<b>Fav/(Unfav) (\$Ms)</b>
Salaries	\$31.4	\$14.0	\$31.0	\$0.4
Premium Pay	\$2.4	\$0.8	\$2.5	(\$0.1)
Benefits	\$7.8	\$2.6	\$7.8	\$0.0
<b>Total Salaries &amp; Benefits</b>	<b>\$41.6</b>	<b>\$17.4</b>	<b>\$41.3</b>	<b>\$0.3</b>
Materials & Equipment	\$1.5	\$0.5	\$1.5	\$0.0
Services	\$6.0	\$1.4	\$6.0	\$0.0
<b>Total Non-Salary</b>	<b>\$7.5</b>	<b>\$1.9</b>	<b>\$7.5</b>	<b>\$0.0</b>
Revenue (e.g. TTC, towing recoveries)	(\$1.5)	(\$0.4)	(\$1.6)	\$0.1
<b>Total Net</b>	<b>\$47.6</b>	<b>\$18.9</b>	<b>\$47.2</b>	<b>\$0.4</b>

It is important to note that expenditures do not all follow a linear pattern and therefore year-to-date expenditures cannot be simply extrapolated to year-end. Rather, the projection of expenditures to year-end is done through an analysis of all accounts, taking into consideration factors such as expenditures to date, future commitments expected and spending patterns.

**Salaries, Benefits and Premium Pay:**

A favourable variance of \$0.3M is projected in salaries and benefits. The P.E.U. budget assumed hiring would take place at a sufficient pace to fully staff parking enforcement and support staff positions. Three recruit classes are currently scheduled for this year. However, in addition to regular parking enforcement attrition, several parking enforcement staff have been successful in obtaining other positions within the Service (e.g. police officers and special constables). As a result, the P.E.U. is projected to be

slightly below its funded strength of 357 parking enforcement officers, on average, during the year.

Nearly all premium pay at the P.E.U. is related to enforcement activities, attendance at court and the backfilling of members attending court. With respect to enforcement activities, premium pay is utilized to staff special events or directed enforcement activities. The opportunity to redeploy on-duty staff for special events is minimal, as this will result in decreased enforcement in the areas from which they are being deployed. Directed enforcement activities are instituted to address specific problems. All premium pay expenditures are approved by supervisory staff and carefully controlled. An unfavourable variance of \$0.1M is projected in premium pay at this time. This variance is due to recoverable activities and is offset by a favourable revenue variance, as discussed below.

**Non-salary Expenditures:**

No variance is anticipated in the non-salary accounts at this time.

**Revenue:**

Revenues include towing recoveries, contribution from reserves and recoveries from the Toronto Transit Commission (T.T.C.). The recoveries from the T.T.C. are for premium pay expenditures that are incurred to enforce parking by-laws on T.T.C. right of ways, which are necessitated by the continuing weekend subway closures for signal replacements maintenance. A favourable variance of \$0.1M is projected for these recoveries and have a net zero impact, as they are a direct reimbursement of billed premium pay expenditures.

**Conclusion:**

As at June 30, 2019, the P.E.U. operating budget is projected to be \$0.4M under spent at year-end.

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

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## Toronto Police Services Board Report

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September 05, 2019

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Capital Budget Variance Report for the Toronto Police Service, Period Ending June 30, 2019**

### Recommendation(s):

It is recommended that the Toronto Police Services Board (Board) forward a copy of this report to the City of Toronto's (City) Chief Financial Officer for information and inclusion in the variance reporting to the City's Budget Committee.

### Financial Implications:

Toronto City Council (Council), at its meeting of March 7, 2019, approved the Toronto Police Service's (Service) 2019-2028 capital program at a net amount of \$29.6M and gross amount of \$65.8M for 2019 (excluding carry forwards), and a 10-year total of \$218M net and \$575.1M gross. Please see to Attachment A for more details.

The following table summarizes 2019 projected expenditures:

Category	2019 Gross (M's)	2019 Net (M's)
2019 approved program excluding carry forward	\$65.8	\$29.6
2018 carry forwards	\$18.6	\$6.0
Total 2019 available funding	\$84.4	\$35.6
2019 projection spending as of June 30, 2019	\$53.6	\$18.4
Variance to available funding	\$30.7	\$17.1
Carry forward to 2020	\$30.4	\$17.1
Spending rate	64%	52%

As at June 30, 2019, the Service is projecting total gross expenditures of \$53.6M compared to \$84.4M in available funding (a spending rate of 64%). From the projected under-expenditure of \$30.7M, \$0.3M will be returned to Vehicle and Equipment reserve from the Wireless Parking System Lifecycle replacement project and the remaining \$30.4M balance will be carried forward to 2020. Please see to Attachment B for more details.

**Background / Purpose:**

The purpose of this report is to provide the Board with the status of the Service's capital projects as at June 30, 2019.

**Discussion:**

Attachment A provides the Service's approved 2019-2028 capital program.

Attachment B provides the Service's 2<sup>nd</sup> quarter variance report for the 2019-2028 capital program, and a status summary of the ongoing projects from 2018 as well as projects that started in 2019. Any significant issues/concerns are highlighted below in the "Key Highlights/Issues" section of this report, along with major project progress.

**Key Highlights / Issues:**

As part of its project management framework, the Service tracks the project risk and issues to determine the status and health (i.e. Green, Yellow, Red) of capital projects. The overall health of each capital project is based on budget, schedule and scope considerations. The colour codes are defined as follows:

- Green – on target to meet project goals (scope/functionalities), and on budget and schedule, no corrective action is required;
- Yellow – at risk of not meeting certain goals, some scope, budget and/or schedule issues, and minimal corrective action is required; and
- Red – high risk of not meeting goals, significant scope, budget and/or schedule issues, and extensive corrective action is required.

The following projects are currently trending Red:

- 54/55 Divisions Amalgamation
- 32/33 Divisions Amalgamation
- 12 Division Renovation
- Enterprise Business Intelligence (E.B.I.)
- Body Worn Cameras (B.W.C.) Phase II

The subsequent section summarizes key 2019-2028 capital project updates, which include an assessment of the project health. Summary information includes status updates at the time this report was written.

## 54/55 Divisions Amalgamation

Carry Forward from 2018	2019 Cash Flow			YE Variance (Over)/ Under	Carry Forward to 2020	Total Project Cost		Status	Overall Project Health
	Budget	Available to Spend	Year End Actuals			Budget	Life to Date		
6,031.4	0.0	6,031.4	300.0	5,731.4	5,731.4	39,225.0	629.3	Delayed	Red

### *Project Description:*

The amalgamation of 54 and 55 Divisions into one district facility will reduce the long-term costs of operating and maintaining two structures, and will support the recommendations for a modernized, economical and more efficient public safety delivery model. The current plan is to return the 54 and 55 Division properties to the City once the new consolidated facility is built. However, the Service continues to review its operational requirements as part of its modernization initiatives, which may result in the 54 and or 55 divisional sites being retained. The Board will be advised accordingly as part of future capital variance reports.

### *Work to date:*

The site for the new consolidated district facility is the Toronto Transit Commission's (T.T.C.) Danforth garage site located at 1627 Danforth Avenue, and was approved by the City's Executive Committee and Council in January 2018.

Subsequent to Council approval, the master planning exercise was initiated, involving community consultations, technical studies, confirmation of the T.T.C.'s requirements, and the exploration of potential partners in the site development and conceptual site plans. The Danforth Garage Master Plan – Final Report was passed by the City's Executive Committee on June 6, 2019, and was subsequently forwarded to City Council with appropriate recommendations, where it received final approvals June 19, 2019.

Due to significant delays in this project as a result of the aforementioned processes, it is anticipated that from the available funding of \$6M, \$5.7M will be carried forward to 2020. Based on these delays, there is a risk that some of the \$5.7M will not be utilized in 2020.

### *Future Planned Activities:*

The Service is currently preparing a Request for Quotation (R.F.Q.), which will be issued to pre-qualified architectural consultants. As the final master plan was approved by the Council in June 2019, the Service will start the process of re-zoning, environmental assessment and procurement. A Construction Manager will be engaged in the second quarter of 2020, followed by the start of construction in the 3<sup>rd</sup> or 4<sup>th</sup> quarter of 2021.

The status of the project remains Red. Detailed design and project timelines are to be determined now that the Master Plan has been approved by City Council, and taking into account other programs that are to be incorporated into the site's development.

Once re-zoning and environmental assessments are completed and an architectural firm is engaged, staff will take the necessary action to move this project out of Red.

#### 41 Division

Carry Forward from 2018	2019 Cash Flow			YE Variance (Over)/ Under	Carry Forward to 2020	Total Project Cost		Status	Overall Project Health
	Budget	Available to Spend	Year End Actuals			Budget	Life to Date		
269.6	4,561.0	4,830.6	600.0	4,230.6	4,230.6	38,928.0	125.4	Delayed	Yellow

#### *Project Description:*

Due to its aging infrastructure, 41 Division was identified as a priority in the Service's Long Term Facility Replacement Program a number of years ago. Cost assessments have confirmed that it is not economically feasible to address the ongoing building deficiencies or to retrofit the existing 41 Division to accommodate the current needs of the Service.

The phased construction and demolition approach for a new building on the existing site will provide the Service with a new district facility at the corner of Birchmount and Eglinton Avenues, an optimal site that is easily accessible with ample area for future expansion.

#### *Work to Date:*

A feasibility study was completed in 2018 outlining options for a phased demolition and construction of the new building. Minor interior changes have occurred to facilitate the upcoming project.

The Service's Facilities Management (Facilities) awarded the architectural consulting services and is proceeding to prepare the building design documentation.

Due to resource limitations in the Service's Facilities unit, along with competing priority projects, this project is behind schedule. However, two project supervisors were hired in mid 2019 which will alleviate work load pressures. From the available funding of \$4.8M, \$4.2M will be carried forward into 2020.

#### *Future Planned Activities:*

The investigative and information gathering phase has commenced. The construction phase is not expected to start until late 2020/early 2021.

During the construction, Service personnel will continue to occupy a portion of the existing building and portable offices, when required, to allow for uninterrupted business continuity.

The overall status of the project remains Yellow as project timelines are behind schedule. However, every effort will be made to bring this project back on schedule with the hiring of two additional staff in the unit.

### **32/33 Divisions Amalgamation**

Carry Forward from 2018	2019 Cash Flow			YE Variance (Over)/ Under	Carry Forward to 2020	Total Project Cost		Status	Overall Project Health
	Budget	Available to Spend	Year End Actuals			Budget	Life to Date		
136.2	4,790.0	4,926.2	225.0	4,701.2	4,701.2	11,940.0	157.5	Delayed	Red

#### *Project Description:*

The Service’s long-term facilities plan included the required renovation of the 32 Division facility to enable new technologies and required building improvements, such that the facility is more operationally effective and compliant with the Accessibility for Ontarians with Disabilities Act (A.O.D.A).

Subsequently, as a result of recommendations in The *Way Forward* report, the Service also commenced exploring the feasibility of amalgamating 32 and 33 divisional operations into a new 32/33 District Headquarters Facility, to be located on the existing 32 site.

#### *Work to Date:*

This project encompasses a major interior retrofit to the existing building, as well as upgrades to the base building. The Service has secured an interior design consulting firm to redesign the building interior in an effort to optimize the use of available space and to improve the movement of both personnel and persons in custody.

The schematic design has been approved and the consultant is moving forward with developing construction tender documents. A Request for Pre-Qualification (R.F.P.Q.) is being prepared to shortlist general contractors prior to tendering the work. The existing capital budget should be sufficient to accommodate the interior renovations that are necessary to amalgamate the 32/33 district operations and staffing model. However, we will know better once the procurement process is complete and a general contractor is selected.

Due to the age of the building and the high cost associated with retrofitting the garage, it was decided that the existing garage be demolished to accommodate the expansion of the booking hall/detention area, locker room, etc. an additional cost estimated at \$84,000 will be required for this additional work. All costs will be monitored closely and every effort will be made to absorb the cost within the total project budget.

Part of the planning for the amalgamated facilities included a parking feasibility study at the existing site to identify options that would accommodate the increased number of personnel who will be assigned to this location, maximize parking efficiency, and provide improved access to Service members and the general public. The study is complete and options have been presented for the Service's consideration.

The cost for additional parking is estimated between \$8M to \$19M depending on the solution and the number of parking spaces it will create. Based on the results of the study and the significant additional funding required for parking structure, the Command has approved moving forward with the 32 Division interior renovations and retaining 33 Division in the Service's facilities portfolio. 33 Division will be utilized for other divisional purposes as well as being a potential site for Parking Enforcement and Traffic Services.

This project was delayed due to redesign requirements and the need to complete the parking feasibility study. From the available funding of \$4.9M, \$4.7M will be carried forward into 2020.

*Future Planned Activities:*

It should be noted that the 32 and 33 divisions have started the transition to operate under a District model and have amalgamated certain functions.

The status of this project remains Red, as there was a four-month delay in start of the project. The Board will be kept apprised of the status of this project through the variance reporting process.

**12 Division Renovation**

Carry Forward from 2018	2019 Cash Flow			YE Variance (Over)/ Under	Carry Forward to 2020	Total Project Cost		Status	Overall Project Health
	Budget	Available to Spend	Year End Actuals			Budget	Life to Date		
0.0	500.0	500.0	0.0	500.0	500.0	9,000.0	0.0	Delayed	Red

*\*Schedule reflects a budget transfer of \$1.3M from the 12 Division Renovation project to the Radio Replacement project*

*Project Description:*

The project originally provided for a 12 Division renovation, relocation of Traffic Services and Parking Enforcement to a more centralized location. However, the current plan is on hold while the Service considers various options and priorities for the Divisional Policing Program.

*Work to Date:*

The 12 Division Renovation project is on hold until a pilot project for Traffic Services and Parking Enforcement is complete and more information becomes available for the optimum locations from a service and enforcement perspective and other requirements.

*Future Planned Activities:*

Future activities will be determined subsequent to the results from the Traffic Services and Parking Enforcement pilot project.

The status of this project will remain Red until more information is received and analysis is completed.

**District Policing Program – District Model**

Carry Forward from 2018	2019 Cash Flow			YE Variance (Over)/ Under	Carry Forward to 2020	Total Project Cost		Status	Overall Project Health
	Budget	Available to Spend	Year End Actuals			Budget	Life to Date		
0.0	2,900.0	2,900.0	1661.5	1,238.5	1,238.5	15,900.0	215.7	Delayed	<b>Yellow</b>

*Project Description:*

The Service designed the new District Boundaries to align with Toronto neighbourhoods. The planning and transformation design from 17 Divisions to 10 Districts is now underway. It includes a facility review to align with modernization needs and redesign of core business processes to effectively operate as districts. It will address technology, people, process and infrastructure requirements.

*Work to Date:*

Staffing requirements are still being addressed. Current state analysis for divisional processes are complete and the project team engaged the Toronto City Manager's Office to raise awareness of the new district boundaries and engage any other agencies or units that might be impacted as a result of this implementation.

*Future Planned Activities:*

A high-level plan is being developed to merge divisions to form interim divisions within the existing boundaries, and then adjusting boundaries to form Districts. Work on operational dispatching models for Communication Centre (911) will continue to determine the process, systems, and infrastructure and technology changes to support the District Policing Program.

The status of this project is Yellow until resource constraints have been addressed.

**Transforming Corporate Support (H.R.M.S., T.R.M.S.)**

Carry Forward from 2018	2019 Cash Flow			YE Variance (Over)/ Under	Carry Forward to 2020	Total Project Cost		Status	Overall Project Health
	Budget	Available to Spend	Year End Actuals			Budget	Life to Date		
1,104.7	1,700.0	2,804.7	1,942.0	862.7	862.7	8,742.5	5,591.0	Delayed	<b>Yellow</b>

*Project Description:*

Closely aligned with the ongoing restructuring of the Service's human resource function, this project involves upgrading and enhancing the Service's Human Resource Management System (H.R.M.S.) and its capabilities to better support the Service's needs. This project provides for an investment that will consolidate the current H.R.M.S. and Time Resource Management System (T.R.M.S.), with the objective of developing a new overall solution, with enhanced and value added processes that will be cost-effective and efficient.

*Work to Date:*

Phase II of the project plan is continuing into 2019. In the second quarter of 2019, the following deliverables were achieved:

- completion of the workforce analytics production pilot involving the Senior Management Team and Command. Preparation for service-wide roll-out is underway; and
- launch of new performance management tool to support People & Culture's 2019 process.

Phase III – Time and Labour implementation, and replacement of T.R.M.S., is also well underway. In this quarter:

- a revised project plan and schedule was developed and approved by the Project Steering Committee; and
- prototyping of the core system solution has started.

*Future Planned Activities:*

Work continues throughout 2019 to drive organizational effectiveness and efficiencies in support of Human Resources (H.R.), Payroll, and Benefits related processes, administration and analytics. This work however has been delayed due to critical operational support activities related to the ratification of the new Toronto Police Association (T.P.A.) Collective Agreement, new uniform schedule implementations, other ad hoc program specific requests and resource constraints.

Collective bargaining is currently in progress with the Senior Officer Organization (S.O.O.), and once an agreement is reached, there may be additional requests and work from this bargaining process that will further delay work on this project.

The Time and Labour implementation team will continue to work on prototyping the core solution, with a goal to begin stakeholder/focus sessions in the fall of 2019.

The status of this project remains Yellow, as resource turnover, resourcing constraints and conflicting operational priorities continue to have an ongoing impact on planned activities and ability to engage key staff and organizational stakeholders to support the project initiatives and schedule. Due to these ongoing risks, the current projection for

the completion of the Time and Labour implementation is expected to carry over into 2021. Future variance and capital budget requests will address these requirements.

***Enterprise Business Intelligence (E.B.I.) – Part of Analytics Center of Excellence (A.N.C.O.E.) program***

Carry Forward from 2018	2019 Cash Flow			YE Variance (Over)/ Under	Carry Forward to 2020	Total Project Cost		Status	Overall Project Health
	Budget	Available to Spend	Year End Actuals			Budget	Life to Date		
387.4	1,300.0	1,687.4	1,401.8	285.6	285.6	10,716.6	9,249.0	Delayed	<b>Red</b>

***Project Description:***

The E.B.I. project is being managed within the Service’s A.N.C.O.E. program. A.N.C.O.E is a business-led, analytics and innovation program, which will oversee and drive analytics and information management activities for the Service, including the E.B.I. project. The E.B.I project will deliver enhanced data modelling, reporting, visualization and analytics products for the Service and members of the public. These products include dashboards, applications, maps, and reports.

***Work to Date:***

I.B.M. delivered technology for this project, provided training and conducted development activities. The project ran into challenges around scope, schedule and budget and was paused in the fourth quarter of 2018 and reset in the first quarter of 2019. The Service ended its relationship with I.B.M. regarding this project. All work to date and remaining activities have been transferred to the Service’s Analytics & Innovation Unit (A&I) for subsequent deployment and implementation. An updated plan has been developed to leverage Service members from the A&I and I.T.S units to continue implementation including data visualization and reporting for the Service.

It is estimated that the project will be completed by March 2020.

***Future Planned Activities:***

The following E.B.I. deliverables are underway and will be delivered by the end of the project:

- streamline Service processes in making data and analytics products available to front-line members, management, and the public;
- develop an enhanced reporting database and data marts for existing Service requirements from H.R., Records Management Services (R.M.S.), and operational data sources; and
- establish a permanent team to support this critical work within the A&I unit. The project included five permanent positions to support the E.B.I. project. Subsequent to hiring these positions, the project team will make decision-

support, analytics and mapping applications available to all members of the Service.

Professional service providers will be engaged to support the implementation of robust agile methods, data governance, enhanced situational awareness applications and overall project delivery. Technology procurement will be required to support data visualization and management.

The status of this project remains Red until scope, deliverables, budget and staffing levels are aligned with the current approach and all impacts to the Service are well understood. It is anticipated that the status of this project will be trending towards Green for the next variance reporting.

**Radio Replacement Project**

Carry Forward from 2018	2019 Cash Flow			YE Variance (Over)/ Under	Carry Forward to 2020	Total Project Cost		Status	Overall Project Health
	Budget	Available to Spend	Year End Actuals			Budget	Life to Date		
364.6	5,414.0	5,778.6	5,778.6	0.0	0.0	37,862.5	23,158.0	On Time	Green

*\*Schedule reflects a budget transfer of \$1.3M from the 12 Division Renovation project to the Radio Replacement project*

**Project Description:**

This project is for the replacement and acquisition of mobile and portable radios. Currently, the Service’s Telecommunications Services unit (T.S.U.) maintains approximately 5,000 mobile/portable radio units.

**Work to date:**

Radios are being deployed as required by the lifecycle program.

**Future Planned Activities:**

The Service’s older radios are being life cycled and replaced, as the older models are not capable of operating simultaneously. Migration to the newer standard will offset the increased radio traffic that will be caused by the new district model and will mitigate performance and capacity risks in the radio systems.

**Connected/Mobile Officer**

Carry Forward from 2018	2019 Cash Flow			YE Variance (Over)/ Under	Carry Forward to 2020	Total Project Cost		Status	Overall Project Health
	Budget	Available to Spend	Year End Actuals			Budget	Life to Date		
0.0	800.0	800.0	800.0	0.0	0.0	10,689.8	2,258.4	On Time	Yellow

### *Project Description:*

The *Way Forward* report recommended that the Service make investments to enable officers to work with smart devices. This includes a full application suite and e-notebook, as well as updating existing applications to a mobile environment which allows officers to be connected at all times to the most current operational information.

The mobile technology will allow the Service to move beyond the facility footprint of past models. Technologically connected officers can access the information they require from anywhere. With functions that will ultimately allow officers to file reports, make calls, correspond via email, and access databases, there will be a reduced reliance on the use of workstations at police stations and in vehicles, and increased time spent in communities.

### *Work to date:*

The initial phase of the project included a proof of concept to select the mobile device, dispatch application, and setup the infrastructure that best met the Connected Officer vision. It also included the purchase of 700 mobile devices and licenses that were deployed to D51 and D54/55, a Mobile Responder App and implementation of a 'blended' solution so that officers could concurrently login to the smartphone and mobile workstation. Also completed was training all officers on use of the smartphone and policies, plus additional training specifically for the Mobile Responder App.

For 2019, the Connected Officer team is currently stabilizing the program, enhancing functionalities and evaluating the current device deployment. Current priorities include:

- enhance the Mobile Responder App to query Versadex R.M.S. for person, vehicles, addresses and businesses;
- implement a web app to support mobile digital media transfer.
- conduct a Computer Aided Dispatch (C.A.D.) performance assessment to support the Service-wide rollout of Mobile Responder; and
- engage an external subject matter expert to conduct a mobility and sustainability assessment.

### *Future Planned Activities:*

Funds in the amount of \$8.4M have been requested in an application to the Ministry of the Solicitor General under the Community Safety and Policing (C.S.P.) grant for expansion of the number of connected officer phones from 700 to 2,800 devices over a 3-year period. However, at this point the Service has not received confirmation regarding C.S.P. grant approvals. If approved, \$2.2M is allocated in the grant funds in 2019/2020 to continue the program.

The status of this project is Yellow due to funding uncertainties.

**Body Worn Cameras (B.W.C.) Phase II**

Carry Forward from 2018	2019 Cash Flow			YE Variance (Over)/ Under	Carry Forward to 2020	Total Project Cost		Status	Overall Project Health
	Budget	Available to Spend	Year End Actuals			Budget	Life to Date		
0.0	1,000.0	1,000.0	1,000.0	0.0	0.0	11,211.0	202.2	On Time	Red

**Project Description:**

This project involves exploring the benefits, challenges, and issues surrounding the use of body worn cameras, in keeping with the Service’s commitment to maintaining public trust, increase accountability and provide professional and unbiased policing.

**Work to Date:**

As this is a large and complex solution to procure, a fairness commissioner and specialized procurement experts have been engaged to provide advice and guidance on the process, requirements, assist in negotiations and to ensure the process is fair and open.

A Request for Information (R.F.I.) was released on June 6, 2018, with vendor presentations completed at the end of September 2018. Based on the result of the R.F.I. and approved user requirements, a non-binding R.F.P. was issued in April 2019, for an off-premise (cloud) solution. Selection of the final vendor is scheduled to occur by late September 2019.

**Future Activities:**

In parallel, the project team will be engaging with the necessary stakeholders such as City Legal and internal and external partners.

Implementing a B.W.C. program within the Service will involve significant costs to pay for the selected solution as well other direct and indirect costs required to make the program operational.

The status of this project is Red as the Service has not yet included the full cost into the Service’s capital or operating budget until the solution and costs are better understood, based on the results of the procurement process. The original project considered both on premise and off premise/cloud solution. However, based on R.F.I. results, new technology and costing, a decision was made to move to a cloud solution for B.W.C. As a result, the majority of the program cost will need to be included in the Service’s operating budget. The timing of vendor selection and related financial obligations in late 2019 and Council approval of budget in February of 2020 are not aligned and as result the status of this project will remain Red.

**Next Generation (N.G.) 9-1-1**

Carry Forward from 2018	2019 Cash Flow			YE Variance (Over)/ Under	Carry Forward to 2020	Total Project Cost		Status	Overall Project Health
	Budget	Available to Spend	Year End Actuals			Budget	Life to Date		
0.0	500.0	500.0	399.8	100.2	100.2	5,000.0	63.4	On Time	Green

*Project Description:*

As per the Canadian Radio-television and Telecommunications (C.R.T.C.) mandate, Canadian telecommunications service providers will be upgrading their infrastructure to N.G.9-1-1 to Voice Capable Networks by June 30, 2020 and Text Capable Networks by December 31, 2020. The existing, soon to be legacy, 9-1-1 network is slated to be decommissioned by December 31, 2023.

N.G.9-1-1 long term goal is to achieve the following:

- circuit switch upgrade from legacy to I.P.-based, including integration to other systems, such as C.A.D. and Voice Logging System (V.L.S.) in 2020;
- voice/text\* (\*limited to deaf, hard of hearing, or speech impaired (D.H.H.S.I.) community only) upgrade to Multimedia /Real Time Text (R.T.T.) capable in 2021/2022;
- network location only upgrade to multiple sources of location information (Network, Global Positioning System (G.P.S.), Device);
- basic caller's information (name, call back number, location, service provider class of service) upgrade to Enhanced Details on the call, the caller, and the location;
- master street address guide based call routing upgrade to Geodetic Routing of calls; and
- co-ordinated implementation of new N.G.9-1-1 data and multi-media services (e.g. picture, video) in 2023.

*Work to date:*

- Program Manager has been hired as of March 13, 2019
- Technical Lead has been hired as of June 2019
- R.F.I. for an end-to-end N.G.9-1-1 solution was published on MERX as of June 17, 2019. Results were received and evaluated by the team

- Started collaboration with other Public-Safety Answering Points in Ontario in terms of exchanging knowledge, lessons learned from R.F.I. process and combining efforts on the R.F.P. creation to be released by the end of the year.

*Future Planned Activities:*

The R.F.P. or R.F.I. for new N.G.9-1-1 Private Branch Exchanger system replacement is being drafted.

**Automated Fingerprint Identification System (A.F.I.S.) Replacement**

Carry Forward from 2018	2019 Cash Flow			YE Variance (Over)/ Under	Carry Forward to 2020	Total Project Cost		Status	Overall Project Health
	Budget	Available to Spend	Year End Actuals			Budget	Life to Date		
0.0	500.0	500.0	399.8	100.2	100.2	5,000.0	63.4	On Time	Yellow

*Project Description:*

The A.F.I.S. system is a biometric identification (I.D.) methodology that uses digital imaging technology to obtain, store, and analyze fingerprint data. A.F.I.S. systems are primarily used by law enforcement agencies for criminal identification initiatives. This includes identifying a person suspected of committing a crime or linking a suspect to unsolved crimes. Fingerprinting, as a form of personal identification, is proven in practice and is accepted in courts of law. It also allows the Service to be compatible with external systems like the Royal Canadian Mounted Police (R.C.M.P.) and communicate electronically for fingerprint submissions, searches and criminal record updates. This system includes a redundancy system (Disaster Recovery) that replicates A.F.I.S functionality in the event of a technical or natural disaster to protect this critical data.

It is also integrated with IntelliBook prisoner booking system with provides real-time confirmation of prisoner identity to Booking Officers.

The current A.F.I.S. system was purchased and implemented in late 2012 (2011 model). The lifecycle of this system is five years, the maintenance and support contract with current vendor expires in February 2020, and the Disaster Recovery maintenance and support contract expires in December 2019.

*Work to date:*

Replacement plan was originally scheduled to be implemented in early 2019. Replacement of this system includes vendor support, all updates and provides functionality that is more efficient. However, more advanced image enhancement tools, image quality and speed of capture of fingerprint and palm print records will become available by the fourth quarter of 2019. As a result, the procurement of this system is delayed to year 2020.

*Future Planned Activities:*

The overall status of the project is Yellow as project timelines are behind schedule. It is anticipated that the procurement process will commence in August 2019 and will be finalized by March 2020. Subsequent work such as build and test, implementation and quality assurance will be finalized by November 2020.

**Vehicle and Equipment Lifecycle Replacements**

Project Name	Carry Forward from 2018	2019 Budget	Available to Spend	Year End Actuals	YE Variance (Over)/ Under	Carry Forward to 2020	Total Project Cost		Status	Overall Project Health
							Budget	Life to Date		
Vehicle Replacement	279.3	6,951.0	7,230.3	7,133.4	96.9	96.9	On-going	On-going	On-going	Green
IT- Related Replacements	945.7	17,845.0	18,790.7	17,801.7	988.9	942.1	On-going	On-going	On-going	Green
Other Equipment	5,319.6	10,082.0	15,401.6	8,605.9	6,795.7	6,485.1	On-going	On-going	On-going	Green
<b>Total Lifecycle Projects</b>	<b>6,544.5</b>	<b>34,878.0</b>	<b>41,422.5</b>	<b>33,541.0</b>	<b>7,881.5</b>	<b>7,524.0</b>				

*Project Description:*

Projects listed in this category are funded from the Vehicle and Equipment Reserve (Reserve), which is in turn funded through annual contributions from the Service and Parking Enforcement operating budgets. The Reserve has no impact on the capital program at this time as it does not require debt funding. Items funded through this reserve include the regular replacement of vehicles and information technology equipment, based on the deemed lifecycle for the various vehicles and equipment.

It is important to note that as the Service modernizes, new systems that have been implemented over the years (e.g. In-Car Camera program, data and analytics initiatives) and increasing storage requirements (e.g. to accommodate video), have put significant pressure on this Reserve, as the amount of equipment with maintenance and replacement requirements continues to increase year over year.

*Work to Date:*

The 2019 projected under-expenditure is \$7.8M, of which \$7.5M will be carried forward to 2020 as these funds are still required to complete lifecycle projects.

Significant variances are:

- \$0.7M – Furniture Lifecycle Replacement – In some locations renovation is required before furniture replacement and as result \$1.6M will be spent and the remaining balance will be carried forward to 2020.

- \$0.9M – Workstation, Laptop, Printer Lifecycle – I.T. is qualifying the models for various lifecycle replacement equipment. As a result, \$3.7M will be spent in 2019 and the remaining balance will be carried forward to 2020.
- \$4.7M – Mobile Workstation - Deployment of mobile workstations occurs over two years, 2019 and 2020. \$4.7M will be spent and the remaining balance of \$1.7M will be carried forward to 2020.
- \$0.4M – Locker Replacement – There is currently no Vendor of Record for lockers. The entire available balance will be carried forward to 2020.
- \$0.3M – Wireless Parking System - This project will be completed in 2019 and it is anticipated that \$0.3M will not be required and will be returned to Vehicle and Equipment reserve.

*Future Planned Activities:*

Various lifecycle projects such as vehicles, workstations, furniture and locker, mobile workstation replacement projects will continue their regular lifecycle in 2020 and beyond. While the Service has taken steps to create efficiencies, the amount of equipment that must be replaced continues to increase. Consequently, even with increased planned contributions, current planned spending would leave the Vehicle and Equipment Reserve in an overdrawn position in 2020. The Service will continue to review all projects' planned expenditures to address the future pressures, including additional contributions that may be required.

*Cloud Strategy Impact on Capital and Operating Budget*

The Service has completed a cloud strategy assessment. Most of the recommendations from the assessment have been evaluated by the B.W.C. Project Team for inclusion in the risk monitoring and contract negotiation with the successful proponent. Implementation of the cloud strategy, including cloud readiness is underway based on the work completed by Gartner group earlier in 2019.

A cloud migration team, to implement the strategy, has been assembled, and communication with key business units is underway. Based on the high level of effort required to implement the strategy, the Service is actively seeking a contracted resource to assist and lead the way on this project while a Cloud Architect role is created. Processes, standards, and a complete understanding of the data security implications is also required.

It is clear, that a move to Cloud will add pressure to the Service's Operating budget due to the standard subscription based cost model of Cloud services. Analysis of any additional budget pressure will be incorporated in any project that is looking to use the Cloud.

**Conclusion:**

As at June 30, 2019, the Service is projecting total gross expenditures of \$53.6M compared to \$84.4M in available funding.

Resourcing constraints that still exist from the hiring moratorium and competing operational priorities continue to have an ongoing impact on planned activities. Projects will continue to be monitored on an ongoing basis and known issues are being actively addressed. The Board will be kept apprised of any major issues as projects progress.

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

\*original copy with signature on file in Board office

**Approved 2019-2028 Capital Program Request (\$000s)**

Project Name	Plan	2019	2020	2021	2022	2023	Total	2024	2025	2026	2027	2028	Total	Total	Total
	to end of 2018						2019-2023 Request						2024-2028 Forecast	2019-2028 Program	Project Cost
<b>Projects In Progress</b>															
State-of-Good-Repair - Police		4,400	4,400	4,400	4,400	4,400	22,000	4,400	4,400	4,400	4,400	4,400	22,000	44,000	44,000
Transforming Corporate Support (HRMS, TRMS)	5,735	1,700	1,000				2,700		0	0	0	0	0	2,700	8,435
54/55 Amalgamation	6,203	0	6,252	11,625	7,000	4,697	29,574	3,448	0	0	0	0	3,448	33,022	39,225
32/33 Amalgamation	200	4,790	5,950	1,000	0	0	11,740	0	0	0	0	0	0	11,740	11,940
41 Division	395	4,561	16,622	14,850	2,500	0	38,533	0	0	0	0	0	0	38,533	38,928
Enterprise Business Intelligence	9,417	1,300	0	0	0	0	1,300	0	0	0	0	0	0	1,300	10,717
Radio Replacement	19,626	4,114	5,949	5,074	3,292		18,429			0	14,141	4,250	18,391	36,820	56,446
<b>Total, Projects In Progress</b>	<b>41,575</b>	<b>20,865</b>	<b>40,173</b>	<b>36,949</b>	<b>17,192</b>	<b>9,097</b>	<b>124,276</b>	<b>7,848</b>	<b>4,400</b>	<b>4,400</b>	<b>18,541</b>	<b>8,650</b>	<b>43,839</b>	<b>168,115</b>	<b>209,690</b>
<b>Upcoming Projects</b>															
Automated Fingerprint Identification System (A.F.I.S.) Replacement	0	3,053	0	0	0	0	3,053	3,053	0	0	0	0	3,053	6,106	6,106
Next Generation (N.G.) 9-1-1		500	4,000	500	0	0	5,000	0	0	0	0	0	0	5,000	5,000
Body Worn Camera - Phase II	500	1,000	2,000	0	0	0	3,000	0	0	0	0	0	0	3,000	3,500
Connected Officer		800	0	0	0	0	800	0	0	0	0	0	0	800	800
12 Division Renovation		1,800	5,200	2,000	0	0	9,000	0	0	0	0	0	0	9,000	9,000
13 Division New Build		0	0	372	6,500	17,330	24,202	14,170	2000	0	0	0	16,170	40,372	40,372
22 Division New Build		0	0	0	0	400	400	6,500	18500	13,000	2,000	0	40,000	40,400	40,400
51 Division Major Expansion		0	0	0	0	0	0	0	0	1,500	3,000	2,530	7,030	7,030	7,030
District Policing Program - District Model		2,900	1,687	1,535	1,071	0	7,193	0	0	0	0	0	0	7,193	7,193
43 Division Major Interior Renovation			300	2,100	1,600	0	4,000	0	0	0	0	0	0	4,000	4,000
Property & Evidence Warehouse Racking	0	0	40	0	0	1,000	1,040	0	0	0	0	0	0	1,040	1,040
<b>Total, Upcoming Capital Projects:</b>	<b>500</b>	<b>10,053</b>	<b>13,227</b>	<b>6,507</b>	<b>9,171</b>	<b>18,730</b>	<b>57,688</b>	<b>23,723</b>	<b>20,500</b>	<b>14,500</b>	<b>5,000</b>	<b>2,530</b>	<b>66,253</b>	<b>123,941</b>	<b>124,441</b>
<b>Total Reserve Projects:</b>	<b>254,542</b>	<b>34,878</b>	<b>28,759</b>	<b>24,110</b>	<b>27,254</b>	<b>25,330</b>	<b>140,332</b>	<b>37,866</b>	<b>23,825</b>	<b>28,603</b>	<b>30,065</b>	<b>22,395</b>	<b>142,755</b>	<b>283,088</b>	<b>283,088</b>
<b>Total Gross Projects</b>	<b>296,618</b>	<b>65,796</b>	<b>82,159</b>	<b>67,566</b>	<b>53,617</b>	<b>53,157</b>	<b>322,296</b>	<b>69,437</b>	<b>48,725</b>	<b>47,503</b>	<b>53,606</b>	<b>33,575</b>	<b>252,847</b>	<b>575,144</b>	<b>617,219</b>
<b>Funding Sources:</b>															
Vehicle and Equipment Reserve	(254,542)	(34,878)	(28,759)	(24,110)	(27,254)	(25,330)	(140,332)	(37,866)	(23,825)	(28,603)	(30,065)	(22,395)	(142,755)	(283,088)	(537,630)
Grant Funding- Connected Officer	(2,632)						0						0	0	(2,632)
Funding from Development Charges	(30,610)	(1,342)	(16,214)	(16,110)	(8,612)	(6,776)	(49,054)	(6,776)	(6,789)	(6,367)	(4,000)	(1,077)	(25,009)	(74,063)	(104,673)
<b>Total Funding Sources:</b>	<b>(287,784)</b>	<b>(36,220)</b>	<b>(44,973)</b>	<b>(40,220)</b>	<b>(35,866)</b>	<b>(32,106)</b>	<b>(189,386)</b>	<b>(44,642)</b>	<b>(30,614)</b>	<b>(34,970)</b>	<b>(34,065)</b>	<b>(23,472)</b>	<b>(167,764)</b>	<b>(357,151)</b>	<b>(644,935)</b>
<b>Total Net Debt-Funding Request:</b>		<b>29,576</b>	<b>37,186</b>	<b>27,346</b>	<b>17,751</b>	<b>21,051</b>	<b>132,910</b>	<b>24,795</b>	<b>18,111</b>	<b>12,533</b>	<b>19,541</b>	<b>10,103</b>	<b>85,083</b>	<b>217,993</b>	<b>(27,716)</b>
<b>5-year Average:</b>							<b>26,582</b>						<b>17,017</b>	<b>21,799</b>	
<b>City Target:</b>		<b>40,137</b>	<b>33,125</b>	<b>28,740</b>	<b>20,768</b>	<b>10,140</b>	<b>132,910</b>	<b>14,229</b>	<b>16,507</b>	<b>17,306</b>	<b>18,541</b>	<b>18,500</b>	<b>85,083</b>	<b>217,993</b>	
<b>City Target - 5-year Average:</b>							<b>26,582</b>						<b>17,017</b>	<b>21,799</b>	
<b>Variance to Target:</b>		<b>10,561</b>	<b>(4,061)</b>	<b>1,394</b>	<b>3,017</b>	<b>(10,911)</b>	<b>0</b>	<b>(10,566)</b>	<b>(1,604)</b>	<b>4,773</b>	<b>(1,000)</b>	<b>8,397</b>	<b>0</b>	<b>0</b>	
<b>Cumulative Variance to Target</b>			<b>6,500</b>	<b>7,894</b>	<b>10,911</b>	<b>0</b>		<b>(10,566)</b>	<b>(12,170)</b>	<b>(7,397)</b>	<b>(8,397)</b>	<b>0</b>			
<b>Variance to Target - 5-year Average:</b>							<b>0</b>						<b>0</b>	<b>0</b>	

2019 Capital Budget Variance Report as at June 30, 2019 (\$000s)

Project Name	Carry Forward from 2018	2019 Cash Flow			YE Variance (Over)/ Under	Lost Funding/ Return to Reserve	Carry Forward to 2020	Total Project Cost		Status	Start Date	End Date		Overall Project Health	Comments
		Budget	Available to Spend	Year End Actuals				Budget	Life to Date			Planned	Revised		
<b>Debt - Funded Projects</b>															
<b>Facility Projects:</b>															
5455 Divisions Amalgamation	6,031.4	0.0	6,031.4	300.0	5,731.4	0.0	5,731.4	39,225.0	629.3	Delayed	Jan-17	Dec-24	Dec-25	Red	Please refer to the body of the report
IPS Archiving	261.2	0.0	261.2	121.3	139.9	0.0	139.9	650.0	391.6	On Time	Jan-18	Dec-18	Dec-19	Green	Remaining sprinkler work to be completed in 2019.
41 Division	269.6	4,561.0	4,830.6	600.0	4,230.6	0.0	4,230.6	38,928.0	125.4	Delayed	Jan-18	Dec-22	Dec-23	Yellow	Please refer to the body of the report
32/33 Division	136.2	4,790.0	4,926.2	225.0	4,701.2	0.0	4,701.2	11,940.0	157.5	Delayed	Jan-19	Dec-21	Dec-22	Red	Please refer to the body of the report
12 Division Renovation	0.0	500.0	500.0	0.0	500.0	0.0	500.0	9,000.0	0.0	Delayed	Jan-19	Dec-21	TBD	Red	Please refer to the body of the report
District Policing Program - District Model	0.0	2,900.0	2,900.0	1,661.5	1,238.5	0.0	1,238.5	15,900.0	215.7	Delayed	Jan-18	Dec-23	Dec-23	Yellow	Please refer to the body of the report
<b>Information Technology Projects:</b>															
Peer to Peer Site	1,741.6	0.0	1,741.6	1,741.6	0.0	0.0	0.0	19,921.3	19,138.6	On Time	Jan-14	Dec-19	Dec-19	Green	Construction has concluded with minor deficiencies, which were addressed and completed at the end of February 2019. Information technology and Telecommunication equipment fit up of the new building commenced in March 2019
Transforming Corporate Support	1,104.7	1,700.0	2,804.7	1,942.0	862.7	0.0	862.7	8,742.5	5,591.0	Delayed	Jan-14	Dec-20	Dec-20	Yellow	Please refer to the body of the report
Enterprise Business Intelligence	387.4	1,300.0	1,687.4	1,401.8	285.6	0.0	285.6	10,716.6	9,249.0	Delayed	Jan-15	Dec-18	Dec-19	Red	Please refer to the body of the report
Radio Replacement	364.6	5,414.0	5,778.6	5,778.6	0.0	0.0	0.0	37,862.5	23,158.0	On Time	Jan-16	on-going	on-going	Green	A radio study is underway to ensure that advancing the deployment of radios in order to leverage newer technology that can support communication requirements of the district model will avoid substantial costs to change the radio infrastructure needed for the district boundaries goals
43 Division Renovation	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4,000.0	0.0	Ahead of schedule	Jan-19	Dec-22	Dec-22	N/A	Please refer to the body of the report
Connected Officer	0.0	800.0	800.0	800.0	0.0	0.0	0.0	10,689.8	2,258.4	On Time	Jan-17	Dec-20	Dec-20	Yellow	Please refer to the body of the report
Body Worn Camera - Phase II	0.0	1,000.0	1,000.0	1,000.0	0.0	0.0	0.0	11,211.0	202.2	On Time	Jan-17	Dec-20	Dec-20	Red	Please refer to the body of the report
Next Generation (N.G.) 9-1-1	0.0	500.0	500.0	399.8	100.2	0.0	100.2	5,000.0	63.4	On Time	Jan-19	Dec-21	Dec-21	Green	Please refer to the body of the report
<b>Replacements/ Maintenance/ Equipment Projects:</b>															
State-of-Good-Repair	1,733.2	4,400.0	6,133.2	4,116.4	2,016.8	0.0	2,016.8	on-going	on-going	Delayed	on-going	on-going	on-going	Yellow	This is to maintain the safety, condition and customer requirements of existing buildings as well as technology upgrade. The Service has developed a work-plan to use these funds to optimize service delivery and enhance efficiencies for both buildings and technology improvements. The Service continues to work on SOGR priority projects and programs.
Automated Fingerprint Identification System (A.F.I.S.) Replacement	0.0	3,053.0	3,053.0	0.0	3,053.0	0.0	3,053.0	6,106.0	0.0	Delayed	Jan-19	Dec-20	Dec-20	Yellow	Replacing the AFIS system. Livescan and AFIS are connected and are being purchased at the same time and are included in the same Request for Proposal (R.F.P.) Extensive R.F.P. scheduled to be published by Purchasing Services in May, 2019.
<b>Total Debt - Funded Projects</b>	<b>12,030</b>	<b>30,918</b>	<b>42,948</b>	<b>20,088</b>	<b>22,860</b>	<b>0</b>	<b>22,860</b>	<b>229,893</b>	<b>61,180</b>						
<b>Lifecycle Projects (Vehicle &amp; Equipment Reserve)</b>															
Vehicle Replacement	279.3	6,951.0	7,230.3	7,133.4	96.9	0.0	96.9	On-going	On-going	On-going					
IT-Related Replacements	945.7	17,845.0	18,790.7	17,801.7	988.9	46.9	942.1	On-going	On-going	On-going					
Other Equipment	5,319.6	10,082.0	15,401.6	8,605.9	6,795.7	310.6	6,485.1	On-going	On-going	On-going					
<b>Total Lifecycle Projects</b>	<b>6,544.5</b>	<b>34,878.0</b>	<b>41,422.5</b>	<b>33,541.0</b>	<b>7,881.5</b>	<b>357.5</b>	<b>7,524.0</b>								
<b>Total Gross Expenditures</b>	<b>18,574.5</b>	<b>65,796.0</b>	<b>84,370.5</b>	<b>53,629.1</b>	<b>30,741.4</b>	<b>357.5</b>	<b>30,384.0</b>								
<b>Less other-than-debt Funding</b>															
Funding from Developmental Charges	(6,031.4)	(1,342.0)	(7,373.4)	(1,642.0)	(5,731.4)	0.0	(5,731.4)								
Vehicle & Equipment Reserve	(6,544.5)	(34,878.0)	(41,422.5)	(33,541.0)	(7,881.5)	(357.5)	(7,524.0)								
<b>Total Other-than-debt Funding</b>	<b>(12,575.9)</b>	<b>(36,220.0)</b>	<b>(48,795.9)</b>	<b>(35,183.0)</b>	<b>(13,612.9)</b>	<b>(357.5)</b>	<b>(13,255.4)</b>								
<b>Total Net Expenditures</b>	<b>5,998.6</b>	<b>29,576.0</b>	<b>35,574.6</b>	<b>18,446.0</b>	<b>17,128.6</b>	<b>0.0</b>	<b>17,128.6</b>								



## Toronto Police Services Board Report

---

September 5, 2019

To: Chair and Members  
Toronto Police Services Board

From: Andy Pringle, Chair

**Subject: Increase to Special Fund Payment Authority for Found and Unclaimed Money**

### **Recommendations:**

It is recommended that:

1. the Toronto Police Services Board (Board) delegate to the Board's Executive Director the authority to make payments up to \$10,000 out of the Board's Special Fund for monies deposited into this account for found or unclaimed money that is subsequently claimed by the finder, the rightful owner or the next of kin; and
2. the payments made under this authority be reported to the Board on a semi-annual basis.

### **Financial Implications:**

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

The purpose of this report is to:

- to increase the amount delegated by the Board for payments out of the Board's Special Fund for claims where found and unclaimed monies were previously deposited;
- to delegate the authority for the payments to the Board's Executive Director; and
- to change the reporting frequency to the Board, to semi-annually.

### **Discussion:**

Finance and Business Management (F.B.M.) presently has the authority to make payments of up to \$1,500 out of the Special Fund for monies deposited into this account for found or unclaimed money that is subsequently claimed (Min. No. P448/93 refers).

Each time a claim is made that exceeds that authority, after the funds have already been deposited into the Board's Special Fund, a report must be prepared to the Board requesting the return of this money.

From 2015 to date, there have been eight claims (ranging from \$1,835 to \$12,754) which exceed the delegated authority and, therefore, require Board approval for payment.

Although the number of such claims is not large, the requirement to prepare a report in each instance is a time consuming process that further extends the timeliness of the payment to the claimant.

It should also be noted that the Board is responsible for the Special Fund's bank account and manages the issuance of its cheques. It is, therefore, appropriate that the authority for the payments be delegated to the Board's Executive Director instead of the Service's Finance and Business Management pillar.

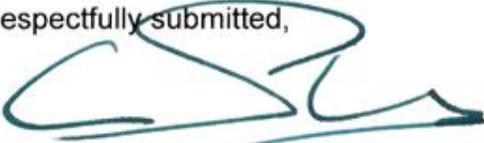
Finally, as required by the Board's Special Fund policy (Board Minute #P157/17), expenditures from Special Fund, including the Return of Unclaimed Money, are currently reported on a quarterly basis. Based on the number of claims reported, it is recommended that the report to the Board be on a semi-annual basis.

**Conclusion:**

It is, therefore, recommended that:

1. the Toronto Police Services Board (Board) delegate to the Board's Executive Director the authority to make payments up to \$10,000 out of the Board's Special Fund for monies deposited into this account for found or unclaimed money that is subsequently claimed by the finder, the rightful owner or the next of kin; and
2. the payments made under this authority be reported to the Board on a semi-annual basis.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Andy Pringle', written over the text 'Respectfully submitted,'.

Andy Pringle  
Chair



## Toronto Police Services Board Report

---

August 27, 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:

- 1.) Approve payment of an invoice dated August 1<sup>st</sup>, 2019, in the amount of \$118,959.48 and that such payment be drawn from the Board's ongoing operating budget for professional services rendered by Honourable Gloria Epstein and Cooper, Sandler, Shime and Bergman LLP; and,
- 2.) Approve payment of an invoice dated August 30<sup>th</sup>, 2019, in the amount of \$120,232.90 and that such payment be drawn from the Board's ongoing operating budget for professional services rendered by Honourable Gloria Epstein and Cooper, Sandler, Shime and Bergman LLP; and,
- 3.) Delegate to the Chair the authority to approve payment of all future invoices from the Honourable Gloria Epstein and Cooper, Sandler, Shime and Bergman LLP, not to exceed a total amount of \$3.0M, as allocated to the Review's budget.

### **Financial Implications:**

The total amount invoiced to date is \$1,174,939.26.

### **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).

**Discussion:**

I have attached a copy of the Review's detailed account for services rendered, up to and including August 1, 2019, in the amount of \$118,959.48 as well as an invoice for services rendered, up to and including August 28, 2019, in the amount of \$120,232.90. The detailed statements are included on the in-camera agenda for information.

It has been the past practice of the Board to approve monthly invoices at its public meeting. The Board's monthly meeting schedule does not always correspond with the billing period of the law firm and, therefore, has resulted in a delay in paying the law firm in a timely manner. In an effort to ensure that invoices are paid on time, I am recommending that the Board delegate the authority to the Chair to approve future invoices and that the invoices are brought to the Board at its public meetings for receipt and not for approval. The Review's total budget is \$3.0M. The Chair's delegation will always be limited by the total budget allocated to the Review.

**Conclusion:**

It is, therefore, recommended that the Board:

- 1.) Approve payment of an invoice dated August 1<sup>st</sup>, 2019, in the amount of \$118,959.48 and that such payment be drawn from the Board's ongoing operating budget for professional services rendered by Honourable Gloria Epstein and Cooper, Sandler, Shime and Bergman LLP; and,
- 2.) Approve payment of an invoice dated August 30<sup>th</sup>, 2019, in the amount of \$120,232.90 and that such payment be drawn from the Board's ongoing operating budget for professional services rendered by Honourable Gloria Epstein and Cooper, Sandler, Shime and Bergman LLP; and,
- 3.) Delegate to the Chair the authority to approve payment of all future invoices from the Honourable Gloria Epstein and Cooper, Sandler, Shime and Bergman LLP, not to exceed a total amount of \$3.0M, as allocated to the Review's budget.

Respectfully submitted,



Andy Pringle  
Chair

THIS IS OUR ACCOUNT HEREIN

Cooper Sandler Shime & Bergman LLP



Mark J. Sandler

E. & O.E.

Total HST \$12,652.36  
HST #:122552227

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

Approved By:

Ryan Teschner #83693  
Executive Director  
Toronto Police Services Board

August 28, 2019

**PRIVATE AND CONFIDENTIAL**

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

Approved By:

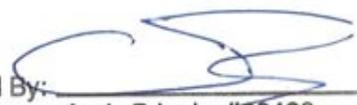
Andy Pringle #82420  
Chair  
Toronto Police Services Board

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

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

Total Fees	\$57,124.50	
HST on Fees (13%)	7,426.19	✓
<b>Total Fees &amp; HST</b>		<b>\$64,550.69</b> ✓
Disbursements Sub-total	✓ \$50,456.04	
- HST on Disbursements (13%)	✓ 5,226.17	
<b>Total Disbursements &amp; HST</b>		<b>\$55,682.21</b> ✓
<b>TOTAL FEES AND DISBURSEMENTS</b>		<b>\$120,232.90</b> ✓
for this account dated	August 28, 2019	
<b>BALANCE OWING</b>		<b>\$239,192.38</b>

Approved By:

  
Andy Pringle #82420  
Chair  
Toronto Police Services Board

IN ACCOUNT WITH



COOPER, SANDLER  
SHIME & BERGMAN LLP  
BARRISTERS & SOLICITORS

SUITE 1900  
439 University Avenue  
Toronto, Ontario  
M5G 1Y8

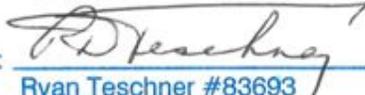
TELEPHONE: (416) 585-9191  
FAX: (416) 408-2372

August 1, 2019

**PRIVATE AND CONFIDENTIAL**

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

Approved By:

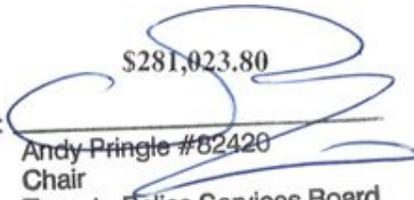
  
Ryan Teschner #83693  
Executive Director  
Toronto Police Services Board

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

FOR SERVICES RENDERED: From June 24, 2019 to August 1, 2019

Total Fees	\$44,685.00 ✓	
HST on Fees (13%)	5,809.05 ✓	
<b>Total Fees &amp; HST</b>		<b>\$50,494.05 ✓</b>
Disbursements Sub-total	\$60,999.62 ✓	
HST on Disbursements (13%)	7,465.81 ✓	
<b>Total Disbursements &amp; HST</b>		<b>\$68,465.43 ✓</b>
<b>TOTAL FEES AND DISBURSEMENTS</b>		<b>\$118,959.48 ✓</b>
for this account dated	August 1, 2019	
<b>BALANCE OWING</b>		<b>\$281,023.80</b>

Approved By:

  
Andy Pringle #82420  
Chair  
Toronto Police Services Board



14

## Toronto Police Services Board Report

---

August 13, 2019

To: Members  
Toronto Police Services Board

From: Andrew Pringle  
Chair

**Subject: Semi-annual Report: Toronto Police Services Board Special Fund Unaudited Statement: January to June 2019**

### **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 for 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 January 01 to June 30, 2019.

As at June 30, 2019, the balance in the Special Fund was \$608,174. During the first half of the year, the Special Fund recorded receipts of \$231,234 and disbursements of \$577,989. There has been a net decrease of \$346,755 against the December 31, 2018 fund balance of \$954,929.

Auction proceeds have been estimated for the months of April, May, and June 2019 as the actual deposits have not yet been made.

For the first half of 2019, the Board approved and disbursed the following sponsorships:

<b>Sponsorship</b>	<b>Total Amount</b>
Workplace Harassment, Well-being and Discrimination Review	\$150,000
Review of Conducted Energy Weapon	\$80,000
Lesbian, Gay, Bisexual, Transgender and Queer Conference	\$80,000
Special Olympics Ontario	\$50,000
Community Consultative Groups	\$30,000
Victim Services Toronto	\$25,000
Toronto Region Board of Trade	\$13,508
Toronto Caribbean Carnival	\$10,000
United Way	\$10,000
Community Police Consultative Conference	\$9,000
Toronto Police Service Cricket Club	\$9,000
Community Police Academy	\$8,000
Black History Month	\$7,000
National Aboriginal Day	\$6,500
Asian Heritage Month	\$6,000
Auxiliary Appreciation Event	\$6,000
International Francophone Day	\$6,000
Youth in Policing Initiative (Y.I.P.I.)	\$6,000
Day of Pink	\$5,000
Special Olympics Ontario – Torch Run	\$5,000
Pride Reception	\$4,500
Pride Month Celebrations	\$4,500
Lesbian, Gay, Bisexual, Transgender, Queer, and 2-Spirit (L.G.B.T.Q.2S.) Youth Justice Bursary	\$3,000
Volunteer Appreciation Event	\$3,000
National Victims of Crime Week	\$1,000

The following unused funds were returned:

<b>Unused Funds</b>	<b>Total Amount</b>
Return of Unused Fund for Community Survey to Assess the Impact of Rule Changes under Regulation 58/16	\$18,131

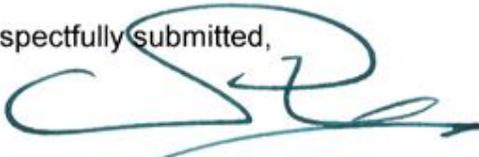
In addition, the Board approved and disbursed the following:

<b>Disbursed Funds</b>	<b>Total Amount</b>
Recognition of Service Members	\$30,816
Organizational Change Management Consultant	\$10,115
Toronto Police Amateur Athletic Association	\$5,800
Toronto Police Service Board (T.P.S.B.) and Toronto Police Association (T.P.A.) Retirement Dinner	\$5,281
Ontario Association of Police Services Board	\$5,000
Event Tickets	\$1,100

**Conclusion:**

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'AP', with a large, sweeping flourish extending to the right.

Andrew Pringle  
Chair

File Name: AODA – 1st half of 2019 SPF Board Report

# Appendix A

## The Toronto Police Services Board Special Fund 2019 First Half Year Result with Initial Projections

Particulars	Initial Projection 2019	January 01 to June 30, 2019	July 01 to December 31, 2019	January 01 to December 31, 2019	January 01 to December 31, 2018	Comments Relating to Current Reporting Period
<b>Balance Forward</b>	954,929	954,929	-	954,929	801,215	
<b>Revenue</b>						
Proceeds From Auctions	165,792	56,093	-	56,093	219,301	
Less Overhead Cost	(80,089)	(28,485)	-	(28,485)	(105,937)	
Uncleared Money	254,070	202,711	-	202,711	486,857	
Less Return of Unclaimed Money	(14,320)	(6,089)	-	(6,089)	(7,529)	
Interest	8,408	7,190	-	7,190	12,095	Interest income is based on the average monthly bank balance
Less Bank Service Charges	(1,152)	(730)	-	(730)	(1,652)	
Others	276	554	-	554	276	
<b>Total Revenue</b>	332,975	231,234	-	231,234	613,405	
<b>Balance Forward Before Expenses</b>	1,287,904	1,186,163	-	1,186,163	1,414,620	
<b>Disbursements</b>						
<b>Police Community Sponsorships - Toronto Police Services</b>						
Community Partnerships and Engagement Unit Events	109,000	109,500	-	109,500	114,500	
Community Consultative Groups	30,000	30,000	-	30,000	30,000	
New Canadian Citizenship Ceremony	-	-	-	-	1,570	
Occupational Health and Safety Awareness Day	2,000	-	-	-	2,000	
Review of Conducted Energy Weapon	80,000	80,000	-	80,000	-	
Workplace Harassment, Well-being and Discrimination Review	150,000	150,000	-	150,000	-	
<b>Police Community Sponsorships - Community</b>						
Alexandra Park Community Centre	88,000	-	-	-	-	
Lebanese, Gay, Bisexual, Transgender and Queer (L.G.B.T.Q.) Conference	80,000	80,000	-	80,000	-	
Ontario Association of Police Services Board	-	-	-	-	2,000	
Special Olympics Ontario	-	50,000	-	50,000	-	
Toronto Region Board of Trade	15,000	13,508	-	13,508	15,000	
Victim Services Program	25,000	25,000	-	25,000	25,000	
<b>Funds Returned on Sponsorships</b>						
Asian Heritage Month	-	-	-	-	(1,670)	
Auxiliary Appreciation Event	-	-	-	-	(969)	
Black History Month	-	-	-	-	(639)	
Board & Chief's Pride Reception	-	-	-	-	(835)	
Chief's Fundraising Gala/Victim Services Toronto	-	-	-	-	(300)	
Community Consultative Groups	-	-	-	-	(6,072)	
Community Police Academy	-	-	-	-	(117)	
Community Police Consultative Conference	-	-	-	-	(892)	
Day of Pink	-	-	-	-	(528)	
International Francophone Day	-	-	-	-	(395)	
National Aboriginal Day	-	-	-	-	(1,200)	
Ontario Special Olympics	-	-	-	-	(283)	
Toronto Caribbean Carnival	-	-	-	-	(1,162)	
Toronto Police Amateur Athletic Association (T.P.A.A.) Assistance	-	-	-	-	(1,000)	
United Way	-	-	-	-	(7,689)	
Volunteer Appreciation Event	-	-	-	-	(1,945)	
<b>Toronto Police Amateur Athletic Association (T.P.A.A.) Assistance</b>						
	40,000	5,900	-	5,900	23,400	
<b>Recognition of Service Members</b>						
Awards	118,000	22,403	-	22,403	22,374	
Catering	22,000	8,413	-	8,413	19,463	
TPS Member Funeral Cost	30,000	-	-	-	-	
Return of Unused Funding	-	-	-	-	(2,103)	

**The Toronto Police Services Board Special Fund  
2019 First Half Year Result with Initial Projections**

Particulars	Initial Projection 2019	January 01 to June 30, 2019	July 01 to December 31, 2019	January 01 to December 31, 2019	January 01 to December 31, 2018	Comments Relating to Current Reporting Period
<b>Recognition of Community Members</b>						
Awards	5,000	-	-	-	3,101	
Catering	4,000	-	-	-	2,272	
<b>Recognition of Board Members</b>						
Awards	1,000	-	-	-	127	
Catering	1,000	-	-	-	-	
<b>Conferences</b>						
Canadian Association of Police Governance	10,000	-	-	-	10,000	
Ontario Association of Police Services Board (O.A.P.S.B.)	5,000	5,000	-	5,000	5,000	
Pearls in Policing Conference	-	-	-	-	7,532	
Donations/Flowers in Memoriam	800	-	-	-	783	
Toronto Police Services Board (T.P.S.B.) and Toronto Police Association (T.P.A.) Retirement Dinner	10,500	5,281	-	5,281	9,005	
Event Tickets	6,000	1,100	-	1,100	1,647	
Internal Control Review Fee	7,042	-	-	-	5,933	
<b>Other Expenses</b>						
Funeral Cost	-	-	-	-	26,596	
Organizational Change Management Consultant	-	10,115	-	10,115	160,322	Rendstad Technologies
Return of Unused Funding for Community Survey	-	(18,131)	-	(18,131)	-	
<b>Total Disbursements</b>	839,342	577,989	-	588,005	459,691	
<b>Special Fund Balance</b>	448,562	608,174	-	600,198	954,929	



## Toronto Police Services Board Report

---

July 25, 2019

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Quarterly Report: Occupational Health & Safety Update for April 1, 2019 to June 30, 2019**

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

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

### **Financial Implications:**

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

### **Background / Purpose:**

At its meeting on January 24, 2005, the Board received an update on occupational health and safety matters relating to the Toronto Police Service (Service) (Min. No. C9/05 refers). Following consideration of the report, the Board requested the Chief of Police to provide quarterly confidential updates on matters relating to occupational health and safety. The Board, at its meeting on August 21, 2008, further requested public quarterly reports for occupational health and safety matters (Min. No. C224/08 refers).

The purpose of this report is to update the Board on matters relating to occupational health and safety issues for the second quarter of 2019.

### **Discussion:**

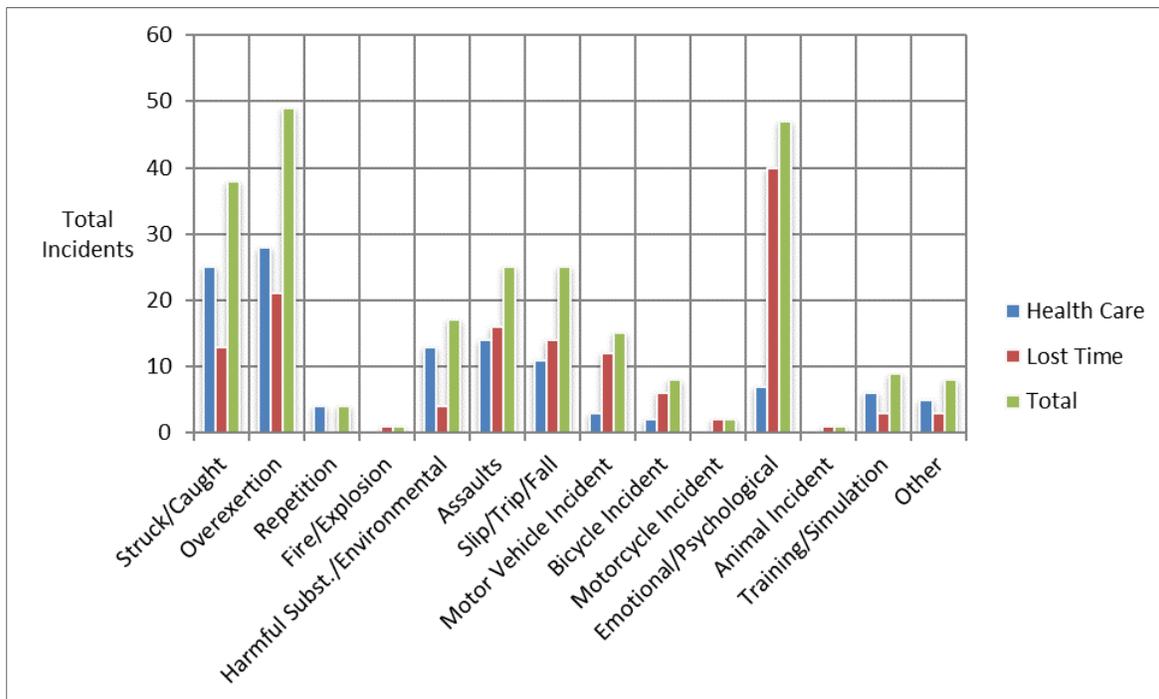
#### **Second Quarter Accident and Injury Statistics**

From April 1, 2019 to June 30, 2019, there were 254 reported workplace accidents/incidents involving Service members, resulting in lost time from work and/or health care which was provided by a medical professional. These incidents were

reported as claims to the Workplace Safety and Insurance Board (W.S.I.B.). During this same period, 51 recurrences of previously approved W.S.I.B. claims were reported. Recurrences can include, but are not limited to: ongoing treatment, re-injury, and medical follow-ups, ranging from specialist appointments to surgery.

Injured on Duty reports are classified according to the incident type. The following graph and chart summarize the Injured on Duty reports received by the Wellness Unit during the second quarter of 2019.

*Injured on Duty Reports  
April to June 2019*



<b>Incident Type</b>	<b>Health Care</b>	<b>Lost Time</b>	<b>Q2-2019</b>	<b>Q2-2018</b>
Struck/Caught	12	10	22	23
Overexertion	28	21	49	42
Repetition	4	0	4	1
Fire/Explosion	0	1	1	0
Harmful Substances/Environmental	13	4	17	21
Assaults	24	22	46	51
Slip/Trip/Fall	11	14	25	23
Motor Vehicle Incident	3	12	15	13
Bicycle Incident	2	6	8	2
Motorcycle Incident	0	2	2	2
Emotional/Psychological	7	40	47	37
Animal Incident	0	1	1	5
Training/Simulation	6	3	9	7
Other	5	3	8	2
<b>Totals</b>	<b>118</b>	<b>136</b>	<b>254</b>	<b>229</b>

The top five incident categories are:

1. Overexertion: 49 reported incidents
2. Emotional/Psychological : 47 reported incidents
3. Assaults : 46 reported incidents
4. Slip/Trip/Fall: 25 reported incidents
5. Struck/Caught: 22 reported incidents

The highest category of incidents during this reporting period is the “Overexertion” category. A review of the incidents revealed that a number of incidents occurred as a result of suspects resisting arrest and/or a foot pursuit. A significant portion of training received by police officers is designed to mitigate the risk of these types of injuries.

The data also shows an increase in the number of approved claims in the “Emotional/Psychological” category. This increase may be attributed in part to better awareness, less stigma in reporting as well as a change in the legislation. The legislation creates a presumption that posttraumatic stress disorder (P.T.S.D.) diagnosed in first responders is work-related.

Assaults by arrested parties, suspects, or members of the public typically form one of the largest categories of Injured on Duty reports due to the nature of police work. A significant portion of training received by police officers is designed to mitigate the risk of these types of injuries.

### **Critical Injuries**

Under Ontario’s occupational health and safety regulatory framework, employers have the duty to report all critical injuries and fatalities which occur in the workplace to the

Ministry of Labour (M.O.L.), pursuant to *Section 51 of the Occupational Health and Safety Act and Ontario Regulation 834.*

A critical injury is defined as an injury of a serious nature that:

- (a) places life in jeopardy,
- (b) produces unconsciousness,
- (c) results in substantial loss of blood,
- (d) involves the fracture of a leg or arm but not a finger or toe,
- (e) involves the amputation of a leg, arm, hand or foot but not a finger or toe,
- (f) consists of burns to a major portion of the body, or
- (g) causes the loss of sight in an eye.

In the second quarter of 2019, there were no new critical injury incidents reported to the M.O.L. For each critical injury incident, an investigation is conducted by the Service independent of the M.O.L. investigation, involving both the injured member's local Joint Health and Safety Committee and the Service's Wellness Unit. In each case, root causes are sought and recommendations are made, where applicable, to reduce the risk of similar incidents in the future.

### **Communicable Diseases**

As part of the Communicable Disease Exposure Surveillance Program, members of the Wellness Unit reviewed reported exposures during the months indicated in the table below. The majority of these exposures did not result in claim submissions to the W.S.I.B. However, there is an obligation to ensure that a communication is dispatched to members of the Service from a qualified designated officer from the Medical Advisory Services team.

In the event that a member requires information or support regarding a communicable disease exposure, they will be contacted by a medical professional from Medical Advisory Services in order to discuss potential risk, consider treatment options as required, and to ensure that the member is supported properly with respect to stress and psychological well-being. The following chart summarizes member exposures to communicable diseases, as well as other potential exposure types including blood and bodily fluids.

*Member Exposure to Communicable Diseases  
April to June 2019*

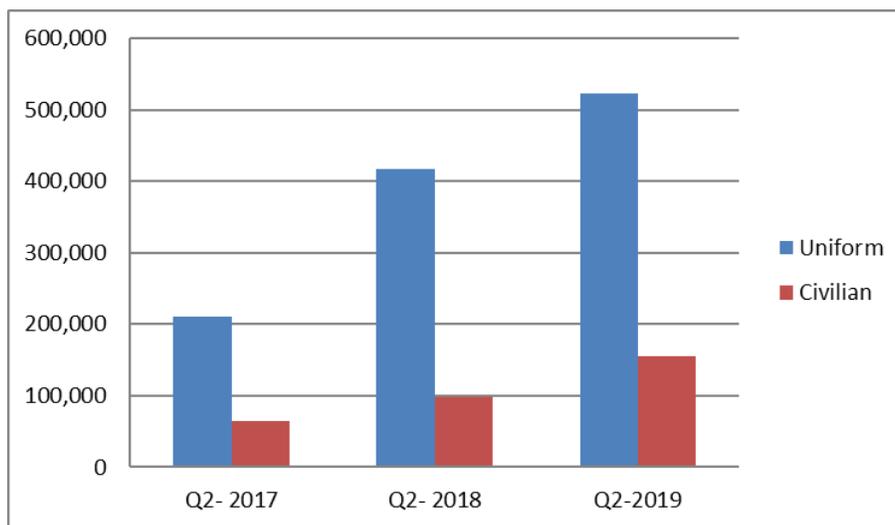
<b>Reported Exposures</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>Q2 - 2019</b>	<b>Q2 - 2018</b>
Bodily Fluids, Misc.	15	16	12	43	46
Hepatitis A, B, & C	1	0	0	1	1
HIV	1	0	1	2	5
Influenza	0	0	0	0	0
Measles, Mumps, Rubella	0	0	0	0	0
Meningitis	0	0	0	0	1
Staphylococcus Aureus	0	2	0	2	4
Tuberculosis	1	0	1	2	4
Varicella (Chickenpox)	0	0	0	0	0
Bed Bugs	9	8	5	22	24
Other, Miscellaneous	1	4	4	9	8
<b>Total</b>	<b>28</b>	<b>30</b>	<b>23</b>	<b>81</b>	<b>93</b>

Examples of the types of exposures which fall into the category “Other, Miscellaneous” can include, but are not limited to: ringworm, scabies, lice, pertussis, diphtheria, etc.

For the second quarter of 2019, there were a total of 81 reported incidents involving exposures or possible exposures. This represents a decrease of 13% when compared to the second quarter of 2018, in which a total of 93 incidents were reported

**Injury and Accident Costs**

As a Schedule 2 employer, the Service paid \$155,901 in W.S.I.B. costs for civilian members and \$523,286 in W.S.I.B. costs for uniform members for the second quarter of 2019.



	<b>Q2 - 2017</b>	<b>Q2 - 2018</b>	<b>Q2 - 2019</b>
Uniform	\$ 210,253	\$ 416,469	\$ 523,286
Civilian	\$ 64,166	\$ 98,833	\$ 155,901

The increase in overall costs over the past two second quarter periods has been attributed in part to the passing into law of the *Supporting Ontario's First Responders Act* in April 2016, which created the presumption of work-relatedness when first responders are diagnosed with P.T.S.D.

### **Medical Advisory Services**

The disability statistics provided below summarize all non-occupational cases. By definition, "short-term" refers to members who are off work for greater than fourteen days, but less than six months. "Long-term" refers to members who have been off work for six months or greater.

Disability distribution of Service members as of the end of the second quarter of 2019 is summarized in the following chart.

#### *Member Disabilities: Non-Occupational April to June 2019*

<b>Disability Category</b>	<b>End of Q2 – 2019</b>	<b>End of Q2 – 2018</b>
Short Term	153	89
Long Term – LTD	4	4
Long Term – CSLB	77	79
Total Disability	234	172

### **Workplace Violence and Harassment Statistics**

Bill 168, the *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009*, came into force on June 15, 2010. As a result of this amendment, the *Occupational Health and Safety Act* now includes definitions of workplace violence and workplace harassment, and Part III.0.1 describes employer obligations with respect to violence and harassment in the workplace.

In the second quarter of 2019, there was one documented complaint which was categorized by Professional Standards as having the potential to meet the criteria of workplace harassment as defined in the *Occupational Health and Safety Act*.

## **Other Occupational Health and Safety Matters**

Currently, the Service has 397 certified members, comprised of 277 worker representatives and 120 management representatives. For administrative purposes, uniform management representatives consist of members holding the rank of Staff/Detective Sergeant and above.

### **Conclusion:**

This report provides an update to the Board on matters relating to occupational health and safety issues for the second quarter of 2019.

The next quarterly report for the period of July 1, 2019 to September 30, 2019 will be submitted to the Board for its meeting in November 2019.

Deputy Chief Barbara McLean, Human Resources Command, 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

MS:IV:cp

Board Report – Public – OHS update – Q2 – July to September 2019



## Toronto Police Services Board Report

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July 22, 2019

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Quarterly Report for February 15, 2019 to May 14, 2019:  
Conducted Energy Weapon Use**

### **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:**

The purpose of this report is to provide the Board with a quarterly status update on frontline use of conducted energy weapons (C.E.W.s).

At its meeting on February 22, 2018, the Board approved expansion of C.E.W.s to frontline constables (P.C.s). 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).

### **Discussion:**

In addition to supervisors and officers of specialized units, C.E.W.s are now available as a use of force option to frontline P.C.s who are often first on scene at emergency calls-for-service. As of May 14, 2019, there were 993 P.C.s and 431 supervisors trained and qualified to use a C.E.W. These numbers do not include members of the Emergency Task Force or training constables currently assigned to the Toronto Police College (T.P.C.). This report provides a summary of C.E.W. use for frontline P.C.s and supervisors for the period of February 15, 2019 to May 14, 2019. This information is

based on C.E.W. reports that have been received and reviewed by the Use of Force Analyst. The data is provided in the form of graphs and charts and includes the following items:

- Types of use
- C.E.W. user comparisons
- C.E.W. effectiveness
- C.E.W. effectiveness by user
- Types of use on persons in crisis (P.I.C.) by user
- Subject behaviour
- Subject description
- Subject age
- Effectiveness of use on P.I.C. by user

Unintentional discharges of C.E.W.s that occur during spark testing at proving stations are not included within the graphs and charts but are discussed on page 12.

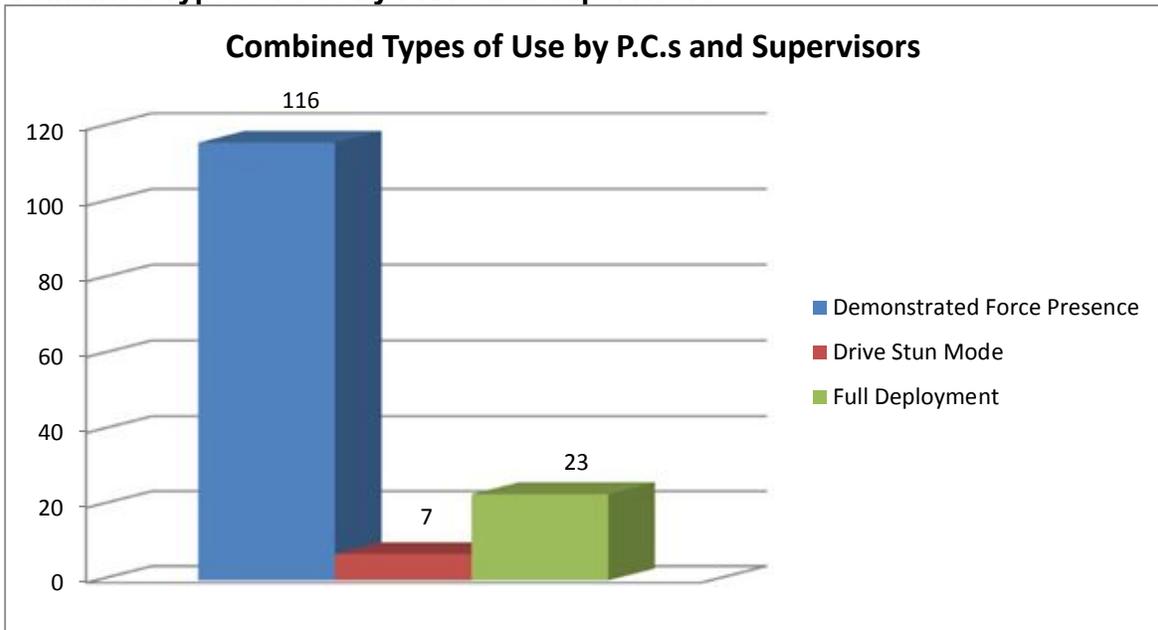
Also addressed in this report are the following items:

- Over-reliance or misuse of C.E.W.s and the steps taken to remedy such use including discipline and / or re-training
- Whether use of force overall increases with expanded availability of C.E.W.s
- The number of officers trained in the three-day de-escalation training [In-Service Training Program] in the last 12 months

### **Types of Use:**

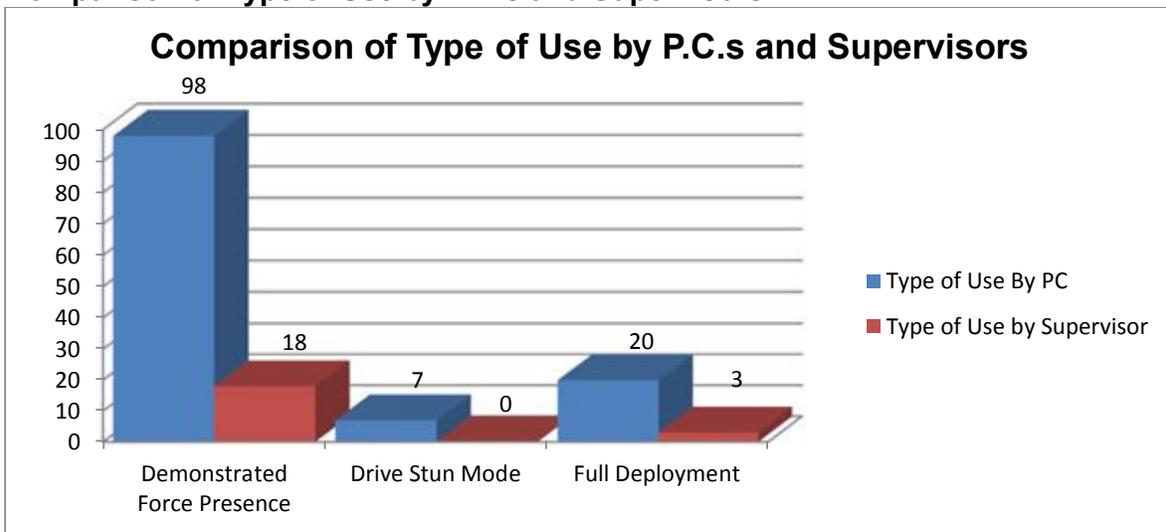
When analyzing C.E.W. use by frontline officers, it is important to do so within the context of the specific types of use. The chart below indicates the number of times a C.E.W. was used as a demonstrated force presence, in drive stun mode and as a full deployment. In accordance with the Ministry of the Solicitor General (Ministry) and T.P.S. procedure, 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*. 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. During this reporting period, C.E.W.s were used 146 times during 128 incidents involving as many as 155 subjects. Of 146 total uses, 116 or 79.5 % of uses were a demonstrated force presence. Throughout this report, in cases where full deployment and drive stun were used in combination, the number is recorded as a full deployment. The following chart depicts the types of C.E.W. use by P.C.s and supervisors combined.

### Combined Types of Use by P.C.s and Supervisors



The chart below differentiates between types of use by P.C.s and supervisors. It is anticipated that as more P.C.s have C.E.W.s as part of their issued equipment, the variance between P.C. and supervisor use will increase with P.C.s making up the majority of C.E.W. use. At the end of this reporting period, a total of 993 P.C.s were trained and qualified on C.E.W. use as compared to 431 supervisors. For this reporting period, P.C.s accounted for 125 of 146 uses or 85.6% of use.

### Comparison of Type of Use by P.C.s and Supervisors



The next table indicates the types of C.E.W. use by P.C.s as a number and a percentage. Police constables utilized the C.E.W. as a demonstrated force presence in 98 of 125 instances or 78.4% of the time. This can be attributed to P.C.s choosing to display a C.E.W. in lieu of resorting to empty-hand techniques or other intermediate force options to resolve potentially volatile situations. Given that C.E.W.s are more effective and less injurious than other intermediate force options it is anticipated that there will be an increase in usage as more P.C.s become equipped with C.E.W.s. That said, as was reported at the June 2019 meeting in the report entitled “Quarterly Report for November 15, 2018 to February 14, 2018: Conducted Energy Weapon Use”, dynamic scenario training has been enhanced to further emphasize de-escalation and negotiation techniques. This training also speaks to the social cost of police use of force. These training scenarios emphasize a Toronto centric context and the continued importance of achieving zero deaths.

**Types of Use by P.C.s**

Use	#	%
Demonstrated Force Presence	98	78.4
Drive Stun Mode	7	5.6
Full Deployment	20	16.0
Total	125	100.0

The table below indicates the types of C.E.W. use by supervisors as a number and a percentage. Of the 146 uses of the C.E.W. during this reporting period, supervisors accounted for only 21 or 14.4% of total use with 85.7% of use being a demonstrated force presence.

**Types of Use by Supervisors**

Use	#	%
Demonstrated Force Presence	18	85.7
Drive Stun Mode	0	0
Full Deployment	3	14.3
Total	21	100.0

**C.E.W. Effectiveness:**

Effectiveness is measured by the ability of officers to gain control of a subject while utilizing a C.E.W. For P.C.s issued a C.E.W., its use has been shown to be 90.4% effective. Conducted energy weapon effectiveness for P.C.s is outlined in the table below.

**C.E.W. Effectiveness for P.C.s**

<b>Effectiveness</b>	<b>#</b>	<b>%</b>
Effective	113	90.4
Not Effective	12	9.6
Total	125	100.0

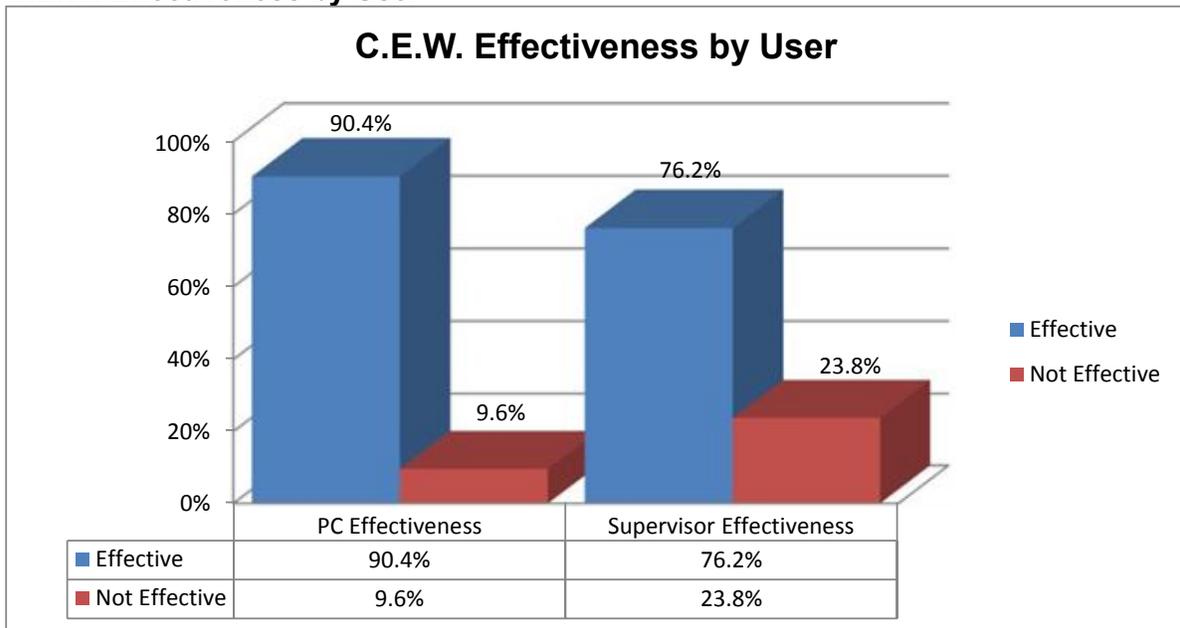
The following table indicates the effectiveness of C.E.W. use for supervisors. For supervisors issued with a C.E.W., its use has been shown to be 76.2% effective. It is anticipated that effectiveness may be lower for supervisors as they often respond to calls after other means of resolving situations by P.C.s have failed.

### **C.E.W. Effectiveness for Supervisors**

<b>Effectiveness</b>	<b>#</b>	<b>%</b>
Effective	16	76.2
Not Effective	5	23.8
Total	21	100.0

The chart below provides a comparison of the effectiveness of the C.E.W. based on the user in percentage. For this reporting period, C.E.W. use has shown to be 76.2% effective for supervisors and 90.4% effective for P.C.s.

### **C.E.W. Effectiveness by User**



### **Types of Use on Persons in Crisis (P.I.C.):**

The next table indicates the types of C.E.W. use by P.C.s involving persons who were perceived to be in crisis and may or may not include the combined effects of alcohol and / or drugs. Of the 125 C.E.W. uses by P.C.s, 55 or 44% of use involved persons in crisis, with the majority of the incidents (72.7%) being a demonstrated force presence.

### **Types of Use on P.I.C. by P.C.s**

<b>Use</b>	<b>#</b>	<b>%</b>
Demonstrated Force Presence	40	72.7
Drive Stun Mode	4	7.3
Full Deployment	11	20.0
Total	55	100.0

The table below indicates the types of C.E.W. use by supervisors upon persons who were perceived to be in crisis and may or may not include the combined effects of alcohol and / or drugs. Of the 21 C.E.W. uses by supervisors, 8 or 38.1% involved persons in crisis, with all of the uses being a demonstrated force presence.

### **Types of Use on P.I.C. by Supervisors**

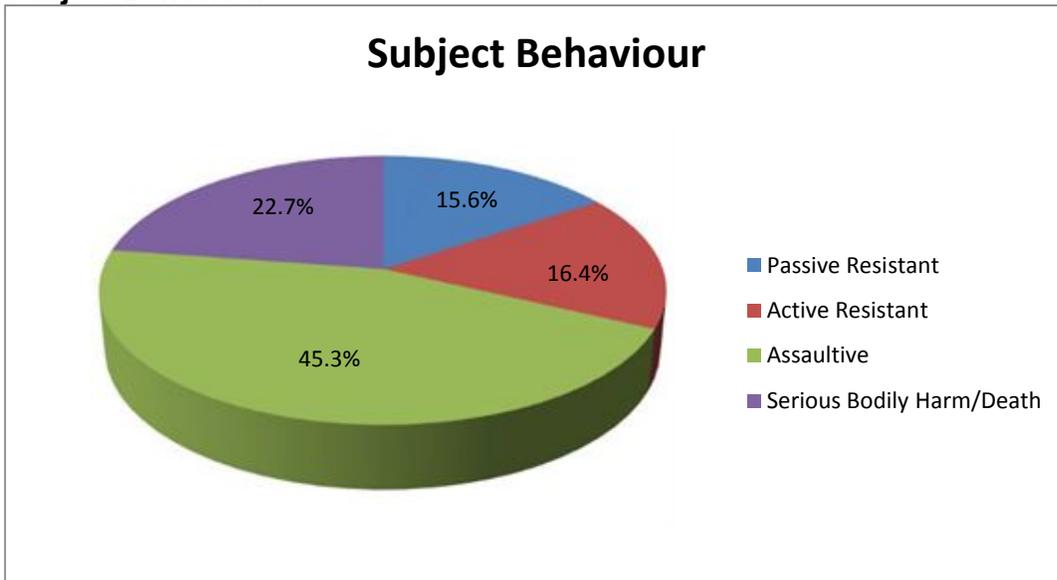
<b>Use</b>	<b>#</b>	<b>%</b>
Demonstrated Force Presence	8	100.0
Drive Stun Mode	0	0.0
Full Deployment	0	0.0
Total	8	100.0

Of 146 C.E.W. uses involving front line P.C.s and supervisors, the number of uses of a C.E.W. involving persons in crisis was 63 or 43.2% of the total C.E.W. use. Of the 63 uses on P.I.C., 48 or 76.2% were a demonstrated force presence.

### **Subject's Behaviour:**

Subject Behavior during a C.E.W. incident is described in the context of the Ontario Use of Force Model (2004) under the categories listed in the following chart. This chart illustrates the types of behavior demonstrated by the subject which resulted in the decision to utilize the C.E.W. and is represented as a percentage.

## Subject Behaviour

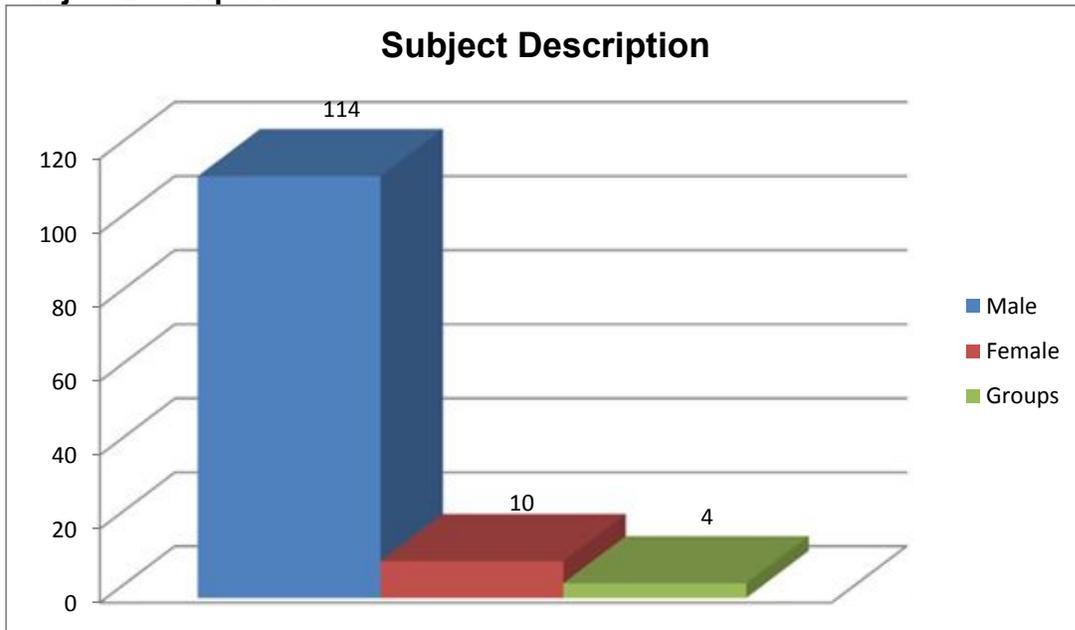


In 45.3% of all incidents where the C.E.W. was utilized, the subject displayed behaviour that the officer perceived to be assaultive. In 22.7% of the incidents, the subject exhibited actions that the officer reasonably perceived was intended to, or likely to cause serious bodily harm or death to any person, including the subject.

## Subject Description:

The chart found on the following page categorizes subjects by their gender as a number. Of the 128 incidents involving C.E.W. use, 114 or 89.1% of incidents involved a male subject. As group incidents often involve multiple genders, it is given a category independent of either gender.

### Subject Description



The table below categorizes subjects by their gender as both a number and a percentage.

### Subject Description

Description	#	%
Male	114	89.1
Female	10	7.8
Groups	4	3.1
Total Incident #	128	100.0

### Subject Age:

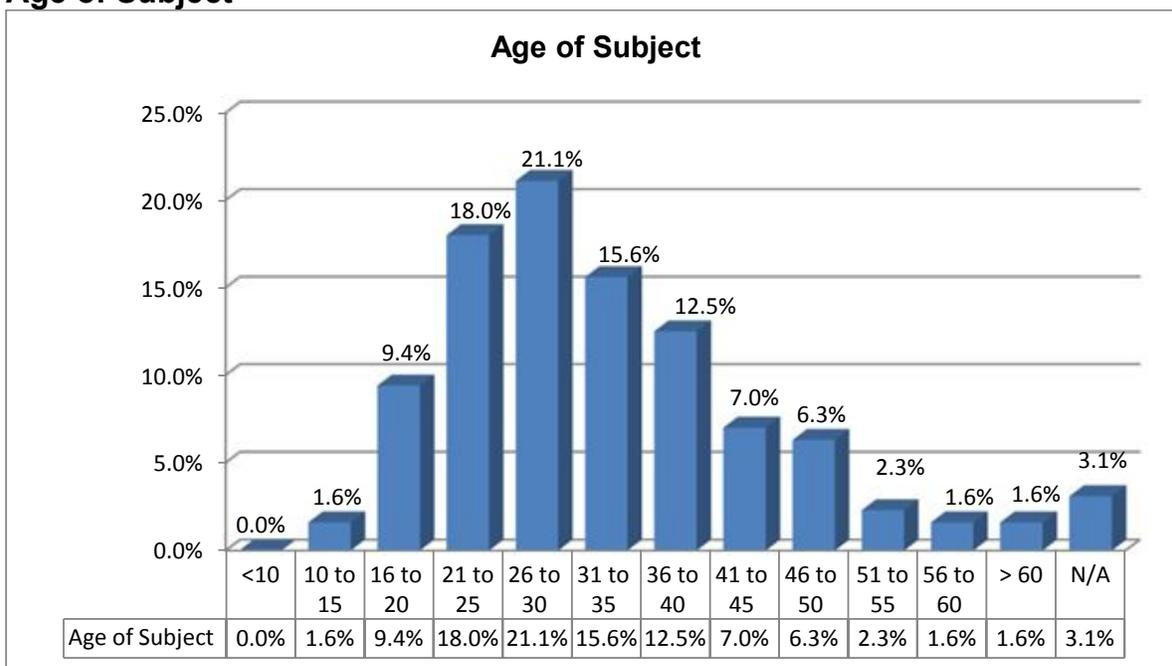
During this reporting period, the C.E.W. was used on a number of subjects that varied in age. The table found on the following page provides a summary of C.E.W. use based on subject age groups. Similar to the previous quarter, the highest use of the C.E.W. involved subjects in the 26 to 30 age group and equated to 21.1% of use. The 'not applicable' category includes four group incidents.

### Age of Subject

Age of Subject	#	%
<10	0	0
10 to 15	2	1.6
16 to 20	12	9.4
21 to 25	23	18.0
26 to 30	27	21.1
31 to 35	20	15.6
36 to 40	16	12.5
41 to 45	9	7.0
46 to 50	8	6.3
51 to 55	3	2.3
56 to 60	2	1.6
>60	2	1.6
N/A	4	3.1
Total Incident #	128	100.1

The below chart illustrates C.E.W. usage based on various age categories as a percentage. The majority of C.E.W. use is within the 21 to 40 age range which accounts for almost 70% of use.

### Age of Subject



### Effectiveness on P.I.C.:

The table below shows the effectiveness of C.E.W. use involving persons in crisis by P.C.s. Of the incidents where the subjects were perceived to be P.I.C. and / or under the influence of drugs and / or alcohol, C.E.W. use by P.C.s was effective 90.9% of the time.

#### C.E.W. Effectiveness on P.I.C. by P.C.s

Effectiveness	#	%
Effective	50	90.9
Not Effective	5	9.1
Total	55	100.0

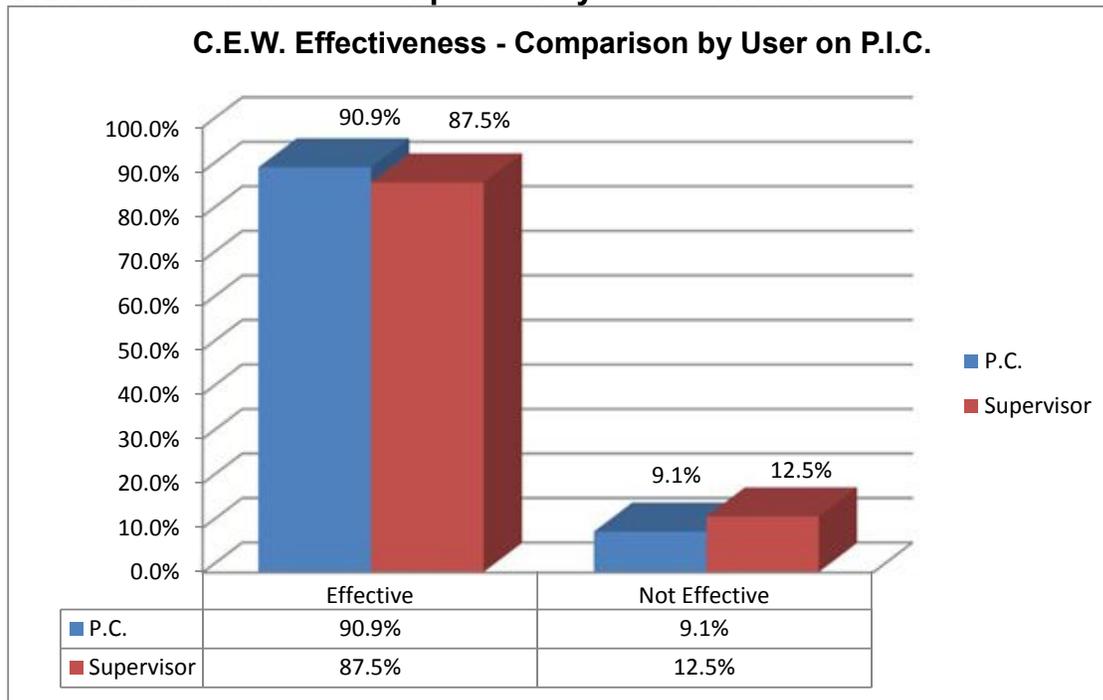
The table below shows the effectiveness of C.E.W. use involving persons in crisis by supervisors. Of the incidents where the subjects were perceived to be P.I.C. and / or under the influence of drugs and / or alcohol, C.E.W. use by supervisors was effective 87.5% of the time.

#### C.E.W. Effectiveness on P.I.C. by Supervisors

Effectiveness	#	%
Effective	7	87.5
Not Effective	1	12.5
Total	8	100.0

The next chart provides a comparison of C.E.W. effectiveness involving persons in crisis based on the user as a percentage. Although supervisors are often requested to attend the most serious of P.I.C. incidents where attempts by P.C.s to resolve situations peaceably have failed, they have maintained a high level of effectiveness.

### C.E.W. Effectiveness - Comparison by User on P.I.C.



### Input from the Mental Health Community:

During the previous quarterly reporting period, Members of the Board’s Mental Health Sub-Committee as well as other members of the community were solicited to provide their opinions and express their concerns with regard to C.E.W. expansion in so far as the impact it has had on people who are experiencing a mental health and / or addiction issues. Members of the T.P.S. Armament and Incident Response Training sections posed the following three questions during the March 22, 2019 community consultation day:

1. Have you noticed a difference from when only supervisors were issued C.E.W.s?
2. What are your concerns with regards to C.E.W. expansion?
3. How can the T.P.S. alleviate your concerns?

This community input was included in the previous quarterly report (Min. No. P142/19).

During this reporting period, there has been no further opportunity to elicit further input. With the formation of the Board’s Mental Health and Addictions Advisory Panel, consultation with the mental health community will be sought and included in future reports, when feasible.

### **Input from the Anti-Racism Advisory Panel:**

Input from the Anti-Racism Advisory Panel has yet to be solicited. Efforts will be made to arrange this for the next C.E.W. quarterly report.

### **Over-Reliance / Misuse of C.E.W.s:**

Each use of a C.E.W. is reviewed by divisional supervisors, the Use of Force Analyst and the C.E.W. Review Team. Of the 146 uses during this period, one P.C. was directed to attend the T.P.C. for remedial training. There were no incidents involving use of the C.E.W. that resulted in an investigation or a finding of misconduct during this reporting period.

### **Toronto Police Service Procedures and Training:**

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 which were discussed in the September 2018 Quarterly Report: Conducted Energy Weapons Use. There was a further update to this procedure during this reporting period, that being the prohibition of the deployment of a C.E.W. on an individual in handcuffs. Procedures are continually reviewed and modified to reflect current training and best practices.

The initial C.E.W. training for P.C.s is equivalent to that of supervisors, consisting of two 10-hour days of instruction by certified Ministry use of force instructors at the T.P.C. This training exceeds the provincial standard by eight hours. To augment training, the T.P.C. also added a one-hour on-line course that P.C.s are required to complete prior to attending the T.P.C. to ensure a general understanding of the function and application of C.E.W.s.

### **Increased Use of Force Reporting:**

When comparing the C.E.W. statistics for the current reporting period with the previous period, the number of C.E.W. uses has increased marginally. This is likely attributed to the increased number of P.C.s trained on C.E.W. use. At the end of the previous reporting period, there were 813 P.C.s trained and qualified to use the C.E.W. compared to 993 P.C.s trained at the end of the current reporting period. P.C.s can now display 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.

## **Unintentional Discharges:**

Unintentional discharges occur when probes are fired from the C.E.W. cartridge due to officer error. During this reporting period there were 18 unintentional discharges by P.C.s and supervisors. During these incidents, officers discharged the probes into proving stations while conducting their daily spark test. All 18 of these incidents were properly reported and the involved officers were directed to attend the T.P.C. for remedial training with a qualified C.E.W. instructor to review safe handling practices. Unintentional discharges can also occur due to a device malfunction. This information will be reported on within the annual C.E.W. Board report.

## **In-Service Training Program:**

The Board requested that the number of officers trained in the three-day de-escalation training (In-Service Training Program) in the last 12 months be included in this report. From February 15, 2018, to February 14, 2019, there were 4016 T.P.S. officers who received this training. This number does not include members who were trained but have since retired or resigned from the T.P.S.

## **Additional Discussion and Context:**

Toronto Police Service members are dedicated to delivering policing services in partnership with our communities to keep Toronto the best and safest place to be. During each interaction with members of the public, officers strive to achieve the safest outcome for all parties involved. Expansion of C.E.W.s to frontline P.C.s has proven to be an extremely effective tool that has assisted in preventing injuries to subjects, police officers and members of the public.

Officers are trained to conduct a proper threat assessment to determine the amount of reasonable force necessary to resolve a given situation. Within this reporting period, there were 159,896 calls for service attended by the T.P.S. Conducted energy weapons were only used during 128 of these incidents for which only 23 required a full deployment.

During this quarter, there were 230,256 documented contacts with members of the public. These contacts were generated by the actions of Service members, as well as calls for service by citizens who work, visit or live in the City of Toronto, who felt that their safety was, or may have been, compromised.

There were a further 2,668 *M.H.A.* apprehensions that took place during this quarter, 36 of which involved the use of a C.E.W. It is important to note that the C.E.W. is only utilized during a small fraction of all T.P.S. public contacts. During this reporting period, a C.E.W. was utilized in one out of every 1,249 attended calls for service.

Furthermore, during this period there were 162 young persons between the ages of 10 - 15 years who were arrested for Criminal Code and Controlled Drugs and Substances Act offences. 73 persons within this age group were apprehended under the Mental Health Act. The C.E.W. was used two times during this period involving persons within this age group.

Also during this period, 694 young persons between the ages of 16 - 20 years were arrested for Criminal Code and Controlled Drugs and Substances Act offences. 218 persons within this age group were apprehended under the Mental Health Act. The C.E.W. was used twelve times involving persons within this age group during this period.

### **Conclusion:**

This report provides a quarterly summary of C.E.W. use for frontline P.C.s and supervisors and covers the period of February 15th, 2019 to May 14th, 2019. While this quarterly report shows that P.C.s use of C.E.W.s is above that of supervisors, this continues to be an expected outcome of expansion. Frontline constables are typically the first responders to emergency (9.1.1.) calls for service that often involve higher risk, where officers need to seek a balance between using minimal force required for the circumstances and using sufficient force to prevent unjustified harm by subjects. This balance requires the exercise of judgement often under great stress.

Police constables used demonstrated force presence in 78.4% of incidents where they felt that the use of a C.E.W. was the most viable and least injurious force option. This illustrates that they are making sound decisions and using only as much force as is necessary to resolve unpredictable and often perilous situations.

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

\*original copy with signature on file in Board office



## Toronto Police Services Board Report

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February 19, 2019

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Chief's Administrative Investigation into the Vehicle Injury to Mr. Alex Felix**

### **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 Friday, May 5, 2017, at approximately 0147 hours, officers from the Public Safety Response Team were operating a marked police vehicle and conducting general patrol duties in the area of Weston Road and Lawrence Avenue West.

At that time, the officers observed a black coloured Ford Flex traveling at a high rate of speed on Weston Road from Lawrence Avenue West.

The speed of this vehicle drew the officer’s attention. The vehicle then made an abrupt right turn on to King Street from Weston Road.

At that time, the officers were approximately 200 meters away from the Ford Flex.

Although the officers had now lost sight of the vehicle, based on the speed and manner of driving, the officers decided to follow the path of the Ford Flex onto King Street from Weston Road.

Approximately 800 hundred meters from the intersection on King Street, the Ford Flex while travelling at a high rate of speed struck a curb, lost control, and then struck a tree on the front lawn of 116 King Street.

The officers arrived seconds later and discovered the disabled vehicle with extensive damage and its airbags deployed. The passenger of the Ford Flex, Mr. Alex Felix, was outside the vehicle suffering from an injury to his leg. The driver of the vehicle fled the scene.

Officers contacted Toronto Paramedic Services who transported Mr. Felix to Sunnybrook Health Sciences Centre where he was diagnosed and treated for a fractured left tibia.

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

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

The investigation revealed that during the incident, the police vehicle was also travelling at a high rate of speed in order to locate the Ford Flex. Although acting independently of each other, the Ford Flex was driving in a manner to evade police and the scout car was being operated in a manner to catch up to the Ford Flex. This constituted a pursuit and required compliance with provincial mandates and T.P.S. procedures, including the activation of emergency lighting and notifying the dispatcher.

In a letter to the T.P.S. dated May 11, 2018, Director Tony Loparco, of the S.I.U., advised that the investigation was complete and no further action was contemplated. Director Loparco excluded the subject officer of any criminality.

The S.I.U. public Report of Investigation can be found at the following link:

<https://www.ontario.ca/page/siu-directors-report-case-17-tvi-104>

On May 5, 2017, the S.I.U. issued a news release seeking witnesses to the event. This new release can be found at the following link:

[https://www.siu.on.ca/en/news\\_template.php?nrid=3025](https://www.siu.on.ca/en/news_template.php?nrid=3025)

On May 16, 2018, the S.I.U. issued a news release exonerating the involved officers. This news release can be found at the following link:

[https://www.siu.on.ca/en/news\\_template.php?nrid=3904](https://www.siu.on.ca/en/news_template.php?nrid=3904)

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

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

T.S.V. examined the vehicle injury in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

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

- Procedure 07-01 (Transportation Collisions)
- Procedure 10-06 (Medical Emergencies)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-02 (Injury/Illness Reporting)
- Procedure 15-10 (Suspect Apprehension Pursuits)
- Procedure 15-17 (In-Car Camera System)

The T.S.V. investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit)
- Ontario Regulation 266/10 (Suspect Apprehension Pursuits)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)

The T.S.V. investigation determined that the T.P.S.'s policies and procedures associated with the vehicle 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 officers operating the police vehicle were found not to be compliant with T.P.S. Procedure 15-10, "Suspect Apprehension Pursuits" and have been scheduled to attend training.

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

\*original copy with signature on file in Board office



## Toronto Police Services Board Report

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February 19, 2019

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Chief's Administrative Investigation into the Custody Injury to Mr. Aden Maalin**

### **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 Sunday, August 13, 2017, officers from 23 Division were conducting an investigation into a sexual assault of a 10-year-old. The suspect was identified as Mr. Aden Maalin. Officers attended an apartment building in the area of Dixon Road and Kipling Avenue in an effort to locate and arrest Mr. Maalin.

Officers attended and spoke with Mr. Maalin in the hallway outside his apartment. Mr. Maalin was placed under arrest by officers and when the officers attempted to place him in handcuffs, Mr. Maalin became aggressive and swung his arm at the officers. Mr. Maalin was brought to the ground and subdued. Once Mr. Maalin was under control, he complained of pain on the right side of his face.

Mr. Maalin was taken to the William Osler Health System-Etobicoke General Hospital for treatment and was diagnosed with a fractured right cheek bone extending to the lateral orbital bone.

An officer who was also injured in the encounter was diagnosed and treated for a torn tendon in their right ring finger.

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

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

In a letter to the T.P.S. dated December 7, 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 stated in part;

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

The S.I.U. public Report of Investigation can be found at the following link:

[https://www.siu.on.ca/en/directors\\_report\\_details.php?drid=66](https://www.siu.on.ca/en/directors_report_details.php?drid=66)

On November 28, 2017, the S.I.U issued a news release in relation to this incident exonerating the officers involved. The news release can be found at the following link:

[https://www.siu.on.ca/en/news\\_template.php?nrid=4504](https://www.siu.on.ca/en/news_template.php?nrid=4504)

### **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 custody injury 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 05-06 (Child Abuse)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-01 (Use of Force)
- Procedure 15-02 (Injury/Illness Reporting)
- Procedure 15-17 (In-Car Camera System)

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

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

The P.S.S. investigation determined that the T.P.S.'s policies and procedures associated with the 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 actions of the involved officers was compliant with the related 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

\*original copy with signature on file in Board office



## Toronto Police Services Board Report

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February 25, 2019

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Chief's Administrative Investigation into the Custody Injury to Mr. Evon Reid**

### **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 17, 2017, Mr. Evon Reid attended Osgoode Hall Law School which is on the York University campus located at 92 Scholars Walk. At the time of the interaction with Mr. Reid he was bound by a recognizance prohibiting him from being on the property of York University and further, he was wanted on the strength of a bench warrant stemming from charges laid in 2015 relating to another incident on the York University campus.

Mr. Reid was discovered on the campus by York University Security Officers. During their initial investigation of Mr. Reid he refused to leave the campus or identify himself. The T.P.S. was contacted to assist in removing Mr. Reid from the campus. At 1018 hours, officers from 31 Division were dispatched to attend and arrived at approximately 1045 hours.

Mr. Reid was located and when the attending officers attempted arrest him for the outstanding warrant, he went limp and fell to the ground. The officers had to carry Mr. Reid from the property to their police vehicle.

While carrying Mr. Reid out of the premises the officers stumbled and Mr. Reid and the officers tripped into a wall. It remains uncertain what part of Mr. Reid’s body hit the wall.

Mr. Reid was taken to 31 Division where he was investigated and processed on charges of Mischief and Public Mischief. During the booking process, Mr. Reid complained to the Officer-in-Charge of a headache. He was transported to Humber River Regional Hospital by ambulance where he was diagnosed with a mild concussion. No medical treatment was provided nor was the Chief’s S.I.U. Liaison Officer notified at the time, as a mild concussion with no medically reported loss of consciousness did not meet the threshold for reporting the event.

On January 18, 2018, Mr. Reid filed a complaint with the Office of the Independent Police Review Director (O.I.P.R.D.) alleging that when he was arrested he was flung into a wall, struck his head, lost consciousness, was personally humiliated, and was denied medical treatment.

On January 31, 2018, the T.P.S. was made aware of the O.I.P.R.D. complaint. The S.I.U. was notified and invoked its mandate.

The S.I.U. designated two officers, as subject officers; seven other officers were designated as witness officers

In a letter to the T.P.S. dated January 21, 2019, 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 link to the S.I.U. Director's public report of investigation is below.

[https://www.siu.on.ca/en/directors\\_report\\_details.php?drid=169](https://www.siu.on.ca/en/directors_report_details.php?drid=169)

The S.I.U. published a media release on January 23, 2019. The media release is available at;

[https://www.siu.on.ca/en/news\\_template.php?nrid=4643](https://www.siu.on.ca/en/news_template.php?nrid=4643)

### **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 injury 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 10-06 (Medical Emergencies)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-01 (Use of Force)
- Procedure 15-02 (Injury/Illness Reporting)
- Procedure 15-17 (In-Car Camera System)

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

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

- Ontario Regulation 926 Section 14.3 (Use of Force Qualifications)

The P.S.S. investigation determined that the T.P.S.'s policies and procedures associated with the 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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## Toronto Police Services Board Report

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February 6, 2019

To: Chair and Members  
Toronto Police Services Board

From: Mark Saunders  
Chief of Police

**Subject: Chief's Administrative Investigation into the Firearm Injury to Mr. Jamion Hines**

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

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

### **Financial Implications:**

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

### **Background / Purpose:**

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

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

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

Section 11(2) of the Regulation states:

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

Section 11(4) of the Regulation states:

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

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

### **Discussion:**

On December 1, 2017, at 2314 hours, several uniformed officers from 43 Division Primary Response Unit (P.R.U.) responded to an unknown trouble at a residence in the area of McCowan Road and Lawrence Avenue East.

The resident of the house possessed a valid licence to grow marihuana and had equipped the residence with surveillance cameras. While monitoring the home surveillance system, the resident observed four masked suspects break in to the residence and proceed to the basement where they began collecting the marihuana plants. One of these individuals was later identified as Mr. Jamion Hines.

During the robbery, one of the suspects discharged pepper spray at the resident’s dog.

The resident fled and called 9-1-1.

Officers from 43 Division were assigned to attend. The attending officers received information from T.P.S. Communications Services that four masked suspects, armed with firearms, had forced their way into the residence.

Police Constables A and B were the first officers to arrive as the four suspects fled from the residence on foot. The officers chased one suspect, Mr. Hines, into a nearby school yard.

Mr. Hines turned, confronted the officers, and then sprayed Constable B with pepper spray.

Mr. Hines continued to run and subsequently removed a firearm from his waistband and pointed it at Constable A. Constable A drew their T.P.S. issued pistol and discharged seven (7) rounds at Mr. Hines.

Mr. Hines continued to flee and Constable A continued to pursue him. Constable A exchanged their pistol magazine in the intervening seconds. A short distance away,

Constable A then observed Mr. Hines pointing a firearm at Constable B. Constable A then discharged a further three (3) rounds at Mr. Hines.

Mr. Hines was struck in the right forearm by one of the ten (10) rounds discharged by Constable A.

Mr. Hines continued to flee and eventually hid behind a dumpster a short distance away where he was arrested by Constables A and B. A canister of pepper spray was located in the immediate vicinity of Mr. Hines's arrest.

A loaded Colt .25 calibre firearm was located in the path travelled by Mr. Hines during the interaction with the officers.

Mr. Hines, was transported to Sunnybrook Health Sciences Centre for treatment of the non-life-threatening gunshot wound.

Medical evidence obtained by the S.I.U., and disclosed in Director Loparco's public report of investigation, detail that the gunshot wound to Mr. Hines commenced at the forearm and travelled to the elbow. This evidence corroborates the fact that Mr. Hines was facing the officer when Constable A discharged at him.

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

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

In a letter to the T.P.S. dated January 8, 2019, Director Tony Loparco of the S.I.U. advised that the investigation was complete and no further action was contemplated.

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

[https://www.siu.on.ca/en/directors\\_report\\_details.php?drid=139](https://www.siu.on.ca/en/directors_report_details.php?drid=139)

The S.I.U. issued a news release on December 2, 2018 seeking witnesses to this event. The news release can be found at the following link:

[https://www.siu.on.ca/en/news\\_template.php?nrid=3439](https://www.siu.on.ca/en/news_template.php?nrid=3439)

The S.I.U. issued a subsequent news release on January 10, 2019, exonerating the officer in relation to this event. It can be found at the following link:

[https://www.siu.on.ca/en/news\\_template.php?nrid=4588](https://www.siu.on.ca/en/news_template.php?nrid=4588)

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

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

P.R.S. examined the firearm 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.R.S. investigation reviewed the following T.P.S. procedures:

- Procedure 01-01 (Arrest)
- Procedure 05-02 (Robberies/Hold-ups)
- Procedure 08-03 (Injured on Duty Reporting)
- Procedure 10-06 (Medical Emergencies)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-01 (Use of Force)
- Procedure 15-03 (Service Firearms)
- Procedure 15-17 (In-Car Camera System)

The T.S.V. investigation also reviewed the following legislation:

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

The P.R.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.

The conduct of the designated subject officer and witness officers were in compliance with applicable provincial legislation 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

\*original copy with signature on file in Board office

**Toronto Police Services Board  
September 19, 2019**

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**\*\* Speakers' List \*\***

**Opening of the Meeting**

Call to Order

Indigenous Land Acknowledgement

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

**Presentations**

2. September 10, 2019 from Andy Pringle, Chair, Uppala Chandrasekera, Board Member and Co-Chair of the Anti-Racism Advisory Panel (ARAP) and Notisha Massaquoi, Co-Chair of the Anti-Racism Advisory Panel (ARAP)

**Re: Toronto Police Services Board's Race-Based Data Collection Policy**

Deputations: Camille Orridge  
Michael Kerr, *Colour of Poverty Colour of Change*  
Miguel Avila-Velarde  
Dr. Tanya L. Sharpe  
Aina-Nia Grant, *City of Toronto,*  
*Confronting Anti-Black Racism Unit*  
Dave D'Oyen  
Renu Mandhane, *Chief Commissioner of the Ontario*  
*Human Rights Commission, (\*includes written submission)*  
Derek Moran  
Akwas Owusu-Bempah, Scot Wortley and Julius Haag  
(\*includes written submission)  
Jennifer Chambers, *Empowerment Council*  
(\*includes written submission)  
Kingsley Gilliam, *Black Action Defense Committee Inc.*  
(\*includes written submission)  
\*Allyson Collymore – written submission only

4. September 3, 2019 from Mark Saunders, Chief of Police  
**Re: Toronto Police Service Response to Recommendations from O.I.P.R.D. Report “Breaking the Golden Rule: A Review of Police Strip Searches in Ontario”**

Deputations: John Sewell, Toronto Police Accountability Coalition  
(\*includes written submission)  
Derek Moran  
Kris Langenfeld, (\*written submission to be read by a member of the public on behalf of Mr. Langenfeld)

7. September 19, 2019 from Mark Saunders, Chief of Police  
**Re: Special Constable Appointments and Re-Appointments – September 2019**

Deputation: Miguel Avila-Velarde

9. September 4, 2019 from Mark Saunders, Chief of Police  
**Re: 2019 Operating Budget Variance for the Toronto Police Service, Period Ending June 30, 2019**

Deputation: Miguel Avila-Velarde

14. August 13, 2019 from Andy Pringle, Chair  
**Re: Semi-annual Report: Toronto Police Services Board Special Fund Unaudited Statement: January to June 2019**

Deputation: Derek Moran

16. July 22, 2019 from Mark Saunders, Chief of Police  
**Re: Quarterly Report for February 15, 2019 to May 14, 2019: Conducted Energy Weapon Use**

Deputation: John Sewell, Toronto Police Accountability Coalition  
(\*includes written submission)



Ontario  
Human Rights Commission  
Commission ontarienne des  
droits de la personne

**Ontario Human Rights Commission**  
Written Deputation to the  
**Toronto Police Services Board re: *Policy on Race-Based  
Data Collection, Analysis and Public Reporting***

**September 19, 2019**

The Ontario Human Rights Commission (OHRC) welcomes the opportunity to provide a written deputation to the Toronto Police Services Board (TPSB) on its *Policy on Race-Based Data Collection, Analysis and Public Reporting* (Policy),<sup>1</sup> which is being considered for approval at its September 19, 2019 meeting.

Approving this Policy will be a historic step forward. It will signal that the TPSB and Toronto Police Service (TPS) are genuinely committed to identifying, monitoring and addressing racial profiling and racial discrimination. Once fully implemented, the Policy will require race-based data collection across the full range of police-civilian interactions and will make the TPSB and TPS national leaders in race-based data collection.

This is a unique moment to build public trust in police and make our communities safer. For over four decades, Black communities and the groups that represent them, like the Black Action Defense Committee, African Canadian Legal Clinic, Black Lives Matter Toronto and Black Legal Action Centre, have expressed concerns about anti-Black racism in policing. These concerns were reflected in *A Collective Impact*, the OHRC's interim report on its inquiry into racial profiling and racial discrimination of Black persons by the TPS.<sup>2</sup>

Decades of reports and recommendations, including the 1989 Clare Lewis *Report of the Race Relations and Policing Task Force*<sup>3</sup> and *A Collective Impact*, have pointed to race-based data collection as the foundation for combating racial discrimination in law enforcement. The OHRC's forthcoming *Policy on eliminating*

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<sup>1</sup> Toronto Police Services Board, *Race-based Data Collection, Analysis and Public Reporting* (2019), Appendix A to Public Agenda Item #2 of the Toronto Police Services Board's September 19, 2019 meeting, online: [www.tpsb.ca/images/agendas/PUBLIC\\_AGENDA\\_Sep19.pdf](http://www.tpsb.ca/images/agendas/PUBLIC_AGENDA_Sep19.pdf) [Policy].

<sup>2</sup> Ontario Human Rights Commission, *A Collective Impact: Interim report on the inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service* (2018), online: [www.ohrc.on.ca/en/public-interest-inquiry-racial-profiling-and-discrimination-toronto-police-service/collective-impact-interim-report-inquiry-racial-profiling-and-racial-discrimination-black](http://www.ohrc.on.ca/en/public-interest-inquiry-racial-profiling-and-discrimination-toronto-police-service/collective-impact-interim-report-inquiry-racial-profiling-and-racial-discrimination-black).

<sup>3</sup> Clare Lewis, *The Report of the Race Relations and Policing Task Force* (1989) at 50, 51, 65, 83, 145, and 168, online: [https://archive.org/details/mag\\_00066901](https://archive.org/details/mag_00066901)

*racial profiling in law enforcement*, which is being released on September 20, also recommends, among other things, that all police services collect race-based data on a wide range of police-civilian interactions and provides practical guidance to support police services in identifying and eliminating racial profiling.

Race-based data collection has made a difference elsewhere. For example, in New York City, stops decreased by 98% without any increase in crime after the New York Civil Liberties Union analyzed racial disparities in “stop and frisk” data and the Federal District Court ordered reforms and further data collection.<sup>4</sup> Police shootings also declined by approximately one-third in cities where there are agreements with the U.S. Department of Justice Civil Rights Division. These agreements often require police to collect and analyze race-based data.<sup>5</sup>

In response to *A Collective Impact*,<sup>6</sup> the TPSB passed a unanimous motion on December 18, 2018 stating its commitment to “using the collection of race-based data to promote evidence-based policy-making and organizational change, including in monitoring systemic racial and other disparities to identify gaps, eliminate barriers and advance the fair treatment of every person.”<sup>7</sup> The TPSB referred its demographic data collection policy to the TPSB’s Anti-Racism Advisory Panel (ARAP) to be reviewed with recommendations for amendments. The TPSB further requested that the OHRC deliver a presentation to ARAP about best practices for collecting race-based data. The OHRC did so on February 14, 2019 and recommended that race-based data be collected on stops, searches, charges, arrests and use of force incidents. The OHRC later made a submission to the TPSB on its draft policy.<sup>8</sup>

The Policy signifies progress. It is a significant step forward in the TPSB’s efforts to identify and address systemic discrimination. There are many elements of the Policy that the OHRC supports and that are essential, including:

- The guiding principles and purpose, which reflect the values underlying the *Human Rights Code* – preserving the dignity of individuals and communities, enhancing accountability, delivering non-discriminatory services to the public, and identifying and publicly reporting on disparities in service
- Collecting race-based data based on officer perception

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<sup>4</sup> New York Civil Liberties Union, *Stop-and-Frisk in the de Blasio Era* (2019) at 1-4, online: [www.nyclu.org/sites/default/files/field\\_documents/20190314\\_nyclu\\_stopfrisk\\_singles.pdf](http://www.nyclu.org/sites/default/files/field_documents/20190314_nyclu_stopfrisk_singles.pdf)

<sup>5</sup> U.S. Commission on Civil Rights, *Police use of force: an examination of modern police practices* (2018) at 88-89, online: [www.usccr.gov/pubs/2018/11-15-Police-Force.pdf](http://www.usccr.gov/pubs/2018/11-15-Police-Force.pdf); U.S. Department of Justice Civil Rights, *The Civil Rights Division’s Pattern and Practice Police Reform Work: 1994-Present* (2017) at 26-32, online: [www.justice.gov/crt/file/922421/download](http://www.justice.gov/crt/file/922421/download)

<sup>6</sup> [www.ohrc.on.ca/en/news\\_centre/deputation-toronto-police-services-board-regarding-toronto-police-services-board%E2%80%99s-anti-racism](http://www.ohrc.on.ca/en/news_centre/deputation-toronto-police-services-board-regarding-toronto-police-services-board%E2%80%99s-anti-racism).

<sup>7</sup> [www.tpsb.ca/component/jdownloads/send/49-2018/603-december-18](http://www.tpsb.ca/component/jdownloads/send/49-2018/603-december-18).

<sup>8</sup> [www.ohrc.on.ca/en/news\\_centre/ontario-human-rights-commission-submission-toronto-police-services-board-re-draft-policy-race-based](http://www.ohrc.on.ca/en/news_centre/ontario-human-rights-commission-submission-toronto-police-services-board-re-draft-policy-race-based)

- Collecting race-based data on stops, questioning and searches; Use of Force Reports; charges; arrests and discrete interactions between an individual and an officer that lead to a “decision that determines an outcome for the individual”
- Regularly consulting and engaging with members of affected communities with lived experience of racial discrimination
- Internal and independent analysis of data
- Annual public reporting
- The requirement to develop action plans to “remove systemic barriers and advance racial equity”
- Key performance indicators that “assist in assessing whether racial disproportionalities or racial disparities in the data collected exist”
- Assessing “community safety outcomes” for police use of force, including whether the force was “justified by law”
- Independent recommendations to improve action plans
- Experiential and scenario-based training to all members of the TPS on “the approach to policing required by Ontario’s *Human Rights Code*” and how to avoid bias, discrimination and racism.

Although charges and arrests are indicators of crime, data must be used in a way that is consistent with the *Human Rights Code*.<sup>9</sup> We agree with the TPSB that the “Policy and its implementation by the Service should not result in the stigmatization or stereotyping of any communities,” and “a race-based data collection, analysis and public reporting approach examines the effectiveness of police intervention with members of community, and not crimes rates of the communities with whom the police interact”<sup>10</sup>.

## Recommendations

The OHRC also makes the following recommendations to ensure that the Policy is consistent with best practices and achieves the TPSB’s vision of an approach that is “best in class.”<sup>11</sup>

The OHRC recommends that the TPSB:

1. Require that race-based data be used for accountability:
  - a. Require that the purpose of the Policy include identifying, monitoring and eliminating both individual and systemic discrimination
  - b. Require that race-based data be disaggregated by officer

<sup>9</sup> Ontario Human Rights Commission, *Count me In!: Collective Human Rights-Based Data* (2009) at 17, online: <http://www.ohrc.on.ca/en/count-me-collecting-human-rights-based-data>

<sup>10</sup> Policy, *supra* note 1 at 14.

<sup>11</sup> Policy, *supra* note 1 at 13.

- c. Require that action plans include using race-based data to identify potential problematic officer conduct and taking remedial, performance management or other action as necessary.
2. Remove “another race category” from the racial categories.
3. Require race-based data collection when a civilian sustains a physical injury as a result of force being used, regardless of the extent of any such injury or medical treatment received.
4. Mandate the analysis of relevant contextual information from police-civilian interactions that involve use of force, consistent with best practices.
5. Require that all phases be implemented by January 1, 2021.

## **1) Accountability**

### **a) Identifying both individual and systemic discrimination**

Any form of racial discrimination, whether individual or systemic, is illegal. In practice, individual and systemic discrimination are often linked. The OHRC recommends that the purpose of the Policy include identifying, monitoring and eliminating both individual and systemic discrimination. This would make the Policy consistent with its stated purpose of delivering non-discriminatory services and enhancing accountability. The Policy should not stand in the way of individual accountability for racial discrimination.

We accept that individual officers should not be identified in public reports, except as may be required by law. However, to fulfill the purpose of the Policy, the OHRC also recommends that race-based data be disaggregated by officer and the data be used in performance management.

Systemic racism and racial bias can partly be the product of individual officer bias and stereotyping. Racial profiling arising from an individual’s explicit bias can have a broader, systemic impact, such as when a person in authority directs another person or organization to single out Indigenous, Black and other racialized people for monitoring and different treatment.

The *Anti-Racism Act* and Ontario’s *Anti-Racism Data Standards* indicate that public sector organizations can use “personal information collected under the authority of the [*Anti-Racism Act*] to the extent that it is needed to eliminate systemic racism and advance racial equity in its services, programs or functions.”<sup>12</sup> In this case, individual officer information is needed to eliminate systemic racism and advance racial equity in service delivery.

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<sup>12</sup> O Reg 267/18; Ontario, *Data Standards for the Identification and Monitoring of Systemic Racism* (2019), Standard 26 at 42-43, online: [Ontario www.ontario.ca/document/data-standards-identification-and-monitoring-systemic-racism](http://www.ontario.ca/document/data-standards-identification-and-monitoring-systemic-racism) [Ontario’s *Anti-Racism Data Standards*]; *Anti-Racism Act*, 2017, SO 2017, c 15, ss. 7(2), (6), (9).

## **b) Performance management**

The Policy prohibits race-based data from being used for performance management. However, best practices support using race-based data to further individual officer accountability, and the prohibition is inconsistent with the requirement that the Chief assess community safety outcomes in interactions.

The OHRC recommends that action plans include using race-based data to identify potential problematic officer conduct and taking remedial, performance management or other action as necessary. Actions may include early intervention, officer coaching, individualized learning plans and if necessary, discipline. Biased activities will occur less often if there is an understanding that supervisors will review officer conduct and that there will be consequences if officers engage in racial profiling or racial discrimination.<sup>13</sup>

Twenty-two community and advocacy groups endorsed the OHRC's recommendations in its submission to the provincial government on its review of policing. Recommendations included ensuring that officers are disciplined, up to and including dismissal, when their behavior is consistent with racial profiling. The OHRC's submission stated that supervisors should review race-based data as part of the disciplinary process.<sup>14</sup>

The OHRC's forthcoming *Policy on eliminating racial profiling in law enforcement* recommends that police services work with external experts to develop early warning systems. These systems would capture race-based data to alert supervisors to potential racial profiling and racial discrimination by both individuals and platoons/units/divisions.

*Promoting Co-operative Strategies to Reduce Racial Profiling*, the 2008 report commissioned by the U.S. Department of Justice's Office of Community Oriented Policing Services, stated:<sup>15</sup>

For departments seeking to reduce racial profiling, ensuring the accountability of individual officers or groups of officers through an early intervention system (EIS) has been identified as a positive strategy for reducing or preventing racial profiling. Early intervention is a data-driven management process that allows managers to identify officers who have recurring problematic behavior and to intervene through counseling and additional training (Walker, 2000).

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<sup>13</sup> *Nassiah v Peel (Regional Municipality) Services Board*, 2007 HRTO 14 (CanLII) at para 207.

<sup>14</sup> Ontario Human Rights Commission, *Submission of the OHRC to the Ministry of Community Safety and Correctional Services on the Strategy for a Safer Ontario* (2016), online: [www.ohrc.on.ca/en/strategy-safer-ontario-%E2%80%93-ohrc-submission-mcscs](http://www.ohrc.on.ca/en/strategy-safer-ontario-%E2%80%93-ohrc-submission-mcscs) [Strategy for a Safer Ontario Submission].

<sup>15</sup> Institute on Race and Justice, Northeastern University, *Promoting Cooperative Strategies to Reduce Racial Profiling*, COPS Evaluation Brief No. 1. (Washington, D.C.: Office of Community Oriented Policing Services, U.S. Department of Justice) 2008 at 7, online: <https://ric-zai-inc.com/Publications/cops-p146-pub.pdf>.

The idea behind EIS is that officers may not recognize problematic behavior unless it is identified and brought to their attention by supervisors. Once identified, officers have the ability to improve their performance and correct the conscious or unconscious behavior-causing problems, such as racially biased traffic enforcement. The data collected by these systems also offer an overall picture of an officer's activity that can provide context when addressing allegations of biased policing and can indicate that racial disparities are associated with factors other than an officer's bias, for example, deployment allocations.

The Policy's prohibition on using race-based data in performance management is inconsistent with the Policy's requirement that the Chief assess community safety outcomes in interactions.<sup>16</sup> Assessing "community safety outcomes" for police use of force includes examining whether racial profiling is taking place. Without being able to rely on race-based data in performance management, the Chief is denied an important tool to ensure community safety outcomes. Put another way, if the police know from the race-based data that a particular officer is engaging in conduct consistent with racial profiling, they cannot use this data to performance manage the officer, potentially allowing the officer to escape scrutiny and putting community safety at risk.

### **c) Disaggregated data by officer**

The OHRC recommends that the data be disaggregated by officer.

Accountability for human rights or *Charter* violations before courts, tribunals and oversight agencies will be frustrated if the data is not disaggregated by officer. For example, evidence about whether a particular officer involved in an incident disproportionately stops and searches Indigenous, Black or other racialized people would not be available.

## **2) Racial categories**

The OHRC is pleased that the Policy requires race-based data collection based on officer perception. Perceptions of race are the most useful for identifying, monitoring and addressing racial profiling and racial discrimination.<sup>17</sup>

The Policy lists racial categories and states that they are the categories listed in Ontario's *Anti-Racism Data Standards*. The OHRC recommends that the category "another race category" be removed.

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<sup>16</sup> Policy, supra note 1 at 16.

<sup>17</sup> Ontario Human Rights Commission, *OHRC Submission to the Independent Street Checks Review* (2018), online: *Ontario Human Rights Commission* [www.ohrc.on.ca/en/ohrc-submission-independent-street-checks-review](http://www.ohrc.on.ca/en/ohrc-submission-independent-street-checks-review); Rob Tillyer, Robin Angel & Jennifer Cherkaskas, "Best practices in vehicle stop data collection and analysis" (2009) 33:1 PIJPSM 69 at 76.

Ontario's *Anti-Racism Data Standards* draw a distinction between racial categories for "participant observer information of race" (i.e. perceived race) and self-identification. "Another race category" is not available as a response for "participant observer information" because of "lessons learned from other jurisdictions and research that shows including that option compromises the validity of responses."<sup>18</sup>

The OHRC also put forward racial categories in its submission to the Independent Street Checks Review, which were endorsed by the Ontario Association of Chiefs of Police and the Ontario Association of Police Services Boards and did not include "another race category" or "other."<sup>19</sup>

### **3) Scope and application**

The OHRC is pleased with the commitment to a broad scope of race-based data collection described in the Policy. It means that the potential for racial bias at various stages of police interactions (stops, questioning, searches, charges, arrests, use of force and discrete interactions between an individual and an officer that lead to a "decision that determines an outcome for the individual") will be assessed and the TPSB and TPS can better identify "institutional or structural practices ... that can result in racial disparities and prejudicial treatment."<sup>20</sup>

#### **a) Use of force incidents**

The OHRC recommends that the Policy explicitly require race-based data collection when a civilian "sustains a [physical] injury as a result of force being used, regardless of the extent of any such injury or medical treatment received." An officer is already required to submit an Injury/Illness Report (TPS 105) to the Officer in Charge in these circumstances.<sup>21</sup>

The Policy directs the TPS to collect race-based data "as it relates to [provincial] Use of Force Reports."<sup>22</sup> The Province does not require that Use of Force Reports be filled out for use of force incidents that result in physical injuries that do not require medical attention.<sup>23</sup> Although these lower-level use of force incidents should fall in the category of discrete interactions between an individual and an officer that lead to a "decision that determines an outcome for the individual,"<sup>24</sup> the OHRC recommends that the Policy explicitly require that race-based data be collected on these incidents. To the extent that the TPSB takes the position that these lower-level use of force incidents would already be captured by the Policy, there is no reason for the TPSB not to make it explicit in an effort build public trust.

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<sup>18</sup> *Ontario's Anti-Racism Data Standards*, *supra* note 12, Standard 40 at 63.

<sup>19</sup> *OHRC Submission to the Independent Street Checks Review*, *supra* note 17.

<sup>20</sup> Policy, *supra* note 1 at 12.

<sup>21</sup> Toronto Police Service, Procedure 15-02: Injury/Illness Reporting (December 19, 2016).

<sup>22</sup> Policy, *supra* note 1 at 13 and 25.

<sup>23</sup> RRO 1990, Reg 926, s 14.5(1).

<sup>24</sup> Policy, *supra* note 1 at 13.

There may be racial disparities in these lower-level use of force incidents, which can still have significant physical and emotional impacts on the people subjected to them. The case law and lived experiences set out in *A Collective Impact* identified use of force incidents involving Black people that may not have required medical attention. Furthermore, the Center for Policing Equity found racial disparities in lower-level use of force incidents across the 12 U.S. police departments analyzed in its report *The Science of Justice: Race, Arrests and Police Use of Force*.<sup>25</sup>

Many Indigenous, Black and other racialized communities also support human rights-based data collection on all use of force incidents. As noted earlier, 22 community and advocacy groups endorsed the OHRC's recommendations in its submission to the provincial government on its review of policing, which included the recommendation that police services be required to establish permanent data collection and retention systems to record human rights-based data on all use of force incidents.<sup>26</sup>

#### **b) Contextual information about use of force incidents**

The OHRC is pleased that the Policy requires independent analysis of data and independent recommendations to improve action plans. However, the policy needs to clearly identify the relevant contextual information that should be analyzed by the independent organization or academic related to police-civilian interactions that involve use of force.

The Policy requires the Chief of Police to enter a partnership with an independent organization or academic that will, among other things, conduct their own analysis of race-based data and report to the TPSB with its findings and recommendations to improve action plans. The Chief of Police is required to provide the independent organization or academic with any relevant contextual information they determine is necessary, such as “demographic and census information (race, Indigenous ancestry, age, and gender of the individual), deployment information, detailed information about where the interaction occurred, etc. that assists with an analysis of the data.”<sup>27</sup>

The OHRC recommends that the Policy specify contextual information to be analyzed from police-civilian interactions that involve use of force, to help the TPSB and TPS identify whether there is racial discrimination and intersectional discrimination. As the Center for Policing Equity noted, “a thorough understanding

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<sup>25</sup> Center for Policing Equity, *The Science of Justice: Race, Arrests and Police Use of Force* (2016) at 19-21, online: *Center for Policing Equity* [https://policingequity.org/images/pdfs-doc/CPE\\_SoJ\\_Race-Arrests-UoF\\_2016-07-08-1130.pdf](https://policingequity.org/images/pdfs-doc/CPE_SoJ_Race-Arrests-UoF_2016-07-08-1130.pdf) [Center for Policing Equity]

<sup>26</sup> *Strategy for a Safer Ontario Submission*, *supra* note 14.

<sup>27</sup> Policy, *supra* note 1 at 17.

of police use of force is not possible without a thorough account of the interaction that produced it.”<sup>28</sup> Also, there is a socially significant intersection between race and mental health that may affect officer decisions about use of force.<sup>29</sup>

Best practices support analyzing a variety of information, including the reason for initial contact between the subject and the officer, the subject’s actions that led to the use of force, the level of force used, the subject’s gender, whether the subject had or was perceived to have a mental health disability, charges and their disposition.<sup>30</sup> The Policy should specify that the analysis should consider the following information. This will inform whether the information should be collected or compiled from existing sources. All of the following contextual information should apply to the first phase of the Policy (i.e. Use of Force Reports) and use of force incidents that result in physical injuries:

- a. The subject’s race, Indigenous ancestry, age and gender
- b. Whether the subject had or was perceived to have a mental health disability, was experiencing a mental health crisis or was intoxicated on drugs or alcohol at the time of incident
- c. All type(s) and levels of force used and their sequence
- d. Name, gender, rank, badge number, years of experience, shift, assignment, platoon, unit and division of the officer(s) who used force
- e. Location where the use of force occurred, including postal code, patrol zone and X-Y coordinates
- f. Location where the subject lived, including postal code and patrol zone
- g. Any injuries sustained by the officer and/or the subject and medical services received
- h. A detailed description of the circumstances and the subject’s actions that led to the use of force including:
  - i. The reason for the initial stop or enforcement action

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<sup>28</sup> Center for Policing Equity, *supra* note 20 at 7.

<sup>29</sup> *Strategy for a Safer Ontario Submission*, *supra* note 21.

<sup>30</sup> Scot Wortley, “Police use of Force in Ontario: An Examination of Data from the Special Investigations Unit, Final Report” (2006), Research project conducted on behalf of the African Canadian Legal Clinic for submission to the Ipperwash Inquiry at 79-80 and Appendix B; [www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/policy\\_part/projects/pdf/AfricanCanadianClinicIpperwashProject\\_SIUStudybyScotWortley.pdf](http://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/policy_part/projects/pdf/AfricanCanadianClinicIpperwashProject_SIUStudybyScotWortley.pdf); Investigation of the Ferguson Police Department (March 4, 2015) at 92, online: *U.S. Department of Justice Civil Rights Division* [www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson\\_police\\_department\\_report.pdf](http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf) [*Investigation of the FPD*]; Consent Decree between the United States (i.e. the DOJ) and the City of Ferguson (April, 2016) at 102, 103, 108–115 [*FPD Consent Decree*]; Consent Decree between the United States (i.e. the DOJ), the Mayor and City Council of Baltimore and the Police Department of Baltimore City (January, 2017) at 73–74 [*BPD Consent Decree*]; U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, *National Use-of-Force Data Collection Flyer* (2018), online: *Federal Bureau of Investigation* <https://ucr.fbi.gov/national-use-of-force-data-collection-flyer>.

- ii. Whether the incident occurred during an officer-initiated contact or a call for service
- iii. Whether the subject was in possession of a weapon, the type of weapon and when the weapon emerged (i.e. before use of force or after arrest)
- iv. Whether the subject was handcuffed or otherwise restrained during the use of force
- i. Whether the subject was charged with an offence, and, if so, which offence(s) and their disposition
- j. Whether, when and how verbal or other de-escalation techniques were used
- k. For firearm-related incidents, the number of shots fired by each involved officer, the accuracy of the shots
- l. The length of time between the use of force and the completion of each step of the force investigation and review.

Any additional contextual information to be analyzed may be determined by the independent organization.

#### **4) Timelines for implementation**

At present, data collection on the first phase (Use of Force Reports) is scheduled to begin by January 1, 2020, which is when the regulation of the *Anti-Racism Act, 2017* requires officers across Ontario to record “the race of individuals in respect of whom a use of force report is prepared.”<sup>31</sup> The Chief will report to the TPSB by September 2020 “concerning a timeline for the operational implementation of the remaining phases” of the Policy<sup>32</sup>.

The OHRC recommends that all phases be implemented by January 1, 2021, one year after the first phase is implemented. The TPSB and TPS are well-positioned to learn from the experience of the Ottawa Police Service and Ottawa Police Services Board in their Traffic Stop Data Collection Project, which included quality assurance measures, software upgrades, officer and supervisor training, community engagement, internal and external communications, data monitoring and extraction, and data storage and security.<sup>33</sup>

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<sup>31</sup> O Reg 267/18, s 2.

<sup>32</sup> Policy, *supra* note 1 at 19

<sup>33</sup> See for example [www.ottawa.ca/calendar/ottawa/citycouncil/opsb/2014/01-27/item2.htm](http://www.ottawa.ca/calendar/ottawa/citycouncil/opsb/2014/01-27/item2.htm).

## **Conclusion**

We recognize that policing is vital to public safety, and that it is challenging and sometimes traumatic. The Policy signals that the TPSB and TPS are genuinely committed to building trust with diverse communities to make us all safer.

We are pleased that the TPSB and TPS are taking the recommendations from *A Collective Impact* and the concerns about anti-Black racism in policing seriously.

We call on the TPSB to implement our recommendations and approve the Policy. Our recommendations will help the TPSB realize its vision of an approach that is “best in class,” promote public confidence and co-operation, and make our communities safer.

## TPSB Race-Based Data Collection Policy Deputation

Deputation submitted by.  
Prof. Akwasi Owusu-Bempah  
Prof. Scot Wortley  
Prof. Julius Haag  
University of Toronto

September 18, 2019

We commend the Toronto Police Service Board for taking initiative on this issue and holding wide-ranging consultations with various stakeholders. While the proposed race-based data collection policy marks a step in the right direction, it is not without serious limitations. As we see it, there are several major shortcomings with the policy as it stands now.

1. First, the race-based data to be collected will rely solely on the perception of the police officer interacting with a member of the public. That is, the race of the civilian will be determined (and ultimately recorded) based on the officers' perception of that civilians' racial background. While this type of data can be useful in identifying certain types of racial bias, it could potentially lead to the collection of inaccurate, unreliable data.
  - a. There might be incidents, for example, where an individual's self-reported racial identity will be perceived differently by police officers. This has already been shown to be true in Toronto, as demonstrated by the analysis of historical carding data. If the same individual is recorded as both "Black" and "South Asian" in the data for a given policing outcome, there will be no accurate way to determine the true representation of "Blacks" or "South Asians" in that policing outcome due to mis-classification of the individual. This problem will make it impossible to determine true rates of racial over or under-representation in policing outcomes in Toronto and thus to identify systemic trends.
  - b. Secondly, this type of data collection is open to manipulation. If officers know that they are collecting race-based data in order to look for racial bias, they may misclassify an individual's race so as to skew the numbers one way or another. Officers may willfully misrepresent racial data in order to avoid allegations of racial bias. Evidence of such manipulation has occurred both here in Canada as well as in the United States.

In order to address these problems, police officers should collect BOTH self-identified race-based data as well as officer perception data in ALL instances where doing so is reasonable and feasible. When self-identity data is phased in, officers should be required to provide reasons when self-identity data is not collected.

2. The policy clearly indicates that the race-based data will not be used for performance management or to identify individual Service Members (i.e., internal benchmarking). As a result, the Board and the Service are missing out on an opportunity to collect data that could be used to foster police accountability and identify individual officers for retraining or disciplinary action where necessary.
3. Furthermore, the fact that the police will not be evaluated with respect to the quality or accuracy of the racial data they collect increases the potential for the willful misrepresentation of racial data.

In conclusion, although we agree that the new data collection is a step in the right direction, we strongly feel that the service should collect racial data using both civilian self-reports and officer perceptions. Furthermore, without a direct link to officer job performance and police accountability processes, the anti-bias impact of the data will be limited. Finally, we believe that the Board and Service need to develop a strategy to evaluate the quality of the race-based data collected during the pilot data collection period and re-develop the policy as required. The results of the pilot stage should be made public.



# **THE EMPOWERMENT COUNCIL**

## **A Voice for the Clients of the Centre for Addiction and Mental Health**

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### **RACE-BASED DATA COLLECTION, ANALYSIS, AND PUBLIC REPORTING POLICY**

#### ***Toronto Police Services Board Deputation***

#### ***September 19, 2019***

*The Empowerment Council is an organization run entirely by and for people with lived experience (pwle) of mental health or substance use issues. Our mandate is systemic advocacy. We are the only such organization in the country that regularly has standing at inquests, and intervenes in court cases affecting its community.*

The collection of Justice Statistics by race has been controversial over the years, but it is the right thing to do. As pointed out by Owusu-Bempah and Millar<sup>1</sup>, far from increasing the association of race and criminality, keeping statistics can reduce it. A poll by the Toronto Star reported that respondents believed that twice as many visible minority group members had criminal records than police records showed. Accurate data can correct such misinformation<sup>2</sup> and provide the data necessary for organizational monitoring and evidence - based decision making. The Empowerment Council commends the Anti-Racism Advisory Panel (with special emphasis on its Chairs), the Toronto Police Services Board, and the Toronto Police Service, for all the work and good will it took to develop this policy. Discussions at ARAP were comprehensive, and had effect.

Impressive data mining by the Toronto Star and CBC has revealed devastating statistics across Canada about the people to whom the police are likely to use force – primarily people with mental health issues, and Black and Indigenous men. This information needs to be collected systematically and transparently, and then shared with the public, as is called for in this policy.

The Empowerment Council (EC) was one of voices lobbying for the Loku Inquest, and the necessity for that inquest to examine the role of race. The EC was granted standing at the inquest, and made recommendations accordingly. The Loku Inquest was the 9<sup>th</sup> police related inquest I have attended, and I have moved, in the recommendations made when testifying, from focusing on training to recognising the necessity of being able to accurately evaluate what is happening in the field. Is the training, for instance, translating into life on the street? The need for good data is reflected in the recommendations made jointly to the jury by most parties at the inquest, and ultimately adopted by the jury in their verdict.

The jury at the Loku Inquest made the following relevant recommendations:

29. Establish a provincial standard for the collection of race-based data pertinent to all interactions involving police and persons in crisis, including as a sub-set those interactions resulting in an application of use of force. This

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<sup>1</sup> Owusu-Bempah, Akwasi, Millar, Paul. Revisiting the Collection of “Justice Statistics by Race” in Canada, Canadian Journal of Law and Society, Vol.25 (1) pp 97-104

<sup>2</sup> Ibid

standard should be applicable to police services across the province and must include sustained funding for research to establish appropriate benchmarking for, the collection of and analysis of the data by an independent auditor.

30. Establish a provincial standard for the collection of data concerning emotionally disturbed persons pertinent to all interactions involving police and persons in crisis, including as a sub-set those interactions resulting in an application of use of force. This standard should be applicable to police services across the province and must include sustained funding for research to establish appropriate benchmarking for, the collection of and analysis of the data by an independent auditor.

31. Once the data in recommendations 29 and 30 has been analyzed and interpreted, the results should be made public in an accessible format. The data should be collected in a manner consistent with human rights principles and in consultation with affected communities and appropriate experts about the purpose, use, benefits and methods of collecting data.

32. The Police Services Act - Use of Force Report (UFR Form 1 2013/12, or its successor) should be amended to include the collection of race-based data including perceived race.

These recommendations were directed at the Ministry of Community Safety and Correctional Services, but the Toronto Police Services Board is on the verge of accepting them, to your credit. Beginning with use-of-force data, perceived race will be tabulated, and a pilot study will test how interactions develop when requesting self - reported race. It is great progress.

Loku recommendation 30 pertains to collecting similar data about people in (perceived) crisis, known in the police service as Emotionally Disturbed Persons (EDPs). This policy in item #6 calls for intersectional analysis. This is essential, as all of the inquests the EC has attended have been about people with mental health issues, and the majority have been racialized people, primarily members of the Black community. Most have also been living in poverty. I further believe that accent may be a factor that should be tracked, though I have not yet succeeded in getting it counted. Every factor is important, and how they relate to one another. In every case police perception counts, because when interacting with the public police generally know only what they see before them. At the same time the self - report data pilot also matters, as it could be instructive to see how it relates to perception.

This policy does not allow for the tracking of the behavior of individual officers. I know that in health care settings this approach has been found to be most productive for organizational change, as it reduces the motivation to conceal data. At the same time, it is worrisome if significant problems lie largely with certain individuals. The TPS has assured ARAP members that this is tracked through other means. For the public to be able to trust this system they need to understand it, and the independent evaluators should have access to information about this process, and available data to indicate how it is working.

Item #15 in the policy outlines training developed in consultation with the community, particularly people with lived experience, and again recognises intersectionality. This opens the door to community values, knowledge and experience having a role in training. To be congruent with the best evidence in the arena of discrimination reduction, however, training should also involve some contact between the police and community members. For this to realistically occur, resources will be required.

This policy will need to harmonize with the TPS Mental Health Strategy, and we have every reason to think it will.

This policy will lead police practice in race-based data collection, analysis, and public reporting. The process for developing it was brave, and admirable, and we congratulate you on the result.

Jennifer Chambers, Empowerment Council Executive Director



**BLACK ACTION DEFENSE COMMITTEE INC.**  
*Comite' d'action pour la de'fense des Noirs Inc.*

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**The Black Action Defense Committee's (BADC) Response to  
the Toronto Police Services Board Policy on Collection,  
Storage, Analysis and Reporting of Race Based Data**

**September 19, 2019.**

**Mr. Chairman, members of the Toronto Police Services Board, His Worship Mayor John Tory, Police Chief Mark Saunders, ladies and gentlemen, good afternoon.**

**On behalf of the Board of Directors and membership of the Black Action Defense Committee Inc. I greet you this afternoon.**

**After almost 50 years of advocacy with the Metropolitan Toronto Police High Command, the Toronto Police Services and depositions before this Board, the Toronto Police Services Board on a plethora of policing issues; many of which have been tragic, I am very pleased to advise you, that for the first time after all of those advocacy opportunities, consultations and depositions, I find myself and BADC on the same page as the Police Services Board on this particular issue, the policy on collection, storage, analysis and reporting of race based data of police interactions with the public.**

**This is indeed an outstanding achievement for which I must congratulate the Toronto Police Services Board on the bold steps that it has taken in appointing an Anti-Racism Advisory Panel (ARAP) and giving it robust terms of reference to respond to the Coroner's Jury recommendations arising out of the inquest into the tragic and avoidable death of Andrew Loku an African man suffering from mental disorders resulting from the trauma of a civil war and torture in the South Sudan.**

**The Black Action Defense Committee is proud of our role as interveners in that inquest, in which we helped in shaping the deliberations at the inquest and collaborated with other stakeholders in developing meaningful recommendations for the coroner's jury.**

**Numerous Coroners Jury, have made recommendations for changes in policing over the last 45 years. Few, if any of them have been implemented.**

**Consequently, on behalf of the Black Action Defense Committee, I congratulate the TPSB on its response to the recommendations of this coroner's Jury particularly with respect to its recommendations on creating and implementing policy and practices around the collection, analysis and reporting of race-based data, in day-to-day police interactions.**

**While this is not a sufficient condition for elimination of racial bias in policing, it is nonetheless a watershed moment for an objective assessment of policing activities.**

**We have long argued that it is impossible to control for something that you cannot quantify or measure.**

**This opinion is well founded in our collective experience and empirical data. For instance, Canada's correctional services collected race based data on inmate populations in each institution until 1966. In that year the Canadian Correctional Association published a report on the racial composition of Correctional institutions for all of Canada. That report showed a significant overrepresentation of Indians/First Nations People in the institutions, much greater than their percentage in the population, so they stopped collecting race based data. Five years later, in 1971 the Law Reform Commission of Canada conducted a similar study but they could find no data for institutions east of the Manitoba border. They were able to obtain and report data for the Prairie Provinces, British Columbia and the Yukon and NWT. Despite having no data for the most populous provinces of Ontario, Quebec and the Maritime Provinces, the number of Indians/First Nations inmates more than doubled the total for all of Canada in the intervening five years, from 1971.**

**That is statistically significant and why advocacy groups have been demanding race based data from police services across Canada.**

**In light of these facts we are very pleased the TPSB has finally agreed with the advocacy community's perspective that race based data collection, analysis and public reporting is essential for a sound understanding of police activities. For this we are extremely appreciative because it signals a new level of insight, acknowledgement and accountability of the TPSB in its responsibilities as the directing mind of and oversight body for the Toronto Police Service. It also demonstrates a willingness to uphold its responsibility for what is done by the service it directs.**

**In order to put this policy and this moment into its proper perspective, I would like to share with you a couple points about me personally and about my advocacy and professional work.**

**I have spent most of my career as a public servant in senior positions in three Jurisdictions in Canada; Alberta, Yukon and Ontario and have occupied several positions with policy development and implementation responsibilities and retired from Government as a Senior Policy Advisor in the Strategic Policy Branch of a Ministry . In fact, one of those positions, that of Employment Equity Consultant with a mandate of developing Employment Equity initiatives in the Broader Public Sector, I had direct responsibility for the Municipal and Health sectors. In that Capacity I had direct involvement in the development of the Employment Equity provisions of the Police Services Act RSO 1990.**

**While in that capacity, I was also privileged to fund a project through the Employment Equity Incentive Fund in partnership with Toronto Police Employment Equity Office, to review all training scripts for the CO Bick Police College. The review focused on racial and other biases towards the employment equity designated groups consisting of racial minorities, aboriginal peoples, women and persons with disabilities.**

**This was a very sensitive project fraught with challenges and objections from senior police leadership, instructors at the college, the rank-and-file and the police Association. Despite these challenges, objections and the opposition, the project was successfully completed and numerous uses of inappropriate language and terminologies were unearthed in those training scripts; which were eliminated or replaced with appropriate language and terminology resulting in significant improvement.**

**In other words, I am not new to working with policing technical issues including drafting language for revising an RCMP training script that was used to train officers about the Black community but it was insulting and disparaging of Black Communities.**

**It is against this history and background that I commend the Toronto Police Services Board on this giant step in approving this task Force and giving it a robust mandate, to address issue of racial bias, implicit or explicit, police racial profiling and racism in policing.**

**In my first deputation before the Toronto Police Services Board on the issue of Carding/Street Checks, I admonished the board that there has been a significant breakdown of trust between the Toronto Police Services and the communities that they are sworn to serve and protect, particularly the racial minority communities and the Black Community to a greater extent.**

**I advised the board at that time, that the only way that trust can be regained by the Police is by returning to the nine principles of policing enunciated by Sir Robert Peel, former Prime Minister of Great Britain 1929 when he established modern policing.**

**In his report on police oversight, Justice Michael Tulloch, also admonished the provincial government, that in order to regain the citizens trust in the police, policing would need to adopt and live by the principles of Sir Robert Peel. He quoted from Sir Robert Peel, that “the police is the community and the community is the police”; and noted that Ontario needed find a balance between the police and the community, in which the police and the community are one, and respect each other, or the community will not be able to trust the police.**

**Having read the draft policy and participated in the consultation process, I found that the draft policy was very well thought out, very well designed and incorporated the principal designed safeguards, that would provide confidence in the process and contribute to the development of the public’s trust in participating in that process.**

**From my experience in designing and implementing workforce data collection instruments, I was very pleased with the level and scope of the Policy and had only minor recommendations for its improvement.**

**On Behalf of BADC, I congratulate the Co-Chairs,**

Uppala Chandrasekera and Notisha Massaquoi and members of the Anti-Racism Advisory Panel (ARAP) for their outstanding work in developing this excellent policy instrument.

The Police shooting death of Andrew Loku within 21 seconds after police arrived on the scene, at which point the situation involving Mr. Andrew Loku leading to the police being called was already diffused by a neighbor; who was engaged in a rational discussion with Mr. Loku outside his apartment door, when the Police arrived and yelled a charge from 28ft away. That tenant testified at the inquest that he had to run into his apartment to avoid being shot in the police action.

**It was remarkable that the subject officer testified at the Inquest that when he shot Mr. Loku, “He fell like a tree;” and that if he had a similar situation, he “would do nothing differently”.**

That testimony and that of his partner and several police officers was so distressing to the community members and legal counsels that the insensitivity, brutality and lack of humanity and compassion exhibited by the officers stand out until today.

Notwithstanding those troubling attitudes displayed by some the officers which confirm comments that we have been hearing in the community and attributed to some officers, who live in all-white enclaves outside Toronto, “**that they only go in to Toronto to police the animal.**”

This Policy demonstrates that the Board has got the message loud and clear, that the community will never accept that type of treatment from the police, whose salaries and very lucrative benefits are paid by our tax dollars.

Having reviewed the final version of the policy, I am very pleased with the further refinements that have been made to it since consultations and note that most of our suggested improvements have been incorporated in it.

As a Former Senior Policy Advisor for Government, I believe that the Policy contains all the ingredients of an excellent policy instrument that is fully implementable.

On behalf of BADC, I very strongly recommend that TPSB adopt this policy without any major changes and ensures its vigorous implementation. Doing so will put Toronto Police Services Board and Toronto Police Services on a path to becoming leaders in policing.

I also very strongly invite the Police Association, to without prejudice and without abandoning its obligation to represent its members, to join with the Board and The Police leadership and the community, by supporting this policy, and disavowing bad policing behavior of its members. Should this invitation be accepted by the Associations leadership, we could see the type of cooperation and results that were common in industrial relations in Continental Europe under the model of Co Determination. Under that system both Management and Unions managed the enterprises jointly with mutual respect for each other with outstanding results

#### Conclusion

I urge the Board to adopt the policy without major change, and appeal to Police Union President Mike Mc Cormak to Join with the Board, the Chief and leadership and the community and become vested partners in the mission of attaining responsible policing in Toronto: Policing that demonstrates respect for all the people that they serve and earn the respect of the community in return.

Should this happen, I can assure Board Members, Chief Saunders and his administrators, the rank and file, the Police Association and the people of Toronto, regardless of race, color, creed, gender or orientation, that despite Andrew Lou's untimely, and tragic death, some good would have resulted from his death, therefore ANDREW LOKU DID NOT DIE IN VAIN..

Thank you very much.

*Kingsley P. Gilliam*

**Kingsley P. Gilliam M.A.**

**Director Communications and Social Services BADC**

Commendations on finalizing the policy for the Board's vote on Thursday, which reflects the hard work that went into engaging and considering the many perspectives on this far-reaching work. We also appreciate that many of our feedback (provided on August 27, 2019) was incorporated into the policy and is broadly consistent with the data standards. However, we have significant concerns about the option for self-reported race within the scope of interactions that are outlined in the policy, and use of "another race category" in perception data (but not for self-reported race).

We look forward to the outcome of the Board meeting on Sept 17th, and share in the city's anticipation of this ground-breaking policy. We welcome the opportunity to work with the Toronto Police Service to explore potential interactions that might be appropriate for the collection of self-reported race and provide input on possible pilots, should the Board choose to move forward on that.

Congratulations, again, and please don't hesitate to reach out.

Sincerely,

Allyson Collymore

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Director, Policy, Research and Strategic Initiatives

Anti-Racism Directorate, Ministry of the Solicitor General

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**Toronto Police Accountability Coalition**  
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September 15, 2019.

Toronto Police Service Board

**Subject: Item 4, September 19 agenda, strip searches**

Please list us as a deputation on this item.

The current strip search procedures for those arrested by Toronto police is scandalous.

As the report of the Office of the Independent Police Review Director reported in March of this year, the number of strip searches per arrest by the six large police forces in Ontario was less than one percent of those arrested. Toronto strip searched 40 per cent of those arrested – 40 times the rate of other large police forces - and the OIPRD report concludes that the Toronto officers `conduct far too many strip searches.'

For the last eight years TPAC has asked the Board to substantially reduce the number of strip searches, asking that before a strip search the police undertake a frisk to determine if a strip search is necessary as recommended by the Supreme Court of Canada in 2001. (See our Bulletin No. 64, dated November 21, 2011.) The Board has consistently rejected our advice. In 2014, a deputy chief said the police were not required to do a frisk before a strip search (see our Bulletin No. 84, June 26, 2014) and the Board again refused to intervene. Our annual requests to reduce strip searches were consistently rejected by the Board.

A report of the Chief of Police dated January 28, 2014, indicates what the police found when doing searches. Table 2 lists the number of times items were found during a Level 3 and 4 search: earrings, lighters, watches, lip

baum, belts, etc. (See Bulletin No. 99, October 13, 2016.) These items are almost never hidden in underwear. Most of the items found would have easily been found if only a frisk or pat-down search had taken place. Perhaps in some cases drugs might be hidden in underwear, but they could surely have been discovered found in a pat-down search

Now, with the OIPRD report in hand, citing the Supreme Court of Canada which said in 2001 that the strip search is 'humiliating and degrading', and recommending that a frisk be undertaken first, and citing the fact that the courts have ruled on no less than 40 occasions that the Toronto police have infringed the right of those arrested by strip searching them, the Chief's report before you today makes no mention of these findings. Instead, the chief's report pretends it is business as usual.

When the chief's report considers its response to the OIPRD recommendation no. 24, which recommends that a strip search not be undertaken unless a frisk or wand search is first done and it reveals that strip search is necessary, the chief's report says 'T.P.S. already concurs with this recommendation in Procedure 01-02 Search of Persons.' That Procedure is what has been used for strip searching 40 per cent of those arrested.

The chief is saying that the Toronto procedure on strip searches is fine and will not change. Toronto will continue to humiliate and degrade 40 per cent of those it arrests.

This must change. The Board must intervene to protect the public. There is no reason why Toronto police should strip search those arrested at 40 times the rate of other large police forces in Ontario.

We recommend the following:

1. The Board declare that its goal is to ensure than no more than 2 per cent of those arrested (double the rate of other large police forces in Ontario) are strip searched effective November 1, 2019.

2. That the strip search policy be amended immediately to require a frisk or wand search to be undertaken, and that only if it reveals that a strip search is necessary, and after the approval of a senior commanding officer is given, can a strip search be undertaken.

3. That commanding and other officers who authorize strip searches contrary to the new policy and the Board's goal be subject to disciplinary action.

4. That monthly reports to the Board on strip searches, by division, be made to the Board from January 2020 until June 2020.

Yours very truly,

John Sewell for

Toronto Police Accountability Coalition.

**4. September 3, 2019 from Mark Saunders, Chief of Police**

**Re: Toronto Police Service Response to Recommendations from O.I.P.R.D.  
Report “Breaking the *Golden Rule*: A Review of Police Strip Searches in Ontario”**

There are a disturbing number of problems with the Service’s reinterpretation of the OIPRD’s report, as provided in Appendix A to this report from the Chief. This deceptiveness includes:

**Appendix A–OIPRD Report–“Breaking the Golden Rule, A Review of Police Strip Searches in Ontario”**

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**Recommendation 2**      Appendix Pgs 1–2 (Agenda PDF Pgs 29–30 of 166)

The OIPRD recommendation addresses “... **the justifications provided for such strip searches.**”; the Service’s review uses deception to pretend it addresses that recommendation by revising of the report’s data labels to include the words “strip search” and “body cavity search”. The Service ignores the OIPRD’s recommendation in the apparent hope that idiots will trust them.

OIPRD recommendation 4 meanwhile directs public reporting of statistics; but the reality is that the public has, for years, been pleading with the Board to compel the Service to disclose the justification given for such strip searches, to address what the Supreme Court of Canada in *Golden* described as “**a disturbing trend towards strip searching detained persons as a matter of routine police policy**”. But in the current Board’s inimitable ineffectiveness, there is still no rational explanation given for why Toronto Police sexually assault over 2/3rds of those they arrest while Canadian’s in the rest of the country aren’t similarly brutalized.

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**Recommendation 8**      Appendix Pg 5 (PDF Pg 33 of 166)

For OIPRD recommendation 8, the Service classifies this a “Toronto Police College” matter, then naturally goes on to claim that the issue was dealt with in 2013. In reality, the Service failed its own 2012 internal review, hasn’t meaningfully reduced its percentage of detainees ‘visually raped’ since writing yet another report a year afterward, and both the Board and the Service have demonstrated gross negligence in failing to do anything in the almost 8 years since.

Meanwhile, the actual OIPRD recommendation 8 is for “**Police services, government and oversight agencies**” (i.e. police service boards) to “**identify areas of continuing concern, and take measures to rectify poor practices and ensure accountability.**”

Clearly the Board delegating the Service to write yet another misleading report obfuscating reality, that Toronto Police continue to permit some badge wearing deviants to abuse “**one of the most extreme exercises of police power**” (*Golden*) to sexually brutalize vulnerable Torontonians, is unlikely to rectify anything.

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**Recommendation 50**      Appendix Pg 35 (PDF Pg 65 of 166)

- 50. Every police services board in Ontario should ensure that their policies provide appropriate direction to police services on**
- (a) the creation or modification of procedures to fully address strip searches, and**
  - (b) the training respecting strip searches.**
- Such policies should be informed by the contents of this report.**

This recommendation is directed at the Toronto Police Services Board, yet nowhere in the Chief’s report, or elsewhere in this agenda, is there any indication that the Board has or intends to review its policies for the Service on strip searches and related officer training as the Independent Police Review Director has recommended be done.

Was this dealt with at a previous meeting? If so, a reference to the Board’s Minute would be appreciated.

Unless this is to be dealt with as a “walk-on” item (documentation of which would only be available to those able to freely attend in-person at this public meeting of government), can members of the public otherwise expect a report from the Board on the results of such a policy review in some future Board meeting agenda?

Clearly the OIPRD feels that it is appropriate for police boards to develop policies regarding strip searches, and that such policies should be reviewed in light of the Supreme Courts findings in *Golden*, and that officers should be properly trained on those police board policies; this begs the question, what is the current status of the Board’s policy on strip searches?

Or, if it doesn't have one, then **why** doesn't the Board have a policy that meets the OIPRD's expectation, that such policies should "**provide appropriate direction to police services**"; **why** doesn't the Board have a more effectual policy, a policy that will actually "**provide appropriate direction**" as opposed to just giving the Chief carte blanche to do as he wishes? Why is the Board so derelict in its responsibility to provide oversight and direction to the police service on such an important, and often misused and abused, police power? The *Golden* decision was our highest court's review of Toronto Police activities and violations of rights; yet this Board's response to those rights violations, committed by the officers employed by them, is to trust the Service will eventually figure out what it did wrong (or how to get away with it).

The OIPRD's report strongly implies that police boards should develop clear and effective policies to govern police actions, and we in the public are telling you time and again that we expect you board members, as the ones we're paying to oversee the police service on our behalf, to provide actual effective governance, particularly in areas where the courts and public outcry have highlighted *Charter* breaches. Mere delegation to the Chief is inadequate.

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Part of the Service's well-rehearsed scheme of dishonesty on the topic of their illegal strip searches is their asinine argument that some people consider the physical contact of, what the TPS historically calls a Level 2 (Pat-down) search, to be more intrusive than the visual inspection of an individual's genital areas. The Supreme Court of Canada also addressed this, at paragraph 47 of *Golden*; "**This definition distinguishes strip searches from less intrusive "frisk" or "pat-down" searches, which do not involve the removal of clothing, and from more intrusive body cavity searches, which involve a physical inspection of the detainee's genital or anal regions.**" [Underlining added]. The claimed random opinion of a few cops who enjoy stripping people is irrelevant when the courts have established that Level 2 searches are less intrusive than Level 3 searches, regardless of certain officers' opinions.

If police wish to offer victims the opportunity to choose to be subjected to a Level 3 (strip) search instead of a Level 2 (pat-down) search then, as long as every part of the interaction with police, up to and including an uncoerced request for a strip search, is fully audio and video recorded, it seems reasonable to offer that option to those in police custody. However, given

the rampant claims by every level of police officer in the TPS that they are collectively incapable of video recording evidence without it mysteriously being destroyed, a policy permitting such an accommodation must reasonably include a requirement that every officer is given sufficient training to master the skill of operating a video camera/Smartphone/Body-Worn Camera; and, given the TPS' history of staggering ineptitude in this regard, that policy of recording requests to be strip searched should really require at least three separate simultaneous audio/visual recordings be made of the events by different individual officers; and that policy should also include the proviso that, if all of those recordings somehow malfunction such that no recording of the event exists, then every officer involved will, without discretion or appeal, be demoted to the level and salary of a newly hired police cadet, commencing with a full repetition of the entire training, testing, and probationary requirements for new hires.

Realistically, anyone that can't figure out how to operate a camera in this day and age demonstrates that they lack the mental competency to be entrusted with a badge or a gun.

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Should it ever come to pass that some future composition of the TPSB competently does its job, such as where the OIPRD has directed "**every police services board**" to develop a policy on strip searches, rather than the Board simply delegating its oversight duties to the police which that board is charged with overseeing, then I would suggest that some of the important factors for the Board to consider in developing a strip searching policy should address the following issues highlighted in *Golden*.

At paragraph 90, the court declares

**"Strip searches are thus inherently humiliating and degrading for detainees regardless of the manner in which they are carried out and for this reason they cannot be carried out simply as a matter of routine policy."**

That paragraph of their ruling continues on with strip search descriptions of "**humiliating**", "**degrading**", "**demeaning**", "**upsetting**", "**devastating**", and "**visual rape**"; "**equivalent to a sexual assault**".

The court declares, in paragraph 92, “... **that the search must be related to the reasons for the arrest itself.**” They exemplar, in paragraph 93, circumstances where “... **evidence may have been secreted on areas of the body that can only be exposed by a strip search...**”.

At paragraph 94, the court establishes Canadian precedent for searches for weapons incident to arrest or incarceration, that

**... a “frisk” or “pat-down” search at the point of arrest will generally suffice for the purposes of determining if the accused has secreted weapons on his person. Only if the frisk search reveals a possible weapon secreted on the detainee’s person or if the particular circumstances of the case raise the risk that a weapon is concealed on the detainee’s person will a strip search be justified. Whether searching for evidence or for weapons, the mere possibility that an individual may be concealing evidence or weapons upon his person is not sufficient to justify a strip search.**

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Sadly, the significantly increased workload, in addition to the artificially shorted timelines when filing written submissions, means that I have insufficient time to properly review the rest of this item or the remainder of the items on this month’s agenda.

In anticipation that my attendance at Thursday’s public meeting of government will be impeded, by rights violations that I will not accept, and until such time as further appeal is resolved, in accordance with Board By-Laws governing deputations, I hereby delegate, at their option, Derek Moran, Miguel Avila-Velarde, and/or Brenda Ross to read my written submissions to the Board in my absence. Naturally, assuming that my in-person attendance at the meeting is barred, and in light of Board Chair Andrew Pringle’s arbitrary and unilateral ruling that telephone and other technology, such as the many technological methods used daily in our courts to facilitate remote telepresence access, is prohibited for use at Toronto Police Services Board public meetings, I will be unable to respond to any questions Board members might have.

Kris Langenfeld

**Toronto Police Accountability Coalition**  
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September 15, 2019.

Toronto Police Service Board

Subject: Item 8, September 19, CEW use

This report shows that conducted energy weapons were used 146 times in the last quarter, and 44 per cent of those cases involved people in crisis. The report does not compare this with past use of CEWs, probably because the comparison is not complementary to the Toronto police.

The previous quarterly report says CEWs were used 136 times, and 36 per cent of those cases involved people in crisis. The annual report for 2018, before the Board in March 2019 says CEWS were used 547 times or about 137 times per quarter, and 41 per cent of those cases involved people in crisis.

As we predicted, wider distribution of CEWs to officers will result in the being used more often, mostly to secure compliance. This is not helpful to the residents of Toronto.

We note that the Board has requested RFPs on alternatives to CEWs.  
<https://www.cbc.ca/news/canada/toronto/taser-toronto-police-review-1.5270544>.

And we are aware that one officer was recently demoted for the misuse of a CEW.

In the interim, as the RFP process proceeds, we recommend to the Board that CEWs be restricted to member of the Emergency Task Force or to supervisors.

Yours truly,

John Sewell for  
Toronto Police Accountability Coalition.