



Special Public Meeting

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

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



**SPECIAL PUBLIC MEETING MINUTES
(MEETING HELD VIA
TELECONFERENCE AND LIVESTREAMED VIA YOUTUBE)**

www.tpsb.ca

The following *draft* Minutes of the special meeting of the Toronto Police Services Board that was held via teleconference and livestreamed via YouTube on March 26, 2020 are subject to adoption at its next regularly scheduled meeting.

Attendance:

The following members were present for the meeting:

Jim Hart, Chair
Marie Moliner, Vice-Chair
Frances Nunziata, Councillor & Member
Uppala Chandrasekera, Member
Ainsworth Morgan, 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 Special Public Meeting of the
Toronto Police Services Board that was held via teleconference on March 26,
2020**

P44. [Notice of Motion](#)

The Board received a notice of motion regarding procedural changes for this meeting, in response to the COVID-19 pandemic.

Recommendations:

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

Deputation: Kris Langenfeld

Each of the Board Members present via teleconference recorded their vote in favour of adopting this motion.

The Board received the deputation and approved the motion.

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

**This is an Extract from the Minutes of the Special Public Meeting of the
Toronto Police Services Board that was held via teleconference on March 26,
2020**

P45. [Board delegation of authority, information sharing and consultation protocol in response to the COVID-19 pandemic](#)

The Board was in receipt of a report dated March 24, 2020 from Ryan Teschner, Executive Director, with regard to this matter.

Recommendations:

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

Deputations: Kris Langenfeld
 Derek Moran ([written submission included](#))

Each of the Board Members present via teleconference recorded their vote in favour of approving this report.

The Board received the deputations and approved the report and its recommendations.

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

A motion to adjourn the meeting was moved by M. Moliner, seconded by F. Nunziata.

The meeting was adjourned.

Next Regular Meeting

TBA

Minutes Approved by:

-original signed-

Jim Hart
Chair



NOTICE OF MOTION

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

Moved by: Marie Moliner, Vice-Chair

Seconded by: Frances Nunziata, Councillor and Member

RECOMMENDATIONS:

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

SUMMARY:

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

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

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

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

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

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

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

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

¹ Toronto Medical Officer of Health makes recommendations on travel, mass gatherings:

<https://www.toronto.ca/home/media-room/news-releases-media-advisories/?nrkey=5957813844C67D6F852585290073236C>.

See also Order in Council 520/2020 (approved and ordered March 17, 2020).

² Ibid.; Update on COVID-19, March 18, 2020: https://www.toronto.ca/wp-content/uploads/2020/03/8d1e-MOH-Statement_18March2020.pdf

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

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

March 26, 2020



Toronto Police Services Board Report

March 24, 2020

To: Chair and Members
Toronto Police Services Board

From: Ryan Teschner
Executive Director

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

Recommendations:

It is recommended that the Board:

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

Financial Implications:

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

Background / Purpose:

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

Discussion:

The public health context

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

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

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

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

Part 1: Delegation of Board Authority

Assignment of responsibility and grant of Board authority to delegates

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

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

Public accountability of delegates for the exercise of delegated authority

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

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

Time-limited delegation

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

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

Part 2: Information-Sharing Protocol and Consultation

Ensuring timely and relevant flow of information to the Board

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

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

Appropriate consultation during a critical point

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

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

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

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

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

Conclusion:

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

Respectfully submitted,

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

Ryan Teschner
Executive Director

NOTICE THAT THE RIGHT TO SECURITY OF THE PERSON MEANS THE PROVISION FOR THE NECESSARIES/NECESSITIES OF LIFE THROUGH THE RECEIPT OF INCOME, AND THE EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT IS VOID

• I just wanna say by me speaking at this meeting this shall not be deemed to be in any way my consent express or implied and doing so is fraud God Bless Her Majesty the Queen and long live Her Majesty the Queen, and let the record show as "PERSON" is defined as a CORPORATION in the Legislation Act of Ontario if I have ever led the Toronto Police Services and/or the Board to believe in any way that i am the PERSON then that would be a mistake and that i ask all of you to please FORGIVE ME?

1. TAKE NOTICE this is what the Alberta Court of Appeal had to say in regards to all persons being legally bound to take notice of the laws of the country where they are:

[Neilson v. Underwood, 1933 CanLII 476 \(AB CA\)](#)

Court of Appeal — Alberta

1933-07-24 | 39 pages | cited by 3 documents

solemnization of marriage — ceremony — marriage — marriage of minors — contract

[...] **All persons are legally bound to take notice of the laws of the country where they are domiciled.**

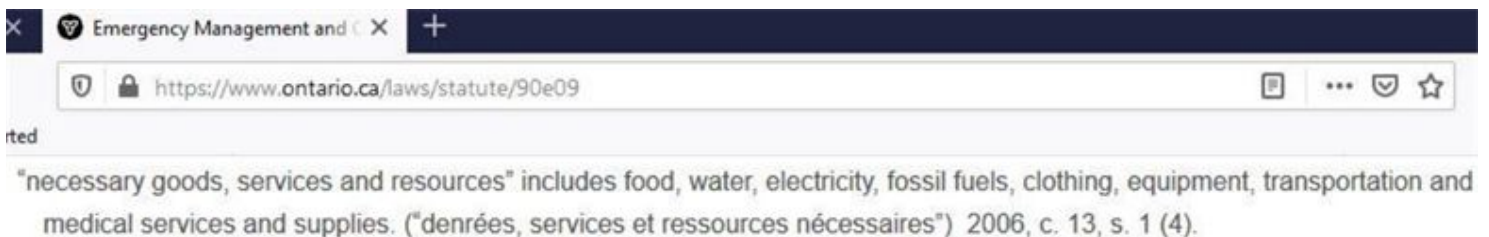
2. TAKE NOTICE that the Emergency Management and Civil Protection Act ("EMCPA") is invalid and of no force-or-effect as it lacks the enacting clause required of it by section 6 of the Legislation Act of Ontario.

3. TAKE NOTICE that if the EMCPA were to come into force, what section 7.0.2 (1) says:



The screenshot shows a web browser window with the URL <https://www.ontario.ca/laws/statute/90e09>. The page title is "Emergency powers and orders" and the section is "Purpose". The text of section 7.0.2 (1) states: "The purpose of making orders under this section is to promote the public good by protecting the health, safety and welfare of the people of Ontario in times of declared emergencies in a manner that is subject to the Canadian Charter of Rights and Freedoms. 2006, c. 13, s. 1 (4)." The word "people" is highlighted in yellow.

4. TAKE NOTICE of in the EMCPA, the definition for "necessary goods, services and resources":



The screenshot shows a web browser window with the URL <https://www.ontario.ca/laws/statute/90e09>. The text defines "necessary goods, services and resources" as including food, water, electricity, fossil fuels, clothing, equipment, transportation and medical services and supplies. The French translation is given as "denrées, services et ressources nécessaires". The reference is 2006, c. 13, s. 1 (4).

5. TAKE NOTICE this is what the Nova Scotia Court of Appeal mentions in regards to the security of the person:

[Zutphen Bros. Construction v. Dywidag Systems Int'l., 1987 CanLII 5247 \(NS CA\)](#)

1987-01-27 | 27 pages | cited by 21 documents

jurisdiction — liberty — security of the person — federal — exclusive

[...] Professor **Hogg** in his text *Constitutional Law in Canada*, 2nd ed. (1985), at p. 745 states: [...] As noted in the previous paragraph, it is arguable that the phrase "security of the person" extends to a person's capacity to satisfy his **basic human needs** through the **receipt of income**, but **security of the person** cannot extend to economic interests generally or property rights generally. [...] Professor **Hogg** in his text *Constitutional Law in Canada*, 2nd ed. (1985), at pp. 147-8 states: [...]

6. TAKE NOTICE this is the Ontario Attorney General's definition for "security":

Ministry of the Attorney General - Glossary

attorney general glossary

SECURITY

Money or other valuables that may be required to be paid into court or to another party.

7. TAKE NOTICE this is what the Ontario Superior Court Divisional Court said in regards to satisfying basic human needs:

Masse v. Ontario (Minister of Community and Social Services), 1996 CanLII 12491 (ON SCDC)

Divisional Court — Ontario

1996-02-08 | 104 pages | cited by 47 documents

social assistance — recipients — sole-support parents — welfare — regulations

[...] Whatever the outer limits of the concept of "security of the person" may be, it must at least involve having adequate food and shelter for physical survival. [...] [170] Although the question of economic rights fundamental to survival is an open one in the Supreme Court of Canada, it has been considered by courts below that level. [...] There, Professor Hogg considered the argument that "security of the person" in s. 7 included the economic capacity to satisfy basic human needs. [...]

8. TAKE NOTICE this is what the Supreme Court of Canada mentioned in regards to the provision of necessities for one's support:

Singh v. Minister of Employment and Immigration, 1985 CanLII 65 (SCC), [1985] 1 SCR 177

1985-04-04 | 74 pages | cited by 910 documents

security of the person — refugee status — principles of fundamental justice — liberty — redetermination

[...] The Law Reform Commission, in its Working Paper No. 26, Medical Treatment and Criminal Law (1980), suggested at p. 6 that: [...] The right to security of the person means not only protection of one's physical integrity, but the provision of necessities for its support. [...] The Commission went on to describe the provision of necessities in terms of art. 25, para. 1 of the Universal Declaration of Human Rights (1948) which reads: [...] Every one has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood [...] Commentators have advocated the adoption of a similarly broad conception of "security of the person" in the interpretation of s. 7 of the Charter: see Garant,

9. TAKE NOTICE this is my email to Mayor Tory asking him about using the security of the person for providing the basic necessities of life:

re: the Economic Response Plan the Prime Minister unveiled the other day

Yahoo/Sent

Derek Moran
To: Mayor Tory

Wed, Mar 25 at 7:15 PM

Hi Mayor Tory,

I got a form-letter response from your office the first time I asked this, but it didn't answer my question.

Regarding the Economic Response Plan that Prime Minister Trudeau unveiled the other day;

in relation to section 7 of the Constitution Act 1982, does this mean we can use the security of the person everyone has the right to and the right not to be deprived thereof to discharge any debt with, towards providing for the basic necessities of life?

God bless Her Majesty the Queen, and long live Her Majesty the Queen,
"Derek Moran," sole-living-beneficiary

10. TAKE NOTICE this is what the EMCPA had to say in regards to protecting “inhabitants”:

Emergency Management and ...

https://www.ontario.ca/laws/statute/90e09

90%

Declaration of emergency

4 (1) The head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the **inhabitants** of the emergency area. R.S.O. 1990, c. E.9, s. 4 (1).

11. TAKE NOTICE the City of Toronto’s definition for what an “inhabitant” is:

Chapter 591 - 1184_591.pdf

Automatic Zoom

INHABITANTS - One or more persons who reside in the City.

12. TAKE NOTICE the Ontario Legislation Act’s definition for “person”:

Legislation Act, 2006, S.O. ...

ca/laws/statute/06l21#BK102

“person” includes a **corporation**; (“personne”)