



Virtual Public Meeting

**Tuesday,
November 23, 2021
at 9:00AM**



PUBLIC MEETING MINUTES

Tuesday, November 23, 2021, at 9:00AM
Livestreamed at: <https://youtu.be/QgRX3FjSCow>

The following *draft* Minutes of the meeting of the Toronto Police Services Board that was held virtually on November 23, 2021, are subject to approval at its next regularly scheduled meeting.

Attendance:

The following Members were present:

Jim Hart, Chair
John Tory, Mayor & Member
Michael Ford, Councillor & Member
Lisa Kostakis, Member
Ainsworth Morgan, Member
Ann Morgan, Member

The following individuals were also present:

James Ramer, Chief of Police, Toronto Police Service
Ryan Teschner, Executive Director and Chief of Staff, Toronto Police Services Board
Diana Achim, Board Administrator, Toronto Police Services Board
Jane Burton, Solicitor, City of Toronto – Legal Services Division
Scott Nowoselski, 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 Virtual Public Meeting of the
Toronto Police Services Board that was held on November 23, 2021**

P2021-1123-1.0. Board Minutes

The Board approved the Minutes of the public virtual meeting that was held on [October 28, 2021](#).

The Board approved the Minutes.

Moved by: M. Ford
Seconded by: Ann Morgan

**This is an Extract from the Minutes of the Virtual Public Meeting of the
Toronto Police Services Board that was held on November 23, 2021**

P2021-1123-2.0. [SafeTO: Toronto's Ten-Year Community Safety and Well-Being Plan](#)

The Board was in receipt of a report dated November 6, 2021 from Ryan Teschner, Executive Director and Chief of Staff.

Recommendations:

It is recommended that:

- 1) The Board endorse and adopt the City of Toronto SafeTO: Toronto's Ten-Year Community Safety and Well-Being Plan;
- 2) Commit to its continued engagement and involvement with the further development of SafeTO, including through the active participation by the Board's Executive Director and Chief of Staff, as well as the Advisor, Strategic Policy & Stakeholder Relations, on the SafeTO Advisory Committee; and,
- 3) The Board direct the Chief to:
 - a. ensure the Service remains actively engaged, as part of the SafeTO Advisory Committee and otherwise, in providing its perspective and expertise as SafeTO's specifics are developed;
 - b. maximize alignment in design and implementation between SafeTO and the Board's priorities, objectives and Service-specific initiatives; and
 - c. within three months of a SafeTO implementation plan (or equivalent) being completed, report back to the Board detailing how the Service will implement the Community Safety and Well-Being Plan and report publicly on implementation progress (either jointly with the City of Toronto, or otherwise).

Deputations: Dana McKiel (written submission included)
Michael Moreau ([written submission only](#))
Nicole Corrado ([written submission only](#))

The Board received the deputations and the foregoing presentation.

Moved by: J. Tory
Seconded by: L. Kostakis

This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on November 23, 2021

P2021-1123-3.0. [Medal of Merit – Detective Constables Satbir Kullar \(10870\) and Deanna Jovanovich \(10370\), Police Constable Michael Phaneuf \(11852\) and Sergeant Duane St. Jean \(5460\)](#)

The Board was in receipt of a report dated November 9, 2021 from James Ramer, Chief of Police.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) award a Medal of Merit to Detective Constables Satbir Kullar (10870) and Deanna Jovanovich (10370), Police Constable Michael Phaneuf (11852) and Sergeant Duane St. Jean (5460).

Chief Ramer and Chair Hart provided remarks; see the YouTube video recording for more details.

The Board approved the foregoing report.

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

This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on November 23, 2021

P2021-1123-4.0. [Special Constable Appointments and Re-Appointments – December 2021](#)

The Board was in receipt of a report dated November 8, 2021 from James Ramer, Chief of Police.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) approve the agency initiated re-appointment request for the individual listed in this report as a special constable for the Toronto Community Housing Corporation (T.C.H.C.), subject to the approval of the Ministry of the Solicitor General (Ministry).

The Board approved the foregoing report.

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

This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on November 23, 2021

P2021-1123-5.0. [Contract Award - Supplementary Legal Services in Employment and Labour Law](#)

The Board was in receipt of a report October 26, 2021 from James Ramer, Chief of Staff.

Recommendations:

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

- 1) Approve a contract award to Hicks Morley Hamilton Stewart Storie L.L.P. (Hicks Morley) for supplementary legal services in the area of employment and labour law to the Board on an as-needed basis for a three-year period commencing January 1, 2022 to December 31, 2024, at an estimated cost of \$1,180,000, with the option of two additional one-year extensions at an estimated cost of \$720,000 for a five-year estimated cost of \$1,900,000;
- 2) Authorize the Chair to execute any agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form; and
- 3) Authorize the Chair to exercise the two option periods, subject to continuing need, funding, and satisfactory vendor performance.

Deputation: Derek Moran ([written submission included](#))

The Board received the deputation and approved the foregoing report.

Moved by: Ann Morgan
Seconded by: M. Ford

This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on November 23, 2021

P2021-1123-6.0. [Contract Award - Otec Solutions - Digital Evidence Management System - Software Support and Maintenance Renewal](#)

The Board was in receipt of a report October 27, 2021 from James Ramer, Chief of Staff.

Recommendations:

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

- 1) Approve a contract award to Otec Solutions (Otec) for software support and maintenance renewal for the Digital Evidence Management System (D.E.M.S.) for one year commencing January 1, 2022 and ending December 31, 2022 at a cost of \$83,000 (excluding taxes), with options to extend for two additional one year periods at a cost of \$178,700 (excluding taxes), for a total cost of approximately \$261,700 (excluding taxes);
- 2) Authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form; and
- 3) Authorize the Chief to execute any extensions, subject to funding and satisfactory vendor performance.

The Board approved the foregoing report.

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

This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on November 23, 2021

P2021-1123-7.0. Contract Award – Risk Management Solutions for Workplace Safety and Insurance Board (W.S.I.B.) Consulting and Case Management Support

The Board was in receipt of a report October 28, 2021 from James Ramer, Chief of Staff.

Recommendations:

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

- 1) Approve a contract award to Risk Management Solutions for W.S.I.B. Consulting and Case Management Support Services for a three-year period commencing January 1, 2022 to December 31, 2024, at an estimated cost of \$1,050,000, with the option of two one-year extensions, at an estimated cost of \$350,000 for each option year, for a five-year total estimated cost of \$1,750,000, if both option years are exercised;
- 2) Authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form; and

- 3) Authorize the Chief to execute any extensions, subject to funding and satisfactory vendor performance.

Mr. Tony Veneziano, Chief Administrative Officer, answered questions from Board Members, and advised that this specific company has a good record in this “space” and that the Service will closely monitor this contract for the first year, and report back to the Board on the experience, including whether the Service believes it is beneficial to continue with this contract or not. He further advised that the Service is committed to looking into this matter, and ensuring that the money spent on this project provides sufficient benefits.

The Board approved the foregoing report.

Moved by: L. Kostakis
Seconded by: M. Ford

This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on November 23, 2021

P2021-1123-8.0. [Contract Extension - LexisNexis Claims Solutions Inc. – CopLogic Incident Reporting System - Software Licensing, Support and Maintenance](#)

The Board was in receipt of a report October 27, 2021 from James Ramer, Chief of Staff.

Recommendations:

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

- 1) Approve a contract extension with LexisNexis Claims Solutions Inc. (LexisNexis) for software licensing, support and maintenance for the CopLogic Incident Reporting System (CopLogic) for one year commencing January 1, 2022 and ending December 31, 2022 at a cost of \$32,900 (excluding taxes), with options to extend for an additional two one-year periods at a cost of \$70,900 (excluding taxes), for a total cost of approximately \$103,800 (excluding taxes);
- 2) Authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form; and
- 3) Authorize the Chief to execute any extensions, subject to funding and satisfactory vendor performance.

Deputation: Nicole Corrado ([written submission only](#))

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

Moved by: L. Kostakis
Seconded by: M. Ford

**This is an Extract from the Minutes of the Virtual Public Meeting of the
Toronto Police Services Board that was held on November 23, 2021**

**P2021-1123-9.0. Clinical Psychological Assessment Services – Contract
Extensions and Increases**

The Board was in receipt of a report October 30, 2021 from James Ramer, Chief of Staff.

Recommendations:

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

- 1) Approve an extension of the contract with F.V.B. Psychologists (F.V.B.) for clinical psychological assessment services from December 1, 2021 to August 31, 2022, and an increase in the contract value from \$918,550 to \$1,068,550;
- 2) Approve an extension of the contract with Allied Psychological Services (Allied) for clinical psychological assessment services from December 1, 2021 to August 31, 2022, and an increase in the contract value from \$891,918 to \$1,041,918; and
- 3) Authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form.

The Board approved the foregoing report.

Moved by: Ann Morgan
Seconded by: L. Kostakis

**This is an Extract from the Minutes of the Virtual Public Meeting of the
Toronto Police Services Board that was held on November 23, 2021**

P2021-1123-10.0. 2021 Budget Variance Reports

**P2021-1123-10.1. 2021 Operating Budget Variance for the Toronto Police
Service, Period Ending September 30, 2021**

The Board was in receipt of a report dated October 29, 2021 from James Ramer, Chief of Police.

Recommendation:

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

P2021-1123-10.2. Capital Budget Variance Report for the Toronto Police Service - Period Ending September 30, 2021

The Board was in receipt of a report dated October 27, 2021 from James Ramer, Chief of Police.

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 and Treasurer, for inclusion in the City's overall capital variance report to the City's Budget Committee.

P2021-1123-10.3. 2021 Operating Budget Variance Report for the Toronto Police Service Parking Enforcement Unit, Period Ending September 30, 2021

The Board was in receipt of a report dated October 29, 2021 from James Ramer, Chief of Police.

Recommendation:

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

P2021-1123-10.4. 2021 Operating Budget Variance Report for the Toronto Police Services Board, Period Ending September 30, 2021

The Board was in receipt of a report dated November 17, 2021 from Ryan Teschner, Executive Director and Chief of Staff.

Recommendation:

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

The Board received the foregoing reports.

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

This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on November 23, 2021

P2021-1123-11.0. Proposed Amendments to the *Police Record Checks Reform Act, 2015*

P2021-1123-11.1. [Proposed Amendments to the *Police Record Checks Reform Act, 2015 \(P.R.C.R.A.\)*](#)

The Board was in receipt of a report dated November 10, 2021 from James Ramer, Chief of Police.

Recommendation:

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

P2021-1123-11.2. [Correspondence to Honourable Sylvia Jones, Solicitor General of Ontario regarding the Proposed Amendments to the *Police Record Checks Reform Act, 2015*](#)

The Board was in receipt of a letter November 16, 2021 from Ryan Teschner, Executive Director and Chief of Staff, to The Honourable Sylvia Jones regarding this matter.

The Board received the foregoing report and correspondence.

Moved by: L. Kostakis
Seconded by: Ann Morgan

This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on November 23, 2021

P2021-1123-12.0. [Quarterly Report: Occupational Health and Safety Update for July 1 to September 30, 2021](#)

The Board was in receipt of a report October 26, 2021 from James Ramer, Chief of Staff.

Recommendation:

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

Deputations: Derek Moran ([written submission included](#))
Nicole Corrado ([written submission only](#))

The Board received the deputations and the foregoing report.

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

This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on November 23, 2021

P2021-1123-13.0. [Chief's Administrative Investigation of the Custody Injury to Complainant 2017.31 \(Dafonte Miller\)](#)

The Board was in receipt of a report November 10, 2021 from James Ramer, Chief of Staff.

Recommendation:

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

Deputations: Derek Moran ([written submission included](#))
Nicole Corrado ([written submission only](#))
Kingsley P. Gilliam ([written submission only](#))
Black Action Defense Committee Inc.

Chief Ramer advised that a section 11 investigation was conducted by the Waterloo Regional Police Service (WRPS), at the request of the Toronto Police Service. He further confirmed that this investigation was conducted independently of both the Toronto Police Service and the Board. He further advised that, in addition to this investigation, there is an ongoing internal disciplinary process underway with respect to Constable Theriault.

Chief Ramer said that the matter is currently with the Supreme Court of Canada, which will determine whether it will grant Constable Theriault leave to appeal the decision of the Court of Appeal for Ontario. Chief Ramer further advised that the Service has decided to wait until the Ontario Court of Appeal decision was released before making the section 11 report public, so as to not "do anything that could impact the criminal proceeding".

Superintendent Eugene Fenton of the Waterloo Regional Police Service, who was present to address this issue, advised that there was complete independence in this section 11 investigation, and that he and the WRPS received full cooperation and access to materials, which were reviewed. He further confirmed that this investigation

involved a review of all the documents, statements and evidence collected by the Special Investigations Unit (“SIU”), including those documents from the Toronto and Durham Regional Police Services.

Board Members discussed this report and asked questions of both Chief and Superintendent Fenton.

In answering questions from Board Members, Chief Ramer advised that the Service determined there was no misconduct in relation to Inspector Moreira for the following reasons: 1) there were no Duty Inspectors present in 2016 and since that time, this issue has been corrected and now there is a Duty Inspector present for situations like these; 2) Inspector Moreira was a new Inspector at that time (he joined shortly before this event took place) while Inspector Boyd had ten years of experience in this area and was the Chief’s designate; thus, as the superior, Inspector Boyd’s decision not to contact the SIU was final insofar as Inspector Moreira was concerned.

Chief Ramer said that, due to these circumstances, he finds no fault with Inspector Moreira’s actions. He further advised that, since this incident, all Inspectors are trained on this issue, including the importance of involving the SIU and ensuring the Service is meeting the requirements of SIU notification and facilitation of investigations. Chief Ramer said that the Service took steps to correct issues that were identified, and that we are in a “much better place” since the new procedure and approach has been adopted.

Chief Ramer advised that new recruits are trained on their oath responsibilities, including the actions they take off-duty. He further confirmed that there will be a refresher on this topic for all Service Members in the 2022 In Service Training Program to re-inforce the requirements and obligations with respect to off-duty conduct.

Mayor Tory commented that the important issue going forward is to ensure that officers fully understand when the SIU needs to be notified, and ensure it is done whenever it is necessary to do so; this must include who is specifically responsible for initiating the process. He further advised that communicating with the public as to the legitimacy of this new process is “crucial.”

Chief Ramer advised that the Service’s new SIU procedure is publicly available on the Service’s website, and that an update could be provided to the Board in the future regarding the new training provided to new recruits on this matter.

The Board received the deputations and the foregoing report.

Moved by: Ann Morgan
Seconded by: M. Ford

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P2021-1123-14.0. 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. Jim Hart, Chair
Ms. Frances Nunziata, Vice-Chair
Mr. John Tory, Mayor & Member
Mr. Michael Ford, Councillor & Member
Ms. Lisa Kostakis, Member
Mr. Ainsworth Morgan, Member
Ms. Ann Morgan, Member

A Motion to adjourn the meeting was moved by Board Member Lisa Kostakis and seconded by Vice Chair Frances Nunziata.

Next Board Meeting

Date: Monday, December 13, 2021

Time and location to be determined and announced publicly prior to that date.

*The next meeting of the Board is scheduled for **Monday, December 13, 2021**. We are continuing to monitor how the City of Toronto intends to conduct its public meetings. As always, our principle focus is to conduct our meetings in accordance with Toronto Public Health guidelines. Once more information is available regarding what future meetings of the Board may look like, we will inform members of the public.*

Minutes Approved by:

-original signed-

Jim Hart
Chair

Members of the Toronto Police Services Board

Jim Hart, Chair
Lisa Kostakis, Member
Michael Ford, Councillor & Member
Ainsworth Morgan, Member

Frances Nunziata, Vice-Chair & Councillor
Ann Morgan, Member
John Tory, Mayor & Member



Toronto Police Services Board Report

November 6, 2021

To: Chair and Members
Toronto Police Services Board

From: Ryan Teschner
Executive Director and Chief of Staff

Subject: SAFETO: TORONTO'S TEN-YEAR COMMUNITY SAFETY AND WELL-BEING PLAN

Recommendation(s):

It is recommended that:

1. The Board endorse and adopt the City of Toronto SafeTO: Toronto's Ten-Year Community Safety and Well-Being Plan;
2. Commit to its continued engagement and involvement with the further development of SafeTO, including through the active participation by the Board's Executive Director and Chief of Staff, as well as the Advisor, Strategic Policy & Stakeholder Relations, on the SafeTO Advisory Committee; and,
3. The Board direct the Chief to:
 - a. ensure the Service remains actively engaged, as part of the SafeTO Advisory Committee and otherwise, in providing its perspective and expertise as SafeTO's specifics are developed;
 - b. maximize alignment in design and implementation between SafeTO and the Board's priorities, objectives and Service-specific initiatives; and
 - c. within three months of a SafeTO implementation plan (or equivalent) being completed, report back to the Board detailing how the Service will implement the Community Safety and Well-Being Plan and report publicly on implementation progress (either jointly with the City of Toronto, or otherwise).

Financial Implications:

There are no immediate financial implications arising from the recommendations contained in this report. However, future reports with respect to certain

recommendations may identify specific financial implications, once those are ascertained.

Background:

Under the current *Police Services Act*, all municipalities are required to develop a Community Safety and Well-Being Plan in fulfilment of Ontario Regulation 785/20: Preparation and Adoption of Community Safety and Well-Being Plan. The purpose of the plans are to centre multi-sectoral collaboration, planning and communication in the development of strategies to address community safety and well-being challenges. The plans will build on current work being undertaken, and will identify and address gaps where they exist. Plans were required to have been completed by January 2021, but with impacts of the global pandemic, several extensions were granted by the province.

Through community consultation and in tandem with partnering agencies, the City of Toronto has led the development of SafeTO: Toronto's Ten-Year Community Safety and Well-Being Plan. SafeTO is premised on seven strategic goals to advance community safety and well-being in Toronto: (1) Reduce Vulnerability; (2) Reduce Violence; (3) Advance Truth and Reconciliation; (4) Promote Healing and Justice; (5) Invest in People; (6) Invest in Neighbourhoods; and, (7) Drive Collaboration and Accountability.

At its July 2021 meeting, Toronto City Council approved a motion to adopt SafeTO as the City's ten-year Community Safety and Well-Being Plan, which included the following direction:

City Council forward the SafeTO report to the Boards of Directors of Toronto Community Housing Corporation, Toronto Public Library, Toronto Transit Commission and the Toronto Police Services Board and request they adopt the SafeTO Plan through a Board resolution and partner with the City on the SafeTO Implementation Plan.

Discussion:

Legislative Mandate

Both the current *Police Services Act*, and the soon to be in force *Community Safety and Policing Act, 2019* require all municipalities in Ontario to create and adopt a Community Safety and Well-Being Plan. Originally, all municipalities were to have created and adopted their plans by January 2021, however due to the impact of the global pandemic, this timeline was extended to July 2021.

SafeTO Overview

At its July 2021 meeting, Toronto City Council adopted SafeTO: A Community Safety & Well-Being Plan, fulfilling its legislative requirement while also bringing together

community agencies and partners to boldly address the multifaceted components of community safety.

SafeTO recognizes that no single sector, organization or entity can address the challenges of community safety and well-being alone. In order to build towards healthy, thriving, and safe communities, SafeTO is underpinned by an approach focused on integrated local mandates, resources and data-driven outcomes.

The City of Toronto led the development of SafeTO in accordance with the provincial legal framework. This development work included conducting jurisdictional reviews of 16 Canadian cities and 7 international cities, engaging with City divisions, agencies, boards and corporations (including the Toronto Police Services Board and the Toronto Police Service), and consulting over 2,500 community stakeholders and surveying 1500 participants. Through this work, seven strategic goals were identified, as follows:

1. Reduce vulnerability;
2. Reduce violence;
3. Advance truth and reconciliation;
4. Promote healing and justice;
5. Invest in people;
6. Invest in neighbourhoods; and,
7. Drive collaboration and accountability.

The work to achieve these goals will be driven by 26 priority actions over the next decade that, once implemented and executed, will ensure a more holistic and balanced approach to community safety and well-being in Toronto, focusing on social development, prevention, risk intervention and emergency response to address the complex and intersectional needs of many vulnerable communities and individuals.

SafeTO Advisory Committee

The implementation of SafeTO will be overseen by a multi-sectoral Advisory Committee, made up of the following community partners and agencies, boards and corporations:

- City of Toronto
- Toronto Police Services Board
- Toronto Police Service
- Toronto Public Health
- Children's Aid Toronto
- Native Child and Family
- Victim Services Toronto
- Covenant House

- Toronto Community Housing
- Toronto Transit Commission
- Ministry of Attorney General
- Wellesley Institute
- Ontario Health Team
- TAIBU Community Health Centre
- Rexdale Community Health Centre
- Toronto District School Board
- Toronto Catholic District School Board
- United Way of Greater Toronto
- WomenACT
- Family Service Toronto
- CEE Centre for Young Black Professionals
- Library for Social Change
- Ryerson University
- Zero Gun Violence Movement
- Alexandra Park Community Centre

The Advisory Committee has begun to meet and is currently in the process of establishing a governance structure, mandate and terms of reference as a framework to support and provide oversight and strategic advice in support of the overall direction of SafeTO. City of Toronto staff will report back to City Council at its December 2021 meeting with further details on this governance structure and implementation plan details including Year 1 priorities.

The Advisory Committee will assist in guiding the work of implementing SafeTO, building on and modernizing the existing institutional and community structures and drawing from collective wisdom and understanding of safety and well-being challenges and solutions.

Board and Service Support of SafeTO

City of Toronto staff have been working closely and consulting with Board Office staff and Members of the Service in support of SafeTO. They engaged with members and units within the Community Safety, Specialized Operations, and Information & Technology Commands. They also engaged with community representatives from the Chief's Community Consultative Committees, and divisional Community-Police Liaison Committees.

Currently, Board Staff (the Board's Executive Director and Chief of Staff, as well as the Board's Advisor, Strategic Policy & Stakeholder Relations) sit on the SafeTO Advisory Committee to represent the Board, and are actively engaged in: providing advice on governance and oversight structures for the Advisory Committee; supporting the development of SafeTO's implementation plan; and, otherwise contributing to the achievement of the City's community safety and well-being mandate.

With respect to the Service, the Community Engagement and Partnerships Unit has met frequently with City staff to ensure that many of its programs, such as the Neighbourhood Community Officer Program and Furthering Our Community by Uniting Services (FOCUS) are continually revisited and updated to maximize alignment with SafeTO's principles, vision for integrated services, and data-gathering and sharing approaches. Most recently, the Service's Specialized Operations Command played a leadership role in the striking of an Executive Leadership Team to oversee the development of an inter-agency short-term Community Safety pilot, to do what SafeTO seeks to do more broadly and across many areas: break down operational silos and to work collaboratively in reducing gun violence over the course of the summer months. The lessons learned from this pilot will help inform the development of a multi-sector gun violence reduction plan – one of the Year 1 Priorities in the SafeTO implementation plan.

Conclusion:

SafeTO is a comprehensive, ten-year Community Safety and Well-Being Plan that brings together City agencies, boards, commissions and corporations; government partners; sector leaders; school boards; and, community leaders and organizations in approaching community safety and well-being collaboratively and holistically. Beyond meeting a legislative mandate, SafeTO and its governance is an opportunity to re-imagine community safety and well-being, and develop integrated solutions for greater impact. It is aligned with the Board and Service's focus on strategic community-centred initiatives that focus on prevention, harm reduction, and the efficient delivery of service.

As such, it is recommended that the Board endorse and adopt SafeTO: Toronto's Ten-Year Community Safety and Well-Being Plan, and direct that other steps be taken in accordance with the above Recommendations to prioritize work in support of SafeTO, and maximize alignment with the Board's and Service's strategic priorities.

Respectfully submitted,

Ryan Teschner
Executive Director and Chief of Staff

Contact

Danielle Dowdy

Advisor, Strategic Policy & Stakeholder Relations

Email: Danielle.Dowdy@tpsb.ca



Toronto Police Services Board Report

November 9, 2021

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Medal of Merit – Detective Constables Satbir Kullar (10870) and Deanna Jovanovich (10370), Police Constable Michael Phaneuf (11852) and Sergeant Duane St. Jean (5460)

Recommendation:

It is recommended that the Toronto Police Services Board (Board) award a Medal of Merit to Detective Constables Satbir Kullar (10870) and Deanna Jovanovich (10370), Police Constable Michael Phaneuf (11852) and Sergeant Duane St. Jean (5460).

Financial Implications:

Four Medals of Merit will be withdrawn from the Board's inventory. The cost of engraving the medal and preparing an accompanying framed certificate will be approximately \$589.47, excluding taxes. Funds related to the presentation of medals and awards are available in the Board's Special Fund – Recognition Program.

Background / Purpose:

The Board presents a number of awards yearly in recognition of various professional achievements. These awards, which can be awarded to police officers or civilian members of the Toronto Police Service (Service), are all individually approved by the Board under the Awards Program.

A Medal of Merit is the second highest award that can be granted to a police officer or civilian member. It can be awarded in response to an outstanding act of personal bravery or in recognition of highly meritorious police service. The Board has historically approved Medals of Merit for highly meritorious service to actively serving members who are concluding their long and outstanding careers within the Service and have proven their dedication to providing the best policing service possible.

Discussion:

On Tuesday February 2nd, 2021, at approximately 1100 hours, members of 23 Division Primary Response Unit (P.R.U.) and Criminal Investigation Bureau (C.I.B.) attended at Weston Drive, in the City of Toronto, for a report of a missing person.

The officers had been on scene for over an hour, speaking with residents and searching the different rooms for the missing male. Officers could not gain entry into one room and no one answered the door when requested. Officers contacted the owner to gain entry into the locked room to look inside for the missing male.

While the officers spoke with the owner in a narrow hallway in front of the locked room, the door suddenly opened and a male holding a large knife, lunged at Constable Phanuef. The male stabbed Constable Phanuef in the left shoulder, causing a 10 centimeter deep cut. Constable Phanuef twisted away from the attacker, shouting "Knife" to warn the other officers.

Sergeant St. Jean immediately grabbed the male's hands as the male stabbed the knife at the sergeant's chest and shoulders, striking him in his body armour, upper arms, and his forehead. Constable Kullar drew his service pistol while Constable Jovanovich directed Constable Phanuef to utilize his conducted energy weapon (C.E.W.). Constable Phaneuf deployed the C.E.W. causing the male to fall down, however; he was still clutching onto the knife. Sergeant St. Jean, assisted by Constables Kullar and Jovanovich, wrestled with the male and removed the knife. The male was handcuffed but was still combative and kicked Constable Jovanovich in the face.

Sergeant St. Jean and Constable Phanuef were transported to hospital by an emergency run due to the severity of their wounds. Constable Phanuef's shoulder muscles were completely severed by the violence of the stab wound; both officers required stitches to repair their wounds.

The male was initially charged with two counts of Attempted Murder of the officers, along with other weapons offences. After an investigation, the male was further charged with Second Degree Murder of the missing male.

The officers are commended for their bravery and swift actions that resulted in this violent male being subdued without any harm coming to him or any other innocent individuals. The officers risked their lives to stop this attack immediately as it began. Many of the other residents who were home at the time could have been injured or worse by the violence carried out by the accused.

Conclusion:

The actions of the officers have met the criteria for a Medal of Merit in this particular incident.

It is recommended that the Board grant the Medal of Merit to Detective Constables Kullar and Jovanovich, Police Constable Phaneuf and Sergeant St. Jean for their courage and presence of mind in the face of imminent danger to their partners and themselves.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original copy with signature on file at Board Office



Toronto Police Services Board Report

November 8, 2021

To: Chair and Members
Toronto Police Services Board

From: James Ramer,
Chief of Police

**Subject: Special Constable Appointments and Re-Appointments –
December 2021**

Recommendation:

It is recommended that the Toronto Police Services Board (Board) approve the agency-initiated re-appointment request for the individual listed in this report as a special constable for the Toronto Community Housing Corporation (T.C.H.C.), subject to the approval of the Ministry of the Solicitor General (Ministry).

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*, the Board is authorized to appoint and re-appoint special constables, subject to the approval of the Ministry. Pursuant to this authority, the Board has an agreement with T.C.H.C. governing the administration of special constables (Min. No. P41/98 refer).

The Service received a request from T.C.H.C. to appoint the following individuals as special constables (Appendix 'A' refers):

Table 1 Name of Agency and Special Constable Applicant

Agency	Name	Status Requested	Expiry
T.C.H.C.	Morgan RAMSDEN	Re-Appointment	February 9, 2022

Discussion:

Special constables are appointed to enforce the *Criminal Code* and certain sections of the *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 and re-appointment as special constables. The Service’s Talent Acquisition Unit completed background investigations on these individuals, of which the agencies are satisfied with the results. Re-appointments have been employed by their agency for at least one 5-year term, and as such, they are satisfied that the members have satisfactorily carried out their duties and, from their perspective, there is nothing that precludes re-appointment.

The agency has advised the Service that the above individuals satisfy all of the appointment criteria as set out in their agreements with the Board. The T.C.H.C. approved and current complements are indicated below:

Table 2 Name of Agency, Approved Complement and Current Complement of Special Constables

Agency	Approved Complement	Current Complement
T.C.H.C.	300	161

Conclusion:

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

Acting Deputy Chief Myron Demkiw, Specialized Operations Command, will be in attendance to answer any questions that the Board may have with respect to this report.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*copy with original signature on file at Board Office

Toronto Community
Housing Corporation
931 Yonge Street
Toronto, ON
M4W 2H2



November 2, 2021
Sergeant Julie Tint
Special Constable Liaison Office
40 College Street
Toronto, Ontario
M5G 2J3

DELIVERED VIA ELECTRONIC MAIL

Re: Request for Toronto Police Services Board Approval for Appointment and Re-Appointment of Special Constables

In accordance with the terms and conditions set out in the Memorandum of Understanding between the Toronto Police Services Board and Toronto Community Housing, the Board is authorized to appoint special constables, subject to the approval of the Ministry of the Solicitor General.

The following individuals are fully trained, meeting all Ministry requirements, and have shown they possess the required skills and ability to perform at the level required to be a special constable. Both new appointments and re-appointments have undergone a background check, conducted by the Toronto Police Service, and we are satisfied with the results of those checks. Re-appointments have been employed by Toronto Community Housing for at least one 5-year term, and as such, we are satisfied that the members have satisfactorily carried out their duties and, from our perspective, there is nothing that precludes reappointment.

Name	Type	Current Term Expiry
Morgan RAMSDEN	Re-Appointment	February 9, 2022

It is requested that the Board approve this submission and forward the applicants to the Ministry of the Solicitor General for appointment of a five-year term.

Should you require any further information, please contact Kristina Seefeldt, Specialist-Compliance, Training & Quality Assurance at 416-268-8365.

Respectfully,



Allan Britton

Acting Senior Director, Community Safety Unit
Acting Chief Special Constable | Badge #31194

Toronto Community Housing

931 Yonge St, Toronto, ON M4W 2H2

T: 416 981-4116

torontohousing.ca



Toronto Police Services Board Report

October 26, 2021

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

**Subject: Contract Award - Supplementary Legal Services in
Employment and Labour Law**

Recommendations:

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

- 1) approve a contract award to Hicks Morley Hamilton Stewart Storie L.L.P. (Hicks Morley) for supplementary legal services in the area of employment and labour law to the Board on an as-needed basis for a three-year period commencing January 1, 2022 to December 31, 2024, at an estimated cost of \$1,180,000, with the option of two additional one-year extensions at an estimated cost of \$720,000 for a five-year estimated cost of \$1,900,000;
- 2) authorize the Chair to execute any agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form; and
- 3) authorize the Chair to exercise the two option periods, subject to continuing need, funding, and satisfactory vendor performance.

Financial Implications:

Any financial implications related to this recommendation will be included as part of the Board's annual operating budgets, based on anticipated needs and historical spending for supplementary legal services. Funding for budgeted expenditures for supplementary legal services are drawn from the Toronto Police Service's (Service) Legal Reserve.

Background / Purpose:

At its meeting on October 20, 2016, the Board approved the selection of Hicks Morley to provide supplementary legal services in the area of employment and labour law to the

Board for the period from January 1, 2017 to December 31, 2019 as well as options to extend for two additional one year periods (Min. No. P240/16 refers). Both options period were subsequently exercised, and the contract is scheduled to expire on December 31, 2021, with no remaining options to extend.

The nature of legal services which have been and will be provided by Hicks Morley to the Board include the following:

- Representing the Board in Human Rights and grievance proceedings, at mediation, arbitration, in court, and before administrative tribunals, including at the Human Rights Tribunal of Ontario and the Workplace Safety and Insurance Appeals Tribunal.
- Providing legal opinions and advice regarding labour and employment law, and providing draft documents, including Minutes of Settlement and other types of agreements.
- Representing the Board and assisting in collective bargaining negotiations with the Toronto Police Association and the Senior Officer Organization, in addition to other types of negotiations.

The labour relations and employment law challenges which the Board will face during the proposed contract period include collective bargaining upon the expiry of the current collective agreements and important grievance proceedings such as those related to the Service's mandatory COVID-19 vaccination procedure. These professional services are required in order to provide legal guidance on issues that are increasingly complex and multi-faceted.

There is sufficient funding in the legal reserve to cover this contract with approximately a \$5.0M projected 2021 year end balance.

The purpose of this report is to request the Board's approval to award a new contract for supplementary legal services for employment and labour law commencing January 1, 2022.

Discussion:

On July 29, 2021, the Service's Purchasing Services unit issued Request for Proposal (R.F.P.) #1444316-21 on MERX to seek supplementary legal services in the area of employment and labour law to the Board on an as-needed basis for a three year period, with an option to renew for two additional one-year periods. The R.F.P. closed on August 23, 2021. Four suppliers downloaded the R.F.P., and all four suppliers submitted a proposal.

- Hicks Morley Hamilton Stewart Storie L.L.P.
- Fasken Martineau DuMoulin L.L.P.
- McMillian L.L.P.

- Edmond Harnden L.L.P.

Hicks Morley was the highest scored proponent and was unanimously selected by the evaluation committee to be recommended for award.

Conclusion:

It is therefore recommended that the Board approve a contract award to Hicks Morley as outlined above.

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

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original copy with signature on file in Board office



Toronto Police Services Board Report

October 27, 2021

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Contract Award - Otec Solutions - Digital Evidence Management System - Software Support and Maintenance Renewal

Recommendations:

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

- (1) approve a contract award to Otec Solutions (Otec) for software support and maintenance renewal for the Digital Evidence Management System (D.E.M.S.) for one year commencing January 1, 2022 and ending December 31, 2022 at a cost of \$83,000 (excluding taxes), with options to extend for two additional one-year periods at a cost of \$178,700 (excluding taxes), for a total cost of approximately \$261,700 (excluding taxes);
- (2) authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form; and
- (3) authorize the Chief to execute any extensions, subject to funding and satisfactory vendor performance.

Financial Implications:

The 2022 support and maintenance cost for the D.E.M.S., to be provided by Otec, will be \$83,000 and is included in the 2022 operating budget request. Future year costs will be included in the respective operating budget requests, for a three-year total cost of approximately \$261,700.

Table 1: Estimated Annual Cost (excluding taxes)

Year	Cost
2022	\$83,000
2023 (Option Year 1)	\$87,200
2024 (Option Year 2)	\$91,500
Total	\$261,700

Background / Purpose:

Otec created and owns the D.E.M.S. software system, known as the Digital Photo Viewing and Management System (D.P.V.M.S.), which is used by the Toronto Police Service (Service). Otec is also the exclusive distributor for the D.E.M.S. software system, and sole provider of software support and maintenance.

At its meeting on August 24, 2017, the Board approved a contract award to Otec for software support and maintenance for the D.P.V.M.S. system for three years at a total cost of \$201,547 (excluding taxes) plus one option year (Min. No. P187/17 refers).

The cumulative spending for licensing, maintenance and support costs from 2010, when the Service started using Otec’s D.E.M.S. system, to 2021 is \$949,400 and is over the \$500,000 threshold for Board approval of non-competitive purchases, and therefore under the current by-law requires Board approval to renew the software support and maintenance.

The purpose of this Report to ask for the Board’s approval for a contract award to Otec for software support and maintenance for the D.P.V.M.S. system for an additional one year period plus two option years.

Discussion:

D.P.V.M.S. is a core business system that is utilized by operational and support units across the Service. It provides the Service with the ability to create and manage digital assets, produce work orders, view assets, create reports and print Digital Video Discs (D.V.D.s).

D.P.V.M.S. consists of four modules:

- Photo Imaging Wizard which is used to ingest photos in the database;
- Photo Imaging Network module which is used to view and order photos for investigative and court purposes;
- Photo Management Network module which is used by Forensic Identification Services (F.I.S.) to fill orders; and
- Cumulus client, which is used to administer the system.

As part of the Information Technology (I.T.) Rationalization Initiative, the Service will be looking to replace D.P.V.M.S. with Evidence.com. This project is still in its exploration stage and therefore a timeline is not yet available as to if, or when, implementation will occur.

Conclusion:

For the reasons outlined above, Board approval is requested for a contract award to Otec for software support and maintenance renewal for the D.E.M.S. software for a one-year period and two additional option years.

Mr. Colin Stairs, Chief Information Officer, Information Technology Command and Mr. Tony Veneziano, Chief Administrative Officer, will be in attendance to answer any questions from the Board.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original with signature on file at Board office



Toronto Police Services Board Report

October 28, 2021

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Contract Award – Risk Management Solutions for Workplace Safety and Insurance Board (W.S.I.B.) Consulting and Case Management Support

Recommendations:

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

- 1) approve a contract award to Risk Management Solutions for W.S.I.B. Consulting and Case Management Support Services for a three-year period commencing January 1, 2022 to December 31, 2024, at an estimated cost of \$1,050,000, with the option of two one-year extensions, at an estimated cost of \$350,000 for each option year, for a five-year total estimated cost of \$1,750,000, if both option years are exercised;
- 2) authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form; and
- 3) authorize the Chief of Police to exercise the two option years subject to satisfactory performance and other considerations.

Financial Implications:

The additional funding requirement related to this recommendation is included in the Service's 2022 operating budget request and will be requested for remainder of the contract term in subsequent budget years. The annual budget is based on anticipated needs, case volumes and trends, and historical spending for W.S.I.B. case management support.

A summary of the estimated costs is provided in the chart below:

Cost Summary (excluding taxes)

Period	Total
Initial Contract Term January 1, 2022 to December 31, 2024	\$1,050,000
Option Periods January 1, 2025 to December 31, 2026 (Two one-year periods)	\$700,000
Total	\$1,750,000

Background / Purpose:

The Toronto Police Service (Service) is a Schedule 2 organization under the *Workplace Safety and Insurance Act*, meaning that the Service is responsible for the full cost of accident claims filed by our workers plus an administration fee levied by the Workplace Safety and Insurance Board.

The purpose of this report to obtain Board approval to engage an external service provider that specializes in the management of W.S.I.B. related cases.

The use of an external vendor is compelling for many reasons including, but not limited to;

- bolstering the skill sets required that the Services does not currently employ
- leveraging the strong vendor track record of success in cost savings and containment related to this work both with legacy claims and at the onset of new claims
- giving internal Health and Absence Recovery Team (HART) the best in class resources and tools to support members in returning to work and injury/illness recovery while preserving the employee/employer relationship by managing perceived contentious issues

This approach is anticipated to yield results for the Service in decreased costs, increased W.S.I.B. accountability, and enhance member experience. This model is widely used in other organizations in both the public and private sector. This revised approach is intended to be a proactive and deliberate model of case management at the start of a claim versus the historical approach of reaction after a claim has been identified as costly or highly complex and contentious. Risk Management Solutions will be actively engaged in functions where the Service has not assigned staff to perform.

Discussion:

Emergency Service providers across the province have been facing increasing W.S.I.B. costs related to health care expenditures, lost-time and in the administration of each

case. The Service specifically has seen a 16% increase in W.S.I.B. related costs from 2019 to 2020. These cases are often complex and require significant administrative effort. The Service is committed to looking at different service delivery models in all areas of the organization to more effectively and efficiently deliver critical services to our members and the public.

In line with the Service's commitment to a more member-centric service delivery model within the Wellness Unit, and our focus on building and sustaining a culture of high performance, health, safety and well-being, the Service is engaging a specialized vendor to assist in managing the W.S.I.B. claims practice; specifically to focus attention on the sometimes-contentious employer related occupational claims procedures. This is intended to preserve the largely positive and supportive relationship that the Health & Absence Recovery Team (H.A.R.T.) has with members navigating the absence and disability space.

On July 30, 2021, the Service's Purchasing Services unit issued Request for Proposal (R.F.P.) #1459433-21 on MERX to seek W.S.I.B. consulting and case management support services for a three-year period, with an option to renew for two additional one-year periods. The R.F.P. closed on August 30, 2021, and four suppliers downloaded the R.F.P. documents. The following firms submitted proposals:

- Oncidium Inc.
- LifeWorks (Canada) Ltd.
- Risk Management Solutions

Upon review and evaluation of the submissions, Risk Management Solutions was the only remaining compliant submission meeting the minimum score threshold, and as such is recommended for award.

Conclusion:

It is recommended that the Board approve a contract award to Risk Management Solutions to provide W.S.I.B. Consulting and Case Management support to the Service commencing in January 2022 for a three-year term, with the option of two one-year extensions.

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

Respectfully submitted,

James Ramer, M.O.M.

Chief of Police

*original copy with signature on file in Board office



Toronto Police Services Board Report

October 27, 2021

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

**Subject: Contract Extension - LexisNexis Claims Solutions Inc. -
CopLogic Incident Reporting System - Software Licensing,
Support and Maintenance**

Recommendations:

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

- (1) approve a contract extension with LexisNexis Claims Solutions Inc. (LexisNexis) for software licensing, support and maintenance for the CopLogic Incident Reporting System (CopLogic) for one year commencing January 1, 2022 and ending December 31, 2022 at a cost of \$32,900 (excluding taxes), with options to extend for an additional two one-year periods at a cost of \$70,900 (excluding taxes), for a total cost of approximately \$103,800 (excluding taxes);
- (2) authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form; and
- (3) authorize the Chief to execute any extensions, subject to funding and satisfactory vendor performance.

Financial Implications:

The 2022 support and maintenance cost for CopLogic, to be provided by LexisNexis, will be \$32,900 and is included in the 2022 operating budget request. Future year costs will be included in the respective operating budget requests, for a three-year total cost of approximately \$103,800.

Table 1: Estimated Annual Cost (excluding taxes)

Year	Cost
2022	\$32,900
2023 (Option Year 1)	\$34,600
2024 (Option Year 2)	\$36,300
Totals	\$103,800

Background / Purpose:

CopLogic is a web-based application that allows the public to file simple incident reports. These reports, after approval by Toronto Police Service (Service) officers, are automatically routed to the Versadex Records Management System (R.M.S.) to be transcribed, stored as General Occurrence (G.O.) reports and processed as occurrences. Parking Complaints are automatically routed to the Computer Aided Dispatch (C.A.D.) system which creates C.A.D. events for processing by the Parking Enforcement Unit. This eliminates manual entry and personnel required to take the report in person or over the phone. This also provides for cost savings in terms of time spent on administrative functions and manual data entry. The Service will undertake to analyse the impact of this software and report the results to the Board at a future meeting.

The CopLogic system was selected in December 2009 in response to a Request for Proposal (R.F.P.) for an Internet Incident Reporting System to provide citizens with an easy method of reporting of minor occurrences.

LexisNexis is the exclusive provider of software licensing, support and maintenance for CopLogic.

In 2017, the Service executed a new/successor agreement with LexisNexis, the successor in interest to CopLogic Inc., to continue licensing, support and maintenance for the CopLogic system on an ongoing basis.

The Service would like to continue extending the contract with LexisNexis for an additional three years, and because the contract term has extended longer than five years Board approval is required, as per the Board's Purchasing Bylaw.

Discussion:

The CopLogic Online Reporting System is a core business system that is utilized by Communications Services. It provides citizens with the capability to file online reports for the following incident types:

- Lost Property (Under \$500);
- Damage to Vehicle (Under \$5,000);
- Driving Complaint;
- Local Neighbourhood Traffic Issues or Concerns;
- Fraud (Under \$5,000);
- Graffiti;
- Theft (Under \$5,000);
- Theft from Vehicle (Under \$5,000);
- Theft of Gas (From a Gas Station); and
- Vulnerable Persons Registry.

In 2018, as part of the 9-1-1 Call Reduction Initiative, the CopLogic software was enhanced to include the following Immediate Parking Complaints that are sent directly to the C.A.D. System:

- Abandoned Auto;
- Accessible Parking Complaint;
- Driveway Obstructed;
- Fire Route Obstructed;
- Lane Obstructed;
- 3 Hour Overtime Parking Complaint;
- Private Property Parking Complaint; and
- All Other Parking Complaints

The actual spend from 2009 to 2021 has been approximately \$343,000, and the projected cumulative spend by 2024 will be \$446,800.

As part of the Information Technology (I.T.) Rationalization Initiative, the Service will be looking into replacing CopLogic with the Microsoft PowerApps Platform.

Conclusion:

For the reasons outlined above, Board approval is requested for a contract extension with LexisNexis for software licensing, support and maintenance for the CopLogic system for an additional one year period and two additional option years.

Mr. Colin Stairs, Chief Information Officer, Information Technology Command and Mr. Tony Veneziano, Chief Administrative Officer, will be in attendance to answer any questions from the Board.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original with signature on file at Board Office



Toronto Police Services Board Report

October 30, 2021

To: Chair and Members
Toronto Police Services Board

From: Jim Ramer
Chief of Police

Subject: Clinical Psychological Assessment Services – Contract Extensions and Increases

Recommendations:

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

1. approve an extension of the contract with F.V.B. Psychologists (F.V.B.) for clinical psychological assessment services from December 1, 2021 to August 31, 2022, and an increase in the contract value from \$918,550 to \$1,068,550;
2. approve an extension of the contract with Allied Psychological Services (Allied) for clinical psychological assessment services from December 1, 2021 to August 31, 2022, and an increase in the contract value from \$891,918 to \$1,041,918; and
3. authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form.

Financial Implications:

The psychological services contracts are associated with hiring related expenditures. The annual cost is subject to fluctuate based on budgeted staffing levels, planned hiring and screen-out rates. Funds have been budgeted for these required services as part of the 2022 Toronto Police Service (Service) Operating Budget request.

The request to increase funds correlates with the 9 month contract extensions for both contracts. The Service intends on using the services of these vendors during the contract extension and as such requires funds to pay for the services rendered. This is an estimate based on budgeted staffing levels and hiring activity.

Background / Purpose:

The Service has a long standing practice of using a blend of external psychologists and internal staff psychologists to conduct psychological assessments for new recruits - an important part of the recruitment process.

The purpose of this report is to request the Board's approval to extend the current psychological services contracts from December 1, 2021 to August 31, 2022 and to approve an increase of \$150,000 to the value of each contract (\$300,000 total).

Discussion:

The Service conducted a Request for Services (R.F.S.) in 2017 for clinical psychological assessment services to conduct pre-placement psychological examinations of applicants for the position of police constable, as well as pre-employment psychological examinations for candidates to other positions within the Service, including but not limited to the pre-hire evaluation of civilian communication operators assigned to Communication Services. The contract was awarded in January 2018 to S.L. Jackson Psychology, who subsequently changed their name to Allied Psychological Services.

In anticipation of additional hiring in 2019 that exceeded the capacity of the first vendor, the Service conducted an additional R.F.S. in 2018 for similar clinical psychological assessment services. At its December 2018 meeting, the Board approved a contract award to F.V.B. for clinical psychological assessment services, as well a contract extension option for both F.V.B. and S.L. Jackson (now Allied) to November 30, 2021 (Min. No. P260/18 refers).

The Service intends to continue to use this blended model of service and as such will be initiating an R.F.S. process in the first half of 2022 to re-establish contracts for clinical psychological assessment services.

In the meantime, the Service continues to have an operational need for clinical psychological assessment services that both F.V.B. and Allied are fulfilling to augment internal capacity towards these activities. The need for psychological services goes beyond communications pre-hires and pre-employment of other positions. It extends to active members in high-risk units including, but not limited to, Homicide and Sex Crimes.

Conclusion:

Clinical psychological assessment services will continue to be required by the Service as an important part of our recruitment process. Both of the psychological assessment services contracts are scheduled to expire on November 30, 2021. Therefore, the

Service is requesting Board approval for an increase of \$150,000 in the contract values, and an extension of the contracts until August 31, 2022.

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

Respectfully submitted,

Jim Ramer, M.O.M.
Chief of Police

*original copy with signature on file in Board office



Toronto Police Services Board Report

October 29, 2021

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: 2021 Operating Budget Variance for the Toronto Police Service, Period Ending September 30, 2021

Recommendation:

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

Financial Implications:

At its January 13, 2021 meeting, the Board approved the Toronto Police Service's (Service) budget request at \$1,076.2 Million (M) (Min. No. P2021-0113-3.1 refers), a 0% increase over the 2020 approved operating budget.

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.

COVID-19:

Following Board approval of the Service's budget request in January 2021, City Council, at its February 18, 2021 meeting, approved the Service's 2021 operating budget at \$1,080.1M. The Council-approved budget reflects an increase of \$3.9M for the estimated impacts of COVID-19 in 2021.

Contribution to City Insurance Reserve Fund:

The Service has recently been notified that the City is centralizing the majority of insurance costs and will be doing an in-year budget adjustment to transfer \$9.5M from the Service to the City as part of the second quarter variance report to Council. This will not impact available funding to the Service, as the insurance expense will then be paid from the City budget.

Provincial Offences Act Recovery:

For the past several years, the Service received a recovery from the City to provide security at Provincial Offences Act courts and to send officers to Provincial Offences Act courts while off duty. Based on a review by City staff to streamline security operations at courthouses and prisoner transfers, it was determined that this recovery should be eliminated. As a result, the City will be doing an in-year budget adjustment to eliminate a \$5.2M net recovery from the City as part of the third quarter variance report to Council. For 2021, this will result in a projected net favourable impact of \$3.1M for the Service, as the Service was projecting an unfavourable recovery due to Provincial Offences Act courts being closed during the first half of the year due to COVID-19.

As a result of the above adjustments, the Service's 2021 net operating budget has been revised to \$1,075.8M (gross \$1,220.0M) as outlined below.

Category	2021 Gross Budget (\$Ms)	2021 Net Budget (\$Ms)
Board Approved Budget	\$1,229.5	\$1,076.2
COVID Adjustment	\$0.0	\$3.9
Centralization of Insurance Costs	(\$9.5)	(\$9.5)
Elimination of Provincial Offences Act Recovery	\$0.0	\$5.2
2021 Revised Operating Budget	\$1,220.0	\$1,075.8

Background / Purpose:

The purpose of this report is to provide the Board with the Service's 2021-projected year-end variance as at September 30, 2021.

Discussion:

As at September 30, 2021, the Service is projecting an unfavourable year-end variance of \$1.3M. While projections are currently unfavourable, it must be noted that projections are based on estimates and the best available information at the time of reporting. The Service is continuing to assess projections, spending plans and opportunities to manage and reduce costs where possible. This includes reviewing premium pay spending, non-salary expenditures and revenue and cost-recovery opportunities.

It is important to note that while the Service did consider COVID-19 in developing the 2021-operating budget, the financial implications are difficult to predict as the impacts continuously change. The Service is however, keeping track of COVID-19 related financial impacts and reporting them to the City.

COVID-19:

Since early 2020, the COVID-19 pandemic has greatly impacted how the Service conducts its operations and has altered demands for service. More specifically:

- Service facilities were closed to the public;
- many courts were shut down;
- special events have been cancelled;
- enforcement of the province’s emergency orders has been required;
- personal protective equipment purchases have increased substantially; and
- workplace adjustments to prevent the spread of COVID-19 have been made.

Despite the foregoing, the Service must still provide responsive public safety services to the communities we serve. COVID-19 has presented service challenges and has resulted in financial impacts as well.

Variance Details

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

Category	2021 Budget (\$Ms)	Actual to Sep 30/21 (\$Ms)	Projected Year-End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Salaries	\$815.2	\$597.1	\$808.2	\$7.0
Premium Pay	\$48.8	\$35.9	\$57.4	(\$8.6)
Benefits	\$230.6	\$168.7	\$232.2	(\$1.6)
Non Salary	\$84.3	\$65.0	\$87.4	(\$3.1)
Contributions to / (Draws from) Reserves	\$3.8	\$0.0	\$4.8	(\$1.0)
Revenue	(\$107.0)	(\$60.7)	(\$107.0)	(\$0.0)
Total Net Before Grants	\$1,075.7	\$806.0	\$1,083.0	(\$7.3)
Net Impact of Grants	\$0.1	(\$3.6)	(\$5.9)	\$6.0
Total Net	\$1,075.8	\$802.4	\$1,077.1	(\$1.3)

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. The revenues from the grant funding offset any related expenditures.

Salaries:

A favourable variance of \$7.0M is projected in the salaries category.

Expenditure Category	2021 Budget (\$Ms)	Actual to Sep 30/21 (\$Ms)	Projected Year-End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Uniform	\$605.7	\$446.2	\$602.6	\$3.1
Civilian	\$209.5	\$150.9	\$205.6	\$3.9
Total Salaries	\$815.2	\$597.1	\$808.2	\$7.0

Uniform Officers - The 2021 approved budget assumed that there would be 225 uniform officer separations during the year. To date, 166 officers have separated from the Service, as compared to the 182 that was assumed in the budget over the same time period. As a result, the year-end projected separations are now estimated to be 215. The unfavourable variance from the reduced number of separations has been more than offset by a greater than budgeted number of members on unpaid leaves (e.g. maternity and parental), as well as higher than anticipated separations at the end of 2020 (199 actual for the year versus budgeted of 185). As a result of the foregoing, savings of \$3.1M are projected in 2021 for uniform salaries.

The 2021 approved budget includes funding for 230 uniform hires, and assumed class sizes of 10 in April; 69 in August; and 131 in December, as well as 20 lateral hires. It was subsequently determined that a larger April class size would be more efficient from a hiring, training and deployment perspective. The April class was therefore increased from 10 to 42 cadets, with the increase being offset by reducing future class sizes to; 74 for August, 90 for December and a total of five lateral hires.

Actual separations are monitored monthly, and the Service will reassess future recruiting efforts based on the actual pace of hiring and separations.

Civilians - The 2021 approved budget includes funding to continue the hiring of Communications Operators and Bookers to approved staffing levels. In addition, funding was included to backfill civilian vacancies that support the front line and ensure key service levels are maintained. While the Service has been hiring to fill key positions, many of the positions have been filled through internal promotions thereby creating other cascading vacancies. As a result, the Service is projected to be below its funded civilian strength on average during the year, and is projecting savings of \$3.9M in civilian salaries. The longer than anticipated hiring timelines have however, resulted in increased civilian premium pay pressures as described in the section below.

Premium Pay:

An unfavourable variance of \$8.6M is projected in the premium pay category.

Expenditure Category	2021 Budget (\$Ms)	Actual to Sep 30/21 (\$Ms)	Projected Year-End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Uniform	\$43.5	\$31.5	\$49.2	(\$5.7)
Civilian	\$5.3	\$4.4	\$8.2	(\$2.9)
Total Premium Pay	\$48.8	\$35.9	\$57.4	(\$8.6)

Premium pay is incurred when staff are required to work beyond their normal assigned hours, such as 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; and
- 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 use of off-duty officers which results in premium pay costs.

The 2021 operating budget includes an opening premium pay pressure of approximately \$7M, based on 2020 levels and subsequent further reduction to the 2021 budget.

The Provincial government issued a province-wide Stay-at-Home order under the Emergency Management and Civil Protection Act (E.M.C.P.A.) effective Thursday, April 8, 2021, requiring everyone to remain at home except for specified purposes, such as going to the grocery store or pharmacy, accessing health care services (including getting vaccinated), for outdoor exercise, or for work that cannot be done remotely. In order to enforce the order, the Service incurred an additional \$2.4M in premium costs from mid April to the end of May. This amount is included in the above projection; however, the Service is anticipating an offsetting recovery from the Province for these expenditures, as noted in the revenue section below.

Additional premium pay is also incurred as units address critical workload issues resulting from civilian vacancies, across the Service. Civilian overtime and call-backs are authorized when required to ensure deadlines are met, key service levels maintained, and tasks completed in order to ensure risks are mitigated and additional hard dollar costs are avoided. Civilian premium pay is projecting unfavourable. This projection not only reflects historical spending patterns, but also considers the majority of lieu time cash payments occur at the end of the year and members are currently

accumulating more lieu time than at the same point in time last year. Reductions in civilian premium pay spending are expected as civilian staffing vacancies decrease. However, 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 offset by savings in civilian salaries.

Every effort is being taken to manage risks to the Service's overall financial condition. This includes improved monitoring and controlling of premium pay expenditures, which is a significant factor in the Service's ability to come in on budget. Although this account is considered underfunded, the allocation of premium pay budgets to units has been reviewed to arrive at more realistic premium pay budgets and targets across units. This is an important exercise in moving towards improved monitoring of actual premium pay expenditures and greater accountability on spending. Increased scrutiny over premium pay expenditures is being made and actions taken to reduce and contain premium pay as much as possible, within the exigencies of policing. It is nonetheless important to note that premium pay costs are still required to avoid risks to the Service, maintain key service levels, effectively perform investigations and deal with unanticipated events.

Benefits:

An unfavourable variance of \$1.6M is projected in this category.

Expenditure Category	2021 Budget (\$Ms)	Actual to Sep 30/21 (\$Ms)	Projected Year-End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Medical / Dental	\$44.7	\$28.0	\$45.8	(\$1.1)
O.M.E.R.S. / C.P.P. / E.I. / E.H.T.	\$141.6	\$112.1	\$141.0	\$0.6
Sick Pay Gratuity /C.S.B./L.T.D.	\$21.5	\$12.1	\$21.7	(\$0.2)
Other (e.g., W.S.I.B., life insurance)	\$22.8	\$16.5	\$23.7	(\$0.9)
Total Benefits	\$230.6	\$168.7	\$232.2	(\$1.6)

It must be noted that benefit projections are based on historical trends, as costs do not follow a linear pattern. Costs can fluctuate significantly from month to month and adjustments are required at year-end to take into account members submitting claims for the current year in the following year.

Medical/Dental costs continue to trend higher and as a result, the projected unfavourable variance is increasing. The COVID-19 lockdowns have resulted in moderately reduced expenditures in-group benefit costs associated with physiotherapy, chiropractor, massages, and non-emergency dental services as social distancing has resulted in the reduction of many of these services. However, as the lockdowns ease, expenditures have been increasing. The level of expenditures is difficult to predict, as it

is difficult to know the extent to which members may catch up on procedures when services become available again.

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.

The unfavourable variance in the “Other” category is mainly a result of W.S.I.B. Similar to other emergency services across the City and Province, the Service has been experiencing an increase in W.S.I.B. costs. The increase is primarily due to impacts of Bill 163, Supporting Ontario’s First Responders Act regarding Post Traumatic Stress Disorder (P.T.S.D.). The new statutory presumption means that if a first responder applies for W.S.I.B. benefits following a diagnosis of P.T.S.D., it will be presumed that the employee’s P.T.S.D. is “causally linked” to the workplace, and that the P.T.S.D. occurred “out of an in the course of” the first responder’s employment. The onus to prove otherwise will not rest with the employer. Although the 2021 operating budget was increased in anticipation of the increasing costs, the rate of increase has been greater than originally projected. The Service is undergoing a review of W.S.I.B. costs and its administrative processes as part of its Wellness Strategy. The unfavourable variance in W.S.I.B. is being partially offset by favourable variances in retiree insurance.

Non-Salary:

An unfavourable variance of \$3.1M is projected in this category.

Non Salary	2021 Budget (\$Ms)	Actual to Sep 30/21 (\$Ms)	Projected Year-End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Vehicles (e.g. gas, parts)	\$13.9	\$11.0	\$14.1	(\$0.2)
Information Technology	\$32.5	\$30.8	\$34.7	(\$2.2)
Contracted Services	\$12.6	\$6.7	\$12.7	(\$0.1)
Uniforms and outfitting	\$9.1	\$6.9	\$9.0	\$0.1
Other	\$16.2	\$9.6	\$16.9	(\$0.7)
Total Non Salary	\$84.3	\$65.0	\$87.4	(\$3.1)

The unfavourable variances in Information Technology (I.T.) and Contracted Services categories to fund in-year joint projects are partially offset by recoveries and fees (which are discussed in the “Revenues” section below). Unexpected network costs (estimated at \$0.4M) required for the new Toronto Court to allow for network and telephone connectivity also contributed to the unfavourable variance.

The “Other” category is comprised of multiple items that support staffing and policing operations, the largest of which include budgets for training, operating impacts from capital, equipment purchases, and bank service charges. Other items in this category include various supplies and services such as fingerprint supplies, traffic enforcement supplies, expenses to support investigations, photocopying and translation services. There are projected savings of \$1.0M in costs in the “Other” category due to units reducing and deferring expenses wherever possible in order to stay within the overall

approved budget. However, these savings are projected to be largely offset by search and recovery costs (approximately \$1.1M) for the recent Nathaniel Brettell homicide investigation.

Due to COVID-19, the Service needs to ensure its members have the equipment and supplies to keep the workplace and the community safe. As a result, there will be an on-going need to purchase gloves, masks, sanitizer and other supplies, equipment and services to keep our members, workspaces, and vehicles and equipment, free from contamination. The Service is currently projecting an unfavourable amount of \$0.6M in these accounts as the pandemic is expected to last longer than originally expected, bringing the total overall unfavourable variance in the “Other” category to \$0.7M

Contributions to / (Draws from) Reserves:

An unfavourable variance of \$1.0M is projected in this category.

Reserves Category	2021 Budget (\$Ms)	Actual to Sep 30/21 (\$Ms)	Projected Year-End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Contribution to Reserves:				
Collective Agreement Mandated - Central Sick, Sick Pay Gratuity & Post-Retirement Health	\$14.3	\$0.0	\$14.3	\$0.0
Legal	\$0.9	\$0.0	\$0.9	\$0.0
Vehicle & Equipment	\$20.8	\$0.0	\$20.8	\$0.0
Contribution to Reserves	\$36.0	\$0.0	\$36.0	\$0.0
Draws from Reserves:				
Collective Agreement Mandated - Central Sick, Sick Pay Gratuity & Post-Retirement Health	(\$23.5)	\$0.0	(\$23.5)	\$0.0
Legal, Modernization and Cannabis	(\$8.7)	\$0.0	(\$7.7)	(\$1.0)
Draws from Reserves	(\$32.2)	\$0.0	(\$31.2)	(\$1.0)
Contributions to / (Draws from) Reserves	\$3.8	\$0.0	\$4.8	(\$1.0)

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; 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. The \$1.0M unfavourable variance is a result of less than expected draws from the Cannabis reserve. This reserve funds incremental costs and staffing costs associated with Cannabis enforcement and training; however, due to COVID-19, the funded costs have been less than planned.

Revenue:

A net zero variance is projected in this category.

Revenue Category	2021 Budget (\$Ms)	Actual to Sep 30/21 (\$Ms)	Projected Year-End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Provincial Recoveries	(\$54.2)	(\$23.1)	(\$57.3)	\$3.1
Fees and Recoveries (e.g., paid duty, secondments, vulnerable sector screening.)	(\$24.9)	(\$15.1)	(\$23.8)	(\$1.1)
Paid Duty - Officer Portion	(\$24.7)	(\$21.6)	(\$24.7)	\$0.0
Miscellaneous Revenue	(\$3.2)	(\$0.9)	(\$1.2)	(\$2.0)
Total Revenues	(\$107.0)	(\$60.7)	(\$107.0)	(\$0.0)

Favourable variances in provincial recoveries are a result of the provincial uploading of court costs being greater than anticipated. While the Province is undertaking a review of the court services program, they have committed to continuing the funding in 2021. The Service is also anticipating \$2.4M in recoveries from the Province for premium pay costs associated with the mid April to end of May enforcement of E.M.C.P.A.

For Fees and Recoveries, the Service experienced a reduction in revenues during 2020, as there was less demand for paid duties and vulnerable sector screenings as a result of COVID-19. In preparing the 2021-operating budget, it was anticipated that revenue losses due to COVID-19 would continue to June 30th. Year to date recoveries are in line with this estimate; however, while capacity limits have been increasing, many other restrictions are still in place, and as a result, the Service is now projecting a \$1.9M unfavourable variance. The Service is projecting favourable recoveries of \$0.8M from outside agencies to facilitate the purchase of I.T. equipment (e.g. Toronto Fire portion of joint radio infrastructure), resulting a total unfavourable variance in Fees and Recoveries of \$1.1M.

The \$2.0M unfavourable variance in Miscellaneous Revenue is a result of estimated budgeted revenues that were not achieved. It was anticipated at the time of budget preparation that there would be a net favourable variance in Grants, as the Service would not be able to backfill all of the associated positions, and would instead have to reassign internal staff; however, the amount of grant savings was difficult to project at

the time the budget was prepared. This unfavourable variance is offset by the favourable Grant variance discussed below.

Grants:

A favourable variance of \$6.0M is projected in this category.

Grants	2021 Budget (\$Ms)	Actual to Sep 30/21 (\$Ms)	Projected Year-End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Expenses:				
Guns & Gangs	\$5.0	\$0.9	\$2.0	\$3.0
Community Safety & Policing	\$0.0	\$4.9	\$8.1	(\$8.1)
Other	\$0.0	\$2.3	\$2.5	(\$2.5)
Total Expenses	\$5.0	\$8.1	\$12.6	(\$7.6)
Revenues:				
Guns & Gangs	(\$4.9)	(\$3.8)	(\$4.9)	\$0.0
Community Safety & Policing	\$0.0	(\$5.0)	(\$10.7)	\$10.7
Other	\$0.0	(\$2.9)	(\$2.9)	\$2.9
Total Revenues	(\$4.9)	(\$11.7)	(\$18.5)	\$13.6
Net Impact From Grants	\$0.1	(\$3.6)	(\$5.9)	\$6.0

Grant funding generally results in a net zero variance, as funds are provided for expenditures to achieve specific purposes. However, a net favourable variance is projected in this category since a number of permanent, funded positions are assigned to provincially supported programs and as a result are covered by the grant, and these positions were not all backfilled. Savings are projected in the following grants: Guns and Gangs (\$3.0M), Community Safety and Policing (\$2.6M) and the Provincial Strategy to Protect Children from Sexual Abuse and Exploitation on the Internet (\$0.4M).

The Service is sometimes aware of grant opportunities prior to budget approval; however, revenue and expenditure budgets cannot be set up if the grant contracts are not received or approved. In addition, as the provincial fiscal year ends on March 31st, versus December 31st for the Service, unspent provincial grant funding from 2020 is carried forward into the first quarter of 2021. The amounts being carried forward are not finalized until well after year-end. As a result, the base budgets for grants are often zero and the grants are reflected as in year funding.

As the Service receives other grant funding during the year, future variance reports will reflect these spending plans as the grant applications are approved and agreements are finalized.

Conclusion:

As at September 30, 2021, the Service is projecting an unfavourable year-end variance of \$1.3M. The Service is continuing to assess projections, spending plans and opportunities to manage and reduce costs where possible. This includes reviewing premium pay spending, non-salary expenditures and revenue and cost-recovery opportunities.

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

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original copy with signature on file in Board office



Toronto Police Services Board Report

October 27, 2021

To: Chair and Members
Toronto Police Services Board

From: James Ramer, M.O.M.
Chief of Police

**Subject: Capital Budget Variance Report for the Toronto Police Service -
Period Ending September 30, 2021**

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 and Treasurer, for inclusion in the City's overall capital variance report to the City's Budget Committee.

Financial Implications:

Toronto City Council (Council), at its meeting of February 18, 2021, approved the Toronto Police Service's (Service) 2021-2030 capital program at a net amount of \$18.4 Million (M) and gross amount of \$44.3M for 2021 (excluding carry forwards), and a 10-year total of \$212.5M net and \$614.7M gross. Please see Attachment A for more details.

Table 1 – Summary of 2021 Budget and Expenditures

Category	2021 Gross (M's)	2021 Net (M's)
2021 approved program excluding carry forward	\$44.3	\$18.4
2019 & 2020 carry forwards	\$28.5	\$14.1
Total 2021 available funding	\$72.8	\$32.5
2021 Projection	\$45.0	\$17.4
Variance to available funding	\$27.8	\$15.1
Carry forward to 2022	\$24.6	\$15.1
Spending rate	62%	54%

Note: due to rounding, numbers presented may not add up precisely.

The 2021 estimated gross spending rate is 62%. From the estimated 2021 gross under-expenditure of \$27.8M, \$24.6M will be carried forward to 2022. The remaining balance of \$3.2M will be returned to the Vehicle and Equipment reserve due to savings realized as a result of:

- lower pricing in the workstation, laptop, printer lifecycle project (\$1.3M);
- utilizing Provincial grant funding for the replacement of servers in the Closed Circuit Television project (\$0.2M);
- lower pricing in the lifecycle replacement of Connected Officer phones (\$0.2M);
- lower pricing in the Wireless Parking System project (\$0.3M); and
- utilizing Provincial grant funds for a portion of equipment required for the Conducted Energy Weapon project (\$1.2M).

Background / Purpose:

The purpose of this report is to provide the Board with the status of the Service's capital projects as at September 30, 2021.

COVID-19 Impact on Capital projects:

There have been some delays in various projects due to COVID-19 restrictions and challenges. The Service continues to monitor the impacts of COVID-19 on projects in the capital plan in order to ensure any action required is undertaken.

Discussion:

Attachment A provides the Service's approved 2021-2030 capital program.

Attachment B provides the Service's variance report as at September 30, 2021 with a status summary of the ongoing projects from 2020 as well as project description and status for projects that started in 2021.

Key Highlights / Issues:

As part of its project management framework, the Service tracks the project progress as well as any risks and issues to determine the status and health (i.e. Green, Yellow, and 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/functionality), on budget and on schedule and 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.
- Red - high risk of not meeting goals, significant scope, budget and/or schedule issues, and extensive corrective action is required.

Table 2 - 2021 Capital Budget Variance Report as at September 30, 2021 (\$000s)

	2021 Cash Flow		Variance (Over)/ Under	Spending Rate	Carry Forward to 2022	Overall Project Health
	Available to Spend	Projected Actuals				
Debt - Funded Projects						
Facility Projects:						
54/55 Divisions Amalgamation	908.5	487.0	421.5	54%	421.5	Yellow
41 Division	6,016.4	2,390.0	3,626.4	40%	3,626.4	Yellow
Communication Center Consulting	500.0	300.0	200.0	60%	200.0	Yellow
Long Term Facility Plan - Facility and Process Improvement	700.0	436.0	264.0	62%	264.0	Yellow
Long Term Facility Plan - Consultant	750.0	75.0	675.0	10%	675.0	Red
Information Technology Modernization Projects:						
Transforming Corporate Support	1,376.3	200.0	1,176.3	15%	1,176.3	Red
ANCOE (Enterprise Business Intelligence and Global Search)	1,019.0	917.7	101.3	90%	101.3	Green
Body Worn Camera - Phase II	2,800.0	2,600.0	200.0	93%	200.0	Green
Next Generation (N.G.) 9-1-1	6,694.6	2,578.8	4,115.8	39%	4,115.8	Yellow
Replacements/ Maintenance/ Equipment Projects:						
State-of-Good-Repair	6,058.5	3,430.9	2,627.6	57%	2,627.6	Yellow
Radio Replacement	6,129.6	6,129.6	0.0	100%	0.0	Green
Automated Fingerprint Identification System (A.F.I.S.) Replacement	1,581.0	711.4	869.6	45%	869.6	Yellow
Mobile Command Centre	1,735.0	0.0	1,735.0	0%	1,735.0	Red
Total Debt - Funded Projects	36,269	20,256	16,013	56%	16,013	
Lifecycle Projects (Vehicle & Equipment Reserve)						
Vehicle Replacement	8,373.2	8,319.7	53.5	99%	51.5	
IT- Related Replacements	17,024.4	10,236.6	6,787.8	60%	5,489.4	
Other Equipment	11,179.9	6,237.8	4,942.1	56%	3,027.7	
Total Lifecycle Projects	36,577.5	24,794.1	11,783.4	68%	8,568.6	
Total Gross Expenditures	72,846.4	45,050.5	27,795.9	62%	24,581.1	
Less other-than-debt Funding						
Funding from Developmental Charges	(3,724.5)	(2,803.0)	(921.5)	75%	(921.5)	
Vehicle & Equipment Reserve	(36,577.5)	(24,794.1)	(11,783.4)	68%	(8,568.6)	
Total Other-than-debt Funding	(40,302.0)	(27,597.1)	(12,704.9)	68%	(9,490.1)	
Total Net Expenditures	32,544.4	17,453.3	15,091.0	54%	15,091.0	

The subsequent sections provide project updates for key, on-going projects and include high-level project descriptions for new projects within the 2021-2030 program.

Facility Projects:

Due to COVID-19, there have been delays in planned construction schedules, including labour and critical supply chain disruptions, delays in obtaining required permits, as well as the need to slow down/eliminate some projects due to the 2020 Capital from Current (C.F.C.) funding shortfall from the City. These factors played a significant role in the progress and cost of the Service's facility related projects.

The Service is acquiring external expertise to develop a strategic building and office/operational space optimization program that assesses current space utilization and forecasts the short and long term requirements of the Service with respect to its current building portfolio. The facility related capital program will be updated for future years as more information becomes available.

54/55 Divisions Amalgamation (Yellow):

- The processes of rezoning, environmental assessment of site and soil conditions are complete.
- The Construction Management Request for Proposal (R.F.P.) will be tendered in the fourth quarter of 2021 to select a qualified construction manager. It is anticipated that the construction management contract award will not occur this year, impacting the spending rate for 2021.
- Facilities Management Unit (F.C.M.) on-boarded a new Senior Project Co-ordinator in late June 2021 to provide project management so that advancement of this project could resume.
- The design team is currently meeting with the individual operating units that will be housed in the new station to understand spatial and adjacency requirements prior to starting the concept design phase.
- F.C.M. has liaised with the two local City councillors and has established a community engagement strategy for the schematic design stage, which will include a number of meetings with a Community Resource Group for the project, and two Town Hall public meetings for a larger audience.
- The construction is estimated to begin in late 2022; subject to timely approvals by authorities having jurisdiction. However, once the updated schedule from the architectural firm is received, timelines will be revisited.
- Due to increased cost of material as a result of COVID-19, it is likely that the cost of construction will go up. However, the Service will look at all potential options to keep the cost within the current project budget.
 - Given the current construction market, it will be difficult to develop a more definitive budget for this project until the construction manager

commissions and receives tenders from the various sub-contractors that will be required to complete the construction phase of the project.

- The construction manager will explore all variables that will impact the overall project which will include the provision of more refined budget estimates for all project components, following the completion of detailed design drawings by the project architect. In addition, the overall program for this project will be revisited, if necessary, to ensure any additional costs are operationally required and justified, taking into account the increasing costs in the construction market.
- The health status of this project is Yellow due to the estimated spending rate of 54%, schedule delay and the potentially higher cost of construction. From the available funding of \$900K, \$487K will be spent in 2021 and the rest will be carried forward to 2022.

41 Division (Yellow):

- This new divisional facility is being constructed on the existing 41 Division site, and operations will continue while the construction is occurring.
- The project is now in the Working Drawing stage having recently completed the 100% Detailed Design phase.
- The pandemic continues to affect the project budget and schedule. The market is still experiencing unprecedented cost escalation, supply chain issues, and labour shortages / productivity restrictions. In addition, normal permitting and site plan approval timelines have been significantly delayed as the City struggles with the pandemic impacts.
 - Due to increased cost of material as a result of COVID-19, it will be very likely that the cost of construction will go up. However, the Service will look at all potential options to keep the cost within the current project budget. The construction manager will explore all variables that will impact the overall project which will include the provision of more refined budget estimates for all project components, following the completion of detailed design drawings by the project architect.
 - The Project Team continues to hold Value Engineering sessions (cost saving efforts) in an effort to mitigate cost and schedule impacts by staying in touch with the latest information available in the construction industry. Design Assist Tender packages for major divisions of work have been prepared and issued with the intent of reducing the construction budget by obtaining direct trade involvement in the Value Engineering process. The Design Assist Tenders will close mid October 2021.
- Construction tenders will proceed into the first quarter of 2022. The Board will be updated on the construction budget for the project following receipt of the tender

submissions from various sub-contractors that will be commissioned by the construction manager.

- Town Hall meetings have resumed. F.C.M. is liaising with local City councillors for future Town Hall information sessions with the community.
- Due to COVID-19 restrictions the estimated spending rate is at 40%. Therefore, the overall status of this project is Yellow. However, every effort will be made to bring this project back on track.

Communication Centre Requirements Review (Yellow)

- This project provides funding to acquire external expertise to assist the Service with a comprehensive review of all the requirements for a new Communication Centre, taking into account the impact of Next Generation (N.G.) 9-1-1 and other key considerations.
- The existing location for Communications Services (C.O.M.) has reached the maximum capacity for personnel, workspace and technology. The current facility cannot accommodate the anticipated expansion that will be required as a result of N.G. 9-1-1.
- The estimated cost for a new Communication Centre facility is not included in the Service's capital program, as the Service is going to engage external expertise as an important first step to moving this project forward. This project and its funding should be jointly coordinated with the other City emergency services, and the Service will work with City Finance, Toronto Fire and Toronto Paramedic Services to that end. The external expert will conduct a comprehensive analysis of the impact of technological changes from N.G. 9-1-1, population growth, shifts in calling behaviour (text versus voice, videos), staffing requirements, location, size, and backup site.
- The new communications building feasibility study will be completed by year-end 2021.
- The health status of this project is Yellow due to the estimated spending rate of 60%. It is anticipated that from the available funding of \$500K, \$300K will be spent in 2021 and the rest will be carried forward to 2022 for contract administration and any design work at the secondary site, if required.

Long-Term Facility Plan – Facilities and Process Improvement – District Model (Yellow)

- The installation and implementation of remote appearance video bail was completed at 23, 14, 51 and 43 Divisions, in collaboration with the Ministry of the Attorney General (M.A.G.) and other external agencies. The video technology was also implemented in May 2021 for bail hearings over weekends and public holidays from the above-mentioned locations. The installation of video bail

equipment at 32 Division is underway. This initiative is receiving overall positive feedback from key stakeholders.

- The review of operational processes continues to focus on opportunities to improve service delivery:
 - A service-wide review has been undertaken in order to identify potential efficiencies and enhanced service delivery in the area of criminal investigative processes.
 - Phase 2 is in progress for the review of the Community Investigative Support Unit (C.I.S.U.) and standardizing functions across the divisions.
 - Phase 3 is in progress for the review of non-emergencies events throughout the Service to create an electronic process that can most accurately capture statistics and workloads.
- The health status of this project is Yellow due to the estimated spending rate of 62%. It is anticipated that from the available funding of \$700K, \$436K will be spent in 2021 and the rest will be carried forward to 2022 for the installation of video bail equipment at 55 Division.

Long-Term Facility Plan – Consulting Services (Red)

- The Service is the largest municipal police service in Canada with over 52 buildings throughout Toronto. Some of these buildings range between 35 and 50 years old and are in need of replacement or major renovation to meet current and projected staffing and operational needs.
- The Service is acquiring external expertise to develop a Strategic Building Program that assesses current space utilization and forecasts the short and long term requirements of the Service.
- The review will assess the condition of existing buildings, locations, cost to renovate versus building new, and/or cost to relocate in order to meet current and future operational requirements of the Service. As well, it will explore best practices with respect to its current building portfolio, office space, staffing needs, and the ability to provide services in a growing city.
- The assessment will be carefully examined with the objective to enhance operational flexibility, improve aging facility infrastructure, optimize resources, and where possible, reduce the Service's facilities footprint. Also, the Service will consider the constraints on funding levels and will maximize the use of City Development Charges (D.C.), which are fees charged to developers to help pay for the cost of infrastructure required to provide municipal services in growing areas to qualifying Service projects, and which reduces the Service's reliance on debt funding.

- A Request for Quotation (R.F.Q.) for consulting services has been prepared by F.C.M. and issued to the shortlist of pre-qualified architects. The R.F.Q. closed and Stantec Architecture Limited was awarded as the successful bidder.
- The health status of this project is Red due to the estimated spending rate of 10%. It is anticipated that from the available \$750K, \$75K will be utilized in 2021 and the rest will be carried forward to 2022.

Information Technology Modernization Projects:

In the last decade, there have been many important developments with respect to information technologies (I.T.) that the Service has embraced and implemented. These systems are designed to improve efficiencies through advanced technology that eliminates costly and manual processes. They also have the benefit of improving information that supports the Service's overall goal of providing reliable and value-added public safety services.

Transforming Corporate Support - Human Resource Management System (H.R.M.S.) and Time Resource Management System (T.R.M.S.) (Red)

- The project focus is to develop more cost-effective, modern and automated processes to administer and report on the Service's people and human resources related activities, including employee record management, payroll, benefits administration and time and labour recording.
- The H.R.M.S portion of this project is complete.
- The technical upgrade of T.R.M.S. is currently underway, and is expected to be completed by the fourth quarter of 2021.
- The objective of the last phase of this project is to upgrade the functionality of the Service's time and labour system. Continuous improvements to the T.R.M.S. system along with new functionality, automation of current T.R.M.S. processes and analytical reports are still being scoped. Additional reports integrating H.R.M.S. and T.R.M.S. are also planned in 2022.
- The health status of this project is Red due to the estimated spending rate of 15%. COVID-19 and resource constraints have hampered the planning for this project. As a result, as it is anticipated that from the available \$1.4M, \$200K will be utilized in 2021 and the rest will be carried forward to 2022 to implement new and or improved functionalities as well as enhanced reporting and workforce analytics.

Enterprise Business Intelligence (E.B.I.) and Global Search (Green):

- Both projects are on time and on budget and the health status is Green.
- Increased use of Power B.I. for reporting on persons in crisis, and the monitoring and the reporting of the 81 Police Reform Recommendations.

- Production and implementation of the Global Search platform is completed for Service-wide use.

Body Worn Cameras (B.W.C.) (Green)

- The contract award to Axon Canada was approved by the Board at its August 2020 meeting (Min. No. P129/20 refers).
- To date, of the 2,350 front-line police officers that will be outfitted with B.W.C., approximately 1,750 officers across the Service have been trained and issued body-worn cameras.
- Body-worn cameras continue to be rolled out to front-line officers with a blend of officers from various divisions.
- Electronic disclosure of body-worn camera videos to court has commenced at the Ministry of Attorney General (M.A.G.) and Toronto West Court and will be expanding across all other locations over the rest of 2021.

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

- The extensive Detail Design phase is still continuing, resulting in some changes such as an addition of a Pre-PROD environment, to be combined with the Training environment.
- The new training room/full production tertiary site is being built. A furniture vendor has been selected as a result of a R.F.P. process; training room chairs have been ordered from an existing vendor of record; new anti-static rubber floors have been installed. The training room area has been enlarged by one office space to allow for 32 desks to fit in properly. The design for additional construction upgrades (e.g. cable trays, HVAC) are being finalized.
- The Voice Logging System upgrade for a fully N.G. compliant version has been completed. Computer Aided Dispatch (C.A.D.) integration portion is on-going.
- Collaboration meetings with the secondary Public Safety Answering Points (Toronto Paramedic Services and Toronto Fire) on the N.G. platform are ongoing; a combined N.G. training was held (at split cost) by the N.G. vendor for both agencies in September.
- Pending any further COVID-19 related delays or unplanned interruptions such as the recent global computer chip shortage, it is still anticipated that the solution will be fully implemented in the first quarter of 2022 and will Go Live in the second quarter of 2022.
- Architectural plans for the renovations at the existing primary site are progressing and currently 80% completed. The plan is to expand the existing Primary

Operation floor to help accommodate the implementation of N.G.9-1-1 and to house additional call-taking positions. The renovations will also create much needed rest areas and meeting space as well as consolidated management, administration and support areas.

- To accommodate the implementation of N.G. 9-1-1 and to house the additional call-taking positions, the call-taking space on the operational floor is being expanded during renovations. At this point there is no funding for additional equipment or staffing.
- Additional space has been identified to prepare for the anticipated increased demand arising from N.G. 911 implementation. This will serve as interim space until a longer term solution for a new communication centre is developed.
- Construction cost for the training room and the expansion of other three floors are higher than original estimate. At present, the priority is the training room. However, the 2022-2031 Capital Program request will be adjusted to reflect the increased funds required for the other renovations.
- The health status of this project is changed to Yellow due to the estimated spending rate of 39%. Delivery of furniture and equipment are expected in January 2022. As a result, it is anticipated that from the available \$6.7M, \$2.6K will be utilized in 2021 and the rest will be carried forward to 2022.

Replacements/ Maintenance/ Equipment Projects:

Most projects in this category are on budget and on time. There are no other significant variances to report other than the below. Please refer to Attachment B for the list of projects.

State of Good Repair (S.O.G.R.) (Yellow):

- S.O.G.R. funds are used to maintain the safety, condition and requirements of existing Service buildings. In light of the future plans for Service facilities, planned use of these funds will be aligned with the Long-Term Facility Plan, with priority being given to projects in the backlog that must continue and that will not be impacted by the transformation of the Service's facility footprint.
- Some examples of S.O.G.R. work to be completed in 2021 include items such as: security/access control maintenance in various locations; light emitting diode (L.E.D.) retrofits; realignment of headquarter (H.Q.) units; Marine Unit dock replacement; Mounted Unit horse stall repairs; and construction of a Police Dog Services canopy.
- This funding source is also used by the Service for technology upgrades in order to optimize service delivery and increase efficiencies. The budget includes

upgrades to TPS's forms, Versadex system upgrade, and the engagement of various I.T. contractors for system upgrades, etc.

- The health status of this project is Yellow due to the estimated spending rate of 57% as a result of delays from COVID-19 impacts.

Radio Replacement (Green)

- This project is progressing well and is on schedule and within budget.
- Apart from life cycling of radio hardware, the project has also implemented changes to the radio asset management application by developing and deploying the application on Cherwell. In addition, a "Purchasing module" to generate and track purchase requisitions for radio assets is being implemented. The Prototype trials have been completed. The system will be deployed in T.P.S. development environment in October 2021.
- Additional portable radios have been procured and are currently being deployed (swapped with older radios) in the field.

Automated Fingerprint Identification System (A.F.I.S.) (Yellow)

- The contract award to IDEMIA was approved by the Board Delegates on April 28, 2020 and contract negotiations were completed December 11, 2020 (special meeting with no minute number).
- The Planning phase and project plan was completed and delivered in August 2021.
- The team is currently focusing on the design phase and anticipate completion in November 2021. Throughout the Design Phase the vendor has been experiencing limited resources, many due to COVID-19, and this impacted the preparation and delivery of documents for review and approval. As a result of this delay in the design phase, the remaining milestones have been moved to 2022.
- The risk register continues to be closely monitored by both the Forensic Identification Unit and IDEMIA. Unpredictable COVID-19 impacts including materials, shipping and human resources continue to be evaluated. There is some risk involved with maintaining our current A.F.I.S. system while implementing the new solution, utilizing the same human resources in both. Steps will be taken to manage this risk.
- The new A.F.I.S. is expected to be fully operational in the fourth quarter of 2022.

Mobile Command Centre (Red)

- The Service will be acquiring a new Mobile Command Vehicle to support the challenges of providing public safety services in a large urban city. The vehicle will play an essential role and fulfill the need to readily support any and all operations and occurrences within the City.
- The design will allow for the flexibility to cover emergencies and non-emergency events such as extreme event response, major sporting events, searches, and joint operations.
- Additionally, the vehicle will be designed to operate with other emergency services, as well as municipal, provincial and federal agencies. The technology will focus on both the current and future technological needs required to work within the C3 (Command, Control, Communications) environment, further ensuring efficient and effective management of public safety responses.
- The R.F.Q. has been completed and P.K. Van Welding and Fabrication was the successful bidder.
- The project management team has been working with all stakeholders with respect to the procurement of technological equipment. However, vendors are reporting delays in the delivery of products due to a shortage of materials (computer chips) as a result of COVID-19.
- The health status of this project is Red as the entire budget allocation is required to be carried forward to 2022. Due to delays with the R.F.Q. and shortage of materials for equipment, delivery of products is expected next year.

Lifecycle Projects (Vehicle and Equipment Reserve):

Table 3 – Summary of vehicle and equipment lifecycle replacement (\$000s)

Project Name	Carry Forward from previous	2021 Budget	Available to Spend	Year End Actuals	YE Variance (Over)/ Under	Carry Forward to 2022	Total Project Cost	
							Budget	Life to Date
Vehicle Replacement	251.2	8,122.0	8,373.2	8,319.7	53.5	51.5	On-going	On-going
IT- Related Replacements	5,694.4	11,330.0	17,024.4	10,236.6	6,787.8	5,489.4	On-going	On-going
Other Equipment	7,075.9	4,104.0	11,179.9	6,237.8	4,942.1	3,027.7	On-going	On-going
Total Lifecycle Projects	13,021.5	23,556.0	36,577.5	24,794.1	11,783.4	8,568.6		

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 have been implemented over the years (e.g. In-Car Camera program, data and analytics initiatives) and storage requirements increased (e.g. to accommodate video), which have put significant pressure on this Reserve, as the amount of equipment with maintenance and replacement requirements continues to increase year over year. This in turn puts pressure on the operating budget, as increased annual contributions are required to ensure the Reserve can adequately meet the Service's vehicle and equipment requirements.

While the Service has taken steps to create efficiencies, the amount of equipment that must be replaced continues to increase. The Service will continue to review all projects planned expenditures to address the future pressures, including additional reserves contributions that may be required. The Service is also exploring other options (e.g. cloud) for more efficient and potentially less costly data storage.

Significant variances resulting in carry forwards of funding are:

- \$0.3M - Furniture Lifecycle – A large number of furniture replacement requests are currently delayed due to COVID-19
- \$0.5M – Workstation, Laptop, Printer –The remaining funds of \$500K is for an F.I.S. plotter which will be replaced in 2022
- \$2.7M - Servers Lifecycle – The Datacentre Rationalization activity will not be completed in 2021. The Service is engaging Gartner and Purchasing Services on creating Value-Added Reseller (V.A.R.) R.F.P.
- \$1.4M - IT Business Resumption – The Datacentre Rationalization activity will not be completed in 2021. The Service is engaging Gartner and Purchasing Services on creating V.A.R. R.F.P.
- \$1.5M - Mobile Workstations – Purchase of equipment and installation of mobile workstations on Taurus cars have been deferred to 2022
- \$0.3M - Locker Replacement – Facilities Unit currently evaluating condition of Divisional Locker Management System and clothing lockers at various units
- \$0.6M - Digital Video Asset Management I, II – There have been delays in the planned lifecycle replacement of equipment in some divisions due to COVID-19
- \$0.3M - Automatic Vehicle Locator – Installations have been delayed due to COVID-19

- \$0.5M - Small Equipment Replacement – Telephone handsets – WebEx rolled out on Aug 31, 2021, after which, the Service began implementing softphone and handset replacements and is delaying purchase of additional phones to 2022 as softphone rollout means less hard phones will be required.

Conclusion:

The Service's 2021 gross spending rate is estimated at 62%. From the estimated 2021 gross under-expenditure of \$27.8M, \$24.6M will be carried forward to 2022. The remaining balance of \$3.2M will be returned to the Vehicle and Equipment reserve.

Projects will continue to be monitored on an ongoing basis and known issues will continue to be actively addressed. The Board will be kept apprised of any major issues as projects progress as well as proposed capital program changes.

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

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original copy with signature on file in Board office

APPROVED 2021 – 2030 Capital Program Request (\$000s)

Attachment A

	Prior to 2021	2021	2022	2023	2024	2025	2021-2025	2026	2027	2028	2029	2030	2026-2030	2021-2030	Total Project
Projects in Progress															
01. State-of-Good-Repair - Police	0	4,600	4,400	4,400	4,400	4,400	22,200	4,400	4,400	4,400	4,400	4,400	22,000	44,200	44,200
02. Transforming Corporate Support (HRMS, TRMS)	7,935	0	500	0	0	0	500	0	0	0	0	0	0	500	8,435
03. Long Term Facility Plan - 54/55 Amalgamation; New Build	1,184	0	6,710	18,800	11,280	10,026	46,816	2,500	0	0	0	0	2,500	49,316	50,500
04. Long Term Facility Plan - 32 Division Renovation	373	0	0	0	0	0	0	0	0	0	0	0	0	0	373
05. Long Term Facility Plan - 41 Division; New Build	4,956	2,116	19,500	13,000	10,928	0	45,544	0	0	0	0	0	0	45,544	50,500
06. Long Term Facility Plan - Facility and Process Improvement	3,022	1,485	735	0	0	0	2,220	0	0	0	0	0	0	2,220	5,242
07. ANCOE (Enterprise Business Intelligence, Global Search)	11,427	677	202	202	0	0	1,081	0	0	0	0	0	0	1,081	12,507
08. Radio Replacement	29,685	5,074	3,292	0	0	0	8,366	0	14,141	4,250	6,025	4,600	29,016	37,382	67,067
09. Automated Fingerprint Identification System (A.F.I.S.) Replacement	1,581	0	0	0	0	0	0	3,053	0	0	0	0	3,053	3,053	4,634
10. Next Generation (N.G.) 9-1-1	5,250	2,100	1,075	280	280	0	3,735	0	0	0	0	0	0	3,735	8,985
11. Body Worn Camera - Phase II	3,282	2,973	0	0	0	0	2,973	0	0	0	0	0	0	2,973	6,255
12. TPS Archiving	613	0	0	0	0	0	0	0	0	0	0	0	0	0	613
13. Additional Vehicles	6,621	0	0	0	0	0	0	0	0	0	0	0	0	0	6,621
14. Communication Centre - New Facility Assessment	500	0	0	0	0	0	0	0	0	0	0	0	0	0	500
Projects in Progress Total	76,427	19,025	36,414	36,682	26,888	14,426	133,435	9,953	18,541	8,650	10,425	9,000	56,569	190,004	266,430
Upcoming Projects															
15. Property & Evidence Warehouse Racking	30	0	0	0	50	950	1,000	0	0	0	0	0	0	1,000	1,030
16. Mobile Command Centre	0	1,735	0	0	0	0	1,735	270	50	0	0	270	590	2,325	2,325
17. Long Term Facility Plan - 13/53 Division; New Build	0	0	600	6,516	16,796	13,096	37,008	4,364	0	0	0	0	4,364	41,372	41,372
18. Long Term Facility Plan - 22 Division; New Build	0	0	0	0	0	600	600	6,516	15,596	13,196	5,492	0	40,800	41,400	41,400
19. Long Term Facility Plan - 51 Division; Major Expansion	0	0	0	0	0	0	0	0	3,300	5,240	3,460	0	12,000	12,000	12,000
Upcoming Projects Total	30	1,735	600	6,516	16,846	14,646	40,343	11,150	18,946	18,436	8,952	270	57,754	98,097	98,127
Vehicle and Equipment Reserve Total	282,961	23,556	28,173	33,417	33,404	34,031	152,581	37,328	33,825	32,171	27,253	43,478	174,055	326,636	609,597
Gross Total	359,418	44,316	65,187	76,615	77,138	63,103	326,359	58,431	71,312	59,257	46,630	52,748	288,378	614,737	974,154
Revenue															
100. DC and Grant funding applicable to Connected officer	(2,632)	0	1,403	296	1,723	307	3,729	1,787	318	1,851	329	63	4,348	8,077	5,445
101. Development charges Funding	(33,759)	(2,316)	(10,107)	(16,812)	(17,099)	(6,907)	(53,241)	(12,303)	(15,914)	(1,851)	(329)	(63)	(30,460)	(83,701)	(117,460)
102. Total Reserve Projects	(282,961)	(23,556)	(26,770)	(33,121)	(31,681)	(33,724)	(148,852)	(35,541)	(33,507)	(30,320)	(26,924)	(43,415)	(169,707)	(318,559)	(601,520)
103. Total Debt Projects	42,698	18,444	28,310	26,682	28,358	22,472	124,266	10,587	21,891	27,086	19,377	9,270	88,211	212,477	255,174

2021 Capital Budget Variance Report as at September 30, 2021 (\$000s)											Attachment B					
Project Name	Carry Forward from 2019 & 2020	2021 Cash Flow			Variance (Over)/ Under	Lost Funding/ Return to Reserve	Spending Rate	Carry Forward to 2022	Total Project Cost		Status	Start Date	End Date		Overall Project Health	Comments
		Budget	Available to Spend	Projected Actuals					Budget	Life to Date			Planned	Revised		
Debt - Funded Projects																
Facility Projects:																
54/55 Divisions Amalgamation	908.5	0.0	908.5	487.0	421.5	0.0	54%	421.5	50,499.8	304.6	Delayed	Jan-17	Dec-24	Dec-26	Yellow	Please refer to the body of the report
41 Division	3,650.4	2,366.0	6,016.4	2,390.0	3,626.4	0.0	40%	3,626.4	50,500.0	2,118.5	Delayed	Jan-18	Dec-22	Dec-24	Yellow	Please refer to the body of the report
Communication Center Consulting	500.0	0.0	500.0	300.0	200.0	0.0	60%	200.0	500.0	128.8	Delayed	Jan-20	Dec-20	Dec-22	Yellow	Please refer to the body of the report
Long Term Facility Plan - Facility and Process Improvement	700.0	0.0	700.0	436.0	264.0	0.0	62%	264.0	4,492.0	2,300.9	On Time	Jan-18	Dec-23	Dec-22	Yellow	Please refer to the body of the report
Long Term Facility Plan - Consultant	0.0	750.0	750.0	75.0	675.0	0.0	10%	675.0	750.0	0.0	On Time	Jan-21	Dec-22	Dec-22	Red	Please refer to the body of the report
Information Technology Modernization Projects:																
Transforming Corporate Support	1,376.3	0.0	1,376.3	200.0	1,176.3	0.0	15%	1,176.3	9,242.5	6,635.1	Delayed	Jan-14	Dec-20	Dec-22	Red	Please refer to the body of the report
ANCOE (Enterprise Business Intelligence and Global Search)	342.0	677.0	1,019.0	886.4	132.5	0.0	87%	132.5	12,527.6	11,912.9	On Time	Jan-15	Dec-18	Dec-23	Green	Please refer to the body of the report
Body Worn Camera - Phase II	77.0	2,723.0	2,800.0	2,600.0	200.0	0.0	93%	200.0	5,854.8	4,612.2	On Time	Jan-17	Dec-20	Dec-21	Green	Please refer to the body of the report
Next Generation (N.G.) 9-1-1	4,594.6	2,100.0	6,694.6	2,578.8	4,115.8	0.0	39%	4,115.8	8,985.0	1,361.5	On Time	Jan-19	Dec-23	Dec-24	Yellow	Please refer to the body of the report
Replacements/ Maintenance/ Equipment Projects:																
State-of-Good-Repair	1,361.1	4,697.4	6,058.5	3,430.9	2,627.6	0.0	57%	2,627.6	on-going	on-going	On Time	on-going	on-going	on-going	Yellow	Please refer to the body of the report
Radio Replacement	418.0	5,711.6	6,129.6	6,129.6	0.0	0.0	100%	0.0	38,050.5	32,552.3	On Time	Jan-16	on-going	on-going	Green	This is for lifecycle replacement of radios and is on time and on budget
Automated Fingerprint Identification System (A.F.I.S.) Replacement	1,581.0	0.0	1,581.0	711.4	869.6	0.0	45%	869.6	4,285.0	3,178.4	On Time	Jan-19	Dec-20	Nov-22	Yellow	Please refer to the body of the report
Mobile Command Centre	0.0	1,735.0	1,735.0	0.0	1,735.0	0.0	0%	1,735.0	1,735.0	0.0	Delayed	Feb-21	Apr-22	Apr-22	Red	Please refer to the body of the report
Total Debt - Funded Projects	15,509	20,760	36,269	20,225	16,044	0	56%	16,044	187,422	65,105						
Lifecycle Projects (Vehicle & IT-Related)																
Vehicle Replacement	251.2	8,122.0	8,373.2	8,319.7	53.5	1.9	99%	51.5	On-going	On-going	On-going					
IT-Related Replacements	5,694.4	11,330.0	17,024.4	10,236.6	6,787.8	1,298.4	60%	5,489.4	On-going	On-going	On-going					
Other Equipment	7,075.9	4,104.0	11,179.9	6,237.8	4,942.1	1,914.5	56%	3,027.7	On-going	On-going	On-going					
Total Lifecycle Projects	13,021.5	23,556.0	36,577.5	24,794.1	11,783.4	3,214.8	68%	8,568.6								
Total Gross Expenditures	28,530.4	44,316.0	72,846.4	45,019.2	27,827.2	3,214.8	62%	24,612.3								
Less other-than-debt Funding																
Funding from Developmental Charges	(1,408.5)	(2,316.0)	(3,724.5)	(2,803.0)	(921.5)	0.0	75%	(921.5)								
Vehicle & Equipment Reserve	(13,021.5)	(23,556.0)	(36,577.5)	(24,794.1)	(11,783.4)	(3,214.8)	68%	(8,568.6)								
Total Other-than-debt Funding	(14,430.0)	(25,872.0)	(40,302.0)	(27,597.1)	(12,704.9)	(3,214.8)	68%	(9,490.1)								
Total Net Expenditures	14,100.4	18,444.0	32,544.4	17,422.1	15,122.3	0.0	54%	15,122.3								



Toronto Police Services Board Report

October 29, 2021

To: Chair and Members
Toronto Police Services Board

From: James Ramer, M.O.M.
Chief of Police

Subject: 2021 Operating Budget Variance Report for the Toronto Police Service Parking Enforcement Unit, Period Ending September 30, 2021

Recommendations:

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

Financial Implications:

At its January 13, 2021 meeting, the Board approved the Toronto Police Service's Parking Enforcement Unit (P.E.U.) operating budget request at \$49.2 Million (M) (Min. No. P2021-0113-3.3 refers), a 0% increase over the 2020 approved budget.

Subsequently, City Council, at its February 18, 2021 meeting, approved the P.E.U.'s 2021 operating budget at the same amount.

As at September 30, 2021, the Service is currently projecting a favourable variance of \$0.5M for the P.E.U.

Background / Purpose:

The P.E.U. operating budget is not part of the Toronto Police Service (Service) 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 2021 projected year-end variance as at September 30, 2021.

Discussion:

While the Service is currently projecting a favourable variance for the P.E.U. budget, we will continue to review spending plans to ensure the P.E.U. stays within budget. This includes reviewing the timing and pace of hiring, premium pay spending and non-salary expenditures. It is important to note that while the P.E.U. did consider COVID-19 in developing its 2021 operating budget, the financial implications are difficult to predict.

COVID-19:

Since early 2020, the COVID-19 pandemic has greatly impacted how the P.E.U. conducts its operations and has altered demands for service. More specifically, the pandemic has:

- reduced parking tag enforcement;
- reduced pound operations;
- resulted in members being in self-isolation for periods of time;
- resulted in personal protective equipment purchases increasing substantially;
- and
- required workplace adjustments to prevent the spread of COVID-19.

COVID-19 has presented service delivery challenges, and has resulted in financial impacts as well.

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

Category	2021 Budget (\$Ms)	Actual to September 30/21 (\$Ms)	Projected Year-End Actual (\$Ms)	Fav/(Unfav) (\$Ms)
Salaries	\$33.0	\$24.7	\$33.4	(\$0.4)
Benefits	\$8.2	\$4.5	\$8.4	(\$0.2)
Total Salaries and Benefits	\$41.2	\$29.2	\$41.8	(\$0.6)
Premium Pay	\$1.3	\$0.4	\$0.8	\$0.5
Materials and Equipment	\$2.4	\$1.0	\$1.9	\$0.5
Services	\$5.6	\$2.2	\$5.6	\$0.0
Total Non-Salary	\$8.0	\$3.2	\$7.5	\$0.5
Revenue (e.g. T.T.C., towing recoveries)	(\$1.3)	(\$0.5)	(\$1.4)	\$0.1
Total Net	\$49.2	\$32.3	\$48.7	\$0.5

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 and Benefits (\$0.6M unfavourable variance):

Retirements and resignations are currently trending lower than planned. However, while regular attrition has slowed down, several parking enforcement staff have been successful in obtaining other positions within the Service (e.g. police officers and other civilian support positions), offsetting the reduced financial impact of retirements and resignations. As a result, a \$0.6M unfavourable variance is projected in salaries and benefits at this time. The recruit class that was scheduled for December 2021 has been deferred to 2022.

Premium Pay (\$0.5M favourable):

Historically, nearly all premium pay at the P.E.U. is related to enforcement activities, such as special events or directed enforcement activities. Directed enforcement activities are instituted to address specific problems. A favourable variance of \$0.5M is projected in premium pay at this time. Spending has increased in the second half of the year, as premium pay has been utilized for directed enforcement.

Materials, Equipment and Services (\$0.5M favourable):

This category includes funding of \$1.0M to replace the Vehicle Impound Program system, which is used to manage vehicles towed by the Service. Significant spending for the replacement did not begin until July and it is now anticipated that only half the expenditures will occur this year, with the remaining occurring in 2022, resulting in a \$0.5M projected favourable variance.

This category also includes \$2.8M in contributions to reserves (e.g. vehicle & equipment, sick pay gratuity, central sick). Contributions to reserves are made at the end of the year, when available funding can be confirmed.

Revenue (\$0.1M favourable):

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.

Conclusion:

As at September 30, 2021, the P.E.U. is projecting a favourable variance of \$0.5M.

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

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original copy with signature on file in Board office



Toronto Police Services Board Report

November 17, 2021

To: Chair and Members
Toronto Police Services Board

From: Ryan Teschner
Executive Director and Chief of Staff

Subject: 2021 Operating Budget Variance Report for the Toronto Police Services Board, Period Ending September 30, 2021

Recommendation:

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

Financial Implications:

As of September 30, the Board is anticipating no year-end variance on its 2021 Operating Budget.

Background / Purpose:

At its January 13, 2021 meeting, the Board approved the Toronto Police Services Board's 2021 Operating Budget at a net amount of \$1,931,100 (Min. No. P2021-0113-3.4 refers), which represented a 0% increase over the 2020 Operating Budget. Subsequently, at its February 18, 2021 meeting, City Council approved the Board's 2021 Operating Budget at the same net amount.

The purpose of this report is to provide information on the Board's 2021 projected year-end variance.

Discussion:

As of September 30, 2021, no variance is anticipated at year-end. Details are discussed below.

It is important to note, that while COVID-19 has had a significant impact on the way the Board conducts its business and how it interacts with the public, the Board has been

able to leverage available technology and other innovative approaches to minimize the net financial impact of the pandemic on the Board's budget.

The following chart summarizes the Board's variance by expenditure category. Details regarding these categories are discussed in the sections that follow.

Expenditure Category	2021 Budget (\$000s)	Actual to Sept 30/21 (\$000s)	Projected Year-End Actual (\$000s)	Fav/(Unfav) (\$000s)
Salaries & Benefits	\$1,330.3	\$955.1	\$1,282.4	\$47.9
Non-Salary Expenditures	\$2,576.5	\$1,394.7	\$2,587.2	(\$10.7)
Draws from Reserves	(\$1,975.7)	(\$862.8)	(\$1,938.5)	(\$37.2)
Total Net	\$1,931.1	\$1,486.9	\$1,931.1	\$0.0

It is important to note that not all expenditures follow a linear pattern and, as such, 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 and spending patterns.

Salaries & Benefits

Year-to-date expenditures are lower than planned, as not all Board Staff are at the highest 'step' of their respective salary band. Therefore, a favourable projection of \$47,900 is expected at year-end.

Non-salary Budget/Draws from Reserves

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 address this uncertainty and ensure adequate financial resources are available to respond to these matters when they arise, the 2021 Operating Budget includes a \$424,800 contribution to a Reserve for costs associated with the provision of legal advice and representation. 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 ultimately has funds available in the Reserve, upon which to draw, to fund these variable expenditures.

Chief of Police Public Consultation and Selection Process

The Board authorized commencing the process for two outside professional firms to assist the Board with (i) broad public engagement and consultation to determine what

criteria should be used in selecting Toronto's next Chief of Police, and (ii) executive search services.

- i. At its October 22, 2020 meeting, the Board approved the report entitled *Chief of Police Selection Process – Contract Award to Environics to Deliver Public Consultation Services* (Min. No. P160/20 refers). Costs for the public consultation process were estimated to be \$75,000 and evenly divided between 2020 and 2021. The public consultation process recently concluded, and the Board published Environics' report on its findings from this important process on August 18, 2021 (<https://tpsb.ca/component/jdownloads/send/30-community-engagements/698-chief-selection-public-consultation-environics-final-report>).
- ii. At its meeting of November 24, 2020, the Board approved the report entitled *Chief of Police Selection Process – Contract Award to BESC Toronto Inc. (Boyden) to Deliver Executive Search Services* (Min. No. P184/20 refers). Costs for the executive search process are estimated to be \$75,000 and will occur during 2021 and 2022.

In 2020, expenditures incurred with respect to the Chief of Police consultation and selection process was absorbed within the Board's 2020 Operating Budget. Every effort will be made to absorb 2021 costs associated with this process, as well; however, as a Chief Selection process does not occur regularly, the funds associated with the process are not 'built in' to the Board Office's annual budget, and, therefore, create a potential budget pressure.

Conclusion:

As of September 30, 2021, no variance is being projected by the end of 2021. Every effort is being made to absorb the costs associated with the Chief selection within the 2021 Operating Budget.

Respectfully submitted,



Ryan Teschner
Executive Director and Chief of Staff



Toronto Police Services Board Report

November 19, 2021

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Proposed Amendments to the Police Record Checks Reform Act, 2015 (P.R.C.R.A.)

Recommendation(s):

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

Financial Implications:

The Toronto Police Service (Service) received 58,197 applications for checks in 2019. At a cost of \$20.00 per application, this resulted in a total cost-recovery of \$1,163,940. Volunteer applications are not specifically tracked; however, based on the Ministry's estimation of a 20% representation, the potential loss in cost-recovery fees is approximately \$232,788 per annum.

Background / Purpose:

In an effort to support volunteerism in Ontario, the Ministry of the Solicitor General (Ministry) is proposing amendments to the Police Record Checks Reform Act, 2015. One of these amendments will require police services to conduct and provide the results of Criminal Record Checks (C.R.C.s) and Criminal Record and Judicial Matters Checks (C.R.J.M.C.s) for volunteers at no charge. In addition, police services will be required to provide up to five free copies of the results, if requested at the time of the initial request.

Subsequent changes to the Municipal Act, 2001 (O. Reg. 584/06) and to the City of Toronto Act, 2006 (O. Reg. 595/06) will remove municipal and local board powers to charge fees for the services that the proposed amendments to the P.R.C.R.A. would make free of charge.

The Ministry requested feedback from Police Services Boards on the proposed changes by no later than November 21, 2021. This deadline was prior to the next meeting of the Board.

In order to meet the Ministry's deadline, the Service provided Mr. Ryan Teschner, Executive Director and Chief of Staff for the Board, with a report that allowed him to provide the necessary feedback to the Ministry. A summary of that information is discussed below.

Discussion:

The provision of police background checks is not a core policing function and therefore, fees for the various checks undertaken by the Toronto Police Service (Service) are charged on a cost-recovery basis. This allows the cost to be borne by those requiring them, rather than funded by the municipal tax base.

The fee of \$20.00 per application for C.R.C.s and C.R.J.M.C.s has remained the same for several years. While Vulnerable Sector Screening (V.S.S.) is not within the scope of the Ministry's proposal, it is worth noting that the Service does provide a significant reduction in the fee (\$20.00) for V.S.S. for volunteers and students. This fee does not accurately reflect the actual cost of providing this service. There are no fees charged for individuals who are under the age of 18.

Potential challenges / impacts caused by the proposed amendment:

- As a cost recovery program, a decrease in revenue will have a corresponding impact on budget for staffing.
- Although the Ministry is anticipating that "providing free copies of C.R.C.s and C.R.J.M.C.s to volunteers will reduce the number of requests and therefore reduce the administrative burden on police services," there is no data to support this conclusion. Equally, there is the potential for an increase in the number of requests. While volunteerism is to be encouraged and commended, an increase in requests combined with decreased cost-recovery for staffing would instead add to the workload and delays in processing time.
- The online ordering system may require modifications in order to accept volunteer applications at no charge, requiring additional time and budgetary resources.
- In order to recover the fees lost from volunteer checks, the Service may have to increase fees for applicants seeking C.R.C.s, C.R.J.M.C.S and or V.S.S. as a condition of employment.
- A decrease in cost-recovery will inhibit the Service's ability to move forward with initiatives to digitally transform how it provides this and related services to the public.

Conclusion:

While the Service supports volunteerism and the significant contribution to Toronto communities, the impact on service delivery and digital transformation arising from the loss of cost-recovery fees will not be insignificant.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police



Ryan Teschner
Executive Director and Chief of Staff
416.808.8081 | Ryan.Teschner@tpsb.ca

November 16, 2021

The Honourable Sylvia Jones
Solicitor General of Ontario
George Drew Building
18th Floor, 25 Grosvenor St
Toronto, ON
M7A 1Y6

Dear Minister Jones,

RE: Proposal to Amend the *Police Record Checks Reform Act, 2015*

Background

The Ministry of the Solicitor General is proposing changes aimed at reducing financial and/or administrative barriers for individuals when obtaining certain types of police record checks in applying for volunteer opportunities. The Ministry proposes to reduce these barriers through amendments to the *Police Record Checks Reform Act, 2015* (PRCRA).

This amendment, if passed, would require police services to conduct and provide the results of Criminal Record Checks (CRCs) and Criminal Record and Judicial Matters Checks (CRJMCs) for volunteers at no charge and provide up to five free copies of the results (if requested at the time of the initial request). To align with the proposed PRCRA change, amendments to the "Fees and Charges" regulations under the *Municipal Act, 2001* and *City of Toronto Act, 2006* are proposed. The amendments to the regulations would remove municipal and local board powers to charge fees for the services that the proposed amendments to the PRCRA will make free of charge.

The Toronto Police Services Board ("the Board") certainly supports the intent of these proposed amendments, and efforts to promote access to volunteer opportunities in Toronto and the province. At the same time, the Board recognizes that if passed, these

legislative changes would have significant financial implications for both the Board and the Toronto Police Service (“the Service”) that will be challenging to manage.

Review of Proposal and Cost Implications for the Service

In reviewing this proposal, I asked the Service to assess the potential cost impact of these proposed legislative changes.

In 2019 – the last pre-pandemic year for which the Service has data – the Service received 58,197 applications for checks, with total cost recovery in the amount of \$1,163,940. It should be noted that the Service does not track volunteer applications specifically, but by Ministry estimates, volunteer applications represent 20% of the total amount; if this is the case, then the potential cost to the Service – which would have to be absorbed – would be \$232,788 per annum.

The fee of \$20.00 per application for CRCs and CRJMCs has remained the same for several years. While Vulnerable Sector Screening (VSS) is not within the scope of the Ministry’s proposal, it is worth noting that the Service already does provide a significant reduction in the fee (\$20.00) for VSS for volunteers and students. This fee does not accurately reflect the actual cost of providing this service, a recognition of the value the Board and Service put on the work these volunteers perform. There are no fees charged for individuals who are under the age of 18.

Challenges and Impacts Identified with Proposed Legislative Changes

The Service has advised that, as a cost recovery program, a decrease in revenue will have a corresponding impact on the Service’s operating budget. In addition, although the Ministry is anticipating that “providing free copies of C.R.C.s and C.R.J.M.C.s to volunteers will reduce the number of requests and therefore reduce the administrative burden on police services,” there is no data we have been provided that supports this conclusion. Equally, there is at least the potential for an increase in the number of requests. While we agree that volunteerism is to be encouraged and commended, as a practical matter, an increase in requests, combined with decreased cost-recovery for staffing and other administration related to these requests, could, instead, add to the workload and cause additional delays in processing time.

It should also be noted that the online ordering system may require modifications in order to accept volunteer applications at no charge, requiring additional time and budgetary resources. In order to recover the fees lost from volunteer checks, the Service may have to increase fees for applicants seeking CRCs, CRJMCs and/or VSSs as a condition of employment (i.e. checks associated with non-volunteer roles). This could have undesired and unintended equity impacts on those seeking employment opportunities and for which a check is a requirement for the employment process. Furthermore, a decrease in cost-recovery will inhibit the Service’s ability to move forward with initiatives to digitally transform how it provides this service to the public.

Recommendation

Both the Service and the Board are sensitive to the financial hardship that may arise from requesting that potential volunteers bear these costs. The Board also views these recommended legislative changes as a reflection of the important provincial priority of minimizing barriers to volunteer engagement across Ontario.

While certainly laudable, this proposed provincial change will give rise to operational and financial challenges for the Service and other municipal police services in Ontario. It will also create unpredictability in accurately determining and planning for the demand/volume and associated cost accompanies these changes. For all of these reasons, it is recommended that if these legislative changes are made, they be accompanied by a provincial fund/funding mechanism – through the most appropriate Ministry – that would render these changes cost-neutral to police services boards.

I note that the deadline for comments to be submitted is November 21. Our Board's next regularly scheduled monthly meeting takes place on November 23. While I believe that the comments as outlined above are aligned with the Board's perspective on this issue, the Board may have additional or different perspectives when it has an opportunity to consider this matter. Should the Board wish that any different or additional perspectives be shared with the Ministry, I will advise you as soon as possible.

Should you wish to discuss this issue further, I would be pleased to do so.

Sincerely,

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

Ryan Teschner

cc. Mario DiTommaso, Deputy Solicitor General
David Garland, Chief of Staff
Board Members
Jim Ramer, Chief of Police



Toronto Police Services Board Report

October 26, 2021

To: Chair and Members
Toronto Police Services Board

From: Jim Ramer
Chief of Police

**Subject: Quarterly Report: Occupational Health and Safety Update
for July 1 to September 30, 2021**

Recommendation:

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.

Covid-19 has an indirect impact on costs associated to the claims referenced in this report. While the number of claims has gone up year over year in the areas typically associated with Covid-19, such as environmental/harmful substances (exposure) and emotional/psychological claims (reactive), the Workplace Safety and Insurance Board (W.S.I.B.) has absorbed all of the administrative costs associated with Covid-19 related claims. Additionally, while overall health claims numbers are down, the healthcare costs associated with presumptive legislation cases are much costlier.

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 third quarter of 2021.

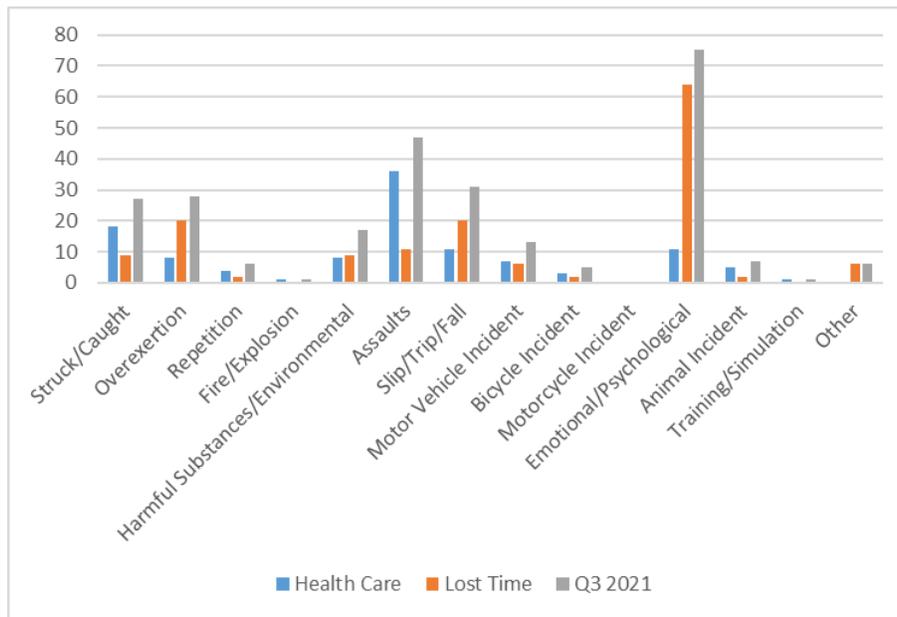
Discussion:

Third Quarter Accident and Injury Statistics

From July 1 to September 30, 2021, there were 264 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 W.S.I.B. During this same period, 31 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 (I.O.D.) reports are classified according to the incident type. The following graph and chart summarize the I.O.D. reports received by the Wellness Unit during the third quarter of 2021.

Injured on Duty Reports - July to September, 2021



Incident Type	Health Care	Lost Time	Q3 2021	Q3 2020
Struck/Caught	18	9	27	32
Overexertion	8	20	28	31
Repetition	4	2	6	10

Incident Type	Health Care	Lost Time	Q3 2021	Q3 2020
Fire/Explosion	1	0	1	0
Harmful Substances/Environmental	8	9	17	37
Assaults	36	11	47	53
Slip/Trip/Fall	11	20	31	16
Motor Vehicle Incident	7	6	13	15
Bicycle Incident	3	2	5	6
Motorcycle Incident	0	0	0	1
Emotional/Psychological	11	64	75	30
Animal Incident	5	2	7	1
Training/Simulation	1	0	1	15
Other	0	6	6	7
Totals	113	151	264	254

The top five incident categories are:

1. Emotional/Psychological: 75 reported incidents
2. Assaults: 47 reported incidents
3. Slip/Trip/Fall: 31 reported incidents
4. Overexertion: 28 reported incidents
5. Struck/Caught: 27 reported incidents

The highest category of incidents during this reporting period is the “Emotional/Psychological” category. The number of incidents in this category are up by 45 (more than double) over the third quarter of 2020. During the third quarter of 2021, there was one specific incident which resulted in a significant increase in Injured on Duty reports as compared to the same period in 2020.

Assaults by arrested parties, suspects, or members of the public typically form one of the largest categories of I.O.D. 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.

During the third quarter of 2021, the number of claims resulting from exposure to the novel coronavirus which causes COVID-19 have decreased substantially over the same period last year (see chart on page 4) . This is aligned with the general overall decrease in case counts in the City of Toronto and is likely linked to vaccination rates and other public health measures.

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, Training, and Skills Development (M.L.T.S.D.) 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 third quarter of 2021, there was one critical injury incident reported to the M.L.T.S.D. When a critical injury incident occurs, an investigation is conducted by the Service independent of the M.L.T.S.D. investigation, and involves 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.

In the event that a member requires information or support regarding a communicable disease exposure, they will be contacted by a medical professional from the Wellness Unit 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 and Bed Bugs
July to September, 2021*

Reported Exposures	July	August	Sept	Q3 – 2021	Q3 - 2020
COVID-19	25	16	21	62	405
Bodily Fluids, Misc.	2	17	13	32	64
Hepatitis A, B, & C	0	0	0	0	1
HIV	3	0	0	3	12
Influenza	0	0	0	0	0
Measles, Mumps, Rubella	0	0	0	0	0
Meningitis	0	0	0	0	0

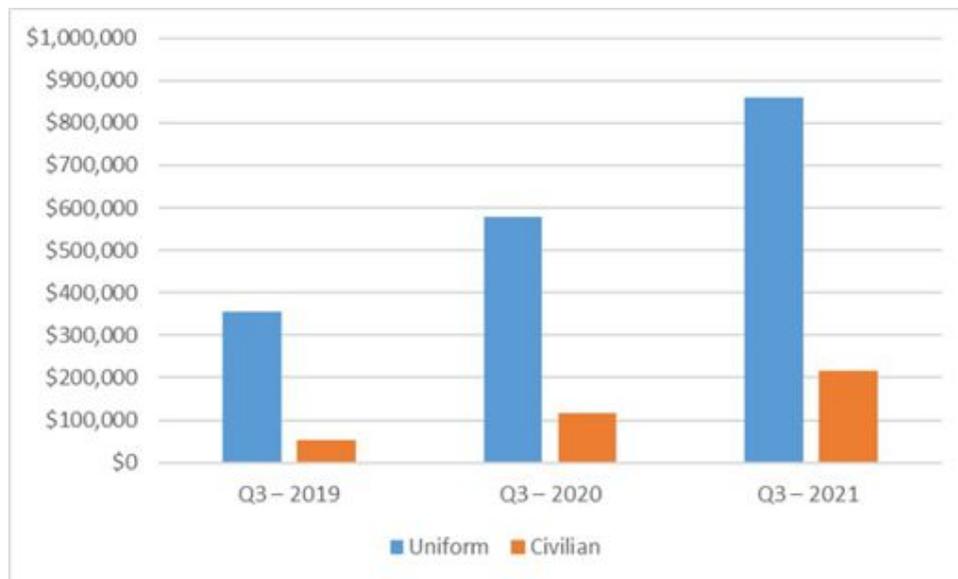
Reported Exposures	July	August	Sept	Q3 – 2021	Q3 - 2020
Staphylococcus Aureus	3	0	0	3	0
Tuberculosis	0	0	0	0	1
Varicella (Chickenpox)	0	0	0	0	0
Bed Bugs	3	2	3	8	20
Other, Miscellaneous	0	0	0	0	0
Total	36	35	37	108	503

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

Of the 62 COVID-19 related I.O.D. reports received, 7 resulted in claims to the W.S.I.B, and the remaining 55 were precautionary in nature and did not result in health care or lost time.

Injury and Accident Costs

As a Schedule 2 employer, the Service paid \$215,451 in W.S.I.B. health care costs for civilian members and \$858,719 in W.S.I.B. health care costs for uniform members for the third quarter of 2021. These figures exclude W.S.I.B. administration costs and lost time expenses.



	Q3 – 2019	Q3 – 2020	Q3 – 2021
Uniform	\$ 355,918	\$ 579,576	\$ 858,719
Civilian	\$ 54,127	\$ 116,654	\$ 215,451

The increase in costs associated with W.S.I.B. health care claims for uniform members can be partly attributed to the impact of the COVID-19 pandemic. Rising W.S.I.B. costs is a sector-wide concern for all emergency services providers. The Service has undertaken a competitive procurement to secure external additional case management support for W.S.I.B. claims. The report recommending Board approval of the contract award in relation to this procurement is also on the November 2021 public agenda.

Claims and Medical Advisory Services

In 2020, following an external Sick Leave and Disability Management Audit Review, the process of redesigning and rebuilding the Wellness Unit’s Claims and Medical Advisory Services program was initiated, with a focus on a new and improved team structure for service delivery, member experience, and more clearly defined deliverables for internal and external stakeholders. This included the hiring and on-boarding of a Claims Lead, as well as an expansion of the Claims-focused team from three to seven Case Management Coordinators, and a dedicated Senior Accommodation Coordinator.

The Claims program has further evolved in 2021 under a new identity, the Health & Absence Recovery Team (H.A.R.T.), and is rooted in industry best-practices for absence, disability management, and accommodation. The updated and progressive approach to the claims program is aligned to the commitments outlined in the Member Wellbeing Strategy and Framework. As of July 1, 2021, a new “Dedicated Teams” service delivery model has been implemented, bringing claims management services together under Intake and Case Management Coordinators who are assigned to specific regions of the Service, thereby creating direct and familiar collaborative partnerships between the Wellness Unit, and the Service’s divisions and units.

The balance of 2021 will be spent disseminating additional information and training regarding the revised H.A.R.T. program, practices, assignments and available tools to support Service members. In addition, the unit will be implementing an online reporting tool for non-occupational absences that will streamline and facilitate earlier reporting of absences, and create opportunities for earlier engagement with members requiring health and absence recovery support. Anecdotal feedback on the HART program has been positive. The Toronto Police Association and Labour relations have also provided feedback on the program that the member experience and consistency has improved. Additional evaluations including setting key performance indicators and service level agreements will be in place for 2022, with the on boarding of the W.S.I.B. vendor and increased partnership with analytics.

Additional efforts are being undertaken to introduce greater data and analytic capabilities to understand absence and disability drivers and trends and to inform future programing.

The Service is, working with the City of Toronto, continuing to identify and explore options to relocate member-facing Wellness services offsite of Headquarters to increase accessibility and reduce barriers to member support.

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 third quarter of 2021, there were three new documented complaints received which were categorized by Professional Standards as having the potential to meet the criteria of workplace harassment as defined in the *Occupational Health and Safety Act*. This is a 50 percent reduction from the third quarter of 2020, which documented 6 complaints during the same time period.

The Equity, Inclusion & Human Rights Unit (E.I.&H.R), in partnership with Professional Standards, has developed a modernized intake, assessment and resolutions process for complaints of harassment and discrimination. This process, which employs a client-centred, trauma-informed approach and has been in pilot mode since August 2020, allows for:

1. more avenues for members to report concerns;
2. a collaborative triage system for complaints to determine if there are opportunities for alternative resolutions before, in lieu of, during, or after formal investigation; and
3. a suite of available resolution services, including mediation, in order to resolve matters where appropriate.

To date, E.I.&H.R. successfully implemented nearly 40 alternative resolutions (mediations, motivational interviews and facilitated discussions) and engaged in over 80 conversations by providing consultative advice or guidance to supervisors or members. While the process is still in draft, the Service is tracking information related to the process, including the types of resolutions engaged and whether they are successful or not, as well as the aforementioned anecdotal feedback on the process itself. When the Service formally launches the process, evaluation strategies will be implemented that are in line with best practices to measure success.

COVID-19 Response

The Wellness Unit continues to operate the Pandemic Support Hotline, which responds to calls and emails from members on all matters related to the Service's response to the pandemic, and assists members with finding support and resources as needed.

The Wellness Unit is also a key stakeholder in the facilitation of expedited COVID-19 testing for Service members. In partnership with the Emergency Management and Public Order Unit, Toronto Paramedic Services, and Toronto Fire Services, a dedicated test site continues to operate in order to increase availability of testing. This supports member health and wellness, as well as ensuring that members can be returned to operational status as quickly as possible.

The Service has introduced a mandatory COVID-19 vaccination requirement in the workplace. All members are required to disclose their vaccination status to the Wellness Unit and to be fully vaccinated (as defined in the Procedure) by November 30, 2021.

Conclusion:

This report provides an update to the Board on matters relating to occupational health and safety issues for the third quarter of 2021.

The Service will be reviewing the content, structure and frequency of this report to ensure it provides value-added information to the Board, and will work with the Board Office to discuss any potential changes.

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

Respectfully submitted,

Jim Ramer, M.O.M.
Chief of Police

*original copy with signature on file in Board office



Toronto Police Services Board Report

November 10, 2021

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Chief's Administrative Investigation of the Custody Injury to Complainant 2017.31 (Dafonte Miller)

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.) investigates an incident involving serious injury or death, provincial legislation requires the chief of police, of the relevant police service, to conduct an administrative investigation.

Former Chief Mark Saunders (2585), requested the Waterloo Regional Police Service (W.R.P.S.) conduct this administrative investigation on behalf of the Toronto Police Service (T.P.S.) to ensure its independence.

A Superintendent and two Inspectors from W.R.P.S. conducted the administrative investigation and examined the policies of, services provided by and the conduct of police officers as dictated by s.11 of Ontario regulation 267/10, pursuant to the *Police Services Act* (1990).

The W.R.P.S. administrative investigation report and a supplementary report detailing the conduct of now retired Detective John Theriault (1408) are attached herein.

The W.R.P.S. administrative investigation made recommendations for changes to T.P.S. Procedure 13-16 (Special Investigations Unit) and made findings regarding the conduct of T.P.S. officers who were involved in this case.

This report will detail those recommendations, findings and the Service's response.

Conduct Issues:

Police Constable Michael Theriault (65847), was charged and convicted under the *Criminal Code* in relation to this event. An appeal of his conviction and sentence has been dismissed by the courts. He has sought leave to appeal to the S.C.C. He is currently serving a sentence of nine-months.

Constable Theriault's actions and the misconduct arising therefrom are properly the subject of a parallel Part V, *Police Services Act* (P.S.A.) investigation and the Service is seeking Constable Theriault's termination.

Constable Theriault has been served with Notices of Hearing under the Act and is currently before the Tribunal.

In relation to the conduct of now retired Detective John Theriault (1408) the following findings were provided by W.R.P.S.:

"At the time of this incident there was significant public scrutiny surrounding the fact that Michael Theriault's father, John Theriault was also, at the time, a Toronto Police Officer who worked in their Professional Standards Unit. There was suggestion that John Theriault may have improperly influenced this investigation or any decisions made regarding S.I.U. notification, and given that would directly impact the reputation of Toronto Police Service...."

W.R.P.S. found no information in this regard. W.R.P.S.'s review confirmed John Theriault was present at the scene of the incident to support his sons after the confrontation (coming from his house that was the scene of the original interaction and in the neighbourhood). W.R.P.S. was unable to find any information or indication that he offered any undue influence in this matter or became involved in this matter, or was involved in any decision regarding the notification of the S.I.U."

The W.R.P.S. recommended that the Chief review the actions of Inspectors Boyd and Moreira and take appropriate action under Part V of the *Police Services Act*. The Chief has undertaken that review and in relation to the conduct of the Service S.I.U. Designate and Chief's Liaison Officer the following comments are provided:

“Section 2 of O. Reg. 267/10 allows the Chief of Police to designate a uniform senior officer of the Service, who is not a Subject Officer or Witness Officer in the incident, to act in the place of the Chief of Police. The Chief’s S.I.U. On-Call Designate assumes all the duties and powers of the Chief of Police in matters respecting an incident under investigation by the S.I.U. The Chief of Police has authorized the following senior officers to act in this role:

- *Uniform Senior Officer – authorized by the Chief of Police*
- *Duty Senior Officer”*

The Chief’s S.I.U. On-Call Designate will notify the S.I.U. and direct the Service’s response to the S.I.U. investigation as events unfold.

On December 28, 2016, then Inspector Peter Moreira (470) was notified of this event by the Durham Regional Police Service (D.R.P.S.). At this time, Inspector Moreira was the Chief’s S.I.U. On-Call Designate.

Inspector Moreira consulted with now retired Inspector Edward Boyd (6468) regarding the circumstances of this event.

At that time, Inspector Boyd was the Chief’s S.I.U. Liaison Officer, which was defined as:

“A uniform senior officer of the Toronto Police Service designated, by the Chief of Police to act as the main liaison with the S.I.U. in all matters relating to S.I.U. investigations. The Chief’s S.I.U. Liaison Officer oversees the Chief’s S.I.U. On-Call Designated Authority Cadre and Professional Standards S.I.U. Liaison Section while in the field.”

In his role as the Chief’s S.I.U. Liaison Officer, Inspector Boyd made the final decision to not notify the S.I.U. of the circumstances of Mr. Miller’s injuries and Constable Theriault’s role in this event.

Inspector Moreira was subordinate to Inspector Boyd in the final decision making process and therefore no discipline was commenced against Inspector Moreira. Inspector Boyd has since separated from the Service and is no longer governed by the P.S.A.

However, important changes to Service Procedures have been identified by this investigation, which will bring clarity and consistency to the notification of the S.I.U. in the future. These changes are detailed below:

Recommendation for Changes to T.P.S. Procedure 13-16:

W.R.P.S. investigator examined the following T.P.S. procedures:

- Procedure 01-01 (Arrest);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 15-01 (Use of Force);

W.R.P.S. recommended the Service examine Procedure 13-16 to make changes clarifying off-duty events and to require the Designated Authority to make fulsome inquiries when there is an off duty event where the S.I.U. mandate is or may be invoked.

T.P.S. Response to the W.R.P.S. Recommendations:

On December 1, 2020, the *Special Investigations Unit Act, 2019* (S.I.U.A.) Chapter 1, Schedule 5, came into effect.

The procedural deficiencies identified in the W.R.P.S. administrative investigation have been clarified and clearly defined by the S.I.U.A.

In August of 2020, Chief Ramer recognized the need for change and implemented immediate operational protocols to the Service's S.I.U. notification process. These operational changes were also ultimately recommended in the W.R.P.S. report, as well as legislated through the S.I.U.A. when it came into force.

T.P.S. Procedure 13-16 (Special Investigations Unit) has been amended to reflect these legislative requirements (see attached updated procedure).

Specifically, the Procedure has been updated and now states:

“Police Officer – S.I.U. Investigations in reference to Special Investigations Unit (S.I.U.) investigations means a police officer in the execution or purported execution of duty. Off-duty events may be subject to an S.I.U. investigation. For example, but not limited to, the following events:

- *where a police officer verbally identified themselves as a police officer;*
- *where a police officer produces police identification;*
- *where a police officer engages in an investigation;*
- *where a police officer effects an off-duty detention or arrest of any person;*
- *where a police officer uses police equipment or property;*
- *where a police officer operates a Service vehicle; or*
- *where a police officer otherwise engages their oath of office.*

Training and direction has been provided to T.P.S. members involved in the reporting process detailing these changes including, the Chief's on-call S.I.U. Designates

Authorities, the Duty Senior Officers, Toronto Police Operations Centre and the Professional Standards Special Investigations Unit Liaison officers.

The Designated Authorities were instructed to contact the Lead Designated Authority should there be any concerns when assessing interactions related to off-duty conduct. The application of s.15(1) and 15(2) of the S.I.U.A. was explained in detail, with emphasis added to the critical analysis of engagement of police powers in off-duty incidents. If a Designated Authority is unclear, or if details would present a dilemma, they can and will rely on contacting the S.I.U. if a reasonable belief exists that the officer's conduct may have been a contributing factor in the incident being investigated.

Acting Staff Superintendent Robert Johnson, Strategy and Risk Management, and a representative of the Waterloo Regional Police Service, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original copy with signature on file in Board office



Section 11 Report

SIU CASE # 17-TCI-098 (Miller)

Submitted by Superintendent Eugene Fenton, Inspector Deb McBride and Inspector Dave MacMillan

October 9, 2020



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Legislative Background

Pursuant to section 11 of the *Police Services Act's* Regulation 267/10: Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit, the Chief of Police is required to cause an investigation to be conducted into any Special Investigations Unit ("SIU") incident, subject to the SIU's lead role in investigating the incident. The purpose of the Chief's investigation is to review the policies, procedures/services provided by the Police Service and the conduct of its police officers.

The Chief must report the finding and any actions taken or recommended to be taken to the Police Services Board after the SIU director advises the Chief that the SIU has reported the results of the SIU's investigation to the Attorney General (or if charges are laid, following the completion of those matters) – this is known as a "Section 11 Report".

The Board has the discretion under the Regulation to make all or part of the report available to the public (having in mind, the protection of investigative techniques, personal or private information of the members or third party and any other confidential information).

In relation to SIU Case #17-TCI-098 (Miller), the, then Chief of the Toronto Police Service, Mark Saunders, requested the Waterloo Regional Police Service prepare the Section 11 Report on behalf of the Toronto Police Service to ensure transparency.



Incident Overview

Christian and Michael Theriault are brothers. Michael Theriault is a police officer with the Toronto Police Service. In relation to the incident in question, Michael Theriault was off-duty and not in uniform.

As a result of an interaction the Theriault brothers had with Dafonte Miller in the early morning hours of December 28, 2016 the Special Investigations Unit (SIU) invoked their mandate. The SIU ultimately charged the Theriault brothers jointly with Aggravated Assault and Attempting to Obstruct Justice.

This matter proceeded to trial where Michael Theriault was found guilty of assault and was acquitted of Attempting to Obstruct Justice. Christian Theriault was acquitted of all charges. Both the defense and the crown have filed appeals on this verdict. Notwithstanding the on-going appeals, the crown has provided approval for the Waterloo Regional Police Service to proceed with the Section 11 Report.

The purpose of a Section 11 Report is not to determine what did or did not occur that morning between the Theriault brothers and Mr. Miller. Nor is it to determine criminal liability or fault – that is the role of the Criminal Court and/or an adjudicated *Police Services Act* disciplinary proceeding. The purpose of the Section 11 Report is to determine whether Michael Theriault or any member of the Toronto Police Service was in contravention of the requirements set out in the *Police Services Act* and/or policies and procedures of the Toronto Police Service and whether those policies and procedures are appropriate or require amending.

With that purpose in mind, the following brief overview of the incident in question is provided.

On December 28, 2016 at approximately 2:45 am, Michael and Christian Theriault were in the garage located at 18 Erickson Drive, Whitby, Ontario. The Theriaults had an interaction with two males in the laneway of, or in front of this residence. The Theriaults stated they caught the two males inside of a vehicle in the driveway of this residence and when they confronted the males they fled on foot. The Theriaults believed the males were committing a theft from the vehicle.

One of those males was ultimately identified as Dafonte Miller. Miller denies that they were inside the vehicle and states the Theriaults immediately started questioning him and his associate for simply being in the area and then started chasing them with a pipe.

This distinction was litigated at the criminal trial with no specific finding of fact and is irrelevant for the purpose of this Section 11 review. Regardless, as a result of the interaction, the Theriault brothers gave chase to Mr. Miller and his associate which is undisputed. Mr. Miller and his associate split up and the Theriault brothers continued pursuing Mr. Miller and caught up with him in front of 13 Erickson Drive, Whitby.

There was then a physical altercation between the Theriaults and Mr. Miller that resulted in Mr. Miller being arrested and physically restrained on the ground by Michael Theriault while Christian Theriault called 911 to request police assistance. There again is significant differences between the parties on what occurred during that physical altercation including who had the pipe and who struck who; however, the Criminal Court Judge has made findings which, for the purpose of this report are adopted.

During the struggle Mr. Miller got away from the Theriaults, he ran to the front door at 13 Erickson Drive, Whitby, he pounded on the door and yelled for them to call 911. James Silverthorn heard the knocking and had his wife call 911 at 2:48 am and reported that there were males fighting on his property.

At 2:48 a.m. Christian Theriault called 911 on his cell phone and asked for police to respond. He advised the dispatcher that his brother was an off-duty officer with Toronto Police Service. He advised that the male was being restrained on the ground and needed an ambulance. He advised that the male was bleeding from his face.

While Michael Theriault was struggling to restrain Mr. Miller on the ground, he told Mr. Miller that he was **under arrest**, however contends he never identified himself as a police officer. During this time, Mr. Miller called 911 from his cell phone, Michael Theriault took the phone from him and spoke to a dispatcher. During this call Michael Theriault could be heard saying *"You're under arrest"* and *"Back the fuck up."* Moments later Michael Theriault is heard saying *"Dude you're under arrest"*. Mr. Miller replied *"I know"*.

Cst. Bowler and Cst. Zabdyr from Durham Regional Police responded to the scene. While enroute they learned that a person had been apprehended for breaking into cars and that there was an off-duty Toronto Officer present. The officers arrived at 2:55 am. They observed a black male (Mr. Miller) laying on his stomach and a white male (Michael Theriault) was on top holding his hands behind his back. Cst. Zabdyr spoke with Michael Theriault. She gave him her handcuffs so he could handcuff Mr. Miller. Michael Theriault handcuffed him and brought him to his feet and leaned him against a car. Michael Theriault searched Mr. Miller and located some marihuana.

Mr. Miller was charged by Durham for assault with a weapon, theft under \$5000, weapons dangerous and possession of cannabis. These charges were later withdrawn by the Crown.

Mr. Miller sustained the following injuries during the physical altercation with the Theriaults: permanent vision loss to his left eye, reduced vision in his right eye, broken orbital bone, broken nose and a fractured wrist.

The Durham Regional Police Service notified the Toronto Police Service through a series of calls and updates (see Timeline and Involved Officers marked as Appendix "A") of the incident and enquired whether they would be notifying the SIU as it was their position that the obligation to notify the SIU rested with the Toronto Police Service as it was their officer involved in the incident. The Durham Regional Police Service shared all known information with the Toronto Police Service at the time of the incident.

The Toronto Police Service ultimately informed the Durham Regional Police Service that they would not be notifying the SIU.

The SIU was eventually notified when Mr. Miller with the assistance of counsel notified them on April 27, 2017, just under four months after the incident.

Conduct of Constable Theriault regarding Criminal Charges

Regarding the assaultive actions/use of force by Constable Theriault, those matters have been subject of charges, a trial, conviction and now appeal. Therefore, the actions and misconduct arising therefrom are properly the subject to the Toronto Police Service's parallel Part V, *Police Services Act* investigation. Constable Theriault has been (and should subsequently be, per the conviction in the criminal proceeding) served with the appropriate Notices of Investigation under the Act. There are no further recommendations that can be made regarding such conduct per the limits of the Section 11 review and separate *Police Services Act* processes.



Analysis of TPS Policies and Procedures

TPS Procedure 13-16 Special Investigations Unit (current version on the date of the incident) – Attached as Appendix B

This procedure requires the Chief's SIU On-Call Designate to perform such duties pursuant to s. 2(1) of O.Reg. 267/10 which requires notification of the SIU when an incident meets their mandate. This procedure also states that:

“SIU is legislated to investigate the circumstances of serious injury or death that may have resulted through criminal offences committed by a police officer. The death or serious injury is in relation to a citizen, another police officer or other member of the Service. The SIU mandate may be invoked for deaths or serious injuries that occur in circumstances where there has been police engagement. For example, but not limited to injuries or death occurring:

- in the course of making an arrest*
- in the course of a suspect apprehension pursuit*
- while in police custody*
- while in the hospital following apprehension or police custody; or*
- allegations of sexual assault.”*

This procedure further states:

“Off-duty events may be subject to an SIU investigation. For example, but no limited to, the following events:

- where a police officer verbally identifies themselves as a police officer;*
- where a police officer produces police identification;*
- where a police officer uses police equipment or property;*
- where a police officer operates a Service vehicle; or*
- where a police officer otherwise engages their oath of office.”*



The decision to contact the SIU in such circumstances will be at the discretion of the Chief's SIU On-Call Designate or, in their absence, the Duty Senior Officer – Toronto Police Operations Centre.”

Multiple members of Durham Regional Police Service contacted multiple members of the Toronto Police Service throughout the early morning of December 28, 2016 to provide notification of the incident involving the off-duty Toronto Police Service officer and further updates and information as it became known (again, see Timeline and Involved Officers marked as Appendix “A”).

Then Inspector Ed Boyd was the Chief's SIU On-Call Designate for this incident and Inspector Peter Moreira was his designate. The responsibility to notify the SIU therefore ultimately fell with them per this TPS procedure. However, there were far too many people involved in the conveyance of information from Durham Regional Police Service to the Toronto Police Service; such that it was almost impossible to know ultimately and exactly what information was conveyed to the SIU Liaisons.

Then Inspector Boyd (who never directly spoke with Durham Regional Police Service) stated to the SIU in his interview that the reasons they did not notify the SIU were that:

- The officer did not identify himself as a police officer
- No Toronto police equipment was used
- The officer was acting as a civilian not a police officer
- Therefore the level of injury was irrelevant

These reasons mirror the TPS procedure on the SIU.

Michael Theriault denies identifying himself as a police officer in his statement and that information was conveyed to Inspectors Boyd and Moreira the morning of December 28th and seemed to form an important factor in the decision to not notify the SIU.

Mr. Miller has stated that Michael Theriault did identify himself as an off-duty police officer, however, that information was not available to Inspectors Boyd and Moreira when Durham Regional Police Service was updating Toronto Police Service shortly after the incident.

Constable Barbara Zabdyr of the Durham Regional Police Service was the first responding officer and provided a statement to the SIU that when she arrived and saw Michael Theriault restraining Mr. Miller with his hands behind his back, she passed him her handcuffs and then Michael Theriault handcuffed Mr. Miller. They stood him up together and Michael Theriault proceeded to search Mr. Miller locating a small quantity of cannabis. Again, this information was not available to Inspectors Boyd and Moreira when Durham Regional Police Service was updating Toronto Police Service shortly after the incident. Had it been known this would have triggered a duty to notify the SIU

as the TPS procedure does not differentiate between “Toronto” owned and issued police equipment and police equipment.

However, it is apparent that Michael Theriault did “*otherwise engage his oath of office.*” He acknowledges in his statement to Durham Regional Police that he arrested Mr. Miller for breaking into a vehicle. This information was sent to Inspectors Boyd and Moreira at the time of this incident prior to their final direction to Durham Regional Police that they would not be notifying the SIU.

An off-duty police officer remains a peace officer and although there was no information that Michael Theriault told Mr. Miller he was a police officer at the time of this incident, he had to have been viewed as having otherwise engaged his oath of office by making an arrest. A police officer cannot detain, arrest, use force and/or search an individual as a private citizen (i.e., a “citizen’s arrest”). If the officer exercises any of those powers, they do so as a police officer, and arguably put themselves on-duty, as well.

Therefore based on the TPS procedure on the Special Investigations Unit, Inspectors Boyd and/or Moreira failed to follow the procedure by not notifying the SIU of this incident at the time. As such this matter should be referred to the Chief for discussion on appropriate action under Part V of the Police Services Act (if and to the extent they remain subject to the Act).

As well, it is recommended that the internal processes and/or the SIU Procedure be reviewed so that updates and discussion upon possible SIU matters are provided directly to the decision-maker regarding SIU notification.

TPS Procedure 01-01 Arrest (current version on the date of the incident) – Attached as Appendix C

This procedure lays out the following steps when an officer is making an arrest:

‘When making an arrest shall

- *Identify themselves as a police officer*
- *Inform the person that they are under arrest*
- *Inform the person of the reason for the arrest...*”



Michael Theriault insisted that he did not identify himself as a police officer to Mr. Miller. This was relied upon as a faulty justification for the Toronto Police Service to not notify the SIU of this incident. However, by not identifying himself as a police officer throughout this interaction Michael Theriault was clearly in contravention of this procedure. The procedure makes no distinction between off-duty and on-duty arrests. There is also no indication that Michael Theriault informed Mr. Miller of the reason for the arrest.

Therefore based on the TPS procedure on Arrest, Constable Michael Theriault failed to follow the procedure as directed by the Chief, by not identifying himself as a police officer and informing Mr. Miller of the reason for his arrest. As such this matter should be referred to the Chief for discussion on appropriate action under Part V of the Police Services Act, if not already forming part of Notices of Investigation provided.

TPS Procedure 15-01 Use of Force (current version on the date of the incident) – Attached as Appendix D

This procedure states in relation to excessive force:

“Everyone who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.”

It also states under Reporting Use of Force:

“Ontario Regulation 926/90 compels members to submit a UFR Form 1 to the Chief of Police when a member

- uses physical force on another person that results in an injury that requires medical attention”*

Michael Theriault was charged with Aggravated Assault in relation to this incident. After a trial he was found guilty of assault and therefore the use of force was deemed to not be necessary and reasonable. Michael Theriault also did not complete the required UFR Form 1.



Therefore based on the TPS procedure on the Use of Force, Constable Michael Theriault failed to follow the procedure as directed by the Chief, by using excessive force and failing to file a UFR Form 1. As such, this matter should be referred to the Chief for discussion on appropriate action under Part V of the Police Services Act, if not already forming part of Notices of Investigation provided.

Additional Recommendations on Amendments to TPS Procedures/Training

TPS Procedure 13-16 Special Investigations Unit – Attached as Appendix B

(a) Addition to “Off-duty events”

Currently this procedure states:

“Off-duty events may be subject to an SIU investigation. For example, but not limited to, the following events:

- where a police officer verbally identifies themselves as a police officer;*
- where a police officer produces police identification;*
- where a police officer uses police equipment or property;*
- where a police officer operates a Service vehicle; or*
- where a police officer otherwise engages their oath of office.*

The decision to contact the SIU in such circumstances will be at the discretion of the Chief’s SIU On-Call Designate or, in their absence, the Duty Senior Officer – Toronto Police Operations Centre.”

It is recommended that this section of the procedure has an additional bullet point added that states:

- where a police officer effects an off-duty detention or arrest of any person**

As stated, effecting an off-duty arrest or detention does engage a member’s oath of office and effectively puts them on-duty (an officer cannot effect a citizen’s arrest), however this addition will remove any ambiguity on the positive obligation to report to the SIU.



(b) Duty to Inquire

While it is recognized that SIU legislation requires a nexus between off-duty conduct and being a police officer to trigger a notification, absent of anything verbalized, certain information and/or off-duty actions alone create that nexus or result in putting an officer on-duty. For example, we cannot make assumptions that an officer did not verbally identify themselves to mean that people involved were unaware they were dealing with a police officer. As such, there should be duty to fully inquire as to whether an off-duty officer has put themselves on-duty by their words or actions.

It is additionally recommended that the SIU Procedure and/or training of the SIU Liaison officers should include a duty to make certain inquiries when notified of an officer's purported off-duty actions have resulted in injuries that meet the SIU threshold. These inquiries should include:

- (a) whether the officer identified themselves as a police officer – directly by words or indirectly by their actions – and/or were known to be a police officer;**
- (b) whether the officer exercised any powers of a police officer, including but not limited to detention, arrest, search, seizure, etc.;**
- (c) since information immediately following an incident may not always be complete or accurate, follow up should be done within a reasonable time to ascertain whether additional information is available or known that may alter the original assessment as to whether it meets the notification of the SIU requirements set out in legislation and/or procedure.**



Appendix “A”

Timeline and Involved Officers

Toronto Officers

Inspector Keith Smith(Duty Officer)

Supt. Hugh Ferguson(Police Operations Centre Officer)

Inspector Edward Boyd(Chief Designate SIU)

Inspector Peter Moreira(SIU Designate Insp)

S/Sgt. Ed McKay(Operations Centre)

Supt. Joanna Beaven-Desjardins

S/Sgt. Armin Hafiz(Operations Centre)

Durham Officers

Inspector Chuck Nash(SIU Liaison)

S/Sgt. Micah Wagenberg(Duty

Deputy Chief Christopher Fernandes

Timeline

December 28, 2016

02:48 hour's incident reported to Durham Police Service.

02:55 Dafonte Miller was arrested by Durham Regional Police Service.

0350 S/Sgt. McKay(TPS) spoke with S/Sgt. Wagenberg(DRP)

- Advised of a TPS officer involved in an incident in Whitby. Discussed SIU and both did not think they were required.

0400 S/Sgt. McKay(TPS) notified Inspector Smith(TPS)

- Sent an email to Inspector Smith with the info about the incident.

04:30 Insp. Smith(TPS) phoned S/Sgt. Wagenberg(DRP)

- Discuss SIU mandate, decided it did not meet the requirement.

4:32 S/Sgt. Wagenberg(DRP) notified Toronto Police Operations Centre



04:40 Inspector Nash(DRP) notified Inspector Moreira(TPS)

- Reported seriousness of the injuries.

04:45 S/Sgt. Wagenberg(DRP) called Inspector Nash(DRP)

- Advised an off-duty Toronto Officer was involved

04:46 Inspector Smith(TPS) emails Supt. Beaven-Desjardins(TPS)

- Advised of the event.

0500 Deputy Chief Fernandes(DRP) received call from Inspector Nash(DRP)

- Updated him about the event. Concluded that the injury would meet SIU mandate, however for Toronto to notify.

05:12 Inspector Smith(TPS) sent out update to Supt. Ferguson(TPS)

- Asked to speak to the SIU liaison for TPS

05:30 S/Sgt. McKay(TPS) spoke with Inspector Nash(DRP)

- Updated about serious injuries.

0530 Inspector Smith(TPS) spoke with Inspector Nash(DRP)

- Update provided about the seriousness of the injuries. Discussed SIU, decided not notify.

05:41 Inspector Smith(TPS) phoned Insp. Moreira(TPS)

- Updated about the event.

06:03 S/Sgt. Wagenberg(DRP) emailed Major Incident Executive Notification

06:00(approx) Inspector Nash(DRP) spoke with Supt. Ferguson(TPS)

- Requests to speak to TPS SIU liaison.

06:05 Inspector Moreira(TPS) and Inspector Nash speak(DRP)



- Discussed the incident and SIU.

06:33 Inspector Moreira(TPS) sends a message to Inspector Boyd(TPS)

- Wants to discuss the incident.

06:40 Inspector Nash(DRP) emails Inspector Moreira(TPS)

- Update on the event. TPS is still discussing SIU.

06:52 Inspector Boyd(TPS) spoke with Inspector Moreira(TPS) by phone

- Discuss whether it meets the SIU threshold.

08:20 Inspector Moreira(TPS) emails Inspector Boyd(TPS)

- Advises that they do not have a duty to report to SIU.

0900 Deputy Chief Fernandes(DRP) spoke to Inspector Nash

- Advised that Toronto Police are not notifying SIU.

0906 S/Sgt. Hafiz(TPS) emails Inspector Ferguson(TPS)

- Advised that Inspector Moreira will not be notifying SIU.

0919 Inspector Boyd emails Inspector Moreira

- Agrees with Inspector Moreira's decision re SIU.



CONDUCT**13 – 16 Special Investigations Unit**

New Amended Reviewed – No Amendments

Issued: R.O. 2016.12.19–1401

Replaces: R.O. 2016.07.20–0826

Rationale

This Procedure outlines the responsibilities of members regarding investigations where the Province's Special Investigations Unit (SIU) mandate has been or may be invoked. *Ontario Regulation 267/10* (O. Reg. 267/10) made under the *Police Services Act* (PSA) directs the Toronto Police Service (Service) regarding the conduct and duties of police officers with respect to investigations conducted by the SIU.

Supervision**Attendance**

- Supervisory Officer
- Chief's SIU On-Call Designate

Mandatory Notification

- Supervisory Officer
 - when a Service member is involved in an incident where the SIU mandate is or may be invoked
- Officer in Charge - TPOC
 - when the SIU mandate is or may be invoked
- Duty Senior Officer
 - when the SIU mandate is or may be invoked
- Chief's SIU On-Call Designate
 - when the SIU mandate is or may be invoked

Governing Authorities

Provincial Police Services Act – Part VII, Special Investigations
 Police Services Act, O. Reg. 267/10, Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit

Associated Service Governance

Number	Name
04-21	Gathering/Preserving Evidence
08-01	Employee and Family Assistance Program (EFAP)

08-04	Members Involved in a Traumatic Critical Incident
13-17	Memorandum Books and Reports
15-03	Service Firearms

Definitions

- [Administrative Investigation](#)
- [Association](#)
- [Chief's Special Investigations Unit \(SIU\) On-Call Designate](#)
- [Chief's Special Investigations Unit \(SIU\) Liaison Officer](#)
- [Critical Incident Response Team \(CIRT\)](#)
- [Critical Incident Response Team \(CIRT\) Coordinator/Employee and Family Assistance Program \(EFAP\) Liaison](#)
- [Notes](#)
- [Peer Support Volunteer \(PSV\)](#)
- [Police Officer – SIU Investigations](#)
- [Serious Injury](#)
- [Professional Standards Support Special Investigations Unit \(SIU\) Liaison Investigator](#)
- [Special Investigations Unit \(SIU\) Mandate pursuant to Part VII PSA](#)
- [Subject Officer – SIU Investigations](#)
- [Witness Officer – SIU Investigations](#)

Procedure

Wellbeing of Members

The medical and psychological wellbeing of Service members is a priority for the Service. To assist involved officers in coping with an event in which the SIU mandate is or may be invoked, access, as required, to medical care and/or a representative of the Critical Incident Response Team (CIRT) / Employee Family Assistance Program (EFAP) / Peer Support Volunteer (PSV) will be provided.

Notification of SIU

In cases where the SIU mandate may be invoked, the Supervisory Officer – Toronto Police Operations Centre (TPOC) shall be responsible for immediately notifying the Duty Senior Officer - TPOC (Duty Senior Officer) and the Deputy Chief of Police (Deputy Chief) of the Command involved. The Duty Senior Officer shall be responsible for notifying the Chief's Special Investigations Unit (SIU) On-Call Designate.

Only the Chief's SIU On-Call Designate, or in their absence, the Duty Senior Officer, shall be responsible for notifying the SIU directly. The Duty Senior Officer must attempt to contact the Chief's SIU On-Call Designate prior to initiating contact with the SIU.

All requests or inquiries related to an SIU investigation shall be made to the Professional Standards Support – Special Investigations Unit Liaison Section (PSS – SIU Liaison Section).

Chief's SIU On-Call Designate Duties Relating to SIU Investigations

Section 2 of O. Reg. 267/10 allows the Chief of Police to designate a uniform senior officer of the Service, who is not a Subject Officer or Witness Officer in the incident, to act in the place of the Chief of Police. The Chief's SIU On-Call Designate assumes all the duties and powers of the Chief of Police in matters

respecting an incident under investigation by the SIU. The Chief of Police has authorized the following senior officers to act in this role:

- Uniform Senior Officer – authorized by the Chief of Police
- Duty Senior Officer

The Chief's SIU On-Call Designate will direct the Service's response to the SIU investigation.

Professional Standards Support (PSS) shall have custody of the Administrative Investigation into the policies of or services provided by the Service and the conduct of police officers, as directed by s. 11 of O. Reg. 267/10.

All requests for SIU personnel to participate in training or conferences, and any request made by the SIU for members to provide training, must be made through the Chief's SIU Liaison Officer. If a member of the SIU makes such a request directly to a member of this Service, they shall be referred to the Chief's SIU Liaison Officer.

Control of Scenes

The scene of an incident where the mandate of the SIU is or may be invoked shall be protected and preserved in a manner consistent with Service procedures and usual practice pursuant to s. 4 of O. Reg. 267/10. Every police officer has a duty to ensure that the scene is properly preserved from contamination or deterioration. Entrance to the scene is strictly prohibited, except as authorized by the Chief's SIU On-Call Designate or SIU investigators. Under no circumstances shall the media or other personnel be allowed within the perimeter without prior approval from the SIU.

Injured Parties

The medical assistance necessary for the safety and wellbeing of all injured parties remains the primary importance in all incidents. Injured parties, whether victims or suspects, shall be assisted, as directed by the PSA and Service Governance.

Collection of Evidence

In cases where the SIU mandate is invoked, the SIU shall collect all evidence. However, in cases where the SIU mandate may be invoked and a lack of immediate action may jeopardize the evidence or where there is a potential hazard to the public, such evidence will be collected and preserved by Service members as detailed in Procedure [04-21](#).

Search and Seizure of Service Property by SIU

The SIU will be permitted, subject to the direction of the Chief's SIU On-Call Designate, to seize any police-issued equipment, without warrant, that is relevant to an SIU investigation. Any other items can only be seized by consent or by search warrant. The Chief's SIU On-Call Designate is solely responsible for the release of all equipment and documents to the SIU. Under no circumstances will equipment, documents, or memorandum books be surrendered to the SIU without the specific direction of the Chief's SIU On-Call Designate.

Seizure of Service Firearms by SIU

In cases where Service firearms are involved, firearms shall remain holstered until proven safe at a proving station, in compliance with Procedure [15-03](#) and in the presence of an SIU investigator and the Chief's SIU On-Call Designate. The firearm may then be turned over to the SIU, at the direction of the Chief's SIU On-Call Designate.

In exigent circumstances, such as in the case of an injured officer, a supervisory officer shall seize the firearm by means of seizing the whole duty belt, ensuring it is secured and shall comply with the direction of the Chief's SIU On-Call Designate.

In instances involving other Service firearms, the police officer discharging the firearm shall unload the firearm in the presence of an SIU investigator, the Chief's SIU On-Call Designate and in compliance with Procedure [15-03](#) and training. If the officer is unable to perform this task, another officer who is currently qualified in the handling of the firearm shall perform this task.

Seizure of Service Vehicles by SIU

Service vehicles equipped with radios and/or mobile workstations having access to confidential records, and/or specialized equipment must be stored in a secure location. The following process shall be followed when a Service vehicle equipped with the aforementioned is seized by the SIU:

- The Chief's SIU On-Call Designate is solely responsible for coordinating the release of the Service vehicle. A departmental tow truck shall be used to tow the Service vehicle to a secure Service garage. The vehicle shall be securely stored until the authorized member of the Service is available to remove the radio, mobile workstation, and/or equipment. The removal of equipment will not occur until the SIU are in attendance, unless the SIU consents not to be present. Any equipment that is removed shall be securely stored by the Service and replaced in the vehicle when returned. Other Service and/or officer's personal equipment shall only be removed under the direction of the Chief's SIU On-Call Designate, prior to the vehicle being towed. Members wishing to remove personal items from the vehicle shall make the request to the Chief's SIU On-Call Designate.
- When a Service vehicle requires forensic examination as part of the SIU investigation, the Service vehicle shall be towed by a departmental tow truck to either a secure Service garage or the Centre of Forensic Sciences vehicle storage area. In this circumstance, no equipment shall be removed from the Service vehicle unless directed by the Chief's SIU On-Call Designate.

Media Releases

When an incident has occurred where the SIU mandate is invoked, release of information to the media is restricted. The Chief of Police and/or Unit Commander – Corporate Communications may make an initial release of information indicating an incident has occurred and the SIU mandate has been invoked. Members shall not provide information to the media or participate in a media interview unless authorized by the Chief's SIU On-Call Designate or the Unit Commander – Corporate Communications.

Criminal Investigations

Officers shall be mindful of the circumstances that led to the involvement of the police and ensure that the original investigation continues, subject to certain restrictions as outlined below.

Section 5 of O. Reg. 267/10 directs that the SIU shall be the lead investigator, and shall have priority over any police service in the investigation of an SIU-related incident.

Co-operation between the Service and the SIU is essential to ensure the timely completion of investigations. Where the SIU mandate has been invoked, priority in witness interviews and the collection or inspection of evidence shall be given to the SIU.

All investigations conducted by members of this Service that may conflict with the SIU mandate shall first be cleared by the Chief's SIU On-Call Designate.

Chief's Administrative Investigation

Service investigations within this category will be conducted through PSS to determine issues related to the policies of, or services provided by, the Service and the conduct of involved police officers.

Subject Officers, Witness Officers or any other member of the Service shall provide the assigned investigator with a copy of their notes, and shall make themselves available for an interview, when directed.

The exceptions provided to a Subject Officer with regard to providing notes or attending an interview listed under the SIU criminal investigation do not apply to the Chief's Administrative Investigation. All members shall cooperate as directed by s. 11 of O. Reg. 267/10.

Service subject matter experts shall be assigned Chief's Administrative Investigations. The following internal units shall be assigned Administrative Investigations:

Professional Standards	<ul style="list-style-type: none">officer-involved firearm discharge where death or injury occurs
Professional Standards Support	<ul style="list-style-type: none">serious injury relating to arrestserious injury relating to a person in custody
Specialized Criminal Investigations – Homicide	<ul style="list-style-type: none">death in police custody – other than an officer-involved firearm discharge
Specialized Criminal Investigations – Sex Crimes	<ul style="list-style-type: none">allegations of sexual assault
Traffic Services	<ul style="list-style-type: none">suspect apprehension pursuit or officer-involved collision, where death or serious injury occurs

SIU Investigative Interviews

The SIU will communicate all requests directly to the Chief of Police. The PSS - SIU Liaison Section shall direct all officers in relation to the SIU requests. Should the SIU contact an officer directly, the officer shall immediately notify the PSS - SIU Liaison Section. The scheduling of all investigative interviews requested by the SIU shall be arranged through the PSS - SIU Liaison Section.

In accordance with O. Reg. 267/10, Witness Officers, when properly designated as such, shall attend for an investigative interview with the SIU and shall answer all questions immediately, or within 24 hours if appropriate grounds for delay exist.

A police officer's preference for a particular counsel is not a justifiable excuse for unreasonable delay in attending interviews or for providing the required notes.

Subsection 8(3) of O. Reg. 267/10 directs the SIU to record or cause the interview to be recorded and to give a copy of the record to the Witness Officer as soon as it is available. Subsection 8(4) of O. Reg. 267/10 directs that this recording shall not be by audiotape or videotape except with the consent of the Witness Officer.

Representation During an Interview

Subsection 7(1) of O. Reg. 267/10 entitles every police officer to consult with legal counsel or a representative of the Association and to have the legal counsel or Association representative present during their interview with the SIU.

Subsection 7(3) of O. Reg. 267/10 directs Witness Officers that they may not be represented by the same legal counsel as Subject Officers.

Notes

Subsections 9(1) and 9(3) of O. Reg. 267/10 require Subject and Witness officers to complete in full, the notes for an incident in accordance with their duty. Subsection 9(5) of O. Reg. 267/10 directs that the notes made shall be completed by the end of the officer's tour of duty, except where excused by the Chief of Police.

The Supreme Court of Canada (SCC) ruled in *Wood v. Schaeffer, 2013 SCC 71* that police officers are not permitted to consult with counsel before completion of their notes. As such, the following directions shall be adhered to by all police officers (both witness and subject):

- Police officers involved in events which fall under the mandate of the SIU are not permitted to consult with counsel prior to completing their notes;
- Police officers have a duty to prepare accurate, detailed, and comprehensive notes as soon as practicable after an event;
- Notes are to be completed and submitted before the end of the police officers tour of duty, except where excused by the Chief of Police;
- If there is a need to inform a police officer of their duties and obligations under O. Reg. 267/10, it will be delivered by the Chief's SIU On-Call Designate or the Duty Senior Officer;
- Police officers are permitted to consult with counsel after their notes have been completed, and;
- Police officers remain entitled to the full benefit of legal counsel before and during the SIU interview.

Any recording an officer makes in accordance with their duties is considered a note and shall be treated as such in compliance with Procedure [13-17](#).

All notes are to be stored in compliance with Procedure [13-17](#), subject to court requirements.

Memorandum books shall be completed in compliance with Procedure [13-17](#) and delivered to the Officer in Charge (OIC) upon the completion of a tour of duty. Exceptions may be made in cases where there are bona fide medical reasons for not completing the notes. Only the Chief's SIU On-Call Designate can excuse officers from immediately completing their notes with respect to SIU investigations.

All reports and occurrences shall be completed in accordance with the established practice, including incidents where the SIU has invoked its mandate.

Release of Notes

The Chief's SIU On-Call Designate shall provide a copy of the Witness Officers' notes to the SIU, upon proper designation, but no later than 24 hours after, except where permitted by the SIU.

Notes made by a designated Subject Officer in relation to the incident shall not be released to the SIU unless consent has been obtained from the Subject Officer.

Non-Service Witnesses

Non-Service witnesses shall be segregated and transported independently, where practicable. The SIU shall have first right to interview witnesses that relate to its mandate. Officers shall encourage all witnesses to remain at the scene or a police facility. However, should a witness refuse, the officer shall obtain sufficient information to allow for follow-up at a later time.

Member

1. Members shall be aware that communication with involved officers is regulated by O. Reg. 267/10.
2. Members shall not give or receive advice to/from any involved officer in relation to an SIU investigation, except when acting as a representative of the Toronto Police Association (Association).
3. Members acting as a representative of the Association and offering advice to an involved officer shall
 - advise the OIC of their arrival at the unit
 - respect the duties and obligations of the involved officer in keeping with O. Reg. 267/10, *Wood v. Schaeffer, 2013 SCC 71*, and the direction contained in this Procedure
 - offer advice only after the involved officer has completed their notes
 - be advised that all communication with the involved officer is without privilege
4. Members acting as the CIRT Coordinator / EFAP Liaison or a CIRT/PSV representative shall
 - advise the OIC of their arrival at the unit
 - respect the duties and obligations of the involved officer, in keeping with O. Reg. 267/10, *Wood v. Schaeffer, 2013 SCC 71*, and the direction contained in this Procedure
 - be advised that all communication with the involved officer is without privilege
 - also comply with direction contained in Procedure [08-04](#)

Police Officer

5. When involved in an incident where the SIU mandate is or may be invoked shall
 - immediately notify a supervisory officer
 - protect and preserve the scene and all evidence
 - ensure the original investigation that gave rise to the event is completed, subject to restrictions contained in this Procedure
 - write complete and independent notes, consistent with O. Reg. 267/10 and *Wood v. Schaeffer, 2013 SCC 71*.

- submit their completed notes by the end of their tour of duty to the OIC or PSS SIU Liaison Investigator, unless excused by the Chief's SIU On-Call Designate
 - consult with legal counsel and/or an Association representative only after their notes are completed and submitted to the OIC or PSS SIU Liaison Investigator
 - not communicate directly or indirectly with any other member of the Service concerning their involvement prior to the completion of their notes and all SIU interviews
6. When the SIU mandate is invoked shall comply with O. Reg. 267/10 and this Procedure.

Supervisory Officer

7. When attending an incident where the SIU mandate is or may be invoked shall
- take charge of the scene and determine the roles (only) of the involved officers
 - ensure the scene and all evidence is protected and preserved
 - segregate the involved officers
 - ensure each of the involved officers are transported separately to a designated unit, where practicable
 - ensure unauthorized persons do not question involved officers, unless there is an immediate medical requirement, or an urgency to locate outstanding suspects, or preserve evidence
 - immediately notify the OIC – TPOC
 - ensure the OIC is notified and updated on a regular basis
 - comply with the applicable portions of Procedures [08-01](#) and [08-04](#), if applicable
 - brief the Chief's SIU On-Call Designate with the details of the incident

NOTE: *The Administrative Investigation commences with the arrival of a supervisory officer. Any supervisory officer obtaining information from an involved officer shall do so under the compulsion of s. 11 of O. Reg. 267/10, for the purpose of the Administrative Investigation.*

8. When required to seize a Service issued firearm shall
- do so only if currently certified to handle the specific firearm
 - do so by means of seizing the whole duty belt
 - comply with direction from the Chief's SIU On-Call Designate
 - safely handle and secure the firearm in compliance with Procedure [15-03](#)

Officer in Charge

9. When notified of an incident where the SIU mandate is or may be invoked shall
 - ensure the OIC – TPOC is notified
 - ensure the scene and all evidence has been protected and preserved
 - notify their Unit Commander
 - provide ongoing assistance to the members at the scene
10. When the involved officers arrive at the unit shall
 - ensure the wellness of each involved officer, including their medical and psychological wellbeing
 - ensure compliance with O. Reg. 267/10 and *Wood v. Schaeffer, 2013 SCC 71*
 - segregate each officer by placing them in separate offices, where practicable
 - direct all involved officers to complete their notes independently
 - allow contact with the involved officers by only
 - authorized personnel
 - counsel and an Association representative only after notes have been completed and submitted in compliance with this Procedure and Procedure [13–17](#)
 - brief the attending Chief’s SIU On-Call Designate with the details of the incident
11. When notified, or having identified, that an involved officer requires medical and/or psychological assistance shall
 - immediately engage the appropriate supports, including a medical facility and/or a CIRT / EFAP / PSV representative, as necessary
 - make a memo book entry including details of
 - the reasons for engaging supports
 - what supports were engaged
 - any resulting delay in the completion of the involved officer’s notes

Officer in Charge - TPOC

12. When notified of an incident where the SIU mandate is or may be invoked shall
 - notify the Duty Senior Officer
 - ensure the Unit Commanders of all involved Subject and Witness Officers are notified of the SIU event

Unit Commander

13. When notified that a member under their command has been involved in an incident where the SIU mandate is or may be invoked shall
- attend the scene of the incident, if available
 - assist in the investigation, when requested
 - provide the necessary support for involved officers
 - refer to Procedures [08-01](#) and [08-04](#), if applicable
 - confer with the Chief's SIU On-Call Designate, when necessary
 - confer with the PSS SIU Liaison Investigator, when necessary
 - ensure all side issues
 - of a serious nature are reported to PRS
 - of a less serious nature are dealt with as soon as practicable
 - arrange for replacement of seized equipment

Professional Standards Support SIU Liaison Investigator

14. Shall perform such duties as required or directed by
- the Chief's SIU Liaison Officer or the Chief's SIU On-Call Designate
 - the Superintendent – PSS as related to s. 11 of O. Reg. 267/10

Chief's SIU On-Call Designate

15. When authorized to act as the Chief's SIU On-Call Designate shall
- perform such duties pursuant to ss. 2(1) of O. Reg. 267/10
 - accept service of documents from the SIU and cause service of these documents on members, such as the "Letter of Designation"
 - co-ordinate the release of all Service equipment and documents to the SIU and facilitate its recovery
 - co-ordinate the recovery of evidentiary material seized by the SIU

Duty Senior Officer

16. When the SIU mandate is or may be invoked shall
- attend the scene of the incident
 - determine details of the incident by consulting with supervisory officers

- provide details of the incident to the Chief's SIU On-Call Designate forthwith
17. In the absence of the Chief's SIU On-Call Designate shall assume those duties.

ARREST & RELEASE**01 – 01 Arrest**

New **Amended** **Reviewed – No Amendments**

Issued: R.O. 2016.02.08–0158

Replaces: R.O. 2015.09.14–1014

Rationale

Compliance with this Procedure will ensure that arrests are conducted and reported in a manner consistent with all legal principles and best practices.

Governing Authorities

Federal	Canadian Bill of Rights Constitution Act, Part I, Canadian Charter of Rights and Freedoms Controlled Drugs and Substances Act Criminal Code Youth Criminal Justice Act
Provincial	Highway Traffic Act Human Rights Code Liquor Licence Act Police Services Act, O. Reg. 3/99, Adequacy & Effectiveness of Police Services Provincial Offences Act Safe Streets Act Trespass to Property Act

Associated Service Governance

Number	Name
TPSB LE-005	Arrests
TPSB Policy	Accessibility Standards for Customer Service
01-02	Search of Persons
01-03	Person in Custody
03-05	Withdrawal Management Centres
04-09	American Sign Language and Language Interpreters
04-12	Diplomatic and Consular Immunity
04-13	Foreign Nationals
10-06	Medical Emergencies
17-01	News Media

Forms

Number	Name	Authorization Level
TPS 493	eReports What You Need To Know	GO Review Police Officer

NOTE: TPS 493 forms are available in multiple languages.

Definitions

- [Arrest](#)
- [Criminal Offence](#)
- [Indictable Offence](#)
- [Reasonable Grounds](#)

Procedure

Arrest Authority

Section [494](#) of the *Criminal Code* (CC) provides authorities for arrest without warrant by any person.

In addition to the authorities to arrest without warrant given to any person in s. 494 CC, a peace officer is given additional authorities under ss. 495(1), 524(2), 525(6) and 31(1) CC. A peace officer may arrest any person who

- | | |
|-------------------|--|
| 495(1) | <ul style="list-style-type: none">• has committed an indictable offence, or a person the officer believes on reasonable grounds has committed or is about to commit an indictable offence• the officer finds committing a criminal offence• on reasonable grounds, the officer believes is wanted on a warrant of arrest or committal, which is in force within the territorial jurisdiction where the person is found, or |
| 524(2) and 525(6) | <ul style="list-style-type: none">• has contravened or is about to contravene the terms of a criminal release• has committed an indictable offence while on release for a criminal offence |
| 31(1) | <ul style="list-style-type: none">• is found committing or it is believed on reasonable grounds is about to commit a breach of the peace |

Continuation of Arrest

A police officer shall not arrest a person without warrant for summary conviction, dual procedure or 553 indictable offences where there are reasonable grounds to believe the public interest has been satisfied having regard to all the circumstances including the need to

- establish the identity of the person
- secure or preserve evidence
- prevent the continuation or repetition of an offence
- ensure that the accused will appear in court
- ensure the safety and security of any victim of or witness to the offence.

In circumstances where the public interest is satisfied, an offender must be released

- unconditionally with no intent to proceed to court
- unconditionally with intent to seek a criminal summons, or
- by way of an Appearance Notice (Form 9).

A police officer may continue the arrest (summary, dual, indictable 553 offences) of a person where the public interest is not satisfied or for any indictable offence other than dual procedure and 553 indictable offences. The criteria for satisfying the 'public interest' are set out in s. 497 CC.

In circumstances where a continued detention is justified, the arrested person must be taken before an Officer in Charge.

NOTE: *The lack of appropriate release documentation to be served at an arrest scene is not a valid reason for the continuation of an arrest.*

Provincial Offences

A police officer may also arrest a person under other authorities found in individual Provincial Statutes such as the *Highway Traffic Act*, the *Liquor Licence Act*, and the *Trespass to Property Act*. There is no general arrest authority for contravention of a Provincial Statute, and reference must be made to individual statutes for specific arrest authorities.

Arrest in a Dwelling–House (Feeney Warrants)

As a general rule, police officers are required to obtain a warrant prior to entering a dwelling–house to arrest a person.

Entry to a dwelling–house to affect an arrest is prohibited unless

- the arrest warrant is endorsed with an authorization to enter under ss. 529(1) CC, or
- the arrest warrant is accompanied by a separate entry authorization warrant issued under s. 529.1 CC, or
- when there are reasonable grounds to suspect that entry into the dwelling–house is necessary to prevent imminent bodily harm or death to any person, or
- when there are reasonable grounds to believe that evidence relating to the commission of an indictable offence is present in the dwelling–house and that entry into the dwelling–house is necessary to prevent the imminent loss or imminent destruction of evidence, or
- in circumstances of fresh pursuit.

Prior to entering a dwelling–house to execute an arrest warrant, members shall, whenever possible, obtain

- an endorsement on the arrest warrant under ss. 529(1) CC, or
- an authorization warrant (Form 7.1) under s. 529.1 CC.

The authorization to enter may include such restrictions and conditions as the issuing Justice believes reasonable to place on the arrest process.

In all cases, members shall ensure proper announcement is made prior to entry (identification, purpose of entry, etc.) except

- as provided on the warrant, or
- where there are reasonable grounds to believe that prior announcement of the entry would
 - expose the officer or any other person to imminent bodily harm or death, or
 - result in the imminent loss or imminent destruction of evidence relating to the commission of an indictable offence.

Medical Considerations

Positional Asphyxia

Members should be aware that certain restraint positions (i.e. stomach down) might compromise heart and lung functions increasing the risk of death. Unless circumstances make it impossible, persons should be restrained in a sitting position while being closely watched. Use of the sitting position permits easier breathing and cardiac function while affording good positional control over the individual.

Excited Delirium

Excited delirium is a condition that can be caused by drug or alcohol intoxication, psychiatric illness or a combination of both. Symptoms displayed by persons suffering from the condition may include any combination of

- *abnormal tolerance to pain*
- *abnormal tolerance to pepper spray*
- *acute onset of paranoia*
- *bizarre or aggressive behaviour*
- *disorientation*
- *hallucinations*
- *impaired thinking*
- *panic*
- *shouting*
- *sudden calm after frenzied activity*
- *sweating, fever, heat intolerance*
- *unexpected physical strength*
- *violence towards others.*

Due to their inclination to violence and extreme exertion, persons exhibiting the symptoms of excited delirium are often restrained for their own protection and the protection of others. Members should be cognizant of positional asphyxia when dealing with persons exhibiting the symptoms of excited delirium and, unless circumstances make it impossible, restrain the person in a sitting position as noted above.

Persons exhibiting the symptoms of excited delirium must always be treated as suffering from a medical emergency and once secured, be transported to hospital for examination.

Police Officer

1. When making an arrest shall
 - identify themselves as a police officer
 - inform the person that they are under arrest
 - inform the person of the reason for the arrest
 - take physical control of the person
 - inform the person of the Right to Counsel, including the existence and availability of duty counsel and free legal advice (Legal Aid)
 - ensure that the person understands the Right to Counsel

- search the person in compliance with Procedure [01-02](#)
 - place the person in handcuffs in accordance with training and utilize the double lock mechanism where possible
 - when handcuffs are not used, be prepared to justify this decision
- NOTE:** *Keeping in mind officer and public safety, officers may use discretion when determining whether to handcuff an individual as it may not be practical or necessary in all circumstances (e.g. due to a person's medical condition, age, disability, pregnancy, or frailty).*
- allow reasonable access to a telephone as soon as practicable
 - ensure that, when an arrested person has the care, charge or custody of another person who, because of age, physical or medical condition, is unable to care for themselves, every effort is made to obtain interim care for the dependent person
2. In all cases of arrest, regardless of the authority used or whether charges are laid, shall
- conduct a Person Query, including a CPIC check, obtaining details on any positive result
 - record pertinent information in the memorandum book including, but not limited to
 - reason for the arrest
 - reason for the release or continued detention of the person
 - all details regarding the person (identification and description)
 - all other relevant details regarding the incident
 - complete the applicable eReports
 - comply with the applicable release/detention procedure
 - if the arrest involves an arrest warrant, check the Master Name Index (MNI); note any previous arrest number and case number and comply with the applicable procedure
 - comply with Procedure [17-01](#), if applicable
 - serve documents required for court on the person, if applicable
 - submit all documents to the Officer in Charge prior to the completion of the tour of duty
3. When a non-violent person is arrested for being intoxicated in a public place shall comply with Procedure [03-05](#).
4. When dealing with an arrested person who has ingested a potentially harmful substance (e.g. cocaine, methanol, etc.) and appears to require medical attention shall immediately
- if necessary, and if qualified in standard first aid, perform first aid on that person
 - comply with Procedures [01-03](#) and [10-06](#)
 - ensure the person is transported to the nearest hospital
5. When dealing with a prisoner who cannot communicate in English or has difficulty communicating due to a medical problem shall comply with Procedure [04-09](#).

6. When considering the continued detention of an arrested person who is accompanied by a guide dog due to blindness, visual impairment, hearing impairment, or other physical disability, shall
 - make reasonable effort to have the guide dog accommodated by friends or relatives, or contact the Toronto Police Operations Centre (TPOC) for further resources such as Canine Vision Canada or the Humane Society
 - not transport the guide dog to court with the prisoner
7. When releasing a person following arrest shall make reasonable efforts to ensure the safety of other persons who may be affected by the release and the safety of the person being released, having regard for the circumstances and the time and place of release.
8. When releasing a person on either a Form 9 or Form 10, or when proceeding by way of criminal summons shall serve the person with a TPS 493.
9. When dealing with an incident involving a person who provides identification as a diplomatic or consular official shall
 - comply with Procedure [04-12](#)
 - not arrest a person on these premises

NOTE: *Foreign embassies and consulates are considered foreign land and outside the jurisdiction of police officers.*
10. When arresting a foreign national
 - shall comply with Procedure [04-13](#)
 - should not normally arrest a person during a religious ceremony or judicial hearing

Officer in Charge

11. When an arrest has been made shall ensure
 - consideration is given to the public interest in deciding to continue the detention of an arrested person including the need to
 - establish the identity of that person
 - secure or preserve evidence
 - prevent the continuation or repetition of an offence
 - ensure that the accused will appear in court
 - ensure the safety and security of any victim of or witness to the offence
 - all required eReports are completed promptly
 - the particulars are recorded in the Unit Commanders Morning Report (UCMR), as required
 - compliance with the appropriate release provisions of the CC pursuant to the respective procedure
12. When releasing a person shall ensure they have been served with a TPS 493.

USE OF FORCE & EQUIPMENT

15 – 01 Use of Force

New Amended Reviewed – No Amendments

Issued: R.O. 2016.12.19-1401

Replaces: R.O. 2016.02.08-0158

Rationale

The Toronto Police Service (Service) places the highest value on the protection of life and the safety of its members and the public, with a greater regard for human life than the protection of property. Members of the Service have a responsibility to only use that force which is reasonably necessary to bring an incident under control effectively and safely.

The Ontario Use of Force Model (Model) is an aid to promote continuous critical assessment and evaluation of every situation, and can assist members to understand and make use of a variety of force options to respond to potentially violent situations. It is not intended to serve as a justification for a member's use of force, nor does it prescribe specific response options appropriate to any given situation. However, the Model does provide a valuable framework for understanding and articulating the events associated with an incident involving a member's use of force.

Supervision

Attendance

- Supervisory Officer
 - firearm discharge

Mandatory Notification

- Supervisory Officer
 - firearm discharge
 - when a conducted energy weapon has been used
- Officer in Charge of Division of occurrence
 - firearm discharge

Governing Authorities

Federal Criminal Code

Provincial Police Services Act
 Police Services Act, O. Reg. 3/99, Adequacy & Effectiveness of Police Services
 Police Services Act, O. Reg. 926/90, Equipment and Use of Force

Other Ontario Use Of Force Model
 Policing Standards Manual

Associated Service Governance

Number	Name
TPSB Policy	Use of Force
04-02	Death Investigations
04-21	Gathering/Preserving Evidence
08-04	Members Involved in a Traumatic Critical Incident
10-06	Medical Emergencies
13-16	Special Investigations Unit
13-17	Memorandum Books and Reports
14-20	Auxiliary Members
15-02	Injury/Illness Reporting
15-03	Service Firearms
15-04	C-8 Rifle
15-05	Shotgun
15-06	Less Lethal Shotguns
15-08	MP5 Submachine Gun
15-09	Conducted Energy Weapon
15-10	Suspect Apprehension Pursuits
15-16	Uniform, Equipment and Appearance Standards
17-03	Municipal Freedom of Information and Protection of Privacy Act

Forms

Number	Name	Authorization Level
TPS 105	Injury/Illness Report	Unit Commander
TPS 584	Conducted Energy Weapon Use Report	Unit Commander
TPS 586	Firearm Discharged Report	Unit Commander
TPS 649	Internal Correspondence	Member
UFR Form 1	Use of Force Report	Officer in Charge

Definitions

- [Authorized Range](#)
- [Conducted Energy Weapon \(CEW\)](#)
- [Dispatching of an Animal](#)
- [Firearm](#)
- [Firearm Discharge](#)
- [Firearm Discharge Investigator \(FDI\)](#)
- [Handgun](#)
- [Use of Force Review Committee \(UFRC\)](#)

Procedure

The *Criminal Code* (CC) empowers every person who is required or authorized to do anything in the administration or enforcement of the law, when acting on reasonable grounds, to use as much force as necessary for that purpose. Every person is liable, both criminally and civilly, for any unjustified or excessive force used.

Training

Ontario Regulation 926/90 (O.Reg. 926/90) made under the *Police Services Act (PSA)* prohibits a member of a police service from using force on another person, unless the member has successfully completed the prescribed training course on the use of force, and that at least once every 12 months, members who may be required to use force on other persons receive a training course on the use of force. When a use of force option is employed, its application shall be in keeping with the training received.

Approved Use of Force Options

Ontario Regulation 3/99 provides that, at minimum, police officers are

- issued a handgun
- issued oleoresin capsicum (OC) aerosol spray
- issued a baton and
- trained in officer safety, communication and physical control techniques

Members shall not use a weapon other than a firearm unless

- that type of weapon has been approved for use by the Solicitor General
- the weapon conforms to technical standards established by the Solicitor General
- the weapon is used in accordance with standards established by the Solicitor General
- the weapon, in the course of a training exercise, is used on another member in compliance with Service Governance

Intermediate Force Options

Members may use an intermediate weapon such as their issued baton, OC spray or conducted energy weapon (CEW) as a force option

- to prevent themselves from being overpowered when violently attacked
- to prevent a prisoner being taken from police custody
- to disarm an apparently dangerous person armed with an offensive weapon
- to control a potentially violent situation when other force options are not viable
- for any other lawful and justifiable purpose

Weapons of Opportunity

Despite the foregoing, nothing in *O.Reg. 926/90* or this Procedure prohibits a member from the reasonable use of weapons of opportunity when none of the approved options are available or appropriate to defend themselves or members of the public.

Authorized Restraining Devices

Handcuffs, leg irons and other restraints authorized by the Chief of Police (e.g. plastic flexi-cuffs) may be used

- to control the violent activities of a person in custody
- when prisoners are being transferred from one place to another
- to prevent a prisoner from escaping

Fleeing Suspect

A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested, if

- a) the peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested;
- b) the offence for which the person is to be arrested is one for which that person may be arrested without warrant;
- c) the person to be arrested takes flight to avoid arrest;
- d) the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm; and
- e) the flight cannot be prevented by reasonable means in a less violent manner.

[Authority: CC, ss. 25(4)]

Motor Vehicles

Discharging a firearm at a motor vehicle is an ineffective method of disabling the vehicle. Discharging a firearm at a motor vehicle may present a hazard to both the officer and to the public. Police officers are prohibited from discharging a firearm at a motor vehicle for the sole purpose of disabling the vehicle.

Police officers shall not discharge a firearm at the operator or occupants of a motor vehicle unless there exists an immediate threat of death or grievous bodily harm to officers and/or members of the public by a means other than the vehicle.

Police officers shall be cognizant that disabling the operator of the motor vehicle thereby disabling the control over the motor vehicle may also present a hazard to both the officer and the public.

Except while in a motor vehicle, officers shall not place themselves in the path of an occupied motor vehicle with the intention of preventing its escape. Additionally, officers should not attempt to disable an occupied vehicle by reaching into it.

Pursuant to Procedure [13-03](#) and [13-05](#), any apparent breach of this Procedure will be carefully considered on its merits having regard to all the circumstances before discipline is commenced.

Excessive Force

Everyone who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess. (Authority: CC, s. 26)

Reporting Use of Force

Ontario Regulation 926/90 compels members to submit a [UFR Form 1](#) to the Chief of Police when a member

- uses physical force on another person that results in an injury that requires medical attention
- draws a handgun in the presence of a member of the public, excluding a member of the police force while on duty
- discharges a firearm
- points a firearm regardless if the firearm is a handgun or a long gun
- uses a weapon other than a firearm on another person

NOTE: *For the purpose of reporting a use of force incident, the definition of a weapon*

includes a police dog or police horse that comes into direct physical contact with a person.

Additionally, officers are required to submit a [UFR Form 1](#) and a [TPS 584](#) to the Chief of Police when the officer uses a CEW

- as a “demonstrated force presence”
- in drive stun mode or full deployment, whether intentionally or otherwise.

Use of force reports are collected and used to identify individual and group training requirements, or Service use of force governance requirements.

Team Reports

Specialized Emergency Response – Emergency Task Force (ETF) and Emergency Management & Public Order – Public Safety (Public Safety), when operating/responding as a team, shall submit a Team Report UFR Form 1 in situations where force, meeting the reporting requirements, is merely displayed. An incident in which force was actually used, including the Demonstrated Force Presence of a CEW, requires a separate [UFR Form 1](#) from each individual officer involved.

Exemptions to the Reporting Criteria

A UFR Form 1 is not required when

- a firearm, other than an issued handgun, is merely carried or displayed by an officer
- a handgun is drawn or a firearm pointed at a person or is discharged in the course of a training exercise, target practice or ordinary firearm maintenance in accordance with Service Governance
- a weapon other than a firearm is used on another member of the Service in the course of a training exercise
- physical force is used on another member of the Service in the course of a training exercise

Use of Force Reports – Prohibited Uses

Under no circumstances shall the [UFR Form 1](#), or the personal identifiers associated with Part B be retained beyond the limitations dictated by *O.Reg. 926/90*, and in accordance with Board Policy.

The UFR Form 1 shall not be admitted in evidence at any hearing under Part V of the *PSA*, other than a hearing to determine whether the police officer has contravened ss. 14.5 of *O.Reg. 926/90* and Service Governance on use of force reporting.

The information from the UFR Form 1 shall not be contained in an officer’s personnel file.

The UFR Form 1 shall not be introduced, quoted from, or in any way referred to, during considerations of promotion or job assignment without the consent of the reporting officer.

Duplication/Disclosure/Retention

Members shall not make or retain a copy of the UFR Form 1 for any purpose, except as required to conduct a proper analysis for training purposes and Service Governance review.

Where a court order, subpoena, or prosecutor’s request for disclosure of the UFR Form 1 is received, such request shall be directed to Legal Services. Where the request is made under the *Municipal Freedom of Information & Protection of Privacy Act* and not by a court order, subpoena, or prosecutor’s

request for disclosure, such request shall be directed to the Coordinator – Records Management Services – Access and Privacy Section.

Additional Training

The Unit Commander of a member who has been identified with a training issue shall submit a TPS 649 to the Unit Commander – Toronto Police College (TPC) detailing the issue. The TPC shall be responsible for liaising with a Unit Commander recommending individual training for a member, and shall schedule the required training in accordance with unit specific guidelines. Final determination on individual training will be made by the Unit Commander – TPC.

Additional Investigative Requirements – Firearm Discharge

When a Service firearm has been discharged, the Senior Duty Officer shall be notified forthwith.

The Firearm Discharge Investigator (FDI) shall be responsible for all administrative investigations pertaining to firearm discharges. The discharging officer's supervisory officer is required to complete a Firearm Discharge Report. A supervisory officer from the involved officer's unit may be assigned to support and assist the FDI in the investigation.

Exemption to the Additional Investigative Requirements

A FDI is not required when investigating the discharge of an impact projectile launcher or a tear gas launching device, where the projectile expelled by the firearm is designed or intended as a less-lethal mechanism.

The investigation and report on the incident shall be the responsibility of the Unit Commander, in conjunction with the training staff, of the unit responsible for the discharge.

Court Officers and Auxiliary Members

Court officers and auxiliary members are not issued firearms.

With the exception of firearms, the provisions of this Procedure regarding training, use of force options and the reporting of force used shall also govern court officers and auxiliary members.

Member

1. Members shall not use force on another person unless they have successfully completed the prescribed training course on the use of force.
2. Members who may be required to use force on other persons shall complete a training course on the use of force at least once every 12 months.
3. Members
 - unless otherwise authorized, shall only use the use of force options identified in the Approved Use of Force Options and Intermediate Force Options sections in this Procedure
 - may use weapons of opportunity when none of the approved options are available or appropriate to defend themselves or members of the public
4. Unless otherwise authorized, members shall

- only use their Service issued baton
- not use impact devices commonly known as 'saps' or 'blackjacks'

NOTE: *Batons are the only impact weapon permitted for use when dealing directly with the public.*

5. When authorized to use OC aerosol spray shall

- only use it when other options reasonably present a risk of injury to a subject or themselves
- make all reasonable efforts to decontaminate sprayed individuals at the earliest safe or practicable opportunity, including the consideration of aerosol water mist decontamination devices

6. Police officers issued with and/or authorized to carry firearms or ammunition shall

- not draw a handgun, point a firearm at a person, or discharge a firearm unless
 - there are reasonable grounds to believe that to do so is necessary to protect against loss of life or serious bodily harm (Authority: *O. Reg. 926/90, s. 9*)
 - engaged in a training exercise, target practice or ordinary weapon maintenance (Authority: *O. Reg. 926/90, ss. 9.1*)
 - the discharge of a handgun or other firearm is to call for assistance in a critical situation, if there is no reasonable alternative [Authority: *O. Reg. 926/90, ss. 10(a)*]
 - the discharge of a handgun or other firearm is to destroy an animal that is potentially dangerous or is so badly injured that humanity dictates that its suffering be ended [Authority: *O. Reg. 926/90, ss. 10(b)*]
- not discharge a firearm
 - at a motor vehicle for the sole purpose of disabling the vehicle
 - at the operator or occupants of a motor vehicle unless there exists an immediate threat of death or grievous bodily harm to the officers and/or members of the public by a means other than the vehicle
 - as a warning shot

NOTE: *Warning shots present an unacceptable hazard to both the public and the police.*

7. When it is necessary to discharge a Service issued firearm for the purpose of dispatching an animal shall comply with Procedure [15-03](#).

8. In critical situations shall, when tactically appropriate

- avoid confrontation by disengaging to a place of safety
- take all reasonable measures to contain the scene
- notify the communications operator and request the attendance of
 - a supervisory officer
 - Toronto Paramedic Services (Paramedics), if required

9. When the use of force results in an injury to a person shall

- comply with Procedure [10-06](#)

- ensure the person receives proper medical attention, making all reasonable efforts to relieve their discomfort
 - notify the communications operator and request the attendance of
 - a supervisory officer
 - Paramedics, if required
10. Members unless engaged in an approved training exercise shall submit a [UFR Form 1](#) to their supervisor prior to the completion of the tour of duty when they
- use physical force on another person that results in an injury that requires medical attention
 - draw a handgun in the presence of a member of the public, excluding a member of the police force while on duty
 - discharge a firearm
 - point a firearm regardless if the firearm is a handgun or a long gun
 - use a weapon other than a firearm on another person
 - use a CEW as Demonstrated Force Presence, Drive Stun Mode, Full Deployment or when an unintentional discharge occurs
11. When a CEW is used as a Demonstrated Force Presence, in Full Deployment, Drive Stun Mode, or when an unintentional discharge occurs shall comply with Procedure [15-09](#).
12. When discharging any firearm other than at an authorized range or under the exemption provisions shall immediately notify
- their supervisory officer
 - the Officer in Charge of the division in which the discharge occurred.
- NOTE:** *As per the Firearm Discharge definition, this includes discharges that occur at an authorized range or under the exemption provisions **that result in injury or death.***
13. After the at-scene portion of the event has concluded shall
- complete a
 - [UFR Form 1](#) when force has been used
 - [TPS 105](#) when injury or illness has occurred
 - [TPS 584](#) when a CEW is used as Demonstrated Force Presence, Drive Stun Mode, Full Deployment or unintentional discharges
 - attach the TPS 105 and TPS 584 , as applicable, to the UFR Form 1 and submit to their supervisor prior to the completion of the tour of duty
 - where critical incident stress may have occurred, comply with [08-04](#)
14. When additional use of force training has been recommended by the Unit Commander shall attend as directed.
15. When becoming aware of a firearm discharge by a law enforcement officer from another law enforcement agency shall immediately notify their supervisor.
16. When making recommendations regarding training, equipment or policy issues related to the use of force shall submit details of the recommendations on a TPS 649 to the Unit Commander.

Supervisory Officer

17. When notified of a firearm discharge incident shall
- attend the scene immediately
 - ensure the scene and all evidence are protected and collected in compliance with Procedure [04-21](#)
 - exercise all due caution to ensure the evidence is not contaminated, overlooked or destroyed
 - advise the Officer in Charge at the first available opportunity and provide regular updates
 - ensure the Officer in Charge of the division in which the firearm discharge occurred has been notified, if the discharge did not occur in the members home unit
 - support and assist the FDI and investigate as required
 - submit a [TPS 586](#) to the Officer in Charge prior to the completion of the tour of duty

Supervisor

18. Upon receipt of a [UFR Form 1](#) shall
- where critical incident stress may have occurred, comply with [08-04](#)
 - ensure the report is accurate and completed in accordance with this Procedure
 - ensure the [TPS 105](#), [TPS 584](#) and [TPS 586](#), as applicable, are attached to the UFR Form 1
 - submit the completed UFR Form 1 and TPS forms to the Officer in Charge prior to the completion of the tour of duty
 - where a member is incapable of completing the [UFR Form 1](#), as the immediate supervisor, complete the member's portion
 - if recommending additional training, complete the applicable section of the [UFR Form 1](#)
 - comply with Procedure [15-03](#), if applicable

Officer in Charge

19. Upon being notified of a firearm discharge shall
- ensure a supervisory officer is assigned to support and assist the FDI during the course of the firearm discharge investigation in accordance with the 'Additional Investigative Requirements – Firearm Discharge' section of this Procedure
 - where the firearm discharge results in injury or death to a person, notify the Unit Commander and comply with Procedures [04-02](#) and [13-16](#), as applicable
 - notify the Officer in Charge – Toronto Police Operations Centre forthwith

- ensure a description of the event is detailed in the Unit Commander's Morning Report (UCMR)
20. Upon receipt of a [UFR Form 1](#) shall
- where critical incident stress may have occurred, comply with [08-04](#)
 - ensure the [TPS 105](#), [TPS 584](#) and [TPS 586](#), as applicable, are attached to the UFR Form 1
 - ensure the reports are accurate and complete
 - if recommending additional training, complete the applicable section of the [UFR Form 1](#)
 - submit the completed reports to the Unit Commander prior to the completion of the tour of duty
 - comply with Procedure [15-03](#), if applicable

Unit Commander

21. When in command of members who, in the course of their duties, may be required to use force on other persons shall ensure
- the members have successfully completed a training course on the use of force
 - at least once every 12 months, the members receive a training course on the use of force
22. When notified that a firearm discharge has occurred shall ensure the incident is investigated in accordance with this Procedure.
23. Upon being notified of a firearm discharge shall ensure a supervisory officer is assigned to support and assist the PRS, as requested.
24. Upon receipt of a [UFR Form 1](#) and the [TPS 105](#), [TPS 584](#) and [TPS 586](#), as applicable, shall
- where critical incident stress may have occurred, ensure compliance with Procedure [08-04](#)
 - ensure the forms are accurate and complete
 - if recommending additional training, complete the applicable section of the [UFR Form 1](#)
 - ensure the completed forms are distributed appropriately

NOTE: *The original [TPS 586](#) shall be forwarded to PRS by the next business day.*

The applicable forms shall be forwarded to the Training Analyst – TPC within 4 days of receipt.

- comply with the provisions of Procedure [15-03](#), if applicable
- except for information pertaining to additional training, as outlined in item 26, ensure the information from a UFR Form 1 is not contained in a member's personnel file

25. In addition to the duties described above, where a use of force results in serious injury or death, shall comply with Procedure [13-16](#).
26. When additional training is recommended for a member shall ensure
 - a TPS 649 is forwarded to the Unit Commander – TPC, and a copy is forwarded to the respective Staff Superintendent/Director
 - the member attends training as directed
 - all information pertaining to additional training is included in the member's personnel file, except the UFR Form 1
27. When receiving or making recommendations regarding training, equipment or policy issues about the use of force shall forward a TPS 649 to the Training Analyst – TPC.

Officer in Charge – Toronto Police Operations Centre

28. Upon being notified of a firearm discharge by an officer from another law enforcement agency shall notify the Senior Duty Officer and on-call FDI forthwith.

Senior Duty Officer – Toronto Police Operations Centre

29. Upon being notified of a firearm discharge shall ensure the
 - incident is investigated in compliance with this Procedure
 - on-call FDI has been notified
30. In addition to the duties described above, where a use of force results in serious injury or death, shall comply with Procedure [13-16](#).
31. When becoming aware of a firearm discharge within the City of Toronto by a law enforcement officer from another law enforcement agency shall liaise with the agency and ensure all appropriate action is taken.

Firearm Discharge Investigator – Professional Standards

32. When advised that a firearm discharge incident has occurred shall
 - take charge of the investigation
 - direct all required resources to ensure compliance with the additional investigative requirements
 - conduct a thorough investigation and submit the appropriate report

Unit Commander – Toronto Police College

33. In addition to unit specific guidelines, shall designate a member as the Training Analyst to

- schedule and co-ordinate additional use of force training
- review all [UFR Form 1](#), [TPS 105](#), [TPS 584](#) and [TPS 586](#) reports, as applicable, to identify individual and group training requirements
- if individual training requirements are identified, conduct a further review of the use of force incident and direct appropriate remedial training through the applicable Unit Commander
- if group training requirements are identified, conduct a further review of required training and make changes as appropriate
- conduct ongoing review and evaluation of all use of force procedures, training and reporting
- submit an annual CEW report

Unit Commander – Professional Standards Support

34. The Unit Commander – Professional Standards Support shall ensure
- a database of use of force data from Part A of all [UFR Form 1](#) reports is maintained
 - at least once every calendar year, a study, including an analysis of use of force trends for the entire Service, which does not contain data that identifies reporting police officers, is produced

Staff Superintendent – Corporate Risk Management

35. Upon receipt of an administrative report for a firearm discharge, in addition to unit specific guidelines, shall
- ensure a thorough investigation has been conducted and appropriate reports submitted
 - ensure recommendations concerning policy or training are forwarded to the UFRC
 - have final sign-off authority on the conduct portion of the investigation

Associated Documents (LINKS)

[Appendix A – Provincial Use of Force Model](#)

[Appendix B – Provincial Use of Force Model Background Information](#)



Section 11 Report - Supplemental

SIU CASE # 17-TCI-098 (Miller)

Submitted by Superintendent Eugene Fenton

June 15, 2021



The Waterloo Regional Police Service (“WRPS”) received a request from the Toronto Police Service to clarify one point not explicitly addressed in the original s. 11 report. At the time of this incident there was significant public scrutiny surrounding the fact that Michael Theriault’s father, John Theriault was also, at the time, a Toronto Police Officer who worked in their Professional Standards Unit. There was suggestion that John Theriault may have improperly influenced this investigation or any decisions made regarding SIU notification, and given that would directly impact the reputation of Toronto Police Service, it was requested that the s.11 report should address this point. For that purpose, the relevant materials were reviewed again, and WRPS provides this supplementary addition to the original s.11 report.

WRPS found no information in this regard. WRPS’s review confirmed John Theriault was present at the scene of the incident to support his sons after the confrontation (coming from his house that was the scene of the original interaction and in the neighbourhood). WRPS was unable to find any information or indication that he offered any undue influence in this matter or became involved in this matter, or was involved in any decision regarding the notification of the SIU.



**Toronto Police Services Board
Virtual Public Meeting
November 23, 2021**

**** Speakers' List ****

Opening of the Meeting

2. SafeTO: Toronto's Ten-Year Community Safety and Well-Being Plan

Deputations: Albert Ferranti
Dana McKiel (written submission included)
Michael Moreau (written submission included)

Nicole Corrado (written submission **only**)

5. Contract Award - Supplementary Legal Services in Employment and Labour Law

Deputation: Derek Moran (written submission included)

8. Contract Extension - LexisNexis Claims Solutions Inc. - CopLogic Incident Reporting System - Software Licensing, Support and Maintenance

Deputation: Nicole Corrado (written submission **only**)

12. Quarterly Report: Occupational Health and Safety Update for July 1 to September 30, 2021

Deputations: Derek Moran (written submission included)

Nicole Corrado (written submission **only**)

13. Chief's Administrative Investigation of the Custody Injury to Complainant 2017.31 (Dafonte Miller)

Deputations: Derek Moran (written submission included)

Nicole Corrado (written submission **only**)

PAR COURRIEL ET TWITTER.COM

le lundi 22 novembre 2022

Jim Hart, Président
Commission de services policiers de Toronto
Metropolitan Toronto Police Headquarters
40, rue College
Toronto (Ontario) M5G 2J3

OBJET : Politique pour dépenaliser la possession de toutes drogues

Mx. Hart :

Je vous écris pour vous faire part de préoccupations à l'égard de la façon abusive dont le Service de police de Toronto gaspille leur argent, et ce, de manière préjudiciable surtout à l'endroit de celles et ceux atteint-es de la toxicomanie. C'est pourquoi il faut que vous reconsidériez la répartition du budget policier.

Bien que je reconnaisse que le taux de criminalité en ce qui concerne les délits ayant trait aux drogues a baissé par 42%¹ de 2018 à 2019², il convient de noter que cela coïncide avec l'entrée en vigueur de la [Loi sur le cannabis](#)³. À mon humble avis, ceci témoigne de l'inefficacité de services policiers pour s'en charger de la réduction dudit taux [de manière convenable et adéquate](#).

Qui plus est, je suis certain que vous conviendrez que les fonds publics sont galvaudés en enquêtant les délits ayant trait aux drogues, un fait robustement défendu par une plainte portée devant le Vancouver Police Board en 2015⁴ :

Au total, 560 heures d'ouvrage policier furent requises pour une seule enquête, ce qui représente une valorisation de 34 000 \$ en salaire et avantages sociaux. Autrement dit, une enquête réclama l'équivalence d'un-e agent-e travaillant à temps plein pendant environ trois mois...[la majorité d'infractions ayant trait aux drogues] ne [devraient] pas [être] de priorité capitale [] d'exécution en l'absence de préoccupations manifestes liées à la sécurité [de la personne], surtout eu égard aux dangers accrus posés par les trafiquants-es de drogues prédateur-trices de même que [la] [réserve] de drogue[s] hautement toxique.

De surcroît, mes supputations démontrent que le Service de police de Toronto loupe une grosse somme de 231 591 321 \$ (231 million) dollars **annuellement** alors que ces enquêtes vexatoires et inconstitutionnelles se perpétuent⁵ ;

¹ Calculs [disponibles ici](#) dans l'onglet intitulé « Drug-Related Offences TPS Board »

² Les statistiques ci-haut mentionnées proviennent du [Service de police de Toronto](#).

³ « Statistiques sur les crimes déclarés par la police au Canada, 2019, » Centre canadien de la statistique juridique et de la sécurité des collectivités. le 29 octobre 2021. [Disponible ici](#).

⁴ "Service and Policy Complaint #2015-112 regarding enforcement against marihuana dispensaries," Report to the Vancouver Police Board, Vancouver Police Department. September 1, 2015. [Disponible ici](#). [Anglais seulement, citation traduite vers le français.]

⁵ Voir les tweets [ici](#), [ici](#), [ici](#), et [ici](#) avec la bibliographie à l'appui [ici](#).

ceci représente une ordure scandaleuse d'à peu près 20% du budget policier⁶. Avec respect, je crois qu'un regard neutre relative à la gestion incompétente des infractions reliées aux drogues permettra au corps policier et à la ville de Toronto d'éviter ces violations monstrueuses et continues des droits humains.

Pour ces motifs, il me fait grand plaisir de présenter à la Commission l'ébauche d'une *Policy on the Enforcement of Possession of Controlled Substances Contrary to s.4(1) of the Controlled Drugs and Substances Act*⁷; bien que je sois d'accord que les exigences de surveillance et de déclaration puissent être améliorées, j'ai confiance que vous céderez qu'elle peut être adoptée en l'état.

Finalement, en tant que citoyen fier du Canada ainsi qu'un défenseur soutenu de politiques [de drogue] raisonnables et humanitaires, je suis réjoui d'offrir mon soutien quant à cet enjeu vivement important. Quoi qu'il en soit, je serais ravi d'en discuter davantage avec vous-même, n'importe quel-le conseiller-ère ou bien un-e membre de vos cabinets respectifs.

J'attends une réponse aux points soulevés dans cette lettre avec impatience.
I eagerly await your response to the points raised in this letter.

Je vous prie d'agréer l'expression de ma Très Haute Considération.

**Michael
Moreau** Digitally signed by
Michael Moreau
Date: 2021.11.21
21:41:12 -08'00'

Michael Moreau

James.Oliver5637@gmail.com

c.c.: Conseillère Frances Nunziata, Vice-présidente de la Commission de services policiers de Toronto
councillor_nunziata@toronto.ca

Son Honneur monsieur John Tory, Maire de la Ville de Toronto, et
Membre de la Commission de services policiers de Toronto
mayor_tory@toronto.ca

Conseiller Michael Ford, Membre, Commission de services policiers
de Toronto
councillor_mford@toronto.ca

⁶ Calculs [disponibles ici](#) dans l'onglet intitulé « Costs of Drug Policing »

⁷ Draft [Policy on the Enforcement of Possession of Controlled Substances Contrary to s.4\(1\) of the Controlled Drugs and Substances Act](#) on Google Drive.

Toronto would be a lot safer if money used for the police was reallocated to other Safe TO member agencies for housing, libraries, and transit. Investing in the community is a far better way to prevent crime, rather than continuing to investing in police to clean up the mess afterward.

Nicole Corrado

So in this report it says - "The labour relations and employment law challenges which the Board will face during the proposed contract period include collective bargaining upon the expiry of the current collective agreements and important grievance proceedings such as those related to the Service's mandatory COVID-19 vaccination procedure. These professional services are required in order to provide legal guidance on issues that are increasingly complex and multi-faceted....It is therefore recommended that the Board approve a contract award to Hicks Morley as outlined above."



Definitions

1 In this Act,

"continued section 7.0.2 order" means an order continued under section 2 that was made under section 7.0.2 of the *Emergency Management and Civil Protection Act*; ("décret pris en vertu de l'article 7.0.2 et maintenu")

"COVID-19 declared emergency" means the emergency declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*. ("situation d'urgence déclarée en raison de la COVID-19")

Crown bound

16 This Act binds the Crown.

Termination of COVID-19 declared emergency

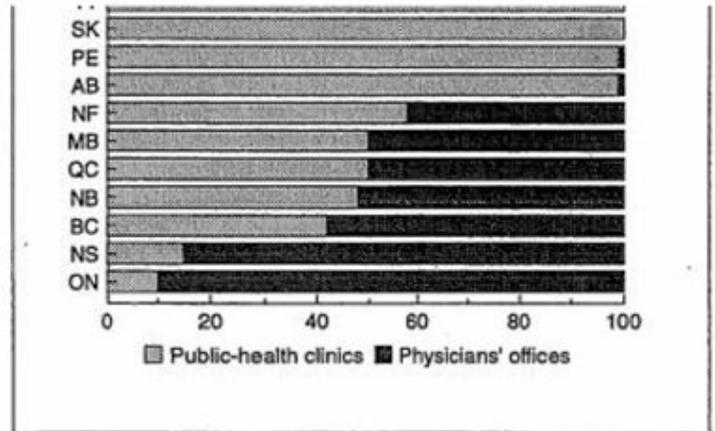
17 Unless it has been terminated before this section comes into force, the COVID-19 declared emergency is terminated and Ontario Regulation 50/20 (Declaration of Emergency) is revoked.

https://publications.gc.ca/collections/collection_2016/aspc-phac/HP3-1-23-S4-eng.pdf

Supplement

Canadian National Report on Immunization, 1996

Unlike some countries, immunization is **not** mandatory in Canada; it **cannot** be made mandatory because of the **Canadian Constitution**. Only three provinces have legislation or regulations under their health-protection acts to require proof of immunization for school entrance. Ontario and New Brunswick require proof for diphtheria, tetanus, polio, measles, mumps, and rubella immunization. In Manitoba, only measles vaccination is covered. It must be emphasized that, in these three provinces, exceptions are permitted for medical or



Canadian National Report on Immunization, 1996

[Duplessis v. Canada](#), 2000 CanLII 16541 (FC)

Federal Court — Canada (Federal)

2000-11-17 | 27 pages | cited by [14 documents](#)

post-traumatic stress disorder — security of the person — fiduciary duty — pension — duties

[...] [41] In the **Standing Court Martial of Ex-Sergeant Kipling**, whose breach of command resulted in severe disciplinary proceedings, the Chief Military Judge found that the **forced vaccination program did violate section 7 of the Charter**, in that the accused's right to life, liberty, and security of the person was **infringed**. [...] At page 2 of the minutes of the proceedings of the Standing Court Martial: [...] Non-consensual vaccination under the threat of **disciplinary proceedings amounts to an invasion of the bodily integrity and personal autonomy of a person**. [...]

[Lapierre v. A.G. \(Que.\)](#), 1985 CanLII 66 (SCC), [1985] 1 SCR 241

Supreme Court of Canada — Canada (Federal)

1985-04-04 | 33 pages | cited by [57 documents](#)

vaccination — theory of general average contribution — fortuitous events — ancient — art

[...] 119. **On the state of the law** prior to adoption of this specific legislation, R. Savatier observes in an article titled "Responsabilité de l'état dans les accidents de vaccination obligatoire reconnus imparables", *Mélanges offerts à Marcel Waline*, t. 2, 1974, at pp. 752-53: [...] [TRANSLATION] **The unavoidable risk of an accident--resulting in death or serious injury--which is occasioned by a compulsory vaccination** has only been an **undisputed scientific fact** for a short time; and though very rare, this risk is still proportionately not widely known. [...]

Fortey (Guardian ad Litem) v. Canada (Attorney General), 1999 BCCA 314

Court of Appeal — British Columbia

1999-05-10 | 24 pages | cited by 10 documents

Court of Appeal — British Columbia

medical treatment — police officers — prisoner — incapable of making a rational — care

[...] [40] **The common law right to refuse medical treatment is well-established:** Malette v. Shulman (1990), 1990 CanLII 6868 (ON CA), 72 O.R. (2d) 417, 67 D.L.R. (4th) 321 (Ont. C.A.). [...] Fleming v. Reid (Litigation Guardian) (1991), 1991 CanLII 2728 (ON CA), 82 D.L.R. (4th) 298 (Ont. C.A.) **supports the proposition that the right of a competent person to refuse medical treatment is also a liberty interest protected by s. 7 of the Canadian Charter of Rights and Freedoms.** [...] ... **the law does not permit the police to compel a prisoner to attend for medical treatment.** [...]

ice | X | Nuremberg Code - history - Off | X | +

https://history.nih.gov/display/history/Nuremberg+Code

90%



U.S. Department of Health and Human Services | National Institutes of Health



National Institutes of Health
Office of NIH History & Stetten Museum

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The Nuremberg Code

1. The **voluntary consent** of the human subject is absolutely essential.

This means that the person involved should have legal capacity to give **consent**; should be so situated as to be able to exercise **free power of choice, without** the intervention of any element of **force, fraud, deceit, duress, over-reaching**, or other ulterior form of **constraint or coercion**; and should have sufficient **knowledge** and comprehension of the elements of the subject matter involved, as to enable him to make an understanding **and** enlightened decision. This latter element requires that, before the acceptance of an affirmative decision by the **experimental subject**, there should be made **known** to him the nature, duration, and purpose of the **experiment**; the method and means by which it is to be conducted; **all** inconveniences and hazards reasonably to be expected; and **the effects** upon his **health** or person, which may possibly come from his participation in the **experiment**.

The **duty** and responsibility for ascertaining the quality of **the consent** rests upon each individual who initiates, directs or engages in **the experiment**. It is a **personal duty** and responsibility which may **not** be delegated to another with impunity.

Barker v. Barker, 2020 ONSC 3746

Superior Court of Justice — Ontario

2020-06-25 | 500 pages | cited by 7 documents

patients — programs — harm — confinement — treatment

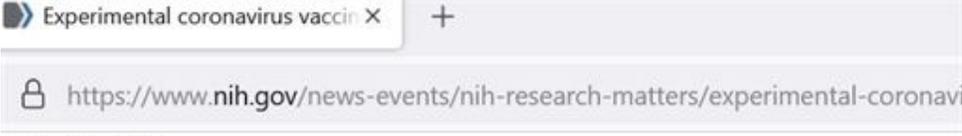
[...] [116] In their written submissions, **counsel for the Crown argue that the Nuremberg Code and Declaration of Helsinki are inapplicable here, as those instruments are treaties to which Canada is not bound.** [...] This submission **misses the principle of medical ethics made by Professor Dickens.** [...]

[...] **These instruments are not cited by Professor Dickens as a source of international legal obligation for Canada as a signing state.** [...] Rather, **they are cited as an articulation of universally accepted ethical principles applicable to physicians, the essence of which was reiterated in Canadian instruments, including the Canadian Medical Association's Code of Ethics, 1970.** [...] Moreover, **these norms of ethical conduct for experimental medicine are now, and were during the STU era, well recognized at common law;** see Halushka v University of Saskatchewan (1965), 1965 CanLII 439 (SK CA), 53 DLR 2nd 436 (Sask CA). [...]

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, **no one** shall be subjected without his free consent to medical **or** scientific experimentation.

Link and screenshot here from the NIH/National Institutes of Health, which states:



January 12, 2021

Experimental coronavirus vaccine highly effective

https://www.nih.gov/news-events/nih-research-matters/experimental-coronavirus-vaccine-highly-effective?fbclid=IwAR3cKBMp3mPuFAHvq-fxjJ6oFReoR_gmNGB6ZdqVTbQoxcZV2wnUr4uZhW0

Mckinney v. University of Guelph, 1990 CanLII 60 (SCC), [1990] 3 SCR 229
1990-12-06 | 250 pages | cited by 659 documents
mandatory retirement — universities — government — age — discrimination

[...] Assuming the correctness of Linden J.'s view, about which I express no opinion, I agree with the Court of Appeal that, if the Charter covers municipalities, it is because **"municipalities perform a quintessentially governmental function. [...] They enact coercive laws binding on the public generally, for which offenders may be punished;** see also *Re Klein and Law Society of Upper Canada* (1985), 1985 CanLII 3086 (ON SCDC), 16 D.L.R. (4th) 489 (Ont. Div. Ct.), per Callaghan J., at p. 528. [...] **After all, we must bear in mind that the role of the Charter is to protect the individual against the coercive power of the state.** [...]

Godbout v. Longueuil (City), [1997] 3 SCR 844, 1997 CanLII 335 (SCC) — 1997-10-30
Supreme Court of Canada — Canada (Federal)
residence requirement — governmental — municipalities — interim damages — autonomy

[...] **As regards municipalities,** it consists in the much broader discretion to adopt and enforce **coercive laws binding on a defined territory.** [...] a government or an entity acting in a governmental capacity could **circumvent** the Charter not simply by granting certain of its powers to other entities, but also by itself pursuing governmental initiatives through means other than the traditional mechanism of government action -- i.e., the formal enactment of **coercive laws** [...]

Mayor Tory: "Getting vaccinated now, will give you freedom."
<https://youtu.be/DJ0NTwQIKg0?t=356>

Nexus Lexis Coplogic is the current platform for the Toronto Police Services Vulnerable Persons Registry. I chose to register myself with the police because I would like the police to know I am autistic in case I ever require their services.

Nexus Lexis Coplogic is designed for minor non violent incident reporting. It was never designed for Vulnerable Persons to register themselves with the police.

I am a person, not an incident. My autism is part of me, and is not an incident either. While I support the use of Coplogic for incident reports, I would prefer the Toronto Police switch to www.vulnerablepersonsregistry.ca as the platform for the VPR.

Nicole Corrado

“During the third quarter of 2021, the number of claims resulting from exposure to the novel coronavirus which causes COVID-19 have decreased substantially over the same period last year. This is aligned with the general overall decrease in case counts in the City of Toronto and is likely linked to vaccination rates and other public health measures.”

“Toronto Police confirm 11 officers have filed an injured-on-duty claim after receiving a COVID-19 vaccine....But Toronto Police spokesman Connie Osborne warned “please note, this can be for a variety of reasons including a physical health or mental health response to the vaccine itself and the policy implemented by the service.”

<https://torontosun.com/news/local-news/warmington-more-vaccine-hesitant-toronto-workers-get-jab-as-some-cops-claim-injuries>

Dr. de Villa has said that her decisions are based on evidence such as - "the scientific literature," so I came across this article from "the scientific literature" - in this case the NCBI/National Centre for Biotechnology Information and I provide the link and screenshot in my written presentation, it states:

<https://pubmed.ncbi.nlm.nih.gov/33113270/>



Results of the study: COVID-19 vaccines designed to elicit neutralising antibodies may sensitise vaccine recipients to more severe disease than if they were not vaccinated. Vaccines for SARS, MERS and RSV have never been approved, and the data generated in the development and testing of these vaccines suggest a serious mechanistic concern: that vaccines designed empirically using the traditional approach (consisting of the unmodified or minimally modified coronavirus viral spike to elicit neutralising antibodies), be they composed of protein, viral vector, DNA or RNA and irrespective of delivery method, may worsen COVID-19 disease via antibody-dependent enhancement (ADE). This risk is sufficiently obscured in clinical trial protocols and consent forms for ongoing COVID-19 vaccine trials that adequate patient comprehension of this risk is unlikely to occur, obviating truly informed consent by subjects in these trials.

I provide another link and screenshot here from the NIH/National Institutes of Health, which states:

https://www.nih.gov/news-events/nih-research-matters/experimental-coronavirus-vaccine-highly-effective?fbclid=IwAR3cKBMp3mPuFAHvq-fxj6oFReoR_gmNGB6ZdqVTbQoxcZV2wnUr4uZhW0



One potential concern about COVID-19 vaccines is an unusual phenomenon called vaccine-associated enhanced respiratory disease, or VAERD. VAERD can occur when a vaccine induces an immune response that causes the disease the vaccine is supposed to protect against to be more severe if you're exposed to the virus.

I want to start off by thanking Councillor Wong-Tam for the question last month she asked of Western University Professor Donald Welsh who specializes in cardio-respiratory biology, to explain to her what he meant specifically when he referred to Covid vaccines as being - “leaky vaccines”. Just to refresh everyone’s memory, Professor Welsh stated:

"So a kind of a traditional vaccine something that we think of in the back of our minds as – it's an agent/a biological agent, that blocks the infection process, blocks the disease process, and then also blocks transmission. Now respiratory vaccines - that's what we sort of call them, they don't effectively block either the infection, or the transmission over long periods of time - what they do is they tend to moderate the severity of the disease. Because they don't do all three of those, we tend to call them 'leaky.' And that leakiness has consequences into the future, it can often promote variant development or mutations, and those mutations can often get around the normal - let's say, viral-defences of your body, or induced by a vaccine." So as I understood this, Professor Welsh basically explained – at least to me, that it's the Covid vaccines themselves, that are leading to mutations, that are leading to the VARIANTS of the virus. But the same as I expect from Dr. de Villa to provide the science to the public, I would expect the same of Prof. Welsh and ask if he could simply share with the rest of us on his twitter page for instance, the peer-reviewed studies that back up his claims he has made about leaky vaccines.

<https://youtu.be/OPuY-7adA24?t=3594>

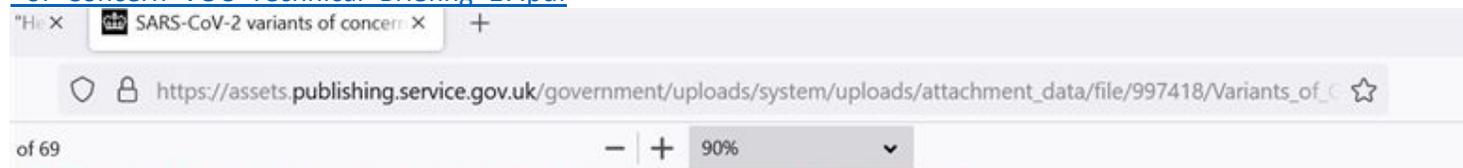
UK's Telegraph newspaper on twitter: "Dr Jenny Harries said today that Covid was possibly no more dangerous than flu"
<https://twitter.com/telegraph/status/1447188633874796545>
https://www.telegraph.co.uk/news/2021/10/10/covid-may-no-longer-significant-threat-health-dr-jenny-harries/?utm_content=telegraph&utm_medium=Social&utm_campaign=Echobox&utm_source=Twitter#Echobox=1633871632

Here is a link to a question asked by an MP in the U.K. Parliament on what the Infection Fatality Rate for Covid is:
<https://questions-statements.parliament.uk/written-questions/detail/2021-07-12/31381?fbclid=IwAR0YneUPZI8KOv9RmOaQSNu7LRoVmDddLziAvz4Kg6U-8u1vYgekWk4iBR4>

Steve Baker: "To ask the Secretary of State for Health and Social Care, what his Department's most recent estimate is of the covid-19 infection fatality rate."

Jo Churchill: "As of 15 July, Public Health England's modelling group, with the MRC Biostat Unit, estimated that overall **infection mortality rate** is approximately **0.096%**."

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001354/Variants_of_Concern_VOC_Technical_Briefing_17.pdf



VOC and VUI case numbers, proportion, deaths and case fatality rate

Table 2 shows the number of cases and deaths associated with each variant of concern and variant under investigation, and the proportion of total sequenced cases accounted for by each variant. Table 3 and 4 show the number of cases known to be infected with variants of concern or variants under investigation who visited an NHS Emergency Department, the number who were admitted, and the number who died in any setting (note data is shown from 1 February 2021 onwards to enable comparison). Figure 2 shows the cumulative number of cases per variant indexed by days since first report.

Table 2. Number of confirmed (sequencing) and probable (genotyping) cases by variant as of 21 June 2021

Variant	Confirmed (sequencing) case number	Probable (genotyping) case number*	Total case number	Case proportion*	Deaths	Case fatality	Cases with 28 day follow up	Deaths among those with 28 day follow up	Case Fatality among those with 28 day follow up
Alpha	219,570	5,515	225,085	70.3%	4,262	1.9% (1.8 - 2.0%)	219,948	4,259	1.9% (1.9 - 2.0%)
Beta	892	54	946	0.3%	13	1.4% (0.7 - 2.3%)	874	13	1.5% (0.8 - 2.5%)
Delta	50,283	41,773	92,056	28.8%	117	0.1% (0.1 - 0.2%)	11,250	32	0.3% (0.2 - 0.4%)
Eta	442	0	442	0.1%	12	2.7% (1.4 - 4.7%)	431	12	2.8% (1.4 - 4.8%)
Gamma	180	45	225	0.1%	0	0.0% (0.0 - 1.6%)	161	0	0.0% (0.0 - 2.3%)
Kappa	439	0	439	0.1%	1	0.2% (0.0 - 1.3%)	420	1	0.2% (0.0 - 1.3%)
Theta	7	0	7	0.0%	0	0.0% (0.0 - 41.0%)	5	0	0.0% (0.0 - 52.2%)

In 2018 the New York Times quoted Dr. Anthony Fauci who said that: "Natural infection is the mother of all vaccines."
https://www.nytimes.com/2018/11/19/health/vaccines-poverty.html?fbclid=IwAR2ZhA6P1P_Aqv6Ry_SQWBlyJGkPDDXmw0wMVUpouGW73U9bgPuWynhty00

Dr. Moore: ""You either get immunity from NATURAL exposure to this virus, or you get immunity through the vaccination process..."
<https://youtu.be/jPh4twel5dU?t=862>

There were 7 animal incidents listed in 2021. This indicates that the police will often encounter various animals. Currently, there is no mandate for police to learn about peaceful human animal interactions. The police need to work with various humane agencies to learn about animal behaviour, in order to prevent injuries to humans and animals, and to provide a peaceful, non violent response.

Nicole Corrado

So in this report it says - "Compliance with this Procedure will ensure that arrests are conducted and reported in a manner consistent with all legal principles and best practices." Underneath this is the headline - "Governing Authorities." Two of these 'Governing Authorities' mentioned are the "Constitution Act, Part I, Canadian Charter of Rights and Freedoms," and the "Canadian Bill of Rights." I don't believe the Toronto Police Services Board has ever made reference to the Canadian Bill of Rights before in any past meeting agenda. So for those who don't realize - the preamble of the Canadian Bill of Rights mentions - "...affirming that the Canadian Nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person and the position of the family in a society of **free men** and free institutions; Affirming also that **men** and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;" As the Canadian Bill of Rights acknowledges the supremacy of God in a society of free men and affirming that men remain free - if I have ever led Diana, the Toronto Police Services Board and/or the Toronto Police Service to believe in any way that I am anything other than a "man" as mentioned in Genesis 1:26, then that would be a MISTAKE, and that I ask all of you to please FORGIVE ME?

So in this report it also says - "Additional Recommendations on Amendments to TPS Procedures/Training...(b) Duty to Inquire...there should be **duty to fully inquire** as to whether an off-duty officer has put themselves on-duty by their words or actions."

[Corporation Agencies Ltd. v. Home Bank of Canada](#), 1925 CanLII 40 (SCC), [1925] SCR 706

1925-11-02 | 66 pages | cited by 14 documents

cheques — bank — deposits — money — kiting

[...] When it is said that a person is put **on enquiry** the result in point of law is that he is deemed to know **the facts** which he would have ascertained if he had made enquiry; he **cannot** better his position by abstaining from so doing. [...]

[Citadel General Assurance Co. v. Lloyds Bank Canada](#), 1997 CanLII 334 (SCC), [1997] 3 SCR 805

1997-10-30 | 41 pages | cited by 158 documents

breach of trust — constructive — knowing receipt — bank — knowledge

[...] The **knowledge** required to hold a stranger liable as constructive trustee in a **dishonest** and **fraudulent** design, is knowledge of circumstances which would indicate to an **honest, reasonable man** that such a design was being committed or would put him **on enquiry**, which the stranger **failed** to make, whether it was being committed. [...]

In this report it also says - "An off-duty police officer remains a peace officer and although there was no information that Michael Theriault told Mr. Miller he was a police officer at the time of this incident, he had to have been viewed as having otherwise engaged his **oath of office** by making an arrest....As stated, effecting an off-duty arrest or detention does engage a member's **oath of office** and effectively puts them on-duty"



Police officer, etc.

2. The oath or affirmation of office to be taken by a police officer, special constable or First Nations Constable shall be in one of the following forms set out in the English or French version of this section:

I solemnly swear (affirm) that I will be loyal to **Her Majesty the Queen and to Canada**, and that I will uphold the Constitution of Canada and that I will, to the best of my ability, preserve the peace, prevent offences and discharge my other **duties** as *(insert name of office)* faithfully, **impartially** and **according to law**.

So help me **God**. *(Omit this line in an affirmation.)*

CITIZENS are commercial-titles under an admiralty

CITIZEN = officer-on-land serving a corporation

ROMANS 2:11

“For there is **no respect of persons** with God.”

KING-JAMES VERSION (KJV)

JAMES 2:9

“But if ye have respect to **persons**, ye commit **sin**, and are convinced of the law as **transgressors**.”

KING-JAMES VERSION (KJV)

[R. v. Jorgensen](#), 1995 CanLII 85 (SCC), [1995] 4 SCR 55

1995-11-16 | 71 pages | cited by [614 documents](#)

obscene — *officially induced error* — *excuse* — *film* — *mens rea*

[...] [T]he rule is that if a party has his suspicion aroused but then deliberately omits to make further enquiries, because he **wishes to remain in ignorance**, he is deemed to have knowledge. . . . [...] 103 A finding of wilful blindness involves an affirmative answer to the question: Did the accused shut his eyes because he knew or strongly suspected that looking would fix him with knowledge? [...]

[R. v. Briscoe](#), 2010 SCC 13, [2010] 1 SCR 411

Supreme Court of Canada — Canada (Federal)

2010-04-08 | 17 pages | cited by [607 documents](#)

wilful blindness — *mens rea* — *murder* — *abettor* — *knowledge*

[...] He said: “I was **more than** happy to provide him with a chick so he don't take mine right? [...] [24] Professor Don Stuart makes the useful observation that the expression “**deliberate ignorance**” seems more descriptive than “**wilful blindness**”, as it connotes “**an actual process of suppressing a suspicion**”. [...] While a **failure to inquire** may be evidence of recklessness or criminal negligence, as for example, where a failure to inquire is a marked departure from the conduct expected of a **reasonable person**, wilful blindness is **not** simply a failure to inquire **but**, to repeat Professor Stuart's words, “**deliberate ignorance**”. [...]

[R. v. Briscoe](#), 2010 SCC 13, [2010] 1 SCR 411

Supreme Court of Canada — Canada (Federal)

2010-04-08 | 17 pages | cited by [607 documents](#)

wilful blindness — *mens rea* — *murder* — *abettor* — *knowledge*

[...] **Wilful blindness does not** define the **mens rea required** for particular offences. [...] Rather, it can **substitute for actual knowledge** whenever knowledge is a component of the **mens rea**. [...] The doctrine of wilful blindness imputes knowledge to an accused whose suspicion is aroused to the point where he or she sees **the need** for further inquiries, but **deliberately chooses not** to make those inquiries. [...]

[R. v. Jorgensen](#), 1995 CanLII 85 (SCC), [1995] 4 SCR 55

Supreme Court of Canada — Canada (Federal)

1995-11-16 | 71 pages | cited by [636 documents](#)

obscene — *officially induced error* — *excuse* — *film* — *mens rea*

[...] It is well established in criminal law that **wilful blindness** will also fulfil a **mens rea** requirement. [...] Deliberately choosing **not to know** something when given reason to believe further **inquiry** is necessary can **satisfy** the mental element of the offence. [...]

[R. v. Pontes](#), 1995 CanLII 61 (SCC), [1995] 3 SCR 44

Supreme Court of Canada — Canada (Federal)

1995-09-21 | 63 pages | cited by [216 documents](#)

offence — *defence of due diligence* — *absolute liability* — *mens rea* — *ignorance*

[...] The provision of **some form of notice of the law** would convert the offence into one of **full mens rea**, since the accused would then be driving with actual subjective **knowledge** that he was prohibited under provincial legislation. [...]

There needs to be better civilian input and investigation into police violence. This incident of an off duty police officer allegedly injuring a civilian in custody seems to have only been overseen by the Waterloo Police, rather than a non partisan civilian peer. This is not fair justice. If a civilian got into a fight with someone who was allegedly stealing their car, that person might be charged with assault. The police need to be disciplined by a neutral civilian board, not fellow police from another city.

Nicole Corrado



BLACK ACTION DEFENSE COMMITTEE INC.

Comite' d'action pour la de'fense des Noirs Inc.

508 Oakwood Ave. Toronto Ontario M6E 2X1 Tel: (416) 656-2232 Fax: (416) 656-2252

Deputation to the Toronto Police Services Board regarding the Waterloo Regional Police Investigation and Report Into the Brutal Beating of Dafonte Miller:

Tuesday November 23,2021

By: Kingsley P. Gilliam M.A. Director of Communications and Social Services:

Mr. Chairman and Members of the Board greetings from the Board of Directors and Members of the Black Action Defense Committee Inc.

The Black action defense committee is outraged, saddened and dismayed by the findings of the Waterloo Regional Police absolving John Theriault of any wrongdoing in this cover-up.

IT states: " In relation to the conduct of now retired Detective John Theriault (1408) the following findings were provided by W.R.P.S.:

"At the time of this incident there was significant public scrutiny surrounding the fact that Michael Theriault's father, John Theriault was

also, at the time, a Toronto Police Officer who worked in their

Professional Standards Unit. There was suggestion that John Theriault

may have improperly influenced this investigation or any decisions

made regarding S.I.U. notification, and given that would directly impact

the reputation of Toronto Police Service....

W.R.P.S. found no information in this regard. W.R.P.S.'s review confirmed John Theriault was present at the scene of the incident to

support his sons after the confrontation (coming from his house that

was the scene of the original interaction and in the neighbourhood).

W.R.P.S. was unable to find any information or indication that he offered any undue influence in this matter or became involved in this matter, or was involved in any decision regarding the notification of the

S.I.U.”

The W.R.P.S. recommended that the Chief review the actions of Inspectors Boyd and

Moreira and take appropriate action under Part V of the Police Services Act. The Chief

has undertaken that review and in relation to the conduct of the Service S.I.U.

Designate and Chief’s Liaison Officer the following comments are provided:”

Dafonte Miller was an unarmed 19-year-old Black youth, who was chased by Michael and Christian Theriault for over 140 meters, and backed him against a fence, after pulling him back from escape by scaling the fence and severely beaten him with a led pipe.

Their Father visited the scene, which was in the neighborhood of his residence, from which his two sons gave chase. The role that he played, in the cover-up of this severe case of police brutality, being a Senior Toronto Police Detective, attached to the Professional standards unit, which has a joint responsibility with the Senior Uniformed Officer , designated by the Chief to report cases that trigger the SIU ‘S mandate to the SIU.

Evidence provided in the trial indicates that contrary to the Findings of the Waterloo Regional Police, that John Theriault attended the scene only to support his sons, that he made several telephone calls to senior members of Durham Regional Police, which also was by statute required to report the incident to the SIU since the incident took place in its jurisdiction and its officers investigated the incident.

One male Durham police officer testified that after seeing Dafonte Miller's injuries at the hospital, he prepared the card with the required reporting information to report the incident to the SIU but it was never done.

Could that have been due to the numerous phone calls from John Theriault?

As well, Could the Decision of Inspectors Boyd and Moreira not to report the incident, was due to the his relationship or fraternity with their colleague, John Theriault? Or the effects of "the thin blue line"?

Needless to say BBADC is not surprised about this finding, because, from its founding in 1988, after the Toronto Police shooting death, of Lester Donaldson; the Black Action Defense Committee mobilized the Black Community in protests, marches, deputations to all levels of government, demanding change from police investigating the police. The practice was that when police shot and killed civilians, whether Black, white or of any other race, the Homicide Squad of that same police service conducted the investigation and invariably the subject officer was cleared of any wrongdoing.

BADC's intervention resulted in the provincial government creating the clear Lewis commission which investigated complaints against the police. This later led to the creation of the Special Investigation Unit, SIU, a Provincial Agency, which has a mandate to investigate all incidents involving police officers in which, serious bodily injury or death occurred to a civilian at the hands of police officers; and in complaints of sexual assault by police officers.

The SIU legislation is clear that all incidents reaching the above noted threshold, automatically triggers the mandate of the SIU, to investigate such matters. The legislation also requires the police services involved, to secure the evidence, protect the integrity of the crime scene and to notify the Special Investigations Unit of the incident.

None of this had been done in the case of the severe life threatening injuries; knocking his eye from its socket, and fracturing many of his bones in his face and other severe injuries.

Detective John Theriault visited this scene and obviously recognized that he had a major dilemma. On the one hand, he had the duty to report to his service, that the SIU mandate was triggered in incident involving one of their officers. On the other hand, the fact that the officer involved, happened to be his own issue, his son.

This was a conflict of interest of exponential proportions, but parental instincts prevailed, as the report said **he attended only to protect the interests of his sons.**

That fact alone, is sufficient cause to determine that John Theriault's actions were unethical, illegal, unjust, and unfair and brought disrepute to the administration of justice, thus undermining confidence in the police and entire justice system; yet he was not charged, neither under the criminal code of Canada, nor under the Police Services Act. Instead, he was allowed to retire without facing any consequences for that conduct, which suggests the senior police officers can violate the law with impunity.

The Waterloo Regional Police noted that the responsibility to report to the SIU on behalf of the TPS rested with Inspectors Boyd and Moreira.

It recommended that the Chief review their roles in failing to report this incident, however, noting that Inspector Boyd, like Detective John Theriault has since retired and therefore no longer subjected to discipline under the Police Services Act. Therefore, he too, has gotten away with impunity.

With respect to Inspector Moreira, the report recommends no disciplinary action, because Inspector Boyd was his senior. **We respectfully strongly disagree.**

The reasons for the WRPS recommendation is based on the following:

“The Chief's S.I.U. On-Call Designate will notify the S.I.U. and direct the Service's

response to the S.I.U. investigation as events unfold.

On December 28, 2016, then Inspector Peter Moreira (470) was notified of this event by

the Durham Regional Police Service (D.R.P.S.). At this time, Inspector

Moreira was the

Chief's S.I.U. On-Call Designate.

Inspector Moreira consulted with now retired Inspector Edward Boyd (6468) regarding the circumstances of this event.

At that time, Inspector Boyd was the Chief's S.I.U. Liaison Officer, which was defined as"

In BADC's view, Detective Moreira was the Chief's Designate on Call. It was therefore his responsibility to notify the SIU. Based on the structure established there was no requirement or need to consult with his superior save and except that this was a very sensitive matter that implicated a high ranking officer, colleague and his sons.

Having worked in government agencies and institutions where seniority is a hallmark of decision-making; When one is in charge of the agency or institution, the buck stops with him/her.

Therefore it was Inspector Moreira's responsibility to report this incident to the SIU and would have done so, had he really wanted to do so.

There is no evidence of him making that recommendation and being overruled by Inspector Boyd.

In our opinion, based on the evidence, all three senior officers, Senior Detective John Theriault, Inspector Moreira and Inspector Boyd were complicit in the cover up.

Notwithstanding the fact that two of them are now retired with impunity, should the remaining one be absolved of negligence and dereliction of duty.

This report from Waterloo Regional Police Service, is a strong indication to Canadian society, how little progress we have made in this fight since the implementation of the Charter of Rights and Fundamental Freedoms since 1984. Prior to that, police saw themselves as above the law, and enforcers of the law therefore the law did not apply to them.

Section 15 “Subsection 1 of the charter of rights and freedoms states as follows: every individual is equal before and has the right equal protection and, equality benefit off the law. “

Our system of justice is based on the judgements of “a reasonable person”, and I can assure you that no reasonable person, knowing the facts of this case, would conclude that John Theriault’s conduct at the scene of the incident, and subsequent to that, was objective, impartial, fair and just, nor would any reasonable person conclude that his behavior was a credit to the administration of justice.

That being the case, the Black Action Defense Committee Inc. has serious concerns about the findings of the Waterloo Regional Police Service in this matter.

It adds insult to the grave injuries that Dafonte Miller, his family endured that night including the grave indignity of having his eye knocked out, his jaw broken by vigilantes one of whom was handed handcuffs by Durham Regional Police officer to handcuff the victim, Dafonte Miller; and the complicity of Durham Regional Police Officers on the scene, and the High Command in **“throwing the book at him”** with trump up charges as part of the cover-up.

In all our activities since the founding of the Black Action Defense Committee, we have criticized wrongdoings of police and other authority figures, and provided remedies that would make things better, for all going forward.

As this Board is acutely aware, the Black Action Defense Committee took a great deed of interest in this case. We had representatives in court in Oshawa for every stage of the proceedings against Michael Theriault and Christian Theriault. We sat through the trial and provided the court with Community Impact Statement at the sentencing hearing. We had demonstrations in front of the courthouse numerous times during the various stages of the proceedings. During the trial I and other BADC representatives made comments to the media, after each day’s hearing providing a rational balanced assessment of the day’s evidence.

The trial is now over. The sentence has been imposed and the defendants were both acquitted of the more serious charges, and Michael Theriault sentenced to

nine months' incarceration, which he appealed and lost. He is now serving his sentence ,while seeking leave to appeal to the Supreme Court of Canada.

John Theriault has retired with a lifelong pension, with impunity, and now this investigation by Waterloo Regional Police has exonerated him and the other two inspectors involved in the cover up.

This is a huge body blow, (a gut punch) to the public's confidence in our system of justice. As I told the media during the trial, that not only were Michael Theriault and Christie Theriault on trial, but also the administration of justice in Canada was.

And the winners are John, Michael and Christian Theriault, The Durham Regional Police, and the Toronto Police Service; While Dafonte Miller remains maimed for the rest of his life, his family and his community are forever scarred by this brutality and the outcomes of this sordid case, and finally the administration of justice remains in disrepute.

Recommendations

The Black Action Defense Committee therefore notes that Police Chief Ramer has taken action to prevent any further confusion on reporting to the SIU.As well the SIU Act has been revised because of this case to make it very clear around obligations of police services to report.

The Black Action Defense Committee Inc. Recommends to the Toronto Police Services Board, that it review the Conduct of Inspector Moreira in this incident and take appropriate action. This will help restore public confidence.

The Comprehensive Police Services Act and its regulations are scheduled to come into force in January 2022 which encompasses significant changes to policing in Ontario.

The Black Action Defense Committee has contributed enormous hours of very highly skilled consultancy in developing this legislation, Standards and Regulations and its predecessor, Bill 175, which was not implemented.by the Ford Government.

BADC, has been a true community partner for change of police culture, we have made numerous deputations to TPSB, the Ministry of the Attorney General and

Solicitor General, and Justice Tulloch's review of Police Oversight and his review of the Carding /Street checks Regulations.

BADC believes in nation building and the Rule of Law. Therefore, we implore the Toronto Police Services Board to assiduously embrace and implement these changes.

In closing, BADC is not anti -Police but Rather anti-Bad policing.

We stand ready to assist Toronto Police Services Board, and Services, in a positive manner, if the Board and Service are serious about changing the culture and in implementing a Dedicated Crisis Intervention Which We developed and recommended to the Provincial Government and Municipalities that operate Police services including Durham Regional Council.

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