



The following *draft* Minutes of the meeting of the Toronto Police Services Board held on September 06, 2005 are subject to adoption at its next regularly scheduled meeting.

The Minutes of the meeting held on August 11, 2005 previously circulated in draft form were approved by the Toronto Police Service Board at its meeting held on September 06, 2005.

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **SEPTEMBER 06, 2005** at 1:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

PRESENT:

Ms. Pam McConnell, Councillor & Chair
Dr. Alok Mukherjee, Vice Chair
Ms. Judi Cohen, Member
Mr. John Filion, Councillor & Member
Mr. Hamlin Grange, Member
The Honourable Hugh Locke, Q.C., Member
Mayor David Miller, Member

ALSO PRESENT:

Mr. William Blair, Chief of Police
Mr. Karl Druckman, City of Toronto - Legal Services Division
Ms. Deirdre Williams, Board Administrator

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

#P284. TORONTO POLICE AMATEUR ATHLETIC ASSOCIATION

Staff Sergeant Dave Lowe, President, Toronto Police Amateur Athletic Association, was in attendance and introduced several members of the TP AAA Executive Board. S/Sgt. Lowe also delivered a presentation on the history and role of the organization; the various internal and community sports activities that are sponsored by the TP AAA; and the relationship between the TP AAA and the Toronto Police Services Board.

The Board was also updated on the results of the TP AAA's 123rd Annual Police Field Day Evening Show held on August 13, 2005 and the 2005 World Police and Fire Games held between June 26, 2005 and July 05, 2005 in Quebec City.

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#P285. TORONTO POLICE CRICKET CLUB

Deputy Chief Keith Forde introduced the following members of the Toronto Police Cricket Club who participated in the 2005 Percival Cummins Memorial Annual Cricket Match:

P.C. Ali Kullo
P.C. Richard Moore
Det. Theodore Gaskin
Court Officer Arthur Jones

The Board was advised that the Percival Cummins Memorial Annual Cricket Match was established in memory of Toronto Police Constable Percival Cummins who was killed while on duty on September 23, 1981. Mrs. Urita Cummins, P.C. Cummins' widow, was also in attendance and introduced to the Board.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

#P286. 2005 ENVIRONMENTAL SCAN

The Board was in receipt of the following report August 02, 2005 from William Blair, Chief of Police:

Subject: 2005 ENVIRONMENTAL SCAN

Recommendation:

It is recommended that: the Board receive the 2005 Environmental Scan.

Background:

The Environmental Scan provides a review of the external factors affecting the need for police service and the internal challenges affecting the Service's ability to respond. Given the long-term nature of many trends outlined in the Scan, a complete scan process is not carried out each year (Board Minute #P5/01 refers). Since a complete Scan (including consultations) was carried out for 2004, the 2005 Scan was initially scheduled simply to be an update of the 2004 document. However, with the Board's extension of the 2002-2004 Priorities through 2005, 2006 will begin a new business planning cycle (Board Minute #P340/04 refers). Therefore, a full Environmental Scan, with the exception of the consultations, was completed in 2005 to provide a framework for priority setting during the business plan and budget processes, as well as for strategic planning at all levels of the Service. The next complete Scan will be produced in 2008.

The 2005 Environmental Scan has been prepared as the result of an on-going process of analysis of trends by Corporate Planning, with regular feedback from Service units. The Scan examines both external factors (such as changes in crime, demographic, economic, social, traffic, and urban trends, and technological changes – looking for new public safety problems and/or changing community needs or concerns) and internal factors (such as changing human resource, finance, and service delivery issues – looking for changes that might influence the need for and/or availability of police resources). At the beginning of each chapter, the 'Highlights' section outlines the main points covered within the chapter. At the end of each chapter, building on the strengths, weaknesses, opportunities, and challenges identified or forecast within the chapter, there is a list of implications or recommendations for police service. These implications provide a possible basis for Service action in the future, and a foundation for the next business plan. A summary of the Highlights from each chapter of the Scan is provided for ease of review.

At this time, the 2005 Environmental Scan is provided for the Board's information. It is recommended that the Board receive the 2005 Scan.

Mr. Angelo Cristofaro, Acting Chief Administrative Officer, Corporate Support Command, will be in attendance to answer any questions the Board members may have.

Ms. Kristine Kijewski, Director of Corporate Services, was in attendance and delivered a presentation to the Board on the 2005 Environmental Scan.

The Board received the foregoing.

A copy of the 2005 Environmental Scan Highlights is appended to this Minute for information. A copy of the complete Environmental Scan is on file in the Board office.

2005 ENVIRONMENTAL SCAN - HIGHLIGHTS

I. DEMOGRAPHICS:

- According to Statistics Canada census data, the population of Toronto increased 4.0% between 1996 and 2001, from 2,385,421 to 2,481,494. Estimates indicate only a 1.0% increase in Toronto's population between 2004 and 2005, to a total of 2,696,909.
- Within the GTA, Toronto was generally slightly older than the other GTA regions, with 83% of Toronto aged 15 years or older compared to 77%-80% in the regions.
- The proportion of the City's population 65 years and older is projected to increase to 16.5% in 2031, while the proportion of the population under 25 years of age is projected to remain around 30%.
- According to 2001 census data, more than half of the youngest age groups were male, while more than half of the older age groups were female.
- In 2001, 44% of the Toronto census metropolitan area's population was foreign-born – a higher proportion than other cities around the world known for their diversity (e.g. Miami, Vancouver, Sydney, Los Angeles, New York, Montréal).
- The primary sources for immigrants to Toronto have shifted in recent years to the Asian continent, including the Middle East, and Eastern Europe.
- The growth of the visible minority population has largely been due to the shift in sources of immigration to Canada. In 2001, visible minorities represented just over two-fifths (42.8%) of Toronto's population, up from 37.3% in 1996. In both years, Chinese, South Asians, and Blacks were the largest visible minority groups.
- The number of those in Toronto in 2001 who said they spoke English and another non-official language at home increased over five times the number in 1996. The proportion of those who said they spoke only a language other than English or French at home decreased.
- Mirroring the growing diversity of Toronto's population was a growing diversity in the religious make up of the City. Much of the change in Toronto's religious profile was the result of the changing sources of immigration.
- According to 1995 income data collected in the 1996 census, the largest proportion of Toronto households (15.3%) had a household income of \$10,000 - \$19,999. Reflecting the increase in average and median household incomes, according to 2000 income data, the largest proportion of Toronto households (18.1%) had a household income of \$100,000 or more.
- According to data from the 2001 census, the income gap between richer and poorer neighbourhoods widened in the Toronto CMA between 1980 and 2000, but particularly between 1990 and 2000.

II. CRIME TRENDS:

- In 2004, a total of 195,121 non-traffic Criminal Code offences occurred in Toronto, representing a 3.0% decrease from 2003 and a slight 0.9% decrease from five years ago.
- While overall crime showed a large decrease over the past ten years (22.6%), the decrease was driven mainly by a decrease in property crimes (35.5%). The decrease in number of violent crimes between 1995 and 2004 was a much smaller 4.5%.
- Between 2003 and 2004, decreases were noted for violent crime (4.2%), property crime (4.3%), and traffic offences (1.5%), while other Criminal Code offences increased by a 1.0%.
- Robberies decreased 2.1% in 2004 compared with 2003, increased 13.0% over the past five years, and decreased 7.5% over the past ten years.
- The number of non-sexual assaults decreased 5.9% in 2004, which was also a 12.6% and 4.6% decrease over the past five and ten years, respectively.
- Sexual assaults increased 8.3% in 2004 compared with 2003, increased 6.9% over the past five years, and increased 0.8% over the past ten years.
- In 2004, an average of 73.1 non-traffic Criminal Code offences occurred for every 1,000 population, of which 12.4 were violent crimes, 42.9 were property crimes, and 17.8 were other Criminal Code offences. The overall crime rate was a 4.0% decrease from 2003 and a large 29.4% decrease from 1995.
- In terms of the total number of crimes per 1,000 population, a clear trend of decrease was seen between 1995 and 2000, after which the rate remained relatively stable at about 76 to 77 occurrences per 1,000 population, before dropping to 73.1 in 2004.
- The proportion of cases involving the use of weapons decreased for both robbery and non-sexual assaults over the past ten years, from 44.3% and 29.8% in 1995 to 23.9% and 12%, respectively, in 2004. About 15% of sexual assaults involved the use of weapons in 2004, which was an increase from previous years.
- The proportion of robberies involving the use of firearms decreased. However, the number of gun-related calls received by the police increased considerably in recent years.
- Despite a decrease in number of drug offences and arrests, primarily enforcement driven statistics, there is evidence that the number of marijuana grow-operations (MGOs) increased considerably, most of which are believed related to organised crime.
- Other new developments in criminal activities include the use of technology in committing crimes, such as identity theft, and the use of the stolen information for furthering other crimes, such as fraud.

- The number of persons arrested and charged for Criminal Code offences in 2004 was a 1.5% decrease from 2003, but a 4.1% increase from 2000. Over the past five years, the number of persons arrested/charged decreased for violent crime, but increased for all other major Criminal Code offence categories, particularly property crime and other Criminal Code offences. Males in the younger age groups continued to have the highest arrest rates.
- In 2004, 42, 41, 52, and 14 Divisions were the busiest stations in terms of number of crimes occurred and dispatched calls serviced.
- Relative to 18 other Canadian cities of 'comparable' population size, in 2003, the crime rate in Toronto ranked below middle (twelfth) in overall crimes, and ranked sixth and fourteenth in violent crimes and property crimes, respectively. Between 1999 and 2003, Toronto was among the nine cities that had a decrease in the overall crime rate, and was among the fourteen cities having a decrease in the property crime rate. In terms of the violent crime rate, it had the smallest 0.2% increase. Among the 17 cities having an increase in the per capita cost, Toronto had the fourth smallest increase of 15.1%, compared to the largest increase of 38.2%.

III. YOUTH CRIME:

- To put youth crime in perspective, three issues must be noted. First, a very small proportion of youths (aged 12-17 years) are involved in criminal activity, and even fewer are involved in violent crimes. Second, youth crime statistics reflect the number of youths arrested for criminal offences, not the actual level of crime involving young offenders. Third, it is believed that only a small portion of youth crime is actually reported to police.
- The enumeration of youth crime is different from the enumeration of crimes in general. While crimes in general are counted in terms of number of criminal incidents that occurred, youth crimes are compiled on the basis of arrests, when the age of the suspect can be ascertained. For this reason and a number of other factors, the number of youth crimes recorded is likely lower than the actual number of crimes committed by youth.
- In recognition of the strong provisions for alternative measures contained in the *Youth Criminal Justice Act* (YCJA), proclaimed in April 2003, Statistics Canada revised their reporting of youth criminal activity in Canada to include both youths charged with a criminal offence and youths accused of but not charged with a criminal offence.
- National youth crime statistics showed that, in 2003, 84,482 Canadian youths, aged 12-17 years, were charged with a non-traffic criminal incident and a further 100,406 youths were arrested and cleared otherwise. The overall total youth crime rate (that is, the number of youths accused per 1,000 population) was 73.0, of whom 31.5 were accused of property crimes, 26.4 of other Criminal Code offences, and 15.1 of violent crimes. Over the past decade, the total youth crime rate decreased about 11.0% from 82.0 in 1993 to 73.0 in 2003.

- In Toronto in 2004, 7,523 young persons (aged 12-17 years) were arrested for all types of Criminal Code offences, down 13.8% from 2003 and 6.1% from 2000.
- An overall decrease was noted in the total number of youths arrested/charged for total Criminal Code offences over the past five years, including a 18.6% decrease in violent crimes; youths charged for property and other Criminal Code offences showed small increases over the same period.
- The overall participation of young females in crimes in 2004 compared to 2000 was similar, increasing only 0.3%. While the number of female youths arrested for violent and other Criminal Code offences decreased 22.1% and 12.8%, respectively, the number of female youths arrested for property crimes increased 20.8%.
- In Toronto in 2004, an average 49.3 of every 1,000 young persons were arrested for a Criminal Code offence, including 13.0 arrested for a violent crime, 20.2 for a property crime, and 15.9 for other Criminal Code offences. The overall charge rates for youths was almost double that for adults. Decreases in the charge rate for youths were noted for all major Criminal Code offence categories between 2003 and 2004, and between 2000 and 2004.
- Male youths had an arrest rate about 3 times that of female youths. Compared to 2003, in 2004, both male and female youths generally showed decreases in the arrest rates in all major offence categories, however, decreases for female youths were somewhat less than that for male youths.
- The total number of crimes occurring on school premises increased 0.4% in 2004. Over the past five years, however, crimes occurring on school premises decreased by 14.4% and decreased 27.8% over the past ten years. Thefts and non-sexual assaults were generally the most frequently reported crimes.
- In 2004, a total of 665 youths were arrested for drug-related offences, a 43.9% increase from the 462 arrests in 2003, but a 19.7% decrease from 828 arrests in 2000. In terms of number charged per 1,000 youths, the 2004 rate was 3.5 youths, again, an increase from 2003 (2.5), but a decrease from 2000 (4.8).

IV. VICTIMISATION:

- According to the 1999 General Social Survey (GSS) conducted by Statistics Canada, 25% of Canadians 15 years of age and older living in the 10 provinces said they were the victims of at least one crime in the previous year. This was up slightly from 23% in the 1993 GSS.
- A survey of Toronto residents conducted for the Toronto Police in 2004 found that only 3% of respondents said that they had been the victim of a crime in Toronto in the past year and had not reported it to police, lower than the 7% found in 2003.

- Toronto Police Service data indicate that the number of victims of selected violent crimes decreased 4.2% from 2003 to 2004, from 34,040 to 32,622 victims and decreased 4.6% from 1995 when there were 34,211 victims.¹ When changes in population were controlled by examining the rate of victimisation, it was found that overall victimisation by these violent crimes decreased 12.9% from 1995 to 2004, from 14.0 victims per 1,000 population in 1995 to 12.2 per 1,000 in 2004. Between 2003 and 2004, the rate of victimisation decreased 5.4%.
- In each of the ten years between 1995 and 2004, the rate of victimisation for women was lower than the rate for men. Between 1995 and 2004, the rate of victimisation for women decreased 17.9%, from 13.4 per 1,000 women to 11.0, and decreased 5.2% between 2003 (11.6) and 2004. The rate of victimisation for men in 2004 was 13.4 per 1,000 men, which represented a decrease of 13.0% from 1995 (15.4 per 1,000 men), and a decrease of 6.9% from 2003 (14.4).
- Consistent with previous years, in 2004, men were more likely than women to be victims of assault and robbery while women were at a higher risk than men to be victims of sexual assault. For both men and women in all years analysed, victims of assault accounted for the greatest proportion of victims of the selected crimes of violence, followed by victims of robbery, sexual assault, and homicide.
- In 2004, when the difference in the size of the population at each age was taken into account, those 18-24 years of age were found most likely to be victimised (25.7 per 1,000), followed closely by 12-17 year olds (24.6 per 1,000).
- Those under 12 years of age and those 65 years of age and older consistently had the lowest victimisation rates. For all age groups, victimisation rates were lower in 2004 than in 1995, with 25-34 year olds and 65+ year olds showing the largest decrease (21.7%). The violent victimisation rates for all age groups, except those under 12 years old, decreased between 2003 and 2004.
- In April 2005, Statistics Canada reported that children and youth under 18 years old were victims of 22% of violent crime against a person. Physical assaults at 58% represented the majority of crime against children and youth, followed by other violent or threatening offences (23%) and sexual assaults (19%).
- Seniors continue to be less likely victims of crime than younger age groups. According to the 1999 GSS, seniors were 21 times less likely to be victims of violent crimes (sexual assault, assault, robbery) than the 15-24 age group. Senior victims were more likely to be victimised by strangers (39% versus 31%) and by other immediate family members (17% versus 8%) than younger groups.

¹ This chapter focuses on victimisation related to selected crimes of violence only – homicide, sexual assault (including sexual offences), assault, and robbery.

- Children and youth witnessing family violence and its link to negative emotional and behavioural functioning has gathered increased attention as studies continue to analyse its consequences. The 1999 GSS found that children heard or witnessed a parent's assault of their partner in 37% of all households where domestic violence took place.
- The number of calls for domestic events attended by officers in 2004 decreased 7.8% from 2003, and 23.0% from 1996. The number of domestic assaults attended in 2004 also decreased, 15.6% from 2003 and 41.6% from 1996.
- The average time spent on a domestic call in 2004 increased 4.8% from 2003 and 78.9% from 1996. Similarly, the time spent on a domestic assault call in 2004 increased 3.7% from 2003 and 82.2% from 1996.
- Reported hate crimes increased 9.4% in 2004 over 2003, but decreased 46% from 1995.

V. TRAFFIC:

- Ontario has endorsed a national initiative aimed at making Canada's roads the safest roads in the world. In the fall of 2000, the Canadian Council of Motor Transport Administrators adopted the *Road Safety Vision 2010*, with the endorsement of all provincial/territorial Ministers of transportation and highway safety.
- The City of Toronto covers an area of 632 square kilometres and, in 2003, had 1,160,775 motor vehicles registered, in comparison to 943,000 total households. This represented an average of 1.23 vehicles per household in the City.
- Unless the pattern of where people live and how they travel change, Toronto will need 19 more lanes of expressways by the year 2021. According to the results of the 2001 Census, in the Greater Toronto Area (GTA), 1,500,000 people (72%) drive to work everyday, 504,000 people (23%) take public transit, and 102,680 people (5%) walk or bike.
- Transportation System Management (TSM) techniques have received increased attention due to the reality of limited road capacity and the inability to construct new urban infrastructure to deal with it.
- In 2004, there were 56,375 reportable collisions, a 15.5% decrease from the 66,704 reportable collisions in 2003, and a 14.1% increase from the 49,427 reportable collisions in 1995. The number of reportable collisions in 2004 was the lowest number since 1995.
- In 2004, there were a total of 19,321 property damage collision events, a decrease of 13.4% from 2003.
- There were 13,256 personal injury collision events attended in 2004, down 4.9% from the 13,945 personal injury collision events attended in 2003, and down only 0.2% from the 13,282 personal injury collision events attended in 1996.

- In 2004, there were 66 people killed in traffic collisions, a decrease of 10.8 % compared to 74 killed in 2003 and a decrease of 22.4% from the 85 killed in 1995. Pedestrians 65 years of age and older made up the largest portion of the total number of pedestrians killed in traffic collisions in 2004, continuing a trend observed in previous years.
- The number of HTA charges laid has shown a general upward trend since 1995. The trend continued in 2004, with 400,635 charges, an increase of 5.7% compared with 379,181 in 2003 and a large increase of 86.3% compared to 215,067 in 1995.
- The Centre for Addiction and Mental Health in Toronto has conducted a number of studies on aggressive driving. In 2004, they focused on the relationship between the type of vehicles driven by people and their involvement in road rage. Drivers of high-performance vehicles had higher rates of shouting, cursing, and rude gestures. Commission of serious road rage incidents (threats, violence, or damage) was highest among SUV drivers (1.8%) compared to none of the high performance vehicles in the study.
- A US study reported a link between cell phone use and slow reaction time when driving. The study tested people aged 65-74 years against drivers aged 18-25 years. Young drivers were shown to have reaction times similar to 70 year olds when the young people were talking on hands-free phones.
- According to the National Safety Council of America, driving when fatigued slowed reaction time, decreased awareness, and impaired judgement in a similar way as drugs or alcohol. According to US statistics, collision death rates were 2.5 times higher at night than during the day in 2002.
- More than one-third (37%) of drivers surveyed by the National Highway Traffic Safety Administration admitted to falling asleep at the wheel at some point in their driving career; 60% admitted falling asleep while driving on a highway with a posted speed of 55mph or higher. The drivers at the highest risk were shift workers, people that drove a substantial number of miles each day, those with unrecognised sleep disorders, or those prescribed medication with sedatives.
- In November 2004, proposed amendments to the Criminal Code of Canada and other Acts were introduced to strengthen the enforcement of drug-impaired driving offences in Canada. Bill C-16 would expand drug enforcement capabilities by giving police the authority to demand physical sobriety tests and bodily fluid samples under the Criminal Code.

VI. CALLS FOR SERVICE:

- Despite a small decrease (2.8%) between 2003 and 2004, a trend of increase in calls for service was noted over the past eight years, after decreases between 1994 and 1997. A total of 1.9 million calls were received in 2004, 4.4% more than in 2000, but a 2.4% decrease from ten years ago in 1995.

- In 2004, more than half of the calls (52.6%) were received through the emergency line, with the rest (47.4%) received via the non-emergency line. This compared to 42.2% through the emergency line and 57.8% through the non-emergency line in 1995.
- Over the past ten years, between 1995 and 2004, the number of calls received via the emergency line increased 21.7%, while those received via the non-emergency line decreased 20.0%.
- Less than half (45.7%) of the calls received in 2004 were dispatched for police response, which was similar to 2000 (45.9%) and an increase from 1995 (36.7%).
- The number of dispatched calls in 2004 was a 6.2% decrease from 2003, but a 3.9% increase and a 21.5% increase from 2000 and 1995, respectively.
- Response times for both emergency and non-emergency calls have increased in recent years, with a diminished proportion of calls meeting the recommended service standards. The drop in the proportion of non-emergency calls meeting the recommended service standard was particularly large in 2004, compared with previous years.
- The average time required to service a call has increased considerably over past years.

VII. URBAN TRENDS:

- Four out of five Canadians currently live within large urban centres and this trend is expected to continue.
- The City of Toronto's Official Plan is designed to guide growth over the next 30 years. The Plan has identified that 75% of the City will mature and evolve, experiencing limited physical change; the remaining 25% of the geographic area will grow and change. This growth will be significant enough that 22 areas will require secondary plans to guide the growth and 230 areas will require site and area specific policies to harness the growth potential.
- According to the City of Toronto Urban Development Services, in May 2004, the largest number of development projects in 2003 occurred within the South Planning District of Toronto, with 40.6% or a total of 131 projects. This District also had the largest number of developments of 6 or more residential units, with a total of 21,812 units.
- In 2004, Toronto City Council adopted a draft master plan for the revitalisation and restoration of Union Station. In concert with upgrades to both TTC and GO Transit, the construction is slated to begin in late 2005 or early 2006 with the expected completion date to be 2014.

- In 2005, Toronto City Council approved a \$1 billion redevelopment of Regent Park. The plan envisions a mixed-community and includes 1,500 rent-geared-to-income homes, 500-700 apartments, and 2,800 condominiums.
- The Toronto Real Estate Board reported that 83,501 single-family dwellings sold during 2004, up 6% from the previous high of 78,898 in 2003.
- Ridership on Toronto Transit Commission (TTC) vehicles (surface and subway) increased 3.1% between 2003 and 2004, and 7.7% from 1995.
- The TTC remains an extremely safe system for its customers. In 2004, the crime rate was 0.63 per 100,000, a decrease of 1.6% from 2003 and a decrease of 22.2% from 1995.
- As of January 2005, in the province of Ontario there were 113 licensed Security agencies, 247 licensed Private Investigation agencies, and 134 agencies classified as dual agencies that provide both functions.
- The bombings of commuter trains in Madrid, Spain in March 2004 and the London Underground in July 2005 remind the democratic world of the threats of terrorism. In April 2004, Deputy Prime Minister and Public Affairs Minister Anne McLellan and Justice Minister Irwin Cotler released a document entitled *Securing an Open Society* that defines threats and security broadly. This report recommended spending \$690 million over five years to improve security in Canada.

VIII. TECHNOLOGY & POLICING:

- According to Statistics Canada, approximately 57% of households had someone who accessed on-line banking services, a substantial increase from 44% in 2001.
- Using the Internet as a tool of intimidation, hiding behind the seeming anonymity of the Internet allows 'Generation Ms' to say and do things they perhaps wouldn't say and do face-to-face.
- The pilot project run by the Service's Child Exploitation Section, 'Assisting and Preventing Child Victims of Sexual Abuse Through Focused Investigation of Child Pornography Cases', was considered successful, resulting in a number of victims identified and arrests made.
- The Child Exploitation Tracking System (CETS), a database designed to cross-reference large amounts of evidence in computers seized from suspects, was launched across Canada and in United States at a media conference in Toronto on April 7th, 2004.
- Between 2001 and 2004, the Service's Child Exploitation Section opened 1,416 cases, arrested 103 persons, and laid 421 charges.

- An increasing number of identity thefts directed at consumers are being perpetrated on-line using phishing and pharming techniques.
- Fake Canadian driving licences are being produced and sold on the Internet. The fake licences and other faked personal identification are convincingly equipped with holograms and magnetic strips.

IX. POLICE RESOURCES:

- In 2004, the total strength of Toronto Police Service was 7,130 members, up only 0.5% from 7,098 members in 2003, but up 3.8% from 6,870 members in 1995.
- Between 2003 and 2004, uniform strength remained constant while civilian strength increased 1.8%.² Both uniform and civilian strength were higher in 2004 than in 1995, increasing 4.2% and 2.4%, respectively.
- Over the past decade, the number of police officers per 100,000 population in Toronto decreased 4.7%, from 211.3 officers in 1995 to 201.3 officers in 2004.
- In 2004, there were 237 separations, including 160 retirements, a 60.1% increase from the 148 separations in 2003, and a 10.2% increase from the 215 separations in 1995.
- The median age of uniform officers in December 2004 was 40.1 years, up slightly from 39.8 years in 2003. The proportion of officers over the age of 50 years almost tripled from 6.6% in 1995 to 19.7% in 2004.
- The continued decrease in the proportion of officers under the age of 30 years largely reflected the average age of new recruits, which increased from 25.3 years in 1995 to 29.0 years in 2004.
- In 2004, 37.3% of uniform members had 20 or more years of service; on the other hand, almost one-quarter of uniform members (23.9%) had between 0 and 4 years service. The average uniform length of service was 16.2 years.
- The average age of Primary Response constables was 34.6 years compared to 38.7 years for all constables. In 2004, the average length of service for Primary Response constables was 8.1 years compared to 13.5 years for all constables.
- During 2003, 49.1 non-traffic Criminal Code offences were reported per constable, a 1.8% decrease from the 50.0 reported in 2003 and a 24.6% decrease from 65.1 reported in 1995.

² Uniform strength includes all police officers and 111 cadets-in training. Civilian strength includes all permanent, full-time civilian members with the exception of cadets-in-training and parking enforcement personnel. (As of December 31st, 2003, the Human Resources Directorate reported 359 Parking Enforcement personnel, 417 part-time or temporary personnel, 640 Auxiliary personnel, and 699 school crossing guards; none of these are included in the total civilian strength.)

- The actual number of uniform officers assigned to front-line uniform duties in Policing Operations Command units and specific Operational Support units (e.g. Traffic Services, Marine Unit, etc.), including supervisors, increased 2.2% from 3,313 in 2003 and 2.8% from 3,295 in 1995 to 3,386 in 2004.
- While the Service representation of aboriginal, visible minority and female officers remained well below community representation, the proportion consistently increased each year over the past decade.
- In 2004, the uniform strength was comprised of 1.4% visible minority or Aboriginal women, 12.3% visible minority or Aboriginal men, 14.0% non-minority women, and 72.3% non-minority men.
- Although the representation of female police officers in the Toronto Police Service (15.3%) was below the national (16.5%) and provincial (16.1%) averages, they were better represented at senior and supervisory ranks.
- Of the 2,511 recruits hired over the past ten years, almost two in ten were aboriginal or visible minority men and women, and two in ten were women; only slightly more than six in ten were non-minority males.

X. PUBLIC PERCEPTIONS:

- According to the results of the Service's 2004 community survey, similar to findings in 2003, 92% of residents felt their neighbourhoods were safe. More residents felt Toronto in general was safe, compared to 2003.
- The 2004 survey found that concern with issues related to disorder in their neighbourhoods (e.g. litter, graffiti, drugs, etc.) generally increased.
- Most high school students and school administrators in all years surveyed said they felt safe in and around the school at any time of the day.
- When asked about the level of violence at their school, fewer high school students in 2004 than in previous years said that, generally, their school and school grounds were not violent. In all years, school administrators were more likely than students to say their school and grounds were not violent.
- The Toronto Police Service survey of Toronto residents in December 2004, as in 2003, found that 88% said they were satisfied with the delivery of police service to their neighbourhood. However, fewer residents were satisfied with the Service overall in 2004 compared to previous years.

- The 2004 community survey identified mixed concerns about police and minority/ethnic groups (i.e. an increased proportion felt that relations were excellent or good between police and members of minority communities; an increased proportion thought police did a good job of providing services to ethnic/racial groups in their neighbourhoods; but, an increased proportion believed Toronto police targeted members of minority/ethnic groups for enforcement).
- More than 9 in 10 respondents in the past three years said they agreed with the statement: I believe that Toronto police officers carry out their jobs to the best of their abilities. Similarly, 89% of respondents in both 2004 and 2003 said they believe that Toronto police are trustworthy, compared to 79% in 2002.
- The Service's 2004 community survey found that, for those who'd had contact with police during the previous year, there was a decrease in satisfaction with police during that contact: 74% said they were satisfied in 2004, down from 83% in 2003.
- While fewer high school students in 2004 than in 2003 said they would feel comfortable talking to police about crime or other problems at their school, more students said they felt the relationship between students and police was excellent or good.
- Most high school students and school administrators in all years surveyed said they were satisfied with the delivery of police services to their school.
- While more administrators in 2004 than in 2003 said they were consulted by police when determining what issues should be addressed at the school, the proportion was lower than in 2002 or 2001.
- The total number of public complaints against the police increased 17.2% between 2003 and 2004, from 735 complaints in 2003 to 862 in 2004.
- Of the community survey respondents in 2004 who said they'd had experience with the police complaints process, 5 in 10 were satisfied with the process and only 4 in 10 were satisfied with the outcome.

XI. LEGISLATIVE IMPACTS:

- The *Sex Offender Information Registration Act*, legislation respecting the establishment of a national sex offender registry, came into force on December 15th, 2004. The Act provides police with access to vital information on sex offenders for investigative purposes
- Bill C-2, *An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act*, proposes amendments intended to help safeguard children and other vulnerable persons from sexual exploitation, abuse and neglect. Further, the Act also proposes to better protect victims and witnesses in criminal justice proceedings.

- Bill C-16, *An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts*, clarifies the reference to impairment by alcohol or a drug to specifically include impairment by a combination of alcohol and a drug. It provides police with the authority to demand physical sobriety tests and bodily fluids for investigation.
- Bill C-13, *An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act*, broadens the provision in the Criminal Code in relation to taking bodily substances from designated offenders for inclusion in the national DNA data bank.
- Bill C-13, *An Act to amend the Criminal Code (capital markets fraud and evidence-gathering)*, came into force on September 15th, 2004, creating two new mechanisms to require non-target persons to produce documents, data, or information.
- In March 2004, the Ontario Court of Appeal clarified Section 489.1 of the Criminal Code, deciding that police officers shall make a Return to a Justice when property is seized, with or without a warrant, in a criminal matter.
- Bill C-17, *An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act and to make consequential amendments to other Acts*, sets out new maximum penalties for certain of the offences in relation to cannabis. The Act also designates offences relating to the possession or production of small amounts of cannabis, as contraventions under the *Contraventions Act*.
- On January 1st, 2005, the use of PowerCase software, as specified in Ontario Regulation 354/04 – Major Case Management – became mandatory for Ontario police services.
- Bill 110, the *Mandatory Gunshot Wounds Reporting Act, 2005*, which comes into force on September 1st, 2005, requires that every facility that treats a person for a gunshot wound disclose to the local municipal or regional police force, or the Ontario Provincial Police, the fact that a person is being treated for a gunshot wound, the person's name, if known, and the name and location of the facility.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

#P287. OUTSTANDING & PENDING REPORTS – PUBLIC

The Board was in receipt of the following report August 23, 2005 from Alok Mukherjee, Acting Chair:

Subject: OUTSTANDING & PENDING REPORTS - PUBLIC

Recommendations:

It is recommended that:

- (1) the Board receive the attached list of pending and outstanding public reports; and
- (2) the Board provide direction with respect to the reports noted as outstanding.

Background:

At its meeting held on March 27, 2000 the Board agreed that the Chair would be responsible for providing the Board with a list of the public reports which had previously been requested but which had not been submitted and were, therefore, considered as “outstanding”. The Board further agreed that when outstanding reports were identified, the Chair would provide this list to the Board for review at each regularly scheduled meeting (Min. No. C70/00 refers).

I have attached a copy of the current list of all pending and outstanding public reports required from both the Chief of Police and representatives from various departments of the City of Toronto.

A review of this list indicates that there are outstanding reports; these reports are emphasized in bold ink in the attachment.

The Board received the foregoing. A copy of the pending and outstanding list of reports 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 SEPTEMBER 06, 2005**

#P288. SEARCH OF PERSONS PROCEDURE – REVISED

The Board was in receipt of the following report July 22, 2005 from William Blair, Chief of Police:

Subject: SEARCH OF PERSONS PROCEDURE (01-02)

Recommendation:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board write to the Federal Minister of Justice requesting that, in light of the suggestion by the Supreme Court of Canada that Parliament should enact legislation which would provide clear and unequivocal rules to police officers with respect to when, where and how “strip searches” incident to arrest should be conducted, the Minister enact such legislation; and
- (3) the Board, because of the ambiguous state of the law and potential liability regarding “strip searches” of persons being detained in police facilities, write to the Minister of Community Safety and Correctional Services (Ontario) requesting that police officers, court officers and custodial officers (matrons) be given the same powers of search when detaining a person as have been given to correctional service officers when detaining a prisoner.

Background:

At its meeting of March 8, 2005, the Board passed a motion asking then Interim Chief Boyd to “amend Toronto Police Service Procedure 01-02 entitled “Search of Persons” to remove the automatic Level 3 search for persons held in custody pending a Show Cause hearing and insert, instead, a requirement that officers engage in a case-by-case analysis prior to a person being subject to a Level 3 search as a consequence of being introduced into the prison population”. (Board Minute # P75/05 refers)

The Toronto Police Service maintains that Procedure 01-02 entitled “Search of Persons” is compliant with the Supreme Court decision in the matter of *R. v. Golden*.

Procedure 01-02 does not direct officers to conduct Level 3 searches on all arrested persons as a matter of routine policy. Rather, it addresses specific circumstances applicable to a specific group of arrested persons (those held for a Show Cause Hearing), where there is a compelling reason for performing a Level 3 search.

The opening paragraph of the current procedure clearly places an obligation on police officers to fully justify the level of search conducted, regardless of the circumstances.

“Officers conducting searches must be able to articulate their authority/grounds for doing so. Although for safety reasons this procedure stipulates certain circumstances where a search should be conducted, it does not create the authority for doing so. The lawful authority for conducting a search of a person comes from statute or common law, and officers must be prepared to justify all searches in court.”

Safety is the overriding interest in conducting any Level 3 search, however, the procedure also includes a number of safeguards to ensure that a person’s rights and dignity are preserved. Level 3 searches are carried out in private, by officers of the same sex as the individual being searched, and only after the reasons for the search and the process are explained. The individual is allowed to remove his/her own clothing so that there need not be any physical contact, and except where circumstances dictate, a person is not left in a complete state of undress during the search. This is done in an effort to balance the individual’s rights with privacy interests, societal interests and effective policing, while recognizing the overriding obligation to protect the public, the prisoner, police officers, court officers and others alike.

Case law supports this Service’s search procedure. *R. v. John Clarke, Gaetan Heroux and Stefan Pilipa* (2003.02.28), and *R. v. Coulter* (2000.07.25) support the need to conduct a Level 3 search on those entering the prison population for safety reasons.

(R. v. Coulter)

“[26] I have no hesitation in concluding that strip searching anyone who is entering the prison population is necessary, justified and reasonable. Quite apart from concern about weapons, in my opinion such searches are supportable in order to prevent the arrestee from bringing contraband i.e. drugs into the jail. Indeed if this measure was not taken, people would be getting themselves arrested on purpose in order to smuggle drugs into friends or others in the jails and detention centres.”

(R. v. John Clarke, Gaetan Heroux and Stefan Pilipa)

“[89] In my view it would be a rare case when a strip search would not be justified on safety and security grounds when an accused is going to be entering the prison population. One could give numerous examples of very small, but nevertheless, deadly weapons which could easily be secreted on one’s person and not revealed by a thorough pat down search. To cite an example, I take notice that one could purchase, at many hardware stores in this Province, a box cutter with a retractable razor-sharp blade, not much thicker or larger in size than two stacked Canadian \$2 coins. These items can be used as deadly weapons and they could easily be brought into a custodial setting, inadvertently or otherwise, and passed to another prisoner inadvertently or otherwise, or used against another prisoner or an officer.”

R. v. John Clarke, Gaetan Heroux and Stefan Pilipa also provides a definition of “entering the prison population” which is broader than this Service’s position.

“[97] Persons being held by the state is a broad concept, and would include anyone whether being detained, for example, in a police cell, a police wagon, a bullpen, a jail, or a prison. In my view this is what was intended by the expression “entering the prison population”.

The reference in *Golden* to addressing concerns on a case by case basis relates specifically to short term detainees, not to Show Cause situations, as described at line 97.

“[97] The difference between the prison context and the short term detention context is expressed well by Duncan J. in the recent case of R. v. Coulter, [2000] O.J. No. 3452 (QL) (C.J.) at paras. 26-27, which involved a routine strip search carried out incident to an arrest and short term detention in police cells for impaired driving. Duncan J. noted that whereas strip searching could be justified when introducing an individual into the prison population to prevent the individual from bringing contraband or weapons into prison, different considerations arise where the individual is only being held for a short time in police cells and will not be mingling with the general prison population. While we recognize that police officers have legitimate concerns that short term detainees may conceal weapons that they could use to harm themselves or police officers, these concerns must be addressed on a case by case basis and cannot justify routine strip searches of all arrestees.”

Finally, in *R. v. John Clarke, Gaetan Heroux and Stefan Pilipa*, the court specifically addresses the issue of safety vs. privacy.

“[103] In my view, despite the prior relationship between the police and the defendants, the police were entitled to proceed with caution. The police had no knowledge of the defendants’ likelihood to be carrying drugs. The police could reasonably be concerned about an inadvertent introduction of a dangerous object into the police station. These concerns may not be satisfied even with a thorough pat-down search. With respect to Mr. Heroux, the mere fact that the police arranged for the surrender of a suspect does not necessarily mean that they consider the suspect harmless. Finally, the charges themselves centered around a disturbance in which police officers were injured. The safety and security concerns when the accused were going to be in contact with other prisoners override the serious invasion of privacy and the mitigating facts referred to above.”

Over 25,000 of the 60,000 accused persons arrested annually by this Service are held for Show Cause hearings. Preventable injuries, in-custody deaths, Coroner’s Hearings and lawsuits are inevitable, if appropriate direction is not given.

The risks are real, numerous and supported by statistics. Police officers encounter persons who are capable and willing to cause injury to others. In fact, over the past three years (2002-2004) about 93% of the 1250 Health Care Claims where officers suffered injuries that required them to attend a hospital or see a doctor were caused by individuals who were under investigation or under arrest. These were significant injuries and not trifling in nature. Accommodations to light duties were required for 924 of 1250 claims and 81 incidents required the officers to take additional time off work for operations and therapy.

To allow an individual to enter the prison population without being subjected to a Level 3 search creates an unacceptable risk to the organization, police officers, court officers, and prisoners alike. The threshold of reasonable grounds is met as a result of the circumstances common to all prisoners in this group, and it is necessary to give direction in these circumstances. Leaving that decision up to individual officers to rationalize, creates the possibility that individuals will enter the prison population without a Level 3 search, thus compromising the integrity of the entire system and jeopardizing the safety of all. This is why correctional institutions have a policy of strip searching every individual arriving at their facilities regardless of their individual circumstances.

In respect to Mr. Cohen's review of our procedure, I note that he makes specific reference to the fact that there is a difference of opinion on the matter. He acknowledges that *Golden* does not specifically address the question of strip searches when individuals are going to be entering the prison population.

"Prior to briefly reviewing the law, it should be noted that there is a difference of opinion between counsel for the TPS and counsel at the City Legal Division on the effect of the Golden decision."

"This difference is reflected in the case law considering the effect of the Golden decision and whether or not strip searches of persons entering the prison population should be conducted as a matter of course."

"On my reading of R. v. Golden, the Supreme Court of Canada did not specifically address the question of strip searches when individuals are going to be entering the prison population."

Legislation:

The following is an excerpt from a letter to the Board dated January 18, 2002. (Board minutes # P21/02 and # P33/02 refer)

"The Supreme Court in its ruling specifically urged that legislation be enacted to give police clear guidelines regarding Level 3 searches. It is, therefore, recommended that the Board urge the Government of Canada to make the necessary amendments to the Criminal Code to provide police with clear and unambiguous rules to govern police in conducting Level 3 searches."

With respect to routine Level 3 searches of persons being detained in police facilities, it can be demonstrated that it is impossible to predict which prisoners may have something secreted on their person which could be a danger to themselves, other prisoners, police officers or other persons. The liability for injury or death caused by an unsearched prisoner is obvious. This reality is recognized in the Corrections field. As a result, specific search powers are given to correctional workers by virtue of Regulation 778 of the Ministry of Correctional Services Act."

It is therefore recommended that the Board request that the Government of Ontario amend the Police Services Act to provide police officers and Court Services officers with the same power to search prisoners as those given to Correctional Services officers. Given the potential risks to police and court officers, prisoners and other members of the public, this issue should be given the highest priority.”

At its meeting held on February 28, 2002, the Board approved the following motions: (Board minute # P33/02 refers)

“2. That with respect to the foregoing report from Chief Fantino, recommendation no. 2 be replaced with the following recommendations and approved as amended:

(a) That the Board write to the Federal Minister of Justice requesting that, in light of the suggestion by the Supreme Court of Canada that Parliament should enact legislation which would provide clear and unequivocal rules to police officers with respect to when, where and how “strip searches” incident to arrest should be conducted, the Minister enact such legislation; and

(b) That the Board, because of the ambiguous state of the law and potential liability regarding “strip searches” of persons being detained in police facilities, write to the Solicitor General of Ontario requesting that police officers, court officers and custodial officers (matrons) be given the same powers of search when detaining a person as have been given to correctional service officers when detaining a prisoner.”

“6. That the Board send copies of this Minute to the Ontario Association of Police Services Boards and the Canadian Association of Police Boards along with a request that they support the Board’s recommendations noted in Motion No. 2 and that they send similar recommendations to the federal and provincial governments.”

Subsequent to this recommendation, the Ontario Association of Police Services Boards, in a letter dated May 24, 2002 indicated that they had approved the resolution forwarded by the Toronto Police Services Board in recommendation #2 above, and would be meeting with the Minister of Public Safety and Security. (Board minute # P175/02 refers). The Canadian Association of Police Boards also indicates on its website the passing of resolution #02-08 (2002), which reads as follows;

“Whereas the Supreme Court of Canada in the case of R. v. Golden stated that a set of guidelines in the form of legislation would greatly assist both the police and the courts in determining where, when and how strip searches should be conducted;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards write to the Federal Minister of Justice requesting that, in light of the suggestion by the Supreme Court of Canada that Parliament should enact legislation which would provide clear and unequivocal rules to police officers with respect to when, where, and how strip searches incident to arrest should be conducted, the Minister enact such legislation.”

Further, at its meeting held on July 31, 2002, the Board was in receipt of a letter from the Minister of Public Safety and Security, and subsequently approved the following motions: (Board minute # P210/02 refers)

“1. That, given that the Minister’s response does not specifically address the Board’s original recommendation with regard to powers of search for police officers, court officers and custodial officers, the Chairman send another letter, on behalf of the Board to the Minister recommending that when detaining prisoners, police officers, court officers and custodial officers be provided powers of search consistent with the powers of search provided to correctional officers when detaining prisoners; and

2. That, given that the Minister indicated that powers of search have developed “over time through court decisions dealing with police searches” and “not set out in legislation”, the Chairman specifically refer to the December 6, 2001 decision of the Supreme Court of Canada pertaining to searches in his correspondence to the Minister to request that as the result of the court’s decision, legislation is required.”

I encourage the Board to continue to work on our behalf, to achieve legislative change that will ensure that police and court officers are guaranteed the same protections in law afforded to correctional officers.

Conclusion:

After thoroughly reviewing the court decisions, deputations, policy reviews, and the City of Toronto legal review, I am confident that our current procedure is consistent with the legal issues raised in, and is not in violation of the Supreme Court of Canada decision in the matter of *R. v. Golden*. The current procedure clearly outlines an officer’s responsibilities and addresses all the issues that have been raised. I believe that to change the procedure would negatively affect the safety of all individuals involved in administering the justice system in Toronto, and would seriously expose both the Service and the Board to corporate liability should an injury or death occur as a result of a failure to conduct the appropriate search.

Having said that, I am mindful of the Board’s recommendation that:

“the Board ask interim Chief Boyd to amend Toronto Police Service Procedure 01-02 entitled ‘Search of Persons’ to remove the automatic Level 3 search for persons held in custody pending a Show Cause hearing and insert instead, a requirement that officers engage in a case-by case analysis prior to a person being subject to a Level 3 search as a consequence of being introduced into the prison population.”

Pursuant to that direction, I have provided a copy of our current procedure and a draft version of an amended procedure, which removes the direction of mandatory level 3 searches for those entering the prison population. Due to the sensitive nature of some of the material, the procedures have been provided to you on the confidential agenda.

It is recommended that:

(1) the Board receive this report; and

(2) the Board write to the Federal Minister of Justice requesting that, in light of the suggestion by the Supreme Court of Canada that Parliament should enact legislation which would provide clear and unequivocal rules to police officers with respect to when, where and how “strip searches” incident to arrest should be conducted, the Minister enact such legislation; and

(3) the Board, because of the ambiguous state of the law and potential liability regarding “strip searches” of persons being detained in police facilities, write to the Minister of Community Safety and Correctional Services (Ontario) requesting that police officers, court officers and custodial officers (matrons) be given the same powers of search when detaining a person as have been given to correctional service officers when detaining a prisoner.

Deputy Chief Jane Dick, Executive Command, will be in attendance to answer any questions concerning this report.

Mr. John Sewell, Toronto Police Accountability Coalition, was in attendance and made a deputation to the Board with regard to this matter. Mr. Sewell also provided the Board with a written submission in support of his deputation.

The Board noted that it had reviewed copies of the current Service Procedure and the amended Service Procedure governing Searches of Persons during its in-camera meeting (Min. No. C239/05 refers).

The Board approved the foregoing report and the following Motions:

- 1. THAT the deputation by Mr. Sewell be received;**
- 2. THAT Mr. Sewell’s written submission be referred to Chief Blair for review and that he provide a report to the Board for its October 14, 2005 in-camera meeting indicating whether the points of concern identified by Mr. Sewell as items (a) through (f) in his written submission are addressed in the revised Service Procedure;**
- 3. THAT Chief Blair provide a report to the Board for its October 14, 2005 public meeting indicating whether portions of the new Service Procedure could be released publicly or whether an additional version of the Service Procedure could be produced which is suitable for releasing publicly.**

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002

#P21. REVIEW OF THE SUPREME COURT OF CANADA DECISION ON
STRIP SEARCHES

The Board was in receipt of the following report JANUARY 18, 2002 from Julian Fantino, Chief of Police:

Subject: REVIEW OF THE SUPREME COURT RULING IN THE MATTER OF R. V.
GOLDEN

Recommendation:

It is recommended that:

- (1) the Board receive the following report; and
- (2) the Board request legislative changes to provide clear and unambiguous rules governing strip searches.

Background:

At its meeting on December 13, 2001, the Board requested that I review all Service procedures pertaining to searches of the person, and report back to the Board with respect to the Service's compliance with the December 6, 2001 Supreme Court of Canada decision of R. V. Golden (Board Minute # P363/2001 refers).

On January 18, 1997, Mr. Golden was arrested in a sandwich shop for drug trafficking by the Toronto Police Service. Subsequent to his arrest, the police conducted a search of his person, which included a visual inspection of the accused's underwear and buttocks by pulling back his pants. During this time the officer observed a clear plastic wrap protruding from between his buttocks. The accused was subsequently strip searched, and while being restrained, the item was retrieved and found to contain a quantity of crack cocaine. He was subsequently charged with several offences including Trafficking in a Narcotic.

The accused attempted to have the evidence against him excluded under section 8 of the Charter, on the grounds of an unreasonable search. The trial judge rejected his argument and convicted the accused at trial. The Court of Appeal dismissed the appeal and upheld the conviction.

The accused appealed to the Supreme Court of Canada where, in a 5-4 decision, the appeal was allowed and the conviction overturned.

In their decision, the Court ruled that the common law authority to search an individual incident to a lawful arrest includes the power to strip search, subject to a number of limitations.

The Court also held that a set of guidelines in the form of legislation would greatly assist both the police and the courts in determining where, when and how strip searches should be conducted.

The Toronto Police Service Procedure 01 – 02, entitled Search of Persons, deals with strip search, and is compliant with the majority of this ruling. Our procedure already sets out guidelines that officers must follow when conducting strip searches to ensure that the dignity and privacy rights of an individual are protected.

The decision will, however, have an affect in two areas. The first is the practice of conducting strip searches of those who are detained in police facilities. While acknowledging that there is a greater need to ensure that persons entering the prison population are not concealing weapons or drugs on their person, the Supreme Court goes on to say that this does not justify routine strip searches of individuals who are detained briefly in police cells. It would appear therefore, that the practice of routinely strip searching prisoners before lodging them in police cells, or perhaps even interview rooms, can no longer be condoned.

The second area that the decision will affect is the strip search incident to arrest. The Court has ruled that in order to conduct a strip search incident to arrest not only must the officers have reasonable grounds to make the arrest, they must also have reasonable “and probable” grounds for concluding that a strip search is necessary. A Routine Order (attached) has been issued to reflect this change.

The Supreme Court in its ruling specifically urged that legislation be enacted to give police clear guidelines regarding strip searches. It is, therefore, recommended that the Board urge the Government of Canada to make the necessary amendments to the Criminal Code to provide police with clear and unambiguous rules to govern police in conducting strip searches.

With respect to routine strip searches of persons being detained in police facilities, it can be demonstrated that it is impossible to predict which prisoners may have something secreted on their person which could be a danger to themselves, other prisoners, police officers or other persons. The liability for injury or death caused by an unsearched prisoner is obvious. This reality is recognized in the Corrections field. As a result, specific search powers are given to correctional workers by virtue of Regulation 778 of the Ministry of Correctional Services Act (attached).

It is, therefore, recommended that the Board request that the Government of Ontario amend the Police Services Act to provide police officers and Court Services officers with the same power to search prisoners as those given to Correctional Services officers. Given the potential risks to police and court officers, prisoners and other members of the public, this issue should be given the highest priority.

Conclusion

It is recommended that the Board receive this report and that the Board request the legislative changes described above.

Staff Superintendent David Dicks of Professional Standards will be in attendance to answer any questions that the Board members may have.

The Board agreed to defer consideration of the foregoing report to its February 28, 2002 meeting.

Chairman Gardner advised that, when this report is considered in February, he will recommend that the Board approve the following Motion :

"THAT recommendation no. 2 be replaced with the following recommendations:

1. THAT the Board write to the Federal Minister of Justice requesting that, in light of the suggestion by the Supreme Court of Canada that Parliament should enact legislation which would provide clear and unequivocal rules to police officers with respect to when, where and how "strip searches" incident to arrest should be conducted, the Minister enact such legislation; and
2. THAT the Board, because of the ambiguous state of the law and potential liability regarding "strip searches" of persons being detained in police facilities, write to the Solicitor General of Ontario requesting that police officers, court officers and custodial officers (matrons) be given the same powers of search when detaining a person as have been given to correctional service officers when detaining a prisoner."

A copy of Regulation 778 of the *Ministry of Correctional Services Act* is on file in the Board office.

SEARCH OF PERSONS

On 2001 December 6, the Supreme Court of Canada released their decision in the case of *R. v. Golden*, a case involving the strip search in the field of a person who had been arrested by Toronto police officers for the offence of Drug Trafficking.

In *Golden*, the Supreme Court ruled that strip searches are only valid where they are conducted incident to a lawful arrest for the purpose of; firstly, discovering and seizing weapons to ensure the safety of the police or the detainee or other persons, or, secondly, for the purpose of discovering and preserving evidence. In order to justify such a search, the police must be able to articulate the reasonable and probable grounds for conducting the search.

In addition, the court held that strip searches should normally be conducted at a police station. Strip searches in the field may only be conducted where there are exigent circumstances which require the detainee be searched prior to being transported to a police station. The person conducting the search must be able to articulate the nature of the exigent circumstances.

The Court also held that there is no authority for the proposition that persons being detained by police in police facilities may be automatically or routinely strip searched. Again, the person conducting the search must be able to articulate the reasonable and probable grounds for the necessity of the search.

Unit commanders shall ensure that all members under their command are aware of this decision and are able to articulate their grounds for conducting strip searches where applicable.

Per: Professional Standards - Legal Services

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**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 28, 2002**

**#P33 REVIEW OF THE SUPREME COURT OF CANADA DECISION –
COMPLETE SEARCHES (SEARCHES OF THE PERSON)**

The Board was in receipt of the following report JANUARY 18, 2002 from Julian Fantino, Chief of Police:

Subject: REVIEW OF THE SUPREME COURT RULING IN THE MATTER OF R. V.
GOLDEN

Recommendation:

It is recommended that:

- (1) the Board receive the following report; and
- (2) the Board request legislative changes to provide clear and unambiguous rules governing strip searches.

Background :

At its meeting on December 13, 2001, the Board requested that I review all Service procedures pertaining to searches of the person, and report back to the Board with respect to the Service's compliance with the December 6, 2001 Supreme Court of Canada decision of R. V. Golden (Board Minute # P363/2001 refers).

On January 18, 1997, Mr. Golden was arrested in a sandwich shop for drug trafficking by the Toronto Police Service. Subsequent to his arrest, the police conducted a search of his person, which included a visual inspection of the accused's underwear and buttocks by pulling back his pants. During this time the officer observed a clear plastic wrap protruding from between his buttocks. The accused was subsequently strip searched, and while being restrained, the item was retrieved and found to contain a quantity of crack cocaine. He was subsequently charged with several offences including Trafficking in a Narcotic.

The accused attempted to have the evidence against him excluded under section 8 of the Charter, on the grounds of an unreasonable search. The trial judge rejected his argument and convicted the accused at trial. The Court of Appeal dismissed the appeal and upheld the conviction.

The accused appealed to the Supreme Court of Canada where, in a 5-4 decision, the appeal was allowed and the conviction overturned.

In their decision, the Court ruled that the common law authority to search an individual incident to a lawful arrest includes the power to strip search, subject to a number of limitations.

The Court also held that a set of guidelines in the form of legislation would greatly assist both the police and the courts in determining where, when and how strip searches should be conducted.

The Toronto Police Service Procedure 01 – 02, entitled Search of Persons, deals with strip search, and is compliant with the majority of this ruling. Our procedure already sets out guidelines that officers must follow when conducting strip searches to ensure that the dignity and privacy rights of an individual are protected.

The decision will, however, have an affect in two areas. The first is the practice of conducting strip searches of those who are detained in police facilities. While acknowledging that there is a greater need to ensure that persons entering the prison population are not concealing weapons or drugs on their person, the Supreme Court goes on to say that this does not justify routine strip searches of individuals who are detained briefly in police cells. It would appear therefore, that the practice of routinely strip searching prisoners before lodging them in police cells, or perhaps even interview rooms, can no longer be condoned.

The second area that the decision will affect is the strip search incident to arrest. The Court has ruled that in order to conduct a strip search incident to arrest not only must the officers have reasonable grounds to make the arrest, they must also have reasonable “and probable” grounds for concluding that a strip search is necessary. A Routine Order (attached) has been issued to reflect this change.

The Supreme Court in its ruling specifically urged that legislation be enacted to give police clear guidelines regarding strip searches. It is, therefore, recommended that the Board urge the Government of Canada to make the necessary amendments to the Criminal Code to provide police with clear and unambiguous rules to govern police in conducting strip searches.

With respect to routine strip searches of persons being detained in police facilities, it can be demonstrated that it is impossible to predict which prisoners may have something secreted on their person which could be a danger to themselves, other prisoners, police officers or other persons. The liability for injury or death caused by an unsearched prisoner is obvious. This reality is recognized in the Corrections field. As a result, specific search powers are given to correctional workers by virtue of Regulation 778 of the Ministry of Correctional Services Act (attached).

It is, therefore, recommended that the Board request that the Government of Ontario amend the Police Services Act to provide police officers and Court Services officers with the same power to search prisoners as those given to Correctional Services officers. Given the potential risks to police and court officers, prisoners and other members of the public, this issue should be given the highest priority.

Conclusion:

It is recommended that the Board receive this report and that the Board request the legislative changes described above.

Staff Superintendent David Dicks of Professional Standards will be in attendance to answer any questions that the Board members may have.

Sergeant Scott Weidmark and Court Officer Peter Skrivanos, Officer Safety Section, Training and Education, were in attendance and demonstrated how searches of persons are conducted by Toronto police officers and court officers. They also explained the purpose for conducting searches, circumstances that justify a search and the environmental conditions that must be considered prior to commencing searches.

Several weapons previously seized by Toronto officers during complete searches were shown to the Board. Sergeant Weidmark also identified the areas where these weapons and drugs could easily be concealed in clothing and on the person.

Sergeant Weidmark advised the Board that following the December 6, 2001 release of the Supreme Court of Canada decision in the matter involving R. v. Golden there has been a lot of confusion understanding when searches are now authorized.

Chief Fantino emphasized that this confusion has led to serious officer safety issues and safety concerns for persons in custody.

Mr. John Sewell, Toronto Police Accountability Coalition, was in attendance and made a deputation to the Board. A copy of a written submission (dated February 21, 2002) provided by Mr. Sewell is on file in the Board office.

The Board approved the following Motions:

- 1. THAT the Board receive Mr. Sewell's deputation and his written submission;**
- 2. THAT, with respect to the foregoing report from Chief Fantino, recommendation no. 2 be replaced with the following recommendations and approved as amended:**
 - (a) THAT the Board write to the Federal Minister of Justice requesting that, in light of the suggestion by the Supreme Court of Canada that Parliament should enact legislation which would provide clear and unequivocal rules to police officers with respect to when, where and how "strip searches" incident to arrest should be conducted, the Minister enact such legislation; and**

- (b) **THAT the Board, because of the ambiguous state of the law and potential liability regarding “strip searches” of persons being detained in police facilities, write to the Solicitor General of Ontario requesting that police officers, court officers and custodial officers (matrons) be given the same powers of search when detaining a person as have been given to correctional service officers when detaining a prisoner;**
- 3. THAT the Chief of Police provide a report to the Board recommending a protocol and/or interim guidelines or policy that complies with the Supreme Court of Canada decision in the matter involving of R. v. Golden pending passage of appropriate search rules in federal and/or provincial legislation;**
- 4. THAT the report noted in Motion No. 3 also include whether the British search rules referenced in the R. v. Golden decision and the rules in other jurisdictions and the possible application of the legislative model in other jurisdictions in Toronto, satisfy the requirements of the Supreme Court of Canada;**
- 5. THAT all future references to searches of the person used by the Service in reports, routine orders and policies be identified as *complete searches* or *searches of the person* rather than *strip searches*;**
- 6. THAT the Board send copies of this Minute to the Ontario Association of Police Services Board and the Canadian Association of Police Boards along with a request that they support the Board’s recommendations noted in Motion No. 2 and that they send similar recommendations to the federal and provincial governments.**

SEARCH OF PERSONS

On December 6, 2001, the Supreme Court of Canada released their decision in the case of R. v. Golden, a case involving the strip search in the field of a person who had been arrested by Toronto police officers for the offence of Drug Trafficking.

In Golden, the Supreme Court ruled that strip searches are only valid where they are conducted incident to a lawful arrest for the purpose of; firstly, discovering and seizing weapons to ensure the safety of the police or the detainee or other persons, or, secondly, for the purpose of discovering and preserving evidence. In order to justify such a search, the police must be able to articulate the reasonable and probable grounds for conducting the search.

In addition, the court held that strip searches should normally be conducted at a police station. Strip searches in the field may only be conducted where there are exigent circumstances which require the detainee be searched prior to being transported to a police station. The person conducting the search must be able to articulate the nature of the exigent circumstances.

The Court also held that there is no authority for the proposition that persons being detained by police in police facilities may be automatically or routinely strip searched. Again, the person conducting the search must be able to articulate the reasonable and probable grounds for the necessity of the search.

Unit commanders shall ensure that all members under their command are aware of this decision and are able to articulate their grounds for conducting strip searches where applicable.

Per: Professional Standards - Legal Services



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Ontario Association of POLICE SERVICES BOARDS

May 24, 2002

Norm Gardner
Chair
Toronto Police Services Board
40 College Street, 7th Floor
Toronto, ON M5G 2J3



Dear Mr. Gardner;

Attached please find a copy of the resolution that was approved by at the 40th Annual General Meeting of the Ontario Association of Police Services Boards (OAPSB). The OAPSB Board of Directors has forwarded this resolution and the others approved by the delegates to the appropriate Minister for consideration and a response back to the Association.

This resolution is now posted on the OAPSB web site and when a response is received from the government, it too will be posted along with the resolution. The Executive Committee of the OAPSB will be meeting with the Minister of Safety and Security later this year to discuss many of the issues raised through the Association's resolutions process and through other means. The OAPSB Board will keep your Board and the many other member Boards informed of its discussions with the Minister through Director reports to Zone meetings, the OAPSB newsletter and the OAPSB web site.

On behalf of the Board of Directors I would like to thank your Police Services Board for raising this issue, through the attached resolution. It is an issue that is clearly shared by many police services boards across this province.

Yours truly,

Chris Moran,
President

10 Peel Centre Drive, Brampton, ON L6T 4B9
Tel: (905) 458-1488 1 (800) 831-7727 Fax: (905) 458-2260 Email: admin@oapSB.ca

**2002-06 REQUEST FOR FEDERAL AND PROVINCIAL LEGISLATION
GOVERNING SEARCHES OF PERSONS**

FROM: TORONTO POLICE SERVICES BOARDS

THAT the Board write to the Federal Minister of Justice requesting that, in light of the suggestion by the Supreme Court of Canada that Parliament should enact legislation which would provide clear and unequivocal rules to police officers with respect to when, where and how "strip searches" incident to arrest should be conducted, the Minister enact such legislation; and

THAT the Board, because of the ambiguous state of the law and potential liability regarding "strip searches" of persons being detained in police facilities, write to the Solicitor General of Ontario requesting that police officers, court officers and custodial officers (matrons) be given the same powers of search when detaining a person as have been granted to correctional services officers when detaining a prisoner.

SUPPLEMENTARY INFORMATION

The Toronto Police Service had evidence excluded under section 8 of the Charter from a specific strip search incident in an appeal to the Supreme Court of Canada. The Court overturned a conviction for trafficking in a narcotic.

In its decision, the Court ruled that the common law authority to search a subject of a lawful arrest includes the power to strip search, subject to a number of limitations. The Court also held that a set of guidelines in the form of legislation would greatly assist both the police and the courts in determining where, when and how strip searches should be conducted.

It can be demonstrated that it is impossible to predict which prisoners may have something concealed on their person which could be a danger to themselves, other prisoners, police officers or other persons. The liability for injury or death caused by an unsearched prisoner is obvious. This reality is recognized in the corrections field and as a result, specific search powers are given to correctional workers by virtue of Regulation 778 of the Ministry of Correctional Services Act.

The Supreme Court in its ruling specifically urged that legislation be enacted to give police clear guidelines regarding strip searches. This will require amendments to the Criminal Code to provide clear and unambiguous rules to govern police in conducting strip searches.

COMMITTEE RECOMMENDATION:

The Resolutions Committee recommends support of this resolution.

CONFERENCE ACTION:

Approved by the Conference delegates.

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Resolution 02-8:

REQUEST FOR LEGISLATION GOVERNING SEARCHES OF PERSONS

WHEREAS the Supreme Court of Canada in the case of R. v. Golden stated that a set of guidelines in the form of legislation would greatly assist both the police and the courts in determining where, when and how strip searches should be conducted;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards write to the Federal Minister of Justice requesting that, in light of the suggestion by the Supreme Court of Canada that Parliament should enact legislation which would provide clear and unequivocal rules to police officers with respect to when, where, and how strip searches incident to arrest should be conducted, the Minister enact such legislation.

[Close]

- COPY -

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 31, 2002**

**#P210. RESPONSE TO REQUEST FOR LEGISLATION GOVERNING SEARCHES
OF PERSONS**

The Board was in receipt of the attached correspondence, dated June 25 2002, from The Honourable Robert Runciman, Minister of Public Safety & Security, with regard to the Board's earlier recommendation that legislation be developed to govern searches of persons.

The Board inquired whether the Service's current policy regarding searches of persons complies with the December 6, 2001 decision of the Supreme Court of Canada. Chief Fantino confirmed that the Service directive governing searches of persons is consistent with the Supreme Court decision.

The Board received the foregoing and approved the following Motions:

- 1. THAT, given that the Minister's response does not specifically address the Board's original recommendation with regard to powers of search for police officers, court officers and custodial officers, the Chairman send another letter, on behalf of the Board, to the Minister recommending that when detaining prisoners, police officers, court officers and custodial officers be provided powers of search consistent with the powers of search provided to correctional officers when detaining prisoners; and**
- 2. THAT, given that the Minister indicated that powers of search have developed "over time through court decisions dealing with police searches" and "not set out in legislation", the Chairman specifically refer to the December 6, 2001 decision of the Supreme Court of Canada pertaining to searches in his correspondence to the Minister to request that as the result of the court's decision, legislation is required.**

Ministry of Public Safety
and Security

Office of the
Minister

25 Grosvenor Street
18th Floor
Toronto ON M7A 1Y6
Tel: 416-325-0408
Fax: 416-325-6067

Ministère de la Sûreté
et de la Sécurité publique

Bureau du
ministre

25, rue Grosvenor
18^e étage
Toronto ON M7A 1Y6
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Télééc: 416-325-6067



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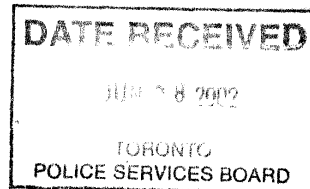
Mr. Bas Balkissoon
Acting Chair
Toronto Police Services Board
40 College Street
Toronto ON M5G 2J3

Dear Mr. Balkissoon:

Thank you for your letter, addressed to the former Minister, regarding the Toronto Police Services Board's request for legislation governing searches of persons. I am pleased to respond and apologize for the delay.

I have noted your Board's recommendation regarding powers of search when detaining an individual. As you know, neither the Ontario *Police Services Act* nor the *Criminal Code of Canada* provides a statutory framework for the conduct of police searches of the person. Although police officers have broad powers to search individuals in circumstances relating to arrest and detention, these search powers are not set out in legislation but have developed over time through court decisions dealing with police searches.

As you know, Ontario Regulation 3/99, the Adequacy and Effectiveness of Police Services Regulation under the *Police Services Act*, requires every police service in Ontario to have policies and procedures in place with respect to the search of persons. To support police services with the implementation of this requirement, the ministry released the Search of Persons Guideline that is included in the Policing Standards Manual 2000. This guideline addresses a range of issues, including the compliance of members of the police service with the legal, constitutional and case law requirements relating to when and how searches of persons are to be undertaken. For your information, I have enclosed a copy of this guideline.



.../2

Mr. Bas Balkissoon
Page two

I trust that this information is of assistance to you. Thank you again for bringing this matter to my attention.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Runciman". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Robert W. Runciman, MPP
Leeds-Grenville
Minister

Enclosure

Toronto Police Accountability Coalition
c/o 50 Baldwin Street,
Toronto, ON M5T 1L4.
www.tpac.ca

September 6, 2005.

Chair and Members,
Toronto Police Service Board

Subject: Strip Searches

Our organization has been concerned about strip searches since the *Golden* decision by the Supreme Court of Canada in late 2001. We proposed recommendations to the Board on February 28, 2002, suggesting a procedure that in our opinion protected the public, protected the police and was in conformity with the *Golden* decision.

On March 8, 2005 the Board passed a motion asking the Interim Chief to amend the strip search policy so it would not be automatic and instead require officers to engage in a case by case analysis prior to a strip search being undertaken. Chief Blair indicates at the end of his July 22 report that he has amended the procedure as proposed, but he has not made the procedure public so we have no idea of what it says.

The information available to the public on the current frequency of strip searches is hearsay at best. As the Board knows, the internal police information system is not operative (in spite of expenditures of almost \$20 million), so there is no firm information on strip searches currently conducted by the Toronto police.

We believe that almost everyone who is arrested and put in a cell at a police station is strip searched. We believe strip searches constitute one form of intimidation of members of the public arrested by the police. Many survivors of sexual assault find them particularly traumatizing. While the Chief states in his report that "Safety is the overriding interest in conducting any level 3 search" we believe that protection of the public from unwarranted strip searches is of at least as great an interest.

The police case for strip searching would be considerably strengthened if the police could show that in virtually every case where a strip search is undertaken dangerous or contraband material was uncovered. However, that information is not available. We believe such materials are rarely uncovered during strip searches – that most strip searches produce nothing at all except for a terrified, traumatized, prisoner.

It is for that reason we believe that before this intimidating procedure is undertaken the police officer should be required to show reasonable grounds to undertake the search. That was one of the criteria laid out in the *Golden* decision. Another criteria in *Golden* is that the strip search is being conducted for a permissible purpose, that is to discover weapons, to discover perceived evidence related to the reason for the arrest, or to ensure that safety of police, the detainee or other persons.

We believe that these are the conditions under which a strip search should be undertaken. We would again recommend to you that the policy should include the following, as we recommended in February 2002:

- a) including a statement that strip searches are not a routine police practice but are done only in exceptional circumstances;
- b) deleting the consent of a person as an authorization for a strip search, since any consent will most often be given under duress;
- c) requiring that in advance of any strip search, the officer write, on a form designed for this purpose, the reasonable and probable grounds making the search necessary, and that these grounds be approved by a supervisor before a strip search may take place;
- d) strip search authorization forms be forwarded to the Chief on a monthly basis so the chief may report monthly to the Board, including the percentage of strip searches which uncovered dangerous or contraband material;
- e) where it is necessary and there are appropriate grounds to conduct a strip search, it must be conducted not only by a member of the same sex but outside of the presence of members of the opposite sex. Transgender/transsexual people must be accommodated and their Charter rights protected - consultation with this community is required;

f) Anyone subject to a search should be advised of available complaint procedures, and given the extreme violative nature of an illegal strip search (as recognized in *Golden*), the complaint procedures be improved to address such complaints;

We urge the Board to act in a manner which protects the public from unreasonable strip searches. We think this can be done with the policy that we have recommended and we would urge the Board to adopt it.

Yours truly,

A handwritten signature in black ink, appearing to read "J. Sewell", written in a cursive style.

John Sewell
on behalf of
Toronto Police Accountability Coalition.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

#P289. POLICE IDENTIFICATION ON UNIFORMS

The Board was in receipt of the following report August 11, 2005 from William Blair, Chief of Police:

Subject: POLICE IDENTIFICATION ON UNIFORMS

Recommendation:

It is recommended that: the Board approve the implementation of police identification on uniforms in 2005.

Background:

At its meeting held on June 13, 2005, *“Chief Blair advised the Board that the Service has established September 2005 as the target date for providing the Board with a report identifying the approximate costs related to the purchase of nametags or other identification as well as providing the Board with samples of the potential nametags/identification”* (B.M. #P197/05 refers).

A style of nametag has been decided upon and the tendering process has been completed. Twelve (12) companies were invited to submit bids. In addition, the request for quotation was posted on the Toronto Police Service’s website. Two bids have been received from the firms noted below:

1. Jeffrey Allan & Associates Incorporated
2. Dominion Regalia Limited

Of the two (2) received, Jeffrey Allan & Associates Incorporated have withdrawn their bid as they are unable to produce the nametags to the specifications outlined in the tender document. Dominion Regalia Limited, being the only other bid received, has been recommended for the production of the nametags. The nametag they offer meets our standards and specifications.

The approximate costing of \$127,000.00 would allow for the purchase of two engraved nametags per police officer (including Canadian flag and Service crest), and 5,000 blank nametags for replacement purposes and new recruits. A pre-production sample will be available for the Board’s viewing at the September Board meeting.

In addition, it is proposed that an engraving machine be purchased and the engraving for new recruits and replacement nametags be done in-house at Fleet and Materials Management. The purchase of this machine will allow for the immediate replacement of nametags in the event of

loss or damage. If an officer requires a new nametag, they would attend Fleet and Materials Management to obtain the replacement. This would remove any delays involved if the replacement nametags were being custom ordered. The Ontario Provincial Police (O.P.P.) currently engrave their nametags in-house. The Service has identified the make and model used by the O.P.P. and has obtained an approximate costing of \$15,000.00.

A breakdown of the total approximate costing is as follows:

10,600 Engraved Nametags @ \$8.40 each + taxes = approximately \$102,396.00
5,000 Blank Nametags @ \$4.20 each + taxes = approximately \$24,150.00
Engraving Machine = approximately \$15,000.00

Total approximate cost = \$142,000.00

The Service's 2005 operating budget does not include funds for these purchases. However, the Service is projecting a favourable variance for 2005 (as reported to the Board at its August 11, 2005 meeting). The purchase of the nametags and engraving machine can be accommodated from the 2005 variance, thus allowing implementation of this initiative in 2005. If the 2005 surplus is not utilised, then the Service will incorporate the funding request into the 2006 operating budget and implementation of the initiative would not occur until 2006 (assuming the funds are approved).

Conclusion:

It is recommended that the Board approve the implementation of police identification on uniforms in 2005.

Mr. Angelo Cristofaro, Acting Chief Administrative Officer, Corporate Support Command, will be in attendance to answer any questions the Board members may have.

Mr. Angelo Cristofaro, Acting Chief Administrative Officer, was in attendance and responded to questions by the Board about this report. A sample of the proposed nametag was also displayed to the Board.

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

**#P290. SPECIAL CONSTABLES – APPOINTMENTS: UNIVERSITY OF
TORONTO**

The Board was in receipt of the following report July 29, 2005 from William Blair, Chief of Police:

Subject: APPOINTMENT OF SPECIAL CONSTABLES FOR THE UNIVERSITY OF
TORONTO (U of T)

Recommendation:

It is recommended that: the Board approve the appointment of the individuals listed in this report as special constables for the University of Toronto (U of T), subject to the approval of the Minister of Community Safety and Correctional Services (the Minister).

Background :

Under Section 53 of the Police Services Act of Ontario (the Act), the Board is authorized to appoint special constables, subject to the approval of the Minister. Pursuant to this authority, the Board entered into an agreement with the U of T for the administration of special constables. (Board Minute #571/94, refers).

At its meeting on January 29, 1998, the Board approved that requests for appointment of special constables, who are not members of the Service, be forwarded to the Board with the Chief's recommendation, for the Board's consideration (Board Minute #41/98, refers).

The Service has received a request from Mr. Darcy Griffith, Manager, U of T that the following individuals be appointed as special constables:

1. Chris CHARALAMBOUS
2. Darcy GRIFFITH
3. Jan KLOSEK
4. Natalie MATTHEWS
5. Tim MORDEN
6. Chris MOY
7. Iain MUNCIE

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

The agreement between the Board and the U of T requires that background investigations be conducted on individuals recommended for appointment as special constables. The Service's Employment Unit completed background investigations on the individuals listed in this report and there is nothing on file to preclude any of them from becoming special constables.

The U of T has advised that the individuals meet the U of T hiring criteria and have successfully completed the mandatory U of T special constable training program conducted by the U of T for their special constables.

It is therefore recommended that the Board approve the appointment of the individuals listed in this report as special constables for the U of T, subject to the approval of the Minister.

Acting Deputy Chief Gary Grant, Policing Support Command, will be in attendance to respond to any questions that 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 SEPTEMBER 06, 2005**

**#P291. SPECIAL CONSTABLES – APPOINTMENTS: TORONTO TRANSIT
COMMISSION**

The Board was in receipt of the following report July 25, 2005 from William Blair, Chief of Police:

Subject: APPOINTMENT OF SPECIAL CONSTABLES FOR THE TORONTO
TRANSIT COMMISSION (TTC)

Recommendation:

It is recommended that: the Board approve the appointment of the individuals listed in this report as special constables for the Toronto Transit Commission (TTC), subject to the approval of the Minister of Community Safety and Correctional Services (the Minister).

Background:

Under Section 53 of the Police Services Act of Ontario (the Act), the Board is authorized to appoint special constables, subject to the approval of the Minister. Pursuant to this authority, the Board entered into an agreement with the TTC for the administration of special constables (Board Minute 39/96 refers).

At its meeting on January 29, 1998, the Board approved that requests for appointment of special constables, who are not members of the Service, be forwarded to the Board with the Chief's recommendation, for the Board's consideration (Board Minute 41/98, refers).

The Service has received a request from Vincent Rodo, General Manager, Executive Branch, General Secretary, TTC, that the following (3) individuals be appointed as special constables:

1. Richard Joseph CLAVEAU
2. Richard Jackson RIDGE
3. Michael Jan SCHMIDT

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

The agreement between the Board and the TTC requires that background investigations be conducted on all individuals recommended for appointment as special constables. The Service's Employment Unit completed background investigations on the individuals and there is nothing on file to preclude them from becoming special constables.

The TTC has advised that the applicants meet the TTC hiring criteria and have successfully completed the mandatory training program conducted by the TTC for their special constables.

It is therefore recommended that the Board approve the appointment of the individuals listed in this report as special constables for the TTC, subject to the approval of the Minister.

Acting Deputy Chief Gary Grant, Policing Support Command will be in attendance to respond to any questions that Board members 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 SEPTEMBER 06, 2005**

**#P292. SPECIAL CONSTABLES – APPOINTMENTS: TORONTO COMMUNITY
HOUSING CORPORATION**

The Board was in receipt of the following report July 21, 2005 from William Blair, Chief of Police:

Subject: APPOINTMENT OF SPECIAL CONSTABLES FOR THE TORONTO
COMMUNITY HOUSING CORPORATION (TCHC)

Recommendation:

It is recommended that: the Board approve the appointment of the individuals listed in this report as special constables for the Toronto Community Housing Corporation (TCHC), subject to the approval of the Minister of Community Safety and Correctional Services (the Minister).

Background :

Under Section 53 of the Police Services Act of Ontario (the Act), the Board is authorized to appoint special constables, subject to the approval of the Minister. Pursuant to this authority, the Board entered into an agreement with the former Metropolitan Toronto Housing Authority (MTHA), now called the Toronto Community Housing Corporation (TCHC), for the administration of special constables as a pilot project (Board Minute #414/99, refers).

At its meeting on January 29, 1998, the Board approved that requests for appointment of special constables, who are not members of the Service, be forwarded to the Board with the Chief's recommendation, for the Board's consideration (Board Minute #41/98, refers).

On May 27, 2004, the Board approved 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 (Board Minute #P146/04, refers).

The Service has received a request from Dioclecio (Dio) De Brito, Manager, Operations, TCHC Community Safety Unit, that the following eleven (11) individuals be appointed as special constables.

- | | |
|----------------------|----------------------|
| 1. Kristian ALBANO | 7. Zeaoul MOHAMMED |
| 2. Richard BEAUBIEN | 8. Jamie POWELL |
| 3. Thomas BIZZETT | 9. Alexander SHEFLER |
| 4. Yarko FANOK | 10. Richard YORK |
| 5. Darlene HURLEY | 11. William VRIESWYK |
| 6. Constantine JAMES | |

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 and Mental Health Act on TCHC property within the City of Toronto.

The agreement between the Board and the TCHC requires that background investigations be conducted on all individuals recommended for appointment as special constables. The Service's Employment Unit completed background investigations on the individuals and there is nothing on file to preclude them from becoming special constables.

The TCHC has advised that the applicants meet the TCHC hiring criteria and have successfully completed the mandatory training program conducted by the TCHC for their special constables.

It is therefore recommended that the Board approve the appointment of the individuals listed in this report as special constables for the TCHC, subject to the approval of the Minister.

Acting Deputy Chief Gary Grant, Policing Support Command, will be in attendance to respond to any questions that Board members 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 SEPTEMBER 06, 2005**

#P293. LEGAL INDEMNIFICATION – CASE NO. SH/2005

The Board was in receipt of the following report July 27, 2005 from William Blair, Chief of Police:

Subject: LEGAL INDEMNIFICATION - CASE NO. SH/2005

Recommendation:

It is recommended that: the Board deny payment of an account from Mr. Andrew McKay, Barrister and Solicitor, in the total amount of \$2,193.50 for his representation of a court officer in a criminal matter.

Background:

A court officer has requested payment of legal fees under the legal indemnification clause of the Unit "C" Collective Agreement. The statement of account from Mr. Andrew McKay, Barrister and Solicitor, in the amount of \$2,193.50 for representing the aforementioned court officer has been received.

This report corresponds with additional information provided on the Confidential Agenda.

It is recommended that this account be denied.

Mr. William Gibson, Director, Human Resources, will be in attendance to respond to any questions the Board may have in regard to this matter.

The Board agreed to defer consideration of the foregoing report to its October 14, 2005 meeting.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

**#P294. RESPONSE TO JURY RECOMMENDATIONS FROM THE INQUEST
 INTO THE DEATH OF NICHOLAS BLENTZAS**

The Board was in receipt of the following report August 17, 2005 from William Blair, Chief of Police:

Subject: INQUEST INTO THE DEATH OF NICHOLAS BLENTZAS

Recommendation:

It is recommended that:

- (1) the Board receive this response to the Coroner's Jury recommendations from the inquest into the death of Nicholas Blentzas; and
- (2) the Board Administrator forward a copy of this report to the Chief Coroner for the Province of Ontario.

Background :

On June 22, 2002, police officers were dispatched to an apartment building for a report of a man, later identified as Mr. Nicholas Blentzas, striking a door with a fire extinguisher. Police arrived on scene to find Mr. Blentzas throwing himself against his apartment door. Mr. Blentzas advised the officers that he was being treated for a psychiatric illness, and agreed to accompany them to the hospital for an assessment. Mr. Blentzas voluntarily accompanied the officers into the elevator, however he ran away when the doors opened in the lobby.

The officers gave chase and caught up with Mr. Blentzas across the street from the apartment building, and attempted to restrain him physically with oleoresin capsicum spray (pepper spray) in order to arrest him under the Mental Health Act. Shortly thereafter, Mr. Blentzas collapsed.

An ambulance was called, and paramedics arrived to find Mr. Blentzas lying on the ground, vital signs absent. Resuscitative efforts were unsuccessful and Mr. Blentzas was pronounced dead at Toronto East General Hospital. The investigating coroner ordered that a post-mortem examination be performed at the Coroners Building in Toronto.

On March 15, 2005, at the conclusion of the inquest into this death, the coroner's jury determined the cause of death to be Excited Delirium/Restraint Asphyxia associated with a underlying psychiatric illness. The coroner's jury made three (3) recommendations, of which recommendations 1 and 3 were directed at the Toronto Police Service.

Response to Coroner's Jury Recommendations
Recommendation #1

That the Chief of Police of the Toronto Police Service and Toronto Police Services Board:

- (i) Enhance and continue to ensure that new recruits are taught:
 - (a) The signs and symptoms of excited delirium;
 - (b) That excited delirium constitutes a medical emergency; and
 - (c) The risks associated with the physical restraint of persons experiencing an episode of excited delirium.

- (ii) Enhance and continue to ensure that all police officers and court officers receive a yearly refresher, during their training, on oleoresin capsicum (pepper spray), emphasizing:
 - (a) The signs and symptoms of excited delirium;
 - (b) That excited delirium constitutes a medical emergency; and
 - (c) The risks associated with the physical restraint of persons experiencing an episode of excited delirium.

Response:

The Toronto Police Service is compliant with this recommendation. As part of the Basic Constable Training Course conducted at Ontario Police College, recruit officers are taught the signs and symptoms of excited delirium, that this state constitutes a medical emergency, and the risks associated with the physical restraint of a person experiencing an episode of excited delirium.

Through hands-on training, the Ontario Police College instructors use healthy recruits during role playing scenarios to demonstrate to the recruits the experience of being physically restrained in the prone position.

In addition to the training received by new recruits, training in the use of Oleoresin Capsicum (OC) is included as part of the Advanced Patrol Training and Use of Force training, which all officers are required to attend and successfully complete on a yearly basis. The Toronto Police Service procedures entitled 'Arrest' (01-01) and 'Transportation of Persons in Custody' (01-03), as well as the Medical Advisory Notes also include information about excited delirium, acknowledges this medical condition, and provides direction regarding prevention techniques (see Appendix 'A').

Recommendation #3

That the Ontario Police College, the Chief of Police of the Toronto Police Service and the Toronto Police Services Board consider the inclusion of the facts surrounding Nicholas Blentzas death in the scenario role-playing exercises or case studies they use to train officers on excited delirium. Any such reference to the facts in this case shall ensure complete anonymity on behalf of Nicholas Blentzas.

Response

The Toronto Police Service is compliant with Recommendation #3. Prior to being issued with and receiving authorization to use OC, Service members must receive initial training. Further, OC refresher training is included in the annual Advanced Patrol Training and Use of Force training. All OC courses include training on the causes, symptoms and increased risks to persons associated with Excited Delirium and positional asphyxia. The training and discussions include in general the series of events that have led in the past to excited delirium and positional asphyxia deaths, equivalent to those found in the death of Mr. Nicholas Blentzas.

Conclusion

The Toronto Police Service is committed to ensuring that the appropriate training is provided to its members, and we are confident that the training currently in place adequately addresses the Jury's recommendations.

It is recommended that the Board receive this response to the Coroner's Jury recommendations from the inquest into the death of Mr. Nicholas Blentzas, and that the Board Administrator forward a copy to the Office of the Chief Coroner.

Mr. A. Cristofaro, Acting Chief Administrative Officer, Corporate Support Command, will be in attendance to answer any questions concerning this report.

The Board approved the foregoing.

Appendix 'A'

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

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

Due to their inclination to violence and extreme exertion, persons exhibiting the symptoms of Excited Delirium are often restrained for their own protection and the protection of others. Members should be aware that **certain restraint positions (i.e. stomach down) might compromise heart and lung functions increasing the risk of death** (positional asphyxia). Unless circumstances make it impossible, the person should be restrained in a sitting position while being be closely watched. Use of the sitting position permits easier breathing and cardiac function while affording good positional control over the individual.

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

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

**#P295. TORONTO POLICE SERVICE – 2005 CAPITAL BUDGET VARIANCE
AS AT JUNE 30, 2005**

The Board was in receipt of the following report August 08, 2005 from William Blair, Chief of Police:

Subject: 2005 CAPITAL BUDGET VARIANCE REPORT FOR THE TORONTO
POLICE SERVICE AS AT JUNE 30, 2005

Recommendation:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward this report to the City's Deputy City Manager and Chief Financial Officer, and to the City Policy and Finance (P&F) Committee for information.

Background :

Toronto City Council, at its meeting of February 25, 26, 27, 28 and March 01, 2005 approved the Toronto Police Service's (TPS) 2005 - 2009 Capital Budget at a total expenditure of \$30.6 Million (M) for 2005, and a total of \$198.2M for 2005 – 2009.

The following provides details of the capital budget variance for the year 2005 as of June 30, 2005.

Summary of Capital Projects:

Attachment A provides a summary of the twenty-eight projects in 2005, of which seventeen projects are continuing from 2004, and eleven projects are starting in 2005. Capital projects are managed within a total approved project amount that spans over several years, and any unspent budget allocation from previous years is carried forward to future years. The carry forward amount from 2004, not included in the \$30.6M, is \$8.7M and therefore, the available expenditure for 2005 is \$39.3M (\$30.6M + \$8.7M).

The Service is projecting a 2005 year-end expenditure of \$34.3M against the \$39.3M available spending amount. This provides an under-expenditure of \$5.0M for 2005 that will be carried forward to 2006.

Variances

The following explanations are provided for 2005 projects reflecting a variance when compared to the available spending amount. All other projects are within the approved budget and timeframe.

Information Technology (IT) related projects:

- Police Integration System – This project provides for the creation of network connections between various systems (internally and externally). It provides funding for eight different projects. At this point, TPS anticipates \$1.2M cash carry forward to 2006 for projects such as Geocoding (statistical systems), Reporting tools and Inventory Asset Management System. The primary reason for the delay is the Request for Proposal (RFP) evaluation for Inventory Asset Management took longer than originally expected.
- Mobile Data Network Conversion – This project was scheduled to start in 2004; however, it is currently on hold awaiting a determination of type of network to be used.
- Jetforms – The cost of replacing this system is currently estimated at \$1.2M based on information from Adobe (the company that acquired Jetforms); however, a Request For Proposal (RFP) will confirm the cost and determine a vendor. The estimated time to complete this project and convert approximately 600 forms that are used extensively throughout the Service for business, investigative and legal process is 18 months. It is anticipated that \$0.3M will be spent in 2005 for server hardware and development software licenses, and the remaining \$0.9M will be carried forward to 2006.
- HRMS additional functionality – In late 2004, Peoplesoft was purchased by Oracle. The project was delayed as the ramifications of the Oracle acquisition were unknown, and therefore it was not prudent to invest in any enhancements at that time. However, Oracle has indicated that current Tools and Platforms will be supported for the duration of the product support - at least until 2013 for the currently released products. As a result of this delay, the Service will be able to spend only \$0.15M to year-end. The remaining \$ 0.35M will be carried forward to 2006.

Other projects:

- New Training Facility – This project provides for the construction of a new Police College (replacing C.O. Bick), a training facility for Firearm/Defensive Tactics and a Driver Training Track. It is anticipated that \$3.6M of \$4.6M available funding will be utilised during 2005 due to delays in developing a co-ordinated design with the Department of National Defence (DND). Discussions between the Toronto Police Service (TPS), the City of Toronto, and DND commenced in order to reach a partnership agreement. The environmental assessment process is continuing and all the fieldwork is complete. Shore Tilbe Irwin Architects have been appointed Architect of Record. Toryork Driver Training Pad work has commenced. The remaining amount of \$0.95M will be carried forward to 2006.

- 23 Division – Design, working drawings, and specifications are complete and the Construction Manager has been hired. A sod turning ceremony took place on July 8, 2005, and a building permit application has been filed. At this time, the Service is projecting to spend \$5.3M of the \$7.3M available funding in 2005 due to delays in receiving provisional site plan approval. The remaining amount of \$2M will be carried forward to 2006. The delay in receiving the provisional Site Plan approval was due to a number of conditions and requests required by the City’s Planning Department. These requests included: changing the location of the building on site, removing the fencing, redesigning the parking area, upgrading the landscaping and building a sidewalk. Negotiating and resolving the above issues took approximately 8 months.
- 11 Division – This project provides for building a new 11 Division. A verbal authorization has been received from the Toronto Transit Commission (TTC) to use the land at 640 Lansdowne Avenue, and a written confirmation is expected to follow. TPS has requested the City to start the environmental assessment process. TPS will commence the process of selecting the Architect in the fall. At this time, the Service is projecting to spend \$0.3M of the \$0.5M available funding in 2005 due to delays in land transfer from the TTC. The remaining amount will be carried forward to 2006.
- 43 Division – This project provides for building a new 43 Division. This project is almost 70% complete, and as a result, it shows a greater expenditure than planned in 2005; however, the total expenditure remains within the project cost.

Summary

The Toronto Police Service is projecting a 2005 year-end under-expenditure of \$5.0M. The projected 2005 expenditure represents 87% of the total available amount. This under-expenditure will continue to be monitored, and if necessary, carried forward into 2006, and reflected in the 2006-2010 Capital submission. Projects continue to be monitored closely to ensure that they remain within the total project budget and on schedule.

It is recommended that the Board receive this report and forward it to the City’s Deputy City Manager and Chief Financial Officer, and to the City Policy and Finance (P&F) Committee for information.

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

Mr. Angelo Cristofaro, Acting Chief Administrative Officer, was in attendance and advised the Board that, with regard to the proposed new No. 11 Division, any impression that may have been left by the foregoing report that an agreement relating to the acquisition of the property for No. 11 Division had been completed was inaccurate. He wanted to correct any misimpression by assuring the Board that the Service continues to participate in discussions regarding the use of the property by the Service for a new station, having particular regard to environmental matters.

The Board received the foregoing report and agreed to forward copies to the City Deputy Manager and the City Policy and Finance Committee for information.

CAPITAL BUDGET VARIANCE REPORT AS AT JUNE 30, 2005

Project Name (\$000s)	Available to Spend in 2005	YTD Actual + Commitment as at June 30, 2005	2005 Projected Actual	Year- End Variance (Over)/ Under	Total Project Cost
Continuing Projects:					
Livescan Fingerprinting System	285.7	1.0	285.7	0.0	4,979.4
Police Integration System	2,286.1	300.3	1,086.1	1,200.0	5,250.0
State of Good Repair-Police	1,857.1	1,529.9	1,857.0	0.0	8,700.0
New Training Facility	4,550.1	2,023.3	3,600.0	950.1	50,900.0
23 Division	7,331.9	290.5	5,300.0	2,031.9	15,156.0
11 Division	500.0	0.0	300.0	200.0	16,900.0
Boat Replacement	567.0	491.3	567.0	0.0	1,368.0
43 Division	5,428.7	6,333.6	6,428.7	(1,000.0)	12,700.0
Traffic Services and Garage Facility	3,532.9	3,453.3	3,532.9	0.0	8,600.0
Mobile Data Network Conversion	900.0	0.0	0.0	900.0	900.0
Voice Logging Recording System	640.5	386.1	640.5	0.0	804.0
Lawfully Authorized Electronic Surveillance	1,850.0	0.0	1,850.0	0.0	1,850.0
Investigative Voice Radio System	58.9	1,258.8	1,258.8	(1,199.9)	3,600.0
Occupational Health & Safety Furniture Life Cycle Replacement	820.9	731.8	820.9	0.0	3,000.0
Mobile Command Post Vehicle	450.0	214.1	450.0	0.0	750.0
Police Command Centre	680.8	670.3	680.8	0.0	725.0
Facility Fencing	1,509.0	801.5	1,509.0	0.0	3,660.0
2005 New Projects:					
Smartzone Upgrade	500.0	959.5	500.0	0.0	500.0
Centracom Upgrade	400.0	312.5	400.0	0.0	400.0
Replacement of Call Centre Management Tools	590.0	0.0	590.0	0.0	886.0
In – Car Camera	538.0	11.8	538.0	0.0	562.0

Radio Lifecycle	100.0	0.0	100.0	0.0	42,898.0
Automated Vehicle Location System Expansion	385.0	0.0	385.0	0.0	1,590.0
Strong Authentication	595.0	0.0	595.0	0.0	1,555.0
Jetforms Replacement	1,200.0	0.0	300.0	900.0	1,200.0
14 Division	750.0	6.3	10.0	740.0	19,700.0
HRMS additional functionality	500.0	0.0	150.0	350.0	1,800.0
TRMS additional functionality	550.0	132.0	550.0	0.0	2,475.0
TOTAL on going and new projects	39,357.8	19,908.0	34,285.5	5,072.2	213,408.4

Other than Debt expenditure (Draw from Reserve)

Vehicle and Equipment Reserve	5,033.0	5,033.0	5,033.0	0.0	25,165.0
Digital Photography Conversion	668.0	43.9	668.0	0.0	668.0
Strategic Traffic Enforcement Measures	129.0	44.0	129.0	0.0	129.0
Workstation, Laptop, Printer – Lifecycle Plan	2,891.3	208.0	2,891.3	0.0	7,218.0
Servers – Lifecycle Plan	3,058.1	255.2	3,058.1	0.0	4,668.0
IT business resumption – Lifecycle Plan	5,254.0	0.0	5,254.0	0.0	7,164.0
TOTAL other than debt expenditure	17,033.4	5,584.1	17,033.0	0.0	45,012.0

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

**#P296. TORONTO POLICE SERVICE – PARKING ENFORCEMENT UNIT –
2005 CAPITAL BUDGET VARIANCE AS AT JUNE 30, 2005**

The Board was in receipt of the following report August 08, 2005 from William Blair, Chief of Police:

Subject: 2005 CAPITAL BUDGET VARIANCE REPORT FOR THE TORONTO
POLICE SERVICE - PARKING ENFORCEMENT AS AT JUNE 30, 2005

Recommendation:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward this report to the City's Deputy City Manager and Chief Financial Officer, and to the City Policy and Finance (P&F) Committee for information.

Background :

Toronto City Council, at its meeting of February 25, 26, 27, 28 and March 01, 2005 approved the Toronto Police Service – Parking Enforcement 2005 - 2009 Capital Budget at a total expenditure of \$4.1 Million (M) for 2005, and a total of \$4.1M for 2005 – 2009.

The following provides details of the capital budget variance for year 2005 as of June 30, 2005.

Summary of Capital Projects:

The following table provides a summary of the Parking Enforcement capital program for 2005. Capital projects are managed within a total approved project amount that spans over several years, and any unspent budget allocation from previous years is carried forward to future years. The available expenditure for 2005 is \$4.1M.

Project (\$000s)	Available funding in 2005	2nd Quarter Actuals	2005 Projection	Year-end Variance
Handheld Parking	4,100.0	8.1	4,100.0	0.0

Hand Held Parking Device - This project provides for handheld parking ticket devices at the total cost of \$4.1M. At this point, the vendor has been selected (Board Minute #P81/2005 refers) and further negotiations are continuing for final deliverables. Also, Information Technology Services (ITS) has reviewed the technology component that is being used to ensure system compatibility. It is anticipated that a contract will be signed by September 1, 2005, and the detail design phase, programming, and interface development will start by September 12, 2005. At that time, the equipment will also be ordered which takes about 6 to 8 weeks for delivery. It is also anticipated that the test unit will be ready by December 15, 2005, and the full implementation will take place a month later by January 15, 2006.

Based on the above, the Service is projecting a year-end expenditure of \$4.1M with a zero variance.

Summary

The Toronto Police Service – Parking Enforcement is projecting a 2005 year-end expenditure of \$4.1M with zero variance.

It is recommended that the Board receive this report and forward it to the City's Deputy City Manager and Chief Financial Officer, and to the City Policy and Finance (P&F) Committee for information.

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

The Board received the foregoing and agreed to forward copies to the City Deputy Manager and the City Policy and Finance Committee for information.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

**#P297. RESPONSE TO TORONTO CITY COUNCIL REQUEST FOR
INFORMATION ON MEETING FULL SALARY REQUIREMENTS IN
THE EVENT THAT THE COMMUNITY POLICING PARTNERSHIP
(CPP) GRANT IS TERMINATED**

The Board was in receipt of the following report August 17, 2005 from William Blair, Chief of Police:

Subject: RESPONSE TO CITY COUNCIL REQUEST FOR INFORMATION ON
MEETING FULL SALARY REQUIREMENTS IN THE EVENT THAT THE
COMMUNITY POLICING PARTNERSHIP (CPP) GRANT IS TERMINATED

Recommendation:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward a copy of this report to the City's Policy and Finance Committee for their information.

Background:

The Community Policing Partnership (CPP) Grant Program, introduced in 1998, is a cost-sharing arrangement between the Province of Ontario and municipalities to enhance community safety and increase police visibility. The Province committed to pay 50% of all salary and benefits costs of 251 Toronto Police Service (TPS) uniform hires, to a maximum of \$30,000 per officer per year, for a total annual funding to TPS of \$7.53 Million (M). Although the cost-sharing arrangement is described as 50% funding, the amount funded by the Province totals only about 37% of the base salary and benefits of a First Class Police Constable. In effect, the \$7.53M Provincial funding fully covers the salaries and benefits of approximately 94 officers, at a cost of \$80,223 per officer.

In June 2005, City Council was requested to approve the renewal of the CPP Agreement for a further two years to March 31, 2007. City Council, on June 14, 15 and 16, approved the renewal of the Agreement, and amended the City's Policy and Finance Committee recommendation (Report 6, Clause 6) that City Council adopt the recommendation from the Chair, Toronto Police Services Board, to renew the CPP Agreement between the Province of Ontario, the City of Toronto and the Toronto Police Services Board. The Clause was amended by adding the following:

"That the Toronto Police Services Board be requested to report to Council, through the Policy and Finance Committee, on:

1. ways of implementing a Positive Ticketing Program (charitable donations) aimed at promoting youth as a part of the Community Policing program funded by the agreement with the Province; and
2. a funding mechanism to determine how the full salary requirement of the Officers would be met if the Community Policing Partnership Program was terminated."

A response to City Council regarding the implementation of a Positive Ticketing Program is addressed in a separate report to the Board, to be submitted by Divisional Policing Command. In regards to meeting the full salary requirement of the CPP officers in the event that the CPP Program is terminated, three options exist:

1. Increase the TPS operating budget in the amount of \$7.53M; or
2. Increase the TPS operating budget combined with a reduction in uniform strength; or
3. Reduce uniform strength sufficient to fully offset the loss of the grant funding.

Option 1

This option requires a \$7.53M increase to the Toronto Police Service operating budget, whereby the City of Toronto would assume that portion of the officers' salaries that is currently funded by the CPP Grant. This option maintains the current strength of the Service and avoids concerns regarding attaining adequacy standards legislated by the Province of Ontario.

	2006	2007	2008	2009	2010
Cumulative Uniform Staffing Impact	0	0	0	0	0
Cumulative Budget Impact					
Loss of Grant	\$7.5M	\$7.5M	\$7.5M	\$7.5M	\$7.5M
Salary Savings	0	0	0	0	0
Net Budget Impact	\$7.5M	\$7.5M	\$7.5M	\$7.5M	\$7.5M

Option 2

This option requires a reduction of 94 uniform positions - the level that reflects the actual long-term impact of the termination of the CPP program - and an increase to the TPS operating budget in each year to 2009. If, for example, the Province announced, on January 1, 2006, the termination of the program, effective immediately, recruit hiring would be reduced by 94 officers, saving \$3.53M, and the 2006 TPS Operating Budget would be increased by \$4.0M. In each of the following three years, there would be no further uniform staffing reductions, and the increase to the Operating budget would decline. By 2010, the savings realised by the initial reduction of 94 officers would fully offset the loss of revenue. This option requires a 1.7% decrease in the uniform strength of the Service, which will impact the Service's ability to provide adequate policing services, particularly the proactive community policing services supported by this program.

	2006	2007	2008	2009	2010
Cumulative Uniform Staffing Impact	(94)	(94)	(94)	(94)	(94)
Cumulative Budget Impact					
Loss of Grant	\$7.5M	\$7.5M	\$7.5M	\$7.5M	\$7.5M
Salary Savings	(\$3.5M)	(\$5.5M)	(\$6.2M)	(\$7.1M)	(\$7.5M)
Net Budget Impact	\$4.0M	\$2.0M	\$1.3M	\$0.4M	\$0

Option 3

This option involves a reduction in uniform staffing sufficient to fully offset the revenue loss in the year that the termination is announced and, in each year of the following three years, increasing recruit hiring to a point where the net overall reduction is 94 officers. If, as in the second option, the Program were terminated, announced and effective, January 1, 2006, a total reduction of 208 uniform staff would be required by year-end 2006. This level of reduction would necessitate the elimination of almost all planned recruit hiring in 2006 - 156 recruits (excluding the December 2006 class) as outlined in the Toronto Police Human Resources Strategy - and immediately laying off 52 officers from the December 2005 recruit class. After a significant 'over-reduction' in the first year, the Service could recover up to 114 uniform positions over the following three years. This option, including an initial 4% uniform staffing reduction, will negatively impact the provision of service, very likely below adequacy standards as legislated by the Province. Further, this option will place an unnecessary burden on recruit hiring and training resources in each of the following three years.

	2006	2007	2008	2009	2010
Cumulative Uniform Staffing Impact	(208)	(118)	(100)	(96)	(94)
Cumulative Budget Impact					
Loss of Grant	\$7.5M	\$7.5M	\$7.5M	\$7.5M	\$7.5M
Salary Savings	(\$7.5M)	(\$7.5M)	(\$7.5M)	(\$7.5M)	(\$7.5M)
Net Budget Impact	\$0	\$0	\$0	\$0	\$0

On August 12, 2005, Monte Kwinter, the Minister of Community Safety and Correctional Services, announced the Safer Communities - 1,000 Officers Partnership Program, a program, similar to the CPP Program, that will provide partial funding towards a further 1,000 officers across Ontario. At that time, Minister Kwinter announced that both the Safer Communities and Community Policing Programs would continue in perpetuity. It is anticipated that future provincial governments will honour this commitment to continue the program in perpetuity.

It is therefore recommended that the Board receive the following report, and that the Board forward a copy of this report to the City's Policy and Finance Committee for their information. Mr. Angelo Cristofaro, Acting Chief Administrative Officer, Administrative Command, will be in attendance to answer any questions the Board members may have.

The Board received the foregoing and agreed to forward a copy to the City Policy and Finance Committee for information.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

#P298. BENEFITS FOR THE BOARD CHAIR

The Board was in receipt of the following report August 23, 2005 from Alok Mukherjee, Acting Chair:

Subject: BENEFITS FOR BOARD CHAIR

Recommendation:

It is recommended that the Board receive the following report.

Background:

At its meeting on April 7, 2005, (Board Minute P127/05) the Board approved the appended policy governing the benefits that may be provided to the Chair of the Toronto Police Services Board. This policy codified a very long standing practice of providing benefits to the Chair. In approving this policy, the Board approved the following motion:

THAT the City Solicitor provide a report to the Board on the benefits extended to the chairs of the City's agencies, boards, commissions and departments including the Toronto Hydro Corporation and the Toronto Community Housing Corporation.

Board staff, rather than the City Solicitor, undertook this research. The following boards were reviewed:

Board	Chair Annual Remuneration (citizen members)
Toronto Hydro Corporation	\$75,000
Toronto Economic Development Corporation	\$15,000
Toronto Public Library Board	\$0 (expenses of \$1,000)
Toronto Community Housing Corporation	\$20,000
Toronto Parking Authority	\$10,000
Toronto and Region Conservation Authority	\$35,000

Conclusion

In each case, the chairs of the boards do not receive benefits in addition to the remuneration noted in the foregoing table.

The Board received the foregoing.

TORONTO POLICE SERVICES BOARD

POLICY AND DIRECTIONS

TPSB POL – XXX

Benefits of the Chair

<input checked="" type="checkbox"/>	New
<input type="checkbox"/>	Amended
<input type="checkbox"/>	Reviewed – No Amendments

Board Authority: P127/05

Board Authority:

BOARD POLICY

The Board elects a Chair at its first meeting of each year. This is a full-time position that carries with it a multitude of responsibilities. The position includes a salary established by Toronto City Council. In addition, the Chair is entitled to select any or all of the benefits as listed below.

- Medical, Dental and Semi-private coverage
- Group Life Insurance
- Accidental Death and Dismemberment
- Long Term Disability
- OMERS Pension
- Car and Driver

The provision of any additional benefits to the Chair requires the approval of the Board.

REPORTING:

LEGISLATIVE REFERENCE

Act	Regulation	Section
<i>Police Services Act</i> R.S.O. 1990 as amended		

BOARD POLICIES:

Number	Name

BOARD OFFICE PROCEDURES:

Number	Name

SERVICE PROCEDURES: Refer to service procedures.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

**#P299. RESULTS OF SPECIAL FUND CONTRIBUTION – ONTARIO
ASSOCIATION OF CHIEFS OF POLICE ANNUAL CONFERENCE**

The Board was in receipt of the following report August 03, 2005 from William Blair, Chief of Police:

Subject: SPECIAL FUND CONTRIBUTION - ONTARIO ASSOCIATION OF CHIEFS
OF POLICE ANNUAL CONFERENCE

Recommendation:

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

Background:

The Board, at its meeting of April 7, 2005 (Minute P122/05 refers) approved sponsorship of the 2005 Ontario Association of Chiefs of Police (OACP) Conference in the amount of \$45,000. These funds were specifically provided to fund the Icebreaker Event at the Hockey Hall of Fame on June 19, 2005.

The Board, at its meeting of May 12, 2005 (Minute P157/05 refers) approved a policy governing the approval of expenditures from the Special Fund. Also at its meeting of May 12, 2005 (Minute P160/05 refers) the Board requested that a report that accounts for the use of funds provided for the OACP conference be submitted.

The icebreaker event on June 19, 2005 was a resounding success. Chair McConnell and Vice-Chair Mukherjee attended to greet guests upon their arrival. Compliments on the event have been received from both OACP executive staff and conference delegates.

Final payment has been made to the Hockey Hall of Fame in the amount of \$48,571.77.

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

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

**#P300. SEMI-ANNUAL REPORT: WRITE-OFF UNCOLLECTIBLE
ACCOUNTS RECEIVABLE BALANCES – JANUARY TO JUNE 2005**

The Board was in receipt of the following report August 15, 2005 from William Blair, Chief of Police:

Subject: WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE BALANCES
SEMI-ANNUAL REPORT: JANUARY 1, 2005 TO JUNE 30, 2005

Recommendation:

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

Background:

At its meeting of May 29, 2003 (Board Minute #P132/03 refers), the Board approved the new Financial Control By-law 147. Part IX, Section 29 – Authority for Write-offs includes the requirement for a semi-annual report on amounts written off in the previous six months. The following report covers the period of January 1, 2005 to June 30, 2005.

During this period, \$11,191 was written off, as per By-law 147, broken down as follows:

Paid duty administrative fees and equipment rentals	\$ 7,271
Employee receivable	3,030
Other	<u>890</u>
Total	\$11,191

The write off of paid duty administrative fees and equipment rentals related mostly to older customer balances which had been forwarded to the Service's collection agency, D&A Collections. D&A Collections' fully licensed tracing staff are equipped with a multitude of information resources such as on-line credit bureau access and database networks, which allow them to locate both businesses and their principals.

In all cases, customer accounts that were written off were closed by the collection agency after all trace efforts were exhausted. In most cases, businesses had been dissolved, leaving no assets from which the receivables to the Toronto Police Service (TPS) could be paid. In most cases, their efforts also failed to locate the principals. In some cases, companies had filed for bankruptcy leaving no recourse for TPS as an unsecured creditor.

The employee receivable relates to an amount owed by a new recruit for the Ontario Police College fee. The individual terminated his employment with the Service and failed to fully reimburse the fee paid on his behalf. The balance was old and had been sent to the Service collection agency. All efforts made by the collection agency failed to turn up the individual. The collection agency recommended write off of the accounts.

The majority of the "Other" category relates to 3 older miscellaneous receivables, which could not be collected by the collection agency. Efforts by the collection agency to locate the individuals from whom the amounts were owed were ceased given the small dollar value involved. The collection agency recommended write off of the accounts.

The total write-off amount of \$11,191 relates entirely to Toronto Police Service receivables. The Service write-off amount in 2005 is expensed against the allowance for uncollectible amounts and therefore has no impact on the 2005 budget.

Therefore, it is recommended that the Board receive this report for information.

Mr. Angelo Cristofaro, Acting Chief Administrative Officer, Corporate Support Command, will be in attendance to answer any questions the Board members 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 SEPTEMBER 06, 2005**

**#P301. QUARTERLY REPORT: ENTERPRISE CASE AND OCCURRENCE
PROCESSING SYSTEM (ECOPS) – MAY TO JULY 2005**

The Board was in receipt of the following report August 03, 2005 from William Blair, Chief of Police:

Subject: ENTERPRISE CASE AND OCCURRENCE PROCESSING SYSTEM (eCOPS)
QUARTERLY REPORT: MAY - JULY 2005

Recommendation:

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

Background:

At its meeting on September 23, 2004 the Board requested that the Chief of Police provide the Board with quarterly reports outlining the progress of the Enterprise Case and Occurrence Processing (eCOPS) Project (BM #P329/04 refers).

An update report was received by the Board at its June 13, 2005 meeting outlining the development and achieved deliverables to date. (BM #186/05 refers).

This report summarizes the continued development of the eCOPS application from May to July 2005, including enhancements designed to facilitate system performance and improve functionality.

eCOPS Upgrade June 28, 2005

Technical enhancements have been made to the occurrence review sort sequence and the occurrence monitor. The process now allows the listing of newly created (i.e. non-reviewed) occurrences in descending order by date and in accordance with incident severity. This list will be followed by those occurrences that have previously been reviewed.

The occurrence monitor has also been enhanced to increase the length of time a newly created occurrence is available for viewing from two days (48 hours) to five days (120 hours), which will accommodate officers' shift schedules and corresponding days off. In essence, this allows an officer an extended period of time to add information or amend a new occurrence report prior to publication.

eCOPS Release Version 2.1

The July 24, 2005 release, Version 2.1. incorporates the following enhancements:

- Changes to Unified Search to disable multiple clicking on links and buttons to prevent system overload and resulting application downtime
- Results of Unified Search returned in descending order with the most recent information pertaining to a specific address displayed first
- Occurrence tracker changed so that an occurrence will be displayed immediately following publication rather than restricted to only those occurrences that have been reviewed and approved
- A new version of an occurrence will only be created upon publication if changes have been made; a new version will not be created if the occurrence has been viewed only
- Reviewing officer can identify person(s) to receive the rejection comments in order that the creating officer can correct the occurrence
- Collaboration enhancement to prevent incidents of data loss when multiple users are working on a single occurrence at the same time
- Automated Canadian Police Information Centre (CPIC) cancel within the occurrence wizards for Recovered Stolen Vehicles and Located Missing Persons
- Unified Crime Reporting (UCR) defects fixed and validation error messages reworded for simplification and ease of interpretation by the user
- Additional incident types and domain codes

Quality Assurance Function

A formalized quality control process has been put into place for monitoring and prompt correction of errors in critical occurrences (eg. stolen vehicles/licence plates, missing persons). Occurrences deemed to be critical in nature have significant associated risks to officer safety and the community at large.

Corporate Information Services (CIS) staff continue to monitor occurrence reports on a 24-hour basis and provide feedback to divisional units regarding identified quality control issues.

eCOPS Support Teams

Information Technology Services (ITS) and CIS – Quality Control staff continue to visit divisions to provide on-site support, address identified technical issues, and make appropriate recommendations to improve business process flow.

Subsequent to the completion of field unit visits in September, the eCOPS support team will commence the provision of on-site assistance to the squads and provide training to supervisors with an emphasis on review practices.

eCOPS Intranet Website

An eCOPS website has been created, which is located on the Toronto Police Service CIS – Intranet site. This website addresses training issues, and provides user-friendly guides on how to complete various types of occurrence reports. These occurrence preparation templates have been disseminated Service-wide through divisional Training Sergeants.

A training database has also been installed on a workstation in each field unit to provide users with the opportunity to become more familiar with the application outside of the production environment.

eCOPS Mobile Workstations

Mobile workstation usage rates continue to increase as officers receive on-site training and support and become more familiar with the mobile application. It is anticipated that mobile usage will continue to increase with the introduction of the public wireless network, which was approved by the Board at its July 12, 2005 meeting (BM # P224/05 refers).

Planning for the Future

A database upgrade scheduled for September 2005 is critical to improve system stability and performance, as well as to support the future development of the eCOPS application. This upgrade will take place separately from the next eCOPS release (scheduled for November 2005).

The November eCOPS release, Version 2.1.2, will include the *Summary of Changes*, a report previously referred to as the *What's New Report*. This will allow the reviewing officer to identify new information requiring attention and approve it immediately.

The reviewing officer will also have the ability to 'take ownership' of an unpublished occurrence to ensure that it is assigned in a timely fashion. Specifically, this functionality will allow the Officer-in-Charge to review and action an occurrence that has been identified as pending in an officer's workspace.

Case Management

Developers have also begun to examine enhancements for eCOPS. At this time, business requirements must be validated and corresponding development time estimated. Information Technology Services' staff are also re-evaluating infrastructure architecture to support data integration.

Funding for the development phase of the Case Management portion of eCOPS will be included in the 2006 Capital Budget process.

Command Updates

ITS and CIS units continue to update the Chief and the Senior Management Team on a bi-weekly basis regarding the status of eCOPS enhancements, production issues, and planned resolution for areas of concern.

Conclusion:

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

Mr. A. Cristofaro, Acting Chief Administrative Officer, Corporate Support Command, will be in attendance to answer any questions that the Board members may have.

The Board received the foregoing and requested that future quarterly reports include a financial summary of the on-going costs to maintain the eCOPS application.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

#P302. QUARTERLY REPORT: MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT COMPLIANCE – APRIL TO JUNE 2005

The Board was in receipt of the following report August 05, 2005 from William Blair, Chief of Police:

Subject: QUARTERLY REPORT APRIL 2005 - JUNE 2005: MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT COMPLIANCE

Recommendation:

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

Background:

At its meeting on September 23, 2004, the Board made a motion that the Chief of Police provide the Board with quarterly reports identifying the Service's *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) compliance rates, and further, that the total number of overdue requests be divided into categories of 30, 60, or 90 days, or longer (BM# 284/04 refers).

Under the Act, compliance refers to the delivery of disclosure through the Freedom of Information process within 30 days of receipt of a request for information. The compliance rates for the period April 1, 2005 to June 30, 2005, divided into three categories as stipulated by the Board, are as follows:

Toronto Police Service
Compliance Rates

30-Day	60-Day	90-Day or longer
80.37%	95.55%	98.62%
Requests to be completed during this time period: 652	→ 128	→ 44
Requests completed: 524	Requests completed: 84	Requests completed: 20
Requests remaining: 128	Requests remaining: 44	Requests remaining: 24

A further breakdown of requests received April 1, 2005 to June 30, 2005 is as follows:

Category	Total	Description
Individual / Public	529	- Personal

Business	99	<ul style="list-style-type: none"> - Witness contact information - Memobook notes re. Accidents and occurrence reports - Clients' police reports
Academic / Researcher	0	
Association/Group	16	<ul style="list-style-type: none"> - Reports required for families in justice system - Reports on subject and an individual - Reports on subjects requiring need for shelter
Media	3	<ul style="list-style-type: none"> - Information on death of subject - Request for historical Toronto Police Officer Injury statistics - information on murder charges
Government	0	
Other	5	<ul style="list-style-type: none"> - Fraud report at specific address - Missing person report - Disposition dates for out of country - Assault incident in 1998 - Reports for medical assessment

A breakdown by month of the 30-day compliance rates for this quarterly period is as follows:

April 2005	75.66%
May 2005	82.67%
June 2005	82.11 %

Conclusion:

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

Mr. A. Cristofaro, Acting Chief Administrative Officer, Corporate Support Command, will be in attendance to answer any questions that Board members 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 SEPTEMBER 06, 2005**

**#P303. QUARTERLY REPORT: STATISTICAL ANALYSIS OF CONDUCT
COMPLAINTS: JANUARY TO MARCH 2005 AND APRIL TO JUNE
2005**

The Board was in receipt of the following report July 06, 2005 from William Blair, Chief of Police:

Subject: STATISTICAL ANALYSIS OF CONDUCT COMPLAINTS – QUARTERLY
REPORT: JANUARY-MARCH, 2005
APRIL-JUNE, 2005

Recommendation:

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

Background :

At its meeting of April 29, 2004, the Board requested that, as part of the monthly Professional Standards report, it receive a statistical analysis report on all allegations of misconduct against members of the Toronto Police Service. This analysis is to include open cases, closed cases, cases opened and closed since last reported, and should identify the unit conducting the investigation. Further, that the categories of investigations listed must be in a format consistent with the Professional Standards semi-annual report and that such analysis also include any identifiable trends noted by the Service (Board Minute #P134/2004 refers).

At its meeting of September 23, 2004, the Board sought to separate the reporting of serious misconduct issues from complaint statistics. Further, at its meeting of April 7, 2005, the Board agreed to receive complaint statistical reports at quarterly intervals for its regular public meetings in March, June, September and December as opposed to monthly reports (Board Minute P129/2005 refers). The information compiled for this report provides year to date (YTD) data (January 1 to June 30, 2005) and compares it to similar time periods for previous years. In the future, this report will provide YTD data on a quarterly basis.

The statistics contained in this document are extracted from the Professional Standards Information System (PSIS) database. The figures listed for complaints received reflect the information in its raw format before the complaints are either classified or investigated. Given that an investigation may take upwards of six months to conclude, and may be further delayed while awaiting an appeal to the Ontario Civilian Commission on Police Services, the number of concluded matters may fluctuate extensively when comparing quarterly statistics.

This year (2005) the data for complaints will be extracted from the PSIS database. It is important to note that PSIS contains the data in a slightly different format and may not always be strictly comparable to previous years.

The number of external complaints received by June 30, 2005 was 390 compared to 413 for the same time period in 2004. This amounts to a decrease of approximately 5.6%. Some of the external complaints received by the Toronto Police Service (TPS) each year are about members of other agencies. The PSIS database takes this into account for 2005 where complaints for members of other agencies are recorded separately. The 2004 external complaint statistics contain 3 complaints for members of other agencies for the period under review.

External complaints for 2005 about TPS members that were received and closed by June 30, 2005 amounted to 220 or 56.4% compared to 228 or 55.2% in 2004. Similar closure rates for 2003 and 2002 were 219 or 58.2% and 233 or 71.7% respectively.

The 2005 data for internal complaints initiated against police officers by June 30, 2005 has decreased by 5.9% over the same time period in 2004 (320 in 2005 compared to 340 in 2004). The closure rate by June 30, 2005 was 74.7% compared to 60.6% for the same period in 2004. Closure rates for similar periods in previous years were 74.9% in 2003 and 71.4% in 2002.

Each complaint may contain several different allegations, and it is these types of allegations that will define any behavioural trend. The TPS has standardized the allegation categories by formulating its reporting structure based on the specific offences that a police officer may commit as contained in the Schedule Code of Conduct within O. Reg. 123/98.

An in-depth analysis of the allegation categories is undertaken in the Professional Standards annual and semi-annual reports, but as an interim indicator, a simplified analysis is provided for the Board's information. The 2005 complaints receive a provisional allegation category, which may change once the complaint is thoroughly investigated.

This process has now been completed with the external complaints for 2004 to allow for a direct comparison between the current and previous year. The same process will be applied to the internal complaints when time permits.

The Police Services Act provides for complaints to be concluded without investigation if the complaint is less serious and falls into one of the following categories: Not directly affected, Made in bad faith, Made after six months, Frivolous, No jurisdiction, Not signed in accordance with the Act. In this regard, less than one quarter (21.8%) of the complaints received by June 30, 2005 were classified in one of the above categories. This is considerably less than the result obtained for the same period last year when 37.8% of the complaints were classified into these categories.

The provisional allegation categories for external complaints received by June 30, 2005 were compared to the same period in 2004, which produced the following results:

- Approximately two out of every five (38.2%) external complaints in 2005 involved discreditable conduct (discriminatory practices or incivility). This result is similar to that seen for the same period in 2004 (38.0%).
- The number of external complaints associated with unlawful or unnecessary exercise of authority was 21.3% during the first six months of 2005 (just under one in four) compared to only 12.1% for this period in 2004.
- Neglect of duty accounted for approximately 13.4% of the complaints for this time period in 2005 and was only 7.3 % in 2004.

A review of the allegation category associated with internal complaints for the period January 1 to June 30, 2005 compared to the same period in 2004 indicates the following:

(Please note that 40 internal complaints for the first six months of 2004 are ongoing and no provisional allegation categories have been attributed to these complaints).

- Discreditable conduct accounted for 19.4% in 2005 compared to 20.3% in 2004.
- Neglect of duty was associated with 26.3% of the internal complaints in the first six months of 2005 compared to 31.2% during the same period in 2004.
- Damage to clothing and equipment accounted for 19.7% of the internal complaints during this review period in 2005 compared to 20% in 2004.
- Slightly more than one quarter (28.4%) of the internal complaints YTD in 2005 were associated with allegations of insubordination compared to only 9.4% at this time last year.

Staff Superintendent Richard Gauthier of Professional Standards will be in attendance to answer any questions the Board members may have.

The Board received the foregoing.

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TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

**#P304. REQUEST FOR EXTENSION OF TIME TO SUBMIT A REPORT:
IMPLEMENTATION OF A POSITIVE TICKETING PROGRAM**

The Board was in receipt of the following report August 12, 2005 from William Blair, Chief of Police:

Subject: REQUEST FOR EXTENSION TO SUBMIT REPORT ON WAYS TO
IMPLEMENT A POSITIVE TICKETING PROGRAM

Recommendation:

It is recommended that: the Board approve the request for a two-month extension to submit the response to City Council's request for information on ways of implementing a positive ticketing program.

Background:

In June 2005, City Council was requested to approve the renewal of the Community Policing Partnership (CPP) Agreement for a further two years. City Council, on June 14, 15 and 16, amended the City's Policy and Finance Committee recommendation (Report 6, Clause 6) that City Council adopt the recommendation from the Chair, Toronto Police Services Board to renew the CPP Agreement between the Province of Ontario, the City of Toronto and the Toronto Police Services Board. The Clause was amended by adding the following:

"That the Toronto Police Services Board be requested to report to Council, through the Policy and Finance Committee, on:

1. ways of implementing a Positive Ticketing Program (charitable donations) aimed at promoting youth as a part of the Community Policing program funded by the agreement with the Province; and
2. a funding mechanism to determine how the full salary requirement of the Officers would be met if the Community Policing Partnership Program was terminated.

A response to City Council regarding a funding mechanism if the Program is terminated is addressed in a separate report to the Board.

The Positive Ticketing Program is designed to reward youth that exhibit positive behaviour - to reinforce such behaviour. Briefly, the program involves obtaining corporate donations of coupons for products or activities valued by youth (i.e. 7-11, McDonalds, theatre passes, passes to municipal recreation venues, etc.) and awarding them to youth who exhibit positive behaviour.

The purpose is to reinforce the positive behaviour and to promote constructive interaction between youth, police, and the community.

Members of the Toronto Police Service met with Councillor Michael Thompson to participate in a conference call with RCMP Superintendent Wade Clapham in Richmond, British Columbia; a Positive Ticketing Program was implemented in Richmond in 2001 and is reported to be successful. Thereafter, there was a discussion as to the possibility of piloting the Program in 41 Division.

Although very enthusiastic about the Program, the Service has expressed reluctance to pursue corporate sponsorships, citing Toronto Police Service Rules and Procedures that, appropriately, restrict police involvement in soliciting donations. Councillor Thompson committed to seek out a community organisation, either existing or created specifically for this purpose, to be tasked with developing the necessary corporate partnerships and administering the receipt of donations or coupons. The Service agreed to implement the pilot in 41 Division. The administration and management of the project and the inclusion of other City services (i.e. TTC, Parks & Recreation, Fire, etc.) in positive ticketing were briefly discussed.

The Service is committed to pursuing this project with the City; however, an implementation plan has not been prepared. It is expected that a full report on the Positive Ticketing Program and an implementation plan for a pilot project in 41 Division will be completed by the middle of October 2005, available for submission to the November 17, 2005 Board meeting.

It is therefore recommended that the Board approve the request for a two-month extension to submit the response to City Council's request for information on ways of implementing a Positive Ticketing Program.

Deputy Chief Designate Kim Derry, Divisional Policing Command will be in attendance to answer any questions the Board members may have.

The Board approved the foregoing.

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TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

#P305. ANNUAL FINANCIAL CLAIMS ACTIVITY REPORT(S)

The Board was in receipt of the following report August 24, 2005 from Joseph Pennachetti, Deputy City Manager and Chief Financial Officer:

Subject: Annual Financial Claims Activity Report(s)

Purpose:

To clarify the information reported by the CBC about settlements related to Police insurance claims and to identify the format of a new annual public report that will be provided to the Board containing a summary of financial insurance claims information.

Financial Implications and Impact Statement:

There are no financial implications relating to this report.

Recommendations:

It is recommended that this report be received for information.

Background:

At its closed meeting on July 12, 2005, the Board was in receipt of the Insurance Claims Activity Report, dated May 26, 2005, from the City's Deputy City Manager & Chief Financial Officer which responded to requests for information by the Board following the closed meetings of the Board on February 10 and April 7, 2005.

The Board received the foregoing report and requested a further report from the Deputy City Manager & Chief Financial Officer on the following:

“ (1) That the Deputy City Manager & Chief Financial Officer provide a public report to the Board:

- clarifying the information reported by the CBC about settlements related to police insurance claims; and
- identifying the format of a new annual public report that will be provided to the Board containing a summary of financial insurance claims information including property, automobile and general liability insurance claims.”

Comments:

The purpose of this report is to respond to the above noted two requests from the Board.

(1) Clarification of the Information Reported by the CBC

City of Toronto Freedom of Information (FOI) Access Request Number 04-3156 indicated the requester (CBC) sought the cost of all settlements of civil lawsuits against Toronto Police since 1998 until December 2004. In their February 25, 2005 letter to the CBC the City's Corporate Access & Privacy (CAP) office provided "the total dollar amount incurred is \$30,633,303.63." in response to the request.

The CBC took the information contained in CAP's letter of February 25 and reported that \$30,000,000 in settlements had been paid out for lawsuits on behalf of the Toronto Police by the City over the last 7 years. This is not correct because it confuses claims that have been "paid" and claims that have been "incurred".

The total "incurred" amount consists of two components. The first includes settlements, including damages, interest and costs, as well as court ordered judgements and all expenses pertaining to the claims process which can include legal fees, adjusting costs, and defence expert costs. More important, the second component includes **reserves**, which may have to be paid in the future on a claim by claim basis. Accordingly, the incurred figure is the total of amounts which have been paid and an allowance for possible future payments.

In addition, the perception is that this amount represents only general liability claims, for example those alleging improper use of force or abuse of police powers. To the contrary, the total "incurred" number also includes automobile losses, including automobile physical damage claims, accident benefit claims and automobile liability claims.

Therefore, to clarify, CBC represented the \$30.6 million figure to be settlements that have been paid out for lawsuits. In fact, the figure represents the aggregate of the following twelve components:

- settlement payments
- damage payments
- interest payments
- plaintiff legal costs
- defence legal fees
- adjusting fees
- defence expert fees
- court ordered judgements
- auto physical damage claim amounts
- auto accident benefit payments
- automobile liability claim payments and associated costs
- amounts not paid but reserved to be paid in the future

The table below provides a breakdown of all paid and reserved claims. The figures are as at March 15, 2005:

Automobile Liability & Physical Damage			General Liability				Grand Total
Paid	Reserve	(A) Total	# of Claims	Paid	Reserve	(GL) Total	(A) + (GL)
\$10,917,750	\$4,520,991	\$15,438,741	645	\$7,353,685	\$8,527,424	\$15,881,109	\$31,319,850
34.8%	14.4%			23.5%	27.2%		100%

(A) + (GL) = \$31,319,849 (slightly higher than \$30.6M due to dates data taken from system)

Observations regarding \$31.3M total incurred claim figure:

- Once \$10.9M in automobile related claims is taken out, then the amount for general liability claims over 7 years is actually \$7.3M and not the \$30.6M reported by CBC.
- Data taken over 7 year period (1998, 1999, 2000, 2001, 2002, 2003 & 2004).
- \$31M represents 49% (\$15.4M) auto & 51% (\$15.9M) liability.
- Annual settlement and expense payments are \$1.6M for auto and \$1.1M for liability.
- Police average 1,100 auto and 80 general liability claims per year.
- Total incurred amounts (payments plus reserves) per year are \$2.38M auto and \$2.1M general liability.
- Auto amounts include physical damage to police vehicles and public liability.
- Police have 7,218 employees, representing 22% of the City's 33,200 FTEs.

(2) New Annual Public Report Format

The tables below identify the format of a new annual public report that will be provided to the Board. They provide a summary of insurance claims information for property, automobile and general liability insurance claims. The examples below contain data current as of August 2005 for claims incurred in 2004.

As indicated above, the total "incurred" amount consists of two components, amounts paid and reserves, which may have to be paid in the future on a claim by claim basis. The total incurred figure is the total of amounts which have been paid and an allowance for possible future payments.

**Property
Insurance Claims Incurred in 2004**

	No. of Claims	Financial				
		Paid	Reserve	Total Incurred	Average Incurred	Largest Loss
Toronto Police Service	14	\$58,724	\$71,766	\$130,490	\$9,321	\$30,000

**Automobile
Insurance Claims Incurred in 2004**

	No. of Claims	Financial				
		Paid	Reserve	Total Incurred	Average Incurred	Largest Loss
Toronto Police Service	1,026	\$1,718,312	\$1,553,493	\$3,271,804	\$3,189	\$247,222

**General Liability
Insurance Claims Incurred in 2004**

	No. of Claims	Financial				
		Paid	Reserve	Total Incurred	Average Incurred	Largest Loss
Toronto Police Service	47	\$55,598	\$843,960	\$899,557	\$19,140	\$100,773

Conclusions :

The Board recognizes the importance of improving the system by which the Board and the City publicly report on the costs incurred by the City in regard to insurance claims involving the Police. Public reports will be provided each year to the Board which summarize financial insurance claims information on property, automobile and general liability insurance claims. The claims incurred in 2004 are provided in this report.

In addition, this report clarifies the confusion and inaccurate perception created by the CBC's report that \$30 million in settlements had been paid out for lawsuits on behalf of the Toronto Police by the City over the last 7 years. In fact, the figure represents the aggregate of twelve different financial components relating to automobile and general liability insurance claims, not just paid lawsuit settlements.

Contact:

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The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

#P306. FEASIBILITY OF HIRING ADDITIONAL POLICE OFFICERS

The Board was in receipt of the following report August 24, 2005 from William Blair, Chief of Police:

Subject: FEASIBILITY OF HIRING ADDITIONAL POLICE OFFICERS

Recommendation:

It is recommended that:

1. the Board approve the hiring of an additional 150 police officers and increase the Uniform Target from 5,306 to 5,456; and
2. the Board request the City Policy & Finance Committee (P&F) to set aside the Toronto Police Service 2005 year-end surplus and such surplus to be used to offset the 2006 financial impact to the City for the hiring of the additional 150 officers and any additional police officers hired under the Provincial Safer Communities - 1,000 Officers Partnership Program.

Background:

At its meeting of August 11, 2005 the Board received the 2005 Operating Budget Variance Report for the Toronto Police Service as at June 30, 2005 (Board Minute # P281/05 refers). The Board received the report and approved the following motions:

That the Chief of Police provide a report to the Board for its September 2005 meeting on the hiring of at least 150 additional officers for 2006 by utilizing 2005 underspending and the proposed provincial cost-sharing, in consultation with the City of Toronto Finance Department and the provincial government, as appropriate; and

That the report noted in Motion No. 1 also address other policing initiatives to be developed by the Service, including the feasibility of an expanded CAP program; (Board Minute # P281/05 refers).

2005 Operating Budget Variance

As at June 30, 2005, the revised projected favourable year-end operating budget variance is \$4.3M, which is \$3.2M more favourable than reported to the Board at its meeting of August 11, 2005. The favourable variance consists of net salary savings of \$1.9M, due mainly to the timing and number of separations, \$1.0M savings in medical and dental costs, and a net \$1.4M favourable variance in nonsalary costs due mainly to one-time revenues (e.g. recoveries for Bush visit and Cecilia Zhang investigation). Details of the revised variance will be presented to the Board in the July 31, 2005 operating budget variance report.

Safer Communities - 1,000 Officers Partnership

On August 12, 2005, the Honourable Monte Kwinter, Minister of Community Safety and Correctional Services introduced the application process for the Safer Communities - 1,000 Officers Partnership Program and announced that the program would continue in perpetuity. The program will provide \$37.1M a year to help municipalities to hire 1,000 new police officers across the province by sharing the cost, up to half the salary and benefit costs, capped at \$35,000 per year, for each new hire. It should be noted that the average salary plus benefit cost for a First Class Police Constable is approximately \$84,800, leaving the Service with a cost of \$49,800 per officer (i.e. 60% of the costs) in the latter years of the program. Across the province, half of the new officers will be assigned to community policing duties and the other half will be assigned to six key areas identified by the Government - youth crime, guns and gangs, organised crime (marijuana grow ops), dangerous offenders, domestic violence and protection of children from internet luring and child pornography. New hires will be measured against the reported benchmark of each police services' uniform strength set as at October 23, 2003, when the program was originally announced; police services will only receive funding for sworn positions in excess of the reported benchmark. Due to officer hiring by some police services in anticipation of the program, the Province will fund 400 of the 1,000 officers effective May 18, 2005 and the remaining 600 officers effective April 1, 2006.

Budget Impact of Hiring Additional Officers

The Toronto Police Service is keenly interested in taking full advantage of the opportunity offered by the Province to share the cost of hiring additional officers. The Council-approved uniform target of the Toronto Police Service, effective January 1, 2006, is 5,306 officers (5,260 plus 46 additional officers approved in 2005); 150 additional officers would increase the target to 5,456. It is planned that all 150 additional officers would be assigned to dedicated and visible community policing duties.

The following chart outlines the costs, provincial grant revenues, and net cost to the City for 2005 through 2010 of hiring an additional 150 officers. It is assumed that each of the December 2005, April 2006 and August 2006 recruit classes would be increased by 50 recruits in order to gain an increase of 150 officers; these officers would be fully deployed by January 2007. Further, it is assumed that retroactive funding may be applied effective September 1, 2005, for up to 100 officers.

150 Additional Officers	2005 Cost (\$M)	2006 Cost (\$M)	2007 Cost (\$M)	2008 Cost (\$M)	2009 Cost (\$M)	Full Cost (as at 2010) (\$M)
Costs (recruiting, salary, and outfitting)	\$0.3	\$6.3	\$8.8	\$10.0	\$11.2	\$12.0
Program Grant	(\$0.8)	(\$4.3)	(\$4.8)	(\$5.2)	(\$5.3)	(\$5.3)
Net Cost	(\$0.5)	\$2.0	\$4.0	\$4.8	\$5.9	\$6.7

Based on the above chart, it is certainly feasible to hire an additional 150 officers using 2005 projected under-spending. This hiring level does not, however, take full advantage of the opportunity offered by the province. The allocation of the provincial grant program funding to the Toronto Police Service is likely to be about 250 officers. Hiring recruits beyond the 150 above, increasing the uniform target to 5,556, could be accomplished by further increasing the August 2006 class by 36 recruits and increasing the December 2006 class by 64 recruits. All additional officers would be fully deployed by May 2007. As with hiring 150 additional officers, it is assumed that retroactive funding may be applied effective September 1, 2005, for up to 100 officers. An overview of the costs and revenue for hiring 250 additional officers by December 2006 follows:

250 Additional Officers	2005 Cost (\$M)	2006 Cost (\$M)	2007 Cost (\$M)	2008 Cost (\$M)	2009 Cost (\$M)	Full Cost (as at 2010) (\$M)
Costs (recruiting, salary, and outfitting)	\$0.3	\$7.4	\$14.3	\$16.3	\$18.3	\$20.1
Program Grant	(\$0.8)	(\$5.6)	(\$7.6)	(\$8.5)	(\$8.8)	(\$8.8)
Net Cost	(\$0.5)	\$1.8	\$6.7	\$7.8	\$9.5	\$11.3

As is evident from the above chart, hiring 250 additional officers using 2005 projected under-spending is also feasible. At least 150 officers would be deployed to community policing duties and a portion of the additional officers would be dedicated to one or more of the Province's six key areas as previously noted. Whether 150 or 250 additional officers are hired, it is anticipated that the TPS 2005 under-spending will cover net costs in 2005, 2006 and, to some extent, 2007. The net cost in 2006 is less if 250 officers are hired versus 150 officers due to the ability to claim more officers under the grant program.

Based on the above, the following chart summarises the hiring of recruits to the end of 2006.

Recruit Class	Current	Add 150	Total	Add 250	Total	Deployment
December 2005	90	50	140	50	140	May 2006
April 2006	90	50	140	50	140	September 2006
August 2006	54	50	104	86	140	January 2007
December 2006	45		45	64	109	May 2007
Total	279	150	429	250	529	

Impact on Current and Future Years Community Action Policing (CAP) Programs

The 2005 Operating Budget Variance Report for the Toronto Police Service as at June 30, 2005 also indicated that \$1.0M of the projected salary savings would be used to expand the 2005 CAP Program (Board Minute # P281/05 refers). The intention to expand this program during 2005 has since been reviewed. While an expansion of the Program would significantly benefit the targeted communities, it is believed that using this surplus to increase our ability to hire additional officers is more beneficial, in the long-term, to the CAP targeted neighbourhoods and the City of Toronto as a whole.

The 2005 CAP Program will, therefore, continue as was originally planned and a funding level similar to that in 2005 will be included in the 2006 Operating Budget. The inclusion of CAP funding in 2006 reflects the limited deployment of new officers by summer 2006 - only 50 additional recruits, from the December 2005 class, will be deployed before the completion of the CAP Program in August 2006.

It is therefore recommended that the Board approve the hiring of an additional 150 police officers and increase the Uniform Target from 5,306 to 5,456. It is also recommended that the Board request the City Policy & Finance Committee to set aside the Toronto Police Service 2005 year-end surplus and such surplus to be used to offset the 2006 financial impact to the City for the hiring of the additional 150 officers and any additional officers hired under the Provincial Safer Communities - 1,000 Officers Partnership Program.

Mr. Angelo Cristofaro, Acting Chief Administrative Officer, Administrative Command, will be in attendance to answer any questions the Board members may have.

Mr. John Sewell, Toronto Police Accountability Coalition, was in attendance and made a deputation to the Board.

The Board approved the following Motions:

- 1. THAT the deputation by Mr. Sewell be received;**
- 2. THAT the Board approve the foregoing report and that funding for any officers in addition to the complement of 5,260, previously established by the Board, will be off-set by the funds the Service anticipates to receive through the provincial Safer Communities – 1,000 Officers cost-sharing program;**
- 3. THAT the Chief of Police provide a report to the Board for its November 17, 2005 meeting on whether:**
 - the CAP program can be incorporated into regular staffing levels beginning in 2006;**
 - funding for the CAP program can be directed towards the hiring of additional police officers; and**
 - community policing levels, currently covered by the CAP program, can be increased during the summer period by adjusting the number of police college graduates during the course of the year.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

#P307. 2006 OPERATING BUDGET TARGET

The Board was in receipt of the following report August 25, 2005 from William Blair, Chief of Police:

Subject: 2006 OPERATING BUDGET TARGET

Recommendation:

It is recommended that:

- (1) the Board approve that staff reductions will not be considered as an option to achieve the current City 2006 – 2008 operating budget targets; and
- (2) the Board forward this report to the City Manager, and to the City Policy and Finance (P&F) Committee for information.

Background:

The Toronto Police Service (TPS), after review with the Chair of the Police Services Board, submitted a 2006 preliminary base budget estimate of \$710.8M to City Finance on June 29, 2005. In keeping with City guidelines and Service direction, the preliminary base budget estimate was prepared based on the following assumptions:

- HR Strategy target is 5,306
- No funds included for potential 2005-2006 salary settlement
- All units budget to 2005 levels
- Annualization of 2005 decisions included in base
- Annualization of operating impacts from capital included in base
- Deliver same service as 2005
- Continuation of Community Action Policing (CAP) - \$545K
- Estimate benefit increases at 10.9% for medical and 6.3% for dental (City estimates increases of 13% for medical and 8% for dental)
- Inflationary increases estimated based on City guidelines
- Ontario Municipal Employees Retirement System (OMERS) rate increase also consistent with City (1% of wages)

The budget estimate is outlined as follows:

2006 Preliminary Base Budget Estimate:

2005 Approved Budget			\$688.9M	
Add: Insurance Reserve Adjustment			4.5M	
2005 Approved Adjusted Budget (2006 Starting Point)			\$693.4M	
Changes over 2005:				
Net impact of 2005 (unif hires, seps, reclass)	7.9M			
2006 uniform replacements – 201	4.9M			
2006 uniform separations - (200)	(9.1M)			
Uniform hiring, seps, reclass		3.7M		
Civilian hiring, seps, reclass		2.1M		
Increase in benefits		2.6M		
OMERS rate increase		5.0M		
Reserve contributions		1.7M		
City chargeback – facilities (estimate)		0.8M		
Inflationary factors		1.5M	17.4M	
2006 Base Budget Estimate			\$710.8M	2.5%

On July 19, 2005 Shirley Hoy, City Manager sent a letter to Deputy City Managers, Heads of City Divisions, Agencies Boards and Commissions Administrative Leads detailing 2006 –2008 Operating Budget Targets. Due to sustainability issues, the suggested target increase, including all Cost of Living Allowance (COLA) increases, for 2006 is 2% over the adjusted 2005 operating budget. This results in an increase of \$14.2M over 2005 or a target for TPS of \$724.2M for 2006. As can be seen from above, the estimated required increase for 2006, excluding impacts of salary settlements, is \$17.4M to maintain the same level of service as in 2005. Prior to any salary settlement impact, the Service is faced with a \$3.2M shortfall.

This estimated shortfall is based on the assumption that the City will fund 100% of the 2005 salary settlement impact. In 2006, each 1% across the board salary increase will have an estimated \$6.3M impact. It should be noted that the actual salary settlement is unknown at this time and the below figures have been estimated based on what the City and TTC workers have received from 2005 to 2008. The actual impact of any salary settlement will be determined once negotiations are completed.

The letter from the City Manager also states that budget increases in 2007 and 2008 will be limited to 0%, including COLA. This will severely impact funding for the Service. Assuming salary increases are the same as the City for these years, the shortfall will grow to at least \$50.6M in 2007 and \$79.8M in 2008, presented as follows:

	Start	Salary Settlement (1)	Other Base Changes (2)	Estimate	City Target (3)	Shortfall
2006	\$710.0M	\$18.9M	\$17.4M	\$746.3M	\$724.2M	(\$22.1M)
2007	\$746.3M	\$21.0M	\$7.5M	\$774.8M	\$724.2M	(\$50.6M)
2008	\$774.8M	\$21.7M	\$7.5M	\$804.0M	\$724.2M	(\$79.8M)

(1) Salary increases for City and TTC workers are 2.75% in 2005, 3.00% in 2006, 3.25% in 2007 and for City workers only 3.25% in 2008. These rates are assumed for the purpose of showing the magnitude of the shortfall to target in the absence of a TPS salary settlement. The assumption of these rates for this analysis in no way implies that the salary settlement will be at these rates.

(2) The Service has not finalized other base change estimates for 2007 to 2008; however, other base changes have historically been approximately \$5M to \$10M and therefore the mid point has been used for illustrative purposes.

(3) The City target includes an estimated impact for salary settlement in 2005 and it is assumed that the target will be adjusted based on the actual salary settlement in 2005.

The above chart illustrates the significant shortfall against the City proposed budget targets. Moreover, the projected shortfalls do not include the cost impact of the 150 additional officers endorsed by the Board at its meeting on August 11, 2005, nor other impacts due to staff increases through the Provincial Safer Communities Grant.

In attempting to achieve the City target, the Service's options can be categorized into two categories, salary and non salary. The following provides details for each of these categories.

Salary

This category represents 92% of the Service's operating budget and therefore funding reductions would have a significant impact of staffing.

The Mayor proposed, and the Board endorsed, the hiring of 150 officers under the Safer Communities – 1,000 Officers Program and possibly more in future years. Based on the current proposed City 2006 – 2008 operating budget targets, the Service will not be able to participate in this program, including the additional 150 officers. Achieving the City budget target is in direct conflict with the initiative to hire more officers. The Service cannot be reducing staff and at the same time hire additional staff.

I must emphasize that I will not support any staff reductions to achieve a funding target. However, for the exercise, the items listed below are the actions that would need to be taken. These are for information purposes only.

(a) Elimination of all 2006 uniform hiring and the December 2005 class

The 2006 base budget estimate for hiring of uniform replacements is \$4.9M. This is the salary and benefit cost of hiring 201 officers to replace officers leaving TPS. In addition, the December 2005 class of 90 officers is estimated to have a \$4.8M impact in 2006. Eliminating these hires would save \$9.7M; however, the Service would lose a large portion of its current Community Policing Partnership (CPP) funding. This provincial grant provides 50% funding to a maximum of \$30,000 per officer for 251 positions, as long as the Service's uniform strength remains in excess of 5,180. Any loss of officers below this amount would begin to erode the grant, and any reduction below 4,929 would eliminate the grant. The loss of CPP funding would be \$0.3M in 2006, but it would grow to \$4.3M by 2007.

Eliminating hires would result in the uniform strength falling to 5,015 towards the end of 2007 or 291 officers below the authorized strength of 5,306. This action would:

- Impact the Service's ability to provide adequate policing services to the community, at a time when the City is facing increasing demands for policing services. In addition, the Board and City's goal of having a Police Service reflect the community it serves can only be achieved through replacement hires. The longer hires are delayed, the more difficult achieving this goal will be.
- Impact the Service's ability to recoup the loss of staffing. Hiring projections for the next years already assume utilization of a significant portion of spaces at the Ontario Police College. Recapturing 291 officers on top of planned hiring would require several years of larger-than-normal class sizes.
- Impact all programs and the Service would be forced to move from a proactive policing mode to a reactive one. The Service will not be in a position to respond to all emergent situations. Furthermore, today's global situation may lead to additional pressures in the coming weeks and months (I refer you to the recent terrorist attacks in London).

(b) Elimination of all 2006 Civilian Staff Replacements

Civilian positions are replaced on a one-to-one basis. The 2006 base budget estimate includes \$1.6M for the replacement of civilian staff as they leave the Service.

Many of the "civilian" positions in the Service are comprised of court officers, communication operators and station duty operators. Each position is required to be filled on an on-going basis, and even when vacant, is filled with temporary staff.

The remaining civilian positions have undergone extensive review, and only those positions deemed essential to the Service have been maintained. No further reductions have been identified for civilian staff, although I commit to maintaining a high level of scrutiny for these positions.

Eliminating all civilian hiring of replacements in 2006 would save \$1.6M. However, the impact of these reductions would be significant and the following are some examples:

- A reduction of Court Officers would impair the Service's ability to provide adequate court security. Current levels of court security provide a minimum level of service; further reductions would result in complaints from the Justice system as well as place personnel and the public in greater danger. The Service could be held in contempt if the service provided is determined to be inadequate.
- A reduction in the number of Communication Operators would reduce the Service's ability to respond to 911 calls for service. A delay in responding to emergency calls would result in many difficulties, including potential loss of life.
- A reduction in the number of Station Duty Officers would require the redeployment of police officers to provide this role at each division.
- Reductions in other civilian staff areas would result in the loss of support to other areas of the Service. The areas affected would include staff providing direct support to core services such as our fleet, information technology, etc.

Non-Salary

As stated above, 92% of the Service's budget is for salaries and benefits. The remaining 8% of the budget represents the non-salary portion. However, 6.5% of the 8% equates to fixed costs (e.g. City chargebacks, contractual obligations, maintenance contracts, etc.) that the Service requires to support its policing operations. Therefore, only 1.5% (\$10M) of the Service budget can be categorized as discretionary spending. During the review of the 2005 operating budget request, the Board and members of the Budget Advisory Committee performed a detailed line by line review of the non salary accounts. As a result of this review, no recommendations for reductions to non-salary accounts were made. Given that these accounts have been scrutinized and reduced over the years, it is unlikely that these accounts could sustain further reductions.

Included in the fixed costs of the non-salary category is the cost recovery by the City for custodial services provided to the Service. The Service has attempted to outsource the custodial function; however, City Council has not supported this initiative. Outsourcing could save approximately \$2.7M annually.

Summary

	2006	2007
Original Base Budget Estimate (including estimate of wage increase for analysis purposes only)	\$746.3M	\$774.8M
Elimination of December 2005 Recruit Class (90 staff)	(\$4.8M)	(\$5.1M)
Elimination of all 2006 Recruit Hires (201 staff)	(\$4.9M)	(\$11.6M)
Loss of CPP Funding	\$0.3M	\$4.3M
Elimination of 2006 Civilian staffing replacements (50 staff)	(\$1.6M)	(\$2.7M)
Net Reductions	(\$11.0M)	(\$15.1M)
Revised Estimate	\$735.3M	\$759.7M
Council Target	\$724.2M	\$724.2M
Remaining Shortfall	(\$11.1M)	(\$35.5M)

The above clearly identifies why I could not recommend any reductions to the 2006 base budget request. The above options would result in the Service's strength being reduced by 341 staff (291 Officers and 50 Civilians) and provide at most \$11.0M in reductions. The remaining reduction of \$11.1M could only be accomplished through staff lay-offs.

Staff Lay-Offs

Apart from the fact that such layoffs would be completely untenable, the Ontario Civilian Commission on Police Services (OCCPS) must approve any staff reductions. This provincial body would require a solid case supporting these reductions (which I would not be able to provide). It is anticipated that a review by OCCPS, and their decision, would not be rendered within a year. Also, staff reductions would be accompanied by severance costs. No savings would be possible for 2006 unless funded from City reserves.

If lay-offs were to be imposed on the Service, and approved by OCCPS, future year annualized savings of \$11.1M would require the laying-off of approximately 230 staff (170 uniform and 60 civilian). Uniform staffing would fall to 4,845 or 461 below target. Annualized savings would not be realized earlier than 2007, and, severance costs would have to be funded from City reserves. It should be noted that for each 1% across the board increase in wages, approximately 75 staff would have to be laid off (on an average salary basis) to fund the increase without budget impact. Moreover, this action would result in the total loss of the current CPP grant funding of \$7.5M.

Conclusion

The 2006 preliminary base budget estimate of \$710.8M provided to the City represents a status quo budget, and is the minimum amount of funding required to provide a 2005 level of service. The 2006 estimate includes annualization costs related to 2005 hires and separations, contractual increases such as benefit increases, impacts from capital, but excludes salary settlements. It adheres fully to City guidelines.

Summary of Impact including Layoffs:

	Civilian	Uniform	2006	2007
Establishment / Shortfall	1,878	5,306	\$22.1M	\$50.6M
Eliminate Dec 05 to Dec 06 staff replacements	(50)	(291)	(\$11.0M)	(\$15.1M)
Layoffs (assuming funded from City reserves)	(60)	(170)	(\$11.1M)	(\$12.5M)
Total Reduction	(110)	(461)	(\$11.0M)	(\$27.6M)
Remaining Establishment / Shortfall	1,768	4,845	\$0.0M	\$23.0M

A reduction of \$22.1M to attain the 2006 target stated by the City of \$724.2M would result in the reductions of 571 uniform and civilian staff and would place the Service in jeopardy of not being able to meet the demands of the City of Toronto for policing services. As can be seen above, reducing by this number of staff would achieve the 2006 target, but will still result in a shortfall to the 2007 target of \$23M. The Board, at its meeting of August 11, 2005, supported the initiative to hire 150 additional officers and make application for more officers under the Province's Safer Communities Program. I cannot develop strategies for additional officers if there is potential for the reduction of officers. It is therefore recommended that the Board approve that staff reductions will not be considered as an option to achieve the current City 2006 – 2008 operating budget targets and that the Board forward this report to the City Manager, and to the City Policy and Finance (P&F) Committee for information purposes. Mr. Angelo Cristofaro, Acting Chief Administrative Officer, Administrative Command will be in attendance to answer any questions the Board may have.

Mr. John Sewell, Toronto Police Accountability Coalition, was in attendance and made a deputation to the Board with regard to this report.

The Board approved the foregoing report and the following Motions:

- 1. THAT the deputation by Mr. Sewell be received;**
- 2. THAT the Chief of Police work with the City of Toronto City Manager to find all possible efficiencies to meet the budget targets established by the City; and**
- 3. THAT the Board send a recommendation to the province to assume the responsibility for financing court security, as it is properly part of the administration of justice, and that the City of Toronto be requested to raise this issue in its discussions with the provincial government regarding a five-year funding plan.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

**#P308. PROCESS FOR DETERMINING ALLOCATION OF \$100,000 SPECIAL
FUND MONIES EARMARKED FOR YOUTH PROGRAMS**

The Board was in receipt of the following report August 26, 2005 from Alok Mukherjee, Acting Chair:

Subject: Process for Determining Allocation of \$100,000 Special Fund Monies Earmarked for Youth Programs

Recommendation:

It is recommended that the Board approve the process as outlined in the foregoing report to be used in determining the distribution of the \$100,000 Special Fund monies earmarked for youth programs.

Background:

At its meeting on August 11, 2005 the Board took action to address the recent wave of gun violence in Toronto, and more importantly, to address the underlying causes of youth crime in our City.

As a key component of our plan, the Board has earmarked \$100,000.00 to fund cooperative police-community initiatives whose purpose is to mobilize our communities to take concrete steps toward the prevention of youth violence.

It is important that this funding be used in the most effective way possible. To that end, I have developed a process to identify the needs of our communities and, consequently, to determine how the funding should be allocated to provide the greatest impact. At the August 11, 2005 meeting, the Board indicated that criteria be developed for the use of the funding. These criteria will be created through the consultative process that I propose below.

The process contains three steps, as follows:

1. The Board will meet with representatives from different communities across Toronto. These representatives will be from grassroots organizations with a demonstrated commitment to working on community issues;
2. The Board will meet with representatives who work with youth in different communities across Toronto. These representatives will include youth workers, young people and individuals working in after-school programs; and

3. The Board will pursue partnerships to raise additional funding and develop a plan for allocation of funding. Potential partners include those in the private sector, representatives at all levels of government and existing grant organizations and community programs. Letters have already been sent to a number of potential partners.

I propose that the Board follow this process, as outlined, in partnership with the Community Safety Secretariat at the City of Toronto.

The Board approved the foregoing and requested that letters also be sent to representatives in the music industry and sports equipment and toy companies.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

**#P309. COMMUNITY DONATION: CASH DONATION FOR THE
INTERNATIONAL CONFERENCE ON SEX CRIMES INVESTIGATIONS**

The Board was in receipt of the following report August 25, 2005 from William Blair, Chief of Police:

Subject: COMMUNITY DONATION: MOLECULAR WORLD INC.

Recommendation:

It is recommended that: the Board accept a cash donation of \$4,000.00 from Molecular World Inc. to support the Toronto Police Service's efforts to provide training in the form of an International Conference on Sex Crimes Investigations.

Background:

The Sex Crimes Unit has conducted numerous conferences/seminars that have provided current and informative training for police representatives and other professionals on issues relating to the investigation of sexual assault occurrences. These events have been conducted successfully for the past eleven years.

The theme of this year's conference is "Sexual Assault: An Ageless Crime". It is scheduled for October 3-7, 2005 at the Toronto Marriott Eaton Centre Hotel situated at 525 Bay Street. The goal of this year's event is to provide insight into the future of DNA and how it will impact criminal investigations. As well, the future of Internet driven investigations will also be explored. It is expected that well over 300 law enforcement officials, social service workers and child-care workers will be in attendance.

The 2005 Conference supports several of the Toronto Police Service – Service Priorities. The international nature of this conference is an example of the Service's efforts to continue partnerships with other law enforcement agencies (international, national and regional). It is a means to address the Service Priority to improve the safety and security needs of those most vulnerable to victimization, including children and youth. Furthermore, this event supports the Service's response to crimes that involve computers. But most importantly, this conference provides an opportunity for our Service to develop and foster strong relationships with other agencies involved in this type of work.

Molecular World Inc. has generously offered to donate \$4,000.00 to the Toronto Police Service to be used towards the operational expenses of the Sex Crimes Unit International Conference. This Thunder Bay, Ontario based laboratory specializes in DNA analysis. It is the only private

Canadian Company accredited by the Standards Council of Canada, a crown corporation, to perform forensic DNA testing. They have performed casework for many law enforcement agencies including the Royal Canadian Mounted Police, Ontario Provincial Police and municipal police services.

The donation will be used to support the financial responsibilities incurred in presenting the Conference such as the cost of registration and training materials and fees for speakers and/or presenters. This donation is in compliance with the Service Procedure 18-08, governing Donations. Molecular World Inc. has requested a tax receipt for their donation.

It is recommended that the Board accept a cash donation of \$4,000.00 from Molecular World Inc. to support the Toronto Police Service's efforts to provide training in the form of an International Conference focusing on the challenges of today's sexual assault investigations.

Deputy Chief Tony Warr of Specialized Operations Command will be in attendance to respond to any questions, if required.

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

#P310. APPOINTMENTS: ACTING CHAIR & VICE CHAIR

The Board approved the following Motion:

THAT, given that Dr. Mukherjee, Vice-Chair, will be fulfilling the responsibilities of Acting Chair during the period between September 07, 2005 and September 09, 2005, inclusive, while Chair McConnell is out of town on City Council business, the Board appoint Mr. Hamlin Grange to act as Acting Vice-Chair during this period of time for the purposes of execution of all documents that would normally be signed by the Vice-Chair on behalf of the Board.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

#P311. IN-CAMERA MEETING – SEPTEMBER 06, 2005

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

The following members attended the in-camera meeting:

Chair Pam McConnell
The Honourable Hugh Locke, Q.C.
Ms. Judi Cohen
Dr. Alok Mukherjee
Mr. Hamlin Grange
Councillor John Filion
Mayor David Miller

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 06, 2005**

#P312. ADJOURNMENT

Alok Mukherjee
Acting Chair