



The following *draft* Minutes of the meeting of the Toronto Police Services Board held on May 27, 2004 are subject to adoption at its next regularly scheduled meeting.

The Minutes of the meeting held on April 29, 2004 previously circulated in draft form were approved by the Toronto Police Service Board at its meeting held on May 27, 2004.

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **MAY 27, 2004** at 1:30 PM in Committee Room 1, Toronto City Hall, Toronto, Ontario.

PRESENT:

Mr. A. Milliken Heisey, Q.C., Chair
Mr. Pam McConnell, Councillor & Vice Chair
Mr. John Fillion, Councillor & Member
Dr. Benson Lau, Member
The Honourable Hugh Locke, Q.C., Member

ALSO PRESENT:

Mr. Julian Fantino, Chief of Police
Mr. Albert Cohen, City of Toronto - Legal Services Division
Ms. Deirdre Williams, Board Administrator

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TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

#P141. MOMENT OF SILENCE

The Board observed a moment of silence in memory of Police Constable Chris Garrett of the Cobourg Police Service who was killed while on duty on Saturday, May 15, 2004 in the Town of Cobourg and for Ontario Provincial Police Constable Tyler Boutilier, of the Grenville Detachment, who was also killed while on duty on Sunday, May 23, 2004 in Seeleys Bay.

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#P142. INTRODUCTIONS

The following members of the Service were introduced to the Board and congratulated on their recent promotions:

Superintendent Gary Ellis
Staff Sergeant Peter Dalmore
Sergeant Lisabet Benoit
Sergeant Brian Bowman
Sergeant David Eustace
Sergeant Brad Fisher
Sergeant Alex Gauthier
Sergeant Sandra Gregory
Sergeant Deborah Harper
Sergeant Tony Remy
Sergeant Paul White

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**#P143. ONTARIO HUMAN RIGHTS COMMISSION – *PAYING THE PRICE:
THE HUMAN COST OF RACIAL PROFILING***

Mr. Keith Norton, Chief Commissioner, Ontario Human Rights Commission, was in attendance and discussed a report entitled *Paying the Price: The Human Cost of Racial Profiling* which was published by the Commission in December 2003. Copies of the report were circulated to Board members and one copy remains on file in the Board office.

Mr. Norton described the consultation process and the research that led to the 19 recommendations contained in the report.

Ms. Estella Muyinda, African Canadian Legal Clinic, was in attendance and made a deputation to the Board on this matter.

Chief Fantino was in attendance and described to the Board the extent of the work that has been completed by the Board/Service Race Relations Joint Working Group in the area of race relations. He advised that he, as well as several other members of the Service, has met with the Honourable Jean Augustine, Minister of State (Multiculturalism and Status of Women) on a number of occasions to discuss race relations issues.

The Board approved the following Motions:

- 1. THAT the presentation by Mr. Norton and the deputation by Ms. Muyinda be received;**
- 2. THAT a copy of the Commission's report *Paying the Price: The Human Cost of Racial Profiling* be forwarded to the Board/Service Race Relations Joint Working Group and that the Working Group meet to review this report and provide its comments on the Commission's report in a report to the Board which should be integrated into the Working Group's final report at the September 23, 2004 meeting;**
- 3. THAT the Chair and Vice-Chair consult with the Kingston Police Services Board regarding the Kingston Police Service pilot project on data collection and, following their consultation, provide a report to the Board on any preliminary results or final data;**

cont...d

4. **THAT the Chair and Vice Chair consult with the Honourable Jean Augustine, Minister of State (Multiculturalism and Status of Women) on possible funding options for a pilot project for race relations initiatives; and**
5. **THAT the Board/Service Race Relations Joint Working Group develop a zero tolerance policy on racial profiling, to be presented to the Board for its September 23, 2004 meeting.**

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#P144. POLICE IDENTIFICATION ON UNIFORMS

The Board was in receipt of the attached correspondence, dated May 04, 2004, from Harvey Simmons, Toronto Police Accountability Coalition, regarding his request to make a deputation to the Board on police identification badges.

Mr. Simmons was in attendance and made a deputation to the Board which included recommendations on how a police officers' name and/or badge number could be securely affixed to the uniform in a manner so that it is clearly visible.

The Board noted that earlier in the meeting the Board received a presentation from Mr. Keith Norton, Chief Commissioner, Ontario Human Rights Commission, regarding the Commission's report *Paying the Price: The Human Cost of Racial Profiling*. The report included, among others, a recommendation (no. 16) that police officers and private security officers should wear name badges that are clearly displayed (Min. No. P143/04 refers).

The Board approved the following Motions:

- 1. THAT the deputation by Mr. Simmons and his written submission be received;**
- 2. THAT the Chief of Police provide a report for the Board's September 23, 2004 meeting on how the Service could implement recommendation no. 16 contained in *Paying the Price* with regard to officers wearing name badges, or other identification, and that the report also identify any issues, from the perspectives of both the Service and Toronto Police Association, that may arise as the result of implementing this recommendation; and**
- 3. THAT the report noted above also include the Service's history of police identification on uniforms and the current practises with regard to police identification in other police jurisdictions.**



"Harvey G. Simmons"
<hsimmons@yorku.ca
>

To: Deirdre.Williams@torontopoliceboard.on.ca
cc:
Subject: Deputation May 27

2004.05.04 10:25

Dear Ms. Williams: Below please find the text of my deputation, to be presented on behalf of the Toronto Police Accountability Coalition, scheduled for 27 May.

Because they constantly interact with the public, and sometimes in highly conflictual ways, it is very important that individual police officers be easily identified. Yet the Toronto police currently can be identified only by a small number badge which they wear on the epaulettes of their uniform or on their hats. When police wear jackets or raincoats the only way they can be identified is through the badge worn on their hats. On occasion, when wearing jackets, police have been known to remove their hats making identification impossible.

Even when badge numbers are visible, given the charged atmosphere in which encounters with the police often take place, when people are excited or nervous, an average member of the public is highly unlikely to remember to note, memorize, or write down, an officer's badge number.

However, a random telephone survey of police departments in various Canadian cities, and a few large American cities points to alternative methods of identification. For example:

NAME TAGS

Calgary. Police wear a badge with their last name pinned to their shirt. Their last name is sewn on sweaters.

Edmonton. Police have the badge number on their shoulders and name bars clipped onto their patrol jackets.

Vancouver. Individual police officers may choose to wear a name tag, or a tag that has their badge number sewn on to all items of clothing. Police officers tend to divide 50-50 between wearing name tags or badge tags.

R.C.M.P. Out west where the R.C.M.P. acts as local police force, uniformed officers have name tags sewn on all items of uniform.

O.P.P. Name of officer is on shirt.

New York City. Police officers have their badge number and their last name clipped to their shirts.

Chicago. Officer's name tag is on a brass clip, badge number is on their hat. They must have their name tag pinned to all items of the uniform.

Detroit. Officers have name tags pinned onto chest of shirt, and name tags on all outside clothing.

Miami-Dade Officers must wear metal name tags on uniform shirts. They also have badge numbers on uniforms.

BADGE NUMBERS

Boston. Police have a badge number pinned to chest of shirt.

Winnipeg. Badge number is on shoulder.

Toronto. Badge number is on shoulder and on cap.

CONCLUSION

Many large-city Canadian police officers, plus O.P.P. and R.C.M.P. officers, wear name tags. Police officers in New York City, Chicago, Detroit and Miami also wear name tags.

Currently, for the reasons mentioned above, it is often hard to identify individual Toronto police officers.

It is therefore proposed that regulations stipulate that all Toronto police officers have their last names sewn onto their uniform shirts, jackets and exterior gear. This would make it easier for the public to identify individual officers and obviate the possibility that officers might forget to wear their identification or that it might fall off. It would reduce any tendency for people who might have negative encounters with the police to lump all police together simply because they cannot differentiate one police officer from another. Finally, such a change would signal a new readiness on the part of the Toronto police to be held responsible for their actions as well as humanizing officers who are, now at least, merely badge numbers.

--

Harvey G. Simmons
Professor Emeritus
York University
Toronto, CANADA

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**#P145. POLICE LIAISON/COMMUNITY OFFICER – ADULT
ENTERTAINMENT ASSOCIATION OF CANADA**

The Board was in receipt of the attached correspondence, dated March 11, 2004, from Tim Lambrinos, Executive Director, Adult Entertainment Association of Canada, regarding his request that the Service assign a Police Liaison/Community Officer to work with the Adult Entertainment Association of Canada.

Mr. Lambrinos was in attendance and made a presentation to the Board. A written copy of Mr. Lambrinos' presentation is on file in the Board office.

Following the presentation, Chief Fantino responded to questions by the Board and indicated that, currently, he did not have the resources to assign an officer to work with the Association.

The Board received Mr. Lambrinos' presentation.

During the presentation noted above, an image of the Toronto Police Service crest was displayed in materials produced by the Adult Entertainment Association of Canada. Chief Fantino noted that the Service had not received a request from the Association to use the police crest, and that permission had not been granted to the Association to use the crest. Mr. Lambrinos was advised that the crest is registered as an official mark and any unauthorized use of the crest is prohibited. Mr. Lambrinos indicated that he was not aware of this requirement. He apologized to the Board and Chief Fantino and advised that he would remove the image of the crest from the Association's materials.



» ONTARIO REGION «
OFFICERS OF THE BOARD OF DIRECTORS

Chairman o	f	Board Sam Zweig
President		Glen Clarabellini
Vice President		Peter Psihogios
Treasurer		Nancy So
Secretary		Scott Kurtzman

March 11, 2004

Mr. Alan Heisey
Chair - Toronto Police Services Board
40 College street
Toronto, Ontario
M5G2J3

RE: CLASSIFICATION OF A POLICE LIAISON/ COMMUNITY OFFICER
WITH THE A.E.A.C.

Dear Mr. Heisey:

Our Association would formally request a partnership placement and classification to the founding of a dedicated Police Liaison Officer (ie: *Community Liaison Officer*) with our group and that our Association may provide a presentation and specific details to Members of your Board on March 25th or April 29th. This presentation will take roughly 3 • 4 minutes and be described in a 12 slide power point format.

The concept for community liaison officers is well recognized. In partnering with various sectors of business, institutions, community organizations and other groups the officer serves to provide lasting awareness and improve benefits while reducing costs at all levels.

On February 16, 2004, our Association defined the Police Liaison Officer/ A.E.A.C. proposal with Police Chief Julian Fantino and Mayor David Miller. Both individuals felt there was a great deal of merit to the conception and endorsed pursuit. Chief Fantino suggested a presentation may be provided to the Police Services Board by our organization.

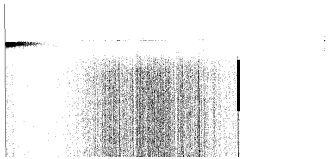
Additional information regarding various applications of our organization can be found at www.adultentertainmentassociation.ca.

Please contact Mr. Tim Lambrinos at 416 989-1193 or at the office at 416 642-0159 as to the convenience to the Police Services Board agenda.

Sincerely,

Tim Lambrinos
Executive Director
Adult Entertainment Association of Canada

ADULT ENTERTAINMENT ASSOCIATION OF CANADA
P.O. BOX 91 STATION B, ETOBICOKE ONTARIO M9W 5K9
(416) 642-0159 OR TOLL FREE 1-866-311-AEAC



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**#P146. TORONTO COMMUNITY HOUSING CORPORATION (TCHC) –
SPECIAL CONSTABLE PILOT PROJECT – FINAL REPORT**

The Board was in receipt of the following report APRIL 26, 2004 from Julian Fantino, Chief of Police:

Subject: TORONTO COMMUNITY HOUSING CORPORATION (TCHC) – SPECIAL
CONSTABLE PILOT PROJECT – FINAL REPORT

Recommendation:

It is recommended that:

- (1) the Board approve the continuation of the TCHC special constable program for an initial five year term in accordance with the agreement between the Board and the TCHC in respect to the program;
- (2) the Board approve the appointment of the individuals identified in this report as special constables for the TCHC for a period of five years on the same terms and conditions as contained in the current TCHC special constable appointments, subject to the approval of the Ministry of Community Safety and Correctional Services (the “Ministry”); and,
- (3) the Board authorize the Board Chair to execute an agreement with TCHC in respect to the special constables for the period of the appointments in a form acceptable to the City Solicitor.

Background:

The Board is responsible for the provision of police services and law enforcement in the City of Toronto. The TCHC is responsible for providing public housing in the City of Toronto and has established its own Security Services Section. The TCHC provides security functions in relation to its property and operations through several security components that include: community patrol officers, security officers, parking enforcement officers, dispatchers and special constables.

The Board has the authority pursuant to Section 53 of the Police Services Act (the “Act”) to appoint special constables for such purposes and with such powers as it sees fit, subject to the approval of the Ministry. The powers, duties and responsibilities of special constables are subject to the limitations set out in the appointments and are reflected in the agreement between the Board and TCHC.

For many years, the Toronto Police Service (TPS) and the TCHC's Security Services Section have enjoyed mutually supportive, effective and efficient co-operation in law enforcement and security matters in relation to the property and operations of TCHC.

On March 8, 2000, the Board entered into an agreement with the former Metropolitan Toronto Housing Authority, now called the TCHC, for the appointment of special constables (Board Minute #414/99, refers). The Ministry approved the request of the former Metropolitan Toronto Housing Authority to have some of its security officers appointed by the Board as special constables, pursuant to section 53 of the Act, upon certain amendments to the agreement.

On October 26, 2000, the Board approved the requested amendments to the agreement to limit the number of appointments to a maximum of 55 applicants and authorized the chair to execute the necessary agreements (Board Minute P480/00, refers).

At the request of the Ministry, the appointments of the TCHC special constables were made for a limited period of time, for the purpose of allowing an evaluation of the appointments and a determination of whether to renew the appointments. At the end of the first twelve months an evaluation of the pilot project took place. The TCHC hired Robert Hann & Associates Limited and Research Management Consultants Inc. to conduct an evaluation of the pilot project. The consultants' report was completed in March 2002, and submitted to the TCHC Board (Appendix A, refers).

In February 2002, the Ministry formed a Review Team, which consisted of representatives from the Ministry, the Toronto Transit Commission, Corporate Security and the Toronto Police Service. This Review Team analyzed the consultant's report and recognized the need for additional information prior to making a determination respecting a final assessment of the pilot project.

In March 2002, Staff Sergeant John Badowski, the TPS Special Constable Liaison officer conducted an audit of the TCHC special constable program. At that time, the TCHC was found to be in compliance with all aspects of the agreement with the Board.

Subsequently, on March 14, 2002 the Review Team held a focus group at TPS headquarters regarding the pilot project and heard from tenant representatives as well as police officers.

In April 2002, a labour dispute involving the Ontario Public Service Employees Union, caused a delay in the ongoing evaluation process and as a result the Review Team was required to request additional time to complete the analysis. To accommodate the request for additional time, the Board, on May 30, 2002, approved a six-month extension of the appointments of special constables then employed by the TCHC (Board Minute P153/02, refers). In addition, the Board authorized the Chair of the Board to execute an agreement with TCHC with regard to the special constables for the period of the re-appointments, in a form acceptable to the City Solicitor.

The Review Team determined that a final assessment of the pilot project could not be completed since the evaluation criteria was not built into the original pilot project design.

Subsequently, the TCHC, in consultation with the Review Team, developed a detailed proposal regarding its continued use of special constables. This proposal included a revised pilot project design and evaluation criteria for the extended pilot project.

At its meeting on November 21, 2002, the Board received a copy of the TCHC document, entitled “Special Constable Extended Pilot Project and Evaluation Plan at Toronto Community Housing Corporation” and a covering letter, dated September 25, 2002, from Mr. Derek Ballantyne, TCHC Chief Executive Officer (Appendix B, refers). It was also at this meeting that the Board approved an eighteen-month extension of the appointments of the TCHC special constables so that TCHC could proceed with the extended pilot project and evaluation plan and authorized the Board Chair to execute the agreement (Board Minute P296/02, refers).

The TCHC hired Research Management Consultants Inc. to conduct an evaluation of the first twelve months of the eighteen-month TCHC special constable extended pilot project. This report was completed in March 8, 2004 (Appendix C, refers). At the end of the same twelve month period, Staff Sergeant Gordon Barratt, the TPS Special Constable Liaison officer initiated an audit of the project that included an examination into the TCHC training, complaint’s process, property management, use of force, Canadian Police Information Centre (CPIC) queries and comparative statistical analysis into their occurrence reporting.

In March 2004, the Ministry convened a TCHC Extended Pilot Project Review Team (Review Team), which was chaired by Mr. Carroll Robinson, Manager, Selection Systems and Appointments Unit of the Ministry and consisted of two representatives of the TPS and the Toronto Transit Commission, Special Constable Services (formerly Corporate Security). The role of the Review Team was to evaluate the pilot project’s outcomes and provide information so that the Board and the Ministry could make an informed decision regarding the continuation of special constable powers for TCHC security personnel.

Criteria for the review included:

- (1) Compliance with the terms and conditions of the agreement dated September 13, 2002 between the Board and TCHC,
- (2) Compliance with the special constable best practices articulated in the Ministry’s Special Constable: A Practitioner’s Handbook,
- (3) Degree of attainment of the standards/performance indicators set out in Appendix 3 of the September 2003 TCHC report Special Constable Extended Pilot Project and Evaluation Plan at Toronto Community Housing Corporation (Appendix D, refers), and
- (4) Confirmation by the TPS of the attainment of selected performance indicators.

In addition, the Review Team received and analyzed the consultant’s report which had been prepared by the Research Management Consultants Inc.

After careful review of all aspects of the TCHC special constable extended pilot project, the Review Team is satisfied that the TCHC extended pilot project was successful and supports the continuation of the TCHC special constable appointments. While there were some minor administrative deficiencies identified during the evaluation process, which have since been

rectified, the Review Team is satisfied that none of these minor deficiencies should preclude the continuation of the TCHC special constable program.

The TPS is in receipt of a letter dated April 26, 2004 from Mr. Derek Ballantyne, TCHC Chief Executive Officer requesting Board approval to continue the TCHC special constable program (Appendix E, refers).

Accordingly, if the Board supports the continuation of the TCHC special constable program, the Board will need to re-appoint the following individuals, whose current appointments will expire May 31, 2004, as special constables for a five-year term on the same conditions as set out in the current appointments:

- | | |
|--------------------------------|--------------------------------|
| 1. Andrews, Carl Albert | 22. Malcolm, George Perlito |
| 2. Bacchus, Fazil | 23. Mohamed, Kamrool |
| 3. Brown, Learie Erstein A. | 24. Neal, William Norman |
| 4. Bush, Valerie Patricia | 25. O'Connell, Mark James |
| 5. Davidson, Jay Douglas | 26. Parsons, Carl Arnold |
| 6. DeAngelis, Jason | 27. Pender, Kevin |
| 7. Dowling, Christopher Thomas | 28. Perivolaris, Nikos |
| 8. Dryden, Roderick Nehemiah | 29. Price, Alan George |
| 9. D'Souza, Jason Hilary | 30. Roy, Michael Albert Joseph |
| 10. Flynn, Bryan Terence | 31. Roy, David Randy |
| 11. Harper, Bradley Stephen | 32. Sampson, Ronald Patrick |
| 12. Hart, Timothy Charles | 33. Satrohan (one name only) |
| 13. Hayle, Fitzroy George | 34. Shand, Lauriston Oliver |
| 14. Henderson, Wayne Eric | 35. Smith, Desmond Roy |
| 15. Henry, William Ebenezer | 36. Smith, Martin Richardson |
| 16. Ismond, Ricky Kenneth | 37. Stratton, Duncan Robert |
| 17. Johnson, Stalin Stadmire | 38. Tomczyszyn, Robert |
| 18. Kenley, Winston Augustus | 39. Young, Stephen Jeffrey |
| 19. Kirkwood, Jason Thomas | 40. Zavitz, Timothy Walter |
| 20. Lennon, Radcliffe Donovan | 41. Zhivko, Richard John |
| 21. Lepage, Michael | |

In addition, TCHC has requested the Board appoint the following individuals as special constables for a five-year term on the same terms and conditions as the existing TCHC special constables:

- | | |
|---------------------------------|---------------------------|
| 1. Baboolal, Bhan Dave | 5. Posthumus, Jan Arthur |
| 2. Baleshar, Premendra | 6. Soucy, Paul |
| 3. Cochrane, Christopher Robert | 7. Quigley, David Michael |
| 4. Newberry, Stephen David | |

The agreement between the Board and the TCHC requires that background investigations be conducted on individuals recommended for appointment as special constables. The TPS

Employment Unit completed background investigations on the individuals listed in this report and there is nothing on file to preclude their appointment as special constables.

The TCHC advises that all of the applicants have met the TCHC hiring criteria and successfully completed the mandatory training program conducted by the TCHC for their special constables.

The TCHC special constables are appointed to enforce the Criminal Code of Canada, Controlled Drugs and Substances Act, Trespass to Property Act, Liquor Licence Act, Provincial Offences Act and Mental Health Act on TCHC property within the City of Toronto.

The TPS Special Constable Liaison officer has reviewed the TCHC extended pilot project regarding the continued use of special constables and supports the request to continue the TCHC special constable program.

It is therefore recommended that the Board approve the continuation of the TCHC special constable program for an initial five year term in accordance with the agreement between the Board and the TCHC in respect to the program, approve the appointment of the individuals listed in this report as special constables for the TCHC for a period of five years to enforce the legislation identified in this report, subject to the approval of the Ministry and, authorize the Board Chair to execute an agreement with TCHC in respect to the special constables for the period of the appointments in a form acceptable to the City Solicitor.

Staff in the City of Toronto Legal Department have reviewed this report and are satisfied with its contents.

Acting Deputy Chief David Dicks, Policing Support Command, will be in attendance to respond to any questions that the Board may have.

Staff Sergeant Gord Barrett, Toronto Police Service Special Constable Liaison Officer, was in attendance and provided a presentation to the Board on the results of the pilot project. Mr. Carroll Robinson, Manager, Selection Systems and Appointments Unit, Ministry of Community Safety and Correctional Services, was also in attendance and responded to questions by the Board.

A copy of the Executive Summary from the Report on the Evaluation of the Special Constable Pilot Project is appended to this Minute for information. A copy of the complete report is on file in the Board office.

The Board approved the foregoing.

Executive Summary: Evaluation of the Special Constable Pilot Project

A. Background and Purpose

In December 2000, TCHC Security Services began a special 18 month security pilot project across the Corporation. Fifty-five TCHC community patrol officers were trained as Special Constables, 40 of whom were uniformed. Special Constables were assigned to three areas using a different staffing model in each:

- Regent Park - staffed by a mix of Special Constables and other staff security personnel
- Finch/Birchmount - staffed exclusively by Special Constables, and
- Mobile patrol -- staffed by Special Constables and having duties in support of all TCHC communities,

As a result of a public competition, independent evaluators were selected to evaluate the project.

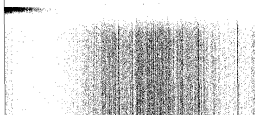
This report documents the results of that evaluation.

B. The Powers of Special Constables

TCHC Special Constables were appointed to exercise the powers of a police officer for specific statutes and a limited jurisdiction - offences committed on or in relation to TCHC property. The appointed statutes included the Criminal Code of Canada, the Controlled Drugs and Substances Act, the Liquor License Act of Ontario, and the Trespass to Property Act of Ontario.

Practically speaking, Special Constable status gives security personnel a new set of tools for addressing illegal behaviour, including authority to:

- arrest for serious criminal offences based on "reasonable grounds," without having personally witnessed the offence;
- transport persons arrested for serious offences directly to a police station rather than wait for a police officer to come to the scene;
- lay minor criminal charges without arresting or to arrest and release at the scene for less serious offences (such as trespassing), rather than arresting and waiting for the police to attend and possibly not charging at all;
- seize drugs (and turn them in to the police evidence lock-up) and to arrest and charge for drug offences;
- seize illegal liquor, issue tickets and summonses for liquor offences, and to arrest if necessary for liquor offences and to arrest and transport drunken persons to a detoxification center;
- arrest a wanted person named in a valid warrant and found within the TCHC jurisdiction; and,
- carry pepper spray foam - an effective non-injurious intermediate use of force option - and use it where such force is necessary.



C. Methodology and Data Sources

The report documents the strengths and limitations of the evaluation design and the information available. However, the evaluation was fortunate to be able to assess data drawn from many stakeholder perspectives, using corroborative evidence from more than one method to support major conclusions and recommendations. The following data sources yielded the most valuable results:

1. **Key Person Interviews:**
 - o with stakeholders who included TCHC property management staff, TCHC Special Constables and other TCHC security personnel, members of the Toronto Police Service, the RCMP, and Citizenship and Immigration Canada.
2. **Resident Survey:**
 - o a major telephone survey of randomly selected adult residents at Regent Park and Moss Park who have lived in their community for at least two years. The survey was conducted by an independent survey firm -- asked detailed "before and after" questions about resident perceptions related to the Special Constable Pilot Project. Members of 464 households participated -- 367 in Regent Park and 97 in Finch Birchmount.
3. **Workshops at Finch-Birchmount and Regent Park:**
 - o hosted by the respective property managers and attended by residents, security and non-security staff, social service agencies and police officers;
4. **Statistical Data:**
 - o TCHC security maintains a computer database of information (the Security Log Data Base) regarding every incident or occurrence attended by a TCHC officer. The raw information is captured from reports submitted by the officers who attended the scene. The evaluating consultants received 24,232 records relating to this project -- from which they were able to extract a variety of tables and statistics.

D. Key Findings

The evaluation assessed whether the pilot project achieved its objectives in 8 areas.

Objective #1 Strengthen Relationships with Residents

The evaluation recognized that a safe community cannot be developed solely through the efforts of specialized security personnel. In particular, residents play a critical role -- sometimes in conjunction with security personnel, other times in separate efforts in conjunction with other groups in the community.

We therefore explored the question whether relationships between security personnel and residents had improved from a number of perspectives.

On balance the relationships between security personnel and residents were strengthened.

Objective #2: Strengthen Relationships with Police and Key External Agencies

Security personnel are one part of a much broader approach to creating safe and secure communities. In particular, residents at the workshops believe that the public police are, and should remain, the primary enforcement agent in public housing. They have the powers, the infrastructure, and experience to carry out this function.

On balance, relationships between the police and external agencies were improved.

Objective #3 Enhance Enforcement

With some relatively minor exceptions, the evidence indicates that the Special Constables are utilizing their new powers.

- Special Constables used their new powers and there is strong evidence of enhanced enforcement (as evidenced by increased number of arrests) – especially in Regent Park.
-

Objective #4 Reduce Levels of Crime & Anti-Social Behaviour

A key objective of the Pilots was to reduce levels of crime and other anti-social behaviour. Prior to the pilot project, residents reported that there were significant security problems in the communities of Regent Park and Finch Birchmount.

- The levels of victimization for each of 4 individual specific offences (Theft, Damage to Property, Violence Involving Weapons, and Other Physical Violence) were lower than expected – about 1 in 10. However, residents had a 23% chance in the 9 months before the pilot and a 16% chance during the 9 months after the pilot of being victimized for at least one of those offences.
 - The level of crime and social problems decreased in both Communities.
 - However, since the pilot projects did not operate in isolation, we could not attribute statistically these changes solely to the presence of the pilots.
-

Objective #5 Improve Residents' Feelings of Safety and Security

From a corporate and community perspective it is important to address as a separate *issue feelings* of safety and security – as opposed to *actual* levels of wrongdoing. This is especially important since the costs of residents feeling insecure are at least as great as the costs of actual wrongdoing – and the solutions to address the two types of problems are often quite different.

Workshops and discussions with residents indicated significant improvements in residents' and their visitors' feelings of safety and enjoyment of the community as a result of the pilot project.

- On balance, residents felt safer after the start of the pilot project.
-

Objective #6 Improve Officer Safety

It was expected that the authority of Special Constables to transport apprehended parties to police facilities or to release them on scene would decrease the time the officer will have to spend with an apprehended person which in turn would lower the risks that are associated with detaining an apprehended individual over a long period of time.

The point was made, however, that having enhanced powers of enforcement can be a double-edged sword – with increased risks to the safety of security personnel.

- We did not have the data to assess whether having Special Constable status reduced the time that officers had to spend with an apprehended person - and thereby decreased the risks associated with detention.
 - Nonetheless, Security personnel did indicate that Special Constable status improved their safety.¹
-

Objective #7 Reduce Time Personnel Spend Waiting for Police to Attend for an Arrested Person

It was expected that Special Constables' authority to transport and/or release apprehended individuals would allow them to handle incidents more expeditiously and return on-site security personnel to their core duties more quickly. This would also increase their visibility in the community, as they would not be occupied with one incident for long periods of time.

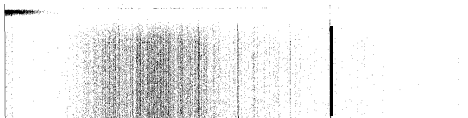
- The data was not available to assess whether security personnel spent less time waiting for police to attend for an arrested person.
-

Objective #8 Use new Security Methods

Some of the other strategies tested in these pilot projects -such as the use of dogs and bicycles by housing security -- are strongly supported by residents and security personnel.

- Use of Security dogs and bicycles by security are strongly supported by residents and should be included as a strategy available to TCHC security.
-

¹ However, assaults against officers did increase after the start of the pilots -- almost doubling in Regent Park. Robert Hann & Associates Limited with Research Management Consultants page viii



E. Recommendations

In light of these findings the Report makes the following recommendations:

RECOMMENDATION #1:

- It is recommended that TCHC continue to maintain – as one strategy in a mix of security strategies -- a number of staff with Special Constable powers.

RECOMMENDATION #2:

- It is recommended that TCHC continue to utilize Special constables – in conjunction with other security strategies – in situations similar to those experienced during the period covered by the pilots in Finch Birchmount, Regent Park and mobile patrol.

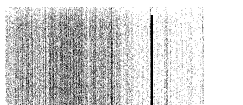
RECOMMENDATION #3:

- It is further recommended that a number of policy and operational issues and decisions should be addressed by senior TCHC management to decide how, where and when in the future to use Special Constables – in conjunction with other community-based and direct security strategies -- in the future.² Some of those decisions will require further investigation.

RECOMMENDATION #4:

- It is also recommended that further initiatives in this area be closely monitored and assessed as part of a commitment to continuous improvement in the security area.

² The specific types of issues which need to be addressed are found at the end of Chapter 1 of the full Report.
Robert Hann & Associates Limited with Research Management Consultants



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

#P147. OUTSTANDING REPORTS - PUBLIC

The Board was in receipt of the following report MAY11, 2004 from A. Milliken Heisey, Q.C.,
Chair:

Subject: OUTSTANDING REPORTS - PUBLIC

Recommendations:

It is recommended that:

- (1) the Board request the Chief of Police to provide the Board with the reasons for the delay in submitting the reports requested from the Service and that he also provide new submission dates for each report.

Background:

At its meeting held on March 27, 2000 the Board agreed to review the list of outstanding reports on a monthly basis (Min. No. 113/00 refers). In accordance with that decision, I have attached the most recent list of outstanding public reports that were previously requested by the Board.

Chair Alan Heisey advised the Board that, in future, the outstanding reports and all pending reports will be noted on the meeting agenda.

The Board approved the foregoing.

Board Reference	Issue - Pending Reports	Report Status	Recommendation Action Required
P38/04	Policing Yonge-Dundas Square <ul style="list-style-type: none"> • <u>Issue</u>: review correspondence regarding concerns about policing Yonge-Dundas Square 	Report Due: May 27/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:.....outstanding	Chief of Police
P69/04	Guns, Gangs, Drugs & Street Violence <ul style="list-style-type: none"> • <u>Issue</u>: respond to recommendations submitted by Councillor M. Thompson • consider whether report will be submitted to City of Toronto Advisory Panel 	Report Due: May 27/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:.....outstanding	Chief of Police
P127/04	2003 Public Sector Salary Disclosure <ul style="list-style-type: none"> • <u>Issue</u>: provide a report on whether or not any specific issues have been identified with regard to 2003 disclosure 	Report Due: May 27/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:.....outstanding	Chief of Police
P134/04	Response To Recommendations Of The Honourable Justice George Ferguson <ul style="list-style-type: none"> • <u>Issue</u>: report back to the Board on timelines for addressing each recommendation 	Report Due: May 27/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:.....outstanding	Chief of Police
P71/04 P128/04	eCOPS <ul style="list-style-type: none"> • <u>Issue</u>: the Service's strategy for the complete implementation of eCOPS and the Service's plans to address budget issues associated with eCOPS 	Report Due: Apr. 29/04 Extension Reqs'd: Apr. 29/04 Extension Granted: Yes, Apr. 29/04 Revised Due Date: May 27/04 Status:.....outstanding	Chief of Police

Board Reference	Issue - Pending Reports	Report Status	Recommendation Action Required
P82/04	<p>Cameras in Police Cars – Pilot Project</p> <ul style="list-style-type: none"> • <u>Issue</u>: feasibility of establishing a pilot project involving cameras in cars in the most cost-effective manner • implementation of project be considered as part of the 2005 capital budget process • Board requested report be submitted one month earlier to coincide with meeting with Commissioner, Human Rights Commission 	<p>Report Due: June 29/04 Extension Reqs'd: Extension Granted: Revised Due Date: May 27/04 Status:.....outstanding</p>	Chief of Police

Board Reference	Issue - Pending Reports	Report Status	Recommendation Action Required
#P199/96 #P233/00 #P255/00 #P463/00 #P440/00 #P255/00 #P26/01 #P27/01 #P54/01	Professional Standards <ul style="list-style-type: none"> • <u>Issue:</u> interim report (for the period January – July) to be submitted in November each year • annual report (for the period January – December) to be submitted in May each year • see also Min. No. 464/97 re: complaints • see also Min. No. 483/99 re: analysis of complaints over-ruled by OCCPS • revise report to include issues raised by OCCPS and comparative statistics on internal discipline in other police organizations • note: police pursuit statistics should be included - beginning ... Nov. 2001 rpt. • note: annual report now to include the # of civil claims that occurred as a result of complaints (Min. No. 463/00 refers) • note: searches of persons statistics should also be included in annual report • revise format of report, based upon recommendation by Hicks Morley, so that 	Next report Due: May 27/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:.....outstanding	Chief of Police

Board Reference	Issue - Pending Reports	Report Status	Recommendation Action Required
	<p>tracking acquittals on or withdrawal of related criminal charges is possible</p> <ul style="list-style-type: none"> • include OPAC information on lethal and non-lethal weapons • include evaluations of M26 Advanced TASER & Bean Bag & Sock Round Kinetic Energy Impact Projectiles • this report should now include information on when the Service will be in full compliance with the Board's reporting requirements which is dependent upon implementation of PSIS (P551/00, P135/01, P158/01, P202/01, P178/02 & P341/02 refer) • identify and include an appropriate comparator or baseline, if possible, in future reports to better assess the complaints data (P209/03 refers) 		

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P148. PROPOSED AMENDMENTS TO THE *POLICE SERVICES ACT*:
RECOMMENDATIONS OF THE PSA WORKING GROUP**

The Board was in receipt of the following report MAY 10, 2004 from A. Milliken Heisey, Q.C.
Chair:

Subject: PROPOSED AMENDMENTS OF PSA WORKING GROUP

Recommendation:

It is recommended that: the Board adopt the recommendations of the PSA Working Group with respect to proposed amendments to the *Police Services Act* and forward them to the Minister of Community Safety and Correctional Services.

Background:

At its meeting on August 14, 2003, the Board approved a motion in response to discussions regarding the results of disciplinary hearings and recommended that Board staff and Chief Fantino review the *Police Services Act* and develop a list of proposed amendments (Board Minute C168/03 refers).

A PSA Working Group (the Working Group) was established with representation from the Board, Labour Relations and the Service and has met on several occasions to discuss current and emerging issues and to develop recommendations for proposed amendments to the *Police Services Act*.

The Working Group has now completed its review and its recommendations are attached for your consideration. Please note that a number of recommendations have been addressed before and may have even been adopted by the Board in the past. However, this is the first time that this consolidated document is being put forward as a whole.

Once adopted by the Board, these recommendations will be forwarded to the Honourable Monte Kwinter, Minister of Community Safety and Correctional Services.

The following persons were in attendance and made deputations to the Board:

- **Mr. Alan Borovoy, General Counsel, Canadian Civil Liberties Association; and**
- **Mr. Andrew Clarke, Director – Uniform Field Services, Toronto Police Association**

The Board approved the following Motions:

- 1. THAT the deputations be received;**
- 2. THAT the Board also approve the following additional recommended amendment:**

Members of police services boards shall be required to reside in the municipality of the board of which they are a member.

- 3. THAT the Board delete the proposed recommendation 11.1 with respect to a record retention schedule because the new *Municipal Act* has addressed the Board's concern;**
- 4. THAT, in its correspondence to the Minister of Community Safety and Correctional Services, the Board highlight the recommendations contained in *Section 4.0, Suspensions* as a current item of priority;**
- 5. THAT the Board also indicate to the Minister that the Board considers the reform of the *Police Services Act* as a priority and request that the Ministry conduct its review in the year 2004 and not in 2005 as currently proposed;**
- 6. THAT the Board send the recommendations contained in *Section 4.0, Suspensions* to the Ontario Association of Police Services Boards (OAPSB) for its endorsement; and**
- 7. THAT, in light of the recent announcement that a federal election will take place in June 2004, the Board request Chief Fantino to communicate the Board's policy regarding political activity to the members of the Service.**

The Board was also in receipt of the following Motion:

- 8. THAT the Board also approve the following additional recommended amendments to the *Police Services Act*:**
 - (a) a police officer, including an elected official of a police association, be prohibited from conducting any surveillance, including electronic surveillance, of a member of a police services board, a member of a municipal council, a member of the Legislative Assembly, and a chief or deputy chief of police, either directly or indirectly, except in accordance with a lawful criminal investigation;**

- (b) a police service, a police officer, a civilian member of a police service, a police association, or an elected official of a police association, be prohibited, either directly or indirectly, from maintaining files, records, internal memoranda or notes concerning a police services board member, a member of a municipal council, or a chief or deputy chief, unless these are required to be maintained (by a police officer or police service) in the course of a lawful criminal investigation; and
- (c) any criminal investigation involving a member of a police services board or a municipal council should be conducted by an outside police service.

Chair Heisey declined to participate in the consideration of the foregoing Motion and Vice-Chair McConnell assumed the position of Chair for this matter.

The Board discussed the abovenoted Motion with Chief Fantino and then approved the following:

THAT the foregoing Motion be deferred to the Board's June 21, 2004 meeting and, in the interim, the Board meet informally with Chief Fantino to discuss the three proposed amendments noted above, particularly in light of the recommendations made by The Honourable Sydney Robins, Q.C., in his report *Alleged Communication Between Police Services Board Member and Members of the Police Service* (Min. No. C73/04 refers).

Toronto Police Services Board/Toronto Police Service

Recommendations for Change:
The Police Services Act

April 2004

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Police Services Act

Toronto Police Services Board/Toronto Police Service Recommendations

1.0 Application of the Police Services Act

Recommendation 1.1:

The *Police Services Act* should clearly indicate that it is applicable to all police officers, including those officers who are seconded, assigned or on a leave of absence to special assignments or postings e.g. police association boards/executives.

Rationale

Such persons represent themselves as police officers and are seen by members of the public as being police officers. They should be governed by all of the provisions of the *Police Services Act*. This should be made clear in the Act.

2.0 Police Budgets

Recommendation 2.1: Appeal to the Commission (Section 39)

Amend Section 39(5) to require that, in the instance of an appeal to the Commission, the municipal council honour the previous year's estimates until such time as the Commission renders its decision.

Rationale

Section 39(3) establishes that a council need not adopt the estimates of the board. Under the Act, a board which is not satisfied that the budget established by the council is sufficient to maintain an adequate number of police personnel, equipment or facilities, may request the Commission to determine the questions and the Commission must then do so after a hearing. In order to preserve community safety, we recommend that during the appeal process, municipal councils be required to provide funding at the previous year's level until such time as the Commission renders its decision.

3.0 Conduct Provisions

Recommendation 3.1:

The offence of "causing disaffection" should be reinstated into the Code of Conduct.

Recommendation 3.2:

Sections 2(2) & (3), Code of Conduct, O. Reg. 123/98, i.e. the "notwithstanding clauses", that provide immunity to association officials should be deleted.

Recommendation 3.3:

Ontario Regulation 554/91, Political Activities of Police Officers, should be strengthened to restrict the political activity of police officers so that such activity is allowed only when not connected to official duties. Police Associations should be prohibited from endorsing “political candidates.”

Recommendation 3.4:

Officers are currently able to use their sick bank when they are assessed time for discipline issues. Section 68(4) deals with how a police officer may satisfy payment of a penalty imposed on them. This section reads: “If a penalty is imposed under clause (1)(e) or (2)(e), the chief of police, deputy chief of police or police officer, as the case may be, may elect to satisfy the penalty by working without pay by applying the penalty to his or her vacation, overtime or sick leave credits or entitlements.” This section should be amended to delete the option of satisfying the imposed penalty through sick leave credits or entitlements.

Rationale

Sick leave is a benefit bargained for the purpose of an illness or injury and should NOT be used for any other purpose. If a police officer has been charged under the PSA and a penalty imposed on them, the seriousness of the offence is implied. The ability of officers to take time from sick banks to satisfy a penalty minimizes the seriousness of the penalty imposed and does not provide specific or general deterrence. By allowing the officer to satisfy the penalty for a serious offence with accumulated sick days, the public and co-workers may be given the impression that the officer is “getting off” lightly.

Recommendation 3.5: Duties of a Police Officer**(Section 42)**

Amend section 42(1) to include the duty to report misconduct on the part of a member of a police service, including a civilian member. Protections for members who report misconduct should also be included in the legislation.

Rationale

Section 42 of the PSA outlines nine duties for a police officer. Since integrity and ethics in policing needs to be of the highest standard, police officers should be legally required, as part of their powers, to uphold professional standards and be required to report misconduct of members of police services.

The Toronto Police Services Board has adopted a number of rules and policies to ensure professional standards. For example, rule 4.2.1 ensures professional conduct and rule 4.2.3 requires discreditable acts to be reported.

Recommendation 3.6: Police Officer's Employment Record (Section 68)

Amend section 68(9) to permit consideration of allegations of misconduct for officers in relation to their employment record.

Rationale

Promotion and reclassification should be earned and not be an automatic right. An officer's conduct, as measured by lack of complaints or discipline history, should be a qualification for reclassification or promotion.

4.0 Suspensions

Recommendation 4.1: Suspensions Without Pay (Section 67)

Section 67(1) states: If a police officer, other than a chief of police or deputy chief of police, is suspected of or charged with an offence under a law of Canada or of a province or territory or is suspected of misconduct as defined in section 74, the chief of police may suspend him or her from duty with pay.

Section 67 should be amended to provide a chief the opportunity to suspend a police officer without pay in serious matters where a *prima facie* case has been established and consultation has been conducted with a Crown Attorney and to allow the officer to appeal this decision to OCCPS.

In addition, a new section should be added to Section 67 stating the following: If a police officer that is suspended without pay is subsequently found not guilty of the offence, he/she shall be reimbursed for all monies not paid during the suspension period.

Rationale

Under the current legislation, chiefs of police in Ontario are restricted in their authority to impose suspensions without pay. A chief may only suspend a member from duty but does not have the authority to suspend pay, since the member is compensated for the office held and not for the duties performed. The only circumstance in which a chief in Ontario can currently suspend a member without pay is if that member is convicted of an offence and sentenced to a term of imprisonment. This differs from the treatment of civilian members.

Currently, the Chief has the authority to suspend civilian employees without pay. However, uniform employees are suspended with pay until they are convicted of an offence and sentenced to a term of imprisonment. The Chief should be able to suspend all employees (uniform and civilian) without pay on the same basis and utilize tests that would be required under general employment law.

The current Ontario legislation also differs from the legislation governing a number of other Canadian jurisdictions. The proposed amendment would represent a reasonable “middle-ground” in the treatment of this issue across the country.

The *British Columbia Police Act*, at s. 56.2(5) grants the board the authority to impose a suspension without pay, “if the allegation in response to which the suspension was imposed, would, if proved, constitute a criminal offence.” The legislation also sets out an appeal process within specified time limitations. (*Police Act*, R.S.B.C., 1996 c.367)

In Alberta, the *Police Act* allows the Chief to impose a suspension without pay in exceptional circumstances, provided that the direction is confirmed by the commission within the prescribed time limitations. (*Police Act*, A.R. 356/90)

The Quebec *Police Act* provides the director general with the authority to suspend a member without pay, subject to authorization by the Minister. (*Police Act*, R.S.Q. 2000, c.P.13.1, s.64)

In Saskatchewan, the Regulations require that an officer be suspended with pay for the first 30 days of a suspension; however, pay beyond that time is at the discretion of the Police Board of Commissioners. (*Municipal Discipline Regulations*, 1991, s. 26(1).)

Federally, the *Royal Canadian Mounted Police Act*, which covers the Northwest Territories, Nunavut and the Yukon, allows for regulations respecting the withholding of pay from those who are suspended from duty for contravening the Code of Conduct, an Act of Parliament or an Act of a provincial legislature.

The Board has adopted a suspension policy, which outlines allegations of serious misconduct that may result in suspension (Minute 285/00). It is the position of the Board that the listing of allegations contained in the current suspension policy should be the basis for suspension without pay.

**Recommendation 4.2: Suspensions Without Pay Where Officer
Unable To Perform Duties (Section 67)**

Section 67 should also be amended to include the provision that when a police officer is prohibited from performing his/her full duties by virtue of a decision of a court of competent jurisdiction by any part of any statute, the Chief should have the discretion to suspend his/her pay for the duration of the imposed restriction.

Restriction includes prohibition of carrying a firearm, licence suspension or **any other restriction** that alters any of the authorities granted him on being sworn in as a police officer in the Province of Ontario.

5.0 Hearings Under the *Police Services Act*

Recommendation 5.1:

While the current *Act* provides for the possibility of an *in camera* hearing, there is no provision, similar to that found in the *Criminal Code*, for a non-publication order. Particularly in the sensitive area of sexual assault and sexual harassment, the victim is thus afforded less protection than in the criminal forum. Complainants would be far more willing to testify in the Tribunal if they could be afforded this protection.

6.0 Accommodation

Recommendation 6.1: Disabled Uniformed Members (Section 47)

Amend section 47 to permit the accommodation by transferring an officer, permanently incapable of carrying out the duties of a police officer, to civilian status at the appropriate rate of salary for the position being transferred to.

Rationale

Under Subsection 47(1) the duty of accommodation as found in the *Human Rights Code* is confirmed. The Board is certainly in agreement with that obligation; however, it would be helpful if the duty to accommodate under section 47 specified that it is permissible, if necessary, to accommodate by transferring an officer who has become permanently incapable of carrying out the duties of a police officer to civilian status. (It may well be that the only duties an individual could ultimately perform would be those of a civilian position and the Board would require the employee to resign their office as a police officer.)

7.0 Special Investigations Unit (S.I.U.)

At its retreat held on October 11, 2002 the Board discussed the recommendations with respect to the SIU. The retreat results were approved at the December 11, 2002 Board meeting (Board Minute No. 331/02 refers).

Recommendation 7.1: Special Investigations Unit (Section 113)

Mandate

Section 113 (5) establishes the mandate of the SIU wherein the director may cause investigations to be conducted into circumstances of “serious injuries and death”. The section should be amended to include a definition of serious injury. In addition to OACP’s definition of serious injury (see BM 276/00), that for the purpose of section 113 of the PSA, serious injury should be presumed to have occurred whenever injury to an individual occurs as a result of the discharge of a firearm by a police officer.

Rationale

The Board received a report from the Chief in 2000 (BM 276/00) outlining the OACP definition of serious injury that is being utilized by police chiefs in the context of determining SIU notification obligations. That definition along with the issue of injury from the discharging of an officer’s firearm should form the basis of the definition.

Recommendation 7.2: Special Investigations Unit (Section 113(2))

Director of the SIU

The legislation should ensure that the position of director (section 113(2)) is independent and accountable to an external body, for example, a Committee of the Legislature.

Recommendation 7.3: Special Investigations Unit (Section 113) Investigators

The SIU should ensure that the lead investigator in any homicide investigation it conducts is an individual with past police experience as a homicide investigator. If the SIU chooses to second police officers and the services of non-involved police officers, procedures and conditions regarding their involvement should be developed.

Recommendation 7.4: Special Investigations Unit (Section 113(5)) Remove Presumption of Criminality

Amend Section 113(5) to remove the phrase “criminal offences committed by police officers” and add the words “police actions” instead.

Rationale

It is necessary to remove any presumption of criminality. Section 113(5) states, “investigations are conducted into the circumstances of serious injuries and deaths that may have resulted from criminal offences committed by police officers” (emphasis added). The legislation is ambiguous and requires clarification. The process begins as a directed investigation; however, it is more appropriate as an investigation of fact, followed by a competent assessment to determine the issue at hand (i.e. PSA, training, procedural, etc). An “investigation of fact” approach would negate legislated requirement for an Administrative Review, thus reducing conflict between the police and the SIU.

8.0 Secondary Activities

Recommendation 8.1: Secondary Activities (Section 49)

The current provision governing secondary activities should be removed and replaced with the former language that dealt with this issue in R.R.O, 1980, Reg. 791, s.29 and which is reproduced below:

Except with the consent of the chief of police, granted in accordance with the by-laws of the board or council, as the case may be, no member of a police force shall engage directly or indirectly in any other occupation or calling, and he shall devote his whole time and attention to the service of the police force.

Rationale

The current wording in s. 49 places the onus of disclosing potential secondary activity on the individual police officer. As a result, there may be activity of a nature that violates the section that never comes to the attention of the chief. Such activity may be in conflict with an officer’s duties and responsibilities and, further, may be damaging to the reputation of the police service as a whole. Requiring consent from the chief with respect to *any* secondary activity removes the ambiguity surrounding this provision.

9.0 Auxiliary Police

Recommendation 9.1:

The definition of 'Auxiliary Member' has generated concerns on different levels over the past number of years and these issues have, again, recently surfaced. The Service would benefit from clear and specific direction from the Minister of Community Safety and Correctional Services with respect to the role, responsibilities and status of an Auxiliary Member.

Recommendation 9.2: Auxiliary Members (Section 52) Notice of Suspension or Termination

Amend section 52(2) to give the Chief the responsibility of suspending and terminating an auxiliary member of the service.

Rationale

The Chief of Police has responsibility for the discipline of uniform members. To be consistent, the Chief should have the responsibility for discipline of auxiliary members.

Currently section 52 gives the OPP Commissioner the authority to appoint, suspend and terminate the appointment of an auxiliary member. The same authorities should be given to the Chief of a municipal police force.

10.0 Labour Relations

Recommendation 10.1: Definitions (Section 114)

(i) Excluded Personnel

Amend section 114 to include a new definition of "Excluded Personnel". Excluded personnel should be defined as a person or a member of the service employed in a confidential capacity in matters relating to labour relations, financial planning, budgeting and employees directly accountable to the Board.

Rationale

Employees who are employed in functions relating to bargaining (e.g., required to deal with confidential matters relating to labour, employment relations and fiscal planning and strategies which directly impact on bargaining with police associations) should not be part of any bargaining unit. Such personnel are traditionally excluded from trade union representation in the rest of the public and private sector. There is no rationale for a different treatment in the police sector.

(ii) Senior Officer

Amend the definition of Senior Officer in section 114 to include Sergeants and Staff Sergeants.

Rationale

Currently a "senior officer" is defined as a member of a police force who has the rank of inspector or higher or is employed in a supervisory or confidential capacity. Sergeants and Staff

Sergeants hold supervisory positions and have direct managerial responsibility over officers. These positions should be included in the definition of senior officer.

Recommendation 10.2: Hearing re: Person's Status (Section 116)
Amend section 116(1) to specifically include excluded personnel.

Rationale

Including excluded personnel would provide the opportunity for excluded personnel, like members of a police service or a senior officer, the opportunity to apply to OCCPS and seek a hearing regarding their status.

Note that this amendment will not be required if Section 114 regarding excluded personnel is approved as referenced above.

Recommendation 10.3: Bargaining Committee (Section 120)
Amend Section 120 (4) to permit the Chief of Police or his delegate to attend the parties' bargaining sessions in an advisory capacity to the board.

Rationale

Currently the section reads: "The chief of police or, if the parties consent, another person designated by the chief of police may also attend the parties' bargaining sessions in an advisory capacity. It could be interpreted that the Chief is an advisor to the Association. The Association could then deny the Chief the right to name a designate to attend negotiations by exercising the veto conferred by subsection 120(4).

Recommendation 10.4: Appointment of Conciliation Officer (Section 123)
Amend Section 123(1) to include: "Appointment of a conciliation officer to be made only after the parties have exhausted the dispute resolution process outlined in their collective agreement."

Rationale

Police Associations bypass the dispute resolution procedures established in collective agreements and the PSA and file directly to arbitration under section 124.

Recommendation 10.5: Delegation (Section 34)
Currently, under Section 34, a board may delegate to two or more of its members any authority conferred on it by the Act, except the authority to bargain under Part VIII, which the board may delegate to one or more members. However, as Board members are not always available for negotiations the section should be amended to read as follows:

"A board may delegate to two or more of its members any authority conferred on it by the Act, except the authority to bargain under Part VIII, which the board may delegate to one or more members provided that (i) such persons bargain under the control and direction of the board or a board committee and (ii)

nothing herein prevents the board from delegating to one or more of its members the authority to bargain on behalf of the board under Part VIII or from attending bargaining meetings with the association pursuant to Part VIII.”

Rationale

Due to demanding schedules, board members are not always available for negotiations.

Recommendation 10.6: Duty of Fair Representation

Include a new section wherein officers shall have the ability to file a complaint against the Association for duty of fair representation, similar to Section 74 of the Labour Relations Act.

Rationale

Currently, officers have no recourse for unfair labour practices/representation by Association executives. Association by-laws could exclude them from being represented even though they are required to pay dues to the Association.

Recommendation 10.7: Duty to Provide Financial Statements

Include a new section wherein it shall be a duty of the Association to furnish financial statements similar to section 92 of the *Labour Relations Act*.

Rationale

There is currently no legal mechanism in place to require Association executives to furnish financial statements to members. Although members can request financial information, there is no requirement for the Association to provide it.

It should be noted that it is arguable that the board has no interest in this issue as it concerns information-sharing between the Association and its members. A duty of this nature has no historical precedent. However, the board considers this a matter of employee protection and, thus, recommends the inclusion of this section.

11.0 Record Retention Schedule

Recommendation 11.1: The retention of operational police records should be removed from the present scheme whereby these records are subject to the City of Toronto’s records retention by-laws. The retention of operational police records should be incorporated within the provisions of the *Police Services Act* or its Regulations.

12.0 Miscellaneous

Recommendation 12.1: Court Security (Section 137)

As the province is responsible for the administration of justice and the administration of the courts, the province should also be responsible for court security within provincial courtrooms.

Recommendation 12.2 Duties/Powers of the Minister (Section 3)

Amend section 3(2) to ensure that the provincial government bears the financial responsibility or create the financing capacity for any new area of mandated/legislated service or standard of service pursuant to the PSA.

Rationale

The Toronto Police Services Board is concerned about the power of the provincial government to prescribe new standards of police service when it does not bear the corresponding responsibility for financing these new standards (e.g., court security).

The Toronto Police Services Board is also concerned that new prescribed standards of service could be introduced by Cabinet without any input from police services boards or police associations.

Recommendation 12.3: Ineligibility for Board Membership (Section 27)

That section 27(13) of the PSA be amended to expand the list of those persons ineligible for appointment to a board to include individuals who have, at any time, served as police officers or civilian employees of the police service which that police services board oversees.

Rationale

Given the board's role in collective bargaining, former police officers or civilian employees may find it difficult to make the transition from bargaining group member to employer. Former employees, who continue to collect pension or other benefits, would find themselves in a position of conflict that would reduce their effectiveness as board members by limiting their participation in decision-making.

Recommendation 12.4: Recruitment and Appointment of Chief/Deputy (Section 31)

Amend section 31(1)(d) to allow time limited employment contracts between Boards and Chief and Deputy Chiefs of Police.

Rationale

Recruitment and appointment of a Chief and Deputy Chief (section 31(d)) and directing or monitoring the Chiefs performance (section 31(e)) are Board responsibilities. However, there will continue to be diverging views as to the use of time limited employment contracts under the PSA. The PSA does not explicitly acknowledge the existence of employment contracts for chiefs and deputy chiefs nor does it clarify the issue of time-limited contracts.

Recommended Regulations

Recommended Regulation 1: Special Constables (Section 53)

(i) Appointment

Amend sections 53(1) and 53(2) to state what criteria or factors the Minister of Community Safety and Correctional Services uses to consider granting approval.

Rationale

The Board is authorized to appoint special constables but subject to the approval of the Minister of Community Safety and Correctional Services. The *Act* should state what criteria or factors the Minister of Community Safety and Correctional Services uses to consider granting approval.

(ii) Powers

Consideration should also be given as to whether there should be legislated controls [sections 53(3) and 53(4)] for the use of special constable authority and legislated minimum standards (e.g., training).

Rationale

The Minister of Community Safety and Correctional Services reviewed the use of special constables during the working sessions following the 1996 "Policing Summit". The results of this review should be incorporated into legislation.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P149. STATUS OF REQUESTS FOR LEGISLATIVE AMENDMENT AND
ADMINISTRATIVE CHANGE – CRIMES INVOLVING FIREARMS**

The Board was in receipt of the following report MAY 18, 2004 from A. Milliken Heisey, Q.C.
Chair

Subject: STATUS OF REQUESTS FOR LEGISLATIVE AMENDMENT AND
ADMINISTRATIVE CHANGE– CRIMES INVOLVING FIREARMS

Recommendation:

It is recommended that the Board authorize Chair Heisey to arrange a meeting with:

- (a) the Minister of Justice to reiterate and discuss the Board's position respecting the need to increase *Criminal Code* penalties for crimes involving firearms; and
- (b) the Attorney General for the Province of Ontario to reiterate and discuss the Board's position respecting the need to improve the administration of legislation involving firearms.

Background:

At its meeting of August 14, 2003, the Board received a report from Chief Fantino entitled *Amendments to the Criminal Code of Canada with Regard to Firearm Related Crimes and the Administration of the Legislation Relating to Firearms*. (Minute No. P230/03 refers; copy appended).

Then Board Member, Mayor Mel Lastman described to the Board his concerns about the increase in the use of firearms in crimes in the City of Toronto and the impact these crimes have on the community. He encouraged the Board to support the recommendations outlined in the report from Chief Fantino.

Mayor Lastman also discussed legislation enacted in the State of Florida commonly referred to as "10-20-Life" which refers to automatic graduated levels of sentencing upon convictions for various crimes involving the use of firearms.

Chief Fantino described how the Service is responding to the increase of crimes involving firearms and advised that additional officers have been transferred to a new unit that is specifically investigating "guns, gangs and drugs".

At that meeting, the Board approved the report, which included the recommendations from the Chief, as well as the following Motions:

1. **THAT the report to the Minister of Justice also include a recommendation that the federal government consider increasing sentences involving firearms similar to the Florida “10-20-Life” legislation outlined, as amended by the Board, as follows:**

10 Years – if a person is convicted of an indictable offence and possesses a firearm, he or she will be sentenced to a minimum of ten years in prison without parole;

20 Years – if a person is convicted of an indictable offence and he or she discharges a firearm, he or she will be sentenced to a minimum of 20 years in prison without parole; and

25 to Life – if a person is convicted of an indictable offence and he or she discharges a firearm which resulted in death or great bodily harm to any person, he or she will be sentenced to not less than 25 years in prison.

As a result, correspondence from the Board was sent to the Minister of Justice in September 2003.

At the Board meeting, the Board also adopted the following Motion:

2. **THAT the Chief of Police report to the Board on the use of illegally imported firearms in Toronto crime and whether there are initiatives that may be undertaken, in cooperation with the federal government and possibly weapons manufacturers, to curb the illegal importation of firearms into Canada, from the United States.**

The Chief’s response to this motion was received at the Board’s confidential meeting held on November 13, 2003 (Minute No. C215/03 refers). This report was subsequently prepared for the public agenda for the Board’s January 22, 2004 meeting (Minute No. P8/04 refers; copy appended). The January 22, 2004 report included a discussion of the issue of plea bargaining as it relates to firearms offences as well as a recommendation that:

- 1) **the Board send a letter to the Attorney General of the Province of Ontario requesting that a directive be issued to all Crown Attorneys prohibiting the plea-bargaining of firearm related crimes when there is a reasonable prospect of conviction.**

The Board adopted the Chief’s report and the recommendations contained therein. As a result, the Board sent correspondence to the Attorney General of the Province of Ontario in February 2004.

The need to deal with the growing problem of firearm violence on Toronto's street is self-evident. Recent events have demonstrated that this problem is pervasive and impacts upon all segments of our society. Dealing with the problem of firearms requires massive police resources. It is tied into a gang culture that involves young people in our community. Most disturbingly, firearm violence is, increasingly, claiming lives in Toronto. The Board, the Service as well as members of the public have all expressed the need to take action on this issue.

While letters were sent by the Board to the Minister of Justice and the Attorney General for Ontario in September 2003 and February 2004, respectively, at this time no response has been received by either. The issue of violence involving firearms is one that demands immediate attention and action. Therefore, I am asking the Board to authorize me to meet with both the Minister of Justice and the Attorney General for Ontario to express the Board's position on this important issue.

Chair Heisey noted that, subsequent to the submission of the foregoing report, correspondence (dated May 11, 2004) from The Honourable Michael Bryant, Attorney General, was received in the Board office. A copy of the correspondence is appended to this Minute for information.

The Board approved the report from Chair Heisey and received the correspondence from the Attorney General.

Attorney General
Minister Responsible for Native Affairs
Minister Responsible for Democratic Renewal

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DATE RECEIVED

MAY 19 2004

TORONTO
POLICE SERVICES BOARD

Our Reference #: M04-0 1466

MAY 11 2004

Mr. A. Milliken Heisey, Q.C.
Chair
Toronto Police Services Board
40 College Street
Toronto, ON
M5G 2J3

Dear Mr. Heisey:

Thank you for your letter dated February 16, 2004, recommending that a directive be issued to all Crown attorneys prohibiting the plea bargaining of firearm related crimes when there is a reasonable prospect of conviction.

Rest assured that the Crown Practice Memorandum on Firearms Prosecutions details that our prosecutors are directed to not plea bargain firearm-related crimes where there is a reasonable prospect of conviction.

The Crown Practice Memorandum provides the following strongly worded guidance to Crowns:

"The resolution of firearms offences should be premised on providing the greatest possible protection to the public. By providing for mandatory, minimum sentences for certain firearms offences, Parliament has confirmed the gravity of these offences and expressed the need to deter and denounce those particular offences. Therefore:

- Where a real firearm has been used, provided there is a reasonable prospect of conviction, Crown counsel must not reduce or withdraw a charge to avoid a mandatory minimum unless there are exceptional circumstances.

.../2

Crowns are directed in the practice memorandum to seek appropriate deterrent and denunciatory sentences in offences involving firearms. In serious cases, even where there are mandatory minimum sentences prescribed, Crowns are advised to consider seeking sentences higher than the minimum. Where the offender stands convicted of breaching a prohibition order and the weapon was being used in the commission of another criminal offence, counsel are advised to seek a consecutive sentence for the breach. Furthermore, when increased penalties are available under the *Criminal Code* for second or subsequent offences and previous offences have been recorded within ten years of the current offence, the practice memorandum advises Crown counsel to seek the greater punishment.”

I share your concern about the proliferation of illegally imported guns and welcome your ongoing efforts to address this problem. As you know the work of the anti-gun and gangs unit has already begun. The special unit Crown prosecutor is working with police experts to develop a sentencing package to seek stiffer sentences for gun crimes. In collaboration with police, the Crown expert will develop a joint educational package for Crowns on firearms prosecutions, and joint training material for local police services on aspects of searches and search warrants.

Thank you again for making me aware of your concerns.

Yours truly,



Michael Bryant
Attorney General
Minister Responsible for Native Affairs
Minister Responsible for Democratic Renewal

ATTACHMENT

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON AUGUST 14, 2003

#P230. AMENDMENTS TO THE *CRIMINAL CODE OF CANADA* WITH REGARD TO FIREARM-RELATED CRIMES AND THE RECOMMENDATIONS TO THE ATTORNEY GENERAL WITH REGARD TO THE ADMINISTRATION OF THE LEGISLATION RELATING TO FIREARMS

The Board was in receipt of the following report MARCH 13, 2003 from Julian Fantino, Chief of Police:

Subject: AMENDMENTS TO THE CRIMINAL CODE OF CANADA WITH REGARD TO FIREARM RELATED CRIMES AND THE ADMINISTRATION OF THE LEGISLATION RELATING TO FIREARMS

Recommendation:

It is recommended that:

- 1) the Board agree to the recommendations contained in 'Appendix A' and forward a copy of this report to the Minister of Justice of Canada for his consideration with regard to amending the Criminal Code to provide for stronger penalties for gun-related crimes; and
- 2) that the Board agree to the recommendations contained in 'Appendix B' and forward a copy of this report to the Attorney General of Ontario for his consideration to improve the administration of the legislation relating to firearms for the Attorney General's consideration.

Background:

The Board at its meeting of January 30, 2003, received a report from Mayor Mel Lastman, which addressed his concerns about gun-related crimes in the City of Toronto and the importance of amendments to the Criminal Code to address penalties for gun-related crimes. (Board Minute No.'s C211/02 and P26/03 refer).

I have considered the issues identified by the Mayor in his report; specifically Stronger Sentences, State of Florida Legislation, Illegal Possession of Firearms and the Administration of the Legislation. Appendices A and B, contain specific recommendations to amend the Criminal Code of Canada to provide for stronger penalties for gun-related crimes and enhancements to the administration of the legislation relating to firearms.

Recommendation #2 of Appendix A, sets out a proposal for an amendment to Section 85 of the Criminal Code of Canada with regard to the using of a firearm in the commission of an offence. Whereas the current minimum sentence varies from one to three years, dependent upon previous convictions, the proposed amendment would establish a minimum ten year sentence upon conviction for any violation of Section 85.

Presently, the possession of a firearm with ammunition is prosecutable only where the firearm is prohibited or restricted. Recommendation # 3 of Appendix A, proposes that Section 95 of the Criminal Code of Canada be amended to expand this coverage to all firearms regardless of their designation.

The existing regulations related to firearms are obscure. Persons lacking specific training and knowledge of the intricacies of the legislation encounter significant difficulty in understanding and therein complying with the regulations. Recommendations #4 and #5 set out in Appendix A, propose amendments to the Firearms Act to enhance clarity in the requirements for safe storage, handling and display of firearms.

There are a number of issues surrounding the administration of the regulations regarding firearms that are addressed in the recommendations set out in Appendix B. One of the primary concerns in the administration of the regulations is the lack of an enforcement component within the office of the Chief Firearm Officer for the Province of Ontario. Recommendation # 4 of Appendix B, proposes that the Chief Firearm Officer conduct inspections and actively enforce the regulations of the Firearms Act as it applies to persons, licenced firearm businesses and collectors.

Gun violence on our streets is a major concern to our community and a priority of this Service. As such, I have directed certain initiatives to be undertaken to curtail this activity. A detailed report on these strategic initiatives is contained in Appendix C. These initiatives include a comprehensive analysis of firearm related occurrences and proactive strategies such as Operation Save-A-Life, designed to provide incentives for the surrender of unwanted firearms, and Operation Gun Stop, which in part expanded the Federal amnesty to provide immunity from firearm possession offences not previously covered.

These proactive strategies are accompanied by the creation of permanent Gun and Gang Task Force units, mandated to address the escalation of violent crime involving firearms. These two units, in partnership with other Service units and various Police Services from across Ontario, have successfully completed a number of high profile investigations targeting the most violent persons, gangs and crime groups involved in the commission of violent firearm related crimes. The arrests and firearms seizures resulting from these investigations, and a number of ongoing and future investigations, will significantly impact violent crime in the City of Toronto.

Deputy Chief Michael Boyd, Policing Support Command will be in attendance to respond to any questions.

Mayor Mel Lastman described to the Board his concerns about the increase in the use of firearms in crimes in the City of Toronto and the impact these crimes have on the community. He encouraged the Board to support the recommendations outlined in the foregoing report from Chief Fantino.

Mayor Lastman also discussed legislation enacted in the State of Florida commonly referred to as “10-20-Life” which refers to automatic graduated levels of sentencing upon convictions for various crimes involving the use of firearms.

Chief Fantino described how the Service is responding to the increase of crimes involving firearms and advised that additional officers have been transferred to a new unit that is specifically investigating “guns, gangs and drugs”.

The Board approved the foregoing report and the following Motions:

1. THAT the report to the Minister of Justice also include a recommendation that the federal government consider increasing sentences involving firearms similar to the Florida “10-20-Life” legislation outlined, as amended by the Board, as follows:

10 Years – if a person is convicted of an indictable offence and possesses a firearm, he or she will be sentenced to a minimum of ten years in prison without parole;

20 Years – if a person is convicted of an indictable offence and he or she discharges a firearm, he or she will be sentenced to a minimum of 20 years in prison without parole; and

25 to Life – if a person is convicted of an indictable offence and he or she discharges a firearm which resulted in death or great bodily harm to any person, he or she will be sentenced to not less than 25 years in prison.

2. THAT the Chief of Police report to the Board on the use of illegally imported firearms in Toronto crime and whether there are initiatives that may be undertaken, in cooperation with the federal government and possibly weapons manufacturers, to curb the illegal importation of firearms into Canada, from the United States.

APPENDIX A

Proposed amendments to the Criminal Code of Canada

Recommendations:

1. **That the Criminal Code of Canada be amended to add offences and provide increased sentences for individuals convicted of carrying a firearm while involved in other criminal activity.**

RATIONALE

Investigations across the Service have identified the magnitude of the proliferation of firearms in the City of Toronto. Possession of a firearm is a significant intimidation factor used by the possessor in the conduct of drug related and other criminal acts, and poses a significant threat to the safety of police officers.

The possession of a firearm should be an additional charge to the primary offence and included during sentencing as an aggravating factor.

2. **That the Criminal Code of Canada be amended to provide increased minimum sentences of 10 years imprisonment for individuals convicted under Section 85 of the Criminal Code.**

RATIONALE

Section 85 of the Criminal Code of Canada:

Using firearm in commission of offence

85. (1) Every person commits an offence who uses a firearm

- a) while committing an indictable offence, other than an offence under 220 (criminal negligence causing death, 236 (manslaughter), 239 (attempted murder), 244 (causing bodily harm with intent -- firearm), 272 (sexual assault with a weapon), 273 (aggravated sexual assault), 279 (kidnapping), 279.1 (hostage-taking), 344 (robbery) or 346 (extortion),
- b) while attempting to commit an indictable offence, or
- c) during flight after committing or attempting to commit an indictable offence,

whether or not the person causes or means to cause bodily harm to any person as a result of using the firearm.

Using imitation firearm in commission of offence

(2) Every person commits an offence who uses an imitation firearm

- a) while committing an indictable offence,
- b) while attempting to commit an indictable offence, or
- c) during flight after committing or attempting to commit an indictable offence,

whether or not the person causes or means to cause bodily harm to any persons as a result of using the imitation firearm.

Punishment

(3) Every person who commits an offence under subsection (1) or (2) is guilty of an indictable offence and liable

- a) in the case of a first offence, except as provided in paragraph (b), to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of one year;
- b) in the case of a first offence committed by a person who, before January 1, 1978, was convicted of an indictable offence, or an attempt to commit an indictable offence, in the course of which or during flight after the commission or attempted commission of which the person used a firearm, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of three years; and
- c) in the case of a second or subsequent offence, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of three years.

Sentences to be served consecutively

(4) A sentence imposed on a person for an offence under subsection (1) or (2) shall be served consecutively to any other punishment imposed on the person for an offence arising out of the same event or series of events and to any other sentence to which the person is subject at the time the sentence is imposed on the person for an offence under subsection (1) or (2).

Based on the increased number of occurrences involving firearms, be it murder, robbery or shootings, it is obvious that persons involved in these activities have no concern for human life and are not deterred by the current punishment available under the criminal code for using a firearm. It is suggested that the imposition of a minimum 10-year mandatory sentence would act as a deterrent. Furthermore, sentences for repeat offenders should also be increased.

3. **That Section 95 of the Criminal Code of Canada be amended to include all firearms.**

RATIONALE

Section 95 of the Criminal Code reads as follows:

Possession of prohibited or restricted firearm with ammunition

95. (1) Subject to subsection (3) and section 98, every person commits an offence who, in any place, possesses a loaded prohibited firearm or restricted firearm, or an unloaded prohibited firearm or restricted firearm together with readily accessible ammunition that is capable of being discharged in the firearm, unless the person is the holder of

- (a) an authorization or a licence under which the person may possess the firearm in that place; and
- (b) the registration certificate for the firearm.

Through the various calls attended and investigations conducted by the Toronto Police Service, history shows that persons involved in criminal activity do not limit their illegal firearm use to restricted or prohibited firearms. On many occasions, these persons are using any firearm available to them including those classified as non-restricted.

Section 95 allows for a maximum sentence of 10 years, a 1 year minimum when proceeded by indictment and a 1 year maximum on summary conviction.

Under the current legislation, an individual arrested with a loaded non-restricted firearm would likely be charged with Careless Use of a Firearm, under Section 86(1) of the Criminal Code, for transporting a firearm contrary to the Safe Handling, Storage and Transportation of Firearm Regulations. Obviously, if a person involved in criminal activity is carrying a load non-restricted firearm, the purpose is to further their illegal dealings.

Section 86(3) allows for a maximum sentence of five years for the second or subsequent offence.

4. **That the current regulations of the Firearms Act governing the safe handling, storage, and display of firearms by an individual be amended to clearly outline the legal requirements of safe storage, including the proper definition of a “container”.**
5. **That the current regulations of the Firearms Act governing the safe handling, storage, and display of firearms by an individual be amended with the added requirement that all types of ammunition must be stored in a locked container.**

RATIONALE

The Regulations of the Firearms Act governing storage, display, transportation and handling of firearms by individuals reads as follows regarding the storage of firearms and ammunition:

Storage of Non-Restricted Firearms

5. (1) An individual may store a non-restricted firearm only if

- (a) it is unloaded;
- (b) it is
 - (i) rendered inoperable by means of a secure locking device,
 - (ii) rendered inoperable by the removal of the bolt or bolt-carrier, or
 - (iii) stored in a container, receptacle or room that is kept securely locked and that is constructed so that it cannot readily be broken open or into; and
- (c) it is not readily accessible to ammunition, unless the ammunition is stored, together with or separately from the firearm, in a container or receptacle that is kept securely locked and that is constructed so that it cannot readily be broken open or into.

Storage of Restricted Firearms

6. An individual may store a restricted firearm only if

- (a) it is unloaded;
- (b) it is
 - (i) rendered inoperable by means of a secure locking device and stored in a container, receptacle or room that is kept securely locked and that is constructed so that it cannot readily be broken open or into, or
 - (ii) stored in a vault, safe or room that has been specifically constructed or modified for the secure storage of restricted firearms and that is kept securely locked; and
- (c) it is not readily accessible to ammunition, unless the ammunition is stored, together with or separately from the firearm, in
 - (i) a container or receptacle that is kept securely locked and that is constructed so that it cannot readily be broken open or into, or

- (ii) a vault, safe or room that has been specifically constructed or modified for the secure storage of restricted firearms and that is kept securely locked.

Storage of Prohibited Firearms

7. An individual may store a prohibited firearm only if

- (a) it is unloaded;
- (b) it is
 - (i) rendered inoperable by means of a secure locking device and stored in a container, receptacle or room that is kept securely locked and that is constructed so that it cannot readily be broken open or into, and, if the prohibited firearm is an automatic firearm that has a removable bolt or bolt-carrier, the bolt or bolt-carrier is removed and stored in a room that is different from the room in which the automatic firearm is stored, that is kept securely locked and that is constructed so that it cannot readily be broken open or into, or
 - (ii) stored in a vault, safe or room that has been specifically constructed or modified for the secure storage of prohibited firearms and that is kept securely locked; and
- (c) it is not readily accessible to ammunition, unless the ammunition is stored, together with or separately from the firearm, in
 - (i) a container or receptacle that is kept securely locked and that is constructed so that it cannot readily be broken open or into, or
 - (ii) a vault, safe or room that has been specifically constructed or modified for the secure storage of prohibited firearms and that is kept securely locked.

After reading the above regulations, it is obvious that unless an officer has received specific training on the Regulations of the Firearms Act, it is difficult to arrive at a clear understanding of the storage requirements for firearms and ammunition and what is the true definition of a container.

Front line police officers or the public, not having received specific training on the applicable Regulations, can not reasonably be expected to make a correct determination on the storage requirements for firearms and ammunition. Therefore, the Regulations should be amended so that a lay person can interpret them.

6. **That the current Regulations of the Firearms Act governing the safe handling, storage, transportation and display of firearms by a business, be amended to require businesses to adhere to more stringent display and storage regulations.**

RATIONALE

There are a number of concerns regarding both the storage and display regulations for businesses.

Storage

The Regulations, with respect to Storage of Firearms, allow business owners to store their firearms *in a location that is readily accessible only to the owner or an employee of the business; and it is stored on premises where there is an electronic burglar alarm system, and every window that can be opened, and every exterior door, can be securely locked.* This can include behind the counter or a room off the main business area, however, when in this area, the firearms do not have to be secured. This can be extremely hazardous in the event of a robbery. Regardless of the alarm requirements, the firearms will be easily accessible in the event of a Break and Enter.

It is therefore suggested that all firearms within a business, primarily a storefront operation, be secured at all times unless they are being shown to a customer or actively worked on by an employee.

Display

Upon examination of the display regulations and a comparison of the differences between the requirements for non-restricted versus restricted and prohibited firearms, it is difficult to understand why the regulations for the non-restricted firearms appear to be more stringent than the restricted/prohibited requirements. It is suggested that restricted and prohibited firearms should be stored with a secure locking device, secured to the display cabinet via chain or cable, and that the display case should be made of a material that cannot be readily broken into.

7. **That the Criminal Code of Canada be amended to create a Reverse Onus burden of proof with respect to the authorisation to possess a firearm.**

RATIONALE

Currently, where an individual is charged under Section 91 or 92 of the Criminal Code, the Crown is required to produce documentation, through the police, that proves an arrested party was not authorised to possess, transport or carry a firearm. This has occurred in relation to accused persons who have lengthy criminal records and/or are prohibited from possessing firearms and would never be issued a firearm licence.

The criminal code should be amended to clearly place the onus on the accused to prove authority to possess.

APPENDIX B

Improvements to the Administration of Firearms Legislation

Recommendations

- 1. That the Minister of Public Safety and Security direct the Chief Firearms Officer for the Province of Ontario to follow the requirements of Section 116 of the Criminal Code of Canada when an individual is arrested and subsequently released on an Judicial Interim Release Order and ordered not to possess any firearms, ammunition and explosives.**

RATIONALE

Section 116 of the Criminal Code reads as follows:

Authorizations revoked or amended

116. Every authorization, licence and registration certificate relating to any thing the possession of which is prohibited by a prohibition order and issued to a person against whom the prohibition order is made is, on the commencement of the prohibition order, revoked, or amended, as the case may be, to the extent of the prohibitions in the order.

In June 2002, the Toronto Police Service opted out of the Firearm Licencing Program operated by the Chief Firearms Officer for the Province of Ontario (CFO) At that time, the policy of the CFO was to disregard the requirements of Section 116. The CFO was of the opinion that revocation of the persons' firearms licence would be too harsh as the matter before the courts was only an accusation at that point.

The CFO advised firearm officers in the Province to place the individual's Firearm Licence "Under Review". Originally, Firearms Officers for the Toronto Police Service believed that the "Under Review" status in effect "Suspended" the licence and that status would appear on CPIC if the accused subsequently had contact with the Police. Firearm Officers of the Toronto Police Service were subsequently advised by Legal Counsel for the Chief Firearms Officer that there was no authority in law to place a licence under review, and they were instructed to follow the policy of the Chief Firearm Officer. Legal Counsel advised that the only licence status permitted through the Firearms Act was "Valid" or "Revoked".

As a result, the CFO's current directive leaves a potential Public Safety concern that could effect the citizens in the City of Toronto and the rest of Canada.

2. **That the current Firearms Legislation be changed to allow the legal authority for a Firearms Officer to place a licence “Under Review” or “Suspend” a Firearms Licence when the Licence Holder is under investigation relating to a Public Safety or Criminal Code matter.**
3. **That when a licence is placed “Under Review” or “Suspended”, that licence status must be reflected in CPIC to alert front line officers who may be in contact with the individual.**

RATIONALE

This recommendation would allow a Firearms Officer to suspend a Firearm Licence as opposed to revoking it. Upon revocation of a licence, the licence holder must be served documentation and advised of the court process available to him/her to appeal the revocation. Providing the legal authority to “Suspend” will provide the Firearms Officer an opportunity to properly investigate the issue in question, possibly resolving the issue while protecting the public and avoiding an unnecessary court proceeding.

4. **That the Minister of Public Safety and Security direct the Chief Firearm Officer for the Province of Ontario to conduct inspections and actively enforce the regulations of the Firearms Act, including licenced firearm businesses and collectors.**

RATIONALE

Currently, the Office of the Chief Firearms Officer for the Province of Ontario operates solely as an administrative body and will not participate in any type of enforcement. In addition there are no active inspections being conducted on gun collectors and the CFO has previously indicated that they were going to inspect firearm businesses once every three years. The currently policy of the CFO is to forward any enforcement issues to the local police service for the area involved, suggesting the local police service conduct the investigation. Unless specific members are designated as Firearm Officers, police services are not permitted to conduct inspections.

The current Firearms Act regulations regarding businesses are somewhat complex and most police services do not have personnel trained in the current business regulations that would allow them to conduct a proper investigation into the parties involved. Over the past few years, the Toronto Police Service and Provincial Weapons Enforcement Unit have been involved in large-scale criminal investigations involving firearm businesses in the City of the Toronto. These investigations include:

- Project Replica – store owners selling starter pistols and advising the buyer how to alter the pistol to live and then selling ammunition for the firearm.
- Project Driveshaft - Firearm business in Toronto smuggling firearm parts and receivers of M1 Garand rifles to the USA
- Project TUG - Internal theft from a firearm manufacturing plant in the Scarborough area.

- 5. That the Minister of Public Safety and Security direct the Chief Firearm Officer for the Province of Ontario to identify and advise police services of locations within their jurisdiction where 10 or more firearms are stored.**

RATIONALE

It is a unit specific policy of the Gun Task Force that upon becoming aware of an address that has a large number of guns stored at the location, the address is to be flagged by the Special Address System.

Entering this information into the Special Address System will ensure front line officers are alerted to the storage of a large number of firearms at the given location in the event a call is received for a Break and Enter in Progress, Domestic Violence, or other urgent matter.

Currently, there is no automated system that will alert police to this fact. Officers seeking to determine if a licenced firearm owner or firearms are registered to a specific address must make an enquiry through CPIC using CFRO (Canadian Firearm Registry On-line).

- 6. That the Minister of Public Safety and Security direct the Policing Services Division to distribute to all Police Services, a policy applying to Section 115 of the Criminal Code of Canada.**

RATIONALE

Section 115 reads as follows:

Forfeiture

115. (1) Unless a prohibition order against a person specifies otherwise, every thing the possession of which is prohibited by the order that, on the commencement of the order, is in the possession of the person is forfeited to Her Majesty.

This section of the Criminal Code is relatively new and has not been used to its full potential. Police Services appear reluctant to use this section and there is no clear policy on how it should be administered. A policing standards directive that outlines procedural issues would assist in this section being properly utilised. This section allows automatic forfeiture and should be promoted by the Policing Services Division.

- 7. That the Minister of Public Safety and Security direct the Chief Firearms Officer for the Province of Ontario to establish a policy that requires Firearms Officers to confirm the address of a person requesting an Authorisation To Transport or registering firearms to an address, by comparing the address information with Ministry of Transportation records before the transfer is authorised.**

RATIONALE

The current Firearm Legislation requires that a licenced firearm owner have their restricted and/or prohibited firearms registered to their residence (home address) or a place approved by the Chief Firearms Officer.

Through a number of investigations, members of the Toronto Police Service have found that licensed individuals had firearms registered to locations other than their home residence. When looking into these cases, investigators were advised that the addresses given were not verified using the MTO system due to a backlog of outstanding files. Individuals would register their guns to other addresses. Once the Firearms Officer approved the transfer, the registration in reality was legal because a representative of the Chief Firearms Officer had approved it, thereby complying with the legislative requirements.

- 8. That the Director of CPIC (Canadian Police Information Centre), add to CPIC via CFRO, information relating to all firearm Transfer Authorisation Numbers, Authorisations to Transport, Authorisations to Carry and Firearm Business information such as business employees, so that it is available to front line and investigative officers 24 hours a day, seven days a week.**

RATIONALE

Currently, limited firearm licence and registration information is available to police agencies through CPIC using CFRO. On a daily basis, there are numerous permits issued by the Chief Firearms Officer and the Canadian Firearm Registry allowing the citizens of Ontario and Canada to possess, move and carry firearms.

In order for a citizen to move a restricted or prohibited firearm, the citizen must be in possession of an Authorisation to Transport (permit). Armed Guards employed by companies such as Brink's and Securcor, who carry loaded firearms as part of their job, must be in possession of an Authorisation to Carry. In some cases, employees of firearm businesses such as gunsmiths and sporting good stores can move or transport firearms based on the conditions of the Firearms Licence issued to the business. None of this information is readily available to the police.

Police can only access this information by contacting the Chief Firearms Officer or Canadian Firearms Registry, during business hours. This requires a front line officer or an investigator to speak to a person from these offices on the phone. When dealing with a criminal investigation or investigations dealing with sensitive matters, the possibility of the investigation becoming common knowledge is increased, thereby jeopardising the investigation and possibly the safety of the officers involved.

APPENDIX C

TORONTO POLICE SERVICE



FIREARM ENFORCEMENT

INITIATIVES

The violence and murders experienced in the City of Toronto thrive on the inextricable link between gangs, guns and drugs. Fuelled by the drug economy, the goals of these violent gunmen are money, power and supremacy. They repeatedly inflict violence upon our communities while demonstrating complete disregard for life and utter contempt for the law.

These individuals use illegal firearms as their source of power, whether it is to establish or maintain their criminal enterprise or to resolve disputes with others. The escalation in the use of firearms and the violence resulting from their indiscriminate use has resulted in an increased number of shootings and associated crimes.

To effectively address this problem those who use firearms for criminal purposes must be removed from our communities. The Toronto Police Service is committed to addressing the issue of gun violence. This report describes a number of programs and initiatives developed and implemented by the Toronto Police Service to combat the illegal use of firearms.

Understanding Gun Crime

- Intelligence indicates that half (50%) of all firearm-related homicides during 2002 involved a gang member or associate.
- In 2002, a total of 2774 firearms and 215,463 rounds of ammunition were seized by the Toronto Police Service.
- Crime analysis indicates that the three components; guns, gangs, and drugs, are increasingly linked to violent crimes within the Greater Toronto Area.
- Intelligence indicates that both drug users and traffickers are more likely to be armed with firearms, and likely to engage in violence through the use of firearms.
- Additionally, there is an increase in the number of persons identified as being associated to gangs, or affiliated with gangs within the City of Toronto. These gang members, and affiliates are increasingly armed with firearms. There are 927 profiled gang members in Toronto
- 25% of shooting victims during 2002 had firearm charges in their criminal history.
- 42% of shooting related homicide victims in 2002 were under a firearm prohibition order at the time of their death.
- 46% of shooting victims in 2002 had a firearm prohibition in their criminal history.
- A comparative hot spot analysis of Gun Calls for service and Homicides by Shooting indicated a strong geographic correlation.
- 11 % of all profiled gang members have multiple firearm prohibitions.

- While the age range of those charged with firearms and drug offences varies from 12 to over 48, the majority of offenders are within the age of 18 to 29.
- 18% of individuals charged with firearm offences during 2002 were on some form of Recognizance.
- 33% of all persons accused in shooting-related homicides during 2002 were on a firearms prohibition.

Toronto Police Service Firearm Initiatives

A comparative analysis of accused persons charged with firearm related offences during the periods January 01 – June 30th 2001 and 2002, identified an increase of 70.09% in the number of accused persons, rising from 232 to 331 respectively. Since October 2000 the Service has undertaken the following initiatives to address firearms activity in our community:

OPERATION SAVE-A-LIFE

Operation Save-A-Life, was a campaign that offered \$50.00 to gun owners who are residents of Toronto and who wished to surrender their unwanted firearms. The Toronto Police Service facilitated the safe disposal of these firearms. Although the program did put a strain on the Service's resources, it was a valuable public and officer safety initiative. The program, which commenced on October 4th, 2000, has resulted in a total of 1797 firearms being surrendered.

Although these firearms were lawfully owned, unwanted or unattended firearms always have the potential to end up in the hands of the criminal element. This program ensured the safe disposal of these firearms, and therein eliminated the potential for these firearms to become 'crime guns'.

OPERATION GUN STOP

On Monday, January 28th, 2002, the Toronto Police Service commenced Project Gun Stop. This project involved a five-point plan to address the escalating and indiscriminate use of firearms in our community. The five points were:

- a gun amnesty
- a gun task force
- a gun court
- enhanced reward program and
- enhanced witness protection program

The Chief of Police and the Crown Attorney for the Toronto Region declared a local amnesty that ran from January 24th, 2002 through to March 31, 2002. This local amnesty was established to provide immunity from firearm possession offences not covered by the federal amnesty. The Toronto Raptors, as the profile community business partner, endorsed the amnesty program by providing free tickets to Raptors' games as an incentive to surrender firearms. A total of 112 firearms were surrendered as a result of the amnesty.

A temporary "Gun Task Force" was created, within Special Investigation Services, to specifically target violent criminal gunmen, and the firearms in their control. The Gun Task Force was staffed with the members of the Street Violence Task Force, COR Unit, Community Policing Support Unit, 42 Division, and the Ontario Provincial Police – Provincial Weapons Enforcement Unit. In addition, each division prepared an operational plan specific to their divisional requirements, establishing their own dedicated personnel.

Meetings were held at the commencement of Project Gun Stop to discuss the establishment of a Gun Court. The Crown Attorney for the Toronto Region was tasked with designating assistant crown attorneys at each court location in the Toronto Region to specialize in prosecuting firearm offences. All cases involving firearms were to be assigned to these designated firearm prosecutors in order to standardise and improve the effectiveness of prosecutions. Members of the Toronto Police Service Gun Task Force have provided training to Assistant Crown Attorneys on firearms legislation and investigations. This initiative is still in the developmental stages.

During Operation Gun Stop a number of high profile firearm crimes were brought to the attention of the public through media releases. Discussions with the Attorney General's Office took place to enhance the witness protection program in order to provide proper protection to members of the public who come forward with information on violent firearm offenders. No changes have been developed as of this date.

Operation Gun Stop concluded on Sunday, April 28th, 2002. This enforcement initiative resulted in 1,298 arrests, 2,328 charges laid, 364 firearms seized and the recovery of 82,493 rounds of ammunition. This co-operative investigative environment and information sharing between all stakeholders directly enhanced community and officer safety through increased enforcement of firearm offences in the City of Toronto.

This model of co-operative policing has resulted in the Street Violence Task Force being re-focused to become the new permanent Gun Task Force.

GUN TASK FORCE

A permanent Gun Task Force (G.T.F.) has been implemented to address the escalation of violent crime associated to individuals, criminal organizations/gangs, focussing on firearms and weapon related criminal acts.

Input from the divisions, specialized units, and Intelligence Support will identify persons/gangs for enforcement action.

The mission of this enforcement initiative is to:

- Target the most violent individuals, gangs/crime groups and their members through intelligence lead policing.
- Identify the persons responsible for the violent crimes involving firearms.
- **Stop the shootings and murders that are associated to gunmen, gangs and gang activity.**
- Locate and remove the firearms responsible for these acts of violence.
- Bring the persons responsible for these acts of violence to justice.
- All individuals, gang members, including youths, will be subject to the same zero tolerance, high impact street enforcement.

During the period of May 1, 2002 to December 31, 2002 members of the Gun Task Force arrested 94 persons for firearm offences. Furthermore, a total of 399 firearms and 105,105 rounds of ammunition were seized.

The Gun Task Force has participated in the following projects:

- **Project Re-Direct:** Service-wide initiative to target high gun violence locations across the city.
- **Kartoon:** The Gun Task Force assisted the Holdup Squad and York Regional Police Service with Project Kartoon, an investigation into the robbery and homicide at Ontario Sporting Goods in York Region.
- **Project R & R:** The Gun Task Force assisted the Gang Task Force in this project which identified violent individuals who were subject to immigration enforcement.

GANG TASK FORCE

A permanent Gang Task Force (G.T.F.) has been established to address the escalation of violent crime associated to criminal organizations/gangs, focussing on firearms and weapon related criminal acts.

Input from the divisions, specialized units, and Intelligence Support identifies persons/gangs for enforcement action.

The mission of this enforcement initiative is to:

- Target the most violent individuals, gangs/crime groups and their members through intelligence lead policing.
- Identify the persons responsible for the violent crime associated to these gangs and individuals.
- **Stop the shootings and murders that are associated to gunmen, gangs and gang activity.**
- Locate and remove the firearms responsible for these acts of violence.
- Bring the persons responsible for these acts of violence to justice.
- All individuals, gang members, including youths, will be subject to the same zero tolerance, high impact street enforcement.

During the period of May 1, 2002 to December 31, 2002, members of the Gang Task force arrested 302 persons and seized 88 firearms.

The Gang Task Force has participated in the following projects:

- **Kartoon:** The Gang Task Force assisted the Holdup Squad and York Regional Police Service with Project Kartoon, an investigation into the robbery and homicide at Ontario Sporting Goods in York Region.
- **Project R & R:** The Gang Task Force lead this project which identified violent individuals who were subject to immigration enforcement.

FIREARMS ENFORCEMENT

Members of the Toronto Police Service are currently seconded to the Provincial Weapons Enforcement Unit and Criminal Intelligence Services of Ontario. These officers are involved in complex investigations into the smuggling and trafficking of firearms and co-ordinating firearm tracing investigations. The tracing of crime guns aids in determining how they arrived on the streets of Toronto and identify those entities that engage in the illicit trafficking of them.

A number of firearm trafficking investigations are ongoing at this time.

IMPACT TASK FORCE

The Impact Task Force is the latest enforcement initiative undertaken by the Service to combat gun related violence. This is a multi-disciplinary unit, comprised of personnel from Special Investigation Services, the Toronto Drug Squad and Intelligence Support.

Impact Task Force enforcement initiatives are intelligence-led, driven by information developed from within as well as from the field and the public. Information is analysed by Intelligence Support and disseminated for prioritization and enforcement action to the Detective Sergeants who comprise the Operational Management Team. The purpose is to identify, target and remove these criminals before they can commit further acts of violence.

The multi-disciplinary composition of the Impact Task Force provides the Operational Management Team with the flexibility to select the most suitable enforcement tactic for any given situation or simultaneous situations. Since its inception the Impact Task Force has arrested 114 individuals and seized 15 firearms.

As of March 17th, the Impact Task Force staffing was reduced due to resource constraints. The Task Force is continuing temporarily with staff from Special Investigation Services and Intelligence Support.

ATTACHMENT

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004

#P8. USE OF ILLEGALLY IMPORTED FIREARMS IN TORONTO AND RECOMMENDATION TO PROHIBIT PLEA-BARGAINING OF SOME FIREARM-RELATED CRIMES

The Board was in receipt of the following report JANUARY 22, 2004 from Julian Fantino, Chief of Police:

Subject: USE OF ILLEGALLY IMPORTED FIREARMS IN TORONTO AND CO-OPERATIVE INITIATIVES THAT MAY BE UNDERTAKEN TO ADDRESS THIS ISSUE.

Recommendation:

It is recommended that:

- 1) the Board receive the following report.
- 2) the Board send a letter to the Attorney General of the Province of Ontario requesting that a directive be issued to all Crown Attorneys prohibiting the plea-bargaining of firearm related crimes when there is a reasonable prospect of conviction.

Background:

At its meeting of August 14, 2003, the Board requested that the Chief of Police report on the use of illegally imported firearms in Toronto crime; and whether there are initiatives that may be undertaken, in co-operation with the Federal government and possibly weapons manufacturers, to curb the illegal importation of firearms into Canada, from the United States (Board Minute No. P230/03 refer). This report will identify the nature and origin of known firearms used in Toronto crime, and provide a summary of actions currently undertaken by this Service to manage this issue.

The issue of illegally imported firearms, and indeed any firearm being used in the commission of criminal acts in the City of Toronto is of a paramount concern. I have requested the Special Investigation Services Firearms Enforcement Unit to research the issue of illegally imported firearms.

It is apparent, as identified in the attached report Appendix A, that although smuggled firearms have been positively identified as crime guns, there is an emerging trend toward the use of firearms of domestic origin by the criminal element. As set out in page 2 of Appendix A, only 24% of traceable crime guns have been traced to a United States origin. Initiatives developed through the Canada/United States Cross Border Crime Forum (set out on pages 5 – 7 of Appendix A); will assist all law enforcement efforts in reducing the number of firearms entering this country from the United States and help reduce the tragic human toll often associated with them.

This Service must continue to focus investigative efforts on illegally imported firearms, but must also give greater investigative emphasis to domestic crime guns. These firearms are being obtained in increasing numbers from residential and commercial break and enters as well as through diversion from manufacturers and apparent exploitation of the de-registration processes in place within the Canadian Firearms Registry System.

Interdicting these sources for domestic crime guns is within our capacity as a Canadian law enforcement agency. The collaborative initiatives set out in Appendix A, undertaken in partnership with all levels of government and other stakeholders will aid in restricting the opportunity for lawful Canadian firearms to fall prey to the criminal intention to convert them for use against citizens of the City of Toronto. Further, the plea-bargaining of firearm related crimes (set out on page 9 of Appendix A), must be discontinued in an effort to reaffirm the commitment of the criminal justice system to the protection of the public and therein re-establish public confidence and sense of safety and security.

Acting Deputy Chief David Dicks, Policing Support Command will be in attendance to respond to any questions.

The Board approved the foregoing.

Appendix A

Illegal Importation of Firearms

In order to respond to the Board's request with respect to the use of illegally imported firearms in Toronto crime, a clear definition of what constitutes a crime gun must be attained. For the purposes of this report, a crime gun is defined as any firearm that has been used in a crime, or due to the circumstances surrounding its seizure had the potential to be used in a crime, or for which the serial number has been obliterated.

It has been historically held that the majority of firearms used in criminal acts in Toronto were smuggled into Canada from the United States. Recent investigations by the Toronto Police Service have indicated that an equal number of these firearms were of a lawful Canadian origin prior to their use in a criminal act.

Although there are a number of firearms reportedly used in various criminal acts each year in the City of Toronto, these firearms do not routinely come into the possession of the police for examination and origin determination. Handguns are the preferred weapons for use in the commission of criminal acts. This preference is clearly represented in Toronto Police Service records for the period of 1998 to August 30, 2003, wherein there have been 325 homicides in Toronto, 133 involving the use of a firearm. Of this total, 124 murders, or 93% of firearm involved homicides, involved the use of a handgun. Nine homicides involved the use of a rifle or shotgun.

Toronto Police Service records show that in the period of January 01st to September 9th, 2003 a total of 1468 firearms have been submitted to the Property Evidence Management Unit for a variety of reasons, including evidence, held for investigation, safekeeping and destruction. Of these, 183 have been determined to meet the definition of a crime gun.

It is this number, one hundred and eighty-three (183) crime guns, that presents the only opportunity for analysis to determine how many smuggled firearms are actually used in Toronto crime. The Gang and Gun Task Force have determined that one hundred and thirty-nine (139) of these crime guns fall into the following categories:

- 26 long barrelled firearms
- 11 firearms registered in Canada
- 5 reported as stolen
- 4 firearms were never issued a serial number by manufacturer
- 16 were too old to be traced for ownership
- 32 had their serial numbers obliterated
- 45 are still under investigation

Investigative experience of the Gun and Gang Task Force and the Firearms Enforcement Unit has established that long barrelled firearms are primarily of Canadian origin. Long barrelled

weapons are historically stolen from private citizens and converted for use in criminal acts. For this reason, long barrelled crime guns are not automatically submitted for tracing. Firearms with obliterated serial numbers have been historically believed to be of United States origin. A recent Provincial Weapons Enforcement Unit (PWEU) investigation has shed light on this historical assumption and it is now believed that these types of firearms may also be of Canadian origin. Local investigations suggest that many of the 32 crime guns with obliterated serial numbers are of Canadian origin. Investigations have identified that criminals are well aware of the absence of legislation requiring the registering of firearms in the United States. Armed with this knowledge they have developed a sense of confidence that the firearm will not be successfully traced back to them so there is less concern over removing the serial number.

Efforts are currently underway to determine the origin of some 26 firearms seized in relation to a recent investigation. It is suspected that the majority of these firearms will be traced to a Canadian source.

The remaining forty-four (44) of the one hundred and eighty-three (183) crime guns have been submitted for tracing to the United States Bureau of Alcohol Tobacco and Firearms and Explosives (BATFE). To date 30 of the 44 submitted guns have been traced to a United States based first retail purchaser. Therefore, assuming that all 44 submitted guns are successfully traced to a United States origin, only 24% of traceable known crime guns, as previously defined, have been smuggled into Canada. The origin of all other firearms that have been used in reported criminal acts but have eluded recovery is subject to conjecture.

While the use of smuggled firearms is a continuing concern, the aforesaid numbers identify an emerging issue for law enforcement agencies and that is the trafficking in domestic firearms and their subsequent use in criminal acts. The Firearms Enforcement Unit of Special Investigation Services, in partnership with the Provincial Weapons Enforcement Unit, recognize this emerging issue and have directed significant attention toward it in conjunction with efforts to curtail the smuggling of firearms. Examples of some of these collaborative efforts are detailed under the INITIATIVES section of this report.

The nature and scope of firearms trafficking, domestic and international, is beyond the investigative capacity of any one particular agency. In order to provide a more co-ordinated investigative effort in the Province of Ontario the Provincial Weapons Enforcement Unit (PWEU) was formed. This unit was established in 1994 to identify and take enforcement action against persons involved in the illegal movement of firearms, ammunition and explosives. The PWEU is comprised of forty-one representatives drawn from the Royal Canadian Mounted Police, Ontario Provincial Police, Toronto Police Service, Canada Customs and Revenue Agency and a number of other municipal police services in Ontario.

The formation of PWEU has allowed for enhanced information sharing between investigators with respect to trafficking in firearms. This unit has the resources and structure necessary to investigate a suspect firearm, determine its origin and the means by which a person came to be in possession of it. This type of investigative analysis allows law enforcement to continuously examine the existing regulatory environment in place at all levels with respect to firearms, and identify any areas of concern that may need to be brought to the attention of the applicable level

of government. One such concern is the issue of de-registration of firearms which will be discussed later in this report.

The S.I.S. - Firearms Enforcement Unit adopted the mandate of the PWEU for the City of Toronto. Recognizing that additional resources were required, a Gun Task Force was created within Special Investigation Services. This new unit was tasked with investigating the possession of the firearm while the Firearms Enforcement Unit focused on the smuggling, trafficking and origin tracing of the firearm. This internal co-ordination of effort allows the Firearms Enforcement Unit to continue to work in collaboration with an assortment of stakeholders in both Canada and the United States to curtail the trafficking of firearms.

Although the creation of the PWEU has aided in the investigation of firearms, there is still a need for a dedicated centrally co-ordinated body to monitor firearm related incidents across the Province and to report accurate and timely information to police agencies. The co-ordination and strategic analysis of all firearm incidents and seizures would allow investigators to clearly understand all aspects of the illicit firearms market and give investigative direction to special projects. The financing of such an endeavour is one of the primary obstacles to its successful implementation and therefore relegates the task of information co-ordination to the respective police agencies operating in Ontario. This type of fractured environment does not allow for an optimal useage of policing resources and may allow investigative links to go unseen.

Initiatives To Address Firearms Smuggling

Firearms Tracing and Enforcement Program

In 1994, Criminal Intelligence Services of Ontario, in response to policing standards mandating that all police services in Ontario trace seized firearms not registered in Canada, created the Firearms Tracing and Enforcement Program (FATE). The purpose of this program is to identify the sources of illegal firearms and to provide an investigative tool to the police services of the Province in identifying potential firearm traffickers. The program operates through the PWEU and works in a voluntary partnership, called the Collateral Investigations Program, with the BATFE to identify and prosecute persons involved in the illegal movement and trafficking of crime guns. There is no formal agreement in place between the respective agencies for the tracing of firearms. This partnership has been very successful given that it is solely based on good will and a solid spirit of teamwork and public protection on both sides of the border.

The tracing of a firearm can be quite complex. In Canada a firearm can be traced to the last registered owner as recorded by the Canadian Firearms Registry System (CFRS). There is no requirement in the majority of American states to register firearms. Therefore, the BATFE rely upon access to records that may only identify the first retail purchaser of that firearm. Any transactions subsequent to the original retail purchase in the United States are extremely difficult to account for. Agents from the BATFE must spend countless hours conducting investigations, locating documents and interviewing persons in order to provide investigators in Ontario with trace information.

Understanding the complexity and demands of tracing a firearm in the United States, investigators in Ontario must exercise good judgement in determining whether or not to submit a firearm for tracing and weigh the costs against any perceived investigative value that would result. The constitutional rights of American citizens with respect to the lawful possession of firearms, supported by political powers and special interest lobbying groups, present significant obstacles to be overcome in any effort to enhance investigative tracing abilities in the United States.

Bearing in mind the aforesaid complexity of tracing a firearm in the United States, the majority of firearms seized by the Toronto Police Service do not warrant tracing through the BATFE as an investigative aid. These firearms fall into one of the following categories:

- The firearm is registered in Canada and the lawful owner is known.
- The firearm may be too old to trace. Firearms that were manufactured prior to the United States Arms Control Act of 1968 were not required to have certain markings and are nearly impossible to trace.
- Long Guns (rifles) seized in Canada usually originate in Canada and may be very old. Prior to the new legislation in Canada there was no requirement for them to be registered.
- Serial numbers may be removed or obliterated making them impossible to trace.

The FATE program is an invaluable aid in the investigation of certain crime guns and must be sustained into the foreseeable future. A formal memorandum of understanding or other such instrument, between the Province of Ontario and the Bureau of Alcohol Tobacco Firearms and Explosives may eventually be required as a means of ensuring the continuation of this investigative tool.

Collateral Investigations Program

This voluntary program utilizes the information obtained from the FATE Program to conduct collateral investigations between the U.S. BATFE, the PWEU and other law enforcement agencies in Ontario to aggressively pursue the sources of crime guns arriving in Ontario from the United States. These investigations have identified several patterns and trends, which identify the methods of obtaining crime guns in the United States and smuggling them into Canada. The following are some recent trends:

- United States resident receives a licence as a Federal Firearms Licensee (FFL), lawfully acquires inexpensive firearms and then sells them for a large profit into the illicit crime gun market.
- Cross border truckers acquire firearms in the United States and smuggle them into Canada.

- Firearms are purchased at gun shows (secondary markets) in the United States and then smuggled into Canada.
- Canadian citizens obtain U.S. identification, purchase firearms and then smuggle them into Canada.
- STRAW purchases of firearms by U.S. residents, which are then smuggled into Canada.

A STRAW purchase occurs when a person such as a convicted felon or a non-resident of the United States or one who is not otherwise entitled to lawfully purchase a firearm in the United States enlists the aid of a third party to lawfully purchase a firearm. This is done in order to conceal the identity of the true purchaser. Firearms so purchased are often smuggled into Canada.

Canada/United States Cross Border Crime Forum

The Canada/United States Cross Border Crime Forum is a standing body involving the United States Department of Justice and the office of the Solicitor General of Canada. This body meets annually and invites stakeholders to participate in topical discussions. The following agencies participated in discussions focused on the methodologies employed in illegally trafficking firearms between the United States and Canada, issues related to removing guns from criminals and to put forward recommendations to curtail firearms trafficking:

CANADA

Canada Customs and Revenue Agency (CCRA)
 Criminal Intelligence Service of Canada (CISC)
 National Police Service (NPS)
 National Weapons Enforcement Support Team (NWEST)
 Royal Canadian Mounted Police (RCMP)
 Provincial Weapons Enforcement Unit (PWEU)

UNITED STATES

Department of Justice (DOJ)
 Department of State (DOS)
 Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE)
 U.S. Customs Service (USCS)

As a result of these discussions an exhaustive report, titled Canada and United States Firearms and Explosives Threat Assessment, was prepared in May 2003 for the Canada and United States Cross-Border Crime Forum. This report reinforced the value of some existing initiatives and recommended some new initiatives. Set out below are some of the initiatives discussed in this document:

- **Cross-Border Tracing Co-Operation.**
 FATE (Firearms Tracing Enforcement Program)

- **Integrated Border Enforcement Teams (IBET).**
Tasked to co-ordinate land based border enforcement initiatives between Customs authorities and law enforcement agencies.
- **Project Safe Neighbourhoods.**
Community partnerships with law enforcement.
- **Intelligence Collection and Analysis Team.**
Tasked to collect intelligence for enforcement measures within the United States and Canadian ports.
- **Operations Pipeline, Convoy and Jetway.**
Cross border vehicle interdiction (trucks, automobiles, airplanes, buses, trains)
- **Multiple Sales Reporting.**
U.S. requirement for Federal Firearms Licences to report all purchases of two or more handguns that occur within 5 consecutive business days.
- **Education and Training.**
Since 1996, the U.S. BATFE (ATF) and the PWEU have sponsored a joint firearms trafficking school for law enforcement officers on both sides of the border.
- **Project North Star.**
A joint frontline enforcement management tool protecting border integrity.
- **National Integrated Ballistic Information Network and the Integrated Ballistics Identification System.**
This program allows for a digital image of a bullet or cartridge from a “crime gun” to be compared and matched to the same firearm.
- **U.S. Customs Container Security Initiative.**
Engages the ports sending large volumes of containers into the U.S. to proactively monitor in a way that will facilitate the earliest possible detection of potential problems.
- **High Intensity Drug Trafficking Area Program (HIDTA).**
U.S. law enforcement partnerships providing resources to respond to drug trafficking problems and disseminating information on drug and weapons trafficking to Canadian law enforcement agencies.
- **Border Blitzes.**
The PWEU in partnership with the Canada Customs and Revenue Agency and the police agency holding jurisdiction in the area of the targeted border crossing, continue with enforcement blitzes and investigative training.

Domestic Crime Guns

Outside of the lawful purchase and registration of a firearm, there are three (3) primary domestic sources of crime guns in Canada.

- Firearms acquired through thefts, reported missing following robberies, lost by owners and break & enters
- Diversion (from manufacturers)
- De-registration (deactivation)

Missing/Stolen Firearms

All stolen or missing firearms in Canada are required by law to be reported to the police. The police are required to report this information to the Canadian Police Information System (CPIC). Many of these firearms end up in the hands of the street criminal to commit crimes, provide protection, demonstrate status and intimidate or inflict violence on their peers, law enforcement, the community and innocent victims. According to the RCMP Annual Firearms Report to the Solicitor General of Canada, since 1978 over 97,000 firearms have been recorded on CPIC as stolen or missing, a large portion remain unrecovered, with more than 50% of this total being restricted firearms such as handguns. While annual reported incidents have slowly declined since 1997, these incidents still account for 2000 – 3000 firearms per year potentially entering the illicit market.

Diversion from Manufacturers

There are only three (3) manufacturers of firearms in Ontario. These companies do not sell directly to consumers. The PWEU identified employees of one such manufacturer that were engaged in the smuggling of firearms or parts thereof from the points of manufacture. The serial numbers were removed and these fully functional semi-automatic handguns were then sold on the street.

In the early 1990's these handguns were appearing on the streets with no serial numbers and then in the late 1990's with the serial numbers milled off (removed) in direct violation of federal statute. The investigation concluded in 2001 with the arrest of seven (7) persons charged with a variety of firearm offences and the seizure of over one hundred (100) semi-automatic handguns and over five hundred thousand (500,000) rounds of ammunition. There have been an additional fifty (50) of these handguns seized by police across Canada that were involved in a variety of crimes, including murder and attempted murder. These handguns will continue to surface indefinitely.

De-registration (Deactivation)

The Firearms Act requires that all firearms be registered on the Canadian Firearms Registry. If a firearm is deactivated (rendered inoperable) according to regulation, it is de-registered and removed from the Canadian Firearms Registry. This means that CPIC will not provide law enforcement with a previous registration. For all intent and purposes CPIC will show that there is no record found in response to an inquiry on a firearm coming into possession of police. The CPIC return does not reflect that this firearm has been de-registered. The criminal exploitation of this process has come to light in an investigation conducted by the PWEU.

This investigation identified a group of persons that were involved in the illegal possession and trafficking of firearms, restricted/prohibited handguns, ammunition and the unauthorized importation of parts exclusively for use in the manufacturing of automatic firearms.

The group were able to divert lawfully owned and registered firearms into the illegal crime gun market by exploiting the de-registration process of the Canadian Firearms Registration System. Once the firearm has been de-registered, the group would remove the serial number of the firearm and sell it as a crime gun. It is estimated that over 450 firearms reached the street via this process. There is currently no government agency that verifies the deactivation of firearms.

This absence of a verification and inspection process for firearms supposedly rendered inoperable must be addressed by all law enforcement agencies through the appropriate channels. The Canadian Firearms Registry have been alerted to the exploitation of the de-registration process. They have requested a formal written notification of this matter. The PWEU are reviewing the matter and will determine the most appropriate response.

Domestic Firearms Enforcement Initiatives

The issue of domestic firearms being used as crime guns is an emerging trend. The successful investigations to date have greatly assisted in identifying opportunities for law enforcement to work collaboratively with other stakeholders to address this issue. The following initiatives are underway at this time:

- Continued joint investigations between the PWEU and its Provincial partners. Giving a higher priority to break & enters where firearms have been stolen.
- Pursuit of legislative changes with respect to the deactivation and subsequent de-registration of firearms.
- Integrated Ballistic Identification System to go on line at the Centre of Forensic Science (CFS) to develop an ongoing link between the TPS and the RCMP.
- Succession planning of highly trained firearm investigators is critical to ensure the Service can continue to deliver effective investigations. A firearms investigators course has been developed for delivery through the Training and Education Unit. The focus is on ensuring that Service members are provided the most up to date information and investigative practices. This will ensure that there is a strong base of knowledge to draw upon in future years to replace existing investigators within the Gang and Gun Task Force or the Firearms Enforcement Unit.

- Utilization of the Crime Stoppers program to reach out to the public for investigative assistance.
- Continue to develop a joint awareness program campaign to educate the public on the importance of ensuring the security of their lawful firearms to prevent them from falling prey to criminals and being used in criminal acts.

Challenges

Part of the challenge in pursuit of successful deterrence for persons engaged in firearm trafficking and other related offences is the issue of plea-bargaining. A report by Toronto Police Intelligence Services, identifies that in the period between January 01st to July 31st, 2003, there were five hundred and fifty-four (554) persons charged with firearm offences. Of this number, fifty-five (55) cases have been concluded with a logged disposition. Thirty-two (32) of these cases, or 58%, were concluded by withdrawal of charges. The report identifies that the charges most often laid are also those that are most often withdrawn, those being Careless Use of A Firearm (Section 86), Unauthorised Possession (Section 91) and Prohibited or Restricted Firearm with ammunition (Section 95).

The withdrawal of such charges may occur not only as part of a plea bargain process but also as a result of other factors taken into consideration by the Crown Attorney in the determination that there is no reasonable prospect of conviction for those matters. Where a firearm charge is considered for withdrawal as part of a process to solicit a guilty plea for other charges, the ultimate arbiter is the Crown Attorney. The merits of such decisions may meet the need of the case at hand, however to the public, who are enduring a steady onslaught of violent gun crime on a daily basis, such deals are no longer palatable. An unintentional impact of the plea bargaining of firearm related charges is reduced public confidence in the ability of the Canadian Criminal Justice system to protect their fundamental right and need for safety in their communities. This sense of safety and public security must be reaffirmed and clearly established as a priority to ensure the continued well being of the community at large.

The Attorney General of Ontario must re-evaluate the plea bargain process with respect to firearm related crimes. It is recommended that, alongside an internal training program for firearm awareness for Crown Attorneys, a directive be issued from the office of the Attorney General that firearm charges are no longer to be subject to plea-bargaining. Such a directive will serve to recognize firearm related crimes for the serious societal issue that they are, the grave consequences they often result in and the paramount need of the public to be protected from persons who would engage in such criminal activity.

CONCLUSION

There are two main sources of illegal firearms that are turning up on the streets of Toronto - smuggled firearms from the United States and firearms lawfully in Canada but illegally diverted for use as crime guns. Both pose a significant threat to the safety of the citizens of the City of Toronto. Investigative resources are being expended to continue to monitor the use and trafficking of firearms in Toronto and across the Province. This report has sought to provide the Board with an understanding of the use of illegally imported firearms in Toronto crime.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

#P150. ENGAGING FORMER MEMBERS

The Board was in receipt of the following report MAY 10, 2004 from Julian Fantino, Chief of Police:

Subject: ENGAGING FORMER MEMBERS

Recommendation:

It is recommended that:

- 1) the Board approve the following amendments to Service Procedure 14-30 entitled "Re-employment of Former Members and Lateral Entries":
 - (a) the addition of a new provision to allow the Service to engage the services of retired police officers to augment the permanent complement to clear up a backlog of work in support functions other than front-line;
 - (b) the addition of the below-mentioned new provisions to ensure that the Service meets the criteria for independent contractor as identified by City Legal, namely,
 - that the work week for retirees be less than thirty-two hours;
 - that retirees be required to perform some part of their duties at their home address, that they have a GST number and any other feature of running a business, such as telephone and fax numbers; and
 - that if retirees are hired on a number of short-term assignments, that the waiting period between assignments be a minimum of thirty-five weeks; and
- 2) Recommendation No. 2 proposed at the November 21, 2002 (Board Minute P301/02 refers) Board meeting to replace the predetermined period of time requirement within Service Procedure 14-30 with a provision to allow the engaging of retired police officers for a maximum period of six months in a one- year period be rescinded to remove any likelihood of the existence of an employment relationship.

Background

At its meeting on November 21, 2002, the Board received a report from the Chief of Police recommending a number of amendments to Service Procedure No. 14-30 (Board Minute P301/02 refers). These recommendations are reprinted below, as well as an abbreviated version of the rationale for each of the recommendations.

Recommendation No. 1 - add a new provision to allow the Service to engage the services of retired police officers to augment the permanent complement to clear up a backlog of work in support functions other than front-line.

Rationale: In April 2002, the Employment Unit undertook a pilot project, which was approved by the Command, utilizing the services of retired officers in a civilian capacity under contract. These retirees were selected due to their investigative skills and experience, and there had been a one-year waiting period between their retirement date and rehire date. Retirees conducted background investigations on civilian applicant files so that police officers assigned to that unit could concentrate on a backlog of uniform applicant files. The pilot was a success in that it resulted in a more efficient turnaround time for civilian and uniform applicant files. Due to the success of the pilot, the Service believes that the initiative could be expanded to allow retirees to conduct background investigations on police constable applicants, especially during peak hiring periods. This function is normally performed by serving officers, however, it would be more prudent to utilize the services of retirees instead of temporarily transferring serving officers from front-line duties to perform this task. Retirees would be paid \$25.00 (no benefit entitlement) as opposed to the hourly rate of \$38.42 (includes benefits but does not include retention pay) paid to first class constables. Although the difference would only be a soft savings, it would be more cost effective to utilize retirees. It is envisioned that retired police officers could also be utilized in other areas of the Service, such as Training and Education and Court Services, during peak workload periods.

Recommendation No. 2 - replace the predetermined period of time requirement with a provision to allow the engaging of retired police officers for a maximum period of six months in a one year period.

Rationale: During the pilot project referred to above, retirees were engaged for a period of three to four months to meet the predetermined period of time provision and this time period was deemed to be too short. It would be more beneficial to engage them for a period of six months as it takes at least a month and a half before retirees become proficient with the background investigation process.

Recommendation No. 3 - delete the provision requiring Board approval to engage former members on contract.

Rationale: Requests to engage the services of a former member in a civilian capacity on contract must be approved by the Board. However, when a unit commander wishes to engage an individual, who is not a former member, under contract they are allowed to do so under the Purchasing and Service Expenditure Procedure and the signing authority levels pursuant to Procedure 14-13 entitled 'Contract Persons and Consultants'. Procedure 14-30 should be amended so that the process for engaging former members is consistent with the process for engaging other individuals on contract. Notwithstanding the foregoing, Board

approval would still be required where a former member has not completed the one-year waiting period criteria as stipulated in Procedure 14-30.

The Board approved the following Motions at that meeting:

- 1) That recommendations No. 1 and 2 be approved subject to a report from Chief Fantino confirming that the revised Board policy remains consistent with the City of Toronto By-Law governing the retention of former City members; and
- 2) That recommendation No. 3 be received.

At the Board meeting on November 13, 2003, the Chief requested a six-month extension to Motion 1 to address further issues raised in a legal interpretation received on October 8, 2003 from the City of Toronto Legal Division (Board Minute P325/03 refers). The Board approved the extension and the following Motion: “That a hiring freeze be established, prohibiting the retention of any former Service members, until the Service provides the report that was originally requested by the Board at its November 21, 2002 meeting”.

The City of Toronto only has guidelines in place governing the rehiring of retirees. Before commenting on whether Service Procedure 14-30 is consistent with the City’s guidelines on this issue, the legal opinion provided by the City of Toronto’s Legal Division (City Legal) will be discussed.

Legal Opinion

In its legal opinion, City Legal indicated that it is not contrary to law to hire retirees as employees or consultants, however, there are labour relations, income tax, pension, employment standards and workers’ compensation implications. Below is a summary of the legal opinion relating to these implications and the Service’s response, where deemed necessary.

a) **Labour Relations Implications**

It is a principle of labour law that bargaining unit work may be contracted out provided that there is no statutory or collective agreement provision that prevents it, the contracting out is done in good faith and the work is contracted out to a genuine independent contractor. City Legal has indicated that the hiring of a retiree to work alongside a member, doing similar work and using tools provided, could be grieved by the Toronto Police Association on the grounds that the individual could be considered to be performing bargaining unit work. In the legal opinion, it also states that the likelihood of grievances rises as the number of retiree hires rises and also increases if the period of hire expands as proposed.

The Toronto Police Association has known that the Service has engaged retired officers as consultants in the past and it has never lodged a grievance, nor have they ever made an issue of it. Furthermore, the Service has never engaged more than two retirees at a time and they have always been engaged for only short assignments. Given that this has been a practice and due its limited scope, there is no reason to believe that it would become an issue.

b) Income Tax Implications

The Service, as a payer of income from employment, is required by statute to withhold at source monies on account of income tax, Canada Pension contributions and Employment Insurance premiums for its employees and to remit the monies to the Receiver General of Canada. In the case of a true independent contractor, there are no similar obligations. The individual is not an employee, is not paid a wage or salary by the Service, and is responsible to make his/her own payments to the Receiver General on earned income, including the Goods and Services Tax (GST). Therefore, there would be no tax implications for the Service.

The most significant income tax implication of rehiring a retired member relates to the payment of a retirement allowance, including sick pay gratuities, to former employees. The Income Tax Act permits employees to defer paying tax on retirement allowance by transferring the allowance into registered retirement savings plans. If the retiree returns to work a short period of time after retirement, this may suggest to Revenue Canada that the retirement was not legitimate and that it was arranged to defeat the payment of income tax. City Legal recommends that a reasonable time period be permitted to elapse before hiring occurs – no shorter than six months and suggest one year as being more prudent. As the Service's current waiting period is one year, it is consistent with City Legal's suggestion and should not be changed.

c) Pension Implications

It is the opinion of City Legal that if there is any question as to whether rehired retirees are employees or independent contractors, the following criteria must be met. First, there should be a significant break before rehire; secondly, the retirees should be rehired to work for a fixed term of less than twelve continuous months; and thirdly, their work week should be less than thirty-two hours. Currently, retirees are only permitted to be engaged for a predetermined period of time pursuant to Service Procedure 14-30 and the Service has recommended that this be changed to allow them to be engaged for a maximum of six months in a one-year period. Therefore, both the current requirement and the recommended change would meet the less than twelve-month period suggested by City Legal. As the Service Procedure requires a one-year break in service before rehire, this meets the suggested 'significant break before rehire'. The current Service Procedure does not stipulate the length of time for a work week and needs to be amended to include that the work week for consultants must be less than thirty-two hours.

d) Employment Standards Act Implications

City Legal has indicated that there are significant legal implications for an employer if it hires what it believes to be an independent contractor and the person is considered an employee at law. Furthermore, they are of the opinion that there are several indicators, which reveal an employment relationship between the Service and the retirees it has hired back. The indicators are type of work performed and the conditions under which the work is performed, including the use of office space and the similarity of work week between the retirees and regular employees. Furthermore, City Legal states that expanding the period of work to six months as recommended by the Service would increase the likelihood that an employment relationship exists. Therefore,

the Service will rescind its previous recommendation (Recommendation No. 2 proposed at the November 21, 2002 Board meeting) to allow retiree police officers to be engaged for a maximum of six months in a one-year period. New provisions need to be added to the Service Procedure to stipulate that contractors should be performing at least some of the background investigation work at their home address and that their work week be shortened.

City Legal has recommended a significant lapse of time between retirement and hiring in order to avoid a situation in which a brief break between the two events might be considered to be a lay off. For the purposes of the Employment Standards Act, if the employment relationship is re-established prior to the lapse of at least thirteen weeks, it is likely that the employee will be considered to have been on layoff and not terminated. In the event the person has been considered to be on layoff for a period of more than thirty-five weeks in any period of fifty-two consecutive weeks, the lay off may then be considered to be a true termination. Therefore, City Legal recommended that any break in service should be greater than thirteen weeks, at a minimum, and it is best that it be in excess of thirty-five weeks. As the break in service from a retiree's retirement date and rehire date is one year pursuant to Service Procedure 14-30, this current provision is sufficient. City Legal further suggested that if retirees are hired on a number of short-term contracts, it would be prudent to space these contracts at thirty-five week intervals. The Service Procedure needs to be amended to include such a provision.

e) Workplace Safety and Insurance Act Implications

The Service is responsible to pay benefits to workers injured in accidents, which occurred in the course of their employment, plus a 20% administration fee. If the Service has considered an individual to be an independent contractor and does not report an injury or paid benefits, and the Workplace Safety and Insurance Board determines that the individual is a worker for the purpose of the Workplace Safety and Insurance Act, the Service may be found to have committed an offence under the Act. It must be noted this is not an issue with the various Departments within the City of Toronto who hire retiree consultants as they do not cover these individuals under the Workplace Safety and Insurance Act (see below). In the past, retired officers engaged by the Service were not covered by the Act either and this practice would continue.

Finally, in its recommendation City Legal states that unless the Service wishes to hire retirees as employees, it will need to change the manner in which these individuals are hired and work in order to meet the criteria for independent contractor. The Service is prepared to meet the criteria for hiring independent contractors as provided by City Legal by recommending a number of amendments to Service Procedure 14-30 so that it clearly identifies retirees as independent contractors.

City of Toronto vs Toronto Police Service Policy on Rehiring Former Members

With regard to the Board's motion for a report from Chief Fantino confirming that the revised Board policy remains consistent with the City of Toronto By-Law governing the retention of former City members, appended is a summary of Service Procedure 14-30 (Appendix 'A') and the City's guidelines (Appendix 'B') on this issue for the information of the Board. The City

allows its Departments to rehire retirees as employees or consultants pursuant to its guidelines. Although, the City prefers to bring former members back as consultants rather than as employees, as risks associated with the Employment Standards Act and common law are considerably minimized. Specifically, there is no employer-employee relationship and consequently no issues of severance. The City is not required to pay benefits to retirees; there are no implications with respect to Ontario Municipal Employees Retirement System (OMERS) contributions; and the City does not pay benefits to a consultant who is injured as a result of his/her employment, nor pay the Workers Safety and Insurance Board 20% administration fee. This is consistent with the Service's practice in this area. Service Procedure 14-30 is more stringent than the City's in that it requires a one-year waiting period before retiree can be rehired, instead of a thirty-five week period used by the City. With regard to duration of rehire, the Service currently allows the engaging of retirees for a predetermined period of time and, a previously submitted recommendation was to expand this to a maximum of six months in a one-year period. Whereas, the City allows retirees to be rehired for up to two years. The previous recommendation submitted to the Board to extend the duration of service for retirees to six months within a one-year period (Recommendation No. 2 from the November 21, 2002 Board meeting) is being rescinded in this report (see 'Recommendation' section). The only other difference between the Service Procedure and the City's guidelines is a requirement for retirees to establish themselves as legitimate consultants with a separate office address, telephone number, GST number and other features required to establish that they are no longer in an employer/employee relationship. The Service is prepared to make the Service Procedure consistent with the City's guidelines in this regard.

A telephone survey has been conducted of larger police services in the Province of Ontario to ascertain whether they rehire retired police officers in any capacity. Of the eight police services surveyed, four of them currently utilize the services of police retirees to perform background investigations and one uses retired police officers as couriers. Two of the police services are currently considering using police retirees for background investigation purposes. This arrangement is a matter of practice for some of the police agencies canvassed, and covered by collective agreements/memorandum of understanding for others. Due to the sensitivity of this information, any further particular results from this survey should be dealt with in-camera.

Conclusion

In summary, the Service still believes that it would be a more efficient use of resources and cost effective to utilize the services of retirees as consultants to conduct background investigations instead of temporarily redeploying police officers from front-line field units to the Employment Unit during peak hiring periods. The survey conducted clearly illustrates that the practice of bringing retired police officers back as consultants is widespread amongst the larger police services and that it has proven to be a successful initiative. It must also be noted that in the report entitled "Review and Recommendations Concerning Various Aspects of Police Misconduct" the Honourable George Ferguson, Q.C. spoke specifically on the Service's experience with this practice and the need to continue with it – "The trial practice of employing retired officers to conduct these investigations has been successful and should be continued". The Service is prepared to change the manner in which retirees are engaged and work in order to meet the criteria for independent contractor as identified by City Legal.

Recommendation

It is hereby recommended that:

- 1) the Board approve the following amendments to Service Procedure 14-30:
 - (a) the addition of a new provision to allow the Service to engage the services of retired police officers to augment the permanent complement to clear up a backlog of work in support functions other than front-line;
 - (b) the addition of the below-mentioned new provisions to ensure that the Service meets the criteria for independent contractor as identified by City Legal, namely,
 - that the work week for retirees be less than thirty-two hours;
 - that retirees be required to perform some part of their duties at their home address, that they have a GST number and any other feature of running a business, such as telephone and fax numbers; and
 - that if retirees are hired on a number of short-term assignments, that the waiting period between assignments be a minimum of thirty-five weeks; and
- 2) Recommendation No. 2 proposed at the November 21, 2002 Board meeting to replace the predetermined period of time requirement within Service Procedure 14-30 with a provision to allow the engaging of retired police officers for a maximum period of six months in a one-year period be rescinded to remove any likelihood of the existence of an employment relationship.

Mr. Frank Chen, Chief Administrative Officer, will be in attendance to respond to any questions the Board may have in regard to this matter.

The Board approved the foregoing.

Appendix 'A'

Summary of Engaging Retirees Section of Current Service Procedure 14-30* 'Re-employment of Former Members & Lateral Entries'

- Former members who have retired may be engaged as consultants in a civilian capacity for a predetermined period of time with the approval of the Police Services Board provided they meet the following criteria:
 - the individual possesses the expertise required for a vacant position and no other serving member has the qualifications/skills necessary for the job
 - the remuneration to be paid to the retiree is not greater than the individual's pension entitlement
 - the individual shall pass a background investigation conducted by the Employment unit
 - there has been a one-year waiting period immediately following his/her retirement date. Exceptional circumstances may be brought to the attention of the Board for their consideration and approval where the one-year waiting period has not expired.

The requesting unit commander shall forward a TPS 649 to the unit commander – Employment unit providing the details to be included in the Board report. The individual shall not be employed until Board approval has been obtained and the requesting unit commander has complied with the provisions of the Purchasing and Service Expenditures Procedure.

* Issued 1999.08.05

Appendix 'B'

Summary of City of Toronto Guidelines On Rehiring of Retirees

The City of Toronto departments may need to rehire, on an exceptional basis, former employees who have retired in order to assist the corporation to address shortfalls in skills and knowledge. Former employees who may be considered for rehire are those who have taken early retirement from the City and are in receipt of an OMERS pension. The exceptions are retirees who have left with a severance payment or retirement incentive who cannot be rehired for 2 years after their termination date, and retirees who have retired under mandatory retirement.

- Retirees are engaged, where possible, as consultants. Where this is not possible, retirees may be hired on an employer-employee basis.
- Retirees are required to establish themselves as legitimate consultants with a separate office address, telephone/fax number, GST number and other features of running their own business, in order to establish that they is no longer an employer/employee relationship.
- A contract is drafted between the City and the consultant and signed by both parties.
- The engagement of retiree consultants is done through a purchase order/department purchase.
- A period of 35 weeks or more from the retiree's termination date should elapse before a contractual agreement is made if a retiree is undertaking the same or very similar work to his/her pre-retirement job, and/or if he/she received a retirement allowance from the City.
- Retiree services should be limited in duration (no longer than 2 years).
- The following is required when retirees are being rehired: the reason for rehiring; the nature of the hiring relationship (consultant/employee); the period of time for which the retiree is being rehired; the number of hours per week/month/year that the retiree is expected to work; the terms and conditions of employment; and the authorization for the hiring contract.
- Retirees who work for the City as consultants are responsible for invoicing the City for an agreed amount based on the project undertaken or billing the City for their time at an agreed rate per hour/day. No deductions are made at source and there are no provisions for payment of vacation, designated holidays, etc. The consultants are responsible for remitting these funds to the appropriate government agencies.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

#P151. A POLICE OFFICER'S DUTY TO REPORT

The Board was in receipt of the following report APRIL 16, 2004 from John Sewell, Toronto Police Accountability Coalition:

Subject: OFFICERS REPORTING ON BOARD MEMBERS AND OTHERS

Chair and members:

We would request that this item be scheduled for the Board meeting on April 29, 2004.

The recent report by the Honourable Sidney L. Robins contained some very worrisome information. On page 26 of his report, Mr. Robins states:

It appears that police officers are under a duty to report any concerns they may have about the conduct or statements of board members and others, and those concerns are to be "catalogued and entered into the system" so as to have "a history and notation" of the matter. It is manifestly important that there be a corresponding duty to take all steps necessary to ensure the confidentiality of those unfounded or unsubstantiated pieces of information, and to protect the privacy of individuals about whom concerns may have been expressed.

Confidentiality must be protected, not only vis-à-vis the general public, but within the police department itself. However, as matters stand, there are no police protocols setting standards or establishing procedures designed to ensure confidentiality.

We would like to know where an officer's "duty to report" on the conduct or statements of board members originates. We have great difficulty seeing why such a duty should exist and indeed we believe it is improper. In all likelihood it is contrary to the new federal legislation, The Personal Information Protection and Electronic Document Act.

It is a very dangerous and slippery slope to have officers reporting on the activities of others except for purposes of ensuring there are no criminal acts occurring. To report simply because of "concerns" seems improper as does the filing away of this information without verification.

Once the Board has determined where this duty originates, the Board should create the opportunities for public input as to whether this duty should continue or be abandoned. If it is to be continued, as Mr. Robbins suggests, protocols and procedures must be developed.

Recommendations

1. A report be obtained on where the duty originates for officers to report on concerns they may have about the conduct or statements of board members and others.
2. That if no such duty exists then a Standing Order be prepared prohibiting officers from reporting except in cases where the report concerns possible illegal activity which could lead to criminal charges.
4. If the duty does exist in some legitimate form, the Board should debate whether it should continue, and if so the protocols and procedures that should surround it.

The meeting adjourned due to a loss of quorum. Consideration of the foregoing report was deferred to the Board's next meeting.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P152. STRATEGIC TRAFFIC ENFORCEMENT MEASURES (S.T.E.M.)
QUARTERLY REPORT – JANUARY TO MARCH 2004 AND REQUEST
TO ELIMINATE THE REQUIREMENT FOR FUTURE QUARTERLY
REPORTS**

The Board was in receipt of the following report APRIL 30, 2004 from Julian Fantino, Chief of Police:

Subject: STRATEGIC TRAFFIC ENFORCEMENT MEASURES (S.T.E.M.) 4TH
QUARTER REPORT – JANUARY, FEBRUARY, MARCH 2004

Recommendation:

It is recommended that the Board:

- (1) receive this report for information;
- (2) forward a copy to the City of Toronto Budget Advisory Committee and the Policy and Finance Committee;
- (3) send a request to the City of Toronto Budget Advisory Committee and the Policy and Finance Committee to eliminate the requirement to submit quarterly reports; and
- (4) require no further regular reports on the S.T.E.M. initiative as relevant Service enforcement data will be considered in annual budget preparations.

Background:

The Budget Advisory Committee at its meeting held on February 14, 2003, during consideration of the 2003 Capital and Operating Budgets for the Service, requested:

- (b) the Chair, Toronto Police Services Board, to:
 - (i) provide a quarterly report to the Policy and Finance Committee regarding the Traffic Enforcement Test initiative, such report to include an update on the number of traffic safety infractions, issued weekly as well as how the program, if successful, would impact on the resource requirements dedicated to the program.

At its February 26, 2004 meeting, the Board received a consolidated report on the Strategic Traffic Enforcement Measures (S.T.E.M.) initiative for the period of October to December 2003 (Board Minute P51/04 refers).

The Toronto Police Service (TPS) identified traffic safety as a Service Priority for 2002-2004. To address this important issue, the Service developed a road safety strategy designed to reduce the unacceptable number of traffic deaths and injuries occurring as the result of collisions, poor driving behaviour and the careless actions of pedestrians.

During the last quarter of 2002, Traffic Services implemented the Traffic Enforcement Safety Team (T.E.S.T.) pilot project. Working within the framework of the corporate 'Calm Down-Slow Down' campaign, the T.E.S.T initiative created public awareness of traffic safety, reinforced that poor driving behaviour would not be tolerated and that such behaviour would be subject to strict enforcement.

Building on the success of the T.E.S.T. initiative, the S.T.E.M. team was created on April 1, 2003.

Enforcement Results

The following table represents the enforcement activity for the four quarterly reporting periods since the creation of the S.T.E.M. team:

Reporting Period	Offence Notices	Weekly Average
April 1 – June 30/2003	9,562	735
July 1 - September 30/2003	11,034	820
October 1 – December 31/2003	8,976	704
January 1 - March 31/2004	9,518	724
Total	39,090	752

An analysis of the enforcement totals for the first twelve months of operation indicate the following breakdown of offences:

Offence Type	% of Total
Laser or radar speed enforcement	80.0
General Highway Traffic Act	17.5
Insurance Offences	2.5

Analyses of the first twelve months of operation indicate a number of staffing issues had an impact on the team's operational effectiveness. While the S.T.E.M. team focused on their primary function, operational detractors have impacted the team's ability to maintain 100% staffing on a regular basis. The most notable factors are:

- annual leave
- lieu time days off
- statutory holidays
- mandatory and legislated training requirements
- court
- sick leave

The following table reports the break down of hours worked for three main areas that impact on the team's operational effectiveness:

Reporting Period	Patrol	Court	Training
April 1 – June 30/2003	2,146	311.5	110
July 1 - September 30/2003	2,247	263.5	95.5
October 1 – December 31/2003	1,807	343.5	302
January 1 - March 31/2004	2,298	474.5	85.5
Total	8,498	1,393	593

Patrol hours represent the actual number of hours team members are on the road dedicated to S.T.E.M. related duties. Court and training hours represent the number of on-duty hours spent by team members attending court and mandatory training.

The following factors impacted on 4th quarter results:

- On-duty court attendance has begun to impact on officer availability as a result of the high volume of offence notices issued since the inception of the team. On-duty court hours recorded in the 4th quarter represent the highest number of hours since the inception of the team.
- Scheduling of the mandatory training requirements for the yearly Use of Force and the Subject Apprehension Pursuit course generally occurs in the Fall, taking into consideration court scheduling and vacation entitlements.

Program Expenditures

The business case put forward to the City of Toronto Budget Advisory Committee and the Policy and Finance Committee to inaugurate the S.T.E.M. team identified initial capital costs and ongoing operational costs.

The following information is representative of the capital and operational costs projected to 2005:

CAPITAL COSTS		
Cost Element	2003	2004
5 - Police Vehicles - Stealth Class	\$155,000 (\$31,000 per vehicle)	\$ 0
Decals & Emergency lighting	\$10,000 (\$2,000 per vehicle)	\$ 0
5 - Police Radios & Mobile Work Stations	\$80,000 (\$16,000 per vehicle)	\$ 0
5 - Lidar (laser) Speed Measuring Units	\$42,500 (\$8,500 per unit)	\$ 0
5 - Dual Head Moving Radar Units	\$35,000 (\$7,000 per unit)	\$ 0
Total Cost Elements	\$322,500	\$ 0

OPERATIONAL COSTS		
Cost Element	2003 (9 months)	2004 (full year)
Salary- Sergeant (1)	\$55,229	\$75,848
Benefit package @ 21% of salary	\$11,598	\$15,928
Salary- Constable (10)	\$484,447	\$665,307
Benefit package @21% of salary	\$101,733	\$139,714
Premium Pay @10% of Constable salary level	\$48,500	\$66,500
Total Cost Elements	\$701,507	\$963,297

Measuring Effectiveness

Enforcement levels for 2003 reflected an 18% increase Service wide. This increase, which included a 54% increase at TSV alone, equated to 74,969 more offence notices being issued, Service wide, over the 2002 year end totals. Enforcement is a key component to achieving a reduction in deaths and injuries caused through preventable collisions and poor driving behaviour. However, the success or failure of any traffic enforcement strategy cannot be measured solely on the volume of offence notices issued.

Collision statistics are a better indicator that highly visible directed enforcement is a more effective method of preventing collisions and changing driver behaviour. The following table notes comparative statistics for the periods April 1, 2002 to March 31, 2003 and April 1, 2003 to March 31, 2004:

Collision Type	2002/2003	2003/2004	+/- % Change
Fatal	94	69	-26.6

Injury (life threatening)	95	120	+26.3
Injury (non-life threatening)	14,591	12,158	-16.7
Property Damage	34,966	29,091	-16.8

Collision statistics recorded in the twelve month period indicate enforcement programs, including initiatives such as S.T.E.M., have had a positive impact with respect to reducing the number of collisions involving traffic deaths, non-life threatening injuries and property damage.

Projections

Eighty percent of TPS enforcement for the first twelve months of the program consisted of laser or radar speed enforcement. The fine for a speeding violation is dependent upon the offending motorist's speed, as measured by the officer. As the differential between the posted speed and the measured speed increases, the associated fine also increases incrementally.

The majority of speeding violations are for 15km/h over the posted limit, representing a minimum fine of \$42.50. As this offence carries no loss of demerit points, the majority are paid without disputing the charge. Motorists charged with higher speed violations face fines up to and including \$299.00 and often apply to have the matter dealt with at trial. Generally, most other Highway Traffic Act (HTA) offences carry a fine of \$90.00, which can be paid out of court or dealt with at trial.

The table below represents the issuance of provincial offence notices for the first twelve months of the S.T.E.M. program and minimum revenue generation on the basis of 80.0% issued for speeding, 17.5% issued for general HTA and 2.5% issued for insurance offences:

OFFENCES	Yearly Average	Base Fine Amount	Projected Minimum Annual Fines
Speeding	31,272	\$42.50	\$1,329,060
General HTA	6,841	\$90.00	\$615,690
Insurance Infractions	977	\$55.00	\$53,735
Total	39,090	N/A	\$1,998,485

RECONCILIATION	2004
Capital Budget	\$ 0
Operational Budget	-\$963,297
Fines	\$1,998,485
Differential	\$1,035,188

Further Reporting

The S.T.E.M. program has demonstrated its effectiveness in positively impacting road safety in the City. The S.T.E.M. program has now been in operation for one year and has become integrated into Service traffic activity. It is believed that it is no longer necessary to provide

regular reports to the Board on the programs effectiveness. In future annual budget preparations the Service will factor in any relevant enforcement data from across the organization.

Conclusion

The results from the first full year of operation of the S.T.E.M. team clearly indicate that the team's performance, combined with other traffic safety initiatives, has had an impact on the attitude and behaviour of drivers, cyclists and pedestrians, as indicated by the collision statistics for 2003. The team's overall effectiveness factored in the operational impacts, both positive and negative, which affected the team during the course of a full year.

The S.T.E.M. team has become an integral component in the ongoing efforts to make our roads safer and is a sought after resource for field units requiring assistance with localized traffic issues.

Traffic enforcement has been designated as a core responsibility for all police officers during the course of their daily duties. Traffic Services will continue to closely monitor the S.T.E.M. team activities to ensure their continued contribution to the Service's goal of reducing collisions and incidents of poor driving behaviour, thereby reducing needless deaths and injuries occurring daily on Toronto's roadways. Through innovative initiatives such as S.T.E.M., the City's roadways will become safer and the quality of life for all Toronto's citizens will be significantly improved.

Acting Deputy Chief David Dicks, Policing Support Command, will be in attendance at the Board meeting to answer any questions with respect to this report.

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

#P153. LOCATION OF OFFICE OF THE LIAISON OFFICER

The Board was in receipt of the following report MAY 18, 2004 from A. Milliken Heisey, Q.C.
Chair:

Subject: LOCATION OF OFFICE OF LIAISON OFFICER

Recommendation:

It is recommended that the office of the Liaison Officer, currently located within the Board's office, be moved to a location within the Chief's office.

Background:

At its meeting of April 29, 2004, the Board adopted a report recommending that the agenda for the next Board retreat include the issue of Board independence and the issue of the location of the office of the Liaison Officer and, further, that, following the retreat, the Chair submit a report for the Board's approval a report which includes a recommendation with respect to the future location of the office of the Liaison Officer. (Minute No. P132/04 refers; copy appended).

At its retreat held on May 17, 2004, Board members considered the issues as outlined in the report referred to above. In light of these discussions, I am recommending that the office of the Liaison Officer be moved to a location within the Chief's office.

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P154. REQUEST FOR LETTER OF ENDORSEMENT – TORONTO
FOUNDATION FOR STUDENT SUCCESS (TFSS)**

The Board was in receipt of the following report MAY 11, 2004 from A. Milliken Heisey, Q.C. Chair:

Subject: REQUEST FOR LETTER OF ENDORSEMENT – TORONTO FOUNDATION
FOR STUDENT SUCCESS (TFSS)

Recommendation:

It is recommended that the Board determine whether it wishes to support a request from the Toronto Foundation for Student Success (TFSS) seeking a letter of endorsement from the Board.

Background:

TFSS is the charitable foundation of the Toronto District School Board and is dedicated to removing non-academic obstacles to learning. Its mission is to “assist students to benefit physically, emotional and intellectually from each school day,” with an objective to “initiate programs aimed at alleviating stress factors – such as hunger, poverty and violence experienced by students and to provide a learning environment in which all students can be successful.”

The TFSS anticipates launching a campaign in February 2005 to address the issues of bullying and violence. Ms. Lorraine Nowina, Executive Director and Chief Executive Officer of the TFSS, has written to the Board seeking a letter of endorsement for the campaign from the Board.

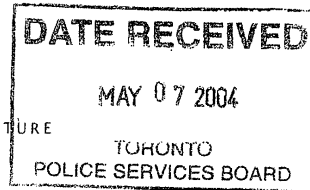
TFSS intends to seek campaign funding through some of the major banks and proposes to utilize the letter of endorsement from the Board and various other organizations in its fundraising campaign.

A copy of the correspondence from Ms. Nowina, which includes a fact sheet and background information about the organization, is attached.

The meeting adjourned due to a loss of quorum. Consideration of the foregoing report was deferred to the Board’s next meeting.

TORONTO
FOUNDATION FOR
STUDENT
SUCCESS

OUR CITY ■ OUR KIDS ■ OUR FUTURE



April 26, 2004

Mr. Alan Heisey
Chair - Toronto Police Services Board
40 College Street
Toronto, ON M5G 2J3

Dear Mr. Heisey

RE: **An Endorsement from the Toronto Police Services Board for the Red and Gold Ribbon Campaign: A campaign to address bullying and violence**

The Toronto Foundation for Student Success (TFSS) is the charitable foundation of the Toronto District School Board and is dedicated to removing *non-academic* obstacles to learning.

TFSS is concerned about escalating child and youth violence in and outside of Toronto's schools.

TFSS recognizes that children under stress have difficulty learning, and children under extreme stress cannot learn. Bullying, both at school and at home can be a cause or a symptom of that stress. What starts as bullying may also lead to violent behaviour within the community.

That being said, we seek your support in the form of an endorsement to help us raise awareness of the issue of bullying and violence among students, student and parent councils, TDSB staff, and the public at large. We are currently building funding partnerships in support of prevention programs within elementary, middle and secondary TDSB schools.

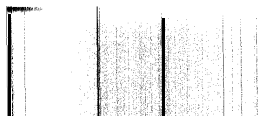
In addition, the TFSS/TDSB Parenting and Family Literacy Centres behaviours will play an important role in the strategy to "prepare rather than repair " children. These centres involve parents raising children in high need communities and provide the tools they need to teach their children about bullying, how not to become a victim of bullying and how to deter them from violent behavior.

With the support of the Toronto Police Services Board, we can leverage the necessary economic partnerships required to build this important campaign.

Kind regards,

Lorraine Nowina
Executive Director and CEO

:cf



TORONTO FOUNDATION FOR STUDENT SUCCESS

Background Information

The Toronto Foundation for Student Success is a charitable foundation that operates at arm's length from the Toronto District School Board.

The mission of the Foundation is "to assist our students to benefit physically, emotionally and intellectually from each school day." This mission is based on the knowledge that children under stress have difficulty learning; children under extreme stress cannot learn.

The goal of the Foundation is to initiate programs aimed at alleviating stress factors such as hunger, poverty and violence – experienced by our students, and to provide a learning environment in which all students can be successful.

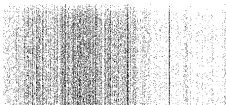
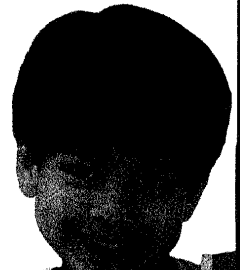
Knowing that each day thousands of children attend school without the nourishment they need to learn and grow, our primary focus at this time is the development and support of student nutrition programs.

Currently in Toronto, there are 400 nutrition programs providing a healthy breakfast, lunch or snack program up to 67,000 students every school day. It is estimated that nearly 80,000 children in our schools need nutritional support – this will require over 400 programs.

To address the issue of child hunger and undernourishment in the City of Toronto requires millions of dollars each year. While programs currently receive support from the municipal and provincial governments, parental and corporate contributions, a significant shortfall in funding still remains.

The primary goal of the Foundation is to close this funding gap and to help ensure that all children come to school ready and able to learn. Numerous studies have confirmed that participation in school-based nutrition programs results in an increased attention span and ability to focus on classroom tasks, improved performance on standardized tests, and improved classroom behaviour. It is our strong belief that an investment in nutrition programs represents an investment in.. .

Our City - Our Kids - Our Future



TORONTO FOUNDATION FOR STUDENT SUCCESS

Fact Sheet

*“We will assist our students to **benefit** physically, emotionally and intellectually from each school day”*

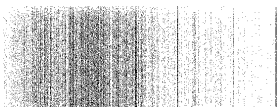
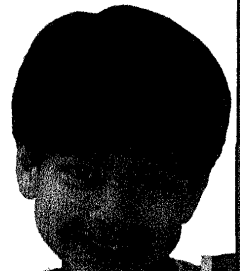
The Toronto Foundation for Student Success:

- is a registered charitable foundation;
- operates at arm’s length from the Toronto District School Board;
- is managed by a board of directors;
- receives guidance from Honorary Advisors, representative of the Toronto community;
- understands that one out of every five Toronto District School Board students comes to school with special circumstances that can affect learning and impede academic success;
- operates with the knowledge that students under stress have difficulty learning, and students under extreme stress cannot learn.

Historically, the area boards which now comprise the Toronto District School Board have had a long-term commitment to innovative programs which improve the learning environment for students. Together with our partners in the community and the Toronto District School Board, the Toronto Foundation for Student Success intends to build on these existing programs and develop unique new ways to facilitate the academic success of students. The Foundation will explore ideas for creative, non-traditional projects outside the regular instructional program, aimed at supporting the desire of students to learn. The Foundation will use its resources to contribute to a climate for learning in which students can be successful.

The goal of the Toronto Foundation for Student Success is to support the mission of the Toronto District School Board to:

Enable all students to reach high levels of achievement and to acquire the knowledge, skills and values they need to become responsible members of a democratic society,



TORONTO FOUNDATION FOR STUDENT SUCCESS

Vision

Historically, the area boards which now comprise the Toronto District School Board have had a long-term commitment to innovative programs which improve the learning environment for students. Together with our partners in the community, the Toronto Foundation for Student Success intends to build on these existing programs and develop unique new ways to facilitate the academic success of students. The Foundation will explore ideas for creative, non-traditional projects outside the regular instructional program, aimed at supporting the desire of students to learn. The Foundation will use its resources to contribute to an environment for learning (or alternately, a climate for learning) in which students can be successful.

Students under stress have difficulty learning - students under extreme stress cannot learn. Some of our students do not have enough to eat, some are living in minimal shelter, some experience violence in their homes. The Foundation will identify and initiate programs to deal with the hunger, poverty and violence experienced by our students. The Foundation will act as an advocate for students.

The goal of the Toronto Foundation for Student Success is to support the mission of the Toronto District School Board to:

*Enable all students to reach high
levels of achievement and to acquire the knowledge,
skills and values they need to become responsible
members of a democratic society.*

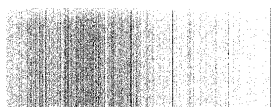
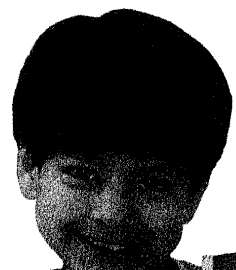


TORONTO FOUNDATION FOR STUDENT SUCCESS

MISSION

The Toronto Foundation for Student Success believes in assisting our students to benefit physically, emotionally and intellectually from each school day.

WWW.STUDENTSUCCESS.CA ■ 2 TREHEWEY DRIVE, TORONTO, ON, M6M 4A8 ■ TEL.: (416)394-6880 FAX: (416)394-6881



TORONTO FOUNDATION FOR STUDENT SUCCESS

Board of Directors

Mr. David Appel
Financial Advisor

Mr. John P. Bell
Shibley Righton Barristers & Solicitors

Mr. Mohammed Brihmi
President, EMB Consulting

Trustee Sheila Cary-Meagher
Toronto District School Board

Councillor Olivia Chow
City of Toronto

Ms. Gerry Connelly
Associate Director, Toronto District School Board

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Dominion Institute

Mr. Donald Johnson
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Mr. Brian Lenglet
Director of Policy, Toronto District School Board

Ms. Michelle Mackenzie
*Executive Vice President & Chief Administrative Officer,
The Enterprise Canada Group*

Mr. David Reid
Director of Education, Toronto District School Board

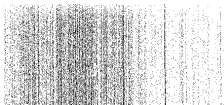
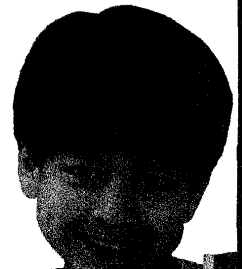
Trustee Patrick Rutledge
Toronto District School Board

Ms. Trish Stovel
Executive Director, Labour Community Services of Toronto

Ms. Vicki Saunders
Impactation

Ms. Hyacinth Tackoor

Ms. Mae Waese



TORONTO FOUNDATION FOR STUDENT SUCCESS

Honourary Advisors

Professor Howard Adelman
York University

Mr. Paul Fisher
Vice-President & Corporate Secretary, CIBC

Mr. Mel Lastman
City of Toronto

Dr. E.N. McKeown
President, Toronto Educational Opportunity Fund.

Ms. Fiona Nelson
Broadcaster

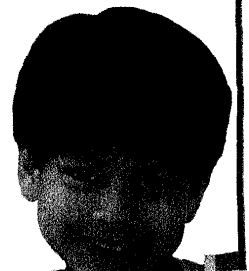
Mr. Charlie Pielsticker
President, Pielsticker & Associates

Mr. Bob Rae
Partner, Goodman, Phillips & Vineberg

Ms. Elaine Todres

Dr. Joseph Wong
Honourary Chair, The United Way

Mr. Robert Wong
Deputy Chairman, The Glen Ardith-Fraser Corp.



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

#P155. BELL CANADA VOICE AND DATA NETWORK SERVICES

The Board was in receipt of the following report APRIL 26, 2004 from Julian Fantino, Chief of Police:

Subject: BELL CANADA VOICE AND DATA NETWORK SERVICES

Recommendation:

It is recommended that:

- 1) the Board approve the service agreements with Bell Canada for Voice and Data Network Services from January 15, 2004 to January 14, 2009, consistent with the City of Toronto's agreements for these services at an annual cost (depending on volume per year) of \$1.655 million and \$1.227 million respectively including all taxes. The total estimated cost of the 5-year agreement is \$8.275 million for voice services and \$6.135 million for data services including all taxes.
- 2) the Board authorize the Chairman to execute the agreement on behalf of the Board which is satisfactory to the City Solicitor as to form.
- 3) The Chief, or his designate, notify the City CFO and Treasurer of the specific recommendations contained herein, pursuant to the requirements of Section 65 of the Ontario Municipal Board Act and Board Minute No. P84/03.

Background:

The Service uses Bell Canada as its supplier for Voice and Data Network Services. The City of Toronto has negotiated a new 5-year service agreement as part their long-term strategy for Voice and Data Network Services. A Request for Proposal (RFP) #9155-03-7029 issued by the City on January 27, 2003 invited Vendors to participate in providing ongoing enhancements and maintenance of its telecommunications infrastructure, which included various Agencies, Boards and Commissions. This agreement has been approved at City Council's meetings on September 22, 23, 24 and 25, 2003. The City has approved this new agreement expiring January 14, 2009.

This agreement with Bell Canada will provide these services at a reduced corporate rate for the City, its Boards and Commissions. The agreement negotiated by the City meets the Service's needs and will allow the Service to take advantage of the reduced rates.

The Service is required to execute this agreement to be eligible for the reduced rates since the existing agreement dated January 15, 1997 to January 14, 2002 and the extension granted on September 26, 2002 (Board Minute #P247 refers) has expired on January 14, 2004.

The Service agreement with Bell Canada is based on a master agreement as a result of the RFP process which the Service was a participant. The negotiation of the master agreement by the City and Bell Canada concluded in late January 2004. The Service's agreement process, which was received from Bell Canada on January 6, 2004, did not provide sufficient time to process prior to the expiry date of January 14, 2004. Furthermore the City's process did not conclude prior to the expiry date noted above and the Service's process was dependent on the approval of the master agreement. It was our intention to seek approval prior to the expiry of the agreement extension on January 14, 2004.

The Service's agreement process commenced in February 2004 and is currently ongoing between Bell Canada Legal division and City Legal. City Legal provided Bell Canada with the approved City agreement with minor changes to reflect Toronto Police Service telecommunications environment. Bell Canada did not accept these changes and despite continuing efforts to resolve the issues the process has not yet been completed. At the end of February 2004, the City Solicitor recommended that the Service not wait for the completion of the agreement and to proceed to seek Board approval for the agreement subject to the City Solicitor's approval as to form. It is recommended that the Service follow the City's agreement for corporate cost reductions for the provision of this service.

Under the new City agreement, the Service pays \$1.655 million per year on Voice Network Services and \$1.227 million per year on Data Network Services. In the previous contract the Service spent \$1.567 million per year on voice network services and \$1.461 million for its data network services. The saving of \$150,000 has already been reflected in the Service's 2004 operating budget.

The Service is involved with the City's formulation of a long-term strategy to address these requirements for the future. The City invited the various agencies, boards and commissions including Toronto Police Service to participate in an RFP process for its telecommunications infrastructure. As a result of the RFP process, the City has negotiated a five-year service agreement between itself and Bell Canada to provide voice and data services. These services are extended to Toronto Police Service as part of a long-term strategy to continue to build on existing telecommunications infrastructure as required.

It is therefore recommended that:

- 1) the Board approve the service agreements with Bell Canada for Voice and Data Network Services from January 15, 2004 to January 14, 2009, consistent with the City of Toronto's agreements for these services at a annual cost (depending on volume per year) of \$1.655 million and \$1.227 million respectively including all taxes. The total cost of the 5-year agreement is \$8.275 million for voice services and \$6.135 million for data services including all taxes.
- 2) the Board authorize the Chairman to execute the agreement on behalf of the Board which is satisfactory to the City Solicitor as to form.

- 3) The Chief, or his designate, notify the City CFO and Treasurer of the specific recommendations contained herein, pursuant to the requirements of Section 65 of the Ontario Municipal Board Act and Board Minute No. P84/03.

Funding is available in the operating budget for these purposes.

Mr. Frank Chen, Chief Administrative Officer, will be in attendance at the Board meeting to respond to any questions in this respect.

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P156. VENDOR OF RECORD FOR SERVER HARDWARE, SOFTWARE AND
MAINTENANCE SERVICES**

The Board was in receipt of the following report APRIL 22, 2004 from Julian Fantino, Chef of Police:

Subject: VENDORS OF RECORD FOR SERVER HARDWARE, SOFTWARE AND
MAINTENANCE SERVICES

Recommendation:

It is recommended that:

1. the Board approve the selection of Agilysys Canada Inc. as the Vendor of Record for the supply of additional computer server hardware, software and components for a period commencing June 1, 2004 and ending on December 31, 2007;
2. the Board approve the selection of IBM Canada Ltd as the Vendor of Record for the hardware maintenance, software maintenance, upgrade protection and training on software releases for the installed server hardware and server related software products, for a period commencing June 1, 2004 and ending on December 31, 2007, at an annual cost of \$2,177,600, including all taxes, for a projected total of \$8,085,200 for the term of the contract;
3. the Board approve the selection of IBM Canada Ltd. as the Vendor of Record for Professional Technical Services to resolve problems with the installed server products, commencing on June 1, 2004 and ending on December 31, 2007, at an annual cost of \$40,000 including all taxes, for a projected total of \$145,000 for the term of the contract;
4. the Board authorize the Chair to execute the appropriate agreements subject to the City Solicitor's approval as to form;
5. the Chief, or his designate, notify the City CFO and Treasurer of the specific recommendations contained herein, pursuant to the requirements of Section 65 of the Ontario Municipal Board Act and Board Minute No. P94/03.

Background:

The TPS technology strategy of computing server hardware and software is based on an "open" and standards based architecture established in July 1993 (minute #439 refers). The selection of IBM's RS6000 platform provided the Service with a standardized technology platform which, enhanced through server lifecycle programs, meets the demands for information technology and services for daily policing activities.

Based on previous approvals, the TPS has an installed base of 50 Unit Level servers, 95 Application and File Servers as part of its computing infrastructure. These servers provide the core computing resources linking all workstations with local services, centralized information repositories and external agencies (such as the RCMP). As well, these servers form the basis of our security and network management systems.

The TPS requires a reliable and cost-effective supply of equipment, maintenance and services to maintain its infrastructure in a “state of good repair” in order to support its use of information technology. To that end, a Request for Proposal (RFP#3405-04-3074) was issued on February 26, 2004 for the supply of server hardware, software and maintenance services for these items.

There were four respondents to this tender:

- Agilysys Canada Inc.;
- Digital Embrace/Cornerstone System Inc.;
- IBM Canada Ltd.;
- NexInnovations Inc.

The responses were evaluated on the RFP criteria of:

- Bidder’s Record of Performance – 20 %;
- Bidder Stability – 20%;
- Compliance with Requirements – 20%;
- Value Added Services – 10%;
- Cost – 30%.

The proposals were evaluated under the following categories.

1. Acquisition of Additional Hardware, Software and Server Components

The RRP requested costs for representative configurations of hardware, software and components in common use by the Service. The proposals were evaluated based on the ability to configure and provide a reliable source for IBM server equipment.

The results of the evaluated responses, based on the RFP criteria, are as follows:

<u>Bidder</u>	<u>Rating</u>
Agilysys Canada	87%
NexInnovations	77%
IBM Canada	60%
Digital Embrace/Cornerstone	55%

It is recommended that Agilysys Canada Inc. be the Vendor of Record for the additional supply of this equipment.

The actual configurations to be purchased are dependent on project requirements and budget approvals. As such, the actual purchases will follow the standard funding approval process. Additionally, operational needs and requirements in maintaining server hardware in a “state of good repair” will require purchases of components such as disk, memory and other component upgrades to meet the demands for information technology and services for daily policing activities.

The Server lifecycle plans have been proposed as two distinct programs in the annual budget cycles. The lifecycle for the Production/Development servers is to replace and augment the existing aged equipment with modern supportable equipment, while the lifecycle for the Business Resumption plan is to re-populate the Service’s Disaster Recovery facilities at its backup centre.

Subject to budget approval, the current lifecycle plans for upgrading the Service’s technology are as follows (\$,000)

<u>Lifecycle Plan</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>Total</u>
Production/Development	1,800.0	1,279.0	1,589.7	4,668.7
<u>Business Resumption</u>	<u>3,600.0</u>	<u>1,653.5</u>	<u>1,910.1</u>	<u>7,163.6</u>
Total	5,400.0	2,932.5	3,499.8	11,832.3

2. Hardware and Software Maintenance for Installed Equipment

The RFP requested costs for the maintenance of hardware, software and upgrade protection for all existing components of the TPS infrastructure. The results of the evaluated responses, based on the RFP criteria, are as follows:

<u>Bidder</u>	<u>Rating</u>
IBM Canada	93%
Digital Embrace/Cornerstone	80%
Agilysys Canada	57%
NexInnovations	45% (Incomplete Bid)

It is recommended that IBM Canada Ltd. be the Vendor of Record for the supply of these maintenance services.

The maintenance costs for the installed base of equipment is as follows (\$,000):

<u>Maintenance</u>	<u>Annual</u>	<u>Projected Costs Term of Contract</u>
Hardware	1,322.9	4,740.4
<u>Software</u>	<u>854.7</u>	<u>3,344.8</u>
Total	2,177.6	8,085.2

The maintenance costs for both hardware and software will change as new hardware and software products are added to meet project, budget and/or operational requirements. These increases will follow the standard funding approval process. In keeping with past practices, the hardware costs include training for technical staff to ensure up to date system knowledge for the technical components of the infrastructure.

3. Professional Technical Services

The Service requires “ad hoc” technical services to analyse and resolve complex problems as they arise in the server infrastructure. These technical services require an in-depth knowledge of the system software components which can best be provided by the creators of the software.

The results of the evaluated responses, based on the RFP criteria, are as follows:

<u>Bidder</u>	<u>Rating</u>
IBM Canada	74%
NexInnovations	65%
Digital Embrace/Cornerstone	51%
Agilysys Canada	45%

It is recommended that IBM Canada Inc. be the Vendor of Record for the supply of these services.

The projected cost for these services is as follows (\$,000):

	<u>Annual</u>	<u>Projected Costs Term of Contract</u>
Technical Services	40.0	145.0

It is therefore recommended that:

1. the Board approve the selection of Agilysys Canada Inc. as the Vendor of Record for the supply of additional computer server hardware, software and components for a period commencing June 1, 2004 and ending on December 31, 2007;
2. the Board approve the selection of IBM Canada Ltd as the Vendor of Record for the hardware maintenance, software maintenance, upgrade protection and training on software releases for the installed server hardware and server related software products, for a period commencing June 1, 2004 and ending on December 31, 2007, at an annual cost of \$2,177,600, including all taxes, for a projected total of \$8,085,200 for the term of the contract;
3. the Board approve the selection of IBM Canada Ltd. as the Vendor of Record for Professional Technical Services to resolve problems with the installed server products, commencing on June 1, 2004 and ending on December 31, 2007, at an annual cost of \$40,000 including all taxes, for a projected total of \$145,000 for the term of the contract;

4. the Board authorize the Chair to execute the appropriate agreements subject to the City Solicitor's approval as to form;
5. the Chief, or his designate, notify the City CFO and Treasurer of the specific recommendations contained herein, pursuant to the requirements of Section 65 of the Ontario Municipal Board Act and Board Minute No. P94/03.

Funding is available in the operating budget for these purposes.

Mr. Frank Chen, Chief Administrative Officer, will be in attendance at the Board meeting to respond to any questions in this respect.

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P157. LEASE RENEWAL FOR PARKING ENFORCEMENT PREMISES – 1500
DON MILLS ROAD**

The Board was in receipt of the following report APRIL 27, 2004 Julian Fantino, Chief of Police:

Subject: LEASE RENEWAL FOR PARKING ENFORCEMENT PREMISES – 1500
DON MILLS ROAD

Recommendation:

It is recommended that:

1. the Board approve a 5-year lease renewal (3 years plus 2 option years at the Board's discretion), for the Parking Enforcement facility located at 1500 Don Mills Road with Oxford Properties Limited, and
2. the Board direct the appropriate City officials to execute the lease agreement, subject to a review by City Legal Services.

Background:

The Toronto Police Service (TPS) Parking Enforcement Unit currently occupies 35,000 sq. ft. at 1500 Don Mills Road, and has done so since 1995. In late 2001, in accordance with the Board's directive, the TPS requested the assistance of the City of Toronto, Corporate Services, Real Estate Division, in locating a City-owned facility capable of accommodating the operational needs of the Parking Enforcement Unit. The City was unsuccessful in locating a suitable facility.

Therefore, on May 8, 2003, the TPS requested the Real Estate Division enter into lease renewal negotiations with Oxford Properties Limited. The TPS directed that the negotiations should include only the areas located in Suites 401 and 600 as the ground floor space was no longer required. The leased area to be renewed is 31,994 sq. ft. The TPS also requested a shorter lease term to facilitate the relocation of the operation if and when a City-owned facility becomes available.

The Real Estate Division has now completed its negotiations. The term of the recommended agreement is 5 years, however; the final 2 years are optional should the TPS be successful in locating a suitable City-owned facility. The commencement date of the new agreement is July 1, 2004. The date established for early termination is June 30, 2007, subject to written notice being provided to Oxford Properties no later than 9 months prior to the established date.

All other terms and conditions remain the same except the TPS has negotiated a carpet allowance in the amount of \$160,000. Should the TPS vacate after 3 years, the TPS will have to pay Oxford Properties the unamortised portion of the work estimated to be approximately \$60,000.

The estimated annual costs of this lease renewal are:

EXPENSE	YEAR 1	YEAR 2	YEAR 3	YEAR 4*	YEAR 5*
ANNUAL RENT	\$740,981.04	\$755,292.12	\$770,032.37	\$801,211.83	\$816,849.76
HYDRO	\$ 42,552.02	\$ 43,828.58	\$ 45,143.44	\$ 46,497.74	\$ 47,892.67
TOTAL	\$783,533.06	\$799,120.70	\$815,175.81	\$847,709.57	\$864,742.43

The total estimated first 3 year cost of this agreement is \$2,397,829.57, and the final 2 year estimated cost is \$1,712,452.00. The current annual lease cost (2003) is approximately \$879,494.10.

Mr. Frank Chen, CAO, Corporate Support Command, will be in attendance to answer any questions the Board may have.

The meeting adjourned due to a loss of quorum. Consideration of the foregoing report was deferred to the Board's next meeting.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P158. AWARD OF CONSTRUCTION CONTRACT FOR THE NEW No. 43
DIVISION FACILITY**

The Board was in receipt of the following report MAY 04, 2004 from Julian Fantino, Chief of Police:

Subject: AWARD OF CONSTRUCTION CONTRACT FOR THE NEW 43 DIVISION FACILITY.

Recommendation:

It is recommended that: the Board approve and execute a Maximum Upset Contract Agreement in the amount of \$13,000,000 with Ledcor Construction Limited for the construction of the new 43 Division facility. City Legal Services will prepare the contract document.

Background:

The new 43 Division facility will be located on a 4.5-acre site on the south side of Lawrence Avenue East, just east of Manse Road in Scarborough. The facility will be jointly occupied by the Toronto Police Service (TPS) and Emergency Medical Services (EMS). The facility is approximately 52,100 square feet (SF) in area with the TPS occupying approximately 47,000SF. Parking will be provided for 187 vehicles. The building has a planned future expansion of 16,600SF. The facility was designed in accordance with the Command and Board's direction and involved TPS front-line staff, community groups, TPS, EMS and City staff.

The Board at its meeting of February 26, 2004 (BM#P43/04 refers) approved the awarding of construction management services to Ledcor Construction Limited in the amount of \$747,000. At the same meeting, recommendation #2 directed that, "the Board forward this report to the City CFO & Treasurer for the City to execute the required agreement, subject to approval by City Legal, with Ledcor Construction Limited (for the construction of the 43 Division facility), and such agreement is not to exceed a total cost of \$13,000,000 (contained in the Board's approved Capital Budget) without the approval of the Board." Following discussions with City Legal staff, it is their opinion and recommendation that the agreement should be executed between the Toronto Police Services Board and Ledcor Construction Limited. City Legal Services will draw up the agreement on behalf of the Police Services Board.

Further, at its meeting of February 26, 2004, "The Board approved the awarding of the foregoing subject to Toronto City Council approving the funds allocated to No. 43 Division in the Services 2004-2008 capital program request." This requirement was met during City Council's recently concluded budget deliberations.

The execution of this agreement will allow Leducor Construction Limited to retain the various trades required to complete the construction of the 43 Division facility. All tenders will be prepared and let by Leducor. The tender documents will be drawn up jointly by Leducor, City and TPS personnel. All City requirements regarding, fair wage, union agreements, etc. will be incorporated in the tender documents. All tender awards will be subject to a review by City and TPS personnel prior to the actual award. Leducor, who will be responsible for paying the various trades, will make monthly construction draws subject to normal holdback provisions. This process is required to ensure Leducor is legally designated as the "Constructor" of the 43 Division facility. City Corporate Services is in agreement with this process.

Therefore, it is recommended that the Board approve and execute a Maximum Upset Contract Agreement in the amount of \$13,000,000 with Leducor Construction Limited for the construction of the new 43 Division facility.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command, will be in attendance to answer any questions the Board may have.

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

#P159. MEDIA CONSULTATION

Declaration of Interest: Chair Heisey indicated that he had an interest in this item and did not participate in the consideration of this matter. Vice-Chair McConnell assumed the position of Chair.

The Board was in receipt of the following report MAY 10, 2004 from A. Milliken Heisey, Q.C., Chair:

Subject: MEDIA CONSULTATION

Recommendation:

It is recommended that the Board approve payment of an expenditure incurred for media consultation services.

Background:

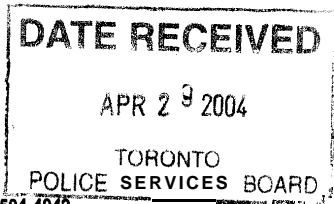
Attached is an invoice from Media Profile Inc. in the amount of \$829.25 as a result of media consultation services provided to me on January 12 and 16, 2004.

I recommend that the Board approve payment of this expenditure from the Board's operating budget.

The Board approved the foregoing.

MEDIA PROFILE INC.
 579 Richmond Street W.
 Toronto Ontario M5V 1Y6

Phone: (416) 504-8464 Fax: (416) 504-4042



media | profile

A. Milliken Heisey, Q.C.
 121 King Street W, Suite 510
 PO Box 105, Standard Life Centre
 Toronto, Ontario M5H 3T9

INVOICE

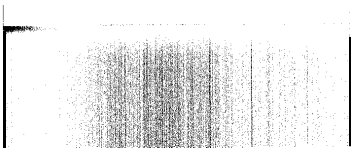
INVOICE#	2925
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Client 2028
 Date January 31, 2004
 Page 1

Week of	Consultant/Description	Notes	Hours	Amount
Project	Ongoing	2028-01		
	FEES			
1/12/2004	Gossage, Patrick	consultations	1.00	\$250.00
1 /1 612004	Reisler, Susan	consultations	2.50	525.00
				<u>\$775.00</u>

GST 103568449

Subtotal	\$775.00
GST	54.25
PST	0.00
TOTAL	<u>\$829.25</u>



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

#P160. EMPLOYMENT EQUITY REPRESENTATION

The Board was in receipt of the following report MAY 04, 2004 from Julian Fantino, Chief of Police:

Subject: EMPLOYMENT EQUITY REPRESENTATION

Recommendation:

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

Background:

The Board at its meeting on March 25, 2004 (Minute No. P83) was in receipt of the Toronto Police Service 2003 Annual Race Relations report.

As a result of its discussion of this report, the Board adopted, in part, the following motion:

- “1. THAT Chief Fantino provide a further statistical report to the Board on the number of male and female visible minority members of the Service and their respective uniform rank or level of management”

Attached, as directed, are statistics on the equity composition of the Service as of the date of this report.

The meeting adjourned due to a loss of quorum. Consideration of the foregoing report was deferred to the Board's next meeting.

**UNIFORM PERSONNEL
EMPLOYMENT EQUITY COMPOSITION BY RANK**

AS AT MAY 4, 2004

Rank	Total	Racial Minorities			%	Aboriginal			%
		M	F	Total		M	F	Total	
Chief of Police	1	0	0	0	0	0	0	0	0
Deputy Chief	1	0	0	0	0	0	0	0	0
Staff Superintendent	6	0	0	0	0	0	0	0	0
Superintendent	20	2	0	2	10	0	0	0	0
Staff Inspector	25	2	0	2	8	0	0	0	0
Inspector	32	2	0	2	6.3	0	0	0	0
Sub-total	85	6	0	6	7.1	0	0	0	0
Staff Sergeant	141	7	0	7	5	0	0	0	0
Detective Sergeant	107	2	0	2	1.9	0	0	0	0
Sergeant	466	29	5	34	7.3	1	1	2	0.4
Detective	460	25	4	29	6.3	2	1	3	0.7
Sub-total	1174	63	9	72	6.1	3	2	5	0.4
Police Constable	3973	488	50	538	13.5	30	6	36	0.9
Cadet-in-Training	154	43	5	48	31.2	4	0	4	2.6
Grand Total	5386	600	64	664	12.3	37	8	45	0.8

**CIVILIAN PERSONNEL
EMPLOYMENT EQUITY COMPOSITION BY POSITION
(PERMANENT FULL TIME EMPLOYEES)
AS AT MAY 4, 2004**

Position	Total	Racial Minorities			%	Aboriginal			%
		M	F	Total		M	F	Total	
Senior Mgmt/Administrative	31	1	0	1	3.2	0	0	0	0
Senior Clerical, Supervisory, Professional	246	32	25	57	23.2	0	2	2	0.8
Junior Clerical	347	19	108	127	36.6	0	0	0	0
Communications Operator	220	1	8	9	4.1	0	0	0	0
Court Security	352	39	20	59	16.8	2	2	4	1.1
Parking/By-Law	395	104	12	116	29.4	2	2	4	1
Maintenance	136	22	1	23	16.9	0	0	0	0
Other	371	25	44	69	18.6	0	1	1	0.3
Grand Total	2098	243	218	461	22	4	7	11	0.5

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P161. REVIEW OF A COMPLAINT ABOUT POLICE POLICY – ROAD-SIDE
ALCOHOL SCREENING TEST: FINAL DISPOSITION**

The Board was in receipt of the following report MAY 13, 2004 from A. Milliken Heisey Q.C.,
Chair:

Subject: REVIEW OF A COMPLAINT ABOUT POLICE POLICY - ROAD-SIDE
ALCOHOL SCREENING TESTS: FINAL DISPOSITION

Recommendation:

It is recommended that: the Board receive the following report for information.

Background:

At its meeting on November 13, 2003, the Board reviewed a policy complaint regarding the use
of road-side alcohol screening devices. The complaint was made following an investigation into
a traffic collision that occurred on October 11, 2002 and resulted in the death of a young woman,
Ms. Magda Gryc.

Following a review of the policy complaint, the Board concurred with the decision of the Chief
of Police that no further action be taken with respect to the complaint. The Board also decided to
send correspondence to the Chief Coroner of Ontario recommending that he consider conducting
an inquest into the death of Ms. Gryc (Min. No.s P311/03 and C216/03 refer).

At its meeting of January 22, 2004, the Board was in receipt of the following correspondence
(Board Minute No. P18/04 refers):

- copy of correspondence, dated December 08, 2003, from Alan Heisey, Q.C., Board Member,
to David Evans, M.D., Office of the Chief Coroner of Ontario;
- correspondence, dated December 16, 2003, from James Edwards, M.D., Office of the Chief
Coroner of Ontario, to Alan Heisey, Q.C., Chair;
- correspondence, dated January 12, 2004, from Scott Newark, Vice-Chair and Special
Counsel, Office for Victims of Crime, Ministry of the Attorney General; and
- correspondence, dated January 15, 2004, from James Edwards, M.D., Office of the Chief
Coroner of Ontario, to Alan Heisey, Q.C., Chair.

Mr. Owen Mathias was in attendance and made a deputation to the Board. Mr. Mathias
commented upon Dr. Edwards' January 12, 2004 correspondence which indicated that he has no
plans to call an inquest into the death of Ms. Gryc at this time. Mr. Mathias expressed
disappointment that an inquest would not be held and indicated that he believed the Board's

December 08, 2003 correspondence should have included an explanation or the reasons for its decision to recommend that the Chief Coroner's office consider conducting an inquest.

The Board asked Chief Fantino whether he thought the Board could do anything more at this time. Chief Fantino referred the Board to Dr. Edwards' correspondence which advised that a member of Ms. Gryc's family could contact the Coroner's Office and request that an inquest be held. Chief Fantino also suggested that the Board could correspond with the Chief Coroner of Ontario, Dr. James Young, and request that he review this matter.

At its January 22, 2004 meeting, the Board approved the following Motions:

1. **THAT the deputation by Mr. Mathias be received;**
2. **THAT the correspondence from Chair Heisey, Dr. Edwards and Mr. Newark be received; and**
3. **THAT the Board refer this matter to Chair Heisey for further review in light of Mr. Mathias' and Chief Fantino's comments and report back to the Board following the review.**

Subsequently, I conducted an extensive review of this matter. I had discussions with representatives from the City of Toronto – Legal Services Division as well as the Office of the Chief Coroner of Ontario. In addition, I requested Chief Fantino to review the matter again in light of the recently received information and correspondence to determine if there were any other bases upon which further action could be taken. However, very unfortunately, I was unable to find any additional information that would serve to precipitate any new steps being taken. As a result, the matter has now been closed and it has been determined that no further action should be taken. This information has been communicated to Mr. Mathias. Once again, the Board wishes to express its deepest condolences to Mr. Mathias as well as to the Gryc family.

Mr. Owen Mathias and Mr. Zbigniew Gryc were in attendance and made deputations to the Board. A written copy of Mr. Gryc's deputation was also provided and is on file in the Board office.

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P162. RESULTS OF BUDGET SUB-COMMITTEE MEETING:
MARCH 05, 2004**

The Board was in receipt of the following report MAY 12, 2004 from A. Milliken Heisey Q.C.,
Chair:

Subject: BUDGET SUB-COMMITTEE MARCH 5, 2004

Recommendation:

It is recommended that the following report be received.

Background:

At its meeting on March 25, 2004 the Board was in receipt of a confidential report of the Board's
Budget Sub-Committee. The Board directed that I revise the report, to delete confidential
information so that it could be placed on a future public agenda (Board Min. C59/04 refers).

At that time the Board approved the following recommendations:

1. Cost element details containing the 2004 budget request for all TPS units be provided to the
Board office, for Board members' reference on a confidential basis,
2. With respect to the 2005 operating budget process and all future operating budget cycles,
detailed cost element breakdowns be provided to all Board members on a confidential basis
when the Board first considers the operating budget request for the coming year,
3. The Chief of Police prepare feature category summaries for each program in a manner which
protects public security and in a format suitable for the agenda of the Board's March 22,
2004 public meeting with respect to the operating budget, and;
4. With respect to the 2005 operating budget process and all future operating budget cycles,
feature category summaries be made available to the public when the Board first considers
the operating budget request for the coming year.

Discussion:

At its meeting on March 2, 2004, the Board created a three-member Budget Sub-Committee.
The Sub-Committee is to be chaired by Board Chair Alan Heisey. Vice Chair Pam McConnell
and Councillor John Filion complete the membership of the Sub-Committee (Board Min.C51/04
refers).

At its first meeting, held on March 5, 2004, the Sub-Committee was in receipt of a letter, dated March 4, 2004 from Chief of Police Julian Fantino, providing sample program information with respect to the operating budget requests of Corporate Communications, Traffic Services and 32 Division.

Cost Element Details

The Sub-Committee recommended that complete details of the Service's operating budget request should be provided to the Board, both in 2004 and in future operating budget cycles. With respect to 2004 it was agreed that a single copy of the complete cost element details for each Service Unit be provided to the Board office, for Board members' reference, on a confidential basis.

With respect to 2005 and all future budget cycles, the Sub-Committee recommended that cost element details form a standard component of the package provided to the Board when it first considers the operating budget request for the coming year. Samples of the cost element details were provided to the Board at the March 25, 2004 meeting (Board Min. C59/04 refers).

Feature Category Summaries

In preparation for the Board's March 22, 2004 public meeting, at which time it was anticipated that depositions would be heard with respect to the budget, the sub-committee recommended that feature category summaries be prepared in a format that is suitable for publication in the agenda.

In future, these feature category summaries will be made public at the time the Board first considers the operating budget request for the coming year.

This report is provided to the Board for information.

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P163. ANNUAL REPORT – 2004 REVIEW OF AMENDMENTS TO RULES OF
THE TORONTO POLICE SERVICE**

The Board was in receipt of the following report APRIL 01, 2004 from Julian Fantino, Chief of Police:

Subject: AMENDMENTS TO SERVICE RULES

Recommendation:

It is recommended that: the Board receive this report.

Background:

At its meeting dated June 24, 1999, the Board revised the reporting format for Rule changes as follows (Board Minute #264/99 refers):

- (a) *Rule changes of a routine nature to be submitted to the Board on an annual basis in the month of April;*
- (b) *Rule changes of an emergent nature to be submitted to the Board as required.*

At its meeting of June 27, 2002, the Board recommended that (Board Minute #P183/02 refers):

The Chairman review all Toronto Police Services Board rules to identify those that fall within the Board's purview and that each such rule be re-written in the form of Board policy and forwarded to the Board for its approval. The Chief can then codify the remaining rules as he sees fit.

No amendments are required to the Rules at this time. The Service continues to incorporate those Rules identified as operational in nature into the relevant Service procedures or into other appropriate forms of Service governance.

Deletion of Rules as they are re-written in the form of Board policies will be forwarded to the Board for approval as required.

It is therefore recommended that the Board receive this report.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command, will be in attendance to answer questions from Board members.

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P164. ANNUAL REPORT: 2003 AUDITED FINANCIAL STATEMENTS FOR
THE POLICE SERVICES BOARD SPECIAL FUND, TRUST FUNDS AND
MUSEUM RESERVE FUND**

The Board was in receipt of the following report APRIL 27, 2004 from Julian Fantino, Chief of Police:

Subject: 2003 AUDITED FINANCIAL STATEMENTS FOR THE POLICE SERVICES
BOARD SPECIAL FUND, TRUST FUNDS AND MUSEUM RESERVE FUND

Recommendation:

It is recommended that: the Board receive the audited financial statements from Ernst & Young for their information.

Background:

Attached are the audited financial statements from Ernst & Young, Chartered Accountants for the Toronto Police Services Board Special Fund, Trust Funds and Museum Reserve Fund for the year ended December 31, 2003. The audited figures have been reviewed and agreed to by Finance and Administration staff.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command, will be in attendance to answer any questions the Board may have.

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P165. SEMI-ANNUAL REPORT: NOVEMBER 2003 TO APRIL 2004: UPDATE
ON THE IMPLEMENTATION OF THE CITY AUDITOR'S
RECOMMENDATIONS REGARDING SEXUAL ASSAULT
INVESTIGATIONS**

The Board was in receipt of the following report MAY 04, 2004 from Julian Fantino, Chief of Police:

Subject: SEMI-ANNUAL REPORT UPDATE ON THE IMPLEMENTATION OF THE
CITY AUDITOR'S RECOMMENDATIONS

Recommendation:

It is recommended that:

- (1) the Board receive this report for information, and
- (2) a copy be forwarded to the City of Toronto Audit Committee.

Background:

At its meeting on April 19, 2001, the Board received a comprehensive report responding to the 57 recommendations from the City Auditor's Report entitled "Review of the Investigation of Sexual Assaults – Toronto Police Service." (BM #P121/01 refers).

Current Status:

The Service has addressed all of the recommendations from the City Auditor's Report and has provided the Board with regular status updates. (BM #476/00, BM #P121/01, BM #P289/01, BM #P122/02, BM #P303/02, BM #P111/03, BM #P151/03 and BM #P323/03 refers).

On November 13, 2003 the Board received the most recent update report on the status of the recommendations indicating that all recommendations have been implemented with the exception of Recommendation #4. (BM #P323/03)

Recommendation # 4

The City Auditor be requested to conduct a follow-up audit in regard to the status of the recommendations contained in this report, the timing of such audit to be consistent with the time frame outlined in the report of the Chief of Police. The City Auditor be required to report directly to the Toronto Police Services Board in regard to the results of the follow-up audit.

Response: Agree.

Status: Ongoing

The Service forwarded a letter dated October 23, 2002, to the City Auditor requesting that he return and conduct a follow-up audit. (BM #P303/02 refers). Jeffrey Griffiths, the City Auditor, responded to Services' correspondence and stated that a follow-up audit is currently ongoing and that he would provide a report to the Police Services Board for its August 3, 2003, meeting. (BM #111/03 refers).

Acting Deputy Chief Dicks, Policing Support Command, will be in attendance to answer any questions the Board may have.

The meeting adjourned due to a loss of quorum. Consideration of the foregoing report was deferred to the Board's next meeting.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P166. QUARTERLY REPORT: JANUARY TO MARCH 2004: UPDATE ON
THE TORONTO POLICE SERVICES BOARD'S SPECIAL FUND**

The Board was in receipt of the following report APRIL 28, 2004 from Julian Fantino, Chief of Police:

Subject: TORONTO POLICE SERVICES BOARD'S SPECIAL FUND UNAUDITED
STATEMENT FOR THE PERIOD 2004 JANUARY 01 TO 2004 MARCH 31

Recommendation:

It is recommended that: the Board receive the report on the Toronto Police Services Board's Special Fund unaudited statement for their information.

Background:

Enclosed is the unaudited statement of receipts and disbursements with respect to the Toronto Police Services Board's Special Fund for the period 2004 January 01 to 2004 March 31.

As at 2004 March 31, the balance in the Special Fund was \$417,386. During the first quarter, the Special Fund recorded receipts of \$16,298 and disbursements of \$38,870. There has been a net reduction of \$22,572 against the December 31, 2003 fund balance of \$439,958.

During the first quarter of 2004, the Board spent their annual contributions to the Service Community Policing Liaison Committees and the United Way. These expenditures account for the majority of the disbursements.

Auction revenues are not anticipated until the third quarter of 2004. The Board approved the issuance of a Request for Quotation (RFQ) for on-line auction services on December 11, 2003 (BM#P342/03 refers). It is anticipated that the RFQ will be published by mid May 2004. Once the appropriate vendor is selected, revenue cheques will be received every fifteen (15) business days after the close of each auction.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command, will be in attendance to answer any questions the Board may have.

The Board received the foregoing.

**THE TORONTO POLICE SERVICES BOARD SPECIAL FUND
2004 FIRST QUARTER RESULTS WITH INITIAL PROJECTIONS**

PARTICULARS	2004							2003	ACTUAL	COMMENTS
	INITIAL PROJ.	ADJUSTED PROJ.	JAN 01 TO MAR 31/04	APR 01 TO JUN 30/04	JUL 01 TO SEPT 30/04	OCT 01 TO DEC 31/04	JAN 01 TO DEC 31/04			
			TOTALS							
BALANCE FORWARD	435,126	435,126	435,126	412,554	412,554	412,554	435,126	341,332	2004 initial projection is based on 2003 results. The adjusted projection is based on the first quarter results.	
<u>REVENUE</u>									The amounts are the same if no information is yet available.	
PROCEEDS FROM AUCTIONS	200,000	200,000	0	0	0	0	0	172,183	The initial commission projection is based on the 21% commission rate paid in 2003. No auction revenue is anticipated until the quarter of 2004 as the RFP for on-line services has not yet been finalized.	
LESS OVERHEAD COST	(42,000)	(42,000)	0	0	0	0	0	(37,585)		

LESS RETURNED AUCTION PURCHASE	0	0	0	0	0	0	0	0	0	
UNCLAIMED MONEY	0	0	0	0	0	0	0	0	0	It is anticipated that the Property and Evidence Mgmt's efforts to return money to owners will mean no amounts to the Fund
LESS RETURN OF UNCLAIMED MONEY	0	0	0	0	0	0	0	0	0	
EVIDENCE AND HELD MONEY	100,000	60,000	14,392	0	0	0	14,392	88,231		

<u>DISBURSEMENTS</u>										
<u>SPONSORSHIP</u>										
<u>SERVICE</u>										
ONT. ASSO.OF POLICE SERVICES BOARD	-	0	0	0	0	0	0	0	0	
CPLC & COMM.OUTREACH ASSISTANCE	24,000	24,000	24,000	0	0	0	24,000	27,190		
UNITED WAY	8,000	8,000	8,000	0	0	0	8,000	8,000		
CHIEF'S CEREMONIAL UNIT	5,000	5,000	0	0	0	0	0	0		
COPS FOR CANCER	3,000	3,000	0	0	0	0	0	0		

AWARDS	15,000	15,000	0	0	0	0	0	13,990	
CATERING	5,000	5,000	0	0	0	0	0	2,135	
RECOGNITION OF BOARD MEMBERS									
AWARDS	200	200	0	0	0	0	0	0	

**THE TORONTO POLICE SERVICES BOARD SPECIAL FUND
2004 FIRST QUARTER RESULTS WITH INITIAL PROJECTIONS**

PARTICULARS	2004							2003	ACTUAL	COMMENTS
	INITIAL PROJ.	ADJUSTED PROJ.	JAN 01 TO MAR 31/04	APR 01 TO JUN 30/04	JUL 01 TO SEPT 30/04	OCT 01 TO DEC 31/04	JAN 01 TO DEC 31/04			
			TOTALS							
CATERING	2,000	2,000	1,737	0	0	0	1,737	0	A dinner in honour of former Board members was held once their terms were completed	
CONFERENCES										
BOARD										
COMM. POLICE LIAISON COMMITTEES	5,000	5,000	0	0	0	0	0	0		
CNDN ASS'N OF POLICE SERVS BOARDS	5,000	5,000	0	0	0	0	0	0		
OTHER	20,000	20,000	0	0	0	0	0	15,500		
DONATIONS										
IN MEMORIAM	1,000	1,000	0	0	0	0	0	500		
OTHER	500	1,200	300	0	0	0	300	0		
DINNER TICKETS (RETIREMENTS/OTHERS)	10,000	10,000	1,090	0	0	0	1,090	505		
OTHER	20,000	20,000	182	0	0	0	182	378		

TOTAL DISBURSEMENTS	324,700	325,400	38,870	0	0	0	38,870	140,587	
SPECIAL FUND BALANCE	381,226	340,526	412,554	412,554	412,554	412,554	412,554	435,126	2003 fund balance agrees to the audited financial statement total

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P167. REQUEST FOR EXTENSION OF TIME TO SUBMIT REPORT:
INFORMATION TECHNOLOGY GOVERNANCE FRAMEWORK**

The Board was in receipt of the following report MAY 07, 2004 from Julian Fantino, Chief of Police:

Subject: REQUEST FOR A FIVE-MONTH EXTENSION TO SUBMIT A REPORT ON
IT GOVERNANCE FRAMEWORK

Recommendation:

It is recommended that: the Board approved a five-month extension to submit a report with respect to IT Governance Framework.

Background:

The Board, at its February 26, 2004 Board meeting, requested the Chief to develop an IT Governance Framework for the Service that reflects the Service's overall strategic plan and priorities (Board Minute P35/04 refers).

The Toronto Police Service is currently in the process of recruiting a Director for the Information Technology Services unit. The interview process has begun and a final decision will be made in the next two months. Once the new Director is in place, this report will be assigned to him/her for response.

Therefore, it is recommended that the Board approve a five-month extension to submit a report with respect to IT Governance Framework.

Mr. Frank Chen, Chief Administrative Officer, will be in attendance to respond to any questions that Board members may have.

The meeting adjourned due to a loss of quorum. Consideration of the foregoing report was deferred to the Board's next meeting.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

#P168. CORRESPONDENCE

The Board was in receipt of a summary of the public correspondence received in the Board office between April 07, 2004 and May 07, 2004. A copy of the summary is on file in the Board office.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

#P169. REVIEW BY AN INDEPENDENT PARTY

The Board was in receipt of the following report MAY 25, 2004 from Pam McConnell, Vice-Chair:

Subject: REVIEW BY AN INDEPENDENT PARTY

Recommendation:

It is recommended that: the Board retain (an) independent party (parties) to:

- a) examine the management structure of the Toronto Police Service in relation to other large police services worldwide from the perspective of efficiency and whether the management structure discloses gaps or deficiencies which may create conditions that contribute to and/or exacerbate any unlawful activity within the police service;
- b) recommend options for management and operational changes which could be made in order to improve efficiency, reduce costs and inhibit the possibility of any illegal activity within the police service;
- c) conduct a review that involves a comprehensive assessment of the experience and response of other police services operating in liberal democratic environments to similar challenges;
- d) provide options for management and operational reforms for consideration by the Board and the Chief of Police;
- e) provide a report and recommendations that will be made public.

Background:

At its meeting on April 29, 2004, the Board considered the following Motion from Vice-Chair McConnell (Minute No. P134/04 refers):

16. THAT the Board retain an independent party to:

- (a) identify management and operational gaps or deficiencies which may create conditions for or exacerbate unlawful activity;**
- (b) recommend management and operational changes which should be made in order to prevent the development of unlawful activity;**
- (c) conduct a review that involves a comprehensive assessment of the experience and response of other police services operating in liberal democratic environments to similar challenges;**
- (d) provide a detailed implementation plan for management and operational reform; and**
- (e) provide a report and recommendations that will be made public.**

The Board then approved the following Motion:

- 17. THAT the consideration of Vice-Chair McConnell's request (Motion No. 16 above) for an external audit be deferred for one month and that, in the interim, a subcommittee composed of the Chair Heisey, Vice-Chair McConnell, and Mr. Justice Locke be established to consider the matter further and report back to the Board.**

At its retreat held on May 17, 2004, the Board discussed the issue of a review by an independent party as well as Vice-Chair's McConnell's Motion considered at the April 29, 2004 meeting.

As a result of these discussions, we are recommending the following Motion. There has never been a review of this scope or nature of the Service's management structure. The Board believes that a review by an independent party would benefit both the Board and the Service. It would allow the compilation of a large volume of significant information as well as the opportunity to analyze this information in a comprehensive and methodical way. The Board believes that this review would serve to complement the research and review currently being conducted by the Honourable George Ferguson, Q.C.. In addition, a review of this kind is in the interest of maintaining public confidence in both the Board and the Service.

Therefore, it is recommended that: the Board retain (an) independent party (parties) to:

- f) examine the management structure of the Toronto Police Service in relation to other large police services worldwide from the perspective of efficiency and whether the management structure discloses gaps or deficiencies which may create conditions that contribute to and/or exacerbate any unlawful activity within the police service;
- g) recommend options for management and operational changes which could be made in order to improve efficiency, reduce costs and inhibit the possibility of any illegal activity within the police service;
- h) conduct a review that involves a comprehensive assessment of the experience and response of other police services operating in liberal democratic environments to similar challenges;
- i) provide options for management and operational reforms for consideration by the Board and the Chief of Police;
- j) provide a report and recommendations that will be made public.

The following persons were in attendance and made deputations to the Board:

- **Inspector Bernie Power, President, Senior Officers' Organization ***
- **Mr. Andrew Clarke, Director – Uniform Field Services, Toronto Police Association**
- **The Honourable George Ferguson, Q.C.**

*** written submission also provided; copy on file in the Board office.**

The Board considered the following Motion by The Honourable Hugh Locke, Q.C.:

THAT further consideration of the foregoing report be deferred to the Board's June 21, 2004 meeting.

The Board voted as follows:

FOR

**The Honourable Hugh Locke
Dr. Benson Lau**

AGAINST

**Chair Alan Heisey
Vice-Chair Pam McConnell
Councillor John Filion**

This Motion failed.

Following the consideration of the foregoing Motion, quorum was lost and the meeting adjourned.

Further consideration of Vice-Chair McConnell's report (dated May 25, 2004) regarding an independent review was deferred to the Board's June 21, 2004 meeting.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P170. RESPONSE TO COUNCIL RECOMMENDATION TO IMPLEMENT A
COMMUNITY ACTION POLICING PROGRAM IN 2004**

The Board was in receipt of the following report MAY 18, 2004 from Julian Fantino, Chief of Police:

Subject: **RESPONSE TO COUNCIL RECOMMENDATION TO IMPLEMENT A
COMMUNITY ACTION POLICING PROGRAM IN 2004**

Recommendation:

It is recommended that:

- 1) the Board approve the implementation of a 2004 Community Action Policing Program, subject to Council providing funding;
- 2) the Board request City Council to fund the Community Action Policing Program in the amount of \$1,272,000; and
- 3) the Board forward this report to the City's Chief Financial Officer and Treasurer, and the City's Chief Administrative Officer.

Background:

City Council deliberated on the Toronto Police Service's budget during the week of April 19, 2004. One of the motions passed at Council requested that:

the Mayor's Office, the Chair of the Toronto Police Services Board, the Chief of Police, the Chief Administrative Officer, the Chief Financial Officer and Treasurer and the Chair of the Budget Advisory Committee be requested to report to Council on the implementation of a community action policing program that would run between June 14 and September 5, 2004, and would be funded within the existing 2004 Toronto Police Service Operating budget.

The following report summarizes how a Community Action Policing (CAP) Program could be implemented in 2004. However, there are no surplus funds in the Service's Operating Budget that could be redirected for this project.

CAP Program Overview

The CAP program is a high-visibility, target policing initiative that provides immediate relief to the community by assigning uniformed officers to focused activities in neighbourhoods identified as having crime, disorder and public safety issues. Activity includes enforcement, safety walks and audits with the community, crime prevention, intelligence gathering, parks patrol and spot-checks.

Overtime funds are used to call back officers from assigned days off, to work shorter, more targeted shifts in specific neighbourhoods. This short-term, tactical approach provides a highly-visible concentration of officers in problem areas. Utilizing officers on callback provides the flexibility to:

- deploy resources as crime patterns and trends shift;
- direct officers to target areas during problem hours;
- select highly-motivated officers familiar with local crime problems;
- focus on target areas without being encumbered by regular policing demands; and
- have a commitment of resources.

CAP has been implemented in 1999 and in 2000. In 2000, the City provided TPS with funding to implement CAP for thirteen weeks, from June 12 to September 10. \$1.4M in CAP funding enabled 30,264 personnel hours to be committed to the program. The program resulted in 600 arrests and the issuance of over 10,000 Provincial Offences Tickets.

CAP generated a tremendous amount of support from the community. The community in general reported an increase in police presence, and expressed a desire to see the program run year-round. Service statistics indicated a decrease in crime and disorder. Unfortunately, the program relies on funding for overtime hours, and budget constraints each year have precluded the continued application of this highly-successful program.

Proposal for a 2004 CAP Program

During the past several months, Toronto has experienced a disturbing increase in gun violence and gang activity. The Chief's Town Hall meetings, the Summit on gun violence, and the Service's annual community survey of perceptions of safety all confirm that citizens do not feel safe in certain parts of the city. CAP funding would allow the Service to provide an increased and sustained uniform presence in target areas, and continue to meet daily demands for service.

The CAP structure for 2004 would be based upon earlier CAP programs:

- CAP would run for a twelve-week period from June 14, 2004 to September 5, 2004;
- Unit Commanders would identify, prioritize and develop CAP strategies in collaboration with community partners and other key stakeholders;
- CAP funding would be allocated to divisions based on total divisional staffing, with consideration given to additional funding for policing in the Entertainment District;
- Callbacks would be a maximum 5 hours in duration (no lunch).

The program structure assumes one CAP team per division, with an additional team for each larger division (14, 41, 42 and 52 Divisions), and additional funding for the Entertainment District. The original proposal for the 2004 program included contingency funding to deal with extraordinary issues arising during the program. In light of ongoing funding pressures, this contingency funding has been removed from the proposal. It should also be noted that the CAP program is a scalable one – i.e., if more funding could be made available in any given year, deployment of each team could be increased to additional nights or for additional weeks. Similarly, if less funding is available, fewer nights or weeks could be targeted.

Assuming each CAP team is comprised of 1 Sergeant and 5 constables, deployed three times per week, for a 12 week period, each CAP team would cost \$53,600. The full cost of the program is summarized as follows:

1 CAP team for each of 16 Divisions, plus 4 additional CAP teams for larger divisions	\$1,072,000
Entertainment District funding	200,000
TOTAL:	\$1,272,000

The number of personnel, times and duration of target initiatives would be tailored to the specific crime and disorder problems in target areas.

Funding for a 2004 CAP Program

The Council motion requested that a report be made to Council regarding the implementation of CAP funded within the existing 2004 Toronto Police Service Operating Budget. The Service cannot fund \$1.3M for a 2004 CAP program from the existing budget. As you know, the Service’s 2004 original budget request, which represented the funding required to maintain services at a 2003 level, was reduced by \$8.8M (not including any new initiative requests, which were not approved). The Service has reprioritized and deferred expenditures drastically to be able to meet the currently-approved budget of \$679.2M. During budget deliberations, it was very clear that any further reductions would affect staffing levels.

It is already a challenge to work within the approved budget: The Service committed to absorbing the additional cost of leap year with no funding source identified, and is now faced with implementing Judge Ferguson’s recommendations using existing financial resources. These are only 2 examples of financial pressures already faced by the Service this year.

Funds for the CAP program could only be found through the reduction of new uniform hires. This would be in contravention of the Board’s and Council’s direction to maintain a uniform strength of 5,260, and would reduce policing provided to the community – completely derailing any benefits that would be gleaned from CAP.

I would like to stress, however, that the CAP initiative is a very worthwhile one. I recommend that the Board approve the implementation of a CAP program in 2004, subject to Council funding this initiative, and that the Board request the City to provide funding in the amount of \$1,272,000.

Deputy Chief Steve Reesor, Policing Operations Command, and Mr. Frank Chen, Chief Administrative Officer, will be in attendance to address any concerns that Board members may have.

The meeting adjourned due to a loss of quorum. Consideration of the foregoing report was deferred to the Board's next meeting.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P171. REPORT: REVIEW AND RECOMMENDATIONS CONCERNING
VARIOUS ASPECTS OF POLICE MISCONDUCT - MEETING WITH
JUSTICE GEORGE FERGUSON**

The Board was in receipt of the following report MAY 26, 2004 from A. Milliken Heisey, Q.C.:

Subject: MEETING WITH JUSTICE FERGUSON

Recommendation:

It is recommended that this report be received for information.

Background:

At its meeting on April 29, 2004, the Board, in considering the Service's response to recommendations contained in the *Review and Recommendations Concerning Various Aspects of Police Misconduct* report, as prepared by the Honourable Justice George Ferguson, Q.C. (Board Minute P67/2004 refers) approved a number of motions including the following:

- 2. THAT the Board establish a schedule, to commence immediately and to continue until the recommendations made by the Honourable Justice George Ferguson, Q.C., are fully implemented, whereby the Chair and Members of the Police Services Board will be briefed by the Chief of Police and Justice Ferguson on a bi-weekly basis on the status of the implementation of Justice Ferguson's recommendations and any issues arising from same; and that the Chair be required to file a report with the Board containing the full details of the briefing;**

A meeting was held on May 4, 2004 and was attended by myself, Justice Locke, Councillor Ootes and Councillor McConnell. At the meeting, we discussed the status of outstanding recommendations as well as the establishment of a schedule for the bi-weekly meetings and their corresponding agendas. In addition, I requested Justice Ferguson's Legal Researcher, Erin Sweeney, to prepare a chart allocating the various outstanding recommendations to specific meeting dates.

The Board received the foregoing.

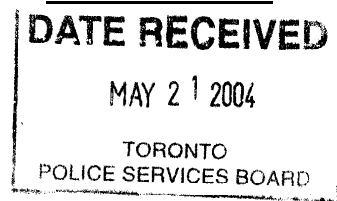
**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P172. REPORT: *REVIEW AND RECOMMENDATIONS CONCERNING
VARIOUS ASPECTS OF POLICE MISCONDUCT – IMPLEMENTATION
OF THE RECOMMENDATIONS***

The Board was in receipt of the attached correspondence, dated May 20, 2004, from The Honourable George Ferguson, Q.C., regarding the progress of the implementation of the recommendations contained in his report: *Review and Recommendations Concerning Various Aspects of Police Misconduct*.

The Board received the foregoing.

HON. GEORGE FERGUSON, Q.C.
ONE BENVENUTO PLACE, SUITE 405
TORONTO, ONTARIO
M4V 2L1



May 20, 2004

Alan Milliken Heisey, Q.C., Chair
Toronto Police Services Board
40 College Street
Toronto, ON
M5G 2J3

Dear Chair Heisey:

In accordance with my previous commitment to keep the Board informed of the progress made on the implementation of the recommendations contained in my formal report, I am pleased to submit the following update.

Disclosure of Police Misconduct

1. Upon request, supply Crown with the following: convictions or findings of guilt under the *Criminal Code*, the *CDSA* or any other provincial or federal statute; any outstanding charges under *the Criminal Code* or *CDSA*; any finding of guilt under the *PSA* or its predecessor Act; any current charge under the *PSA* for which a Notice of Hearing has been issued.

Fully implemented.

2. Requests for personnel, employment, complaint, IA or other related information will be contested and not provided unless ordered to do so by a Court of competent jurisdiction.

Fully implemented.

3. Members whose records are to be produced will be notified in writing.

Fully implemented – all requests are directed and responded to by Professional Standards, Risk Management (Legal).

4. Information to be produced shall be obtained through PSIS.

Ongoing. PSIS is currently being populated with all necessary information. The original Professional Standards databases are being accessed to satisfy the requests pursuant to #1, above.

Recruitment & Employment

Upgrade employment Unit and provide additional financial resources and sufficiently skilled personnel.

Implemented. Ms. Maureen Carey has been hired as the Manager of the Employment Unit. It is expected that additional staff members, with appropriate expertise, will be transferred to the Unit by the end of June.

2. Develop and implement a professionally targeted and focused recruitment program.

Fully implemented.

3. Background investigations to be expanded

Strategy in place. Will be fully implemented by end of June, with the addition of staff.

4. Increase exposure of TPS to students in law enforcement programs.

Implemented and ongoing.

5. Explore co-operative and joint programs with educational institutions to establish a priority in recruitment selection.

Implemented and ongoing.

6. Employ two full-time psychologists.

A job description is being finalized for the purpose of hiring at least one (1) full-time psychologist. An assessment is being conducted to determine if one (1) or two (2) psychologists are required at this time. Cost estimates are also being conducted.

-
7. Conduct recruitment seminars or tutorials in the community to attract qualified candidates.

Implemented and ongoing.

8. Establish a new Recruitment Committee.

Implemented and continuing. Recruiting Coalition Advisory Committee has been provided with an updated mandate consistent with this recommendation. The success of the committee will be monitored and reviewed. A progress report will be made to me in four (4) months.

9. Re-implement the position of "Career Development Officer".

A job description for this position is now being finalized.

Transfers, Promotions, Supervision, Training and Continuing Education

1. Members to undergo psychological testing and a financial and background check prior to promotion.

Procedures are being developed in cooperation with the Toronto Police Association, the Senior Officers Organization and management.

2. Members must successfully complete a designated management skills course, in addition to training in ethics and integrity prior to promotion.

Implemented. To date, all new supervisors have completed a two-week supervisor's course, which includes components of ethics and ethical decision-making. A new Executive Development Program for Senior Officers was approved by Command on May 14, 2004. This training, which includes ethics and integrity training, will be rolled-out in September 2004. It is expected that all Senior Officers will have received the training by November 2004.

3. Ethics and integrity must be incorporated as important components in all training provided by the Service.

Implemented and ongoing. Ethics and integrity have been highly integrated into the Advanced Patrol Training, Recruit Training, Coach Officers, Supervisors, General Investigators and Interview courses. An audit to facilitate the implementation in other courses is ongoing; however, additional training in course auditing is required for Training & Education Unit staff.

4. Members must attend a one-day course on ethics, integrity and corruption.

Implemented. One-day ethics course is currently being delivered with the Advanced Patrol Training course. Work is ongoing to develop a mandatory two-day ethical deliberation course for all members. It is expected that this course will be piloted in September 2004.

5. Form a committee to develop a system for mandatory transfers in high-risk units.

Discussions to develop an operational policy are ongoing in cooperation with the Toronto Police Association, the Senior Officers Organization and management.

Internal Affairs

1. IA to be moved out of headquarters.

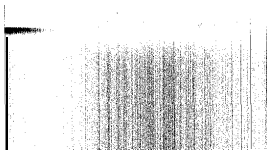
A promising location has been identified. Its suitability is being investigated and negotiations will soon be initiated with the City of Toronto.

2. Ensure a sufficient number of highly skilled investigators are adequately trained to provide prompt, thorough and professional investigations.

Improvements have been made as a result of the re-organization of Professional Standards. Work in this area is ongoing.

3. When warranted, IA must have the capacity to conduct integrity testing of targeted areas, free from all aspects of entrapment.

Fully implemented.



4. Members in IA must be transferred out of unit after a specified tenure. Special recognition shall be accorded for their service in the Unit.

Operational policies regarding the structure of IA are currently being discussed in consultation with the Toronto Police Association, the Senior Officers Organization and management.

5. Independent telephone lines shall be established to allow the reporting of misconduct or corruption on an anonymous basis.

Logistics related to the installation of independent telephone lines and the whistleblower policy (recommendation #6, below) are currently under discussion.

6. Design and implement a "whistle-blower" policy to ensure adequate protection.

Operational policies and the application of same are currently under development in cooperation with the Toronto Police Association, the Senior Officers Organization and management.

Use of Alcohol, Drugs and Other Substances

1. Develop and implement a comprehensive drug, other substance and alcohol policy.

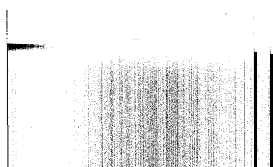
An operational policy is currently being drafted.

2. Members who violate the policy shall be subject to discipline, up to and including dismissal.

Implemented.

3. As a condition of transfer, promotion or reassignment, members shall acknowledge the above-mentioned policy.

Implemented.



4. As a condition of promotion or reassignment to a sensitive or high-risk area members shall be required to submit to a drug testing program.

Discussions are ongoing and an operational procedure is being drafted in consultation with the Toronto Police Association, the Senior Officers Organization and management.

5. Applicants for employment shall be required to acknowledge, in writing, that they have read and understand the above-mentioned policy.

A consent has been prepared in draft form.

Informers and Agents

1. Study and implement the Source Management System now used by the Metropolitan Police Service in London, England.

Work to "Canadianize" this system is ongoing. It is expected that a final report and implementation model will be submitted to the Implementation Committee in two months.

2. Once the Source Management System has been implemented, the Service shall require an annual audit of the performance of the new system.

Ongoing (see #1 above).

3. An independent person who has extensive experience in law enforcement procedure shall complete the annual audit.

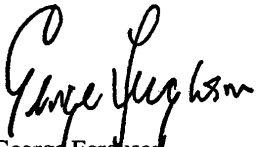
Ongoing (see #1 above).

For your information, the Implementation Committee is meeting on a weekly basis. It is anticipated that all of my recommendations will be substantially implemented within six months.

Should you or any member of your Board have any questions, please feel free to contact me by telephone at (416) 922-2170 or by email at gfergjudge@sprint.ca. Alternatively, you may contact my research assistant, Ms. Erin Sweeney, by telephone at (416) 808-7807 or by email at erin.sweeney@torontopolice.on.ca.



Yours truly,


George Ferguson

Cc: Councillor Pam McConnell, Vice Chair
Dr. Benson Lau, Member
Councillor Case Ootes, Member
Councillor John Filion, Member
The Honourable Hugh Locke, Member



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P173. REPORT: REVIEW AND RECOMMENDATIONS CONCERNING
VARIOUS ASPECTS OF POLICE MISCONDUCT – IMPLEMENTATION
OF THE RECOMMENDATIONS**

The Board was also in receipt of the following report MAY 26, 2004 from Julian Fantino, Chief of Police:

Subject: IMPLEMENTATION TIMELINE FOR THE RECOMMENDATIONS OF
THE HONOURABLE JUSTICE GEORGE FERGUSON, Q.C.

Recommendation:

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

Background:

At its meeting of April 29, 2004, the Board requested that timelines be provided for the implementation of the recommendations of the Honourable Justice George Ferguson, Q.C. (B.M. 134/04 refers).

The implementation team, chaired by myself and Justice Ferguson, meet on a weekly basis. I have directed that all recommendations be implemented within four (4) to six (6) months.

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P174. TORONTO POLICE SERVICES BOARD'S 25-YEAR WATCH
PRESENTATIONS - 2004**

The Board was in receipt of the following report MAY 26, 2004 from A. Milliken Heisey, Q.C.:

Subject: THE TORONTO POLICE SERVICES BOARD'S 25-YEAR WATCH
PRESENTATIONS - 2004

Recommendations:

It is recommended that:

- (1) the Board approve an expenditure from the Board's Special Fund, not expected to exceed \$10,000.00, to cover the costs associated with hosting the Toronto Police Services Board's 25-Year watch presentations and luncheon; and
- (2) the Board approve an additional expenditure from the Board's Special Fund, not expected to exceed \$12,672.00 (excluding taxes), to cover the costs associated with the purchase of 99 watches from Corona Jewellers (Option 2).

Background:

I has been customary for the Toronto Police Services Board to host an annual event honouring members of the Toronto Police Service and Toronto Police Service-Auxiliary Programs who have completed 25 years of employment or auxiliary service respectively. During the period January 1, 2003 to December 31, 2003, the number of members achieving 25 years of service was 98.

25-Year Watch Presentations and Luncheon:

This year's luncheon honouring the recipients of 25-Year watches has been scheduled for Tuesday, September 28, 2004 at The Old Mill. The total cost associated with hosting this event, including a lunch, beverages and services, is not expected to exceed \$10,000.

25-Year Commemorative Watches:

A request for quotations was issued by Purchasing Support Services for 99 commemorative watches. The lowest bidder, Corona Jewellers (Option 2), was selected. The cost of the watches is \$128.00 each, excluding taxes, and a summary of the bids is appended to this report for information. Funds are available within the Board's Special Fund to cover this expenditure in accordance with the Board's Recognition Program.

The total 99 watches also includes one watch that a former recipient has requested to purchase in order to replace their 25-Year watch due to loss, damage or theft. Each year there are requests made by current or retired members to purchase replacement watches. The funds associated with the one watch required at this time, in the approximate amount of \$128.00, excluding taxes, will be returned to the Board's Special Fund.

The cost of the total watches is outlined below:

25-Year Recipients for 2004 -	98 x \$128.00= \$12,544.00
Replacement Watches -	1 x \$128.00= <u>\$ 128.00*</u>
Total:	\$12,672.00 (excluding taxes)

*funds to be returned to the Board's Special Fund

Conclusions:

It is therefore recommended:

- (1) the Board approve an expenditure from the Board's Special Fund, not expected to exceed \$10,000.00, to cover the costs associated with hosting the Toronto Police Services Board's 25-Year watch presentations and luncheon; and
- (2) the Board approve an additional expenditure from the Board's Special Fund, not expected to exceed \$12,672.00 (excluding taxes), to cover the costs associated with the purchase of 99 watches from Corona Jewellers (Option 2).

The Board approved the foregoing.

PROJECTED EXPENDITURES

25 YEAR WATCH LUNCHEON

Tuesday, September 28th, 2004

Watches:

98 (^) x \$128.00	\$12,544.00	
G.S.T. 7%	\$ 878.08	
P.S.T. 8%	<u>\$ 1,003.52</u>	\$14,425.60

Guests: (based on maximum attendance)

Recipients (^) 98 + 1 guest = 196

Luncheon: (based on maximum attendance)

Lunch (^\$25.25 plate)	\$4,949.00	(\$25.25 x 196)	
P.S.T. Food	\$ 395.92	(\$4,949.00 x 8%)	
G.S.T. Food	\$ 346.43	(\$4,949.00 x 7%)	
Gratuity	\$ 742.35	(\$4,949.00 x 15%)	
G.S.T.	\$ 51.96	(\$ 742.35 x 7%)	
Wine (^ \$27.00/bottle)	\$1,323.00	(49 x \$27.00/bottle)	
P.S.T. Liquor	\$ 132.30	(\$1,323.00x 10%)	
G.S.T. Liquor	\$ 92.61	(\$1,323.00 x 7%)	
Gratuity	\$ 198.45	(\$1,323.00 x15%)	
G.S.T.	\$ 13.89	(\$ 198.45 x 7%)	
			\$ 8,245.91

TOTAL

\$22,671.51 (approx.)

SUMMARY SHEET

QUANTITY	DESCRIPTION	Corona Jewellers	Birks & Sons	Canadian Spirit	Rembrant	Reflection Market
80	25 years Service Presentation Watches (Mens)	Option 1 - \$122.00 each (standard gift box) \$9760.00 net Option 2 - \$128.00 each (wooden gift box) \$10240.00 net	\$140.00 each \$11200.00 net	\$159.50 each \$12760.00	DID NOT COMPLY	DID NOT COMPLY
19	25 years Service Presentation Watches (Womens)	Option 1 - \$122.00 each (standard gift box) \$2318.00 net Option 2 - \$128.00 each (wooden gift box) \$2432.00 net	\$140.00 each \$2660.00 net	\$159.50 \$3030.50 net		
Total (including taxes)		Option 1 - \$13889.70				
			\$15939.00	\$18159.08		
		Option 2 - \$14572.80				
Watch Make & Model						
Mens		8540.YY99	K90X128	SM2188M		
Womens		4116.YY20	K95X322	SM2188L		
Warranty		2 years	5 years	5 years		
Delivery		12 – 14 weeks	12 – 16 weeks	75 – 90 days		

Note: 8 SUPPLIERS WERE INVITED TO BID. ONLY 5 RESPONDED

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P175. 2004 CIVILIAN LONG-SERVICE RECOGNITION – PURCHASE OF
COMMEMORATIVE PINS**

The Board was in receipt of the following report MAY 25, 2004 from A. Milliken Heisey, Q.C.:

Subject: 2004 CIVILIAN LONG-SERVICE RECOGNITION – PURCHASE OF
COMMEMORATIVE PINS

Recommendation:

It is recommended that:

- (1) the Board approve the purchase of 87 commemorative pins from Corona Jewellery Company at an approximate total cost of \$4,785.00 (excluding taxes) and that the expenditure be paid from the Board's Special Fund; and
- (2) the Service be responsible for costs associated with the Civilian Long-Service Awards reception.

Background:

It has been customary for the Board to recognize long-service employment by civilian members of the Toronto Police Service by presenting them with a lapel pin containing two sapphires, two rubies and two diamonds upon the completion of 20, 30 and 40 years service respectively. In the past, commemorative pins have been presented to civilian members at a special ceremony followed by a reception.

The number of civilian members who will be presented with commemorative pins in 2004 based upon the long-service achieved during the period between January 1, 2003 and December 31, 2003 is outlined below:

20 Years Service	55
30 Years Service	32
40 Years Service	<u>0</u>
Total:	87

A request for quotations was issued by Purchasing Support Services for 87 commemorative pins. The lowest bidder, Corona Jewellery Company, was selected. The cost of the pins is \$55.00 each excluding taxes. A summary of the bids is appended to this report for information. Funds are available within the Board's Special Fund to cover this expenditure in accordance with the Board's Recognition Program and I recommend that costs associated with the awards reception continue to be paid by the Service (Min. No. P63/95 refers).

Presentations of the long-service pins will be held on Tuesday, October 19th, 2004 and Tuesday, October 26th, 2004 in conjunction with the Police Exemplary Service Medal, the Canadian Peacekeeping Service Medal and the Ontario Auxiliary Police Medal.

The Board should continue to honour our civilian members in this manner and therefore it is recommended that:

- (1) the Board approve the purchase of 87 commemorative pins from Corona Jewellery Company at an approximate total cost of \$4,785.00 (excluding taxes) and that the expenditure be paid from the Board's Special Fund; and
- (2) the Service be responsible for costs associated with the Civilian Long-Service Awards reception.

The Board approved the foregoing.

SUMMARY SHEET

Quantity	Description	Corona Jewellery	Bond Boyd	Birks & Sons	Canadian Spirit	Strath Craft
55	20 Year Service Pins	\$55.00 ea \$3,025.00	\$58.20 ea \$3,201.00	\$80.50 ea \$4,427.50	\$85.50 ea \$4,702.50	NO BIDS
32	30 Year Service Pins	\$55.00 ea \$1,760.00	\$58.20 ea \$1,862.40	\$80.50 ea \$2,576.00	\$85.50 ea \$2,736.00	NO BIDS
	Casting Molds	N/C	N/C	N/C	N/C	-
	Total (<i>net</i>)	\$4,785.00	\$5,063.40	\$7,003.50	\$7,438.50	-
	Total (<i>incl. taxes</i>)	\$5,502.75	\$5,822.91	\$8,054.03	\$8,554.28	NO BIDS
	Delivery	2 weeks	3 weeks	4 weeks	2-4 weeks	-

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

**#P176. RESULTS OF THE INVESTIGATION INTO THE RELEASE OF THE
CONFIDENTIAL MEMORANDUM INVOLVING CHAIR HEISEY**

Vice-Chair Pam McConnell read the following statement on behalf of the Board:

The Board has received the results of an internal investigation, directed by Chief Fantino, into the manner in which a confidential memorandum regarding Chair Heisey was released to the media. The conclusion of that investigation is that the identity of the person(s) who improperly, illegally or inappropriately leaked the memo could not be ascertained. The internal investigation is now complete.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004**

#P177. ADJOURNMENT

A. Milliken Heisey, Q.C.
Chair