



The following *draft* Minutes of the meeting of the Toronto Police Services Board held on November 20, 2008 are subject to adoption at its next regularly scheduled meeting.

The Minutes of the meeting held on October 16, 2008 previously circulated in draft form, were approved by the Toronto Police Service Board at its meeting held on November 20, 2008.

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **NOVEMBER 20, 2008** at 1:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

PRESENT:

Dr. Alok Mukherjee, Chair
Ms. Judi Cohen, Member
Mr. Frank Di Giorgio, Councillor & Member
Mr. Hamlin Grange, Member
The Honourable Hugh Locke, Q.C., Member
Mr. David Miller, Mayor & Member

ABSENT:

Ms. Pam McConnell, Councillor & Vice-Chair

ALSO PRESENT:

Mr. William Blair, Chief of Police
Mr. Albert Cohen, 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 NOVEMBER 20, 2008**

#P295. INTRODUCTIONS

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

Dr. Catherine Martin-Doto, Corporate Psychologist	Sergeant Jessica McInnis
Mr. Edward Johnson, Manager, Labour Relations	Sergeant Steven Moore
Ms. Rhonda Hearn, Executive Assistant, Legal Services	Sergeant Charles Ricci
Superintendent Cyril Fernandes	Sergeant Steven Smith
Superintendent Kimberley Greenwood	Sergeant Claudine Thomas
Staff Inspector John Tanouye	Sergeant Mark Walsh
Inspector Scott Baptist	Sergeant Marilyn White
Inspector Frank Bergin	
Inspector Scott Gilbert	
Inspector Gerhard Meissner	
Inspector Mark Saunders	
Staff Sergeant Brian Kelly	
Staff Sergeant Shawn Meloche	
Staff Sergeant Mary Price	
Staff Sergeant Mary Shaw	
Sergeant Sheri Acciaroli	
Sergeant Clayton Adams	
Sergeant Michael Balint	
Sergeant Donna Banks	
Sergeant Jacqueline Baus	
Sergeant Sal Bazmi	
Sergeant Dale Carter	
Sergeant Brian Cormack	
Sergeant Darlene Coulis	
Sergeant Darren Cox	
Sergeant Raymond Dizenzo	
Sergeant Jeffrey Douglas	
Sergeant David Dube	
Sergeant Paul Gauthier	
Sergeant Marcie Hickmott	
Sergeant Kevin Hooper	
Sergeant Joshua Jamshidi	
Sergeant David Johnson	
Sergeant Omar Khan	
Sergeant Philip Lee	
Sergeant Daniel Martin	

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P296. TORONTO POLICE SERVICE – 2008 CAPITAL BUDGET VARIANCE
REPORT – PERIOD ENDING SEPTEMBER 30, 2008**

The Board was in receipt of the following report October 31, 2008 from William Blair, Chief of Police:

Subject: 2008 CAPITAL BUDGET VARIANCE REPORT FOR THE TORONTO
POLICE SERVICE – PERIOD ENDING SEPTEMBER 30, 2008

Recommendations:

It is recommended that:

- (1) the Board approve a transfer of \$12,700 from the Computer Assisted Scheduling of Courts (CASC) project to the Facility Security Project; and
- (2) the Board forward a copy of this report to the City's Executive Committee, for approval.

Financial Implications:

Capital projects are managed within a total approved project amount that can span over several years. Any unspent budget allocation in a particular year can be carried forward for one year. The approved gross available funding for 2008 (including carryover from 2007) is \$99.7 million (M) comprised of \$49.8M debt-funded and \$49.9M other-than-debt funded.

As of September 30, 2008, the Service is projecting a total gross expenditure of \$90.2M compared to \$99.7M in available funding, resulting in a spending rate of 90.4% for 2008. From a net debt-funded perspective, the Service is projecting total expenditures of \$44.7M, compared to \$49.8M in available funding, resulting in a spending rate of 89.8%. The projected (net) under-expenditure for 2008 is \$5.1M, of which \$4.8M will be carried forward to 2009.

Background:

The Toronto Police Services Board at its meeting on October 18, 2007 approved the Toronto Police Service's (TPS) 2008-2012 Capital Program of \$256.6M, which included a 2008 request of \$99.7M comprised of new debt, reserve funding and cashflow carryover (Min. No. P339/07 refers). Toronto City Council, at its meeting of December 11, 2007 approved the TPS 2008–2012 Board-approved Capital Budget.

The Service's 2008-2012 approved Capital Program averages \$30.9M in annual debt funding over the five-year period.

Discussion:

Summary of Capital Projects:

This capital variance report provides the projected status of projects as at September 30, 2008.

Appendix 1 provides a status summary of the on-going projects from 2007 as well as those projects that started in 2008. Any significant issues or concerns have been highlighted below in the “Key Highlights/Issues” section of this report. Appendix 2 provides the 2008-2012 approved Capital Program for reference.

Key Highlights/Issues:

As part of its project management process, the Service has adopted a colour code (i.e. green, yellow or red) to reflect the health status of capital projects. The overall health of each capital project is based on budget, schedule and scope considerations. The colour codes are defined as follows:

- Green – on target to meet project goals (scope/functionalities), and on budget and schedule;
- Yellow – at risk of not meeting certain goals, some scope, budget and/or schedule issues, and corrective action required; and
- Red – high risk of not meeting goals, significant scope, budget and/or schedule issues, and corrective action required.

The following provides summary information on key projects within the Capital Program.

- New Training Facility (Gross \$75.8M, net \$66.0M)

Overall Project Health Status	
Current	Previous Variance Report
GREEN	GREEN

Construction of the new training facility started on February 19, 2007, with a scheduled substantial completion date of November 6, 2008. However, due to labour disruptions, harsh winter conditions, frequent freeze and thaw conditions on site, and structural steel manufacturing and delivery delays, the substantial completion date is currently projected to be mid-January 2009. The planned move-in for the fourth quarter 2009 remains unchanged.

The building envelope is complete and work is progressing on the interior finishes, landscaping and asphalt areas. Mechanical, electrical and security system work is progressing as per schedule. Drywall installation is complete on the basement level and painting and flooring has started on the basement, first and second floors. The audio/video wiring as well as the communication and data wiring diagrams are complete. Remaining tenders (audio/video wiring, communication, and data wiring) will take place in early 2009 and do not

affect the substantial completion date. The Service is working with the Project Manager of the Department of National Defence (DND) to accommodate design change requests. These will not have an impact on net expenditures as DND has committed to fund any additional pressures arising from their change requests.

Despite the increased costs resulting from the harsh winter conditions and material delivery delays, the project is still projected to be completed on budget.

- Intelligence / Special Investigation Facility (\$4.6M)

Overall Project Health Status	
Current	Previous Variance Report
GREEN	GREEN

This project provides funding for upgrades and renovations to the existing Special Investigation Services (SIS)/ Intelligence facility. The project is under an aggressive timeline to meet the planned December 2009 completion date. The installation of a “Dry” Fire Suppression System in the computer room has been completed. Design work to complete the remaining renovations of the Intelligence facility is complete, and working drawings and specifications are being developed for tender issuance before year-end. At this time, the Service expects that this project can be completed within the remaining funds available. However, the results of the tender process will confirm whether the funds allocated to this project for 2008 and 2009 are sufficient for the planned work.

- 11 Division (\$25.5M)

Overall Project Health Status	
Current	Previous Variance Report
GREEN	YELLOW

This project is for the construction of a new 11 Division. A surplus school site owned by the Toronto District School Board (TDSB), and located at 2054 Davenport Road, has been purchased. The sale transaction closed on October 7, 2008, and the \$8.7M cost for the property was funded from the City’s Land Acquisition Reserve Fund (LARF).

A project plan for the new 11 Division project was provided to the Board at its March 2008 meeting (Min. No. P69/08 refers). The total cost estimate for this project has been updated in the 2009-2013 Capital Program to \$26.9M to reflect changes in the construction cost index. This cost estimate will continue to be revised as the project progresses through the design, site plan, permit approval and procurement processes.

A Request for Proposal (RFP) was issued on October 16, 2008 to the four Board-approved pre-qualified list of architects to retain an architect for the design of the new 11 Division. Once the architect is selected, an RFP process will begin to select a construction management firm from one of the five. Board approved prequalified vendors. The design work for this

facility is planned to begin in early 2009 and construction is scheduled to start in 2010, with a planned move in by 2011.

As identified in the previous variance report (Min. No. P231/08 refers), an Advisory Working Group will be established to work closely with the architectural firm selected for the project, with the intent of preserving important building features where possible. The Service will incorporate the Advisory Working Group into the design process, and make every effort to retain certain heritage attributes of the current building, provided this can be achieved within the approved budget for this project.

- TRMS Upgrade and Additional Functionality (\$3.7M)

Overall Project Health Status	
Current	Previous Variance Report
YELLOW	YELLOW

The Service’s Time Resource Management System (TRMS) was upgraded on May 16-18, 2008, as scheduled. The automated Court Kiosks were launched Service-wide on July 28, 2008. Consultants from Infor (the TRMS vendor) have completed all deliverables and are no longer on site.

Work remains to be done to upgrade several management reports. The contract of an external consultant who assisted with the TRMS upgrade has been extended to complete this work, at a cost of \$66,000. It is anticipated that this work will be completed by November 30, 2008.

As reported in the previous variance report, unanticipated pressures and savings have been experienced in various areas of this project. The Board approved a transfer of \$0.1M from the Computer Assisted Scheduling of Courts (CASC) project (which was completed this year, under budget) to the TRMS project, to cover the shortfall (Min. No. P231/08 refers). The current budget reflects this transfer. Based on the remaining work and taking into account this transfer, this project will be finished within the revised budget.

A project close-out report for TRMS will be prepared and reported to the Board following project completion.

- Police Community Automated Notification System (PCANS) (\$0.9M)

Overall Project Health Status	
Current	Previous Variance Report
GREEN	YELLOW

This project provides funding for the acquisition and implementation of a fully automated community notification system, capable of reaching citizens through various platforms such as e-mail, text messaging, voice and personal digital assistants (PDAs).

The project has faced challenges with respect to the selection of a qualified vendor. The first RFP was issued in January 2008. Three proposals were received; one was disqualified, and the remaining two did not meet the mandatory requirements in the RFP. As a result, the requirements of the RFP were reviewed and adjusted, the RFP re-issued in March 2008, and Semotus Solutions was selected as the vendor to supply the system (Min. No. P136/08 refers).

The contract with the vendor has been finalized. The hardware required for this project has been purchased and installed, and the project has now moved into the development stage. Additional system functionality has been added to the product without any additional cost. System flexibility and usefulness is beyond that of original expectations.

The system will be piloted in 32 Division and 53 Division, beginning in November 2008, and it is anticipated that the project will be delivered on schedule and on budget. A presentation will be made to the Board in the new year.

- In-Car Camera (\$9.3M)

Overall Project Health Status	
Current	Previous Variance Report
GREEN	YELLOW

This project provides funding for the purchase and implementation of In-Car Camera (ICC) systems, including the necessary infrastructure (i.e., servers, data storage and upgraded network). The project budget was reduced in the 2007-2011 Capital Program (from \$11M to \$8.7M) due to capital funding pressures.

This project initially experienced significant technical challenges, but is now proceeding well. The Board has approved Panasonic Canada Inc. as the vendor of record (VOR) for ICCs (Min. No. P8/08 refers), for up to 460 in-car camera systems (Min No P264/08 refers). Based on the current project plan and cost estimates, and the Board's recent approval to fund \$1.0M for ICCs through the operating budget (Min. No. P264/08 refers), the Service is in a better position to achieve the objective of installing ICC systems in all of the Service's marked patrol vehicles.

The planning and design phases are proceeding as planned and the set up of the ICC system in a test lab development environment has been completed. Initial training of staff involved in installation has been completed, ICCs have been installed in Division 13 vehicles, and the installation of the ICC units at Traffic Services is on schedule. The divisional parking network (DPLN) has been upgraded. The project team is currently working with inter-related digital video projects to implement a long term storage solution for the videos. As a result, the project's health status has been upgraded to green.

- Digital Video Asset Management System (DVAMS) II (\$5.7M)

Overall Project Health Status	
Current	Previous Variance Report
YELLOW	GREEN

The vision of DVAM I was to eventually eliminate the use of physical video evidence media within the organization. DVAM II extends network-based digital video data file technology to evidence management for interviews, booking and breath tests.

Two of five phases of DVAM II are completed (project initiation and project planning). The project is currently in phase 3 (solution development), with project tasks that include detailed system design, system integration and preliminary pilot activities. Although some technical issues have been identified that are in the process of being addressed, these are not expected to have an impact on the overall project budget and schedule. However, the health status has been changed to yellow until these technical issues are resolved to the Service's satisfaction.

- Facility Security (\$3.7M)

Overall Project Health Status	
Current	Previous Variance Report
GREEN	GREEN

This project addresses site security for police facilities. The initial plan included the installation or upgrading of fences as well as the provision of security gates where required. A security assessment was conducted by the Service, and priority areas (e.g., Property Unit, Tower Sites, Marine Unit, Jane St.) for security enhancements were identified. The project has been completed and final invoices have been received. The final cost exceeds the project budget by \$12,700. Therefore, a transfer of \$12,700 is being requested from the CASC project (which was completed this year, under budget) to this project to fund the shortfall.

- Radio Replacement (\$35.5M)

Overall Project Health Status	
Current	Previous Variance Report
GREEN	GREEN

This project provides funding for the replacement of the Service's current communication radios which are obsolete, and to ensure operability on the new platform being implemented through the City-managed Radio Infrastructure Replacement project. The replacement of the radios commenced in 2006 and will be completed in 2011. While the majority of this project is debt-funded, \$6M is being borrowed from the Service's Vehicle and Equipment Reserve (in

order to reduce financial pressure on the capital program) to fund the purchase of radios in 2008 and 2009. This project is currently on schedule and on budget.

Conclusion:

The Service is projecting a total gross expenditure of \$90.2M, compared to \$99.7M in available funding (a spending rate of 90.4% for 2008). The projected (net) under-expenditure for 2008 is \$5.1M of which \$4.8M would be carried forward to 2009.

Most projects are on budget and on schedule, and proceeding well. The marginal shortfall in the Facility Security project can be funded through a transfer from the CASC project, which was completed earlier this year under budget.

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

Chief Blair and Mr. Veneziano discussed this report with the Board.

The Board approved the foregoing report and the following Motions:

- 1. THAT the Board approve a budget transfer in 2008 of \$270,000 from the new Division 23 capital project to the In-Car Camera capital project; and**
- 2. THAT the Board forward this report to the City's Executive Committee for approval.**

2008 Capital Budget Variance Report As At September 30, 2008 (\$000s)

Project Name	Available to Spend in 2008	2008 Projected Actual	Year-End Variance - (Over)/ Under	Total Project Budget	Total Project Cost (Projected)	Project Variance - (Over) / Under	Comments	Overall Project Health
Facility Projects:								
23 Division	340.8	52.7	288.1	17,665.0	17,474.1	190.9	Move was completed on May 7, 2007. This project will be closed off in 2008.	Green
Traffic Services and Garage Facility	19.9	19.9	-	7,350.0	7,350.0	-	Move was completed on April 2, 2007. This project will be closed off in 2008.	Green
New Training Facility	42,933.3	41,536.3	1,397.0	75,804.4	75,804.4	-	Please refer to the body of the report.	Green
Intelligence/Special Investigation	1,219.9	460.0	759.9	4,565.0	4,565.0	-	Please refer to the body of the report.	Green
11 Division	365.6	20.0	345.6	25,474.9	25,474.9	-	Please refer to the body of the report.	Green
Information Technology Projects:								
Geocoding Engine	457.0	441.0	16.0	457.0	457.0	-	Project is on budget and on schedule.	Green
CASC System*	346.3	331.7	14.6	800.0	785.4	14.6	Project is complete, below budget.	Green
TRMS additional functionality*	1,295.0	1,295.0	-	3,748.0	3,748.0	-	Please refer to the body of the report.	Yellow
PCANS	927.0	927.0	-	927.0	927.0	-	Please refer to the body of the report.	Green
In Car Camera*	3,615.1	2,766.1	848.9	9,262.0	9,262.0	-	Please refer to the body of the report.	Green
Automated Vehicle Location System	615.2	346.9	268.3	1,590.0	1,590.0	-	Project is on budget but slightly behind schedule (will be completed by Q3,2009).	Green
Digital Video Asset Management II	2,015.0	1,420.0	595.0	5,665.0	5,665.0	-	Please refer to the body of the report.	Yellow
Replacements / Maintenance / Equipment Projects								
State-of-Good-Repair - Police	2,100.6	2,100.6	-	n/a	n/a	n/a	Project is on budget and on schedule.	Green
Facility Security	237.2	249.9	- 12.7	3,660.0	3,672.7	- 12.7	Please refer to the body of the report.	Green
Furniture Lifecycle Replacement	51.4	51.4	-	51.4	51.4	-	Project is on budget and on schedule.	Green
Power Supply-Fire/EMS/TPS	618.0	618.0	-	618.0	618.0	-	City-managed project.	n/a
Reserves								
Vehicle Replacement (lifecycle)	5,033.0	5,033.0	-	n/a	n/a	n/a	Projects are on budget and on schedule.	Green
IT-Related Replacements (lifecycle)	17,487.9	12,850.3	4,637.6	n/a	n/a	n/a	Projects are on budget and on schedule.	Green
Other Equipment (lifecycle)	5,354.6	4,990.5	364.1	n/a	n/a	n/a	Projects are on budget and on schedule.	Green
Land Acquisition Reserve Fund	14,650.0	14,650.0	-	n/a	n/a	n/a		
Total Gross Expenditures:	99,682.8	90,160.4	9,522.4					
Less Reserve funding:	- 27,875.6	- 22,873.8	- 5,001.7					
Less LARF funding:	- 14,650.0	- 14,650.0	-					
Less DND funding:	- 7,374.0	- 7,910.3	536.3					
Total Net Expenditures:	49,783.3	44,726.3	5,057.0					

REVISED 2008-2012 CAPITAL BUDGET REQUEST (\$000s)

Appendix 2

Proj. #	Project Name	Plan	2007	2008-2012 Request					2008-2012	2013-2017	Total	
		to end of 2007	Carry forward	2008	2008 Total Request	2009	2010	2011	2012	Proj. Total	Proj. Total	Project Cost
Facility Projects												
1	New training Facility (Replacement of C.O. Bick College)	32,069.0	4,270.2	38,663.0	42,933.2	5,072.4	0.0	0.0	0.0	43,735.4	0.0	75,804.4
2	11 Division - Central Lockup	0.0		365.6	365.6	7,398.0	11,957.0	5,754.3	0.0	25,474.9	0.0	25,474.9
3	14 Division - Central Lockup	0.0	0.0	0.0	0.0	591.0	10,561.0	14,257.3	5,388.6	30,797.8	0.0	30,797.8
4	Intelligence / Special Investigations Facility	1,000.0	454.9	765.0	1,219.9	2,800.0	0.0	0.0	0.0	3,565.0	0.0	4,565.0
5	Property & Evidence Management Storage	258.0	8.0	0.0	8.0	0.0	0.0	0.0	1,155.0	1,155.0	21,541.0	22,954.0
6	Long Term Facility Plan	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	77,121.9	77,121.9
7	54 Division (includes land)	0.0		0.0	0.0	0.0	0.0	0.0	5,500.0	5,500.0	31,000.7	36,500.7
8	41 Division (includes land)	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	40,334.3	40,334.3
Information Technology Projects												
9	Geocoding	457.0	457.0	0.0	457.0	0.0	0.0	0.0	0.0	0.0	0.0	457.0
10	PCANS	927.0	927.0	0.0	927.0	0.0	0.0	0.0	0.0	0.0	0.0	927.0
11	Automated Vehicle Location System Expansion	1,185.0	210.2	405.0	615.2	0.0	0.0	0.0	0.0	405.0	0.0	1,590.0
12	HRMS upgrade and additional functionality	750.0	-75.574	0.0	-75.6	0.0	0.0	0.0	265.0	265.0	0.0	1,015.0
13	TRMS upgrade and additional functionality	2,453.0		1,195.0	1,195.0	0.0	0.0	0.0	0.0	1,195.0	0.0	3,648.0
14	In - Car Camera	1,662.0	715.1	2,300.0	3,015.1	2,300.0	2,400.0	0.0	0.0	7,000.0	0.0	8,662.0
15	Digital Video Asset Management II	2,350.0		2,015.0	2,015.0	1,300.0	0.0	0.0	0.0	3,315.0	0.0	5,665.0
16	Data Warehouse Establishment	0.0		0.0	0.0	0.0	0.0	0.0	1,500.0	1,500.0	5,014.0	6,514.0
17	Electronic Document Management	0.0		0.0	0.0	0.0	0.0	0.0	500.0	500.0	0.0	500.0
18	Record Management System Replacement	0.0		0.0	0.0	0.0	0.0	0.0	4,000.0	4,000.0	4,000.0	8,000.0
19	Disaster Recovery Site	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Replacements / Maintenance / Equipment												
20	State-of-Good-Repair - Police	12,430.0	302.5	1,800.0	1,800.0	1,800.0	2,000.0	2,500.0	2,553.0	10,653.0	13,047.0	36,130.0
21	Facility Security	3,145.0	-277.8	515.0	237.2	0.0	0.0	0.0	0.0	515.0	0.0	3,660.0
22	Fuel Management System	0.0		0.0	0.0	0.0	0.0	0.0	600.0	600.0	0.0	600.0
23	Power Supply - Fire/EMS/TPS	0.0		618.0	618.0	0.0	0.0	0.0	0.0	618.0	0.0	618.0
24	Radio Replacement	10,684.9		0.0	0.0	0.0	7,440.8	11,400.0	0.0	18,840.8	0.0	29,525.7
Total Capital Budget Request		69,370.9	6,991.5	48,641.6	55,330.6	21,261.4	34,358.8	33,911.6	21,461.6	159,634.9	192,058.9	421,064.8
Other than debt expenditure (Draw from Reserve)												
25	Vehicle and Equipment Replacement	20,197.0		5,033.0	5,033.0	5,033.0	5,033.0	5,033.0	5,033.0	25,165.0	25,165.0	70,527.0
26	Workstation, Laptop, Printer - Lifecycle plan	11,399.0	2,550.2	3,774.0	6,324.2	4,785.0	4,816.0	3,774.0	3,774.0	20,923.0	20,922.2	53,244.2
27	Servers - Lifecycle Plan	4,506.0	-1,476.2	2,810.0	1,333.8	2,910.0	3,010.0	3,120.0	3,230.0	15,080.0	17,180.0	36,766.0
28	IT business resumption- Lifecycle Plan	6,923.0	260.0	0.0	260.0	0.0	1,590.0	1,640.0	1,700.0	4,930.0	9,050.0	20,903.0
29	Mobile Workstations	0.0		7,970.0	7,970.0	0.0	0.0	0.0	7,970.0	15,940.0	7,970.0	23,910.0
30	Network Equipment	0.0		1,600.0	1,600.0	970.0	480.0	500.0	520.0	4,070.0	4,610.0	8,680.0
31	Locker Replacement	550.0	54.6	550.0	604.6	550.0	550.0	0.0	0.0	1,650.0	0.0	2,200.0
32	Furniture Replacement	0.0	51.4	750.0	801.4	750.0	750.0	750.0	750.0	3,750.0	3,750.0	7,500.0
33	Radio Replacement	0.0		4,000.0	4,000.0	2,000.0	0.0	0.0	0.0	6,000.0	0.0	6,000.0
Total - Other than debt expenditure		43,575.0	1,439.9	26,487.0	27,926.9	16,998.0	16,229.0	14,817.0	22,977.0	97,508.0	88,647.2	229,730.2
Land Acquisition Reserve Fund (LARF)												
34	14 Division	5,950.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5,950.0
35	11 Division	8,700.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	8,700.0
Total Land Request		14,650.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	14,650.0
Total Gross Request		127,595.9	8,431.4	75,128.6	83,257.5	38,259.4	50,587.8	48,728.6	44,438.6	257,142.9	280,706.1	665,445.0
Total - Other than debt expenditure		-43,575.0	-1,439.9	-26,487.0	-27,926.9	-16,998.0	-16,229.0	-14,817.0	-22,977.0	-97,508.0	-88,647.2	-229,730.2
Total Land Request		-14,650.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-14,650.0
Funding from Department of National Defence (DND)		-4,916.0	-4,916.0	-2,458.0	-7,374.0	-2,458.0	0.0	0.0	0.0	-4,916.0	0.0	-9,832.0
Total Net Request		64,454.9	2,075.5	46,183.6	47,956.6	18,803.4	34,358.8	33,911.6	21,461.6	154,718.9	192,058.9	411,232.8

2007 Carryforward is estimated at time of budget approval; Attachment A reflects year-end carryforward amounts.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P297. TORONTO POLICE SERVICE – 2009-2013 CAPITAL PROGRAM
REQUEST - REVISED**

The Board was in receipt of the following report November 19, 2008 from William Blair, Chief of Police:

Subject: TORONTO POLICE SERVICE - 2009-2013 CAPITAL PROGRAM REQUEST
UPDATE

Recommendations:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward a copy of this report to the City of Toronto Executive Committee, and to the City's Deputy City Manager and Chief Financial Officer, for information.

Financial Implications:

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

The City Budget Committee has recommended approval of the Toronto Police Service's capital budget request at a net amount of \$14.4M for 2009 (a decrease of \$10.0M from what has been approved by the Board) and \$138.4M for the years 2009-2013 (\$25.0M less than what has been approved by the Board).

Background/Purpose:

The Board initially approved the Service's 2009-2013 Capital Program at its September 18, 2008 meeting at a net amount of \$24.8M for 2009 (excluding cash flow carry forwards from 2008) and \$163.8M for the five years 2009-2013 (Min. No. P273/08 refers).

The Board-approved Capital Program was presented and discussed with the City Manager and City Finance staff at a meeting on October 3, 2008. Subsequently, additional meetings were held with City staff and the two City Budget Committee members (Councillors Ainslie and Mihevc) assigned to review the Service's budget. At these meetings, the Service was requested to review the capital request for any further potential deferrals. As a result, Service staff reviewed the total capital program and cashflow for the ten-year program and every effort was made to reduce the scope of, or defer, capital projects to meet City targets. Based on this review, a revised 2009-2013 Capital Plan with a 2009 net request of \$24.4M (excluding cashflow carry forwards from 2008) and \$163.4M for 2009-2013 was approved by the Board on October 16, 2008 (Min. No. P278/08 refers).

Discussion:

The City's Budget Committee conducted its initial review of the City's 2009-2013 Capital Program at its meeting on November 7, 2008. At that time, the Budget Committee approved City staff recommendations with respect to the Service's capital program. The impact of those recommendations are outlined below.

Summary of City Recommendations:

The capital program that was approved by the Board at its October 16, 2008 meeting was within the City debt-affordability target in 2009. However, the program was over target by a total of \$23.1M or an average of \$4.6M over the five years.

In order for the program to come within City debt-affordability targets, the City Budget Committee has recommended the deferral of the new Property and Evidence Management Storage facility from 2009 to 2013. This action, in effect, results in the Service's 2009-2013 Capital Program being below (\$1.9M in total and \$0.4M on average) the City's debt targets. The Budget Committee has also recommended that "the Facilities and Real Estate Division continue to work with the Toronto Police Service to identify facility options for the Property and Evidence Storage facility, including the feasibility of utilizing City property through the City Yard Consolidation Study, and upon confirmation of a suitable site in 2009, staff include the updated capital project cost estimates as part of the 2010 Capital Budget process."

In addition, the City Budget Committee has recommended moving the Automated Fuel System project forward from 2014 to 2009. This project, which had been requested previously but deferred in order to accommodate other pressures, has also been recommended for consideration by the City's Auditor General in his recent review of the Service's fleet operations.

Finally, the Budget Committee is recommending the inclusion of a new project (Explosive Containment Vessel Replacement) in 2009. This replacement, which is currently included in the Service's 2009 operating budget request, is more appropriately a capital expenditure. This recommendation will relieve some pressure on the Service's 2009 operating budget request. It should be noted that the two latter projects have been recommended to be funded from the City's Capital Financing Reserve, and have no net impact on the Service's net capital debt requirement.

Attachment A provides a summary of the Service's 2009-2013 Capital Program assuming the City's Budget Committee recommendations are adopted. Attachment B provides a summary of the operating impact from capital under the revised capital program recommended by the City's Budget Committee. Attachment C provides the current Board-approved Capital program, for comparison.

Service's Response to City Staff Recommendations:

The Service recognizes the importance of meeting the City's debt-affordability targets, and every effort was made to do so. However, the Property & Evidence Management Storage Facility project is a very high priority, as the Service is faced with ever-growing property and evidence storage requirements. A recent consultant study concluded that the current facility is almost at full capacity and that a new larger facility is therefore required. Action has and is in the process of being taken to reduce storage requirements and increase the capacity of the current facility. This action is expected to extend the life of the current facility to mid-2012, and accordingly the Board-approved capital program provides cashflow for this project that would result in completion of the new facility by 2012.

Deferring the start of this project to 2013, as is being recommended by the Budget Committee, would most likely result in a new facility not being completed until 2015 or 2016. This is three to four years after the anticipated date when the current facility will be at capacity, and as such would jeopardize the Service's ability to meet legislated requirements for tracking, locating, disposing, and storage of property, could have a significantly negative impact on criminal court proceedings, and may increase the risk of civil litigation. It is therefore imperative that a suitable site for this facility be acquired as soon as possible so that a more definitive cost estimate can be developed for this project, and so that a new building will be in place by no later than 2013.

The City recognizes these risks, and has indicated that City Real Estate staff will continue to work with Service staff to identify a suitable site for the new facility. City staff have also advised that, if a property were to be found in 2009, every effort would be made to acquire the property in 2009, and that the cashflow for this project will be revisited during the 2010-2014 process.

The Service agrees with incorporating the Automated Fuel System (\$0.7M) and the Explosive Containment Vessel (\$0.5M) projects in the 2009-2013 capital program request. Including the replacement of the Explosive Containment Vessel in the capital program allows the Service to reduce its 2009 operating budget request by \$500,000.

Conclusion:

The City Budget Committee's recommended 2009-2013 Capital Budget for the Service differs from the Board-approved budget in three main areas:

- Deferral of the Property & Evidence Management Storage Facility project to start in 2013. This results in the deferral of \$10M from 2009 to 2013, and the movement of \$25.5M to beyond 2013. The City has, however, committed to continue working with the Service to find and fund a suitable site in 2009;
- Inclusion of the Automated Fuel System in 2009. This project is being accelerated from 2013 to 2009 with no net impact on the capital;
- Inclusion of the Explosive Containment vessel in 2009. This also has no net impact on the capital program, and reduces the Service's 2009 operating budget request.

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

Chief Blair and Mr. Veneziano discussed this report with the Board.

The Board approved the following Motions:

- 1. THAT the foregoing report from the Chief of Police be received;**
- 2. THAT the Board approve the revised 2009-2013 Capital Program, as recommended by the City's Budget Committee, at a net amount of \$14.4M for 2009 and \$138.4M for the years 2009-2013 on the understanding that: if a suitable property for a new Property and Evidence Storage facility is identified in 2009 that the City will provide the required funding to acquire the property; and the Service's 2010 – 2014 capital debt targets take into account the required capital cost estimates for this project to enable completion of this facility by 2013;**
- 3. THAT the Board forward this report to the City's Executive Committee for approval;**
- 4. THAT the Board expresses its concern that the Toronto Police Service has not been able, with confidence, to fiscally project its future capital budget requirement in an orderly fashion by reason of continuous inconsistency and lack of a predictable process; and**
- 5. THAT the Board request the City that a meeting be convened by the City Manager in early 2009 with senior staff of the Toronto Police Service to begin discussions before the 2010 budget process begins to improve the capital budget process and to establish predictable targets.**

2009-2013 CAPITAL BUDGET REQUEST (\$000s)
Summary of City Budget Committee Recommendation as of November 20, 2008

Proj. #	Project Name	Plan to end of 2008	2009-2013 Request					Total 2009-2013 Request	Total 2014-2018 Forecast	Total Project Cost
			2009	2010	2011	2012	2013			
On-Going Projects										
1	New Training Facility	70,732	5,072	0	0	0	0	5,072	0	75,804
2	In - Car Camera	3,962	2,300	2,400	0	0	0	4,700	0	8,662
3	Digital Video Asset Management II	4,365	1,300	0	0	0	0	1,300	0	5,665
4	State-of-Good-Repair - Police	14,230	2,300	2,300	2,500	2,553	2,647	12,300	15,358	41,888
5	Intelligence / Special Investigations Facility	1,765	2,800	0	0	0	0	2,800	0	4,565
6	Radio Replacement	10,685	0	7,448	5,700	5,700	0	18,848	0	29,533
Total On-Going Projects		105,739	13,772	12,148	8,200	8,253	2,647	45,020	15,358	166,117
New Projects										
7	11 Division - Central Lockup	366	2,946	15,715	7,918	0	0	26,578	0	26,944
8	14 Division - Central Lockup	0	326	8,048	17,666	8,883	0	34,923	0	34,923
9	Property & Evidence Management Storage	258	0	0	0	0	10,000	10,000	25,000	35,258
10	Acquisition, Impl'n of New RMS	0	400	1,564	8,092	8,752	4,670	23,478	990	24,468
11	911 Hardware / Handsets	0	0	292	421	432	0	1,145	0	1,145
12	AFIS/Livescan/RICI	0	324	0	3,000	0	0	3,324	3,000	6,324
13	HRMS - Additional functionality	0	108	346	0	0	0	454	0	454
14	Replacement of Voice Mail	0	0	864	0	0	0	864	0	864
15	Data Warehouse Establishment	0	0	0	0	343	2,411	2,754	6,003	8,757
16	54 Division (includes land)	0	0	0	0	0	300	300	36,012	36,312
17	41 Division (includes land)	0	0	0	0	0	0	0	38,403	38,403
18	13 Division (includes land)	0	0	0	0	0	0	0	29,901	29,901
19	Long Term Facility Plan	0	0	0	0	0	0	0	6,000	6,000
20	Fuel Management System	0	697	0	0	0	0	697	0	697
21	HRMS Upgrade	0	0	0	0	0	0	0	822	822
22	TRMS Upgrade	0	0	0	0	0	0	0	3,354	3,354
23	Fibre Optics	0	0	0	0	0	0	0	11,800	11,800
24	Electronic Document Management	0	0	0	0	0	0	0	500	500
25	Anticipated New IT Projects	0	0	0	0	0	0	0	15,000	15,000
25a	EDU/CBRN Explosive Containment	0	487	0	0	0	0	487	0	487
Total New Projects:		624	5,288	26,829	37,097	18,409	17,381	105,004	176,784	282,412
Total Debt-Funded Projects:		106,362	19,060	38,977	45,297	26,662	20,028	150,025	192,142	448,529

2009-2013 CAPITAL BUDGET REQUEST (\$000s)
Summary of City Budget Committee Recommendation as of November 20, 2008

Proj. #	Project Name	Plan to end of 2008	2009-2013 Request					Total 2009-2013 Request	Total 2014-2018 Forecast	Total Project Cost
			2009	2010	2011	2012	2013			
Total Debt-Funded Projects:		106,362	19,060	38,977	45,297	26,662	20,028	150,025	192,142	448,529
Other than debt expenditure (Draw from Reserve)										
26	Vehicle and Equipment Replacement	25,230	5,617	5,617	5,617	5,617	5,617	28,085	28,085	81,400
27	Workstation, Laptop, Printer Lifecycle	15,173	4,785	4,816	4,826	3,774	4,785	22,986	22,986	61,145
28	Servers Lifecycle	7,316	2,910	3,010	3,120	3,230	3,340	15,610	15,610	38,536
29	IT business resumption Lifecycle	6,923	0	1,588	1,644	1,701	1,761	6,693	6,693	20,310
30	Mobile Workstations Lifecycle	7,970	0	0	250	7,500	1,500	9,250	9,250	26,470
31	Network Equipment Lifecycle	1,600	1,723	480	500	520	2,603	5,826	5,826	13,252
32	Locker Replacement Lifecycle	1,100	550	550	0	0	0	1,100	0	2,200
33	Furniture Replacement Lifecycle	750	750	750	750	750	750	3,750	3,750	8,250
34	AVLS Replacement Lifecycle	0	0	316	593	639	0	1,548	1,547	3,095
35	In - Car Camera Lifecycle Replacement	0	0	0	0	33	655	687	851	1,538
36	Voice Logging Lifecycle Replacement	0	0	459	324	0	370	1,153	1,153	2,306
37	CAD - Computer Aided Dispatch System	0	0	0	0	100	331	431	431	862
38	Electronic Surveillance Lifecycle Replacement	0	0	0	1,977	0	0	1,977	1,977	3,954
39	Digital Photography Lifecycle Replacement	0	0	126	130	0	0	256	256	512
40	DVAM I Lifecycle Replacement	0	0	1,109	0	0	0	1,109	1,109	2,218
41	Repl. of Call Centre Application (ACD-X)	0	0	315	0	0	0	315	315	630
42	DVAM II Lifecycle Replacement	0	0	0	0	0	0	0	1,417	1,417
43	Asset and Inventory Mgmt.System (AIMS)	0	0	0	127	0	0	127	127	254
44	Property & Evidence Scanners Lifecycle	0	0	0	65	0	0	65	65	129
45	DPLN Replacement	0	0	0	0	778	0	778	778	1,556
46	Telephone Handset Replacement	0	0	300	300	300	300	1,200	1,500	2,700
47	Radio Replacement	4,000	2,000	0	0	0	0	2,000	0	6,000
48	Livescan Machines	0	0	435	0	0	0	435	435	870
49	Wireless Parking System	0	0	0	3,060	0	0	3,060	3,060	6,120
Total Reserve Projects:		70,062	18,335	19,871	23,283	24,941	22,011	108,441	107,220	285,723
Total Gross Projects		176,424	37,395	58,848	68,580	51,604	42,040	258,466	299,362	734,252
Funding Sources:										
	Vehicle and Equipment Reserve	(70,062)	(18,335)	(19,871)	(23,283)	(24,941)	(22,011)	(108,441)	(107,220)	(285,723)
	Funding from DND	(7,374)	(2,458)	0	0	0	0	(2,458)	0	(9,832)
	Funding from Development Charges	0	(1,052)	(3,000)	(1,503)	(1,300)	(1,100)	(7,955)	(5,500)	(13,455)
	Funding from Capital Financing Reserve	0	(1,184)	0	0	0	0	(1,184)	0	(1,184)
Total Funding Sources:		(77,436)	(23,029)	(22,871)	(24,786)	(26,241)	(23,111)	(120,038)	(112,720)	(310,195)
Total Net Request		98,988	14,366	35,977	43,794	25,362	18,928	138,428	186,642	424,058
5-year Average:								27,686	37,328	
City Target:			25,206	33,968	33,299	23,919	23,919	140,311	119,595	
City Target - 5-year Average:								28,062	23,919	
Variance to Target			10,840	(2,009)	(10,495)	(1,443)	4,991	1,883	(67,047)	
Variance to Target - 5-year Average:								377	(13,409)	

2009-2013 CAPITAL BUDGET REQUEST (\$000s)

Operating Impact of Capital Program as Recommended by City's Budget Committee

Proj. #	Project Name	2009 Operating Impact	2010 Operating Impact	2011 Operating Impact	2012 Operating impact	2013 Operating Impact	2014-2018 Operating Impacts
	On-Going Projects						
1	New Training Facility	1,040.0	0.0	0.0	0.0	0.0	0.0
2	In - Car Camera	0.0	0.0	200.0	0.0	0.0	0.0
3	Digital Video Asset Management II	0.0	0.0	200.0	0.0	0.0	0.0
4	State-of-Good-Repair - Police	0.0	0.0	0.0	0.0	0.0	0.0
5	Intelligence / Special Investigations Facility	0.0	0.0	0.0	0.0	0.0	0.0
6	Radio Replacement	0.0	0.0	0.0	0.0	0.0	0.0
	Total Operating Impact on On-Going Projects	1,040.0	0.0	400.0	0.0	0.0	0.0
	New Projects						
7	11 Division - Central Lockup	0.0	0.0	101.0	101.0	0.0	0.0
8	14 Division - Central Lockup	0.0	0.0	0.0	104.0	104.0	0.0
9	Property & Evidence Management Storage	0.0	0.0	0.0	83.0	0.0	0.0
10	Acquisition, Impl'n of New RMS	0.0	0.0	2,588.0	987.0	650.0	825.0
11	911 Hardware / Handsets	0.0	0.0	0.0	0.0	0.0	0.0
12	AFIS/Livescan/RICI	0.0	0.0	50.0	0.0	0.0	0.0
13	HRMS - Additional functionality	0.0	0.0	120.0	0.0	0.0	0.0
14	Replacement of Voice Mail	0.0	50.0	0.0	0.0	0.0	0.0
15	Data Warehousing System	0.0	0.0	0.0	0.0	1,043.0	0.0
16	54 Division (includes land)	0.0	0.0	0.0	0.0	0.0	200.0
17	41 Division (includes land)	0.0	0.0	0.0	0.0	0.0	200.0
18	13 Division (includes land)	0.0	0.0	0.0	0.0	0.0	200.0
19	Long Term Facility Plan	0.0	0.0	0.0	0.0	0.0	0.0
20	Fuel Management System	5.0	0.0	0.0	0.0	0.0	0.0
21	HRMS Upgrade	0.0	0.0	0.0	0.0	0.0	20.0
22	TRMS Upgrade	0.0	0.0	0.0	0.0	0.0	20.0
23	Fibre Optics	0.0	0.0	0.0	0.0	0.0	1,500.0
24	Electronic Document Management	0.0	0.0	0.0	0.0	0.0	52.5
25a	EDU/CBRN Explosive Containment	0.0	0.0	0.0	0.0	0.0	0.0
25	Anticipated New IT Projects	0.0	0.0	0.0	0.0	0.0	0.0
	Total Operating Impact on New Projects	5.0	50.0	2,859.0	1,275.0	1,797.0	3,017.5
	Contribution to Reserve	2,950.0	2,800.0	2,800.0	2,800.0	-1,500.0	0.0
	Total Contribution to Reserve:	2,950.0	2,800.0	2,800.0	2,800.0	-1,500.0	0.0
	Total Incremental Impact From Capital:	3,995.0	2,850.0	6,059.0	4,075.0	297.0	3,017.5
	Total Cumulative Impact From Capital (over 2008 budget):	3,995.0	6,845.0	12,904.0	16,979.0	17,276.0	30,463.5
	Total Staff Complement Change	0	0	0	67	0	0

2009-2013 CAPITAL BUDGET REQUEST (\$000s)
Board Approved, October 16, 2008

Proj. #	Project Name	Plan to end of 2008	2009-2013 Request					Total 2009-2013 Request	Total 2014-2018 Forecast	Total Project Cost
			2009	2010	2011	2012	2013			
	On-Going Projects									
1	New Training Facility	70,732	5,072	0	0	0	0	5,072	0	75,804
2	In - Car Camera	3,962	2,300	2,400	0	0	0	4,700	0	8,662
3	Digital Video Asset Management II	4,365	1,300	0	0	0	0	1,300	0	5,665
4	State-of-Good-Repair - Police	14,230	2,300	2,300	2,500	2,553	2,647	12,300	15,358	41,888
5	Intelligence / Special Investigations Facility	1,765	2,800	0	0	0	0	2,800	0	4,565
6	Radio Replacement	10,685	0	7,448	5,700	5,700	0	18,848	0	29,533
	Total On-Going Projects	105,739	13,772	12,148	8,200	8,253	2,647	45,020	15,358	166,117
	New Projects									
7	11 Division - Central Lockup	366	2,946	15,715	7,918	0	0	26,578	0	26,944
8	14 Division - Central Lockup	0	326	8,048	17,666	8,883	0	34,923	0	34,923
9	Property & Evidence Management Storage	258	10,000	8,700	11,800	1,500	3,000	35,000	0	35,258
10	Acquisition, Impl'n of New RMS	0	400	1,564	8,092	8,752	4,670	23,478	990	24,468
11	911 Hardware / Handsets	0	0	292	421	432	0	1,145	0	1,145
12	AFIS/Livescan/RICI	0	324	0	3,000	0	0	3,324	3,000	6,324
13	HRMS - Additional functionality	0	108	346	0	0	0	454	0	454
14	Replacement of Voice Mail	0	0	864	0	0	0	864	0	864
15	Data Warehouse Establishment	0	0	0	0	343	2,411	2,754	6,003	8,757
16	54 Division (includes land)	0	0	0	0	0	300	300	36,012	36,312
17	41 Division (includes land)	0	0	0	0	0	0	0	38,403	38,403
18	13 Division (includes land)	0	0	0	0	0	0	0	29,901	29,901
19	Long Term Facility Plan	0	0	0	0	0	0	0	6,000	6,000
20	Fuel Management System	0	0	0	0	0	0	0	697	697
21	HRMS Upgrade	0	0	0	0	0	0	0	822	822
22	TRMS Upgrade	0	0	0	0	0	0	0	3,354	3,354
23	Fibre Optics	0	0	0	0	0	0	0	11,800	11,800
24	Electronic Document Management	0	0	0	0	0	0	0	500	500
25	Anticipated New IT Projects	0	0	0	0	0	0	0	15,000	15,000
25	Content Manager	0	0	0	0	0	0	0	0	0
26	Telephone Replacement	0	0	0	0	0	0	0	0	0
27	eTicketing	0	0	0	0	0	0	0	0	0
28	Disaster Recovery Site (To be determined)	0	0	0	0	0	0	0	0	0
	Total New Projects:	624	14,103	35,529	48,897	19,909	10,381	128,820	152,481	281,925
	Total Debt-Funded Projects:	106,362	27,876	47,677	57,097	28,162	13,028	173,841	167,839	448,042

2009-2013 CAPITAL BUDGET REQUEST (\$000s)
Board Approved, October 16, 2008

Proj. #	Project Name	Plan to end of 2008	2009-2013 Request					Total 2009-2013 Request	Total 2014-2018 Forecast	Total Project Cost
			2009	2010	2011	2012	2013			
	Other than debt expenditure (Draw from Reserve)									
26	Vehicle and Equipment Replacement	25,230	5,617	5,617	5,617	5,617	5,617	28,085	28,085	81,400
27	Workstation, Laptop, Printer Lifecycle	15,173	4,785	4,816	4,826	3,774	4,785	22,986	22,986	61,145
28	Servers Lifecycle	7,316	2,910	3,010	3,120	3,230	3,340	15,610	15,610	38,536
29	IT business resumption Lifecycle	6,923	0	1,588	1,644	1,701	1,761	6,693	6,693	20,310
30	Mobile Workstations Lifecycle	7,970	0	0	250	7,500	1,500	9,250	9,250	26,470
31	Network Equipment Lifecycle	1,600	1,723	480	500	520	2,603	5,826	5,826	13,252
32	Locker Replacement Lifecycle	1,100	550	550	0	0	0	1,100	0	2,200
33	Furniture Replacement Lifecycle	750	750	750	750	750	750	3,750	3,750	8,250
34	AVLS Replacement Lifecycle	0	0	316	593	639	0	1,548	1,547	3,095
35	In - Car Camera lifecycle Replacement	0	0	0	0	33	655	687	851	1,538
36	Voice Logging lifecycle Replacement	0	0	459	324	0	370	1,153	1,153	2,306
37	CAD - Computer Aided Dispatch System	0	0	0	0	100	331	431	431	862
38	Electronic Surveillance Lifecycle Replacement	0	0	0	1,977	0	0	1,977	1,977	3,954
39	Digital Photography lifecycle Replacement	0	0	126	130	0	0	256	256	512
40	DVAM I Lifecycle Replacement	0	0	1,109	0	0	0	1,109	1,109	2,218
41	Repl. of Call Centre Application (ACD-X)	0	0	315	0	0	0	315	315	630
42	DVAM II Lifecycle Replacement	0	0	0	0	0	0	0	1,417	1,417
43	Asset and Inventory Mgmt.System (AIMS)	0	0	0	127	0	0	127	127	254
44	Property & Evidence Scanners Lifecycle	0	0	0	65	0	0	65	65	129
45	DPLN Replacement	0	0	0	0	778	0	778	778	1,556
46	Telephone Handset Replacement	0	0	300	300	300	300	1,200	1,500	2,700
47	Radio Replacement	4,000	2,000	0	0	0	0	2,000	0	6,000
48	Livescan Machines	0	0	435	0	0	0	435	435	870
49	Wireless Parking System	0	0	0	3,060	0	0	3,060	3,060	6,120
Total Reserve Projects:		70,062	18,335	19,871	23,283	24,941	22,011	108,441	107,220	285,723
Total Gross Projects		176,424	46,211	67,548	80,380	53,104	35,040	282,282	275,059	733,765
Funding Sources:										
	Vehicle and Equipment Reserve	(70,062)	(18,335)	(19,871)	(23,283)	(24,941)	(22,011)	(108,441)	(107,220)	(285,723)
	Funding from DND	(7,374)	(2,458)	0	0	0	0	(2,458)	0	(9,832)
	Funding from Development Charges	0	(1,052)	(3,000)	(1,503)	(1,300)	(1,100)	(7,955)	(5,500)	(13,455)
Total Funding Sources:		(77,436)	(21,845)	(22,871)	(24,786)	(26,241)	(23,111)	(118,854)	(112,720)	(309,010)
Total Net Request		98,988	24,366	44,677	55,594	26,862	11,928	163,428	162,339	424,755
5-year Average:								32,686	32,468	
City Target:			25,206	33,968	33,299	23,919	23,919	140,311	119,595	
City Target - 5-year Average:								28,062	23,919	
Variance to Target			840	(10,709)	(22,295)	(2,943)	11,991	(23,117)	(42,744)	
Variance to Target - 5-year Average:								(4,623)	(8,549)	

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

#P298. THE GATEHOUSE

Ms. Sabrina Ramlackan, Investigation and Adult Support Coordinator/Supervisor, and Ms. Julie Brown, Development Manager, of The Gatehouse were in attendance and delivered a presentation to the Board on the services that are provided at The Gatehouse, a child abuse investigation and support site in Toronto. A paper copy of the Powerpoint presentation is on file in the Board office.

The Board commended Ms. Ramlackan and Ms. Brown for the work that they are doing at The Gatehouse and received their presentation.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

#P299. SCADDING COURT - REPORT ON THE BILL 103 SUMMIT

The Board was in receipt of a summary report dated November 04, 2008 from Kevin Lee, Executive Director, Scadding Court Community Centre, regarding the results of the Bill 103 Summit.

Mr. Lee and Ms. Anita Balakrishna were in attendance and delivered a presentation to the Board. Mr. Lee also provided the Board with copies of the Summit's complete report.

The Board received the reports and the presentation. A copy of the summary report is appended to this Minute for information. A copy of the complete report is on file in the Board office.

Report on the Bill 103 Summit September 24 – 26, 2008 (Toronto)

submitted by Scadding Court Community Centre
November 4, 2008

Introduction

Scadding Court Community Centre (SCCC) and partners of the Community Education and Access to Police Complaints (CEAPC) Partnership hosted a community-led Bill 103-Summit in Toronto from September 24th to 26th, 2008 to inform the development of the regulations that will shape the new police complaints system to be headed by the Independent Police Review Director (IPRD) under Ontario's *Bill 103: An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act (hereinafter "Bill 103")*. The new legislation introduced an overhaul of the police complaint system in Ontario that had been in existence since 1997. However, as the legislation currently stands, limited details have been provided about the new system, nor about the IPRD who possesses wide-ranging decision-making power to develop regulations that will guide policies and procedures of the new system. The organizers of the Bill103-Summit sought to create space for the three pillars of community, police and government to engage in constructive dialogue through equitable and meaningful participation in order to support the development of a police complaints system that will meet the needs of all parties involved.

The issue of police complaints, and police services more generally, is of importance for many of Ontario's diverse communities. Building on the four themes of accessibility, accountability, transparency and public support and education, the Bill 103 Summit was developed in order to ensure that there was viable involvement of the community perspective in shaping the new system to ensure that it will be accessible, fair and effective. It was intended to complement other consultations, including those conducted by the Office of the IPRD and took place at a critical juncture in the policy process, as the regulations that will shape Ontario's new system will be developed over the coming year.

Summit Participation

134 people attended the Summit, of which 25 were youth and an additional 18 were members of Toronto's diverse communities, with strong representation by groups that have traditionally encountered barriers to using and have not been served well by the police complaints process. This group included tenant representatives from Toronto Community Housing, past complainants, independent members of newcomer and/or ethnoracial communities, and community group representatives. The community voice was further strengthened by the participation of over 13 representatives from a number of community agencies, such as Canadian Arab Federation, Canadian Centre for Diversity, South Asian Legal Clinic of Ontario, Parkdale Community Legal Services, The 519 Community Centre, Alexandra Park Community Centre, St. Stephen's Community House, Dixon Hall and the African Canadian Legal Clinic.

Community Participation

The Summit applied a unique and participatory approach that emphasized providing a meaningful opportunity for learning and civic engagement for all delegates who attended. It aimed to inform the development of a new police complaints system that not only works well but promotes enhanced police-community relations, support community policing activities and contribute to community safety. Community participation was supported in a number of different ways:

Intensive outreach and recruitment: The process of identifying community members able to commit to three full days of participation, interested engaging on this topic and willing and able to take part in preparatory conversations with project staff as well as do some background reading prior to the event required a significant investment of time and effort. Many interested potential participants, particularly past complainants, were unable to participate as they had difficulty taking time off from their employment.

Preparatory workshop for youth: Many (14+) youth also participated in a 5 hour workshop to prepare them for their participation. Topics covered included the legislative process, policing in Ontario, and police complaints. This workshop was highly successful in preparing the youth both in terms of understanding the context and vocabulary of the Summit, building confidence and formulating their ideas for participation. In addition to the workshop, staff from Scadding Court and Community Education and Access to Police Complaints (CEAPC) partner Justice for Children & Youth held daily and post-Summit “check-ins” with groups of youth to ensure that they felt comfortable, answer any questions and debrief about what their experiences.

Summit infrastructure and participation: Delegates were provided with breakfast, lunch and snacks on the three days of the Summit, attended the Summit Dinner (held at the Bright Pearl Restaurant) and received Toronto Transit Commission (TTC) tokens to cover their travel costs during the Summit. Additional costs associated with community participation include printing (of packages received (in advance of or at) the Summit, venue rental and staff support prior to, during and after the Summit. Summit and Scadding Court staff made particular efforts to regularly check in with community delegates to ensure that they felt comfortable, able to contribute and had everything they needed to make their participation meaningful and productive. Attendant and child care was available, however not required.

Summit WIKI: To allow those unable to attend the Summit to contribute, a Summit WIKI was created. This virtual space (where people can share, create and transfer knowledge) was populated with questions to stimulate discussion, had session notes were posted live throughout the Summit and allowed people to comment on Summit outcomes post-Summit. 24 virtual delegates registered with the WIKI and their contributions were reviewed and integrated into Summit activities and reporting as possible.

Key Summit Outcomes

Informal feedback received during and after the Summit, as well as working session evaluations indicate that community delegates experienced increased awareness and knowledge about the legislative process in Ontario and a new understanding for the complexity of the law and of public systems. They also learned a great deal about the complaints system and its connection to broader social issues such as poverty and race. A high proportion of community delegates to the Summit expressed interest in remaining connected to and active on the issue and requested to be

added to the CEAPC electronic distribution list for future involvement. A follow up session with youth who attended the Summit is being planned for December 2008.

Working session evaluations indicated that a very strong majority of delegates, including those from the community, reported that the Summit met their expectations, would contribute to an improved police complaints system and was a positive learning experience. Specific comments from community participants include:

“I feel comfortable saying the suggestions will contribute to an improved police complaints system because it was a passionate group.”

“It was good to see others view of the legislation.”

“It is a very complicated system and much work has to be done. The Summit information should be helpful. Hopefully, it is not lost in the future.”

“The Facilitators were very good. They held the interest of all participants, ensured everyone had an opportunity to express themselves & were respectful of everybody.”

“I learned that one person’s voice can be effective in contributing to change.”

A report detailing the Summit and its outcomes is expected to be finalized in mid/late November, 2008 and will be provided to the Toronto Police Services Board as well as other stakeholders. It will also be posted on the CEAPC and Bill 103 Summit websites: www.scaddingcourt.org/specialprojects/police and www.bill103-summit.org. All community Summit participants will receive electronic notification of the report (where this is not possible, telephone calls will be made) and should they not be able to access it on the Internet, it will be sent to them in hard copy.

The following is a summary of how TPSB funds were applied to support community participation at the Bill 103 Summit:

Item	Details	Amount
25 youth @ \$300	Meals Summit Dinner TTC Printing Pre-Summit workshop Child care Attendant care	\$7,500
18 community members @ \$300	As above (no workshop)	\$5,400
Participant honorarium	Participation of past complainant	\$100
WIKI	Development, maintenance	\$1500
Staff support		\$4,000
TOTAL		\$18,500

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

#P300. PUBLIC TRANSIT SAFETY FRAMEWORK

The Board was in receipt of the following report November 05, 2008 from Alok Mukherjee, Chair:

Subject: PUBLIC TRANSIT SAFETY FRAMEWORK

Recommendation:

It is recommended that that the Board authorize the Chair and the Vice Chair to work with the Toronto Transit Commission (TTC), the Chief of Police and other stakeholders to establish a framework and a process for developing a shared vision for policing Toronto's public transit system..

Financial Implications:

There are no financial implications arising out of this report.

Background/Purpose:

At its meeting on April 17, 2008, the Toronto Police Services Board (the Board) decided to initiate a public discussion on the issue of adequate and effective policing of public transit and public housing in Toronto, in accordance with the *Police Services Act (PSA or the Act)*. The Board asked the Chief of Police to report on this issue (Min. No. P106/08 refers).

At its meeting on July 24, 2008, the Board directed the Chair to convene a meeting with representatives of the TTC to discuss its plan for security, specifically its plan for the special constables program (Min. No. P197/08 refers).

At its meeting on October 16, 2008, the Board received a report from the Chief of Police outlining the role of the Toronto Police Service (TPS) as it pertains to the Toronto Transit Commission (Min. No. P291/08 refers). The Chief, while recognizing the "legitimate" security needs of the TTC, commented that the existence of the Special Constable Services Section of the TTC is "immaterial" to the ability of the Toronto Police Service to provide adequate and effective policing of the public transit system.

At the October 16, 2008 meeting, the Board received the Chief's report and directed the Chair to provide a further report to the November Board meeting on follow-up options related to the Chief's report based on consultations with appropriate stakeholders.

Discussion:

Pursuant to the Board's direction, the Chair, along with the Vice Chair, has met with Councillor Adam Giambrone, Chair of the TTC, and representatives of Mayor Miller. The Chair has also had extensive discussions with Chief of Police William Blair and TTC Chief General Manager Gary Webster.

It is clear that as the City's only public police agency, the Toronto Police Service is solely responsible for delivering adequate and effective policing within the City of Toronto under the *PSA*. These responsibilities include the public transit system in Toronto, as operated by the Toronto Transit Commission. The TPS and the TTC seek to work in expanded partnership to ensure that our public transit system continues to be safe.

Under the current partnership arrangement, the Board, upon request from the TTC, appoints certain TTC employees as special constables with limited powers under federal and provincial legislation to provide routine safety and enforcement services in the transit system. The Board has the authority to re-appoint these individuals as special constables, determine what level of authority they may have, approve use of force options and mandate training. The Board also has the authority to revoke special constable status. Daily liaison between the Service and the TTC is governed by a Memorandum of Understanding between the parties.

There is new impetus for both the Board and the TTC to renew their focus on public safety and to work together to intensify the focus on transit safety. The impetus for this renewed focus arises from the Toronto Police Service's Board's commitment to its own mandate (as set out in the *Police Services Act*) to provide "adequate and effective" police service to the municipality, including the public transit system. Specifically, discussions have identified the need to review and redefine issues of governance, oversight, training and accountability with respect to special constables, and to clarify the appropriate policing roles of the TPS and the TTC special constables.

The Transit City Initiative

In part, this impetus comes from the TTC's plan for expansion of its service – the Toronto Transit City Light Rail Plan, or "Transit City" initiative.

The Toronto Transit City Light Rail Plan is an exciting initiative that will revolutionize transit and transportation across Toronto. Its far-reaching lines will revitalize neighbourhoods, spur economic growth and clean the air we breathe. Seven new Light Rail Transit (LRT) lines will bring reliable, fast, quiet and comfortable transit service to many Toronto neighbourhoods.

At the same time, this plan will increase safety and security needs on TTC's surface routes. There is potential for confusion in the public mind if and when the TTC special constables deal with security matters and operate their marked vehicles on the streets of the City.

Conclusion:

The Toronto Police Services Board and the Toronto Transit Commission must agree to work together in the coming months to define a shared vision of safety and security in public transit. This shared vision should include, acceptance of the concept of one public police system for the City, articulation of the role and responsibility of the Board with respect to governance and accountability, recognition of the policing responsibilities given to the Toronto Police Service by the *Police Services Act*, clarification of roles and responsibilities for ensuring safety in all parts of the transit system, agreement vis-à-vis mechanisms for delivery of adequate and effective services, and assessment of the costs of various modes of service delivery.

Thus, it is recommended that the Board authorize the Chair and the Vice Chair to work with the Toronto Transit Commission (TTC), the Chief of Police and other stakeholders to establish a framework and a process for developing a shared vision for policing Toronto's public transit system.

Chair Mukherjee noted that during the Board's confidential meeting, the Board was in receipt of two reports dated November 03, 2008 and November 10, 2008 from Gary Webster, Chief General Manager, Toronto Transit Commission, regarding TTC Special Constables. Chair Mukherjee also noted that the Board had agreed to refer the two reports to the public meeting for consideration (Min. No. C302/08 refers).

Copies of the two reports were circulated to the Board. Chair Mukherjee noted that they are marked "confidential" but reiterated that they could be circulated publicly for consideration.

Copies of Mr. Webster's reports are appended to this Minute for information.

The Board approved the following Motions:

- 1. THAT the foregoing report from the Chair be approved with an amendment indicating that Board Member Judi Cohen would also work with the Chair and Vice-Chair, the TTC, the Chief of Police and other stakeholders to establish a framework and a process for developing a shared vision for policing Toronto's public transit system; and**
- 2. THAT the two reports from Mr. Webster be referred to the committee and that a report be provided to the Board for its December 18, 2008 meeting.**

Report dated November 03, 2008 from Gary Webster, Chief General Manager, Toronto Transit Commission:

SUBJECT: TORONTO TRANSIT COMMISSION SPECIAL CONSTABLES
(CONFIDENTIAL)

Recommendations:

It is recommended that:

The Board receive this report.

Financial Implications:

There are no financial implications relating to this report.

Background/Purpose:

Under Section 53 of the Police Services Act of Ontario (the Act); the Board is authorized to appoint and re-appoint special constables, subject to the approval of the Minister of Community Safety and Correctional Services (the Minister). Pursuant to this authority, the Board entered into an agreement with the Toronto Transit Commission (TTC) for the administration of special constables (Min. No. P39/96 refers).

At the Confidential meeting of the Toronto Police Services Board of October 16, 2008 Chief General Manager Gary Webster, Chief Special Constable Terry Andrews and Deputy Chief Special Constable Fergie Reynolds attended the confidential meeting of the Board and provided a full briefing on the TTC six-year security plan.

Discussion took place regarding the lack of a legislative framework governing special constables in Ontario and how that impacted on the Board's governance role with respect to TTC special constables. There was discussion about how the Public Complaints, SIU Investigations and Code of Conduct provisions of the Police Services Act did not currently apply to special constables.

Chief General Manager Webster agreed that the TTC in consultation with City of Toronto Legal Services and the Toronto Police Service would develop a Code of Conduct for TTC special constables as well as protocols for the handling of Public Complaints and SIU Investigations which protocols would be similar to those governing police officers.

The Board invited Chief General Manager Webster to attend a future meeting to discuss the protocols with the intent they would be incorporated as addendums to the current Special Constable agreement as between the Board and the TTC.

Discussion:

TTC Legal Services have met with City of Toronto Legal Services, Toronto Police Services Legal Services, members of the Toronto Police Service and members of the TTC Special Constable Services Department to discuss the form and content of protocols to govern the conduct of TTC special constables. A draft copy of the protocols relating to Public Complaints, SIU investigations and the Code of Conduct, will be presented to the Board.

Conclusion:

The Toronto Transit Commission recognizes concerns expressed by the Toronto Police Services Board regarding the governance and accountability of the TTC special constables.

The Toronto Transit Commission is fully committed to addressing the concerns of the Toronto Police Services and is working cooperatively with the Toronto Police Service and City of Toronto Legal Services to develop a governance framework that can be incorporate into Special Constable Agreement.

Chief General Manager Gary Webster will be in attendance to answer any questions that the Board may have.

Report dated November 10, 2008 from Gary Webster, Chief General Manager, Toronto Transit Commission:

SUBJECT: TORONTO TRANSIT COMMISSION SPECIAL CONSTABLES
(CONFIDENTIAL) –

Recommendations:

It is recommended that:

- (1) The Board approve amending the Agreement as between the Toronto Police Services Board (“Board”) and the Toronto Transit Commission (“TTC”), dated May 9, 1997, as amended by an agreement dated April 22, 1999 and an undated 2001 agreement, to incorporate the following Protocols attached as Schedules A, B and C to this Report with respect to TTC Special Constables:
 - (a) TTC Special Constables Services Code of Conduct (Schedule A);
 - (b) Complaints Protocol for TTC Special Constables (Schedule B); and
 - (c) Protocol for Investigations if Serious Injury or Death Occurs (Schedule C).
- (2) TTC staff, City of Toronto Legal Services, Toronto Police Service Legal Services and members of the Toronto Police Service work together over the next twelve (12) months to develop a new agreement with respect to the TTC Special Constables, which agreement will address any outstanding issues.

Financial Implications:

There are no financial implications relating to this report.

Background/Purpose:

This report is a supplemental report to the previous report entitled “Toronto Transit Commission Special Constables” dated November 3, 2008.

Discussion:

TTC Legal Services have met with City of Toronto Legal Services, Toronto Police Services Legal Services, members of the Toronto Police Service and members of the TTC Special Constable Services Department to discuss the form and content of protocols to govern the conduct and accountability of TTC Special Constables. A copy of the protocols relating to Public Complaints, Investigations if serious injury or death occurs and a Code of Conduct, are set out in Schedules A, B and C to this Report.

The three protocols are based on current requirements as set out in the *Police Services Act* as they apply to police officers and address general governance and accountability of Special Constables.

The Code of Conduct Protocol (Schedule A), provides as mission statement for TTC Special Constable Services Department and outlines the responsibility of each and every TTC Special Constable. A breach of the Code of Conduct may result in the suspension and/or termination of an individual's status as a Special Constable. In addition, a breach of the Code of Conduct may also result in employment discipline, up to and including dismissal.

The Special Constable Complaints Protocol (Schedule B) sets out the broad principles in which all complaints relating to policies or services provided by the TTC Special Constable Services Departments or any complaint against a TTC Special Constable, including the Chief Special Constable, will be handled. The Protocol includes a mechanism allowing a complainant to appeal any decision/finding and also allows for informal resolution to any conduct which is considered not to be of a serious nature. For any complaints relating to conduct which may be criminal in nature, the Toronto Police Service will be requested to conduct the investigation.

In accordance with the current Board and TTC Agreement, the TTC currently has a Complaints Investigation Procedure in place to address any complaint by a member of the public against a TTC Special Constable. The new Special Constable Complaints Protocol provides a general framework for the current procedure similar to the framework established in the *Police Services Act* relating to police officers.

The Protocol for Investigations if serious injury or death occurs as a result of criminal offences committed by TTC Special Constables (Schedule C) addresses the issue of co-operation with an investigation undertaken by the Province's Special Investigation's Unit ("SIU"). If a TTC Special Constable is involved in an incident in which serious injury or death occurs, the TTC will immediately notify Toronto Police Service Duty Operations Centre and report the incident and request that the Toronto Police Service SIU liaison officer be immediately notified. Members of the TTC Special Constable Services Department will co-operate fully in any investigation undertaken by the SIU or Toronto Police Service. However, any Special Constable who is potentially a "subject special constable" will be afforded the right to legal counsel. In addition, nothing in the Protocol shall prevent a subject special constable from exercising any legal right or privilege afforded to him or her under the laws of Canada, including the *Canadian Charter of Rights and Freedoms*.

The TTC believes that the inclusion of the three protocols, as set out above, will provide a better framework for the governance of the TTC Special Constable program. The Protocols help to address previous concerns raised with respect to the overall governance of Special Constables without any specific legislation.

TTC Special Constables are trained in a manner similar to that of a police officer. Training for Special Constables is administered in accordance with course training standards jointly developed by TTC and the teaching staff at C.O. Bick College. The training is conducted by TTC, Toronto Police Service and external community resources and includes instruction on

federal and provincial statutes, use of force, diversity, racial profiling awareness, procedures, tactical communications, dealing with emotionally disturbed persons, community based policing, ethical deliberations and crisis intervention.

TTC Special Constables are trained using the same Ontario Use of Force Model as police officers, but are limited as to the use of force options available to them. TTC Special Constables are only permitted to use handcuffs, batons and pepper spray.

In order to address some other concerns previously raised, the TTC is also agreeable to ensuring that the TTC Special Constable uniform and vehicles are distinct from Toronto Police Service uniforms and vehicles.

Conclusion:

The Toronto Transit Commission recognizes concerns expressed by the Toronto Police Services Board regarding the governance and accountability of the TTC special constables and have worked in cooperation with City of Toronto Legal Services, Toronto Police Services Legal Services and members of the Toronto Police Service to address these issues.

The Protocols attached to this Report as Schedules A, B and C help to ensure that an appropriate governance framework is in place with respect to the TTC Special Constable program. The TTC looks forward to working with the Board and members of the Toronto Police Service over the next twelve months to develop a new Special Constable Agreement that addresses any outstanding issue.

Chief General Manager Gary Webster will be in attendance to answer any questions that the Board may have.

SCHEDULE A

TTC SPECIAL CONSTABLE CODE OF CONDUCT

TTC SPECIAL CONSTABLE SERVICES MISSION STATEMENT:

The TTC Special Constable Services Department is committed to working in partnership with TTC employees and the community to deliver effective law enforcement and security services to protect TTC customers, employees and assets.

Six core values have been established as follows which form the basis of the TTC Special Constables Code of Conduct:

- A. **Leadership** – A TTC Special Constable shall lead through a positive attitude to motivate, inspire and influence others towards a common goal;
- B. **Professionalism** – A TTC Special Constable shall be professional by demonstrating fairness and respect toward all members of the community;
- C. **Integrity** – A TTC Special Constable shall at all times be honourable, trustworthy and strive to do what is right;
- D. **Teamwork** – A TTC Special Constable shall work together within his or her department, the TTC and with the members of various communities to achieve departmental goals;
- E. **Accountability** – A TTC Special Constable shall accept responsibility for his or her actions and be accountable for those actions within the TTC and the communities he or she serves; and
- F. **Reliability** – A TTC Special Constable shall be conscientious, responsible and dependable in his or her dealings with other TTC employee and the communities he or she serves.

CODE OF CONDUCT:

1) The TTC Chief Special Constable or any other TTC Special Constable commits misconduct if he or she engages in,

(a) Discreditable Conduct, in that he or she,

- (i) fails to treat or protect a person equally without discrimination with respect to TTC Special Constable services because of that person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap,

- (ii) uses profane, abusive or insulting language that relates to a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap,
 - (iii) is guilty of oppressive or tyrannical conduct towards an inferior in rank,
 - (iv) uses profane, abusive or insulting language to any other TTC employee,
 - (v) uses profane, abusive or insulting language or is otherwise uncivil to a member of the public,
 - (vi) wilfully or negligently makes any false complaint or statement against any TTC employee or a member of the public,
 - (vii) assaults any other TTC employee or a member of the public,
 - (viii) withholds or suppresses a complaint or report against a TTC special constable or about the policies of or services provided by TTC special constables,
 - (ix) is guilty of an indictable criminal offence or a criminal offence punishable upon summary conviction, or
 - (x) acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the TTC Special Constable Program;
- (b) Insubordination, in that he or she,
- (i) is insubordinate by word, act or demeanour, or
 - (ii) without lawful excuse, disobeys, omits or neglects to carry out any lawful order;
- (c) Neglect of Duty, in that he or she,
- (i) without lawful excuse, neglects or omits promptly and diligently to perform a duty as a TTC Special Constable,
 - (ii) fails to comply with any provision of the conduct and duties of a TTC Special Constable respecting investigations of serious injury or death,
 - (iii) fails to work in accordance with orders, or leaves an area, detail or other place of duty, without due permission or sufficient cause,
 - (iv) by carelessness or neglect permits a prisoner to escape,
 - (v) fails, when knowing where an offender on TTC property is to be found, to report him or her or to make due exertions for bringing the offender to justice,
 - (vi) fails to report a matter that it is his or her duty to report,

- (vii) fails to report anything that he or she knows concerning a criminal or other charge, or fails to disclose any evidence that he or she, or any person within his or her knowledge, can give for or against any prisoner or defendant,
 - (viii) omits to make any necessary entry in a record,
 - (ix) feigns or exaggerates sickness or injury to evade duty,
 - (x) is absent without leave from or late for any duty, without reasonable excuse, or
 - (xi) is improperly dressed, dirty or untidy in person, clothing or equipment while on duty;
- (d) Deceit, in that he or she,
- (i) knowingly makes or signs a false statement in a record,
 - (ii) wilfully or negligently makes a false, misleading or inaccurate statement pertaining to official duties, or
 - (iii) without lawful excuse, destroys or mutilates a record or alters or erases an entry therein;
- (e) Breach of Confidence, in that he or she,
- (i) divulges any matter which it is his or her duty to keep secret,
 - (ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of the warrant or service of the summons,
 - (iii) without proper authority, communicates to the media or to any unauthorized person any matter connected with TTC Special Constables or the TTC, or
 - (iv) without proper authority, shows to any person not a TTC Special Constable or to any unauthorized TTC Special Constable any record that is the property of the TTC;
- (f) Corrupt Practice, in that he or she,
- (i) offers or takes a bribe,
 - (ii) fails to account for or to make a prompt, true return of money or property received in an official capacity,
 - (iii) directly or indirectly solicits or receives a gratuity or present without the consent of the TTC Chief Special Constable or as otherwise set out in the TTC Corporate Policy 4.45.3 – Conflict of Interest, as amended from time to time,

- (iv) places himself or herself under a pecuniary or other obligation to a licensee concerning the granting or refusing of whose licence a TTC Special Constable may have to report or give evidence, or
- (v) improperly uses his or her character and position as a TTC Special Constable for private advantage;
- (g) Unlawful or Unnecessary Exercise of Authority, in that he or she,
 - (i) without good and sufficient cause makes an unlawful or unnecessary arrest, or
 - (ii) uses any unnecessary force against a prisoner or other person contacted in the execution of duty;
- (h) Damage to Clothing or Equipment, in that he or she,
 - (i) wilfully or carelessly causes loss or damage to any article of clothing or equipment, or to any record or other property of the police force, or
 - (ii) fails to report loss or damage, however caused, as soon as practicable; or
- (i) Consuming Drugs or Alcohol in a Manner Prejudicial to Duty, in that he or she,
 - (i) is unfit for duty, while on duty, through consumption of drugs or alcohol,
 - (ii) is unfit for duty when he or she reports for duty, through consumption of drugs or alcohol,
 - (iii) except with the consent of a superior officer or in the discharge of duty, consumes or receives alcohol from any other person while on duty, or
 - (iv) except in the discharge of duty, demands, persuades or attempts to persuade another person to give or purchase or obtain for a TTC Special Constable any alcohol or illegal drugs while on duty.

2. The TTC Chief Special Constable or any other TTC Special Constable commits misconduct if he or she conspires, abets or is knowingly an accessory to any misconduct described in this Code of Conduct.

3. The TTC Chief Special Constable or any other TTC Special Constable shall also comply with all other TTC Corporate Policies and Procedures and any Departmental Policies and Procedures, including but not limited to Conditions of Employment and Conflict of Interest, which Corporate Policies and Procedures and Departmental Policies and Procedures may be amended from time to time.

4. The TTC Chief Special Constable or any other TTC Special Constable commits misconduct by violating the Code of Conduct and shall be subject to action by the Toronto Police Services Board up to and including suspension and/or termination of Special Constable status. TTC shall notify the Toronto Police Services Board of any suspension of a TTC Special Constable, including the TTC Chief Special Constable, for violation of the Code of Conduct which results in termination of

employment or a suspension, without pay, in excess of seven (7) days, after any all appeals have been exhausted in accordance with TTC Corporate Policies.

5. In addition to any suspension and/or termination of Special Constable status in accordance with Section 4 of this Code of Conduct, the TTC Chief Special Constable or any other TTC Special Constable commits misconduct by violating the Code of Conduct and shall be subject to TTC disciplinary action up to and including dismissal from TTC employment.

SCHEDULE B

COMPLAINTS TTC SPECIAL CONSTABLES

Making a complaint

1. (1) Any member of the public may make a complaint about the policies of or services provided by the TTC Special Constables Services Department or about the conduct of the TTC Chief Special Constable, the TTC Deputy Chief Special Constable or a TTC Special Constable.

Withdrawal of complaint

(2) A complainant may withdraw his or her complaint at any time, but if the TTC Chief Special Constable or the TTC Chief General Manager has begun to hold a review meeting in respect of a complaint, the complaint shall not be withdrawn without the consent of the TTC Chief Special Constable or TTC Chief General Manager.

Notice of withdrawal

(3) If a complaint is withdrawn, the TTC Chief Special Constable or the TTC Chief General Manager shall notify the TTC Special Constable who is the subject of the complaint, if any, of the fact within 30 days after the withdrawal.

Same

(4) The TTC Chief Special Constable or the TTC Chief General Manager may continue to deal with a complaint after the complaint is withdrawn, if the TTC Chief Special Constable or the TTC Chief General Manager, as the case may be, considers it appropriate to do so.

Notice

(5) If the TTC Chief Special Constable or the TTC Chief General Manager continues to deal with a complaint after the complainant has asked that it be withdrawn, the TTC Chief Special Constable or the TTC Chief General Manager shall notify the TTC Special Constable who is the subject of the complaint, if any, within 30 days of deciding to continue.

Notice to TTC Special Constable

(6) Where a complaint is about the conduct of a TTC Special Constable, the TTC Chief Special Constable shall forthwith give the TTC Special Constable notice of the substance of the complaint unless, in the TTC Chief Special Constable's opinion, to do so might prejudice the investigation.

Same, procedure for making

(7) A complaint made by a member of the public must be in writing, signed by the complainant and provided to the TTC.

Form may be used

(8) If a complainant wants to make his or her complaint on a standard form, he or she may use a form approved for the purpose by the TTC Chief General Manager; the approved form shall be available in TTC Corporate Offices.

Same, withdrawal

(9) A withdrawal of a complaint by the member of the public who made the complaint must be in writing, signed by the complainant.

When complaint is made

(10) A complaint is made,

- (a) on the day on which it is delivered in person to the TTC Corporate Offices or to a TTC Special Constable;
- (b) on the day that is five days after it is mailed to the TTC Corporate Offices;
- (c) on the day after it is sent by telephone transmission of a facsimile to the TTC Corporate Offices;

Definition, member of the public

(11) A member of the public does not include an employee of the TTC.

Informal complaint resolution

2. (1) If, at any time before or during an investigation into a complaint about the conduct of a TTC Special Constable, the conduct appears to be conduct that is not of a serious nature, the TTC Chief Special Constable may resolve the matter informally, if the TTC Special Constable and the complainant consent to the proposed resolution.

Same

(2) If, at any time before or during an investigation into a complaint about the conduct of the TTC Chief Special Constable or TTC Deputy Chief Special Constable, the conduct appears to be conduct that is not of a serious nature, the TTC Chief General Manager may resolve the matter informally, if the TTC Chief Special Constable or TTC Deputy Chief Special Constable and the complainant consent to the proposed resolution.

Role of TTC Chief Special Constable, vetting complaints

3. (1) The TTC Chief Special Constable shall determine whether a complaint is about the policies of or services provided by the TTC Special Constables or the conduct of a TTC Special Constable and shall ensure that every complaint is appropriately dealt with.

Notice re nature of complaint

(2) The TTC Chief Special Constable shall notify the complainant in writing of his or her determination that the complaint is about the policies of or services provided by the TTC Special Constables or is about the conduct of a TTC Special Constable and of the complainant's right to ask the TTC Chief General Manager to review the determination within 30 days of receiving the notice.

Frivolous, vexatious, bad faith complaints

(3) The TTC Chief Special Constable may decide not to deal with any complaint about the TTC Special Constables or about a TTC Special Constable, other than the TTC

Chief Special Constable or TTC Deputy Chief Special Constable that he or she considers to be frivolous or vexatious or made in bad faith.

Complaint more than six months old

(4) The TTC Chief Special Constable may decide not to deal with any complaint made by a member of the public if the complaint is made more than six months after the facts on which it is based occurred.

Notice

(5) If the TTC Chief Special Constable decides not to deal with a complaint under subsections (3) or (4), he or she shall notify the complainant and the TTC Special Constable who is the subject of the complaint, if any, in writing, of the decision and of the complainant's right to ask the TTC Chief General Manager to review the decision within 30 days of receiving the notice.

Time limit

(6) The TTC Chief Special Constable shall notify the complainant under subsections (2) or (5) within 30 days after the complaint was made unless the TTC Chief Special Constable notifies the complainant in writing before the expiry of the 30-day period that he or she is extending the 30-day period.

Same

(7) Subject to subsections (3) or (4), the TTC Chief Special Constable shall ensure that a review under section 5 is begun into every complaint made about the policies of or services provided by the TTC Special Constables, and that an investigation under section 6 is begun into every complaint made about the conduct of a TTC Special Constable, immediately upon the later of,

- (a) 30 days after the complainant was notified under subsection (2); and
- (b) notification of the TTC Chief General Manager's decision after a review under section 5 (7) with respect to a notice under subsection (2).

Same

(8) If the complainant notifies the TTC Chief Special Constable in writing that he or she will not ask the TTC Chief General Manager to conduct a review under section 5 (7), the TTC Chief Special Constable shall ensure that the review or investigation, as the case may be, is begun immediately after receiving such notification from the complainant.

Complaints about policies of or services provided by TTC Special Constables referred to the TTC Chief Special Constable

4. (1) All complaints about the policies of or services provided by the TTC Special Constables shall be referred to the TTC Chief Special Constable and dealt with under section 5.

Complaints about TTC Special Constables referred to TTC Chief Special Constable

(2) All complaints about the conduct of a TTC Special Constable, other than the TTC Chief Special Constable or TTC Deputy Chief Special Constable, shall be referred to the TTC Chief Special Constable and dealt with under section 6.

Complaints about TTC Chief Special Constable, TTC Deputy Chief Special Constable referred to TTC Chief General Manager

(3) All complaints about the conduct of the TTC Chief Special Constable or the TTC Deputy Chief Special Constable shall be referred to the TTC Chief General Manager and dealt with under section 7.

Complaints about the policies of or services provided by the TTC Special Constables, review by TTC Chief Special Constable and TTC Chief General Manager

5. (1) Subject to subsections 3 (3) and 3 (4), the TTC Chief Special Constable shall review every complaint that is made about the policies of or services provided by TTC Special Constables and shall take any action, or no action, in response to the complaint as he or she considers appropriate.

Report to TTC Chief General Manager on disposition

(2) The TTC Chief Special Constable shall submit a written report to the TTC Chief General Manager, as may be requested by the TTC Chief General Manager, respecting every complaint about the policies of or services provided by the TTC Special Constables, including a complaint disposed of under subsections 3 (3) and 3 (4), and his or her disposition of the complaint.

Notice to complainant

(3) The TTC Chief Special Constable shall notify the complainant, in writing, of his or her disposition of the complaint within 90 days of beginning the investigation in accordance with subsection 3 (7) and shall also notify the complainant of his or her right to request that the TTC Chief General Manager review the complaint if the complainant is not satisfied with the disposition

If no action taken

(4) If the TTC Chief Special Constable decides to take no action with respect to the complaint, he or she shall provide the complainant with reasons for the decision.

Extension of time

(5) The TTC Chief Special Constable may extend the 90-day period set out in subsection (3) by notifying the complainant in writing of the extension before the expiry of the period being extended.

Deemed disposition

(6) If the TTC Chief Special Constable has not notified the complainant of his or her disposition of the complaint within the 90-day period required by subsection (3) or within the extended period established under subsection (5), the TTC Chief Special

Constable shall be deemed to have taken no action in response to the complaint and shall be deemed to have so notified the complainant.

Request for review by TTC Chief General Manager

(7) A complainant may, within 30 days after receiving the notice under subsections 3 (2), 5 (3) or the deemed notice under subsection 5 (6), request that the TTC Chief General Manager review the complaint by serving a written request to that effect on the TTC Chief General Manager.

TTC Chief General Manager to review and dispose of complaint

(8) Upon receiving a written request for a review of a complaint previously dealt with by the TTC Chief Special Constable, the TTC Chief General Manager shall,

- (a) advise the TTC Chief Special Constable of the request;
- (b) review the complaint and take any action, or no action, in response to the complaint, as it considers appropriate; and
- (c) notify the complainant and the TTC Chief Special Constable in writing of his or her disposition of the complaint.

Complaints about TTC Special Constable's conduct

6. (1) Subject to subsections 3 (3), 3 (4) and 6 (4), the TTC Chief Special Constable shall determine whether the conduct of the TTC Special Constable complained of in the complaint is of a serious nature or is of a less serious nature and shall cause every complaint made about the conduct of a TTC Special Constable, other than the TTC Chief Special Constable or TTC Deputy Chief Special Constable, to be investigated and the investigation to be reported on in a written report.

Internal Complaints by TTC Chief Special Constable

(2) The TTC Chief Special Constable may, of his or her own motion, make a complaint about the conduct of a TTC Special Constable other than the TTC Deputy Chief Special Constable and shall cause such complaint to be investigated and the investigation to be reported on in a written report.

Investigation assigned to the Toronto Police Service

(3) If the TTC Chief Special Constable is of the opinion that the Special Constable's conduct may constitute an offence under a law of Canada or a province the TTC Chief Special Constable shall ask the Chief of the Toronto Police Service to cause the complaint to be investigated and to report, in writing, back to him or her. If criminal charges are laid as a result of the investigation, the Chief of the Toronto Police Service shall only report back to the TTC Chief Special Constable that charges have been laid against the TTC Special Constable.

Investigation may be assigned to the Toronto Police Service

(4) If the TTC Chief Special Constable is of the opinion that the Special Constable's conduct is of a serious nature (non-criminal), the TTC Chief Special Constable, with the consent of the TTC Chief General Manager, may ask the Chief of the

Toronto Police Service to cause the complaint to be investigated and to report, in writing, back to him or her.

Unsubstantiated complaint

(5) If, at the conclusion of the investigation and on review of the written report by submitted to him or her, the TTC Chief Special Constable is of the opinion that the complaint is unsubstantiated, the TTC Chief Special Constable shall take no action in response to the complaint and shall notify the complainant and the TTC Special Constable who is the subject of the complaint, in writing, together with a copy of the written report, of the decision and of the complainant's right to ask the TTC Chief General Manager to review the decision within 30 days of receiving the notice.

Review meeting to be held

(6) Subject to subsection (8), if, at the conclusion of the investigation and on review of the written report submitted to him or her, the TTC Chief Special Constable is of the opinion that the TTC Special Constable's conduct may constitute misconduct, he or she shall hold a review meeting into the matter under which the following rules apply:

1. The TTC Chief Special Constable shall provide the TTC Special Constable with reasonable information concerning the matter and shall give him or her, an opportunity to reply, orally or in writing.
2. Subject to paragraph 3, the TTC Chief Special Constable may impose on the TTC Special Constable appropriate disciplinary action.
3. If the TTC Special Constable disagrees with the penalty imposed or action taken, the TTC Special Constable may appeal such discipline or action taken in accordance with TTC Corporate Policies.

Findings and disposition after review meeting

(7) At the conclusion of the review meeting, if misconduct is proved on clear and convincing evidence, the TTC Chief Special Constable shall take appropriate action.

Informal resolution if conduct not serious

(8) If, at the conclusion of the investigation and on review of the written report submitted to him or her, the TTC Chief Special Constable is of the opinion that there was misconduct but that it was not of a serious nature, the TTC Chief Special Constable may resolve the matter informally without holding a review meeting, if the TTC Special Constable and the complainant consent to the proposed resolution.

Notice to complainant

(9) The TTC Chief Special Constable shall notify the complainant, in writing, of his or her disposition of the complaint within 90 days of beginning the investigation in accordance with subsection 3 (7) and shall also notify the complainant of his or her right to request that the TTC Chief General Manager review the complaint if the complainant is not satisfied with the disposition

If no action taken

(10) If the TTC Chief Special Constable decides to take no action with respect to the complaint, he or she shall provide the complainant with reasons for the decision.

Extension of time

(11) The TTC Chief Special Constable may extend the 90-day period set out in subsection (9) by notifying the complainant in writing of the extension before the expiry of the period being extended.

Deemed disposition

(12) If the TTC Chief Special Constable has not notified the complainant of his or her disposition of the complaint within the 90-day period required by subsection (9) or within the extended period established under subsection (11), the TTC Chief Special Constable shall be deemed to have taken no action in response to the complaint and shall be deemed to have so notified the complainant.

Request for review by TTC Chief General Manager

(13) A complainant may, within 30 days after receiving the notice under subsections 3 (2), 6 (9) or the deemed notice under subsection 6 (12), request that the TTC Chief General Manager review the complaint by serving a written request to that effect on the TTC Chief General Manager.

TTC Chief General Manager to review and dispose of complaint

(14) Upon receiving a written request for a review of a complaint previously dealt with by the TTC Chief Special Constable, the TTC Chief General Manager shall,

- (a) advise the TTC Chief Special Constable of the request;
- (b) review the complaint and take any action, or no action, in response to the complaint, as it considers appropriate; and
- (c) notify the complainant and the TTC Chief Special Constable in writing of his or her disposition of the complaint.

If no action taken

(15) If the TTC Chief Special Constable decides to take no action with respect to the complaint, he or she shall provide the complainant with reasons for the decision.

Complaints about TTC Chief Special Constable, TTC Deputy Chief Special Constable's conduct

7. (1) Subject to subsections (2) or (3) the TTC Chief General Manager shall review every complaint made about the conduct of the TTC Chief Special Constable or the TTC Deputy Chief Special Constable.

Frivolous, vexatious, bad faith complaints

(2) The TTC Chief General Manager may decide not to deal with any complaint that he or she considers to be frivolous or vexatious or made in bad faith and shall notify the complainant and the TTC Chief Special Constable or TTC Deputy Chief Special

Constable who is the subject of the complaint in writing of the decision and of the complainant's right to ask the Chief of the Toronto Police Service to review the decision within 30 days of receiving the notice.

Complaint more than six months old

(3) The TTC Chief General Manager may decide not to deal with any complaint made by a member of the public if the complaint is made more than six months after the facts on which it is based occurred.

Internal Complaints by TTC Chief General Manager

(4) The TTC Chief General Manager may make a complaint about the conduct of the TTC Chief Special Constable or TTC Deputy Chief Special Constable and shall review such complaint.

Investigation assigned to the Toronto Police Service

(5) If, at the conclusion of the review, the TTC Chief General Manager is of the opinion that the TTC Chief Special Constable's or TTC Deputy Chief Special Constable's conduct may constitute an offence under a law of Canada or a province or the conduct complained of is of a serious nature, the TTC Chief General Manager shall ask the Chief of the Toronto Police Service to assign a member of the Toronto Police Service to cause the complaint to be investigated immediately and the investigation to be reported on in a written report. If criminal charges are laid against the TTC Chief Special Constable or TTC Deputy Chief Special Constable, the Chief of Toronto Police Service shall only report to the TTC Chief General Manager that charges have been laid.

Matter referred to TTC Chief General Manager

(6) If, at the conclusion of the investigation carried out by the Toronto Police Service, the investigating police officer is of the opinion that the conduct of the TTC Chief Special Constable or TTC Deputy Chief Special Constable under investigation may constitute misconduct, he or she shall refer the matter, together with the written report, to the TTC Chief General Manager for action, including, if necessary a review meeting.

Unsubstantiated complaint

(7) If, at the conclusion of the investigation carried out by the Toronto Police Service, the investigating police officer is of the opinion that the complaint is unsubstantiated, the TTC Chief General Manager shall take no action in response to the complaint and shall notify the complainant and the TTC Chief Special Constable or TTC Deputy Chief Special Constable who is the subject of the complaint, in writing, together with a copy of the written report, of the decision, and of the complainant's right to ask the Chief of the Toronto Police Service to review the decision within 30 days of receiving the notice.

TTC Chief General Manager to hold review meeting

(8) Subject to subsection (10), the TTC Chief General Manager may at his or her discretion hold a review meeting into a matter referred to him or her under subsection (5) under which the following rules apply:

1. The TTC Chief General Manager shall provide the TTC Chief Special Constable or TTC Deputy Chief Special Constable with reasonable information concerning the matter and shall give him or her, an opportunity to reply, orally or in writing.

2. The TTC Chief General Manager may impose on the TTC Chief Special Constable or TTC Deputy Chief Special Constable appropriate discipline, subject to TTC Corporate Policies.

3. If the TTC Chief Special Constable or TTC Deputy Chief Special Constable disagrees with the penalty imposed or action taken, the TTC Special Constable may appeal such discipline or action taken in accordance with TTC Corporate Policies.

Findings and disposition after review meeting

(9) At the conclusion of a review meeting by the TTC Chief General Manager, if misconduct is proved on clear and convincing evidence, the TTC Chief General Manager shall take appropriate action.

Informal resolution if conduct not serious

(10) If the TTC Chief General Manager is of the opinion, on a review of the written report, that there was misconduct but that it was not of a serious nature, the TTC Chief General Manager may resolve the matter informally without holding a review meeting if the TTC Chief Special Constable or TTC Deputy Chief Special Constable and the complainant consent to the proposed resolution.

Notice to complainant

(11) The TTC Chief General Manager shall notify the complainant, in writing, of his or her disposition of the complaint within 90 days of beginning the investigation in accordance with subsection (5).

If no action taken

(12) If the TTC Chief General Manager decides to take no action with respect to the complaint, he or she shall provide the complainant with reasons for the decision.

Extension of time

(13) The TTC Chief General Manager may extend the 90-day period set out in subsection (11) by notifying the complainant in writing of the extension before the expiry of the period being extended.

Deemed disposition

(14) If the TTC Chief General Manager has not notified the complainant of his or her disposition of the complaint within the 90-day period required by subsection (11) or within the extended period established under subsection (13), the TTC Chief General Manager shall be deemed to have taken no action in response to the complaint and shall be deemed to have so notified the complainant.

Delegation of Authority

8. Any authority to act under this protocol may be delegated, as appropriate.

SCHEDULE C

TTC SPECIAL CONSTABLE PROTOCOL FOR INVESTIGATIONS IF SERIOUS INJURY OR DEATH OCCURS

TTC agrees to abide by the protocol set out below with respect to a TTC Special Constable in circumstances of serious injuries and deaths that may have resulted from criminal offences committed by TTC Special Constables:

1. The TTC Chief Special Constable or his/her designate shall immediately notify the Toronto Police Service Duty Operations Centre of any incident involving one or more of TTC Special Constables that may have resulted in serious injuries or death from criminal offences committed by a TTC Special Constable while on duty and request that the Toronto Police Service SIU liaison officer be immediately notified.
2. Unless stated to the contrary in this protocol, the requirements of the *Police Services Act* and Ontario Regulation 673/98, as amended, shall apply with necessary modifications to an investigation undertaken by the SIU.
3. Members of the TTC Special Constable Service Department shall co-operate fully with any investigation undertaken by the SIU or TPS.
4. TTC will co-operate fully in any investigation undertaken by the SIU or TPS, including making witnesses available for interviews.
5. A TTC Special Constable whose conduct appears to have caused the serious injury or death under investigation (“Subject Special Constable”) and a TTC Special Constable who is involved in the incident under investigation but is not a Subject Special Constable (“Witness Special Constable”) shall be afforded the right to legal counsel.
6. TTC shall provide counsel to a Subject Special Constable or a Witness Special Constable in accordance with TTC Corporate Policy 9.3.3, as amended.
7. The legal counsel retained by a TTC Special Constable shall make the determination as to whether the TTC Special Constable is a Subject Special Constable or a Witness Special Constable for the purposes of this protocol.

8. Nothing in this Protocol shall prevent a Subject Special Constable from exercising any legal right or privilege afforded to him or her under the laws of Canada, the Province of Ontario and the *Canadian Charter of Rights and Freedoms*, including but not limited to any right to remain silent.
9. Nothing in this Protocol shall require a Subject Special Constable to waive any right or privilege afforded to him or her under the laws of Canada, the Province of Ontario and the *Canadian Charter of Rights and Freedoms*, including but not limited to any right to remain silent.
10. TTC further agrees to appoint a single point-of-contact to liaise with SIU and TPS during any investigation.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P301. DON'T ASK, DON'T TELL WORKING GROUP – VICTIMS AND
WITNESSES WITHOUT LEGAL STATUS POLICY**

The Board was in receipt of the following report November 06, 2008 from Alok Mukherjee, Chair:

Subject: DON'T ASK, DON'T TELL PETITIONS

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

There are no financial implications related to the recommendation contained within this report.

Background/Purpose:

The Chair is in receipt of 444 petitions calling on the Toronto Police Service to implement and endorse a Don't Ask, Don't Tell policy for victims of domestic violence. Petitioners have stated that although the Board has adopted a Don't Ask policy, it is not uniformly enforced and requires a Don't Tell component to be effective in protecting victims of abuse.

A copy of the petition and my response is attached to this report for information.

Conclusion:

I would like to thank all the petitioners and all those who put time and effort into advocating for this very worthwhile initiative.

The Board will deal with a separate report indicating that the mandate of the Don't Ask, Don't Tell Working Group has been concluded and that there will not be a Don't Tell component to the Board policy.

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

The Board received the foregoing report.

Chair Mukherjee noted that he had received another 400 petitions and that he had responded to each of the 844 petitions. The Board formally received the petitions.

Mr. William Blair
Chief of Police, Toronto
Toronto Police Service
Toronto, Ontario

Cc Mr. Alok Mukherjee
Chair, Toronto Police Services Board
40 College Street
Toronto, Ontario
M5G 2J3

I call on the Toronto Police Service to implement and enforce a "Don't Ask, Don't Tell" policy for victims of domestic violence. This policy would prohibit the Toronto Police from enquiring about a victim of domestic violence's immigration status and it would bar the release of immigration-related information to other government agencies including the Department of Citizenship and Immigration Canada (CIC) and or the Canada Border Service Agency (CBSA).

A strict "Don't Ask, Don't Tell" policy is necessary to ensure that all victims of domestic violence feel safe to report their abuser and seek protection. Without a "Don't Ask, Don't Tell" policy, the City of Toronto is endangering immigrant and refugee women who live with domestic violence by making these victims reluctant to report the abuse they suffer for fear that they will subsequently be reported to immigration.

The Toronto Police Service has already adopted a "Don't Ask" policy regarding victims and witnesses of domestic violence. However, this policy is not uniformly enforced and requires a "Don't Tell" component to be effective in protecting victims of abuse.

Sincerely,

B. Sange
Name

Mickie Sange
Signature

15/May-08
Date

Mickie Sange

Address

4. Natasha Persaud
A Commissioner, etc., do certify that this photocopy conforms to the original document which has not been altered in any way.

Dated this 20 day of MAY, 2008
at the City of Toronto in the Province of Ontario.

N. Persaud

Natasha Persaud, a Commissioner, etc.,
Province of Ontario, while a Student-at-Law.
Expires July 11, 2010.



Toronto Police Services Board

40 College Street, Toronto, Ontario, Canada. M5G 2J3
(416) 808-8080 FAX (416) 808-8082
www.tpsb.ca



May 27, 2008

RE: DON'T ASK, DON'T TELL

Thank you for taking the time to forward your petition regarding the "Don't Ask, Don't Tell" policy to the Toronto Police Services Board.

The Board remains committed to the "Victims and Witness Without Legal Status" policy and is continuing its work on the "Don't Tell" component of this policy.

I am in receipt of a report from the Immigration Legal Committee entitled *Legal Arguments for a Complete "Don't Ask, Don't Tell" Policy*. In accordance with Board Minute P393/07 from the Board's December 19, 2007 meeting, I have forwarded the report to the Chief for his review and recommendations.

Upon receipt of the Chief's recommendations, the Board will continue its discussions with the Don't Ask, Don't Tell working group.

Yours truly,


Alok Mukherjee
Chair

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P302. DON'T ASK, DON'T TELL WORKING GROUP – VICTIMS AND
WITNESSES WITHOUT LEGAL STATUS POLICY**

The Board was in receipt of the following report October 9, 2008 from Alok Mukherjee, Chair:

Subject: VICTIMS AND WITNESSES WITHOUT LEGAL STATUS POLICY

Recommendation:

It is recommended that the Board determine that the mandate of the Don't Ask Don't Tell Working Group has been concluded.

Financial Implications:

There are no financial implications related to the recommendation contained within this report.

Background/Purpose:

In August 2005 the Board established a working group comprised of Chair Mukherjee and Board members Judi Cohen and Hugh Locke to review, in consultation with the Chief of Police, the feasibility of implementing a "Don't Ask – Don't Tell" (DA/DT) policy with respect to non-documented immigrants (Min No. P254/05 refers).

On May 18 2006, the Board approved the *Victims and Witnesses Without Legal Status Policy* (Don't Ask policy), which was one of the recommendations of the Working Group. The policy directed that the Chief of Police develop procedures to ensure that victims and witnesses of crime shall not be asked their immigration status, unless there are bona fide reasons to do so (Min. No. P140/06 refers).

One issue that remains outstanding with respect to the Don't Ask policy is whether or not police officers can use discretion once they are in possession of knowledge, however obtained, about an individual's immigration status.

Chief Blair reported to the Board at its meeting held on March 22, 2007, on the implementation status of the Don't Ask policy. The Chief advised that amendments were made to Service Governance and to appropriate Service Procedures to include non-documented victims and witnesses of crime. In addition, the aforementioned amendments were communicated to Service members through training programs and the Service's website (Min. No. P112/07 refers). In regards to the Chief's March 2007 report, the Board approved the following motion:

THAT the Chair, in consultation with the community, conduct a review of the Board's policy in accordance with Minute No. P34/06 and in light of the Chief's report, and that the review deal with the feasibility of including a "Don't Tell" component.

Further, at its meeting held December 19, 2007, Ms. Anna Rosenbluth, Immigration Legal Committee, University of Toronto Law School, attended and made a deputation to the Board regarding the Don't Ask policy (Board Minute P393/07 refers). During her deputation, Ms. Rosenbluth advised the Board that the Immigration Legal Committee is conducting research on the legal implications of the Board implementing, or not implementing, a Don't Tell policy in addition to the existing Don't Ask policy. Ms. Rosenbluth further advised that the Committee would be willing to share its research with the Board and the Chief upon completion. The Chief committed to reviewing any legal research provided regarding this matter. Subsequently, the Board approved that the report by the Immigration Legal Committee be provided to the Chief for his review and recommendations.

Discussion:

The Board office received a copy of the Immigration Legal Committee report entitled, *Police Service: Safe Access for All – Legal Arguments for a Complete "Don't Ask, Don't Tell" Policy* in May 2008. A copy of the executive summary is attached to this report and the full report is on file in the Board office. The main findings and recommendations of the report are:

Findings

- Police have no duty to report immigration status
- A practice of regular disclosure of immigration status is likely contrary to statutory, constitutional and international law

Recommendations

- The Board should adopt a "Don't Tell" policy, directing officers not to disclose immigration status
- The Board should extend its "Don't Ask" and "Don't Tell" policies beyond victims and witnesses of crime. The only exception to these policies should be where a police officer is carrying out a specific warrant under the *Immigration and Refugee Protection Act*, if directed to do so by an immigration officer

Details of the main findings are as follows:

Lack of a complete DA/DT Policy May Violate Equality Rights

- disclosure of immigration status breaches *Charter* rights (sections 7 & 15) equality rights right to life and security of the person
- routine reporting of immigration status by police is discriminatory on ground of citizenship and status, sex and race
 - Supreme Court recognize citizenship as analogous to s.15 grounds in the *Charter* (*Andrews v. Canada*)

- police inequality of treatment amounts to substantive discrimination under:
 - s.15 of the *Charter* – *LawTest* – three step test to find violation under human dignity at centre of test
 - s.11(2) of the *Human Rights Code* - *Meoirin* test – if a policy or rule has a discriminatory effect, it will constitute discrimination unless:
 - is policy rationally connected to legal objectives, adopted in honest good faith belief, reasonably necessary to the accomplishment of legitimate objective
 - adverse impact on racialized persons - compounds the effects of racial profiling
- absence of a full DA/DT policy is discriminatory under s.15 of the *Charter*

Lack of complete DA/DT policy may Infringe Life and Security of the Person

- *Singh v. Canada* Supreme Court established “everyone” under s.7 of the Charter includes all persons physically present on Canadian territory enjoy the right....not restricted to citizens or person legally in Canada
- Disclosure of immigration status effectively deprive non status people access to police services
- Policy/lack of policy have effect of endangering life, liberty and security of person
 - cutting off access to police for persons without status – harm/killed cannot access police service
 - Psychological stress – denial of access to police service - harm to security of person
 - (*Blencoe v. British Columbia* – imposition of serious psychological stress may constitute a violation of security of the person)
 - although the lack of a “Don’t Tell” policy does not prohibit non-status immigrants from contacting the police, an interpretation allowing officers to report them effectively prevents them from doing so
 - *R. v. Morgentaler*
 - non status people must endure abuse when they cannot seek police assistance

Lack of full DA/DT not in accordance with fundamental justice

- Disclosure of victim’s immigration status does not comply with principles of fundamental justice because it is arbitrary
 - *Rodriguez v. British Columbia* – arbitrariness recognized as antithetical
- reporting immigration status has no relations to police duties – does not further the objective of the PSA

Pursuant to the Board’s motion (Min. No. P393/07) the Immigration Legal Committee report was forwarded to the Chief for his review and recommendations. I have had numerous discussions with the Chief regarding the report with respect to the inclusion of a Don’t Tell component in the existing Board policy. The discussions included legal ramifications, and numerous liability issues should a Don’t Tell portion be included in the policy. While we appreciate the effort of the Immigration Legal Committee, it is the Chief’s view that their research has not produced any new answers to the questions of police officers’ legal responsibility and of liability. As such, I have concluded that a Don’t Tell component is not feasible.

Conclusion:

The rationale behind the establishment of the Don't Ask, Don't Tell Working Group was to review and address the issue of non-documented residents having equal access to law enforcement services without the fear that contact with the police will lead to inquiries about their immigration status.

The Working Group provided invaluable insight and brought to the forefront issues faced by non-documented residents in accessing police services. The Working Group's work culminated in the implementation of the *Victims and Witnesses Without Legal Status Policy* and Service Procedures, which provide police officers with clear guidelines about how to interact with non-documented victims and witnesses.

I believe that the policy as it currently exists and as it has been implemented by the Chief is as far as we can go on this matter.

Therefore, it is recommended that the Board determine that the mandate of the Don't Ask, Don't Tell Working Group has been concluded.

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

- **Mac Scott, Law Union of Ontario ***
- **Steve Watson, Canadian Auto Workers Union**
- **Sima Zerehi, Status Now**
- **Atulya Sharma, South Asian Legal Clinic of Ontario**
- **Anna Rosenbluth, Immigration Legal Committee, University of Toronto ***
- **Kristin Marshall, Parkdale Community Legal Services Inc. ***
- **Katherine Jeffery & Mohan Mishra, No One is Illegal**
- **Anna Willats, Toronto Police Accountability Coalition ***
- **Keegan Henry-Mathieu & Andrew McNabb, Toronto Youth Cabinet ***

*** written submissions also provided; copies on file in the Board office.**

Chair Mukherjee discussed his report dated October 09, 2008. Chief Blair provided his comments and responded to some of the issues raised by the deputants.

Following a discussion regarding the work of the Working Group, the Board approved that the oral and written submissions from the deputants be received.

The Board also approved the foregoing report.

In accordance with section 22 of the Board's Procedural By-Law, a request that the vote on the foregoing Motion be recorded was received.

The vote was recorded as follows:

For

**Chair Mukherjee
Councillor DiGiorgio
Ms. Cohen
The Honourable Hugh Locke**

Opposed

Mr. Grange

The foregoing Motion passed.

The Executive Summary to the Immigration Legal Committee's report entitled *Police Service: Safe Access for All – Legal Arguments for a Complete “Don't Ask, Don't Tell” Policy* is appended to this Minute for information. A copy of the complete report is on file in the Board office.

POLICE SERVICES: SAFE ACCESS FOR ALL

A Report by the Immigration Legal Committee

EXECUTIVE SUMMARY

Introduction

The Immigration Legal Committee is a group of law students, legal professionals, and lawyers that advocate for the rights of immigrants and refugees, particularly those without status. It is a joint project of the University of Toronto Faculty of Law Immigrant Rights Working Group, No One Is Illegal (Toronto), and the Ontario Law Union.

“Don’t Ask, Don’t Tell” (“DADT”) policies are created to allow persons without immigration status to access police without the fear that they might be detained or deported for doing so. The Toronto Police Services Board (“the Board”) has previously implemented a narrow “Don’t Ask” policy, whereby police officers are not to ask victims and witnesses of crimes about their immigration status without a bona fide reason to do so. The Immigration Legal Committee created this report to provide the Board with information about the legality of adding a “Don’t Tell” component to this policy. A “Don’t Tell” component would prevent police from disclosing immigration status to federal officials, should a person’s status come to their attention. Currently, many American jurisdictions have implemented complete DADT policies.

The implementation of a complete DADT policy is vital if all Torontonians are to be able to access police without fear. A “Don’t Ask” policy alone does not allow victims and witnesses to safely access police protection unless it is combined with a “Don’t Tell” policy. This is because police officers rarely find out about victims’ and witnesses’ immigration status by asking about it directly. Rather, immigration status is usually disclosed to officers when they ask for identification, or by abusive partners who use their victim’s lack of status to keep her from seeking protection.

After reviewing U.S. DADT policies, as well as the statutory and common law relevant to the legality of implementing a DADT policy in Ontario, the Immigration Legal Committee is of the view that the law does not require police to disclose immigration status to federal officials except when they are carrying out a warrant issued under the *Immigration and Refugee Protection Act* (“IRPA”). In addition, it is very likely that disclosure of this information conflicts with police duties under the *Police Services Act*, as well as with the *Victims’ Bill of Rights*, the *Charter of Rights and Freedoms*, the *Ontario Human Rights Code*, and international law. Consequently, not only is there no duty to disclose, but a practice of regular disclosure of immigration status by police is likely contrary to statutory, constitutional and international law.

Based on this analysis, the Immigration Legal Committee recommends that Toronto police adopt a policy to prevent officers from disclosing immigration status, should they become aware of it.

The information in this report also affirms the importance of ensuring that the existing “Don’t Ask” policy is extended beyond victims and witnesses, to include all people police come into contact with. Community agencies have reported that racialized clients with and without immigration status are stopped by police and asked about their status. Questions about status are used by police to justify stops made primarily on the basis of race. The lack of a more inclusive “Don’t Ask” policy therefore allows police to use immigration status as a racial profiling tool. This demeans the dignity of racialized persons in Toronto and is a violation of the Ontario *Human Rights Code* and the *Charter of Rights and Freedoms*.

Consequently, the Immigration Legal Committee further recommends that the Board extend its DADT policy to other persons police come into contact with, and not restrict it to victims and witnesses.

Main Findings:

- ▶ Police have no duty to report immigration status.
- ▶ A practice of regular disclosure of immigration status is likely contrary to statutory, constitutional and international law.

Main Recommendations:

- ▶ The Board should adopt a “Don’t Tell” policy, directing officers not to disclose immigration status.
- ▶ The Board should extend its “Don’t Ask” and “Don’t Tell” policies beyond victims and witnesses of crime. The only exception to these policies should be where a police officer is carrying out a specific warrant under the *Immigration and Refugee Protection Act*, if directed to do so by an immigration officer.

1) A “Don’t Tell” policy is legal, and recommended, under Ontario law

The first section of the report addresses whether Ontario law prevents the implementation of a more extensive DADT policy. It asks, (a) Is there a duty under Ontario law for police to disclose immigration status to federal officials? and (b) In the absence of a duty to disclose immigration status, does Ontario law provide police officers with the discretion to do so?

We examine the duties conferred on police by the *Police Services Act* (“*PSA*”), and by the *Immigration and Refugee Protection Act* (“*IRPA*”). Our review indicates that there is no legal duty for police officers to report persons without immigration status to federal officials. While the *PSA* states that police must “prevent crimes and other offences” and assist others

in “preventing crimes and other offences”, the term “offences” does not include violations of the *IRPA*. Rather, it refers only to violations of laws which Parliament or a legislature has given police a legal duty to enforce.

Police do not have a duty to enforce all laws. Statutes and regulations can be extremely complex, and police do not have the knowledge or training to enforce all laws in existence. This is why statutes and regulations charge police with duties to enforce some laws, but not others. While some statutes, such as the *Criminal Code*, the *Highway Traffic Act*, and the *Controlled Drug and Substances Act* do place duties on police officers to report and prevent their violations, the *IRPA* does not. Instead, the *IRPA* places the duty of preventing its violations on trained immigration officers. The only duty on police officers under the *IRPA* is to carry out immigration warrants, and this duty is triggered only where an immigration officer instructs a police officer to do so.

Given the complexity of immigration law, police would be incapable of adequately enforcing *IRPA* provisions without additional funding and training. There are many categories of persons without status in Canada who are lawfully entitled to remain here. Some of these categories are refugee claimants, failed refugee claimants who have not yet applied for a Pre-Removal Risk Assessment, applicants for permanent residence under the family sponsorship classes, recipients of a Federal Court stay of removal, Humanitarian and Compassionate applicants who have been accepted-in-principle, and applicants for an extension of work or study visas. Police officers do not have sufficient knowledge of *IRPA* provisions to effectively assess whether a person is in compliance.

We also examine whether, in the absence of a duty to report immigration status, police may have the discretion to report. We conclude that they do not. The *PSA Disclosure of Personal Information Regulation* governs when police may disclose personal information about persons they come into contact with. These regulations state that an officer may disclose personal information about an individual to federal officials if the individual is under investigation, charged with, convicted, or found guilty of an offence. However, it does not give police the discretion to share personal information about persons who are not under investigation, such as victims and witnesses of crimes or persons they encounter on the street.

The Regulations also state that in cases where police may disclose personal information (ie: if a person is under investigation, charged with, convicted, or found guilty of any offence), they must consider “what is consistent with the law and the public interest”. Given the deterrent effect that disclosing immigration status has on crime reporting, the disclosure of immigration status is not consistent with the public interest, nor is it consistent with the law. It infringes the legal duties police do have under the *PSA* to prevent crimes and assist victims of crimes. It is also inconsistent with the *Victims’ Bill of Rights*, which states that “the justice system should operate in a manner that does not increase the suffering of victims of crime and that does not discourage victims of crime from participating in the justice process”.

2) Disclosure of immigration status may violate equality rights

The second section of the report addresses equality and non-discrimination arguments for a complete DADT policy. We describe how the lack of a complete DADT policy may violate the non-discrimination provisions of the Ontario *Human Rights Code* and of the *Charter of Rights and Freedoms*.

First, we assess the discriminatory effect that disclosure of immigration status has on non-citizen victims and witnesses of crimes, who cannot access police without a fear of being deported or detained. We find that for these groups, the lack of a complete DADT policy constitutes “adverse effect discrimination”. Adverse effect discrimination exists when a policy or rule places a burden on a particular group for no valid reason. A policy may create adverse effect discrimination regardless of whether it is intended to have a negative effect on the group.

Citizenship is a prohibited ground of discrimination under both the *Human Rights Code* and the *Canadian Charter of Rights and Freedoms*. While it is only those non-citizens without immigration status that are denied equal access to police services, and not all non-citizens, our review of equality rights cases indicates that homogeneity of effect is not a requirement for making out a legal claim of discrimination.

Second, we address the particular effect that disclosing immigration status has on women without status. Domestic violence continues to be a major problem in Canada, and the powerlessness and fear experienced by all abused women is heightened for women without status. These women face the additional barriers of language, isolation, lack of familiarity with the legal system, and the vulnerability caused by their immigration status. Community groups and legal clinics report that their female clients without status do not access police protection for fear that immigration officials might be notified. These women experience a mistrust of police stemming from the belief that police are acting on behalf of immigration authorities, rather than in the interests of women who experience or witness violence. We find that this result violates women’s right to equal access to police services.

Third, we describe the adverse effect that limiting the “Don’t Ask” policy to victims and witnesses of crimes has on racialized groups in Toronto. The *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System* indicates that racial profiling continues to be used by some Toronto police officers. The lack of an inclusive “Don’t Ask” policy that applies to members of the public as well as to victims and witnesses exacerbates this problem. Community agencies report that their racialized clients with and without immigration status are stopped by police and asked to produce documentation to prove that they have legal immigration status in Canada. This practice demeans the dignity of racialized persons and constitutes discrimination on the basis of race, which is a prohibited ground of discrimination under both the Ontario *Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.

3) Disclosure of immigration status may violate crime victims' right to life and security of the person

Disclosure of immigration status may violate the right not to be deprived of life or security of the person, except in accordance with the principles of fundamental justice. This right is contained in section 7 of the *Canadian Charter of Rights and Freedoms*.

Disclosure of immigration status endangers the lives and security of non-status victims of crime because they could be killed or harmed if they cannot access police protection. A rule need not intentionally harm life, liberty, or security of the person for section 7 to be implicated. Rather, it is enough that a policy, or lack of policy, have the *effect* of endangering life, liberty, or security of the person. Therefore, while the *PSA* does not expressly prohibit non-status immigrants from contacting police, the lack of a policy preventing police from reporting immigration status has the effect of cutting off access to police for persons without status.

Disclosure of immigration status also harms crime victims' security of the person due to the extreme psychological stress they experience when they must endure abuse without being able to seek police protection. Previous section 7 jurisprudence indicates that severe psychological stress can constitute a violation to the right to security of the person.

Under s.7, a deprivation of life or security of the person will only breach the *Charter* if the deprivation is contrary to the principles of fundamental justice. The principles of fundamental justice are the commonly held ideas about fairness that underpin our legal system and give courts their legitimacy. They include access to basic procedural fairness for anyone accused of an offence, and the right not to have one's rights violated by a law that is vague or arbitrary. Disclosure of victims' immigration status is not in compliance with the principles of fundamental justice because it is arbitrary. Reporting persons' immigration status to federal officials has no relation to police duties. It therefore infringes rights for no valid reason. Thus, disclosing victims' immigration status to federal officials violates victims' rights to life and security of the person in a way that is not in accordance with the principles of fundamental justice because it is arbitrary.

4) Violations of *Charter* equality and security rights are not justified by s.1

We have argued that the police practice of disclosing immigration status breaches constitutional *Charter* rights in several respects, including s.15 equality rights and s.7 rights to life and security of the person.

Section 1 of the *Charter* provides that some violations of human rights are legally permissible so long as they are "prescribed by law", and so long as a court finds them to be "demonstrably justified in a free and democratic society". However, the breach of equality rights caused by disclosure of immigration status is not justified under section 1 because it is not "prescribed by law".

The "prescribed by law" requirement means that any rule which violates a human right must be enacted by Parliament or a legislature. A decision made by a public official is not

prescribed by law if it is not required by a statute or by regulations created under a statute (such as the *PSA Regulations* on disclosure of personal information by the police). Because police decisions to inquire about or disclose immigration status are not required by statute or regulation, they are not prescribed by law. Therefore, the effect that police disclosure of immigration status has on equality rights is not legally permissible under section 1 of the *Charter*.

5) The lack of a complete DADT policy may violate international law

In the fifth section of this report, we explore international legal arguments supporting the implementation of a “Don’t Tell” policy. We focus on the provisions in the *International Covenant on Civil and Political Rights*, the *Convention on the Elimination of all Forms of Racial Discrimination*, and the *Convention on the Rights of the Child*. While international law is not binding on Canadian domestic courts in the same way as laws passed by Parliament and provincial legislatures, courts have been clear that international law should be used to inform interpretations of domestic law. These international human rights instruments, which are binding on Canada, support the implementation of a full DADT policy within Canadian police forces.

6) DADT policies in U.S. jurisdictions

The last section of the report briefly summarizes the use of “Don’t Ask, Don’t Tell” policies by police forces in the United States. There are currently thirty-two cities and counties in the U.S. with full DADT policies. This section provides a particular focus on the New York and San Francisco policies, which were first implemented in 1985 and 1989, respectively. Under the New York policy, police are prohibited from asking about a person’s immigration status, unless asking is a necessary part of an investigation. Police are also directed not to disclose persons’ immigration status if they find out about it, unless they are required by law to do so. Under the San Francisco policy, police are barred from asking about or disclosing persons’ immigration status. The only circumstances under which San Francisco police may assist immigration officials is if they are carrying out an immigration warrant.

Conclusion

After a review of statutory and common law, the Immigration Legal Committee is of the view that not only is there no duty on Toronto police to disclose persons’ immigration status, but that a practice of regular disclosure of immigration status by police is contrary to statutory, constitutional and international law.

A complete and robust DADT policy is the best course for police to follow. The policy should direct police not to ask about immigration status, and not to disclose immigration status to federal officials, should they find out about it by any means.

At the very least, this policy must be extended to victims and witnesses of crimes. However, the Immigration Legal Committee recommends that it be extended more broadly to all

persons police come into contact with, in order reduce racial profiling and promote policing that respects the equality rights of all Torontonians.

Implementing a complete DADT policy would bring forward witnesses who were previously afraid to assist police. It would allow victims of crime who currently suffer in silence to seek police protection. It would mean that perpetrators of crimes against non-status persons would no longer be able to act with impunity. Until Torontonians have access to a full DADT policy, police officers will not have the cooperation of Toronto's diverse cultural communities, and these communities will be unable to access police without fear.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P303. RESPONSE TO A CITY OF TORONTO REQUEST FOR INFORMATION
ON THE NUMBER OF POLICE ON PATROL IN CRIME PROBLEM
AREAS AND THE NUMBER OF GUN CRIMES**

The Board was in receipt of the following report October 28, 2008 from William Blair, Chief of Police:

Subject: THE NUMBER OF POLICE ON PATROL IN CRIME PROBLEM AREAS
AND THE NUMBER OF GUN CRIMES

Recommendation:

It is recommended that the Board forward a copy of this report to Toronto City Council for information.

Financial Implications:

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

Background/Purpose:

The Board, at its meeting of July 24, 2008, received a request from City Council (recommendation 14, City Council Decision EX21.2 refers) that the Board ask the Chief of Police to provide a report on 'the number of police on patrol in crime problem areas and the number of gun crimes' (Min. No. P198/08 refers).

Discussion:

The Toronto Police Service (Service) presently has a fixed establishment of 5510 sworn police officers who perform their duties in various capacities. Although the established number is fixed, the number of police officers attached to the Service increases and decreases based on regular hirings and separations. The complement of officers is distributed between the five (5) Commands. Over 4000 police officers are assigned to the 17 divisions in Divisional Policing Command (DPC). Officers are deployed to divisions based on criteria such as the number of calls for service, crime statistics, divisional population, and numerous other factors to determine divisional strength establishments and officer deployment. According to the 2007 Statistical Report, the ratio of police officers to Toronto population was one (1) officer for every 495 citizens.

Officers assigned to Divisional Policing Command are deployed in a staffing model that allows only 20% of officers to be assigned to non-uniform functions. Of the 80% of DPC officers assigned to uniform duties, the majority are assigned to a Compressed Work Week schedule which divides available officers into five platoons. Approximately one fifth of the 80% of uniform officers in DPC are assigned to be on duty at any one time and are assigned to various functions such as the Primary Response Unit (PRU), the Community Response Unit (CRU), and the Traffic Response Unit (TRU). The remaining 20% are assigned to a variety of investigative functions including Major Crime, Criminal Investigation, Youth Crime, Street Crime, and Family Violence. These officers support the uniform policing function. As part of their duties, all of these officers respond to and investigate crimes of violence.

In addition to DPC, specialty units throughout the Service including but not limited to the Emergency Task Force, the Integrated Gun and Gang Task Force, the Hold-Up Squad, the Drug Squad, and Police Dog Services provide support to the PRU function throughout the city for crimes of violence including firearms offences. As part of their duties, all members of the Service are responsible for having a presence and patrolling in problem crime areas.

A resource also available to all units throughout the city is the TAVIS Rapid Response Team (TAVIS RRT). With its main objective being to reduce violence, TAVIS RRT officers regularly patrol the areas in Toronto most prone to violent crime. There are presently 72 police officers dedicated to the TAVIS RRT. The TAVIS RRT is available to all divisions in support of their crime and disorder management strategies.

In addition, provincial TAVIS funding provides for regular divisional callback teams of officers who are deployed in specific areas. A callback is defined by article 5:04 of the Collective Agreement. A callback, in relation to TAVIS, is an assignment separate from regular duties when officers return to work during their off-duty hours to perform duties in relation to anti-violence activities. All divisions have been allotted funds to manage their TAVIS callback program so that focused crime management strategies can be undertaken. These callback teams are deployed to areas during times which have been identified as being prone to occurrences involving violent crime. As of September 15, 2008, there have been approximately 10,000 TAVIS callbacks conducted within Toronto neighbourhoods. These callbacks were in addition to regular policing operations and made for approximately 55,000 person-hours specifically directed towards community safety and crime management in high crime areas.

The deployment of officers is based on community and operational needs. Because random patrol has been identified as being much less effective than directed patrol, specific crime hotspots, or areas where crime is concentrated at higher levels over a period of time, are identified through analysis. Crime trends are analysed throughout the city in order to effectively deploy police resources for local and Service-wide crime problems. Because the need for police resources is constantly changing, no fixed number of police officers can be assigned to any specific geographic area that is prone to crimes of violence. The number of areas that experience violent crime often change based on numerous factors. Geographic, temporal, and seasonal fluctuations in violent offences necessitate an approach to officer deployment that is based on community needs rather than having a fixed number of officers assigned to an area. Areas prone to crimes of violence, including firearms offences, are not static. They may overlap divisional

boundaries or be localized. Areas prone to crimes of violence may encompass residential, commercial, and entertainment areas. The Service constantly conducts analyses to identify areas in the city which have crime problems that are greater than normal and monitors crime trends to deploy personnel as required to manage those problems.

Because of community needs, further analyses were conducted by the Analysis Support Section in June 2008 to identify areas in Toronto that have historically been most prone to violence. These analyses were conducted for the summer months in 2004 to 2007 to identify the areas that would most benefit from a Focused Neighbourhood TAVIS Deployment initiative to reduce violence. These analyses considered shootings, street robberies, and other occurrences that involved violence. Two divisions, 31 and 51, were identified as generally having the greatest problem with violent crime and as a result, 25 officers were redeployed from various divisions exclusively in these two divisions throughout the summer of 2008. These officers were not taken from the TAVIS RRT strength. They augmented regular divisional and extra-divisional Service resources and provided a further resource to address violent crime.

In relation to offences involving firearms, the most basic and prevalent of gun crimes are those related to unauthorized possession of a firearm. The most serious but least frequent of crimes committed with firearms are homicides. There is great disparity between the numbers of occurrences for these offences. By far the greatest number of charges in relation to firearms offences relate to the possession of a firearm without a licence.

The Crime Information Analysis Unit reported that the number of charges related to unauthorized possession of a firearm in 2007 was in the thousands. It must be kept in mind that the seizure of one unauthorized firearm from one person may result in a number of firearms-related charges being laid. The 2007 Statistical Report notes the number of genuine firearms, not including air guns, replicas, starters pistols or toy guns, that were seized by the Service in 2007 was 1753. Of those firearms seized, approximately 31% had been involved in crimes but the majority had not been involved in any criminal activity. The number of genuine firearms that were reported stolen to the Service in 2007 was 39. In relation to weapons in general, the number of violent crimes committed with a weapon other than a firearm far outnumbered those involving firearms.

Calls for service classified as gun calls involve incidents of shootings or a person armed with a gun. Police records show that to date in 2007 the Service responded to 1555 gun calls while to date in 2008 the Service responded to 1406 gun calls. The total occurrences involving shootings to date in 2007 was 159 while to date in 2008 is 182. The number of homicides committed with a firearm to date in 2007 was 32 while to date in 2008 is 31. The number of gun calls has been declining steadily for the past two (2) years and to date is approximately 20% less than it was in 2006.

According to the Canadian Centre for Justice Statistics, across Canada, firearms were used in crimes of violence approximately 2.4% of the time. However, physical force and intimidation were the most predominant types of force used in offences involving violence. When weapons were involved in offences, the majority were knives, piercing instruments and blunt instruments. The rate of firearm victimization has remained stable for the years 2003 to 2007.

The Service has as one of its goals to increase prevention and enforcement efforts to address violent crime, specifically homicides and firearms-related offences. The results can be seen in crime rates. When compared to all other provinces, Ontario has the lowest crime rate in Canada. Municipally, Toronto has the lowest crime rate of all large cities in Canada with a population over 500,000 persons. As well, of all the large municipal police services in Ontario, Toronto has one of the highest police officers to population ratios. The continuous positive efforts of the Service to increase community safety can be seen in the data provided by Statistics Canada.

Conclusion:

The specific number of police officers available in any area at one given time is not one which can be quantified as a fixed number. Deployment of police officers is based on demand, identified need, operational exigencies and Service resources. All efforts are made to have sufficient officers available to respond to crimes in progress as necessary. Resources and programs are also structured towards crime prevention to proactively address firearm violence whether through direct enforcement intervention or community involvement. Strategies aimed at reducing gun violence are ongoing and adapted to changing needs.

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

The Board received the foregoing and agreed to forward a copy to the City of Toronto – Executive Committee.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P304. BOARD POLICY – PROCESS TO APPOINT CHIEF OF POLICE,
DEPUTY CHIEF OF POLICE AND CHIEF ADMINISTRATIVE
OFFICER**

The Board was in receipt of the following report October 31, 2008 from Alok Mukherjee, Chair:

Subject: BOARD POLICY– PROCESS TO APPOINT CHIEF OF POLICE, DEPUTY
CHIEF OF POLICE AND CHIEF ADMINISTRATIVE OFFICER

Recommendation:

It is recommended that the Board approve the attached policy entitled “Process to Appoint Chief of Police, Deputy Chief of Police and Chief Administrative Officer.”

Financial Implications:

There are no financial implications related to the content of this report.

Background/Purpose:

Under ss. 31(1)(d) of the *Police Services Act*, the Board shall “recruit and appoint the chief of police and any deputy chief of police...”, which includes the position of chief administrative officer. This is an important Board responsibility and it is important the process is codified in Board policy.

Discussion

At its meeting of March 27, 2008, the Board referred a report on this issue, which included a draft policy, back to the Chair for further consideration (Min. No. P77/08 refers). As a result, revisions were made to the draft policy.

I have appended the revised draft Board policy, “Process to Appoint Chief of Police, Deputy Chief of Police and Chief Administrative Officer” for your approval.

The Board approved the foregoing report.

TORONTO POLICE SERVICES BOARD

POLICY AND DIRECTIONS

TPSB POL – XXX

Process to Appoint Chief of Police, Deputy Chief of Police and Chief Administrative Officer

x	New
	Amended
	Reviewed – No Amendments

Board Authority:

Board Authority:

BOARD POLICY

The Toronto Police Services Board is committed to ensuring that its appointment process is fair, transparent, equitable and consistent.

In accordance with this commitment, it is the policy of the Toronto Police Services Board that the selection process to recruit and appoint the Chief of Police, a Deputy Chief of Police and the Chief Administrative Officer (CAO) be consistent with the following general process, consisting of four steps: application, interview, verification and appointment.

The following policy applies to both internal and external candidates.

Step 1: Application

In order to apply and be eligible for appointment, candidates must meet all of the eligibility requirements for the position, including those identified in documents or notices advertising the position. Failure to conform to the Service's core values may result in the candidate being removed from the process at any stage.

Step 2: Interview

Candidates who have met the eligibility requirements shall attend an interview with an interview panel comprised of at least two Board Members.

Step 3: Verification

Recommendation for appointment will be subject to verification of all information provided by the candidate. Further, the Board will conduct a comprehensive background check of all candidates under consideration.

Step 4: Appointment

The decision to appoint a candidate to a position shall be made by the Board and recorded in its Minutes.

General

The recruitment process will be consistent with the Board’s Race and Ethnocultural Equity Policy to ensure that the selection of candidates is free from bias or prejudice on the grounds of race, sex, place of origin, sexual orientation, age, disability and socio-economic status

REPORTING:

LEGISLATIVE REFERENCE

Act	Regulation	Section
Police Services Act R.S.O. 1990 as amended		s.31(1)(c)

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 NOVEMBER 20, 2008**

#P305. FLEET REVIEW – TORONTO POLICE SERVICE

The Board was in receipt of the following report September 26, 2008 from Jeff Griffiths, Auditor General:

SUMMARY

Attached is the Auditor General's report entitled "Fleet Review - Toronto Police Service." This review was conducted as part of the Auditor General's 2008 Annual Work Plan.

The objectives of this review were to assess and determine the adequacy of internal controls over police fleet maintenance excluding fleet equipment maintained by the marine unit.

Our review identified that the Toronto Police Service has implemented a number of initiatives to enhance the cost-effective management of the police fleet and store operations. Police personnel interviewed indicated their current satisfaction with the number and location of fleet garages and stores. They also indicated that the service quality and response time offered by garage personnel normally meet and sometimes exceed expectations.

Our review found that the current governance structure and control framework provide reasonable assurance that the police fleet and fuelling sites are managed appropriately and related legislative requirements are met.

While the police fleet is managed appropriately, implementation of initiatives such as making better use of current information systems and new technology, and strengthened control over inventory recording will promote cost-effective use of police resources.

RECOMMENDATIONS

The Auditor General recommends that:

1. Recommendations in the attached Auditor General's report entitled "Fleet Review - Toronto Police Service" be adopted; and
2. This report be forwarded to the City's Audit Committee for information.

FINANCIAL IMPACT

The implementation of recommendations in this report will improve the operational efficiency of the fleet maintenance and store operations.

DECISION HISTORY

The review was included in the Auditor General's 2008 Audit Work Plan in response to a request from the Toronto Police Chief and the Toronto Police Services Board, and in view of the potential impact of effective police fleet management in meeting the Toronto Police Service's mandate.

COMMENTS

The report entitled "Fleet Review - Toronto Police Service" is attached as Appendix 1. The Toronto Police Service has prepared a response to the report and is attached as Appendix 2.

CONTACT

Alan Ash, Director, Auditor General's Office
Tel: 416-392-8476, Fax: 416-392-3754, E-mail: AAsh@toronto.ca

Anne Cheung, Senior Audit Manager, Auditor General's Office
Tel: 416-392-8439, Fax: 416-392-3754, E-mail: ACheung1@toronto.ca

The Board was also in receipt of the following report October 29, 2008 from William Blair, Chief of Police:

Subject: CITY AUDITOR GENERAL'S FLEET OPERATIONS REVIEW

Recommendation:

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

Financial Implications:

There are no financial implications related to the recommendation contained within this report.

Background/Purpose:

In November 2007, the Chief of Police requested the City Auditor General (AG) to conduct an audit of the Service's fleet operation to provide an independent assessment of how well this unit is being managed and to identify any areas for improvement. At its meeting on February 21, 2008, the Board approved the inclusion of this audit in the AG's 2008 Audit Work Plan (Min. No. P24/08 refers).

Discussion:

Staff from the AG's Office started the audit in early 2008. The Service cooperated with the audit by meeting with AG staff as required and providing information requested.

Upon completion of their audit work, AG staff met with Service staff to discuss their findings and conclusions, and a draft report was provide to applicable Service staff for comment. The AG is providing his final report on this audit to the Board's November 2008 meeting.

Conclusion:

I would like to thank the Auditor General for conducting this audit as it gives the Service and the Board independent assurance that the Service's fleet operation is being effectively managed, and identifies areas we need to take action on to further improve the effectiveness of this operation.

The audit report makes four recommendations which the Service agrees with, and is in the process of implementing. Our management response to each of the recommendations is included in the AG's report to the Board.

Mr. Tony Veneziano, Chief Administrative Officer will be in attendance to answer any questions from the Board.

The Board received the foregoing reports and agreed to forward copies to the City of Toronto – Audit Committee for information.

APPENDIX 1

Fleet Review – Toronto Police Service

September 26, 2008



Auditor General's Office

Jeffrey Griffiths, C.A., C.F.E.
Auditor General
City of Toronto

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
BACKGROUND	2
AUDIT OBJECTIVES, SCOPE AND METHODOLOGY	4
AUDIT RESULTS	6
A. CURRENT INFRASTRUCTURE AND PROCESSES SUPPORT COST-EFFECTIVE POLICE FLEET MANAGEMENT	6
A.1. Governance Structure is Consistent With Industry Best Practice.....	6
A.2. Effective Controls Exist to Ensure Completion of Regular Vehicle Maintenance Inspections.....	7
A.3. Police Fuel Dispensing Sites Are Monitored Appropriately	7
B. OPPORTUNITIES FOR ENHANCED FLEET AND FUEL MANAGEMENT	8
B.1. Benefits to Be Gained From System Integration	8
B.2. Automating Fuel System Management	9
B.3. Strengthening Control Over Material Issuance.....	10
CONCLUSION	11
Exhibit 1: Terms of Reference – Fleet Review, Toronto Police Service.....	12

EXECUTIVE SUMMARY

Introduction

The Toronto Police Service, with over 5,500 uniform officers and an annual budget of \$798 million in 2008, relies on a fleet of 1,600 vehicles for service delivery. Sound fleet management ensures the police fleet is constantly ready to support police officers in meeting their daily operational demands.

The Chief of Police requested the review. The request was endorsed by the Toronto Police Services Board

The review of the Toronto Police Service's fleet function was requested by the Toronto Police Chief and approved by the Toronto Police Services Board in February 2008. The request was one of the Service's initiatives to identify improvements in service delivery, support and management practices.

The Auditor General agreed to include this review in his 2008 Audit Work Plan.

The objectives of this review were to assess and determine the adequacy of internal controls over police fleet maintenance excluding fleet equipment maintained by the marine unit.

Conclusion

Initiatives implemented in the past have lowered costs

The Toronto Police Service has implemented a number of initiatives, such as consolidating garage and store facilities and reducing staff, introducing a computerized fleet management system and a "Just in Time" inventory management system to enhance the cost-effective management of the police fleet and store operations.

Current framework supports sound fleet management

The current governance structure and control framework provide reasonable assurance that the police fleet and fuelling sites are managed appropriately and related legislative requirements are met.

Customers are satisfied with service quality and response time

Police personnel interviewed indicated their current satisfaction with the number and location of fleet garages and stores. They also indicated that the service quality and response time offered by garage personnel normally meet and sometimes exceed expectations.

Improving operational efficiency through automation and strengthened control

While the police fleet is managed appropriately, implementation of initiatives such as making better use of current information systems and new technology, and strengthened control over inventory recording will likely promote cost-effective use of police resources.

Our observations and audit recommendations are summarized in the following section.

BACKGROUND

The Toronto Police fleet size has remained fairly stable

The Toronto Police Service operates 1,620 vehicles (including trailers and boats) and 247 bicycles as of March 19, 2008. As noted in Table 1 below, the police fleet inventory remains fairly constant from 2005 to 2008.

Table 1: Police Fleet Inventory, 2005 - 2008

	2008 (March 2008)	2007	2006	2005	
Cars	1371		1349	1344	1331
Motorcycles	92		92	97	104
Other	98		120	119	113
Subtotal –Vehicles			1561	1561	1560
	1548				
Boats	23		23	23	22
Trailers	36		37	37	33
Total	1620		1621	1620	1603
Bicycles	247		225	174	173
Horses	28		28	28	28

New green fleet initiatives are underway

In support of the City's Green Fleet Plan and the Toronto Police Service's Environmental Policy, a number of Smart cars, hybrid cars, bicycles and other environmentally friendly vehicles have been acquired for trial with a view to establish an environmentally responsible fleet. We were advised that other devices, equipment and practices will be reviewed and introduced (where operationally feasible) to reduce fuel consumption and pollutant emissions.

The Toronto Police Services Board adopted a vehicle replacement policy in 2000 on the recommendation of the City Auditor

In order to ensure sufficient fleet replacement funding, the then City Auditor reviewed and recommended a police vehicle replacement policy in 2000. Subsequently, the Toronto Police Services Board adopted a vehicle replacement policy and annual funding in the amount of \$5 million has since been assigned for replacing and acquiring an average of 200 new police vehicles each year.

The police fleet is serviced by three garage locations and a marine unit. Each garage location maintains an inventory of auto parts, supplies, uniform clothing and other miscellaneous items. Inventory purchases average approximately \$6.5 million each year.

The Toronto Police Service manages its own fleet and the City manages the municipal fleet

Like many police services in North America, the Toronto Police Service manages the police fleet and the City manages the municipal fleet. In some cities such as Edmonton and Chicago, city staff centrally maintain both the police and municipal fleet.

In the Toronto Police Service, police fleet management is the responsibility of Fleet and Materials Management, Finance and Administration Division of the Administrative Command. Divisional responsibilities include the following:

- supply, maintain and dispose of vehicles and all related equipment;
- purchase, warehouse and distribute vehicle parts and supplies, uniform clothing and equipment for police personnel;
- manage 22 police fuel dispensing sites; and
- provide other services such as towing, bus and barricades.

Fleet and Materials Management administers 4 per cent of the Police Service's 2008 budget

Fleet and Materials Management operates with 119 staff and administers about 4 per cent of the Toronto Police Service's \$798 million budget in 2008.

As indicated in Table 2 below, Fleet and Materials Management manages its own \$9 million budget and administers another \$20 million in budget expenditures accounted for in non-departmental accounts. Table 2 shows these costs from 2005 to 2008.

Table 2: Fleet and Stores Related Costs, 2005 to 2008

	2008 Budget (\$Million)	2007 Actual (\$Million)	2006 Actual (\$Million)	2005 Actual (\$Million)
Fleet and Materials Management, including fringe benefits	\$ 9.2	\$ 9.2	\$ 7.2	\$ 8.1
Non-Departmental Costs Administered by Fleet and Materials Management:				
Gasoline	7.0	6.3	5.8	5.0
Fleet Replacement	5.0	5.4	5.2	4.5
Vehicle Repairs & Maintenance	5.0	4.5	4.4	4.4
Uniform Clothing and Accessories for Police Personnel	3.2	3.9	3.4	3.1
Subtotal	\$ 20.2	\$ 20.1	\$ 18.8	\$ 17.0
Total Expenditures Administered by Fleet and Materials Management	\$ 29.4	\$ 29.3	\$ 26.0	\$ 25.1

AUDIT OBJECTIVES, SCOPE AND METHODOLOGY

Cost-effective management of the police fleet potentially minimizes service disruptions caused by vehicle and officer downtime, enhances vehicle and officer safety, and reduces potential liability associated with vehicle accidents.

Why we conducted this review?

The review was included in the Auditor General's 2008 Audit Work Plan in response to a request from the Toronto Police Chief and the Toronto Police Services Board, and in view of the potential impact of effective police fleet management in meeting the Toronto Police Service's mandate.

The Terms of Reference for this review is included as Exhibit 1 to this report.

What were the objectives of this review?

Our review encompassed fleet management activities conducted by the Toronto Police Service during the period from January 2007 to June 2008 and focused on assessing and determining the adequacy of internal controls over police fleet maintenance, and excluding equipment maintained by the marine unit.

This review did not examine vehicle deployment and utilization

This review did not examine vehicle utilization and deployment as at the time of our review, an internal review of the utilization and allocation of police vehicles was underway. Also, police staff interviewed indicated general satisfaction with the number of police vehicles made available to them.

How did we do the review?

Our audit methodology included the following:

- review of relevant budgets, annual reports, policies, procedures, and legal and regulatory requirements significant within the context of the police fleet operation;
- discussions with a significant number of the Toronto Police Service personnel including the Chief of Police, Deputy Chiefs, Chief Administrative Officer and Unit Commanders;
- discussions with Toronto police fleet management personnel and mechanics;
- on-site visits at three Toronto police garages and six fuel dispensing sites to understand the operations and potential risks;
- review of processes and controls for managing the police fleet and fuel dispensing sites;
- discussions with senior management of the City's Fleet Services Division;
- review of the Auditor General's November 2003 report entitled "Fleet Services Review – Phase I" and the Toronto Police Service's September 2004 report to the Toronto Police Services Board entitled "Response to the City Auditor General's Report on Fleet Operations – Phase I"; and
- review of the March 2000 joint report of the Chairman, Toronto Police Service and the then Toronto City Auditor entitled "Vehicle Replacement Policy – Toronto Police Service".

Our audit included a review of various studies

Our audit included a review of audit reports from other local governments and police services in Canada and the U.S., and a wide range of studies and professional literature on fleet management.

Compliance with generally accepted government auditing standards

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence that provides a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

AUDIT RESULTS

This section of the report contains our audit observations and specific recommendations.

A. CURRENT INFRASTRUCTURE AND PROCESSES SUPPORT COST-EFFECTIVE POLICE FLEET MANAGEMENT

Results of our review indicate that the current governance structure and control framework provide reasonable assurance that the police fleet and fuelling sites are managed appropriately and operated in compliance with related legislative requirements.

The following is a summary of our findings.

A.1. Governance Structure is Consistent With Industry Best Practice

Effective fleet management requires centralized control of fleet operations under one organizational unit that has technical expertise and authority to make decisions on significant fleet-related matters.

Current governance model is consistent with industry best practice

Our review found that Fleet and Materials Management operates as a centralized control unit accountable for fleet management, including fleet acquisition, maintenance, disposal and fuel site operations. Organizationally, the Fleet Administrator reports to the Chief Administrative Officer through the Director of Finance and Administration. Our research indicated that the current centralized structure and reporting relationship are consistent with industry best practice.

A.2. Effective Controls Exist to Ensure Completion of Regular Vehicle Maintenance Inspections

Regular preventive maintenance avoids major mechanical failures, minimizes officer down time and extends vehicle useful life.

Current inspection frequencies follow industry standards

Fleet and Materials Management regularly inspects police vehicles based on job profile, pre-determined time intervals and kilometres travelled. Our research indicated that current inspection frequencies applied to Toronto police vehicles are comparable to manufacturers' recommended guidelines and standards followed by many police services in North America.

Our review found that data collected in the computerized fleet management system is reasonably complete, accurate and useful to ensure police vehicles are inspected at appropriate intervals, and support sound vehicle replacement decisions.

Current control procedures ensure that required regular vehicle inspections are done

Our review also found that current control procedures are reasonably effective in ensuring compliance with the Service's vehicle maintenance policy. Our sample review of 15 police vehicle files found that during the period of January 1, 2007 to June 30, 2008, 99 per cent of the required maintenance inspections were completed according to the Service's vehicle maintenance policy.

A.3. Police Fuel Dispensing Sites Are Monitored Appropriately

Fleet and Materials Management is also responsible for operating 22 police fuel dispensing sites, including fuel purchasing, delivery and ensuring legislative compliance. In 2007, total fuel cost exceeded \$6 million, even with cost savings achieved through the City's bulk purchasing arrangements.

Fuel sites are adequately controlled and compliance with legislative requirements is monitored

Fuel site operations are governed under the Technical Standards and Safety Act and associated regulations. Non-compliance with the Act could result in fines, penalties or site closure. We found that effective fuel site control procedures were carried out to ensure compliance with applicable regulatory requirements. In addition, control measures such as restricted access to police fuelling sites, daily measurement and reconciliation of fuel level and usage are used to detect possible unauthorized fuel usage and to monitor compliance with legislative requirements.

B. OPPORTUNITIES FOR ENHANCED FLEET AND FUEL MANAGEMENT

While we noted that the police fleet is appropriately managed, implementation of the following initiatives will potentially enhance operational efficiency and strengthen internal control.

B.1. Benefits to Be Gained From System Integration

The Toronto Police Services has joined the City in implementing SAP as its corporate financial information system. Investment returns from SAP would be maximized if available system functions are fully implemented to meet various administrative demands.

In managing the City fleet, the SAP system and the corporate M5 fleet management system are fully integrated, and the SAP inventory module is now used for materials management at City warehouses.

Potential efficiency gains to be realized through integration of SAP and the fleet management system

In the Toronto Police Service, the current fleet maintenance and inventory management system was purchased prior to adopting SAP as its financial information system. Our review found that because the fleet management system is a stand-alone system, duplicate data input is required to update other systems with financial information such as warranty parts credits, outsourced repair costs, and unit price of auto parts and supplies. Efficiency would also be gained by providing additional staff training and ensuring available system functions are used extensively.

Administrative efficiencies could be obtained by integrating the two systems and maximizing functionality of the fleet management system.

Recommendations:

- 1. The Chief of Police consider the integration of the SAP financial information system and the fleet management system, taking into account administrative efficiencies to be gained from integrating the two systems.**
- 2. The Chief of Police ensure increased use of the fleet management information system functionality, and provide necessary system training to responsible staff.**

B.2. Automating Fuel System Management

Current control procedures are effective but operationally inefficient

Current fuel site management procedures demand staff resources. Specifically, these procedures require daily manual dipstick readings and reconciliations, manual logging of fuel usage and kilometre readings for subsequent review and daily posting to the fleet management system. While these controls are necessary for ensuring compliance with the Gasoline Handling Act of Ontario, vehicle maintenance scheduling and detecting possible unauthorized fuel usage, automating certain recordkeeping procedures will make fuel site management more efficient.

The 2008 cost estimate was incomplete

Fleet and Materials Management has requested funding for an automated fuel system for a number of years. In 2008, a related capital funding request of \$700,000 was not approved by the Board in view of other competing funding demands. We were advised that the 2008 \$700,000 funding request only represents projected costs of installing a fuel control system, excluding the automated fuel gauging component. Our review also found that the supporting business case did not identify quantifiable staff savings to be realized from the project.

Our research indicated that many organizations, including the San Diego Police Department in the U.S. and the City of Toronto Fleet Services Division, use automated fuel systems to monitor fuel tank levels, fuel transactions and fuel efficiency.

Built-in controls exist in automated fuel systems

The City uses an automated fuel gauging system and a separate Profuel System for monitoring fuelling transactions. The two systems are linked to the City's M5 fleet management system and supported by in-house information technology staff. There are built-in controls to restrict fuel dispensed at each re-fuelling. Unusual transactions such as identical or erroneous odometer readings, fuel usage over specified limits and symptoms of potential abuse or equipment problems can be identified through various system reports.

Replacement of current manual controls through system automation will result in efficiency and potential cost savings.

Using the City's fuel system may reduce implementation costs

It makes good business sense to automate fuel site management processes. While capital funding may be an issue, making use of the City's existing price arrangement and drawing on City staff expertise may potentially reduce the implementation cost of this improvement initiative.

Recommendation:

- 3. The Chief of Police review projected costs of acquiring an automated fuel system. Factors such as staff related cost savings, the use of the City's existing pricing arrangements for installing fuel monitoring devices and the City's IT system support should be evaluated and included in the project's business case for review by senior management and the Toronto Police Services Board.**

B.3. Strengthening Control Over Material Issuance

Current control procedures demand staff resources

The Toronto Police Service spends approximately \$3 million on auto parts and supplies each year. Control procedures designed to ensure accurate tracking of inventory items include supervisory review of items charged to each work order, nightly cycle counts and follow-up reconciliations. These control procedures however demand significant staff resources.

Our review found that repair details and labour hours entered by duty supervisors in the system were, for the most part, accurate and complete.

Errors could be minimized through careful data input and review procedures

Our review of physical inventory counts conducted by the Police Service found that 27 per cent of the 74 sample items inventoried required follow-up reconciliations. While we were advised that most discrepancies were caused by input error, careful supervisory review of repair parts charged to each work order should have easily identified and corrected the discrepancies, instead of relying on error detection through nightly cycle counts and follow-up reconciliations.

Due care in recording store issuances and review of completed work orders would potentially minimize the need for extensive follow-up inventory reconciliations.

Recommendation:

- 4. The Chief of Police ensure internal controls be strengthened over material issuance and work order sign-off procedures.**

CONCLUSION

Effective police fleet management helps to minimize officer downtime and support cost-effective delivery of police services.

A number of initiatives introduced in the past have enhanced the management of fleet maintenance and store operations. The police fleet function is managed appropriately, however addressing certain issues identified in this review will promote administrative efficiency and more cost-effective use of staff resources.

**AUDITOR GENERAL'S OFFICE
TERMS OF REFERENCE**

Division/Board: Toronto Police Services Board
Project Name: Fleet Review, Toronto Police Service
Year of Audit: 2008
Project Code: 08-TPS-01

A. Introduction/Background

The Toronto Police Chief requested the Auditor General to examine the Toronto Police Service's fleet in terms of vehicle deployment, utilization and maintenance. The Chief's request was approved by the Toronto Police Services Board at its February 2008 meeting. Consequently, the Auditor General's 2008 Audit Work Plan includes a review of the Toronto Police Service's fleet function.

B. Financial/Operational Highlights

The Toronto Police Service operates 1,620 vehicles (including 36 trailers and 23 boats) and 247 bicycles as of March 19, 2008. The police fleet is serviced by three garage locations and a marine unit managed by Fleet and Materials Management under the Toronto Police Service's Finance and Administration Unit, Administrative Command.

Fleet and Materials Management operates with 119 staff and an approved 2008 annual budget of \$8.4 million. Approved budget for other vehicle related expenditures, such as purchase of replacement vehicles, gasoline, vehicle parts and tires, total about \$16.5 million in 2008. These costs are captured in central corporate accounts and are not included in the Fleet and Material Management annual budget.

Key responsibilities of Fleet and Materials Management include the following:

- supply, maintain and dispose of vehicles and all related equipment;
- purchase, warehouse and distribute vehicle parts and supplies, uniform clothing and equipment for police personnel;
- manage 22 police fuel sites; and
- provide other services such as towing, bus and barricades.

C. Key Financial/Operational Issues and Controls

Since 1990, the Toronto Police Service has implemented a number of improvement initiatives to enhance fleet management. The following are some examples:

- established a vehicle replacement policy as recommended by the then City Auditor in 2000;
- consolidated garage facilities from seven to three locations, closed four of seven stores and consolidated the remaining three stores within three garage facilities, introduced a “Just in Time” inventory system for vehicle part supplies, and reduced staff from 134 to 119;
- implemented a dealer status warranty network authorizing qualified police service mechanics to perform on site warranty work;
- installed a computerized fleet management information system to track operating and vehicle maintenance costs; and
- implemented fuel and site monitoring procedures for 22 fuelling stations including annual pressure testing, spill containment systems and established tank replacement and fuel management policies to ensure compliance with provincial legislation and other policies and regulations.

According to management, the Police Service is addressing the City of Toronto’s Green Fleet Plan 2008-2011, and green fleet initiatives are currently underway.

D. Audit Objectives and Scope

The objectives of this review are to assess and determine the adequacy of internal controls over police fleet maintenance excluding boats maintained by the marine unit.

The objectives and scope noted above were selected based on a risk approach which identifies activities during the preliminary survey as having a significant impact on the police fleet’s state of readiness.

A review of vehicle utilization and deployment is not included in audit scope because at the time of our review, an internal review of the utilization and allocation of police vehicles was underway.

Our review will cover the period from January 1, 2007 to June 30, 2008.

Audit methodology will include a review of relevant legislation and policies, interviews with Toronto Police Service’s senior management, key staff personnel at local police stations, garages and stores, examination of documents and records, review of relevant audits and studies completed, analysis of data and any other procedures deemed appropriate. Benchmarking common practices of other jurisdictions will also be conducted.

**Management's Response to the Auditor General's
Fleet Review – Toronto Police Service**

<u>Rec No</u>	<u>Recommendation</u>	<u>Agree (X)</u>	<u>Disagree (X)</u>	<u>Management Comments:</u> <i>(Comments are required only for recommendations where there is disagreement.)</i>	<u>Action Plan/ Time Frame</u>
1.	The Chief of Police consider the integration of the SAP financial information system and the fleet management system, taking into account administrative efficiencies to be gained from integrating the two systems.	X			Complete review by mid-2009. Based on the review results, a timeline will be established for the implementation of any integration opportunities.
2.	The Chief of Police ensure increased use of the fleet management information system functionality, and provide necessary system training to responsible staff.	X			Ongoing. The Service has already commenced a program to train more staff on the RTA system and its functionalities.

**Management's Response to the Auditor General's
Fleet Review – Toronto Police Service**

<u>Rec No</u>	<u>Recommendation</u>	Agree (X)	Disagree (X)	<u>Management Comments:</u> <i>(Comments are required only for recommendations where there is disagreement.)</i>	<u>Action Plan/ Time Frame</u>
3.	The Chief of Police review projected costs of acquiring an automated fuel system. Factors such as staff related cost savings, the use of the City's existing pricing arrangements for installing fuel monitoring devices and the City's IT system support should be evaluated and included in the project's business case for review by senior management and the Toronto Police Services Board.	X			Due to City funding constraints and other priorities, the automated fuel system has been deferred in past programs and is being recommended for deferral in the 2009-2013 program. The current recommendation is to do the project in 2014. However, the Service supports this initiative and will review options (which will include discussions with City staff) to advance its implementation. The business case will take into account staff related cost savings and other factors, as appropriate.
4.	The Chief of Police ensure internal controls be strengthened over material issuance and work order sign-off procedures.	X			Current processes will be reviewed and any improvements will be implemented by end of Q1 2009.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P306. SEMI-ANNUAL REPORT: DOMESTIC VIOLENCE:
JANUARY – JUNE 2008**

The Board was in receipt of a report dated September 19, 2008 from William Blair, Chief of Police, with respect to the domestic violence statistics for the period between January and June 2008. A copy of the report is on file in the Board office.

The Board deferred consideration of the foregoing report to its December 2008 meeting.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P307. SEMI-ANNUAL REPORT: PROFESSIONAL STANDARDS: JANUARY –
JUNE 2008**

The Board was in receipt of a report dated October 07, 2008 from William Blair, Chief of Police, with respect to professional standards matters for the period between January and June 2008. A copy of the report is on file in the Board office.

The Board deferred consideration of the foregoing report to its December 2008 meeting.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

#P308. 2008 ANNUAL REPORT: HEALTHY WORKPLACE INITIATIVES

The Board was in receipt of a report dated October 14, 2008 from William Blair, Chief of Police, with respect to the 2008 healthy workplace initiatives. A copy of the report is on file in the Board office.

The Board deferred consideration of the foregoing report to its January 2009 meeting and requested that a presentation be provided at that time.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P309. POLICE TOWING AND POUND SERVICES CONTRACT:
DISTRICT NO. 5**

The Board was in receipt of the following report October 23, 2008 from William Blair, Chief of Police:

Subject: POLICE TOWING AND POUND SERVICES CONTRACT DISTRICT No. 5

Recommendations:

It is recommended that:

- (1) the Board award the District No. 5 towing and pound services contract to 1505378 Ontario Inc., operating as The Downtown Group Towing and Storage, for the term January 1, 2009 to May 31, 2011; and
- (2) the Board authorize the Chair to execute the agreement for such towing and pound services on behalf of the Board, subject to approval as to form by the City Solicitor.

Financial Implications:

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

Background:

At its meeting of January 22, 2008, the Board approved the issuance of a Request for Quotation (RFQ) for the police towing and pound services contracts (Min. No. P4/08 refers). As a result, an RFQ was prepared and issued on February 11, 2008, requesting bids to be submitted for each of the six towing districts. The Board received seven responses as of 10:00 a.m. on March 12, 2008, the closing date and time for the RFQ.

At its meeting of April 17, 2008, the Board approved the awarding of the police towing and pound services contracts in Districts No. 1, 2, 4, and 6. (Min. No. P98/08 refers). No compliant bids were received for Districts No. 3 and 5.

At the same meeting, the Board also approved a motion to re-issue the towing and pound services quotation request for Towing Districts No. 5 and 3 under the same terms and conditions as outlined in the previous RFQ. On May 1, 2008, a second request for quotation was issued with a closing date of June 4, 2008. The Board received three responses as of 10:00 a.m. on June 4, 2008, the closing date and time for the RFQ.

At its meeting of August 21, 2008, the Board approved the awarding of the police towing and pound services contracts in District No. 3. (Min. No. P227/08 refers). No compliant bids were received for District No 5.

At the same meeting, the Board approved a motion to re-issue the towing and pound services quotation request for Towing District No. 5 under the same terms and conditions as outlined in the previous RFQ. On September 4, 2008, a third request for quotation was issued with a closing date of October 2, 2008. The Board received two compliant responses as of 10:00 a.m. on October 2, 2008, the closing date and time for the RFQ.

The contracts for these districts are scheduled to commence on January 1, 2009, and are to be in effect until May 31, 2011. There is also an option to extend the contracts for a further year at the sole discretion of the Board. The expiry date of this contract will coincide with the expiry date of the contracts for the other four towing districts previously awarded.

Discussion:

The procurement process for towing and pound services contracts is structured to ensure that it is fair and transparent to all bidders, and results in acceptable levels of service to both the community and the Toronto Police Service.

In the RFQ for Towing District 5, tow operators were instructed to submit a bid that did not exceed a total price of \$188.00, being the combination of the towing fee and the fees for one day of storage, excluding any applicable taxes. The following bids were received in response to the RFQ:

District	Bidder	Towing Charge	Storage Charge	Total Bid
5	1505378 Ontario Inc. o/a The Downtown Group Towing and Storage	\$100.00	\$48.00	\$148.00
5	Towtal Roadside Solutions Inc.	\$126.00	\$60.00	\$186.00

During the month of October, members of the TPS Purchasing Support Services, the City of Toronto Legal Division and Traffic Services reviewed the quotations submitted by each of the bidders. In addition, members of Traffic Services conducted on-site inspections of the equipment and facilities of each of the bidders.

Conclusion:

As a result of the review of the two bids received, it is recommended that the contract for Towing District 5 be awarded to 1505378 Ontario Inc. (operating as the Downtown Group Towing and Storage), being the lowest compliant bidder under the requirements of the RFQ. The contract will be for the period from January 1, 2009 to May 31, 2011.

A copy of this report has been reviewed by staff in the Toronto City Legal Division who are satisfied with its content.

Deputy Chief A.J. (Tony) Warr, Specialized Operations Command, will be in attendance to answer any questions the Board may have concerning this report.

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

- **Mr. Steven Bellissimo, counsel for Towtal Roadside Solutions Inc. ***
- **Mr. Jeffery Lyons, counsel for Downtown Towing**

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

The following persons were in attendance and responded to questions about this matter:

- **Mr. Joe Martino, Purchasing Support Services;**
- **Sgt. Paul Bainard, Traffic Services; and**
- **Mr. Karl Druckman, City of Toronto – Legal Services Division.**

The Board approved the following Motions:

1. **THAT the deputations and the written submission from Towtal Roadside Solutions Inc. be received;**
2. **THAT the report from Chief Blair be approved; and**
3. **THAT the Chief provide semi-annual reports to the Board which summarize adherence to the terms of the contract, including information regarding street tows with police presence on the scene, complaints and compliments.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

#P310. 2008 ANNUAL REPORT: ENVIRONMENTAL PERFORMANCE

The Board was in receipt of the following report October 30, 2008 from William Blair, Chief of Police:

Subject: ANNUAL REPORT 2008: TORONTO POLICE SERVICE -
ENVIRONMENTAL PERFORMANCE REPORT

Recommendations:

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

Financial Implications:

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

Background/Purpose:

At its meeting of May 17, 2007, the Board approved its Environmental Policy (Min. No. P186/07 refers). One of the policy's requirements is that the Chief report annually to the Board on the Service's environmental performance and achievements.

This report provides information on the environmental initiatives since the last report provided to the Board at its meeting of November 15, 2007 (Min. No. P375/07 refers).

Discussion:

Historically, the Toronto Police Service's (TPS) environmental initiatives were, for the most part, facility related. However, more recently environmental initiatives have been expanded to Fleet and Materials Management (FLT) and Information Technology Services (ITS).

The following environmental initiatives have been completed or are currently in progress:

- the increased use of hybrid vehicles and other fuel efficient vehicles in the Parking Enforcement unit and other areas of the Service in an effort to reduce fuel consumption and emissions. Also, as part of the LEED-Silver certification process for the new Toronto Police College, three hybrid vehicles will be provided to the college;
- the purchase of "green" power (working with City Facilities & Real Estate) for the new Toronto Police College;

- LEED-Silver certification for the new Toronto Police College will incorporate; (i) geothermal heating/cooling, (ii) green and solar reflective roofing systems, (iii) energy efficient lighting systems, (iv) indirect lighting systems, (v) occupancy sensor technology, (vi) heat reclaim technology, (vii) high efficiency electrical equipment, (viii) low flow and dual flush sinks and water closet technology, and (ix) drought tolerant landscaping;
- the conversion of TPS Headquarters (HQ) building to deep lake water cooling system (City project) which has started and is expected to be completed by early 2009;
- Facility Management (FCM) are working with City Facilities & Real Estate (F&RE) on the next generation of energy conservation including the introduction of occupancy sensors (some HQ areas have already been done), LED lighting and low water flow technology. The foregoing work, as identified in the City program, has been completed in 13, 41, 52, 53, 55 Divisions and the Property & Evidence Management Unit facilities to date;
- FCM, in conjunction with City F&RE, field tested new hand dryer technology to determine if this was more cost effective than the use of paper towels. While the field test was successful, noise issues with the equipment has resulted in the need for further study;
- FCM and City F&RE have implemented a waste diversion program in TPS facilities. This program is ongoing, however 2007 diversion rates are not yet available from the City. The TPS also purchased and distributed confidential material recycling trays to all TPS facilities in early 2008 as part of this program;
- ITS is incorporating “greening” initiatives (e.g. more energy efficient cooling systems) in the expansion of the current computer room at HQ; and
- FCM and City F&RE are coordinating the replacement of building mechanical equipment with more efficient units at 31, 42, 53, 54 Divisions and the Emergency Task Force facilities. This work is scheduled for completion by year-end 2009.

Conclusion:

This is the Service’s second annual environmental report, in accordance with the Board’s environmental policy that was approved at its May 2007 meeting.

During 2008 the Service has taken action to become more energy efficient and environmentally responsible. Many of the Service’s environmental initiatives are implemented by and or involve City F&RE staff, and a close and effective working relationship has been established in this regard.

The Service will continue to work with City staff to identify and examine opportunities that will further benefit the environment and potentially reduce costs. In some cases, the potential opportunities identified may involve upfront expenditures in order to achieve future cost savings and or environmental benefits. Each initiative will therefore be evaluated taking into account the funds required to implement the initiative, the environmental benefits, any cost savings, and

operational considerations. To this end, in addition to constructing new facilities to LEED Silver standards, facility renovations and retrofits will be completed with business requirements, fiscal responsibility and environmental objectives in mind.

The Service will also continue to work on making its vehicle fleet more fuel efficient, without comprising operational requirements, in order to achieve a reduction in fuel consumption and further protect the environment from emissions. In this regard, and as reported to the City's Executive Committee at its meeting of October 6, 2008, it should be noted that the Service's environmental fleet initiatives have reduced carbon dioxide emissions by approximately 43,000 tonnes since 1990, and a further estimated reduction of 9,000 tonnes is expected for the years 2008-2011.

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

The Board commended the Service for the action that it has taken to become more energy efficient and environmentally responsible.

The Board received the foregoing report and requested that future reports provide more quantifiable data on the Service's environmental initiatives and indicate, if possible, measurable results from those initiatives. The Board also recommended that the Chief explore opportunities to access funds that may be available to municipalities and their agencies, boards, commissions and departments for environmental initiatives.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P311. COMPUTER AIDED DISPATCH SYSTEM MAINTENANCE
AGREEMENT – SOLE SOURCE AWARD**

The Board was in receipt of the following report October 23, 2008 from William Blair, Chief of Police:

Subject: COMPUTER AIDED DISPATCH SYSTEM MAINTENANCE AGREEMENT –
SOLE SOURCE AWARD

Recommendations:

It is recommended that:

- (1) the Board approve a five-year sole source software support and maintenance agreement with Intergraph Canada Ltd., for the Computer Aided Dispatch (CAD) system at a first year cost of \$547,855 (including taxes), and for a five year total cost of up to \$3,094,000 (including taxes) commencing January 1, 2009 and ending December 31, 2013; and
- (2) the Board authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form.

Financial Implications:

The 2009 support and maintenance cost of \$547,855 is approximately \$29,850 over the 2008 cost and this impact has been reflected in the 2009 operating budget request. Future year costs will be included in the respective operating budget requests.

Background/Purpose:

The Service's current Computer Aided Dispatch (CAD) system from Intergraph Canada Ltd. was installed in 2004. The CAD system is an integrated package of hardware and software providing call taking, dispatching and the historical recording of information, thereby enabling the timely handling and recording of 9-1-1 and other police related calls for service. The CAD system is comprised of three major environments: a primary site, a backup disaster recovery site and testing/training facilities.

At its meeting of November 13, 2003, the Board approved entering into a five-year maintenance contract with Intergraph Canada Ltd. for the period commencing January 1, 2004 to December 31, 2008 (Min. No. P332/03 refers). An agreement negotiated pursuant to that approval was executed on March 31, 2004.

Discussion:

The original CAD system was purchased from Intergraph Canada Ltd. in 1993 after a selection process resulting from a Request for Proposals issued in 1992. The current enhanced system, which includes Automatic Vehicle Location (AVL) and mobile components, was implemented in May 2004. The latest lifecycle release is planned for implementation in February 2009. Members of Communication Services and Information Technology Services have reviewed the options available to the Service with respect to the maintenance services required. The Intergraph CAD system is used by major Canadian police services, the Ontario Provincial Police, as well as some Ontario police services, such as those in Hamilton, Halton and Kitchener-Waterloo. Toronto Fire Service also uses Intergraph's CAD system, which allows for information sharing between Toronto Police and Toronto Fire. There are other vendors that can provide a CAD system. However, the implementation of another vendor's product would entail substantial licensing fees, as well as customization and professional installation costs. In addition, two hundred and fifty-one (251) Communications Centre operators would need to be trained on the use of a new system. As a result of the significant costs to implement a new system and the fact that the Service has built an excellent relationship with Intergraph over the years and has received good response to its needs, it is recommended that the current maintenance agreement be renewed.

The support and maintenance agreement provides the Service with upgrade protection to the latest release of the software and 7x24 support for any operational issues. The CAD computer system and the expert services required in maintaining and supporting the software can only be accomplished by Intergraph Canada Ltd., which is the owner and sole supplier of the software and services. Intergraph Canada Ltd. does not authorize third party agents or consultants to provide services related to the support and maintenance of its products.

The renewal term being requested is for a period commencing January 1, 2009 and ending December 31, 2013, to coincide with the software and hardware lifecycle of the CAD system. The service is provided annually. The projected price as listed below or the then current list price for that year will be used, whichever is less. Intergraph's projected prices are based on current list price plus estimated future rate of inflation. The price quoted annually is based on the actual rate of inflation. The following table itemizes the quoted (actual) price for 2009 and the maximum projected costs for 2010 – 2013.

	Actual Cost	Projected Annual Cost				TOTAL
	2009	2010	2011	2012	2013	
Primary	390,285	414,374	439,237	465,591	493,526	2,203,013
Backup	94,542	100,694	106,736	113,140	119,928	535,040
Taxes	63,028	66,959	70,976	75,235	79,749	355,947
Totals:	547,855	582,027	616,949	653,966	693,203	3,094,000

The following table summarizes the actual cost paid (net of all taxes) over the past five years versus the costs projected in 2003. Actual costs over the five year period were \$474,379 less (net of all taxes) than projected/budgeted.

Projected	2004	2005	2006	2007	2008	TOTAL
Primary	352,682	370,316	388,831	408,273	428,687	1,948,789
Backup	82,991	87,140	91,497	96,072	100,876	458,576
Totals:	435,672	457,456	480,329	\$504,345	529,562	2,407,364
Actual	2004	2005	2006	2007	2008	TOTAL
Primary	352,682	215,068	222,660	348,540	368,791	1,507,741
Backup	82,991	82,692	84,972	84,972	89,617	425,244
Totals:	435,672	297,760	307,632	433,512	458,409	1,932,985

Conclusion:

The renewal of the contract with Intergraph enables the support and maintenance of the CAD software components required for the call taking and dispatching of Emergency 9-1-1 and other police-related calls for service from January 1, 2009 to December 31, 2013.

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

The Board approved the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P312. TORONTO POLICE SERVICES BOARD – 2008 OPERATING BUDGET
VARIANCE REPORT – PERIOD ENDING SEPTEMBER 30, 2008**

The Board was in receipt of the following report October 27, 2008 from Alok Mukherjee, Chair:

Subject: OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO POLICE
SERVICES BOARD – PERIOD ENDING SEPTEMBER 30, 2008

Recommendation:

It is recommended that:

- (1) the Board approve a request to the City of Toronto Executive Committee for a technical adjustment of \$23,300 from the City's non-program expenditure budget to the Toronto Police Services Board's 2008 net operating budget, to fund the cost of a 3% interim salary award; which results in a revised 2008 net operating budget of \$2,257,200; and
- (2) the Board forward a copy of this report to the City of Toronto's Executive Committee for approval.

Financial Implications:

The interim salary arbitration award of 3% for the Toronto Police Association (TPA), and associated award for the Excluded members is estimated to cost \$23,300. Funding was set aside by the City in the 2008 non-program expenditure budget to cover the costs of contract settlements. The \$23,300 additional cost in 2008 due to the salary awards is offset by the technical adjustment and therefore there is no net impact on the 2008 approved operating budget. A further technical adjustment may be required when the 2008 final contracts are settled.

Background/Purpose:

Toronto City Council, at its meeting of March 31, 2008, approved the Toronto Police Services Board Operating Budget at a net amount of \$2,233,900. This funding level excludes any impact from the working agreement negotiations currently in progress. The impact on the 2008 budget, from a contractual settlement, is expected to be funded by the City.

The purpose of this report is to provide information on the Board's 2008 projected year-end variance.

Discussion:

The following chart summarizes the variance by category of expenditure.

Expenditure Category	2008 Budget (\$Ms)	Actual to Sept 30/08 (\$Ms)	Projected Year- End Actual (\$Ms)	Projected (Surplus)/Shortf all (\$Ms)
Salaries & Benefits (incl. prem.pay)	\$801.3	\$630.1	\$801.3	\$0.0
Non-Salary Expenditures	\$1,432.6	\$820.4	\$1,432.6	\$0.0
Total	\$2,233.9	\$1,450.5	\$2,233.9	\$0.0

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

As at September 30, 2008, no variance is anticipated. Details are discussed below.

Salaries & Benefits (including Premium Pay)

Year-to-date expenditures are consistent with the estimate and therefore no year-end variance is projected.

Non-salary Budget

The majority of the costs in this category are for arbitrations / grievances and City charge backs for legal services. No variance is anticipated in these accounts at this time.

Conclusion:

The most significant expenditure risk for the Board is legal costs for arbitration grievances. At the end of the most recent reporting period the actual spending does not reflect any concerns; however, this will be monitored closely and reported in subsequent variance reports.

The Board approved the forgoing report and agreed to forward a copy to the City of Toronto – Executive Committee for approval.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P313. TORONTO POLICE SERVICE – 2008 OPERATING BUDGET
VARIANCE REPORT – PERIOD ENDING SEPTEMBER 30, 2008**

The Board was in receipt of the following report November 03, 2008 from William Blair, Chief of Police:

Subject: OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO POLICE
SERVICE – PERIOD ENDING SEPTEMBER 30, 2008

Recommendations:

It is recommended that:

- (1) the Board request the City of Toronto Executive Committee to approve a budget transfer of \$20,267,000 to the Toronto Police Service's 2008 net operating budget from the City's Non-Program operating budget where a provision has been made, to fund the cost of a 3% interim salary award, which results in a revised 2008 net operating budget of \$818,966,200 for the Service with no incremental impact to the City; and
- (2) the Board forward a copy of this report to the City of Toronto's Executive Committee for approval.

Financial Implications:

The interim salary arbitration award of 3% for the Toronto Police Association (TPA), and corresponding award for Senior Officers' Organization members, Command Officers and Excluded members is estimated to cost \$20.3 million (M). Funding was set aside by the City in the 2008 non-program expenditure budget to cover the costs of contract settlements. The \$20.3M additional cost in 2008 due to the salary awards is offset by the budget transfer and therefore there is no net impact on the Service's 2008 overall variance and there is no impact to the City. A further technical adjustment may be required when the 2008 final contracts are settled.

Background/Purpose:

The Board, at its March 27, 2008 meeting, approved the Toronto Police Service's 2008 operating budget at a net amount of \$798.3 Million (M), including an unspecified reduction of \$2.8M recommended by the City's Executive Committee (Min. No. P47/08 refers). Subsequently, Toronto City Council, at its meeting of March 31, 2008, approved the Service's 2008 Operating Budget at the net amount approved by the Board.

The Service has since been notified by City Finance staff of a further \$0.4M allocation from the Insurance Reserve Fund to the Service's 2008 operating budget. As a result of the reallocation, the Service budget has been restated upwards by \$0.4M to a total of \$798.7M. However, this change does not result in additional available funds to the Service, as there will be a corresponding charge from the City.

The purpose of this report is to provide information on the Service's 2008 projected year-end variance, as at September 30, 2008.

Discussion:

The following chart summarizes the variance by expenditure category and revenue.

Category	2008 Budget (\$Ms)	Actual to Sept 30/08	Projected Year- End Actual (\$Ms)	Projected (Surplus)/ Shortfall (\$Ms)
Salaries	\$572.6	\$423.0	\$570.1	(\$2.5)
Premium Pay	\$45.0	\$27.6	\$45.0	\$0.0
Benefits	\$140.3	\$109.3	\$139.8	(\$0.5)
Materials and Equipment	\$23.0	\$19.5	\$24.4	\$1.4
Services	\$85.6	\$32.0	\$84.8	(\$0.8)
Total Gross	\$866.5	\$611.4	\$864.1	(\$2.4)
Revenue	(\$67.8)	(\$29.6)	(\$66.4)	\$1.4
Total Net	\$798.7	\$581.8	\$797.7	(\$1.0)

It is important to note that expenditures do not all follow a linear pattern and therefore year-to-date expenditures cannot be simply extrapolated to year end. Rather, the projection of expenditures to year end is done through an analysis of all accounts, taking into consideration factors such as expenditures to date, future commitments expected and spending patterns. In addition, the Service receives significant amounts of in year grant funding and the revenue and expense budgets are adjusted when receipt of funds is confirmed.

As at September 30, 2008, a favourable year-end variance of \$1.0M is anticipated, including projected expenditure savings equal to the \$2.8M unallocated budget reduction approved by Council. It is important to note that these are in-year savings and not necessarily sustainable in future years. Details of each major expenditure category and revenue are discussed in the sections that follow.

Salaries:

A \$2.5M surplus is projected in the Salaries category. This is \$0.1M more than previously reported.

Expenditure Category	2008 Budget (\$Ms)	Actual to Sept 30/08 (\$Ms)	Projected Year-End Actual (\$Ms)	Projected (Surplus)/ Shortfall (\$Ms)
Uniform Salaries	\$433.2	\$325.1	\$432.0	(\$1.2)
Civilian Salaries	\$139.4	\$97.9	\$138.1	(\$1.3)
Total Salaries	\$572.6	\$423.0	\$570.1	(\$2.5)

Uniform separations continue to be projected at 290 compared to the budget of 275. In addition, the separations have occurred earlier in the year than expected and as a result, a net uniform salary savings of \$1.2M is projected at this point in time. The April 2008 recruit class size was adjusted in order to maintain an average deployed strength of 5,510.

A \$1.3M surplus is also projected for civilian salaries. This is attributable to savings in court officer salaries due to a delay in hiring to the approved staff complement, and higher-than-anticipated separations in other civilian positions. The court officer staffing level is expected to be at the approved level by the end of the year.

Premium Pay:

No variance is projected in the Premium Pay category.

Expenditure Category	2008 Budget (\$Ms)	Actual to Sept 30/08 (\$Ms)	Projected Year-End Actual (\$Ms)	Projected (Surplus)/ Shortfall (\$Ms)
Court	\$11.9	\$8.1	\$11.9	\$0.0
Overtime	\$6.0	\$4.5	\$6.0	\$0.0
Callback	\$8.1	\$5.0	\$8.1	\$0.0
Lieutime Cash Payment	\$19.0	\$10.0	\$19.0	\$0.0
Total Premium Pay*	\$45.0	\$27.6	\$45.0	\$0.0

* Approx. \$4.5M is attributed to grant-funded expenditures (revenue budget has been increased by same amount)

The Service continues to strictly monitor and control premium pay. Overtime is to be authorized by supervisory personnel based on activities for protection of life (i.e., where persons are at risk), protection of property, processing of arrested persons, priority calls for service (i.e., where it would be inappropriate to wait for the relieving shift), and case preparation (where overtime is required to ensure court documentation is completed within required time limits).

It must be noted, however, that premium pay is subject to the exigencies of policing and unpredictable events could have an impact on expenditures.

Benefits:

A \$0.5M surplus is projected in the Benefits category. This is \$0.3M less than previously reported.

Expenditure Category	2008 Budget (\$Ms)	Actual to Sept 30/08 (\$Ms)	Projected Year-End Actual (\$Ms)	Projected (Surplus)/Shortfall (\$Ms)
Medical / Dental	\$33.6	\$23.1	\$33.1	(\$0.5)
OMERS / CPP / EI / EHT	\$83.7	\$67.3	\$83.4	(\$0.3)
Sick Pay / CSB / LTD	\$13.0	\$11.5	\$13.0	\$0.0
Other (e.g., WSIB, life ins.)	\$10.0	\$7.4	\$10.3	\$0.3
Total Benefits	\$140.3	\$109.3	\$139.8	(\$0.5)

Trends for medical/dental costs are indicating lower-than-anticipated expenditures and, as a result, a favourable variance of \$0.5M is projected to year-end. Projected savings in OMERS/ CPP/EI/EHT are a result of regular salary savings. Workers Safety Insurance Board (WSIB) costs have increased in recent months and are now projected to be unfavourable by year-end. Increases in WSIB costs are attributed to more claims, some of longer duration, compounded by increased fees for service.

Materials and Equipment:

A shortfall of \$1.4M is projected in the Materials and Equipment category. This is \$0.1M less than previously reported.

Expenditure Category	2008 Budget (\$Ms)	Actual to Sept 30/08 (\$Ms)	Projected Year-End Actual (\$Ms)	Projected (Surplus)/Shortfall (\$Ms)
Vehicles (gas, parts)	\$10.0	\$9.7	\$10.5	\$0.5
Uniforms	\$3.6	\$3.2	\$3.6	\$0.0
Other Materials	\$4.9	\$3.6	\$4.8	(\$0.1)
Other Equipment *	\$4.5	\$3.0	\$5.5	\$1.0
Total Materials & Equipment	\$23.0	\$19.5	\$24.4	\$1.4

* Approx. \$1.2M is attributed to grant-funded expenditures (revenue budget has been increased by same amount)

The unfavourable variance in “other equipment” is a result of the planned expenditure on the In-car camera project, approved at the Board’s September 18, 2008 meeting (Min. No. P264/08 refers). This expenditure, combined with requested transfers from under-spent capital projects (e.g. Computer Assisted Scheduling of Courts system replacement), will allow the Service to come closer to achieving the original objective of installing in-car camera systems in all of the Service’s marked patrol vehicles.

The Service is closely monitoring the cost of fuel and its impact on the budget. The gas price increases experienced earlier in 2008 have resulted in an unfavourable variance. More recently, gas prices have been declining and are closer to the budgeted level. The Service will continue to monitor gas prices and their impact on the budget. Based on year-to-date experience, the Service is projecting an unfavourable budget variance in gasoline of \$0.5M by year-end. This variance is partially offset by a favourable variance in other materials.

Services:

A \$0.8M surplus is projected in the Services category, no change from what was previously reported.

Expenditure Category	2008 Budget (\$Ms)	Actual to Sept 30/08 (\$Ms)	Projected Year-End Actual (\$Ms)	Projected (Surplus)/ Shortfall (\$Ms)
Legal Indemnification	\$0.6	\$0.0	\$0.6	\$0.0
Uniform Cleaning Contract	\$2.2	\$2.0	\$2.0	(\$0.2)
Courses / Conferences	\$2.3	\$1.5	\$2.3	\$0.0
Clothing Reimbursement	\$1.6	\$0.6	\$1.4	(\$0.2)
Computer Lease / Maintenance	\$12.1	\$9.1	\$12.1	\$0.0
Phones / cell phones / 911	\$7.3	\$4.5	\$7.3	\$0.0
Reserve contribution	\$27.6	\$0.0	\$27.6	\$0.0
Caretaking / maintenance	\$15.2	\$3.8	\$15.2	\$0.0
Other Services*	\$16.7	\$10.5	\$16.3	(\$0.4)
Total Services	\$85.6	\$32.0	\$84.8	(\$0.8)

* Approx. \$0.4M is attributed to grant-funded expenditures (revenue budget has been increased by same amount)

Based on year-to-date trends, the Service is projecting \$0.4M savings in its cleaning and clothing reimbursement accounts and \$0.4M in the “other services” account, resulting in a \$0.8M surplus in this category.

Revenue:

A shortfall of \$1.4M is projected in the Revenue category, which is \$0.1M less than previously reported.

Revenue Category	2008 Budget (\$Ms)	Actual to Sept 30/08 (\$Ms)	Projected Year-End Actual (\$Ms)	Projected (Surplus)/ Shortfall (\$Ms)
Recoveries from City	(\$7.6)	(\$5.6)	(\$7.6)	\$0.0
CPP and Safer Comm'y grants	(\$16.3)	(\$4.5)	(\$16.3)	\$0.0
Other Gov't grants	(\$8.1)	(\$6.7)	(\$8.6)	(\$0.5)
Fees (e.g., pd duty, alarms, ref.)	(\$9.7)	(\$6.9)	(\$9.9)	(\$0.2)
Secondments	(\$2.3)	(\$1.4)	(\$2.7)	(\$0.4)
Draws from Reserves	(\$12.9)	\$0.0	(\$12.9)	\$0.0
Other Revenues (e.g., pris.return)	(\$10.9)	(\$4.5)	(\$8.4)	\$2.5
Total Revenues	(\$67.8)	(\$29.6)	(\$66.4)	\$1.4

* Approx. \$0.4M is attributed to grant-funded expenditures (revenue budget has been increased by same amount)

The “Other Revenues” budget was increased by \$2.8M to accommodate City Council’s unspecified budget reduction. This has been partially offset by unbudgeted revenues of \$0.3M, primarily as a result of unused deferred revenues, resulting in a net \$2.5M unfavourable variance in this category.

The Service is experiencing favourable variances in its paid duties accounts. However, these have been partially offset by unfavourable variances in the sale of accident reports, alarm fees and criminal reference checks, resulting in a net favourable variance of \$0.2M in the “Fees” category. The Service is also experiencing a favourable variance of \$0.4M in its secondment revenue, and is projecting a favourable variance of \$0.5M in grant revenues, in large part due to grant funding for budgeted salaries.

Interim Salary Increase:

The Board and the TPA are currently undergoing the arbitration process for the 2008 contract year. On October 8, 2008, the Arbitrator awarded a 3% interim salary settlement on a without prejudice basis as the current process continues. Subsequently, the Board approved the same interim award to members of the Toronto Police Senior Officers’ Organization, Excluded staff and Command Officers (Min. No. C283/08 refers). The total estimated impact of these awards on the Service’s 2008 net operating budget is \$20.267M. The impact of all salary settlements was estimated for and budgeted in the City’s non-program expenditure budget. The Service is recommending that the Board request the City of Toronto’s Executive Committee to approve a budget transfer from the City’s non-program expenditure budget to the Service’s operating budget, to cover the cost of the interim salary awards.

Conclusion:

As at September 30, 2008, the Service is projecting a favourable variance of \$1.0M by year end. The favourable variance includes in-year savings of \$2.8M which covers the unallocated budget reduction approved by Council. It is important to note that the savings to achieve the unallocated Council reduction are in-year savings and may not be sustainable in the future.

The recent 3% interim salary award has no impact on the overall variance, and a budget transfer is being requested from the City to provide funding to cover the amount of the interim award.

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

The Board approved the foregoing report and agreed to forward a copy to the City of Toronto – Executive Committee for approval.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P314. TORONTO POLICE SERVICE – PARKING ENFORCEMENT UNIT –
2008 OPERATING BUDGET VARIANCE REPORT – PERIOD ENDING
SEPTEMBER 30, 2008**

The Board was in receipt of the following report October 31, 2008 from William Blair, Chief of Police:

Subject: OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO POLICE
PARKING ENFORCEMENT UNIT – PERIOD ENDING SEPTEMBER 30,
2008

Recommendations:

It is recommended that:

- (1) the Board request the City of Toronto Executive Committee to approve a budget transfer of \$796,800 to the Parking Enforcement's 2008 net operating budget from the City's Non-Program operating budget where a provision has been made, to fund the cost of a 3% interim salary award, which results in a revised 2008 net operating budget of \$34,707,900 for Parking Enforcement with no incremental impact to the City; and
- (2) the Board forward a copy of this report to the City of Toronto's Executive Committee for approval.

Financial Implications:

The interim salary award of 3% for the Toronto Police Association (TPA) is estimated to cost \$0.8M. Funding was set aside by the City in the 2008 non-program expenditure budget to cover the costs of contract settlements. The \$0.8M additional cost in 2008 due to the salary awards is offset by the budget transfer and therefore there is no net impact on Parking Enforcement's overall variance and there is no impact to the City. A further technical adjustment may be required when the 2008 final contracts are settled.

Background/Purpose:

Toronto City Council, at its meeting of March 31, 2008, approved the Toronto Police Parking Enforcement Operating Budget at a net amount of \$33.9 Million (M). This funding level excludes any impact from the collective agreement negotiations currently in progress.

The purpose of this report is to provide information on the Parking Enforcement's 2008 projected year-end variance.

Discussion:

The following chart summarizes the variance by category of expenditure.

Category	2008 Budget (\$000s)	Actual to Sept 30/08 (\$000s)	Projected Year- End Actual (\$000s)	Projected (Fav.)/Shortfall (\$000s)
Salaries	\$23,242.1	\$17,154.9	\$23,496.3	\$254.2
Premium Pay	\$5,387.0	\$2,261.4	\$5,407.1	\$20.1
Benefits	<u>\$1,307.5</u>	<u>\$944.2</u>	<u>\$1,383.2</u>	<u>\$75.7</u>
Total Salaries & Benefits	\$29,936.6	\$20,360.5	\$30,286.6	\$350.0
Materials and Equipment	\$1,492.4	\$566.9	\$1,390.1	(\$102.3)
Equipment	\$90.0	\$48.7	\$95.7	\$5.7
Services	\$3,866.8	\$1,540.3	\$3,610.1	(\$256.7)
Revenue	(\$1,474.7)	(\$258.1)	(\$1,474.7)	\$0.0
Total Non-Salary	<u>\$3,974.5</u>	<u>\$1,897.8</u>	<u>\$3,621.2</u>	(\$353.3)
Total Net	<u>\$33,911.1</u>	<u>\$22,258.3</u>	<u>\$33,907.8</u>	(\$3.3)

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

As at September 30, 2008, a \$3,300 surplus is anticipated. Details are discussed below.

Salaries & Benefits (including Premium Pay):

A shortfall of \$350,000 is being projected in these accounts. Salaries and benefits are projecting to be overspent based on expenditures to date and the planned accelerated hiring of Parking Enforcement officers (PEOs). In order to ensure that Parking Enforcement will, on average, be at its full complement of Parking Enforcement Officers during 2009, the annual class hire that is currently planned for January 2009 will be accelerated to November 2008.

Expenditures in premium pay are directly related to enforcement activities. Over-expenditures in this area are directly related to overtime incurred due to in-year staff vacancies.

Non-salary Expenditures:

A \$350,000 surplus is projected in the non-salary accounts. The increase in gas prices is causing an unfavourable budget variance in Parking Enforcement's fuel budget. However, based on year-to-date trends in its other accounts, Parking Enforcement is projecting a net favourable variance in this category. Savings that are expected to continue have been taken into account in the development of the 2009 budget request.

Arbitration Decision

The Board and the TPA are currently undergoing the arbitration process for the 2008 contract year. On October 8, 2008, the Arbitrator awarded a 3% interim salary settlement on a without prejudice basis as the current process continues. The total estimated impact of this award on Parking Enforcement's net operating budget is \$0.8M. The impact of all salary settlements was estimated for and budgeted in the City's non-program expenditure budget. The Service is recommending that the Board request the City of Toronto's Executive Committee to approve a budget transfer to Parking Enforcement's operating budget, to cover the cost of the interim salary award.

Conclusion:

Parking Enforcement is projecting a \$3,300 surplus for 2008. Projected surpluses in non-salary accounts are being used to fund a two-month acceleration in hires of Parking Enforcement Officers. The 3% interim salary award has no impact on the overall variance, and a budget transfer is being requested from the City to provide funding to cover the amount of the interim award.

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

The Board approved the foregoing report and agreed to forward a copy to the City of Toronto – Executive Committee for approval.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P315. LEGAL FEES – SUPREME COURT OF CANADA APPEAL:
NOVEMBER 2005 NATHAN PHILIPS SQUARE DEMONSTRATION**

The Board was in receipt of the following report October 30, 2008 from Alok Mukherjee, Chair:

Subject: LEGAL FEES – SUPREME COURT OF CANADA APPEAL: NOVEMBER
2005 NATHAN PHILIPS SQUARE DEMONSTRATION

Recommendation:

It is recommended that the Board approve payment of the legal fees charged by Borden Ladner Gervais in the amount of \$2,692.40.

Financial Implications:

If the Board approves the recommendation contained in this report, the Board's 2008 operating budget will be reduced by the amount of \$2,692.40.

Background/Purpose:

I am in receipt of correspondence dated October 23, 2008, from Mr. Darrel Smith, City of Toronto, Legal Services (copy attached), recommending that the Board pay its portion of the account from Borden Ladner Gervais, for its assistance on the Supreme Court of Canada appeal, regarding the Nathan Philips Square demonstration during the last round of collective bargaining. In the past, the Board was represented by the City of Toronto with regard to this matter. However, in order to carry this matter to the Supreme Court of Canada, the City was required to obtain an Ottawa-based lawyer on behalf of the Board.

Also attached to this report is a statement of account from the legal firm of Borden Ladner Gervais. The account is for professional services rendered to July 28, 2008 in the amount of \$2,692.40.

Conclusion:

I, therefore, recommended that the Board approve payment of the legal fees charged by Borden Ladner Gervais in the amount of \$2,692.40.

This report corresponds with additional information provided on the in-camera agenda.

The Board approved the foregoing report.



Anna Kinastowski, B.A., LL.B.
City Solicitor
Legal Services
Metro Hall, 26th Fl., Stn. 1260
55 John Street
Toronto, ON M5V 3C6
Tel. 416-392-8047
Fax 416-397-1765

** Certified by the Law Society as a Specialist in
Municipal Law: Local Government / Land
Use Planning & Development*

Reply To: Darrel Smith
Tel: 416-392-8052
Fax: 416-397-1765
E-Mail: DSMITH5@TORONTO.CA

File No. A60.8100.7299.06

October 23, 2008

Toronto Police Services Board
40 College Street
Toronto Ontario
MSG 2J3

**Attention: Joanne Campbell
Executive Director**



Dear Ms. Campbell:

Re: Toronto Police Association vs. Toronto Police Services Board et al

I enclose an account from Borden Ladner for their services in assisting us in this Supreme Court of Canada appeal. The portion to be paid by the Board is \$2,692.40. This invoice has been outstanding for some time - I misplaced it. I have already given my apologies to Borden Ladner. Could you please arrange to have a cheque mailed directly to their Ottawa office in payment of the Board's half of this invoice. Thanks.

Yours truly,

Darrel A. Smith
Solicitor

DAS:gc
Enc.

G:\LEG\Lit_MH\Smith\A60\81007299.06 TPA\Campbell ltr.doc



BORDEN
LADNER
GERVAIS

Borden Ladner Gervais LLP
Lawyers • Patent & Trade-Mark Agents
World Exchange Plaza
100 Queen Street, Suite 1100
Ottawa, Ontario, Canada K1P 1J9
tel.: (613) 237-5160 fax: (613) 230-8842
www.bigcanada.com

City of Toronto
55 John St, 26th Floor
Metro Hall, Stn, 1260
Corporate Services
Toronto, ON M5V 3C6

July 30, 2008

Invoice # 696399464
Page 1

Attention: Mr. Darrel Smith

Re: SCC 32405: Respondents

File No: 017523/000333

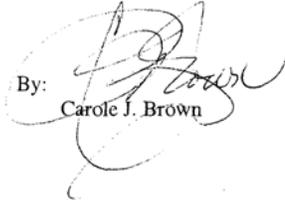
PROFESSIONAL SERVICES rendered to July 28, 2008 in connection with the above matter as described in the attached.

Fees	\$ 4,457.00
Disbursements	674.96
GST on Fees and Taxable Disbursements	252.85
Total this Invoice	<u>\$ 5,384.81</u>

Payor Summary	<u>Fees</u>	<u>Disb</u>	<u>Taxes</u>	<u>Total</u>
City of Toronto-Insurance	\$ 2,228.50	\$ 337.48	\$ 126.42	\$ 2,692.40
Bellmore & Moore	2,228.50	337.48	126.43	2,692.41

THIS IS OUR ACCOUNT - E. & O.E.

BORDEN LADNER GERVAIS LLP

By: 
Carole J. Brown

PAYABLE ON RECEIPT
INTEREST AT THE RATE OF 3.3% PER ANNUM MAY BE CHARGED ON ACCOUNTS WHICH ARE OVERDUE
GST REGISTRATION # R869096974RT0003

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

#P316. LEGAL FEES – TORONTO POLICE ASSOCIATION AND OCCPS

The Board was in receipt of the following report October 24, 2008 from Alok Mukherjee, Chair:

Subject: LEGAL FEES - TORONTO POLICE ASSOCIATION AND OCCPS

Recommendation:

It is recommended that the Board approve payment of the legal fees charged by Lenczner Slaght Royce Smith Griffin LLP in the amount of \$1,418.29.

Financial Implications:

The funding required to cover the cost of these legal fees is available within the Board's 2008 operating budget.

Background/Purpose:

Attached is a statement of account from the legal firm of Lenczner Slaght Royce Smith Griffin LLP for professional services rendered in connection with the above-noted matter. The attached account is for the period September 01, 2008 to September 30, 2008, in the amount of \$1,418.29.

Conclusion:

It is, therefore, recommended that the Board approve payment of this account from the Board's operating budget.

This report corresponds with additional information provided on the in-camera agenda.

The Board approved the foregoing report.

**LENCZNER SLAGHT ROYCE
SMITH GRIFFIN LLP**
BARRISTERS

Direct Line: (416) 865-3096
E-mail: tcurry@litigate.com

October 21, 2008

Mr. Alok Mukherjee
Toronto Police Services Board
40 College Street
Toronto, Ontario M5G 2J3

Dear Mr. Mukherjee:

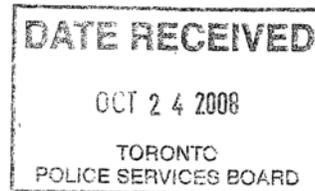
Re: Toronto Police Services Association

Enclosed herewith please find our account for services rendered with respect to the above-noted matter during the period September 1 to September 30, 2008 which I trust you will find satisfactory. Should you have any questions, please feel free to give me a call.

Yours very truly,

J. Thomas Curry

:dh
Enc.



**LENCZNER SLAGHT ROYCE
SMITH GRIFFIN LLP**
BARRISTERS

Toronto Police Services Board
40 College Street
Toronto ON M5G 2J3
Attention: Alok Mukherjee

Date: October 21, 2008

Our file #: 36298
INVOICE NO. 77822

Re: v. Toronto Police Services Association

TO PROFESSIONAL SERVICES RENDERED with respect to the above matter during the period from September 1 to September 30, 2008:

FEES:

TOTAL FEES	\$1,290
G.S.T. @ 5%	\$64.52

DISBURSEMENTS

TOTAL DISBURSEMENTS	\$60.75
G.S.T. @ 5%	3.04
TOTAL FEES AND DISBURSEMENTS	\$1,350.75

TOTAL TAXES

G.S.T. (Registration #: R133780817)	<u>\$67.54</u>
TOTAL BILL	\$1,418.29
TOTAL DUE AND OWING UPON RECEIPT	<u>\$1,418.29</u>

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P317. SEMI-ANNUAL REPORT – GRANT APPLICATIONS AND
CONTRACTS: APRIL – SEPTEMBER 2008**

The Board was in receipt of the following report September 29, 2008 from William Blair, Chief of Police:

Subject: SEMI-ANNUAL REPORT: APRIL 1, 2008 TO SEPTEMBER 30, 2008 -
GRANT APPLICATIONS AND CONTRACTS

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

All active grants noted in this report are accounted for in the 2008 Operating Budget and there are no financial implications related to the active grants. For those contracts currently being finalized and executed, there will be no net financial impact to the Service, as the funds will cover the costs incurred as a result of the grant program. If the outstanding grant application for the Green Municipal Fund (noted in Appendix A) is approved and the funds are provided to the Toronto Police Service, the Service will determine how the grant funds should be applied against the 2010 budget.

Background/Purpose:

At its meeting of February 28, 2002, the Board granted standing authority to the Chair of the Police Services Board to sign all grant and funding applications and contracts on behalf of the Board (Min. No. P66/02 refers). The Board also agreed that a report would be provided on a semi-annual basis, summarizing all applications and contracts signed by the Chair (Min. Nos. P66/02 and P145/05 refer).

Discussion:

During the current reporting period, April 1, 2008 to September 30, 2008, the Chair of the Police Services Board signed four (4) contracts. Appendix A provides the details of grant applications submitted and Appendix B provides the details of new grants awarded or contracts signed.

As at September 30, 2008, the Toronto Police Service had a total of seven (7) active grants, as outlined below:

- Community Policing Partnership Program (\$7.5M annually)
- Safer Communities – 1,000 Officers Partnership Program (\$8.8M annually)

- Toronto Anti-Violence Intervention Strategy (\$5.0M - one-time funding)
- Closed Circuit Television (\$2.0M - one-time funding)
- Safe Schools Pilot Project (\$0.5M - one-time funding)
- A Provincial Strategy to Protect Children from Sexual Abuse and Exploitation on the Internet (\$0.35M - one-time funding)
- Youth In Policing Initiative (\$0.35M annually)
- R.I.D.E. Grant Program (\$0.17M annually)

Conclusion:

This report provides the Board with information on the activity that occurred with respect to grants during the six month period ending September 30, 2008, as well as the active grants in place as at the same date.

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

The Board received the foregoing report.

New Grant Applications
April 1, 2008 to September 30, 2008

Name and Description of Grant	Amount of Funding Requested	Grant Term	Comments
<p>Green Municipal Fund: Energy 2008</p> <ul style="list-style-type: none"> A grant program to fund energy efficient construction projects demonstrating reduction in design energy consumption. 	<p>\$2,000,000 low interest loan plus \$300,000 grant</p>	<p>n/a</p>	<p>Application was submitted to the Federation of Canadian Municipalities Centre of Sustainable Development in June 2008 with a letter of municipal commitment to complete the energy efficient project. The maximum available funding and low interest loans were requested for the Toronto Police Service's LEED Silver New Training Facility. No grant funding has been assumed in the capital program at this time. Any funding awarded would flow to the Service one year after project completion (completion anticipated in 2009). Grant financing approvals are anticipated for January 2009.</p>

New Grants Awarded or Contracts Signed
April 1, 2008 to September 30, 2008

Name and Description of Grant	Amount of Funding Approved	Grant Term	Comments
<p>Safer Communities – 1,000 Officers Partnership Program</p> <ul style="list-style-type: none"> Funding to enhance community policing and seven targeted areas identified by the Ontario government: youth crime, guns and gangs, organized crime and marijuana grow ops, dangerous offenders, domestic violence, protecting children from Internet luring and child pornography and court efficiencies. 	\$8,800,000	April 1, 2008 to March 31, 2010	The Chair signed the contract in August 2008.
<p>Safe Schools Pilot Project</p> <ul style="list-style-type: none"> Funding to expand the Empowered Student Partnerships (ESP) Program to middle schools and to update the Elementary School Safety Program. 	\$510,000	April 1, 2008 to June 30, 2009	The Chair signed the contract in June 2008.
<p>A Provincial Strategy to Protect Children from Sexual Abuse and Exploitation on the Internet</p> <ul style="list-style-type: none"> Funding to coordinate the increased identification of victims, to provide support services to victims of child internet sexual abuse and exploitation and to assist in preventing the cycle of recurring victimization. 	\$349,782	April 1, 2008 to March 31, 2009.	Contract was received from the Ministry of Community Safety and Correctional Services at the end of September and is going through the Service's review and approval process to finalize and execute the contract.
<p>Youth in Policing Initiative</p> <ul style="list-style-type: none"> A program to provide summer employment opportunities for youth who reside in at-risk communities. 	\$345,500	Existing contract in effect until terminated.	The Chair signed the contract in August 2008.
<p>Reduce Impaired Driving Program (R.I.D.E.)</p>	\$174,193	April 1, 2008 to February 28, 2009	The Chair signed the contract in September 2008.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P318. REQUEST FOR FUNDS: ADDITIONAL SPONSORSHIP OF THE 19TH
ANNUAL CANADIAN ASSOCIATION OF POLICE BOARDS (CAPB)
CONFERENCE**

The Board was in receipt of the following report October 28, 2008 from Alok Mukherjee, Chair:

Subject: REQUEST FOR FUNDS: ADDITIONAL SPONSORSHIP OF THE 19TH
ANNUAL CANADIAN ASSOCIATION OF POLICE BOARDS (CAPB)
CONFERENCE

Recommendation:

It is recommended that the Board approve the allocation of an amount from the Special Fund, not to exceed \$25,000 (inclusive of tax), to cover additional costs associated with the 2008 CAPB Conference.

Financial Implications:

If the Board approves the recommendation contained in this report, the Special Fund will be reduced by an amount not to exceed \$25,000 (inclusive of tax).

Background/Purpose:

At its meeting of August 9, 2007, the Board approved the allocation of funds in an amount not to exceed \$20,000 to cover the costs of speakers' fees and honoraria at the 2008 CAPB conference (Board Min. No. P282/07 refers). Due to sponsorship revenues being less than projected, I am requesting that the Board contribute an additional \$25,000 towards the deficit. I have attached a letter, dated October 21, 2008 (Appendix A), from Mr. Greg Dionne, President, CAPB, containing a detailed listing of all conference expenses and revenue.

Discussion:

The 19th Annual CAPB conference, hosted by the Toronto Police Services Board, from August 14-17, 2008, was a great success. The response from delegates was overwhelmingly positive the conference offered a great opportunity for professional development for Board members.

I have appended the draft conference report (Appendix B) and the conference evaluation (Appendix C), for your information.

Conclusion:

I, therefore, recommend that the Board approve the allocation of an amount from the Special Fund, not to exceed \$25,000 (inclusive of tax), to cover additional costs associated with the 2008 CAPB Conference.

The Board approved the foregoing report.

Appendix A



October 21, 2008

Dr. Alok Mukherjee, Chair
Toronto Police Services Board
40 College Street, 7th Floor
Toronto, Ontario M5G 2J3



Dear Dr. Mukherjee:

Re: CAPB 2008 Conference

On behalf of the Board of CAPB, please accept our heartfelt gratitude for hosting the 19th Annual CAPB Conference in August. I commend you and your team of staff for a superb job of organizing and delivering a first-class conference. The response we've received from delegates has been overwhelmingly positive and the highlights for most were the dinner at the CN Tower and the thought provoking words of Glenn Murray and Thomas Homer-Dixon.

The City of Toronto and the Toronto Police Service were also outstanding in the support they provided to CAPB and we really have to commend their generosity and the warmth of reception everyone felt in Toronto. The extremely capable organizational skills of Sergeant Todd Hillhouse and his team of volunteers deserve a special mention.

One of the responsibilities of the host board is to make a contribution of at least \$10,000 in order to keep registration costs down and to offset expenses incurred to run the Conference. I have attached a copy of the detailed Conference expenses and revenue for your records. Once all expenses were paid and all revenue received, CAPB is in a \$24,241 deficit; mainly due to sponsorship revenue being significantly less than projected. To compare, the 2007 Conference brought in \$27,500 in corporate sponsorship, \$29,000 from Boards and \$7,500 from Public Safety.

CAPB is asking the Toronto Police Services Board to contribute \$25,000 towards sponsoring the 2008 Conference and an invoice requesting that amount is attached.

If you have any questions regarding the attached, please do not hesitate to get in touch with CAPB Executive Director, Jennifer Lanzon. It has been a pleasure working with you over the last year and I look forward to continuing to do so well into the future.

Sincerely,

Greg Dionne
President



**INVOICE
CAPB CONFERENCE
AUGUST 14 – 17, 2008
Toronto, Ontario**

October 20, 2008

TO: Toronto Police Services Board,
40 College Street, 7th Floor, Toronto, Ontario M5G 2J3

SPONSORSHIP CONTRIBUTION FOR CAPB ANNUAL CONFERENCE

August 14-17 2008-..... \$25,000

Please return a copy of this notice with
a cheque
in the appropriate amount,
made payable to the Canadian Association of Police Boards.

CAPB 2008 CONFERENCE	REVENUE
Corporate Sponsorship	2,750
Board Sponsorship	20,200
Government Sponsorship	7,500
Registration Fees	87,250
Dinner Ticket Sales	1,775
Companions Fees	3,250
Golf Shirt Sales	828
TOTAL REVENUE	\$123,553

CAPB 2008 CONFERENCE	Balance Sheet
	REVENUE \$123,553
	EXPENSES \$147,794
REVENUE OVER EXPENSES	(\$24,241)

CAPB 2008 CONFERENCE Breakdown of Expenses	EXPENSE
Hilton Toronto - deposit	5,000
Coach Canada - deposit bus	905
Patricia Robinson (Conference coord)	60
Toronto Tours (Companion Tour)	1,239
CN Tower (deposit host dinner)	10,000
Drive2demand Creation (conference materials)	1,260
Patricia Robinson (Conference coord)	340
4imprint - Conference bags	3,143
Patricia Robinson (Conference Coord)	495
4Imprint (logo cloths)	704
Stincor - golf shirts	4,918
Patricia Robinson - conf coord	300
Purolator courier	70
Premiere Global - teleconferencing	540
CN Tower - 2nd deposit conf dinner	3,500
Conference Publishers Inc. deposit	1,877
Indigo - Gift Cards	2,673
Patricia Robinson - conf coord	480
Signarama - 2 large banners	1,153
Karlene Bennett (reimburse for signs)	357
Bill McKee (Town Crier)	150
Walter Mahabir (national anthem)	150
Gary Grant MC for CAPB Banquet	200
Nelson Chan (lion dancers)	380
Toronto Police Male Chorus	150
Lenny Boyd Trio	600
Nathaniel Dett Chorale	5,000
Reimburse T. Marshall for parking	122
Gwen Boniface - travel expenses	1,324
348151 Ontario Limited (A. Graham)	3,015
Conference Publishers Inc.	3,754
Impression Holding Company Ltd	1,521
Stincor Specialties - Name Badges	1,425
Patricia Robinson (Conference coord)	1,640
CAPB ED travel hotel	1,331
Hilton Toronto - Catering, Hosp. suite & rooms for speakers	55,068
CN Tower Balance owing for dinner	8,027
Purolator courier	245
BraeBen bbq for CAPB delegates	4,030
Videoscope - AV equipment	10,422
Stincor - flag	230
Stincor - Presidents gift	365
Lunch at City Hall	3,969
CNW media release	546
Halpenny Insurance - Event policy	479
Refunds Issued	2,759
Conference Publishers Inc (last payment)	1,877
TOTAL EXPENSES	\$147,794

An electronic copy of Appendix B is not available.

Appendix C
2008 CAPB

CONFERENCE EVALUATION FINDINGS

TOTAL RESPONSES RECEIVED = 51

PLENARY SESSIONS	Excellent	Good	Fair	Poor
Official Opening & Call to Order-	12	18		
Opening Plenary: "Civilian Police Governance: Facing a Changing Urban Landscape" Glen Murray	16	23	2	
Plenary #2: "Greening Your Police Service"	9	16	12	
Luncheon and Keynote Speaker: Minister of Public Safety, Honourable Stockwell Day	7	23	9	3
Toronto Police Service Unit Tours	12	14	7	1
SPECIFY TOUR -				
Plenary #3: "The Upside of Down: Complex Forces at Work in Our World" Dr. Thomas Homer-Dixon	17	14	7	4
Annual General Meeting	10	17	3	
WORKSHOPS:				
(CCTV) Close Circuit Television: Balancing Privacy with Public Security				
Making the Response to Domestic Violence a Board Priority	3	3		
Responding to Mental Health Issues in Your Community: The Challenges for Boards and Services	2	3	2	1
Ethics and Accountability	1	8	2	
Conducted Energy Weapons	7	2	1	
Human Resources Sustainability: Meeting The Challenges Of Recruitment, Retention, Training And Employee Wellness	3	1	1	
Plenary #4: Gwen Boniface: Police Governance in Ireland	13	11	1	
Panel: Chiefs' and Associations' Expectations of Police Services Boards	10	10		
HOTEL/CATERING	Excellent	Good	Fair	Poor
Conference Meals	22	19	2	
Restaurant Service	11	32		
Bedroom Accommodation	18	21		
Meeting Room - Ventilation (TOO COLD)		6	5	17
Meeting Room - Seating	3	23	11	
Hotel Staff	4	15		
Location	8	17		
SOCIAL FUNCTIONS	Excellent	Good	Fair	Poor
Thursday Golf Tournament & BBQ	14	4		
Friday Host Dinner at CN Tower	32	7		
Saturday Luncheon at City Hall	14	16	3	2
Saturday Night CAPB Banquet at Hilton Toronto	27	15		

DID THE CONFERENCE OVERALL MEET YOUR EXPECTATIONS? IF NOT PLEASE EXPLAIN WHY.

1. I was very impressed.
2. Plenary 2 & 3 would have been more appropriate as workshops. Dr. Homer-Dixon too academic and very vague on relationship to police oversight.
3. First conference attended as new board member. Highlight for me was to meet and discuss common issues and concerns with other members. As well to experience the different governance models across the country. The upside of down workshop while interesting, was difficult to equate to me as a board member. Also while Ireland presentation was very interesting, didn't see the relevance for me in Canada.
4. I realize it's difficult to avoid "talking heads" but the opening morning with two plenary sessions followed by a luncheon speaker made it extremely difficult to stay focused. I'm sure many have commented on the room temperature, which is what I'm referring to when I checked 'poor' under ventilation. I really appreciated the opportunity to participate in off site tours, it brought the reality of policing today to the forefront. I think the greening of your police service would have been better as a workshop. I would have loved to have listened to the last panel – chiefs' expectations of boards, but had to catch an early plane. The last plenary session was extremely informative, but it seemed to be a reach to bring the topic around to its effect on police board governance. Perhaps something more appropriate to our current issues for the last day. The AGM was extremely well organized, however members should be sent the past minutes with the resolutions a minimum of four weeks before the meeting and not handed out as we walked in. No chance to read through and discuss errors/omissions.
5. I did not have any specific expectations for this conference. I certainly found this one was better organized and more informative than last years' in Calgary. I was offended that Stockwell Day used our time together to further promote his pre-election propaganda. We were there to hear of developments in the law enforcement world – not listen to him tell us all about what his party will do in the future. This was extremely disappointing and a complete waste of my time. In the future, I think that should we have a Minister address the conference, there should be guidelines on what the person is to speak about and not give them free reign on the topic.
6. Yes it met my expectations – both in terms of the substantive elements and the networking opportunities provided.
7. Yes, excellent speakers, good format.
8. Yes, the educational experiences, networking opportunities and social functions provided an experience both myself and my board will benefit from.
9. It left the subject of police boards too much during Plenary 3.
10. it did not quite meet my expectations. Friday afternoon sessions, I would have liked to attend more than one. Sunday morning sessions were the most relevant to board members.
11. Yes, many networking opportunities existed.
12. Yes, very informative. Last panel possibly the best – most interactive. Should be a part of each conference – don't leave it until last item as too many people will miss it.
13. Lots of tours and workshops but can only attend one each. Must put up all info on CAPB website. Conference weak overall in relevance to governance and oversight.
14. Yes, varied and current topics – high quality presentations.
15. Yes, great conference.
16. No. Environmental presentation not detailed enough towards policing. Thomas Homer-Dixon struggled to relate his presentation to policing. I will say that the second half of the conference saved it from the first half. It ended up okay as a result.
17. Yes, good flow of program and nice that it had more 'activity' rather than sitting and listening all day.
18. Yes, but did not find keynote speakers as interesting (entertaining) as in previous years.
19. An excellent learning experience!
20. Once again, I enjoyed Chief of Police, Bill Blair speak of community and values and the positive changes within the downtown core and poor sections of the city.

SUGGESTED THEMES AND KEYNOTE SPEAKERS YOU ARE INTERESTED IN LEARNING FROM AT FUTURE CAPB CONFERENCES

1. I would be interested in information from board members.
2. Negotiating the Chief's personal contract. What should be included and what should not be

included.

3. Perhaps more CCTV and CEW workshops.
4. Recruitment/Retention/Succession planning.
5. Contract Negotiations. Local tours of local police services
6. Use of force/options
7. I would like to see more about emergency preparedness and police services – their roles, responsibilities and our roles as Board Members. An excellent speaker on this topic (and a former Edmonton CAPB member) Dr. Ron Kuban could quite capably address this issue. I would also like to see more information on CISM/PTSD/mental and other health issues. Another excellent speaker is Dr. Anna Baranowski from the Traumatology Institute. I would like to see a session on how to run an effective police services board. With different players each year – it would be helpful to have some guidance on succession planning, effective meeting tips, what to look for in a new police chief, giving the chief his performance appraisal and other general management information.
8. A representative from the Law Commission of Canada to speak about their 2006 report. In Search of Security, which deals with the whole issue of public-private policing and potential implications downstream for policing governance writ large. Alternatively, there are a number of academics who can speak on this issue. A Toronto-based executive (former academic) who runs Intelligarde Security is an excellent speaker on these issues as well. He is Ross MacLeod, former tenured professor at U of Regina.
9. Strategic planning.
10. Succession planning, policing governance partners, technology in policing.
11. Performance measures for police service and boards.
12. Succession planning, budgeting, recruiting and retention.
13. Diversity in policing and police governance.
14. Internet and exploitation of children – Canada and globally. Missing children and how, when, if located.
15. Learning and development for police board members – training in police affairs and governance roles.
16. Generational differences and changing views and attitudes of Gen Xers and Gen Yers and how they affect the direction, staffing and governance of police forces – different work ethic, different work/life balance, different loyalties. How will the younger generation carry on?
17. Strategic planning for police services.
18. Demographic influences on HR in policing.
19. Civilianizing policing.
20. Police funding; best practices; programs that work.
21. Perhaps more on governance by Canadian leaders. Could be more people from different parts of Canada not just Ontario.
22. Roles and responsibilities and differences in policing committees, boards and commissions and the challenges faced by them in view of the diversity in policing across Canada.
23. Continued conversation on community policing. Continue the conversation about roles of boards and civilian oversight.
24. Let's get the Prime Minister out to speak to us. Let's hear more from actual police. We need themes of 'best practices' and 'performance measures'.
25. Global themes that affect community policing – environment, demographic change, etc.
26. Continued focus on environment and boards/chiefs/associations best practices and examples.
27. Performance measurement examples.
28. How to streamline court time for our police officers, what legislative changes are needed?
29. Gwen Boniface – Excellent Info on Ireland, the past, present and future.

WHICH SESSION WAS THE MOST VALUABLE OR MOST INTERESTING TO YOU

1. Homer-Dixon.
2. From a learning perspective, Dr. Thomas Homer-Dixon.
3. CEW workshop as well as the networking with board members from across the country.
4. I very much enjoyed our tour of the Forensic Centre, but unfortunately it was preceded by a 'drive-by' of the LEEDs facility, which had nothing for us to see. This took 45 minutes away from the forensics lab tour and then we were late returning to the hotel and had five minutes to refresh before dinner. The domestic violence workshop was extremely informative, and offered concrete examples of how we could improve/enhance our approach in our region.
5. I thought that Glen Murray was an excellent choice as an opening speaker; however, he did leave the bar quite high for other speakers to match in his passion and knowledge of a topic. The thought provoking ideas presented in greening up our police forces was also a highlight for me.
6. Dr. Thomas Homer-Dixon was outstanding and painted a compelling picture of what some of the

unstructured and highly complex issues police executives, boards and academics in these fields will be dealing with in the future.

7. Gwen Boniface – Garda Inspectorate.
8. CEW workshop and Dr. Homer-Dixon.
9. Our meeting with Police Chiefs and Associations.
10. Dave Griffin was relevant, well spoken and most interesting. Tom Kaye spoke directly to board members and gave us some terrific advice. Best session of conference!
11. CEW session very good panel, especially Dr. Hall.
12. Panel on Chiefs and Associations expectations of PSB's; Changing urban landscape with Glen Murray; Gardia Siochana Inspectorate with Gwen Boniface.
13. Chiefs and Associations expectations (disappointing to see how poorly attended this very important session was!)
14. Gwen Boniface. Tour to FIS was very interesting also.
15. Tie between Gwen Boniface and Chiefs & Associations expectations.
16. The Upside of Down and Ireland story.
17. All were very interesting.
18. The Upside of Down and my very enjoyable visit to the Marine Unit. Tom Kaye and David Griffin's presentations.
19. Dr. Thomas Homer-Dixon in that change is coming but we are not often prepared for the unknown rather prepared for past scenarios.
20. Hearing from CPA and CACP was valuable.
21. Knowing that my police service is going green is awesome.
22. Plenary #3 Upside of Down (great learning session and exceptional presenter).
23. Dr. Christine Hall.
24. Greening of policing.
25. Glenn Murray and the Chiefs and Associations expectations of police boards.
26. Human Resources Sustainability and guest speakers, well versed; good interaction!
27. Mental Health (Mobile Crisis Intervention Team) excellent topic involving PSB members as civilians are involved.

WHAT WAS THE OVERALL HIGHLIGHT OF THE CONFERENCE FOR YOU?

1. Toronto Police Tour
2. CN Tower
3. Networking
4. Well organized; great mix of social and educational sessions.
5. As usual the conference had a lot of very interesting and though provoking information to choose a highlight from. I particularly liked the tour of the forensic lab. The staff there stayed late on their own time to discuss their various tasks and explained the workings of their equipment. Their dedication and passion for their work was clearly evident. While the lab was a wonderful tour – viewing the mud holes in the new training facility was a total waste of our time. There was nothing to be gained by attending this location when it had rained. As a result of this 'tour' we were extremely late in getting to the lab and consequently getting back to the hotel to get ready for dinner. Being the last bus to arrive at the hotel – we were instructed we had 5 minutes to prepare for dinner. When we finally did get to the CN Tower we had to eat on our laps as there was not enough tables. It was also in poor taste that the young police volunteers occupied seats while board members had to sit on the window ledges.
6. Keynotes, together with the opportunities to discuss relevant issues with colleagues and counterparts from coast to coast.
7. Gwen Boniface's presentation.
8. As always, the dialogue with delegates from across Canada and the exchange and discussion of our ideas and experiences.
9. The superb organization.
10. Tour of TPS dog service and tact unit; discussion at panel on Sunday morning – they had the most board members go up to microphone to speak.
11. Format was good, ie. Visits to police service facilities and lunch at City Hall.
12. CEW and CN Tower night.
13. Opportunities to meet/network with board members and police officers from across Canada.
14. The evening at the CN Tower which was made even more enjoyable with the addition of the police escort.
15. Sunday sessions were the best – most relevant and good discussion.
16. Networking and hospitality of Toronto.
17. Meeting others – we should have more time for networking.

18. The care and attention paid to the delegates by all the hosts and volunteers.
19. Networking, the volunteers and hosts for excellent treatment of conference participants.
20. Gwen Boniface was excellent. She talked about policing in a way that can relate to Canada.
21. Dinner on top of CN Tower, swimming, raffle draw.
22. Plenary #3 and of course re-connecting with other board members from across the country.
23. Golf Tournament.
24. Gwen – insightful, honest and moving. Chief Blair's comments at Saturday evening dinner – thought provoking.
25. The networking opportunities as in all conferences. Good social events and time to get to know colleagues from across the country. Great volunteers, very friendly and helpful.
26. So well put together.
27. CN Tower dinner.
28. Chief Blair's participation – speech.
29. The hospitality of the host community – the conference team did an excellent job.
30. Banquet dinner and guest speaker. Enjoyed the chorale group although I feel a livelier show would be better.

TELL US WHAT CAN MAKE THE CONFERENCE BETTER

1. More info on drugs and pandemic awareness; environmental changes and challenges; knowledge and education on terrorism in Canada.
2. PSB members should be more friendly!
3. The conference could be a day longer but have all sessions end around 2 pm to allow delegates free time to shop and tour areas of the host community. All work and no play tires one out very easily.
4. Eliminate spousal trip program – lack of interest.
5. Introduce board members – not sure who they are. Union rep on Sunday morning was offensive – I'm happy to listen to controversial views and debate – but he crosses the line and was completely unprofessional. Police chief on Sunday morning was great.
6. Prefer the round table seating as it encourages better dialogue.
7. The name badges fell apart on the second day – nice try – did not work. Return to plastic.
8. Bring back the trade show.
9. Name tags were not practical for four day usage.
10. More group break out sessions between different board members. Education pieces have been good – keep these up!
11. Better timing and organizing of group outings. Late – missed bus to BBQ – out \$40 no plan 'b' for dinner. Group too late arriving back to hotel. Guest lunch speaker late – throws timing off. Dinner was good but treated like cattle. Hurry up and eat. Plates taken away before finished. Terrible service @ dinner. Rush,rush,rush.
12. The Annual Meeting was 85% improved from 2007. Congratulations on bringing structure and order to the meeting. Keep up the good work.
13. Andrew Graham needs to talk less. Repeat workshop sessions so we can get more workshops. We need to take information home that can save money enough to way more than pay for the conference.
14. It was done well. Thanks.
15. Could we have the presenters 'taped' so we can listen later. There is so much good infor that we should have tapes/cd's.
16. Continue high level of topics, speakers and educational component.
17. Always tie the infor back to civilian governance and oversight.
18. Most presenters at this conference were only tangentially relevant.
19. Better information (perhaps more advance notice) of changes in times for buses leaving. Some delegates have spouses who are not in the companion program so it is important to know changes in time to coordinate schedules.
20. Big thanks to the officer that kept stopping traffic for us – great guy!
21. Some representation/participation from Quebec.
22. Opportunity to attend more than one concurrent workshop. In order to attend two one had to leave in middle to go to the next. Don't have more than one version of the program in circulation. Ensure letter from Auditor is placed before or in front of the audited financial statements vs at the back or not in the package at all. New members need opportunities to discuss board responsibilities such as effective relationships, communications or we need courses for board members. Many thanks Todd!

23. CAPB and CACP conferences should not be one week apart. Makes very hard to attend both conferences for some delegates.
24. Screen at front of meeting room, please eliminate the moving clouds they are very distracting. Saturday morning we need protein for breakfast. Protein was appreciated at the other breakfasts.
25. Learning about other countries police governance models.
26. Exercise/stretch breaks. Less powerpoint!
27. If the objective is to optimize the learning opportunities presented by such luminary speakers as Homer-Dixon, it would be useful to consider building in a loop that enables participants to reflect upon and discuss (a) what they heard, (b) what are the implications of what they heard, and (c) what should be don't about it. Such a process – and it doesn't have to take long to do, can really add value. Have used it effectively in other such for a with considerable success.
28. It is imperative that when coordinating for meals – especially off site from the conference that sufficient seating be arranged for. The idea of eating off your knee – no matter how casual the meal is – is not acceptable in my opinion. I also think that attention should be paid to the selection of the breakfast foods. Providing sweet danishes and other calorie filled items is no longer what appeals to everyone. People are more health conscious and healthy alternatives should out weigh the high calorie choices in all meal planning. The provision of salads is greatly appreciated.
29. This was my first conference. Sessions did not always start on time. Should not penalize the people that were there on time.
30. One plenary/day; more workshops; local tours.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P319. QUARTERLY REPORT: TORONTO POLICE SERVICES BOARD
SPECIAL FUND UNAUDITED STATEMENT: JULY – SEPTEMBER
2008**

The Board was in receipt of the following report October 16, 2008 from Alok Mukherjee, Chair:

Subject: QUARTERLY REPORT: TORONTO POLICE SERVICES BOARD SPECIAL
FUND UNAUDITED STATEMENT: JULY TO SEPTEMBER 2008

Recommendation:

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

Financial Implications:

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

Background/Purpose:

As required by the Toronto Police Services Board (TPSB) Policy and Directions (Board Minute #P157/05) expenditures for the Special Fund shall be reported to the Board on a quarterly basis. This report is provided in accordance with such directive. The TPSB remains committed to promoting transparency and accountability in the area of finance.

Discussion:

Enclosed is the un-audited statement of receipts and disbursements with respect to the Toronto Police Services Board's Special Fund for the period July 1 to September 30, 2008.

As at September 30, 2008, the balance in the Special Fund was \$1,041,224. During the third quarter, the Special Fund recorded receipts of \$32,500 and disbursements of \$64,351. There has been a net increase of \$429,979 against the December 31, 2007 fund balance of \$611,245.

Auction proceeds have been estimated for the third quarter as the actual deposits have not yet been made. The Property and Evidence Management Unit of the Service and Rite Auction Limited continue their partnership in 2008. A 40% commission rate continues to apply to all auction proceeds earned.

Funds expended this quarter include Board approved contributions to the Victim Services Program, Merry Go Round Children's Foundation, Scotiabank Caribana Festival Gala and TPAAA. For the third quarter of 2008, the Board sponsored recognition awards such as the Twenty-five year watch event, twenty and thirty year pin event.

Board members are reminded of the following significant standing commitments which require monies from the Special Fund both within and beyond 2008:

- Futures program – the Board approved the allocation of \$100,000 in each of 2005, 2006, 2007, 2008 and 2009.
- Recognition of Long Service (civilian pins, 25 year watch event, tickets to retirement functions for senior officers)
- Recognition of Board Members who complete their appointments
- Shared Funding for athletic competitions with the Toronto Police Amateur Athletic Association

Conclusion:

As required by Toronto Police Services Board Policy and Directions (Board Minute #P157/05), it is recommended that the Board receive the attached report.

The Board received the foregoing report.

THE TORONTO POLICE SERVICES BOARD SPECIAL FUND								
2008 THIRD QUARTER RESULTS WITH INITIAL PROJECTIONS								
PARTICULARS	PROJ.	2008				2007		COMMENTS
		JAN 01 TO	APR 01 TO	JUL 01 TO	OCT 01 TO	JAN 01 TO	JAN 01 TO	
		MAR 31/08	JUN 30/08	SEPT 30/08	DEC 31/08	DEC 31/08	DEC 31/07	
BALANCE FORWARD	611,245	611,245	652,877	1,073,075	1,041,224	1,041,224	909,118	2008 initial projections are based on 2007 actual results.
<u>REVENUE</u>								
PROCEEDS FROM AUCTIONS	230,000	61,079	67,215	42,287	0	170,582	272,294	Auction proceeds for the third quarter were estimated as n
LESS OVERHEAD COST	(92,000)	(24,332)	(26,886)	(16,915)	0	(68,133)	(123,539)	deposits have been made as of yet. The overhead cost is
LESS RETURNED AUCTION PURCHASE	0	0	0	0	0	0	0	calculated as 40% of the proceeds.
UNCLAIMED MONEY	500,000	12,308	477,667	3,948	0	493,924	54,116	PEMU continues to clear out unclaimed cash to the
LESS RETURN OF UNCLAIMED MONEY	(2,000)	0	(280)	(1,445)	0	(1,725)	(2,706)	Special Fund if rightful owners are not located.
INTEREST	10,000	2,287	6,156	4,883	0	13,326	31,021	Interest income is based on the average
LESS ACTIVITY FEE	(500)	(63)	(224)	(258)	0	(545)	(449)	monthly bank balance. The activity fee
LESS CHEQUE ORDER	(200)	0	0	0	0	0	(148)	includes bank service charges and the
								activity fee allocation.
SEIZED LIQUOR CONTAINERS	0	1,152	442	0	0	1,594	1,392	
TOTAL REVENUE	645,300	52,432	524,090	32,500	0	609,022	231,981	
BALANCE FORWARD BEFORE EXPENSES	1,256,545	663,677	1,176,967	1,105,575	1,041,224	1,650,247	1,141,099	Rounding can impact the reported amounts
<u>DISBURSEMENTS</u>								from quarter to quarter and year to year.
								Rounding differences are not significant.
<u>POLICE COMMUNITY INITIATIVES</u>								
<u>SERVICE</u>								
CPLC & COMM. OUTREACH ASSIST	28,000	0	35,744	0	0	35,744	25,139	Police Community initiative payments are made
UNITED WAY	4,000	0	10,000	0	0	10,000	4,000	at various times during the year based on
OTHER	40,000	0	1,900	0	0	1,900	37,500	Police Services Board approval.
<u>COMMUNITY</u>								
VICTIM SERVICES PROGRAM	5,000	0	0	0	0	0	105,000	
VARIOUS ORGANIZATIONS	28,500	5,000	30,850	10,129	0	45,979	25,896	
TPAAA ASSISTANCE	25,000	0	2,800	600	0	3,400	24,200	
FITNESS FACILITIES	0	0	0	0	0	0	12,245	
FUTURES PROGRAM - YOUTH PROGRAMS	100,000	0	0	0	0	0	159,438	
<u>RECOGNITION OF SERVICE MEMBERS</u>								
AWARDS	50,000	0	10,326	36,162	0	46,487	53,371	Award and recognition ceremonies for Police Officers
CATERING	30,000	0	203	0	0	203	35,568	Civilians, Crossing Guards, and Auxiliary Members.
<u>RECOGNITION OF COMMUNITY MEMBERS</u>								
AWARDS	8,000	0	0	0	0	0	8,842	Award and recognition ceremonies for Community
CATERING	16,000	0	905	0	0	0	14,943	Members/Citizens.
<u>RECOGNITION OF BOARD MEMBERS</u>								
AWARDS	100	0	0	0	0	0	52	
CATERING	1,500	0	0	0	0	0	1,632	
<u>CONFERENCES</u>								
BOARD	0	0	0	0	0	0	0	
COMM. POLICE LIAISON COMMITTEES	7,000	0	0	0	0	0	7,040	
ONT. ASSO. OF POLICE SERVICES BOARD	5,500	5,500	0	0	0	5,500	5,500	
CDN ASSO. OF POLICE SERVICES BRDS	5,000	0	0	0	0	0	0	
OTHER	0	0	3,750	13,435	0	17,185	(462)	
<u>DONATIONS</u>								
IN MEMORIAM	1,000	300	300	400	0	1,000	800	
OTHER	0	0	0	0	0	0	0	
DINNER TICKETS	1,500	0	400	3,625	0	4,025	1,490	Dinner tickets includes retirements as approved on
								BM 414/95
AUDIT FEE	8,000	0	6,714	0	0	6,714	7,660	The audit fee is based on a contracted amount
								which expires after the 2007 year end. The contract was
								extended by Council to 2008.
TOTAL DISBURSEMENTS	364,100	10,800	103,893	64,351	0	178,138	529,854	
SPECIAL FUND BALANCE	521,445	652,877	1,073,075	1,041,224	1,041,224	1,472,109	611,245	

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P320. RESPONSE TO BOARD RECOMMENDATION TO AMEND THE
POLICE SERVICES ACT TO ENSURE THAT SPECIAL CONSTABLES
COOPERATE WITH THE SPECIAL INVESTIGATIONS UNIT**

The Board was in receipt of the attached correspondence dated October 20, 2008 from Rick Bartolucci, Minister of Community Safety and Correctional Services, containing a response to the Board's earlier recommendation to amend the *Police Services Act* with regard to special constables.

The Board received the foregoing correspondence.

Ministry of Community Safety
and Correctional Services

Office of the Minister

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

Ministère de la Sécurité communautaire
et des Services correctionnels

Bureau du ministre

25, rue Grosvenor
18^e étage
Toronto ON M7A 1Y6
Tél.: 416-325-0408
Télééc.: 416-325-6067



Ontario

CU08-03383

OCT 20 2008

Dr. Alok Mukherjee
Chair
Toronto Police Services Board
40 College Street
Toronto ON M5G 2J3



Dear Dr. Mukherjee:

Thank you for your letter of August 12, 2008, informing me of the Toronto Police Services Board's (TPSB) motion regarding possible legislative changes to ensure that special constables co-operate with the Special Investigations Unit (SIU). I am pleased to respond and apologize for the delay.

As you point out in your letter, special constables in the province are appointed by police services boards under section 53 of the *Police Services Act* (PSA). I appreciate the TPSB's concerns about the legislation governing special constables and the need to cooperate with the SIU.

I understand that the Ontario Association of Chiefs of Police (OACP) is also considering the issue of a special constables legislative review as per their Resolution 2007-02. If the PSA is amended in the future, the ministry will consult fully with all its stakeholders in the policing community, including the TPSB, and conduct a careful analysis of all available options.

I have forwarded a copy of your correspondence and the TPSB's recommendation to Mr. Glenn Murray, Assistant Deputy Minister, Public Safety Division, for his information and consideration.

Again, thank you for writing.

Sincerely,

*Thank you!
See you soon!!*

Rick Bartolucci, MPP, Sudbury
Minister

c: Mr. Glenn Murray, Assistant Deputy Minister
Public Safety Division

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P321. RESPONSE TO BOARD CORRESPONDENCE THAT DISTINGUISHED
THE POLICE SERVICES BOARD FROM THE POLICE SERVICE**

The Board was in receipt of the attached correspondence dated October 17, 2008 from Chris Bentley, Attorney General, in response to earlier correspondence sent by the Board that distinguished the Toronto Police Service from the Toronto Police Services Board.

The Board received the correspondence from the Attorney General.

Attorney General
McMurtry-Scott Building
720 Bay Street
11th Floor
Toronto ON M5G 2K1
Tel: 416 326-4000
Fax: 416 326-4016

Procureur général
Édifice McMurtry-Scott
720, rue Bay
11^e étage
Toronto ON M5G 2K1
Tél. : 416 326-4000
Télééc. : 416 326-4016



Our Reference #: M08-05081

OCT 17 2008

Mr. Alok Mukherjee
Chair
Toronto Police Services Board
40 College Street
Toronto, ON
M5G 2J3

Dear Mr. Mukherjee:

Thank you for your letter of July 2, 2008, regarding the recent announcement of renewed funding for the Toronto Anti-Violence Intervention Strategy project.

I appreciate your concern in distinguishing between the Police Services Board and the Police Service in describing the allocation of such grants. In this instance, however, the Ministry of Community Safety and Correctional Services would be better able to address your concern.

I note that you also addressed your letter to the Honourable Rick Bartolucci, Minister of Community Safety and Correctional Services, and I have been advised that Minister Bartolucci will be responding to your letter.

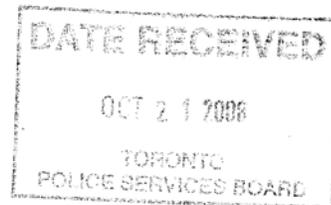
Thank you for taking the time to write.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris Bentley".

Hon. Chris Bentley
Attorney General

c: The Honourable Rick Bartolucci
Minister of Community Safety and Correctional Services



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

#P322. ISSUES RELATED TO BAIL AND COMMUNITY SAFETY

The Board was in receipt of the following report November 10, 2008 from Alok Mukherjee, Chair:

Subject: ISSUES RELATED TO BAIL AND COMMUNITY SAFETY

Recommendation:

It is recommended that the Board authorize the Chair and one Board member to meet with the Chief, the Chief's legal counsel and the Attorney General to discuss various issues related to bail and community safety.

Financial Implications:

There are no financial implications arising out of this report.

Background/Purpose:

Recently, there have been a number of concerns raised about individuals who, while on bail, commit violent crimes in their communities. Members of the community are concerned about how the provisions on bail contained in the *Criminal Code* are applied and whether there is sufficient regard for the protection of the public in their application.

Discussion:

Given the community concerns expressed, I think that it is important to request a meeting with the Attorney General on this significant issue. Such a meeting should include myself, the Chief, the Chief's legal counsel, Mr. Jerry Wiley, Q.C. and one other Board member. I propose that the Board member to be included in this meeting be the Honourable Hugh Locke, Q.C., as he has a great deal of knowledge of and interest in this issue.

Conclusion:

It is recommended that the Board authorize the Chair and one Board member to meet with the Chief, the Chief's legal counsel and the Attorney General to discuss various issues related to bail and community safety.

The Board approved the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

**#P323. TORONTO POLICE SERVICE MEDICAL ADVISOR – VENDOR
SELECTION**

The Board was in receipt of the following report November 18, 2008 from William Blair, Chief of Police:

Subject: TORONTO POLICE SERVICE MEDICAL ADVISOR – VENDOR
SELECTION

Recommendations:

It is recommended that:

- (1) the Board approve WellServe Health Care Management (WHCM) as the vendor for occupational health and safety and medical consulting services for a three-year term, from January 1, 2009 to December 31, 2011, for a total estimated cost of \$937,000 including taxes, with an option to extend, at the discretion of the Chief of Police, for two (2) separate and additional one-year periods thereafter provided the terms and conditions are agreeable to both parties; and
- (2) the Chief, or his designate, notify the City Deputy City Manager and Chief Financial Officer of the specific recommendations contained herein, pursuant to the requirements of Section 65 of the Ontario Municipal Board Act and Board Minute No. P84/03.

Financial Implications:

The cost of the recommendations in this report is approximately \$0.9M for the three-year period beginning January 1st, 2009. Based on the proposed hourly rate, the estimated cost is \$304,000 for 2009, including taxes. The cost for future years will be approximately \$0.3M annually. Funding has been included in the 2009 operating budget for this contract, and will be maintained in the 2010 and 2011 budget years.

Background/Purpose:

The current contract for the provision of fitness for duty assessments and occupational health and safety and medical consulting services (including the medical management of self-insured short and long-term disability claims management) held by WHCM will expire on December 31, 2008. This report provides information on the results of the Request for Proposal (RFP) process conducted to select a vendor to provide the above-noted services.

Discussion:

A RFP for the Toronto Police Service Medical Advisor was issued on July 21, 2008, with a closing date of September 3, 2008 (RFP 1103656-08). The Medical Advisor, as provided for in our collective agreements, is required to have medical charge of all employees who on account of illness, injury and disability are unable to perform their duties and/or work assignments. To fulfil this role, the Chief of Police requires a Medical Advisor to perform fitness for duty assessments and provide any other required occupational health and safety and medical consulting services. The services provided by the Medical Advisor are not intended for primary medical care as this is at the discretion of the member and not the employer.

The current vendor, WHCM, was the sole bidder. The proposed rates/fee schedule submitted in its bid for the three-year contract is outlined below:

Effective January 1, 2009	\$206.00 per hour
Effective January 1, 2010	\$212.00 per hour
Effective January 1, 2011	\$218.00 per hour

The rates/fee schedule proposed by WHCM are reasonable and well below the current 2008 Ontario Medical Association's (OMA) hourly fee (\$284.00, excluding taxes) recommended for physicians performing part-time employment.

It should be noted that the current vendor has provided an excellent service in the past and met the diverse needs of our large organization. The health care professionals who currently work for WHCM at the Service are also qualified to provide unique specialized consulting services, such as medical review officer, diving and hyperbaric medicine (certified), marine medical examiner (certified) and sports medicine.

Conclusion:

After evaluation of the submission to the proposal, it is hereby recommended that WellServe Health Care Management, the sole bidder, be selected as the vendor to provide occupational health and safety and medical consulting services for the Service for the period of January 1, 2009 to December 31, 2011, with an option to extend, at the discretion of the Chief of Police, for two (2) separate and additional one-year periods thereafter provided the terms and conditions are agreeable to both parties.

Deputy Chief Keith Forde, Human Resources Command, will be in attendance to answer any questions that the Board members may have regarding this report.

Mr. Joe Martino, Purchasing Support Services, was in attendance and responded to questions about this report.

The Board approved the foregoing report with an amendment indicating that the option to extend the term for two separate and additional one-year periods would be at the discretion of the Board and not the Chief of Police.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

#P324. IN-CAMERA MEETING – NOVEMBER 20, 2008

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:

Dr. Alok Mukherjee, Chair
Ms. Judi Cohen, Member
Mr. Frank Di Giorgio, Councillor & Member
Mr. Hamlin Grange, Member
The Honourable Hugh Locke, Q.C., Member
Mr. David Miller, Mayor & Member

Absent: Ms. Pam McConnell, Councillor & Vice-Chair

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 20, 2008**

#P325. ADJOURNMENT

Alok Mukherjee
Chair