



The following *draft* Minutes of the meeting of the Toronto Police Services Board held on August 15, 2012 are subject to adoption at its next regularly scheduled meeting.

The Minutes of the meeting held on July 19, 2012, previously circulated in draft form, were approved by the Toronto Police Services Board at its meeting held on August 15, 2012.

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **AUGUST 15, 2012** at 1:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

PRESENT:

Dr. Alok Mukherjee, Chair
Mr. Michael Thompson, Councillor & Vice-Chair
Mr. Chin Lee, Councillor & Member
Ms. Marie Moliner, Member
Dr. Dhun Noria, Member
Ms. Frances Nunziata, Councillor & Member
Mr. Andrew Pringle, Member

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 AUGUST 15, 2012**

#P190. INTRODUCTIONS

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

To the position of Labour Relations Analyst, Labour Relations:

Deirdre Ostrom-Peake

To the rank of Detective Sergeant:

David Ecklund
Gregory Groves
Richard MacCheyne

To the rank of Probationary Sergeant:

Carol Rock
Gary Woods

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

#P191. 2013 OPERATING BUDGETS

Councillor Mike Del Grande, Budget Chief, City of Toronto, was in attendance and provided his comments to the Board about the City's assumptions and expectations with respect to the Toronto Police Service 2013 operating budget.

Councillor Del Grande said that the target for the 2013 Toronto Police Service net operating budget should be equivalent to the 2012 approved net operating budget or a 0% increase over the 2012 net budget.

During his oral submissions, Councillor Del Grande referred to correspondence (dated July 16, 2012) that the City Manager had sent to Chair Mukherjee which set out the targets for the 2013 TPS operating budget as well as the TPSB and TPS-Parking operating budgets.

The Board asked Councillor Del Grande to provide the Board with a written copy of the submissions he made to the Board.

The Board approved the following Motions:

- 1. THAT the Board commit to achieve the budget target to which it already committed itself last year subject to the requirement to ensure adequate and effective policing in the City of Toronto; and**
- 2. THAT the Board express its appreciation to the City Budget Chief for his appearance.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

#P192. BOARD POLICY: SEARCH OF PERSONS

The Board was in receipt of the following:

- copy of Minute No. P168/12 from the meeting held on July 19, 2012 with regard to the Board's Search of Persons policy;
- report dated August 13, 2012 from Alok Mukherjee, Chair, requesting an extension of time to submit a further report on the Search of Persons policy; and
- report dated August 13, 2012 from Alok Mukherjee, Chair, regarding ICR Recommendation No. 36 pertaining to Searches of Persons during the G20 Summit.

Copies of Min. No. P168/12 and the foregoing reports are appended to this Minute for information.

The Board received Min. No. P168/12 and the report dated June 25, 2012 contained within it, and approved the two reports from Chair Mukherjee both dated August 13, 2012.

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**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

#P168 BOARD POLICY: SEARCH OF PERSONS

The Board was in receipt of the following report June 25, 2012 from Alok Mukherjee, Chair:

Subject: BOARD POLICY: SEARCH OF PERSONS

Recommendation:

It is recommended that the Board approve the revised policy entitled "Search of Persons."

Financial Implications:

There are no financial implications arising from the recommendation contained in this report.

Background/Purpose:

Review of Service Procedure

At its March 23, 2006 meeting, the Board considered a report from the Chief as well as submissions from Mr. John Sewell regarding the procedure governing search of persons. (Min. No. P77/06 refers). The Board referred the Chief's report and Mr. Sewell's submissions to the Chair along with a request that he review the search procedure in conjunction with Mr. Sewell's recommendations. The Board also requested that the Chair provide a final report on this matter to the Board following his review.

In December 2001, the Supreme Court of Canada released its decision in the case of *R. v. Golden*, which imposed limitations on the right of police officers to search individuals. Over the last several years, the Board and the Service have been in the process of reviewing and amending both the Service procedure and the Board policy governing searches of persons (Toronto Police Service Policy and Procedure Directive 01-02, *Search of Persons*). The chronology can be found in "Appendix A."

Another review process was initiated in response to a direction from (the then known as) Ontario Civilian Commission on Police Services (OCCPS) contained in an OCCPS Review Panel decision with respect to a complaint about a "strip search" of a 14-year old boy.

The Board has paid a great deal of attention to the issue of ensuring that the Service procedure is consistent with the decision in *R. v. Golden*. Following a comprehensive review by both Board staff and City of Toronto – Legal Services Division, which included a consideration of deputations and submissions made by the community, a recommendation was made that the existing procedure be amended to "...remove the automatic Level 3 search for persons held in custody pending a Show Cause hearing and insert, instead, a requirement that officers engage in

a case-by-case analysis prior to a person being subject to a Level 3 search as a consequence of being introduced into the prison population.”

This amendment has since been made by the Chief and the revised procedure is now in use.

At its meeting on April 7, 2011, the Board heard a deputation from Mr. John Sewell with respect to the Search of Persons Procedure.

At that same meeting, the Board requested that the Chief:

- **review the Search of Persons Procedure that is posted on the TPS website to determine whether or not it should be modified in light of the comments raised by the deputant; and**
- **provide a report on the annual number of searches that are conducted, including level 3 and level 4 searches, and that the report also include the procedure that must be followed by police officers prior to authorizing a search to be conducted (Min. No. P74/11 refers).**

At its meeting of July 21, 2011, the Board considered a report from the Chief on this issue (Min. No. P183/11 refers). The report noted that, as requested, a review of the Search of Persons Procedure Information Sheet contained on the Service’s website was conducted. It was determined that while the Service’s Search of Persons Procedure addresses and complies with the direction provided by the Supreme Court of Canada in the matter of *R. v. Golden*, this was not reflected in the Procedure Information Sheet. In light of Mr. John Sewell’s comments, on behalf of the Toronto Police Accountability Coalition, the Procedure Information Sheet was amended.

Mr. Sewell was in attendance at this meeting and delivered a deputation to the Board. The Board approved a number of motions, including the following:

THAT the Chief of Police provide a report to the Board on:

- **whether or not there is an opportunity to use videotape when individuals are advised of the reasons for conducting a search**
- **the number of complaints that are filed about searches compared to the number of searches that are conducted**

THAT the Board’s policy and the Service Procedure regarding searches of persons be reviewed.

At its meeting of October 20, 2011, the Board received a report from the Chief (Min. No. P265/11 refers). The report discussed the issue of videotaping of searches and includes a chart that shows the total number of level 3 and level 4 searches conducted during 2009 and 2010 and the number of complaints identified. It also noted that Procedure 01-02 “Search of Persons” was reviewed as a result of the Board’s motion and that the procedure remains in compliance with the

direction provided by the Supreme Court of Canada in *R. v. Golden*. The report also noted that Service Procedure 01-02 “Search of Persons” will continue to be reviewed and evaluated on an ongoing basis.

Review of Board Policy

As noted above, one of the motions made by the Board at its meeting of July 21, 2011, in response to Mr. Sewell’s deputation to the Board, which outlined concerns he had with the Board policy, including his belief that the current policy is not in compliance with the Supreme Court of Canada decision in *R. v. Golden*, was that the Board policy on this issue should be reviewed.

Discussion:

As part of my review, I met with Mr. Sewell, along with other representatives of the Toronto Police Accountability Coalition (TPAC), to discuss these concerns.

As a result of this meeting and subsequent review and research, including consultation with Service members and representatives from City of Toronto –Legal Services Division, I have made some amendments to the current Board policy entitled “Search of Persons.”

The revised policy is attached for your approval.

The original part of the policy is the first paragraph; all subsequent paragraphs have been added as a result of this review.

Conclusion:

Therefore, it is recommended that the Board approve the revised policy entitled “Search of Persons.”

Mr. John Sewell, Toronto Police Accountability Coalition, was in attendance and delivered a deputation to the Board. Mr. Sewell also provided a written submission; copy appended to this Minute for information.

The Board noted that the Chair’s report was prepared prior to receiving the benefit of the comments raised by Mr. Sewell in his foregoing deputation.

Chair Mukherjee said that there was consultation with Mr. Sewell and other representatives of the Toronto Police Accountability Coalition and that the proposed policy amendments arise from the consultation with TPAC.

The Board approved the following Motion:

THAT the Board defer further consideration of the foregoing report and Mr. Sewell’s deputation to its next meeting and that, in the meantime, Chair Mukherjee undertake a further review of the policy in light of Mr. Sewell’s deputation and written submission.

Appendix A

Chronology of Review of Search of Persons Procedure and Board Policy

- December 2001 – Supreme Court of Canada releases decision in case of *R. v. Golden*, which states that the common law authority to conduct strip searches is subject to limitations. At this time, the Board requests that the Chief review all Service procedures pertaining to searches of the person and report back to the Board with respect to the Service’s compliance with the *Golden* decision (Min. No. P363/01 refers).
- At the Board meeting of May 30, 2002, the Board receives a report from the Chief entitled “Review of the Supreme Court Ruling in the Matter of *R. v. Golden*” (Board Minute No. P142 refers). Report indicates that it is the Chief’s belief that that “...all persons held in custody pending a Show Cause hearing are deemed to have entered the prison system, and will be treated as such. By making this distinction, I believe that we are justified in continuing the practice of conducting complete searches of prisoners being held for Show Cause hearings.” He notes that “the Supreme Court decision distinguishes between searches immediately incidental to arrest, and searches related to safety issues in a custodial setting. It acknowledges (at line 96) that where individuals are going to be entering the prison population, there is a greater need to ensure that they are not concealing weapons or illegal drugs on their persons.”
- December 2003 – Ontario Civilian Commission on Police Services (OCCPS) writes to the Service/Board with respect to an OCCPS Review Panel decision regarding a complaint about a “strip search” of a 14-year old boy. Decision expresses concern with the current Toronto Police Service Policy and Procedure Directive 01-02 entitled *Search of Persons* as it “...is so broadly worded that it appears that anyone entering into the cell area would be deemed to be entering the prison population and must be subject to a strip search.” Letter directs Board to deal with the matter “as a policy issue.”
- The Board, at its meeting of July 29, 2004, approves a report from the Chair that directs the Chief to review the Toronto Police Service Policy and Procedure Directive 01-02 entitled Search of Persons and report back to the Board (Min. No. P239/04 refers).
- At this time, the Board was in receipt of a report from the Chief that states that “[a] policy review was conducted and it was determined that the Toronto Police Service procedure entitled “Search of Persons” 01-02, conforms to the decision/philosophy of the Supreme Court of Canada and affords the rights of individuals in custody to be secure against unwarranted/unreasonable searches.”
- At the July 29, 2004 meeting, the Board also approves a motion “that the Board request City of Toronto – Legal Services to review the policies and procedures of the Toronto Police Service pertaining to searches of persons and provide a report to the Board with an opinion as to whether the interpretation as outlined by the Chief in his reports (dated February 26, 2004 and June 16, 2004) is consistent with the principles as set out by the Supreme Court of Canada in its decision in *R. v. Golden*.”

- At its meeting of March 8, 2005, the Board receives a report from Mr. Albert Cohen, Director, Litigation, City of Toronto – Legal Services Division, which states that, in his view, an amendment to the current procedure is appropriate (Min. No. 75/05 refers). The Board discusses the issue with the Interim Chief and emphasizes the need for a Service Procedure that is consistent with the principles set out in the December 06, 2001 Supreme Court of Canada decision in the matter of *R. v. Golden*.
- The Board also approves a motion that asks the Interim Chief "...to amend Toronto Police Service Procedure 01-02 entitled "Search of Persons" to remove the automatic Level 3 search for persons held in custody pending a Show Cause hearing and insert, instead, a requirement that officers engage in a case-by-case analysis prior to a person being subject to a Level 3 search as a consequence of being introduced into the prison population."
- Community submissions and deputations on the subject are received and referred to the Interim Chief for consideration during the amendment of the procedure.
- At its September 6, 2005 meeting, the Board receives a report from the Chief indicating that while the Chief was of the belief that the procedure, without amendment, was in compliance with the decision in *R. v. Golden*, the requested amendment has been made. The procedure, as revised, "...removes the direction of mandatory level 3 searches for those entering the prison population." (Min. No. P288/05 refers).
- At this time, the Board also receives a deputation from Mr. John Sewell, refers his submission to the Chief for review and requests the Chief to provide a report indicating whether Mr. Sewell's concerns are addressed in the revised Service procedure. The Board also asks the Chief to provide a report indicating whether portions of the new Service Procedure can be released publicly or whether an additional version of the Service Procedure can be produced which is suitable for releasing publicly.
- At its October 14, 2005 meeting, the Board receives a report from the Chief which includes excerpts from the search procedure and addresses Sewell's areas of concern. (Min. No. P317/05 refers). The Board also passes a number of motions at this time, including a motion that the Chief and Chair meet to discuss the importance of this public policy and a request for the Chief to review whether any additional excerpts of the search procedure could be released publicly.
- At its March 23, 2006 meeting, the Board considers a report from the Chief as well as additional submissions from Mr. Sewell. (Min. No. P77/06 refers). The Chief's report contains additional excerpts from the procedure deemed suitable for public release. At this time, the Board refers the Chief's report and Mr. Sewell's submissions to the Chair along with a request that he review the search procedure in conjunction with Mr. Sewell's recommendations. The Board also requests that the Chair provide a final report on this matter to the Board following his review.

- At its meeting on April 7, 2011, the Board hears a deputation from Mr. John Sewell with respect to the Search of Persons Procedure and requests the Chief to review the Search of Persons procedure posted on the Service's website to determine whether or not it should be modified in light of the comments raised by Mr. Sewell and provide a report on the annual number of searches that are conducted, including level 3 and level 4 searches, and including the procedure that must be followed by police officers prior to authorizing a search to be conducted (Min. No. P74/11 refers).
- At its meeting of July 21, 2011, the Board considers a report from the Chief noting that review a review of the Search of Persons Procedure Information Sheet contained on the Service's website was conducted (Min. No. P183/11 refers). It was determined that while the Service's Search of Persons Procedure addresses and complies with the direction provided by the Supreme Court of Canada in the matter of *R. v. Golden*, this was not reflected in the Procedure Information Sheet. In light of Mr. Sewell's comments, the Procedure Information Sheet was amended.
- At that meeting, the Board approves two motions
- At its meeting of October 20, 2011, the Board receives a report from the Chief (Min. No. P265/11 refers). The report discusses the issue of videotaping of searches and includes a chart that shows the total number of level 3 and level 4 searches conducted during 2009 and 2010 and the number of complaints identified. It also notes that Procedure 01-02 "Search of Persons" was reviewed as a result of the Board's motion and that the procedure remains in compliance with the direction provided by the Supreme Court of Canada in *R. v. Golden*. The report also notes that Service Procedure 01-02 "Search of Persons" will continue to be reviewed and evaluated on an ongoing basis.
- July 20, 2011 to the present- Board engages in consultation with respect to amendments to Board policy and revised policy developed for Board approval



TORONTO POLICE SERVICES BOARD

SEARCH OF PERSONS

DATE APPROVED	November 23, 2000	Minute No: P487/00
DATE(S) AMENDED	November 15, 2010	Minute No: P292/10
DATE REVIEWED	November 15, 2010	Minute No: P292/10
REPORTING REQUIREMENT	Chief to report to Board quarterly Toronto Police Service - Annual Statistical Report	
LEGISLATION	<i>Police Services Act</i> , R.S.O. 1990, c.P.15, as amended, s. 31(1)(c). <i>Adequacy & Effectiveness of Police Services</i> , O. Reg. 3/99, s. 13(1)(h).	
DERIVATION	Adequacy Standards Regulation – LE-012	

It is the policy of the Toronto Police Services Board that:

1. The Chief of Police will establish procedures and processes regarding search of persons that address:
 - a. the compliance by members of the police service with legal and constitutional requirements relating to when and how searches of persons are to be undertaken;
 - b. the circumstances in which an officer may undertake a search of a person;
 - c. frisk/field searches;
 - d. strip/complete searches (Level 3 searches);
 - e. body cavity searches (Level 4 searches);
 - f. consent searches;
 - g. the supervision of searches of persons; and
 - h. the documentation of searches of persons.

With respect to Level 3 and Level 4 searches, in particular, it is the policy of the Toronto Police Services Board that:

2. The Chief of Police will establish procedures that accord with the judgment of the Supreme Court of Canada in *R. v. Golden*, and, in particular, ensure that procedures state that Level 3 searches:
 - a. cannot be carried out simply as a matter of routine policy

- b. are valid only where they are conducted:
 - as an incident to a lawful arrest for the purpose of discovering weapons in the detainee's possession, in order to ensure the safety of the police, the detainee and other persons, or for the purpose of discovering evidence related to the reason for the arrest, in order to preserve it and prevent its disposal by the detainee; or
 - when an individual is being introduced into the prison population because they are not being released from custody by the police, or due to an inability to detain the individual in police cells in a manner where he or she will not be mingling with the general prison population
 - c. must be based on reasonable and probable grounds justifying the search.
3. That the Chief of Police will establish procedures that ensure that each time a Level 3 or Level 4 search is conducted, an officer articulates to the individual being searched and records, in his or her memorandum book, the reasonable and probable grounds that are the basis for conducting the search.
 4. That the Chief of Police will report to the Board on an annual basis with respect to:
 - a. the total number of Level 3 and Level 4 searches conducted by members of the Toronto Police Service
 - b. in general terms, the reasons articulated as the bases for the searches
 - c. the number of times an item of concern (weapon, evidence, any item that could potentially cause harm to the individual or others, drugs, etc) were found as a result of the search

Toronto Police Accountability Coalition
c/o Suite 206, 401 Richmond Street West, Toronto ON M5V 3A8.
416 977 5097. info@tpac.ca , www.tpac.ca

July 18, 2012.

To: Toronto Police Services Board

We wish to be listed as a deputation at the Board meeting on July 19 in regard to Item 5, the Chair's report on amendments to the Board's strip search policy.

We have been before the Board at least half a dozen times in the past seven or eight years trying to get the Board to adopt a strip search policy which conforms to the Supreme Court of Canada's decision in the 2001 Golden case. The current practice of the Toronto police is an insult to those arrested, and does not conform to the court's decision.

The Chair's report of June 25, makes a few minor changes – it references the court's decision, which is good, and says the chief should report on how many times a search produces something of interest, which is a small improvement – but it does nothing to reduce the number of strip searches or to ensure that unnecessary strip searches do not take place.

Many strip searches are entirely unnecessary. Almost on a daily basis judges in Toronto throw out charges because of illegal or unnecessary strip searches by Toronto police. The chief's most recent report on strip searches was July 2011, when it was reported that Toronto police conducted 31,072 Level 3 searches (what's usually known as a strip search) in 2010. The number of individuals arrested annually in Toronto is about 50,000 which means that about 60 per cent of those arrested by Toronto police are subject to a strip search.

The number arrested annually for drug offences is about 6900; the number arrested for crimes of violence involving a weapon was probably less than 5000. The Court stated in the Golden decision that the strip search must be for evidence related to the grounds of arrest or for weapons. Then why were the other 18,000 individuals strip searched?

The court also stated that strip searches cannot be a matter of routine policy, yet strip searching almost two thirds of those arrested makes it seem routine.

It is entirely unfair and inappropriate that so many people in Toronto are subject to a procedure by Toronto police that is humiliating and degrading and is contrary to a decision of the Supreme Court of Canada.

The Board can and should stop this practice. It can be done by requiring an officer to first conduct a Level 2 search – which is an intensive frisk which may require removing outer clothing like a sweater, but not regular clothing. The existing police policy defines it as follows:

Level 2 Search

means a more thorough search that may include the removal of clothing which does not expose a person's undergarments or the areas of the body normally covered by undergarments. The removal of clothing such as belts, footwear, socks, shoes, sweaters, extra layers of clothing, or the shirt of a male would all be included in a Level 2 search.

If this search leads an officer to the reasonable belief that the individual is attempting to conceal evidence related to the grounds of arrest or weapons - or is concealing something which might be used to harm that person or someone else – then the officer should proceed to a Level 3 search. We think that in all but a handful of cases, the Level 2 Search will not provide any reasonable belief for thinking that something is hidden in underwear, and thus a Level 3 Search will not be required.

The Board policy should state:

Before a Level 3 strip search is undertaken the officer must first have conducted a Level 1 and Level 2 search, and those searches must have led the officer to believe that something was being concealed.

The officer must write down in an appropriate form what was learned in the Level 1 and 2 searches, why a Level 3 strip search is considered reasonable in this instance, and what probably will be found relating to the reasons for arrest or in the nature of a weapon – or something that will harm the person or others. Written approval of a senior officer should be required for such a search.

The officer should then record in writing the results of the Level 3 strip search, specifically identifying what was found, if anything.

One further point requires attention. The Search of Persons Policy found on the Toronto Police Service web site is not the real policy: it is a sanitized version of the real policy which the Police Service has tried to keep confidential - we obtained it from Toronto lawyers after the courts required the police to produce it. It is now listed on our web site http://www.tpac.ca/show_bulletin.cfm?id=153 .It does not conform to the Golden decision. This kind of trickery must stop.

We urge the Board to adopt a policy which reduces unnecessary strip searches that appear to be done for the purpose of humiliation and belittlement. Requiring Level 2 searches first and then doing a Level 3 search only if reasonable grounds are revealed through it, will do the job and conform to the Golden decision.

Yours very truly,

A handwritten signature in black ink, appearing to read "J. Sewell". The signature is fluid and cursive, with a large initial "J" and "S".

John Sewell for
Toronto Police Accountability Coalition.

Report dated August 13, 2012 from Alok Mukherjee, Chair:

SUBJECT: REQUEST FOR EXTENSION OF TIME TO SUBMIT REPORT: REVIEW OF REVISED SEARCH OF PERSONS POLICY

Recommendation:

It is recommended that the Board approve an extension of three months to complete a review of the revised Board policy entitled “Search of Persons.”

Financial Implications:

There are no financial implications arising from the recommendation contained in this report.

Background/Purpose:

Over the years, the Board has reviewed the issue of policy and procedures governing searches of persons on a regular basis.

At its meeting of July 21, 2011, the Board considered a report from the Chief on the issue of searches of persons (Min. No. P183/11 refers). The report noted that, as requested, a review of the Search of Persons Procedure Information Sheet contained on the Service’s website was conducted. It was determined that while the Service’s Search of Persons Procedure addresses and complies with the direction provided by the Supreme Court of Canada in the matter of *R. v. Golden*, this was not reflected in the Procedure Information Sheet. In light of Mr. John Sewell’s comments, on behalf of the Toronto Police Accountability Coalition, the Procedure Information Sheet was amended.

Mr. Sewell was in attendance at this meeting and delivered a deputation to the Board. The Board approved a number of motions, including the following:

THAT the Chief of Police provide a report to the Board on:

- **whether or not there is an opportunity to use videotape when individuals are advised of the reasons for conducting a search**
- **the number of complaints that are filed about searches compared to the number of searches that are conducted**

THAT the Board’s policy and the Service Procedure regarding searches of persons be reviewed.

At its meeting of October 20, 2011, the Board received a report from the Chief (Min. No. P265/11 refers). The report discussed the issue of videotaping of searches and includes a chart that shows the total number of level 3 and level 4 searches conducted during 2009 and 2010 and

the number of complaints identified. It also noted that Procedure 01-02 “Search of Persons” was reviewed as a result of the Board’s motion and that the procedure remains in compliance with the direction provided by the Supreme Court of Canada in *R. v. Golden*. The report also noted that Service Procedure 01-02 “Search of Persons” will continue to be reviewed and evaluated on an ongoing basis.

As noted above, one of the motions made by the Board at its meeting of July 21, 2011, in response to Mr. Sewell’s deputation to the Board, which outlined concerns he had with the Board policy, including his belief that the current policy is not in compliance with the Supreme Court of Canada decision in *R. v. Golden*, was that the Board policy on this issue should be reviewed.

As part of my review, I met with Mr. Sewell, along with other representatives of the Toronto Police Accountability Coalition (TPAC), to discuss these concerns.

At the Board meeting of July 19, 2012, the Board considered a report from the Chair with respect to a revised “Search of Persons” policy. (Min. No. P168/12 refers) As the report detailed, revisions had been made to the policy after consultation with Service members and representatives from City of Toronto –Legal Services Division.

At that time, the Board approved the following motion.

THAT the Board defer further consideration of the foregoing report and Mr. Sewell’s deputation to its next meeting and that, in the meantime, Chair Mukherjee undertake a further review of the policy in light of Mr. Sewell’s deputation and written submission.

Discussion:

As a result of the motions approved at the Board meeting of July 19, 2012, an additional review of the proposed policy was initiated. This review includes consultation with the Chief and representatives from City of Toronto –Legal Services Division.

I have determined that the consideration of the new recommendations and the review of the policy is a comprehensive exercise and I do not find that the time of one month is sufficient to complete this important work.

The Chief has raised a number of concerns with the additional amendments proposed by Mr. Sewell and the revised policy, and further consultation and legal advice is required at this time. In addition, I believe that the reporting requirements included in the policy should be examined, both in terms of frequency and the nature of the information provided. This, too, will take additional time.

As a result, I am requesting that the the Board approve a three-month extension for me to complete this policy review and I am recommending that the Board approve my request. If this recommendation is approved, a revised policy will be placed on the agenda for the November 14, 2012 Board meeting.

Conclusion:

Therefore, it is recommended that the Board approve my request for an extension of three months to complete a review of the revised Board policy entitled "Search of Persons."

Report dated August 13, 2012 from Alok Mukherjee, Chair:

SUBJECT: ICR - RECOMMENDATION NO. 36 - SEARCHES OF PERSONS DURING THE G20 SUMMIT

Recommendation:

It is recommended that the Board request the Chief to provide a report on Level 3 searches conducted during the G20 Summit.

Financial Implications:

There are no financial implications arising out of the recommendation contained in this report.

Background/Purpose:

The Toronto Police Services Board, at its meeting of July 19, 2012, received a report from the Honourable John W. Morden entitled *Independent Civilian Review Into Matters Relating to the G20 Summit* (Min. No. P166/12 refers).

Recommendation No. 36 of that Report refers to the issue of searches of persons and is reproduced below:

Recommendation No. 36: Board to require a report on Level 3 searches conducted during the G20 Summit

The Board should require that the Chief of Police's next quarterly report address the number of Level 3 searches conducted at the PPC and lack of proper documentation for many of these searches.

After the Board considers this report, it should determine: (i) whether it is necessary to direct the Chief of Police to undertake a review of the procedure governing Level 3 searches; and (ii) whether consultation with the Chief of Police is required concerning the use of Level 3 searches in the context of public demonstrations, and whether further direction to ensure such searches are conducted only where specific justification for them exists would be necessary.

Discussion:

The Board, at its meeting of July 19, 2012, considered Mr. Morden's report and made a number of motions, including one that approved, "...in principle, the immediate implementation..." of this particular recommendation.

As Mr. Morden details, this report from the Chief is to address, specifically, "...the number of Level 3 searches conducted at the PPC..." (Prisoner Processing Centre) as well as the "...lack of proper documentation for many of these searches."

With respect to the remaining issues raised by Mr. Morden as part of this recommendation, as Mr. Morden states, these will be determined after the Board has received the report requested from the Chief.

However, it may be that some of these additional issues are already being addressed as the Board has been reviewing the area of searches of persons, and its policy governing this area, for a number of years. My report dated June 25, 2012 speaks to this issue.

It should be noted that Mr. Morden contemplates such reporting to form a part of the Chief's "next quarterly report" on searches of persons. At this time, for a variety of reasons, such information is not being reported on a quarterly basis and I believe additional discussions on the reporting requirement are required. This item will be discussed as part of a separate report (dated August 13, 2012) on the review of the Search of Persons policy which will also be considered by the Board.

Conclusion:

Therefore, it is recommended that the Board request the Chief to provide a report on Level 3 searches conducted during the G20 Summit.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

**#P193. MOTION FROM TORONTO CITY COUNCIL – POLICE RECORDS
CHECK POLICY AND PROCEDURES**

The Board was in receipt of the following report August 03, 2012 from Dhun Noria, Acting Chair:

Subject: MOTION FROM TORONTO CITY COUNCIL - POLICE RECORDS CHECK
POLICY AND PROCEDURES

Recommendations:

It is recommended that:

- (1) the Board request that the Chief communicate with the City Manager, Toronto City Council, to advise of relevant Service procedures to the issue of police records checks and the process the Service uses in relation to this issue; and
- (2) the Board forward a copy of its policy entitled “Vulnerable Sector Screening Program – Police Reference Check Program” to the City Manager, Toronto City Council, for information.

Financial Implications:

There are no financial implications arising from the recommendation contained in this report.

Background/Purpose:

I am in receipt of correspondence from the City Clerk, Toronto City Council, dated June 14 with respect to “City Council – Member Motion – MM24.27 – Police Records Check Policy and Procedures.” This correspondence is attached for your information.

Discussion:

In this correspondence, it is noted that City Council decided the following:

City Council direct the City Manager in cooperation with the Toronto Police Services Board, to undertake a review of the Police Record Check Policy and procedures, and other hiring practices related to staff working with vulnerable populations and report to the appropriate Committee in September 2012; and further, City Council request the General Manager of Parks Forestry and Recreation to undertake any necessary actions in the interim period.

The background attached to this motion is as follows:

Recent events have raised questions with respect to City policies and protocols related to police record check and employment practices, particularly for staff working with children and youth. This Motion is urgent as parents want assurance that appropriate policies are in place for summer programs.

I have attached a copy of the Board policy entitled “Vulnerable Sector Screening Program – Police Reference Check Program.” I am recommending that this be forwarded to the City Manager, Toronto City Council, for information.

Conclusion:

Therefore, it is recommended that:

- (1) the Board request that the Chief communicate with the City Manager, Toronto City Council, to advise of relevant Service procedures to the issue of police records checks and the process the Service uses in relation to this issue; and
- (2) the Board forward a copy of its policy entitled “Vulnerable Sector Screening Program – Police Reference Check Program” to the City Manager, Toronto City Council, for information.

Councillor Giorgio Mammoliti, City of Toronto, was in attendance and delivered a deputation to the Board.

Chief Blair responded to questions by the Board about the TPS records check process. Chief Blair emphasized that when there is a requirement for a police records check to be conducted on a potential employee, it is the employer of the potential employee who has an obligation to ensure that the check is conducted.

The Board approved the foregoing report and received Councillor Mammoliti’s deputation.



Ulli S. Watkiss
City Clerk

City Clerk's Office

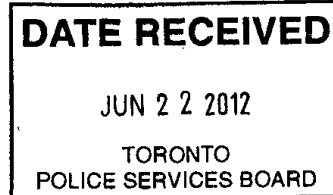
Secretariat
Marilyn Toft
Council Secretariat Support
City Hall, 12th Floor, West
100 Queen Street West
Toronto, Ontario M5H 2N2

Tel: 416-392-7032
Fax: 416-392-2980
e-mail: mtoft@toronto.ca
web: www.toronto.ca

Ref: 2012-MM24.27

June 14, 2012

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



Dear Dr. Mukherjee:

**Subject: City Council – Member Motion – MM24.27
Police Records Check Policy and Procedures**

City Council on June 6, 7 and 8, 2012, adopted the following:

1. City Council direct the City Manager in cooperation with the Toronto Police Services Board, to undertake a review of the Police Record Check Policy and procedures, and other hiring practices related to staff working with vulnerable populations and report to the appropriate Committee in September 2012; and further, City Council request the General Manager of Parks Forestry and Recreation to undertake any necessary actions in the interim period.

Yours truly,

for City Clerk

M. Toft/gc

Attachment


TORONTO Decision Document

City Council

City Council - Member Motions - Meeting 24

MM24.27	ACTION	Adopted		Ward:All
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Police Records Check Policy and Procedures - by Councillor Janet Davis, seconded by Councillor Maria Augimeri

City Council Decision

City Council on June 6, 7 and 8, 2012, adopted the following:

1. City Council direct the City Manager in cooperation with the Toronto Police Services Board, to undertake a review of the Police Record Check Policy and procedures, and other hiring practices related to staff working with vulnerable populations and report to the appropriate Committee in September 2012; and further, City Council request the General Manager of Parks Forestry and Recreation to undertake any necessary actions in the interim period.

Summary

Recent events have raised questions with respect to City policies and protocols related to police record check and employment practices, particularly for staff working with children and youth.

This Motion is urgent as parents want assurance that appropriate policies are in place for summer programs.

(Submitted to City Council on June 6 and 7, 2012 as MM24.27)

Background Information (City Council)

Member Motion MM24.27

(<http://www.toronto.ca/legdocs/mmis/2012/mm/bgrd/backgroundfile-48195.pdf>)



TORONTO POLICE SERVICES BOARD

VULNERABLE SECTOR SCREENING PROGRAM – POLICE REFERENCE CHECK PROGRAM

DATE APPROVED	May 25, 1995	Minute No: P212/95
DATE(S) AMENDED	February 12, 2009 April 16, 2009 November 15, 2010	Minute No: P29/09 Minute No: P111/09 Minute No: P292/10
DATE REVIEWED	November 15, 2010	Minute No: P292/10
REPORTING REQUIREMENT		
LEGISLATION	<i>Police Services Act</i> , R.S.O. 1990, c.P.15, as amended, s. 31(1)(c). <i>Mental Health Act</i> , R.S.O. 1990, c. M.7, ss. 16, 17, 28, 33.3.	
DERIVATION		

It is the policy of the Toronto Police Services Board that the Toronto Police Service will undertake police reference checks for the purpose of assisting agencies providing services to children and vulnerable adults to determine the suitability of potential candidates for employment and/or volunteer duties where those individuals will have direct contact with children or vulnerable persons (the “Vulnerable Sector Screening Program – Police Reference Check”).

In accordance with the foregoing, the Chief of Police will develop processes pursuant to which police reference checks under the Vulnerable Sector Screening Program may be made available to individuals who:

1. Are seeking an employment or volunteer position with an agency that has executed an agreement with the Service agreeing to the terms established by the Chief of Police upon which the Service will carry out a police reference check;
2. Execute a consent to disclosure form authorizing the reference check to be conducted for purposes consistent with the foregoing policy;

Furthermore, the Chief of Police will develop processes used for carrying out police reference checks under the Vulnerable Sector Screening Program that incorporate the following criteria:

3. Agencies wishing to participate in the Vulnerable Sector Screening Program – Police Reference Check must certify that they have participated in training on the agency’s obligations under the *Human Rights Code* with respect to evaluating, hiring and training volunteers or employees;

4. The Service will only provide disclosure of any records requested under the Vulnerable Sector Screening Program – Police Reference Check to the individual who has applied to receive such records. The Service will not disclose the results of the reference check to the agency or any other person without further consent from the applicant;
5. In response to a request for a reference check under the Vulnerable Sector Screening Program, the Service will search the Canadian Police Information Centre (CPIC), Intelligence and Identifications data banks and any Service data banks for available information about the applicant;
6. The Service will not disclose records to the applicant indicating that the applicant has had contact with the Service pursuant to the *Mental Health Act* as part of Vulnerable Sector Screening Program – Police Reference Check unless a person in authority at the participating agency with whom the applicant is seeking employment or a volunteer position specifically requests such information and certifies that:
 - a. the information is related to a *bona fide* occupational or volunteer requirement and necessary for the agency to properly evaluate the suitability of the applicant,
 - b. a conditional offer for the position sought by the applicant has been made to him or her, and
 - c. an explanation has been provided to an applicant regarding the responsibilities of the position being sought and how it relates to a request for information of *Mental Health Act* apprehensions.
7. The Service will adopt procedures to ensure that individuals may discuss the results of any police reference check completed regarding themselves with a member of the Toronto Police Service - Records and Information Management unit; this is to ensure that individuals understand the information disclosed about themselves and have an opportunity to raise a concern regarding the appropriateness of specific disclosure relating to the individual's contact with the Service under the *Mental Health Act*. The Service will adopt a process to provide for the consideration internally of any concerns raised by an individual relating to the disclosure of an individual's contact with the Service under the *Mental Health Act*.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

**#P194. REQUEST FOR A REVIEW OF A COMPLAINT INVESTIGATION
PERTAINING TO THE SERVICE PROVIDED BY THE TORONTO
POLICE SERVICE**

The Board was in receipt of the following report July 20, 2012 from William Blair, Chief of Police:

Subject: REQUEST FOR A REVIEW OF A COMPLAINT INVESTIGATION
PERTAINING TO THE SERVICE PROVIDED BY THE TORONTO POLICE
SERVICE

Recommendations:

It is recommended that:

- (1) the Board receive the complaint summarized in this report;
- (2) the Board determine whether to concur with the decision that no further action be taken with respect to the complaint; and
- (3) the complainant, the Independent Police Review Director and I be advised, in writing, of the disposition of the complaint, with reasons.

Financial Implications:

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

Background/Purpose:

The Toronto Police Services Board has received a request to review the disposition of a complaint about the service provided by the Toronto Police Service (TPS).

Legislative Requirements:

Section 63 of the *Police Service Act (PSA)* directs the Chief of Police to review every complaint about the policies of or services provided by a municipal police force that is referred to him or her by the Independent Police Review Director.

The Chief of Police shall, within 60 days of the referral of the complaint to him or her, notify the complainant in writing of his or her disposition of the complaint, with reasons, and of the complainant's right to request that the Board review the complaint if the complainant is not satisfied with the disposition. A complainant may, within 30 days after receiving the notice, request that the board review the complaint by serving a written request to that effect on the board.

Review by Board:

Upon receiving a written request for a review of a complaint previously dealt with by the chief of police, the Board shall:

- (a) advise the chief of police of the request;
- (b) subject to subsection (7), review the complaint and take any action, or no action, in response to the complaint, as it considers appropriate; and
- (c) notify the complainant, the Chief of Police, and the Independent Police Review Director in writing of its disposition of the complaint, with reasons

Nature of Complaint and Discussion:

In 2008, the complainant took a loan of \$90,000 against the equity in his vacation property located within Brant County, Ontario. The purpose of this loan was to invest in several residential properties in the United States with a male that was known to him.

This other party did not purchase the US residential properties but used the funds for personal matters.

On August 13, 2010, the complainant reported this matter to the Waterloo Regional Police Service (WRPS). The WRPS did an initial investigation and determined that the transfer of the funds from the complainant to this other male occurred within the City of Toronto and as a result forwarded the matter to the Toronto Police Service (TPS) Financial Crimes Unit (FCU) for investigation.

The FCU reviewed the matter and determined that there was no written contract between the complainant and the other male and that the understanding to purchase the US properties was a verbal agreement only and without documentation there was no evidence to substantiate the fraud allegation. As part of this review a member of the FCU consulted with an Assistant Crown Attorney who concurred with their findings.

On February 12, 2012, the complainant filed a complaint with the Office of the Independent Police Review Director (OIPRD). The OIPRD classified the matter as a service complaint and on March 13, 2012, it was assigned to the TPS for investigation.

The complaint was given file number 2012.EXT-0148 which was assigned to Professional Standards for investigation. The complaint was concluded as unsubstantiated and on June 21, 2012, the complainant and the OIPRD were sent correspondence from the TPS advising of this outcome. The complainant was also sent a copy of the completed Report of Investigation.

On July 5, 2012, the complainant sent correspondence to the Board requesting a review of his complaint.

The Chief's Decision

As indicated in the Report of Investigation, several members of The TPS Financial Crimes Unit, including the Unit Commander, reviewed this matter and determined that they were unable to proceed with a fraud investigation. This determination was supported by an Assistant Crown Attorney.

The resulting service complaint was investigated by Professional Standards and focused on the service provided by the TPS in response to this fraud allegation. The complaint investigation was in compliance with the direction of the OIPRD and pursuant to the *PSA*. The conduct and/or actions of individual Service members did not form part of the scope of the investigation.

I am satisfied with the investigator's findings and the review by Professional Standards. I concur that the policing services provided for this investigation were appropriate under the circumstances.

Conclusion

This complaint was classified by the OIPRD as a service complaint involving the TPS. As such, the scope of the investigation was limited to examination of the service provided to the complainant by the Toronto Police Service. Given the information available the service provided to the complainant was appropriate.

Pursuant to the notice provided, the complainant requested that the Board review my decision. It is the Board's responsibility to review this investigation to determine if they are satisfied that my decision to take no further action was reasonable.

In reviewing a police or service complaint, the Board may:

- Review the complaint and take action, or no action, in response to the complaint, as it considers appropriate; or
- Appoint a committee of not fewer than three Board members, two of whom constitute a quorum for the purpose of this section, to review the complaint and make recommendations to the Board after the review and the Board shall consider the recommendations and shall take any action, or no action, in response to the complaint as the Board considers appropriate; or
- Hold a public meeting with respect to the complaint.

To assist the Board in reviewing this matter, Board members will receive confidential information in a separate report.

Deputy Chief Mike Federico, Corporate Command, will be in attendance to answer any questions the Board may have regarding this report.

The Board received the foregoing report and, based upon the reasons outlined by the Chief of Police in his report, agreed that no further action will be taken with regard to this complaint. The Board also agreed to advise the complainant, the Independent Police Review Director and the Chief of Police of its decision.

Additional information with respect to this complaint was considered during the *in camera* meeting (Min. No. C245/12 refers).

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

**#P195. SEMI-ANNUAL REPORT: STATUS OF THE IMPLEMENTATION OF
THE AUDITOR GENERAL'S RECOMMENDATIONS PERTAINING TO
SEXUAL ASSAULT INVESTIGATIONS AND PROGRESS UPDATE:
JULY TO DECEMBER 2011**

The Board was in receipt of the following report June 12, 2012 from William Blair, Chief of Police:

Subject: SEMI-ANNUAL REPORT: STATUS OF SEXUAL ASSAULT
INVESTIGATIONS AND PROGRESS UPDATE: JULY 1 TO DECEMBER
31, 2011

Recommendations:

It is recommended that:

- (1) the Board receive the following report for information; and
- (2) the Board forward a copy of this report to the Auditor General, City of Toronto.

Financial Implications:

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

Background/Purpose:

At its meeting on May 21, 2008, the Board requested that the Chief of Police provide a semi-annual report to the Board on the progress of the implementation of the Auditor General's follow-up report and on training improvements on sexual assault investigations. (Min. No. P126/08 refers.)

The Auditor General, Mr. Jeffrey Griffiths completed a second follow-up review on the police investigation of sexual assaults in the beginning of 2010. The purpose of the review was to determine the extent to which the recommendations in the original 2004 review had been implemented by the Toronto Police Service. As a result of the 2010 follow up review, it was concluded that seven of the twenty-five recommendations in the Auditor General's 2004 report had not been fully implemented. Further to this, the Auditor General directed three new recommendations to the Toronto Police Service.

This report will address the Service's progress in the implementation of the Auditor General's 2010 follow-up report, including improvements in sexual assault investigations and training. (Min. No. P194/10 refers.)

This report will also provide an update on the ongoing community initiatives within the Sex Crime Unit.

Discussion:

Since 2004, the Toronto Police Service has worked diligently on the implementation of the recommendations with regard to sexual assault investigations. Continued efforts have been undertaken to implement the recommendations made by the Auditor General while working with the community through the Sexual Assault Advisory Committee (SAAC) and direct community contacts. The Service has provided the Auditor General information detailing the action undertaken in relation to the recommendations.

The following is a status update of the remaining seven recommendations from the 2004 follow up review which have been considered by the Auditor General as partially implemented.

Recommendation 7:

The Chief of Police directs that all occurrence reports relating to sexual assault be reviewed by supervisory staff at the divisional level upon receipt of the initial reports and at the completion of the investigation. Evidence of the review is appropriately documented in the information system. Incomplete or inappropriate occurrence reports be discussed with the officer concerned and amendments made where necessary. Continued deficiencies in the preparation of occurrence reports be dealt with through existing training, and if necessary, discipline. Occurrence reports prepared by members of the Sex Crimes Unit be reviewed and approved by supervisory staff within the Unit.

Status Update: Implemented

The business process that dictates supervisory approval of occurrence reports is driven by Service Governance and is captured under Part III - Duties and General Responsibilities 2.8.3 (Staff Sergeant and Detective Sergeants) and Procedure 05-05 Sexual Assaults. This responsibility has been delegated to both Detectives and Sergeants as part of their evaluation of personnel.

The Toronto Police Service has re-emphasized the importance of full compliance with this risk management process by way of a Routine Order 2010.09.23.-1155 that encompasses this directive – specifically relating to the submission of a report under Procedure 05-05 Sexual Assaults. Most recently, in November 2011, the Sex Crimes Unit in conjunction with the Sexual Assault Care Centre's hosted a training session at 40 College Street, Toronto. The purpose of the session was to launch the updated presentation that is to be delivered at the divisional level with regard to sexual assault investigations. The presentation specifically addresses the importance of the implementation of the Auditor General's recommendations and on training improvements and sexual assault investigations. Invitees included Divisional Quality Control Officers, Divisional Sexual Assault Officers, Divisional Training Sergeants, Sex Crimes Unit Sexual Assault Investigators and Sexual Assault Nurse Examiners.

Sex Crimes Unit Investigators are currently delivering this presentation at the divisional level and will continue to re-emphasize the understanding and requirement of complying with Service Procedure 05-05 Sexual Assault and update as required.

In addition to the standard supervisory approval, Divisional Policing Command has implemented a quarterly review process as set out in the action plan captured in Audit Recommendation 1 – 2010. This involves the divisional quality control officer conducting a random check of sexual assault occurrence reports throughout the Service.

The new Integrated Records Information System (IRIS) will be able to accurately track Supervisory review.

Recommendation 9:

The Chief of Police ensures that under no circumstances should a first-response officer make a determination as to whether a sexual assault is unfounded. The determination of this matter be reviewed and approved by a sexual assault investigator. The Chief of Police further ensures that all occurrence reports contain an appropriate level of information to substantiate conclusions and that all such reports be approved in writing by supervisory officers.

Status Update: Implemented

This requirement is clearly articulated in Toronto Police Service Procedure 05-05 Sexual Assaults – under responsibilities of the Detective Sergeant.

The Toronto Police Service has re-emphasized the importance of full compliance with this risk management process by way of a Routine Order 2010.09.23.-1155 that encompasses this directive – specifically with the submission of an “unfounded” report under Procedure 05-05 Sexual Assaults.

Sex Crimes Unit SCU investigators regularly attend divisional unit training days in order to re-emphasize the understanding and requirement of complying with Service Procedure 05-05 Sexual Assault and to provide recent updates. Members of the SCU, in conjunction with the Toronto Police College, recently completed and updated the presentation that is delivered at the divisional level. This presentation is delivered to supervisors, investigators, and first responders specifically addressing responsibilities for each.

The requirement for Detective Sergeant’s approval was implemented in the first quarter of 2011. Divisional Policing Command will be conducting random checks on an ongoing basis of sexual assault occurrence reports throughout the Service.

Recommendation 10:

The Chief of Police ensure that divisional investigators are in compliance with Criminal Investigations Procedure 05-05, Sexual Assault, as it applies to maintaining consistent and regular contact with women who have been sexually assaulted. Such contact be maintained throughout the investigative and legal process and be appropriately documented.

Status Update: Implemented

The Toronto Police Service, as noted by the Auditor General, is satisfied that regular and consistent follow-up contact with women occurs and that such contact is documented by officers. The challenge is consistent documentation of a variety of communication forms utilized by both investigator and sexual assault complainant.

To ensure consistent documentation of follow-up contact with women, the Toronto Police Service amended Procedure 05-05 Sexual Assault to contain a mandatory requirement for investigators to maintain a chronological record of contacts on a newly created TPS 262 – Victim Contact Sheet, Routine Order 2010.09.23.–1155. This TPS form, whether electronic or hard copy, provides details in chronological order of victim contact. This information will be readily available for review and has been included in the review being implemented in Phase II of the Action Plan, captured in Audit Recommendations #1 – 2010.

In addition to the implementation of TPS 262 – Victim Contact Sheet, Sex Crimes Unit investigators regularly attend Divisional Unit training days for frontline personnel to re-emphasize the understanding and requirement of complying with Service Procedure 05-05 Sexual Assault and to provide recent updates, such as the consistent use of TPS 262 Victim Contact Sheet.

Recommendation 11:

The Chief of Police revised the internal administrative accounting structure in order to accurately account for all costs relating to sexual assault investigative training activities throughout the Toronto Police Service. The accounting for these costs include training expenditures incurred at the C. O. Bick College, expenditures incurred by the Sex Crimes Unit, including all costs relating to attendance at outside training courses and conferences, and any expenditures incurred relating to decentralised training at the divisions.

Status Update: Implemented

The Service remains satisfied with the internal process for approval and accounting structure in place to accurately account for all costs relating to sexual assault investigative training activities.

The Service, as previously reported to the Board, does not believe there is sufficient benefit in alteration of the existing systems in order to retrieve selected training for sexual assault investigators. Rather, it is more important to ensure the appropriate approvals are in place to determine the cost/benefit value of training; these processes are currently in place.

The Time and Resource Management System (TRMS) allows for the measurement of time spent in training activities, which can be monetized if required. No further work is contemplated with respect to this recommendation.

Recommendation 12:

The Chief of Police be requested to conduct an evaluation in regard to the projected long-term requirements for police officers trained in the investigation of sexual assaults. This analysis take into account potential retirees over the next number of years, as well as the anticipated demands for officers trained in sexual assault investigations. This analysis be used to determine the adequacy or otherwise of the current training schedule and, if appropriate, the training program be amended. Information relating to those officers who have attended the Sexual Assault and Child Abuse Course will be brought up to date and maintained.

Status Update: Implemented

Recommendations from the Specialized Policing Functions Project were incorporated into Toronto Police Services Policies and Procedures – Skills Development and Learning Plan - Uniform (Procedure 14-01). The Skills Development and Learning Plan established a process for succession planning and staff development. Anticipated demands for training in Sexual Assault Investigations are determined by individual units within the Service and are reported to the Toronto Police College annually by means of a demand survey. The appropriate number of courses are then made available to meet the training needs, as indicated by the demand survey.

Recommendation 20:

The Chief of Police ensures that the project pertaining to the electronic transmission of ViCLAS data to the Provincial ViCLAS Centre in Orillia is expedited as quickly as possible. Staff responsible for this project be required to provide specific deadlines for completion. Periodic updates regarding the progress of the project is reported to the Chief of Police.

Status Update: Ongoing

Deadlines for the completion of this project are outside of the control of the Toronto Police Service as it is a Provincial Project. The Ontario Provincial Police ViCLAS centre in Orillia is currently in the process of selecting a new IT programmer. They are unable to move forward with the project pertaining to the electronic transmission of ViCLAS data until this selection is made. Members of the Service continue to complete hard copy ViCLAS reports. The Service

and the (OPP) ViCLAS centre in Orillia will continue to communicate with regard to this project.

Recommendation 21:

The Chief of Police, in consultation with the Sex Crimes Unit, ensure that all police officers have a clear understanding of the revised consent procedures relating to the sexual assault medical evidence kit. In particular, women who have been sexually assaulted be provided with detailed explanations pertaining to the consent form by divisional sexual assault investigators only.

Status Update: Implemented

This requirement is clearly articulated in Toronto Police Service Procedure 05-05 Sexual Assault – under responsibilities of the divisional sexual assault investigator. Procedure 05-05 Sexual Assault takes this recommendation one step further and requires investigators/uniform officers to document such explanations in their memo books and in the occurrence.

The Toronto Police Service has re-emphasized the importance of full compliance to this risk management process by way of a Routine Order 2010.09.23.-1155 that addresses the requirement of the divisional sexual assault investigator to ensure women fully understand the legal implications of signing the consent form, pursuant to Procedure 05-05 Sexual Assault.

Sex Crime Unit investigators are attending divisional units to assist with internal training and to re-emphasize the understanding and requirement of Recommendation 21. This recommendation was recently emphasized at the training session held at 40 College Street in November.

The following are the New 2010 Audit Recommendations and the Service response to the recommendations.

Recommendation 1: New

The Chief of Police ensures the internal monitoring process for sexual assault reports is implemented consistently and effectively. In particular:

- a. **The Service compliance results should be regularly provided to and reviewed by senior officers in charge of Divisional Policing Command, the Sex Crimes Unit, and the Training and Education Unit. Areas showing below expected compliance level should be identified and adequately addressed through measures including training and disciplinary action.**
- b. **Divisions should adhere to the internal monitoring requirements, and that the case assessment completion rates are monitored and reported to senior officers.**

Status Update: Implemented

The Toronto Police Service has enhanced the internal monitoring process for sexual assault reports across the Service. This has been accomplished through Divisional Policing Command planners. The first and second quarterly reviews have been conducted and Divisional Policing Command continues to monitor compliance.

Due to the outdated software used to capture information for the Unit Commander Morning Report (UCMR), the implementation of the self audit tool posed technical difficulties. To resolve this challenge, Unit Commanders were advised of the issue and were instructed via e-mail on October 21, 2010 to comply with the self audit tool requirements. Occurrences will be classified as compliant, non-compliant, and in-progress. Issues of non-compliance will be reported to the applicable Staff Superintendent for appropriate action

Recommendation 2: New

The Chief of Police gives consideration to the inclusion of sexual assault reports investigated by the Sex Crimes Unit in the internal monitoring process for sexual assault reports.

Status Update: Implemented

The Toronto Police Service has enhanced the internal monitoring process for sexual assault reports investigated by the Sex Crimes Unit. The Sex Crimes Unit Detective Sergeant audits compliance by ensuring all sexual assaults are recorded on the Unit Commander Morning Report to facilitate daily quality assurance and internal monitoring efforts across the city.

All sexual assaults investigated by the Sex Crimes Unit are subjected to an internal review by a Detective Sergeant of that unit. Occurrences are classified as compliant, non-compliant, and in-progress. Issues of non-compliance are reported to the applicable Staff Superintendent for appropriate action.

Recommendation 3: New

The Chief of Police ensure that the new information system acquired by the Toronto Police Service to replace the existing information systems is properly designed to accurately and efficiently track records of supervisory review.

Status Update: Ongoing

The Toronto Police Service has selected the vendor to partner with to provide the new Police Operations Management System. The project name for the new system is Integrated Records Information System (IRIS) and is in the configuration stage. The implementation is tentatively scheduled for 2014. The Toronto Police Services Board has approved the funding and the Service will be working towards the IRIS implementation. The Sex Crimes Unit will be

involved in this configuration to ensure compliance of this recommendation such as the need for the supervisory review function with proper design and efficient operation.

Progress Update on Community Initiatives:

The Sex Crimes Unit (SCU) continues to work with the Sexual Assault Advisory Committee (SAAC). The SAAC remains committed to improving the response to victims of sexual assault and will continue to identify areas of concern that require attention. The SAAC completed and launched the victim information booklet through a media campaign in May 2011. This booklet is also available on the Toronto Police Service website. The SAAC and the SCU have continued efforts to create awareness of the booklet throughout the Service at the divisional level as well as with community agencies.

The SAAC has recognized the need to update the public on the progress of the Committee in addressing issues of concern regarding persons who have been sexually assaulted. The SAAC has approved a draft of an appropriate format to communicate updates to the public on issues addressed by the Committee. These updates will be communicated to the public through the SCU website and implementation is scheduled for December 2012.

The Sex Crimes Unit is presently updating their website with current information for the public regarding the process of reporting sexual assaults and what to expect during these investigations. The above mentioned SAAC updates and personnel changes will be included in the update and implementation is scheduled for December 2012.

The Special Victim's Unit (SVU) continues to identify problems and issues that the Service may face with respect to Human Trafficking and what the current situation is within the city of Toronto. The SVU is making inroads with both internal and external initiatives such as training. In an effort to heighten awareness of Human Trafficking related offences, members of the unit lecture at the Toronto Police College. In September of 2012, the SVU anticipate the rollout of an educational outreach program, delivered in partnership with the Urban Advocacy Centre. The program will be presented to Grade 8 students in "high risk" schools as identified through the Toronto District School Board. This is in an effort to increase awareness, recognition and increase reporting of Human Trafficking offences and the commercial sexual exploitation of children under the age of 18.

The SVU continues to network with other external agencies making great strides with educating victims and agency workers such as All Saints Church and Street Health. Currently, the SVU has Human Trafficking cases before the courts and are working diligently towards successful prosecution.

As previously reported, the Behavioural Assessment Unit (BAS) re-established the High Risk Offender Committee (HROC). Membership continues to grow. The Centre for Addiction and Mental Health are now involved with the HROC. Several presentations were provided by community partners at the November meeting including the following; Law relating to the use of 810.1 and 810.2 by two High Risk Crowns – Ministry of the Attorney General, Sexual Behaviours Clinic by CAMH and Transitional Housing by the John Howard Society.

The Behavioural Assessment Section hosted several Community Safety Group meetings throughout the latter half of 2011. Attendance continues to increase and Boost is now participating. All participants provide input with regard to developing a plan of action. This plan addresses the issue or area of concern with regard to offenders who are about to be released and the risk they pose to the community. Offenders who are already in the community are also discussed and areas/issues of concern are identified.

The Child Exploitation Section (CES) successfully completed the Commit to Kids (C2K) Program. The public awareness campaign was made possible with grant funds received from the Civil Remedies Grant Program. The CES office remains committed to supporting the use of the program by the distribution of the materials when opportunities present themselves. This includes meeting with school officials on matters from the office as well as distribution to the Divisional investigative offices throughout the city to educate them about the program and its benefits. When delivering the material, the message emphasized is that the C2K program is a valuable tool to assist child serving organizations to prevent sexual abuse and create a safe environment for children. The material is provided free of charge and promotes awareness and prevention. The year ended with the distribution of more than 12,000 C2K prevention programs across Canada and the Toronto Police Service – CES was able to contribute greatly to this success. The continued support from the CES is expected for years to come.

Conclusion:

The Service has continued to implement the recommendations contained in the Auditor General's report. We recognize the opportunity and welcome the challenge to enhance the quality of our investigations of sexual assaults, while improving both our internal monitoring process and supervisory review of occurrence reports. The Service is committed to a coordinated and effective response to victims of sexual assault and will continue its efforts with the SAAC to ensure the needs of the community are addressed. Preparation has begun with regard to the Toronto Police Service Sex Crimes Conference scheduled for October 2012.

Acting Deputy Chief Jane Wilcox, Specialized Operations Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board received the foregoing report and agreed to forward a copy to the Auditor General for information.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

**#P196. BIENNIAL REPORT: BOARD POLICY LE-034 – SEXUAL ASSAULT
INVESTIGATIONS**

The Board was in receipt of the following report July 17, 2012 from William Blair, Chief of Police:

Subject: BIENNIAL REPORT: BOARD POLICY LE-034 - SEXUAL ASSAULT
INVESTIGATIONS

Recommendation:

It is recommended that the Board receive the following report.

Financial Implications:

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

Background/Purpose:

Ontario Regulation 03/99, Adequacy and Effectiveness of Police Services, was created under the *Police Services Act* to provide provincial standards for the delivery of policing services in six core areas. One of the requirements of the Regulation is that there are policies and procedures in place with respect to sexual assault investigations.

The provisions of the Regulation make the Board responsible for establishing policy and the Chief of Police responsible for creating processes and procedures that set the Board policies into operation.

At its meeting of August 10, 2006, the Board approved policy TPSB LE-034, Sexual Assault Investigations (Min. No. P244/06 refers). The policy stipulates that with respect to sexual assault investigations the "Chief of Police shall":

- a) develop and maintain procedures and processes that:
 - i) require that investigations be undertaken in accordance with the Service's criminal investigation management plan;
 - ii) require compliance with the procedures set out in the Ministry of Community Safety and Correctional Services' Ontario Major Case Management Manual;
 - iii) address communication and dispatch, initial response and investigation relating to sexual assaults; and
 - iv) address community notification.

- b) work, where possible, with hospitals and agencies which provide services to victims of sexual assault, including Sexual Assault Treatment Centres, Sexual Assault/Rape Crisis Centres and Victims Services, as well as the local Crown, to ensure a coordinated and effective response to victims of sexual assault; and
- c) address training for officers and other appropriate members on the response to sexual assault occurrences, including victims' assistance.

The Board policy also requires the Chief "to report every two years on the implementation of the policy and recommend amendments, if required."

Discussion:

The requirements under subsection (a) of the Board policy are reflected in Service Procedure 05-05 Sexual Assault and are ongoing. This procedure was reviewed by Corporate Planning, amended and re-issued R.O.2010.09.23-1155. Corporate Planning is currently reviewing Service Procedure 05-05 and expects to amend and re-issue this Procedure by year end to meet the changing needs and concerns of both victims and Service members. This procedure and process fulfils subsection (i) to (iii).

Subsection (iv) is also covered by Service Procedure 05-05; where a warning to a community/individual is necessary, the Divisional Sexual Assault Investigator shall ensure that the release of information is in accordance with Procedures 17-02, Major News Reports and 17-04, Community Safety Notifications. Further to this, the Toronto Police Service currently has over 1400 agencies/individuals signed up to receive automatic emails for the Sexual Assault media releases. Instructions on how to apply for this service are available on the Toronto Police Service website, www.torontopolice.on.ca.

As required under subsection (b) of the Board policy, a coordinated and effective response to victims of sexual assault is in place. This response is ongoing and requires continued development with the appropriate stakeholders who provide services to victims of sexual assault as needs are identified. This is accomplished in part due to the work of the Sexual Assault Advisory Committee (SAAC). The SAAC meets several times a year. Membership includes; Sexual Assault Care Centres, the Toronto Rape Crisis Centre, local Crown Attorney representation and other community agencies which provide services to victims of sexual assault. The SAAC collaborated on the creation of a Guidebook for sexual assault survivors. The book was created after the committee identified a need to assist survivors of sexual assault navigate through the justice process from police investigation, to trial and sentencing. The SAAC is currently working on two initiatives aimed at improving the police response to sexual assault investigations involving youth. The first brought to the attention of the SAAC by the Metropolitan Action Committee on Violence Against Women and Children (METRAC) called the "Youth Alliance Project Report". This report refers to police policy and practice on sexual assault against young women and how the recommendations resulting from this report may fit into current police response to sexual assault investigations involving young women. The second initiative involves a collaboration between the SAAC and Seneca College Graphic

Design Program students to create a public awareness campaign about sexual assault from a youth perspective.

The Toronto Police Service Sexual Assault Coordinator is committed to improving communications with all persons/groups who are involved in providing care in areas of consulting and training, to all persons who have experienced sexual assault. The Coordinator continues to participate in open dialogue and training with the Sexual Assault Care Centres and community agencies. This includes a presentation at the International Forum on the Sexual Safety of Older Women on World Elder Abuse Awareness Day 2011, hosted in Toronto. Attendees of the Forum included organizations and networks involved in sexual elder abuse, those in victim services health, legal/police, social work and the media. Recently, the Toronto Rape Crisis Centre/Multicultural Women Against Rape (TRCC/MWAR) and the Oasis Centre des Femmes hosted the annual commemoration ceremony of the Victim's Bill of Rights. The Sexual Assault Coordinator was invited to speak in support of victims and encourage those who may have lost faith in the Criminal Justice system.

The newly created position of the Victim Liaison Officer in the Sex Crimes Unit has also contributed to the enhanced working relationships with agencies which provide services to victims of sexual assault, as required under subsection (b). The Victim Liaison Officer has ongoing and consistent communication with many persons who have experienced sexual assault. As needs indicate, the Victim Liaison Officer communicates with Victim Services, local Crown Attorneys and other victim resource agencies to ensure a coordinated and effective response to victims of sexual assault.

The requirements under subsection (c) of the Board policy with respect to training issues have been addressed and are ongoing. The ten day Sexual Assault Investigators Course (SAIC) has been in place since May of 2008 and appropriate updates with regard to procedural, legal and community issues are implemented to the training lectures as they arise. The Toronto Police College has a plan in place for ongoing evaluation of this course (Min. No. P281/08 refers). In addition to this, Sex Crimes Unit investigators regularly attend Divisional Unit training days to frontline personnel. Sex Crime Unit investigators emphasize the understanding and requirement of complying with Service Procedure 05-05 and recent updates.

Conclusion:

The Toronto Police Service remains committed to following developed procedures and processes that are currently in place regarding sexual assault investigations.

Ongoing monitoring and review by the Sex Crimes Unit and the Sexual Assault Advisory Committee will continue to ensure best practices to investigate sexual assaults are adopted and implemented by the Toronto Police Service.

Acting Deputy Chief Jane Wilcox, Specialized Operations Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board received the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

**#P197. TORONTO POLICE SERVICE – 2012 CAPITAL BUDGET VARIANCE
REPORT FOR THE PERIOD ENDING JUNE 30, 2012**

The Board was in receipt of the following report July 30, 2012 from William Blair, Chief of Police:

Subject: 2012 CAPITAL BUDGET VARIANCE REPORT FOR THE TORONTO
POLICE SERVICE – PERIOD ENDING JUNE 30, 2012

Recommendations:

It is recommended that:

- (1) the Board approve a transfer of \$870,000 from the Vehicle Replacement project to the Small Equipment project within the Vehicle and Equipment Reserve; and
- (2) the Board forward a copy of this report to the City's Budget Committee for approval and to the City's Deputy City Manager/Chief Financial Officer for information.

Financial Implications:

The Council-approved net budget for 2012 is \$24.7 million (M). Including the 2011 carry forward, the net available funding in 2012 is \$46.7M.

As of June 30, 2012, the Service is projecting total net expenditures of \$39.4M, compared to \$46.7M in available funding (a spending rate of 84%). The projected under-expenditure for 2012 is \$7.4M of which \$6.5M is for the Property and Evidence Management (P&EM) Facility project. It is anticipated that \$7.2M of the \$7.4M will be carried forward to 2013 to complete projects and \$0.2M will be returned back to the City from completed projects.

Background/Purpose:

At its meeting of January 17, 2012, Toronto City Council approved the Service's 2012-2021 capital program. Subsequently, the Board approved the revised capital program at its February 16, 2012 meeting (Min. No. P26/12 refers). Attachment A provides a summary of the Board and Council approved budget.

This capital variance report provides the status of projects as at June 30, 2012.

Discussion:

Summary of Capital Projects:

Attachment B provides a status summary of the on-going projects from 2011 as well as those projects that started in 2012. Any significant issues or concerns have been highlighted below in the “Key Highlights/Issues” section of this report.

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/functionality), 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 2012-2021 Capital Program. Summary information includes status updates as of the time of writing of this report.

- Property and Evidence Management Facility (\$37.0M)

Overall Project Health Status	
Current	Previous Variance Report
YELLOW	YELLOW

The Property and Evidence Management Unit (PEMU) is responsible for safeguarding the integrity of police processes by ensuring the chain of custody is maintained and continuity is not compromised, from the moment of collection to the ultimate disposition of evidence. The effective and credible management and control of seized evidence has consistently remained one of the major risk factors for police services globally. Failure to have a replacement facility that meets the future needs of the Service would jeopardize the ability of the Service to facilitate legislated requirements for tracking, locating, and disposing of property, and will have a significant negative impact on criminal court proceedings coupled with the increased risk of civil litigation.

This project provides funding for a new property and evidence management facility at the Progress Avenue site. The project was originally approved by the Board in the 2009-2013 capital program, and is included in the Service’s current capital program as approved by City Council. The project spans over four years, and experienced some delays in 2011, primarily due to the shortage of Service staff resources and the resultant delay in selecting the architect

and approving designs. As a result of this delay, \$6.5M will be carried forward to 2013 in order to complete the project.

The schematic design for the new facility was completed by the architect in early 2012. The Construction Manager (CM) was approved by the Board in February 2012. The Service has been working with the CM and the tendering process for the major sub-trades has been completed. Based on the estimated construction costs, a revised budget was prepared and an additional \$3.25M is required. This additional amount has been included in the 2013-2022 capital program request and has been offset by other reductions in order to remain within the City target. The Service has and will continue to work with the CM to identify any potential cost savings without compromising the project scope. The Board will be kept apprised of this project through the quarterly capital variance reports, and if there is a further change to the project estimate, the Board will be advised accordingly.

The P&EM facility is scheduled to be substantially completed by mid-2013. It is expected that the new facility will meet the Service’s property and evidence storage requirements for the next 25+ years. The facility currently occupied by the PEMU will be returned to the City once construction of the new facility is complete and occupancy achieved.

- IRIS – Integrated Records and Information System (\$24.4M)

Overall Project Health Status	
Current	Previous Variance Report
GREEN	YELLOW

This project provides funding for a commercial off-the-shelf (COTS) integrated records and information system. The project team continues to work on the configuration of the Versadex system, including the implementation of eTicketing, ongoing discussions regarding property conversion and business intelligence, and various integration issues.

At its June 15, 2012 meeting, the Board approved the recommended vendor for the supply of an Electronic Disclosure System (EDS), which will support the automation and reduction of manual processes and increased efficiencies envisioned as an outcome of the IRIS Project (Min. No. P149/12 refers).

Currently, the project remains on schedule, within budget, and in scope.

- eTicketing (\$1.7M)

Overall Project Health Status	
Current	Previous Variance Report
GREEN	GREEN

This project provides for the replacement of manual ticket writing with an electronic system that will capture the required data at road side, print a ticket from a portable printer, and transmit the ticket data wirelessly to corporate servers. With the introduction of an electronic ticketing system, the Toronto Police Service and the City of Toronto Court Services Division

will be in a position to benefit from several efficiencies such as: improved ticket legibility; enhanced analytical capabilities relating to enforcement effectiveness and impact; reporting real-time collection of enforcement results for effectively responding to public enquiries; neighbourhood traffic complaints; divisional/corporate traffic safety initiatives; and streamlined court disclosure processes for the attending officer.

From the available funding of \$1.7M, \$45,000 will be spent in 2012 for proof of concept. The rest of the funding will be carried forward to 2013 for the full implementation.

This project is currently projected to be completed on budget with a slight delay to the schedule.

- Vehicle and Equipment Lifecycle Replacements

Projects listed in this category are funded from the Vehicle and Equipment Reserve (Reserve), which is in turn funded through annual contributions from the Service's and Parking Enforcement's operating budgets. The Reserve has no impact on the Capital Program and does not require debt funding. Items funded through this Reserve include the regular replacement of vehicles, furniture and information technology equipment.

The projected under-spending of \$11.4M in 2012 is primarily due to:

- \$1.4M will be carried forward for vehicle replacement (the impact of advance purchases of marked vehicles is being analysed, and any adjustments to reserve requirements for vehicle replacements will be included in the 2013-2022 capital program);
- \$4.2M will be carried forward for Server Replacement – Timing of acquisition of servers has been deferred due to uncertainties of impact of IRIS on various servers and applications;
- \$2.1M will be carried forward for IT Business resumption – Timing of acquisition of servers has been deferred due to uncertainties of impact of IRIS on various servers and applications;
- \$1M will be carried forward for AVL System Replacement – Product delivery is expected in early 2013;
- \$0.8M will be carried forward for Voice Logging Lifecycle Replacement – Pending City Radio Request for Proposal (RFP) closing; to be completed in year 2013;
- \$1.2M will be carried forward for Wireless Parking System – The Service continues to review the results of the RFP for the replacement hardware.

Radio test analysers are required for new radios purchased through the radio lifecycle project. The current radio test analysers have reached their life expectancy and require replacement. The Reserve does not include funding for the replacement of radio test analysers and therefore a transfer of funds from other Reserve projects is necessary. The transfer amount of \$870,000 will be obtained from the Vehicle Replacement project.

Conclusion:

As of June 30, 2012, the Service is projecting a total net expenditure of \$39.4M, compared to \$46.7M in available funding (a spending rate of 84%). The projected under-expenditure for 2012 is \$7.4M and a significant portion (\$6.5M) of this amount is for the P&EM Facility project. It is anticipated that \$7.2M will be carried forward to 2013 and \$0.2M will be returned to the City.

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.

REVISED 2012-2021 CAPITAL PROGRAM (\$000s)

Project Name	Plan to end of 2011	2012	2013	2014	2015	2016	Total 2012-2016 Request	2017	2018	2019	2020	2021	Total 2017-2021 Forecast	Total 2012-2021 Program	Total Project Cost
On-Going Projects															
State-of-Good-Repair - Police		4,510	4,565	4,594	4,469	4,621	22,759	4,331	4,529	4,841	5,113	5,238	24,051	46,810	46,810
Radio Replacement	23,018	5,371	0	0	0	0	5,371	0	0	0	0	0	0	5,371	28,389
14 Division - Central Lockup	26,605	8,910	0	0	0	0	8,910	0	0	0	0	0	0	8,910	35,515
Property and Evidence Management Facility	27,339	7,149	2,581	0	0	0	9,729	0	0	0	0	0	0	9,729	37,068
IRIS - Integrated Records and Information System	10,047	0	9,507	4,866	0	0	14,373	0	0	0	0	0	0	14,373	24,420
Upgrade to Microsoft 7	1,492	160	0	0	0	0	160	0	0	0	0	0	0	160	1,652
Total, On-Going Capital Projects	88,502	26,099	16,653	9,460	4,469	4,621	61,302	4,331	4,529	4,841	5,113	5,238	24,051	85,353	173,854
New Projects															
54 Division (includes land)	500	0	0	9,060	21,665	5,721	36,446	0	0	0	0	0	0	36,446	36,946
Data Warehouse Establishment	0	0	0	3,617	1,354	3,233	8,204	0	0	0	0	0	0	8,204	8,204
Electronic Document Management	0	0	0	49	441	0	490	0	0	0	0	0	0	490	490
HRMS Upgrade	0	0	0	155	682	0	836	0	0	0	0	0	0	836	836
TRMS Upgrade	0	0	0	1,943	1,470	0	3,413	0	0	0	0	0	0	3,413	3,413
Digital Content Manager	0	0	0	1,360	1,673	0	3,033	0	0	0	0	0	0	3,033	3,033
41 Division (includes land)	0	0	0	0	372	8,564	8,937	20,636	9,506	0	0	0	30,142	39,079	39,079
Expansion of Fibre Optics Network	0	0	0	0	881	5,585	6,466	5,585	0	0	0	0	5,585	12,051	12,051
Radio Replacement	0	0	0	0	0	10,193	10,193	2,836	4,622	1,174	4,954	11,581	25,167	35,360	35,360
13 Division (includes land)	0	0	0	0	0	0	0	372	8,645	19,903	10,159	0	39,079	39,079	39,079
AFIS (next replacement)	0	0	0	0	0	0	0	0	3,053	0	0	0	3,053	3,053	3,053
Disaster Recovery Site	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
32 Division - Renovation	0	0	0	0	0	0	0	0	3,053	3,934	0	0	6,987	6,987	6,987
52 Division - Renovation	0	0	0	0	0	0	0	0	0	0	0	2,062	2,062	2,062	8,300
55 Division - Renovation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8,000
22 Division - Renovation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8,000
Progress (Future use)											5,088	10,440	15,528	15,528	70,000
Total, New Capital Projects:	500	0	0	16,183	28,539	33,296	78,018	29,429	28,879	25,012	20,200	24,083	127,603	205,621	282,831
Total debt funded Capital Projects:	89,002	26,099	16,653	25,643	33,008	37,917	139,320	33,760	33,408	29,852	25,313	29,321	151,654	290,974	456,685
Recoverable debt Project															
eTicketing Solution	0	1,719	0	0	0	0	1,719	0	0	0	0	0	0	1,719	1,719
Total, Recoverable debt project:	0	1,719	0	0	0	0	1,719	0	0	0	0	0	0	1,719	1,719
Total Reserve Projects:	130,369	13,926	23,854	18,259	18,654	23,054	97,747	17,451	24,325	19,567	19,519	24,525	105,387	203,134	333,503
Total Gross Projects	219,371	41,745	40,507	43,902	51,662	60,971	238,786	51,211	57,733	49,419	44,832	53,846	257,041	495,827	791,908
Funding Sources:															
Vehicle and Equipment Reserve	(130,369)	(13,926)	(23,854)	(18,259)	(18,654)	(23,054)	(97,747)	(17,451)	(24,325)	(19,567)	(19,519)	(24,525)	(105,387)	(203,134)	(333,503)
Infrastructure Stimulus Fund (ISF) (14D)	(8,572)	0	0	0	0	0	0	0	0	0	0	0	0	0	(8,572)
Recoverable debt - eTicketing	0	(1,719)	0	0	0	0	(1,719)	0	0	0	0	0	0	(1,719)	(1,719)
Funding from Development Charges	(7,230)	(1,434)	(231)	(1,721)	(2,565)	(1,596)	(7,547)	(273)	(1,651)	(3,161)	(1,530)	0	(6,615)	(14,162)	(21,392)
Total Funding Sources:	(146,171)	(17,079)	(24,085)	(19,980)	(21,219)	(24,650)	(107,013)	(17,724)	(25,976)	(22,728)	(21,049)	(24,525)	(112,002)	(219,016)	(365,187)
Total Net Debt-Funding Request:	73,200	24,665	16,422	23,922	30,443	36,321	131,773	33,487	31,757	26,691	23,783	29,321	145,039	276,811	426,721
5-year Average:							26,355						29,008	27,681	
City Target (= net approved in 2010):		33,339	11,619	20,051	30,443	36,321	131,773	33,487	36,845	37,131	38,788	38,788	185,039	316,812	
City Target - 5-year Average:							26,355						37,008	31,681	
Variance to Target:		8,674	(4,803)	(3,871)	0	(0)	0	0	5,088	10,440	15,005	9,467	40,000	40,001	
Variance to Target - 5-year Average:							0						8,000	4,000	

2012 Capital Budget Variance Report as at June 30, 2012 (\$000s)

Project Name	Carry Forward from 2011	2012 Budget	Available to Spend in 2012	2012 Projection	Year-End Variance - (Over)/ Under	Total Project Budget	Total Project Cost (Projects)	Project Variance (Over) / Under	Comments	Overall Project Health
Debt-Funded Projects										
<u>Facility Projects:</u>										
Property and Evidence Management Facility	5,314.0	7,149.0	12,463.0	6,000.0	6,463.0	37,046.1	37,046.1	-	Please refer to the body of the report.	Yellow
11 Division (excludes cost of land)	303.5	0.0	303.5	203.4	100.1	29,134.0	29,033.9	100.1	Project is below budget and completed. Minor outstanding issues and deficiencies are being addressed.	Green
14 Division (excludes cost of land)	2,282.3	8,909.6	11,191.9	10,632.9	559.0	35,515.0	35,515.0	-	Project is on budget and on schedule.	Green
54 Division	497.0	0.0	497.0	497.0	-	36,946.0	36,946.0	-	Some issues with respect to cost and environmental assessment of property.	Yellow
5th Floor Space Optimization	209.8	0.0	209.8	209.8	-	787.0	787.0	-	Project is on budget and completed. Minor outstanding issues and deficiencies are being addressed.	Green
<u>Information Technology Projects:</u>										
HRMS Additional Functionality	60.0	0.0	60.0	61.0	1.0	406.0	407.0	- 1.0	Project is completed \$1K over budget and on schedule. Another capital project will be identified and the City will do transfer of funding.	Green
Integrated Records and Information System (IRIS)	7,300.9	0.0	7,300.9	7,300.9	-	24,420.0	24,420.0	-	Please refer to the body of the report.	Green
911 Hardware/Handset	311.7	0.0	311.7	250.0	61.7	1,092.0	1,030.3	61.7	Upgrades are going as planned and on time with 50% completion at this time. This project is below budget and on schedule.	Green
Radio Replacement	817.5	5,371.0	6,188.5	6,176.7	11.8	34,389.0	34,389.0	-	Project is estimated to be slightly below budget and on schedule.	Green
Upgrade to Microsoft 7	1,049.6	160.0	1,209.6	1,049.6	160.0	1,652.0	1,652.0	-	The Roll out of Windows 7 started in the first quarter of 2012. This project is on budget and on schedule.	Green
eTicketing Solution	0.0	1,719.0	1,719.0	45.0	1,674.0	1,719.0	1,719.0	-	Please refer to the body of the report.	Green
<u>Replacements / Maintenance / Equipment Projects:</u>										
State-of-Good-Repair - Police	1,526.0	4,510.0	6,036.0	6,036.0	-	n/a	n/a	n/a	Project is on budget and on schedule.	Green
AFIS	2,814.4	-	2,814.4	2,814.4	-	2,827.0	2,827.0	-	Workflows and factory acceptance test is scheduled in August. Project is on budget and on schedule.	Green
Total Debt-Funded Projects	22,486.7	27,818.6	50,305.3	41,276.7	9,028.6					
<u>Lifecycle Projects (Vehicle & Equipment Reserve)</u>										
Vehicle Replacement	4,048.2	1,757.0	5,805.2	4,422.3	1,382.9	n/a	n/a	n/a	Please refer to the body of the report.	Green
IT-Related Replacements	5,857.0	10,226.0	16,083.0	7,796.8	8,286.2	n/a	n/a	n/a	Please refer to the body of the report.	Green
Other Equipment	4,149.2	1,943.0	6,092.2	4,043.3	2,048.9	n/a	n/a	n/a	Please refer to the body of the report.	Green
Total Lifecycle Projects	14,054.4	13,926.0	27,980.4	16,262.4	11,717.9					
Total Gross Expenditures:	36,541.0	41,744.6	78,285.6	57,539.1	20,746.5	Percent spent:		73.5%		
<u>Less other-than-debt funding:</u>										
Funding from Developmental Charges	-443.0	-1,434.0	-1,877.0	-1,877.0	-	n/a	n/a	n/a		
Recoverable Debt - eTicketing Solution	0.0	-1,719.0	-1,719.0	-45.0	-					
Vehicle & Equipment Reserve	-14,054.4	-13,926.0	-27,980.4	-16,262.4	-11,717.9	n/a	n/a	n/a		
Total Other-than-debt Funding:	-14,497.4	-17,079.0	-31,576.4	-18,184.4	-13,391.9					
Total Net Expenditures:	22,043.7	24,665.6	46,709.3	39,354.7	7,354.6	Percent spent:		84.3%		

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

**#P198. TORONTO POLICE SERVICE MEDICAL ADVISOR – ONE YEAR
CONTRACT EXTENSION FOR WELLSERVE HEALTH CARE
MANAGEMENT FOR 2013**

The Board was in receipt of the following report May 29, 2012 from William Blair, Chief of Police:

Subject: TORONTO POLICE SERVICE MEDICAL ADVISOR - ONE YEAR
CONTRACT EXTENSION FOR WELLSERVE HEALTH CARE
MANAGEMENT FOR 2013

Recommendation:

It is recommended that the Board approve a one year extension to WellServe Health Care Management (WHCM) for Medical Advisory consulting services from January 1, 2013 to December 31, 2013.

Financial Implications:

The estimated cost of the one year extension is \$277,000.00 based on the contracted hourly rate of \$218.00 per hour plus HST, for the period of January 1, 2013 to December 31, 2013. The amount of \$277,000.00 has been included in the 2013 operating budget request.

Background/Purpose:

The current contract for the provision of occupational health and safety and medical advisory consulting services (including the medical management of self-insured short and long-term disability claims management) held by WHCM will expire on December 31, 2012. The original Request for Proposal (RFP) provided for a three year term 2009-2011, with an option to renew for two additional one year periods, if terms and conditions are agreeable to both parties (Min. No. P233/08 refers). In 2011, the Board approved a one year extension for the period of January 01, 2012 to December 31, 2012 (Min. No. P189/11 refers).

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 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, not the employer.

WHCM has provided excellent services in the past and has met the diverse needs of our 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), and sports medicine.

It should be noted that WHCM has voluntarily agreed not to increase its 2013 fees from the 2011 level of \$218.00 per hour. This represents a 34% savings from the Ontario Medical Association recommended hourly rate of \$328.00.

Conclusion:

After evaluation of past services rendered and the voluntary freeze on a discounted rate in their professional fees, it is hereby recommended that WellServe Health Care Management be approved for a one year extension to provide occupational health and safety and medical advisory consulting services for the Service for one additional year commencing January 1, 2013 to December 31, 2013.

Deputy Chief Mike Federico, Corporate Command, will be in attendance to answer any questions the Board may have regarding this report.

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 AUGUST 15, 2012**

**#P199. INDEPENDENT CIVILIAN REVIEW INTO MATTERS RELATING TO
THE G20 SUMMIT – ACCOUNT FOR PROFESSIONAL SERVICES**

The Board was in receipt of the following report July 30, 2012 from Dhun Noria, Acting Chair:

Subject: INDEPENDENT CIVILIAN REVIEW INTO MATTERS RELATING TO THE
G20 SUMMIT (ICR) – FINAL ACCOUNT FOR PROFESSIONAL SERVICES

Recommendation:

It is recommended that the Board approve payment of an account dated July 10, 2012, in the amount of \$139,477.39 and that such payment be drawn from the Board's 2012 operating budget.

Financial Implications:

City Council approved the use of \$480,000 in 2011 surplus funds to continue funding the Independent Civilian Review of matters relating to the G20 Summit (ICR). Surplus funds from the Toronto Police Services Board's 2011 operating budget will be supplemented with surplus funds from the Toronto Police Service 2011 operating budget to make up the \$480,000. This surplus amount will be used to pay invoices received from the Reviewer in 2012.

The total amount invoiced to date is \$1,313,752.37.

Background/Purpose:

At its meeting on September 23, 2010, the Board approved the appointment of Justice John W. Morden to conduct the Independent Civilian Review (ICR) into matters relating to the G20 Summit.

Since September 2010, Justice Morden has submitted the following invoices for services rendered for the ICR:

Period Ending	Amount
October 14, 2010	\$24,008.99
November 14, 2010	\$45,402.32
December 17, 2010	\$42,462.62
January 14, 2011	\$19,899.15
February 10, 2011	\$43,165.19
March 14, 2011	\$84,775.57
April 14, 2011	\$64,935.58

May 13, 2011	\$28,365.43
June 13, 2011	\$64,385.37
June 28, 2011*	\$3,295.00
July 14, 2011	\$58,990.88
August 15, 2011	\$27,378.81
September 22, 2011	\$100,448.00
October 28, 2011	\$50,607.60
November 14, 2011	\$64,102.13
December 15, 2011	\$61,870.28
January 20, 2012	\$20,941.66
February 23, 2012	\$67,766.05
March 13, 2012	\$40,695.43
April 13, 2012	\$67,117.15
May 7, 2012	\$114,404.97
June 7, 2012	\$79,256.80
June 30, 2012	\$139,477.39

* Invoice from the City of Toronto related to the rental of a room for the public hearings.

Discussion:

I have attached a copy of Justice Morden's final account for services rendered up to and including June 30, 2012, in the amount of \$139,477.39. A detailed statement is included on the in-camera agenda for information. It should be noted that a reduction of \$18,470.08 for fees and disbursements have been applied to this account.

Conclusion:

It is, therefore, recommended that the Board approve payment of an account dated July 10, 2012, 2012, in the amount of \$139,477.39 and that such payment be drawn from the Board's operating budget.

The Board approved the foregoing report and noted that a detailed statement of account was considered during the *in camera* meeting (Min. No. C248/12 refers).

DBA
31-7-2012

Heenan Blaikie

Via e-mail and regular mail

Of Counsel
The Right Honourable Pierre Elliott Trudeau, P.C., C.C., C.H., Q.C., FRSC (1984 - 2000)
The Right Honourable Jean Chrétien, P.C., C.C., Q.M., Q.C.
The Honourable Donald J. Johnston, P.C., O.C., Q.C.
Pierre Marc Johnson, G.O.Q., FRSC
The Honourable Michel Bastarache, C.C.
The Honourable René Dussault, O.C., O.Q., FRSC, Ad. E.
The Honourable John W. Morden
Peter M. Blaikie, Q.C.
André Bureau, Q.C.

July 24, 2012

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

File No. 058057-0001

Dear Dr. Mukherjee:

Re: Independent Civilian Review of Matters Related to the G20 Summit

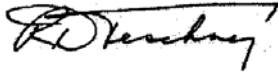
Enclosed please find our account for services rendered up to and including June 28, 2012, which we trust you will find satisfactory. Please note that we have provided the Toronto Police Services Board with a reduction of \$18,470.08 for fees and disbursements to reflect the fee cap with respect to this matter.

With regard to the "Miscellaneous" disbursement on the invoice, this entire amount reflects the cost associated with the printing and binding of the Review's Report.

Lastly, we note that this account will be our final account in this matter.

Yours truly,

Heenan Blaikie LLP



Ryan Teschner

RT/km
Encl.

- c.c. Joanne Campbell [Toronto Police Services Board]
[By email and regular mail]
- c.c. Sheri Chapman [Toronto Police Services Board]
[By email and regular mail]

Ryan Teschner
T 416 543.6890
F 1 866 615.8283
rteschner@heenan.ca

Bay Adelaide Centre
333 Bay Street, Suite 2900
P.O. Box 2900
Toronto, Ontario
Canada M5H 2T4
heenanblaikie.com

Heenan Blaikie LLP, Lawyers | Patent and Trade-mark Agents
Toronto Montreal Vancouver Quebec Calgary Sherbrooke Ottawa Trois-Rivières Victoria
Paris Singapore

Heenan Blaikie LLP

Bay Adelaide Centre
333 Bay Street, Suite 2900
P.O. Box 2900
Toronto, Ontario M5H 2T4
T. 416 360.6336
F. 416 360.8425

LAWYERS

N° 23041774

Page 1

July 10, 2012

PRIVATE & CONFIDENTIAL

Toronto Police Services Board
40 College Street
Toronto, ON
M5G 2J3

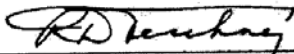
Attention: Joanne Campbell

Reference: File: 058057-0001 Confidential

FOR PROFESSIONAL SERVICES RENDERED for the period ending June 30, 2012

FEES	\$ 116,508.42
DISBURSEMENTS (TAXABLE)	\$ 6,786.11
SUB-TOTAL	<u>\$ 123,294.53</u>
HST (13%)	\$ 16,028.30
DISBURSEMENTS (NON TAXABLE)	\$ 154.56
AMOUNT DUE	<u>\$ 139,477.39</u>

HEENAN BLAIKIE LLP



Ryan Teschner



Toronto Litigation

Reference / File: 058057-0001

GST / HST N° 864865936
QST N° 1090192490TQ0001

Initials: Tlt

PAYABLE UPON RECEIPT

Heenan Blaikie LLP

N° 23041774

Page 2

TERM:	Payment due upon receipt in accordance with section 33 of the <i>Solicitors Act</i> . Interest will be charged at the rate of 3.3% per annum on unpaid fees, charge or disbursements calculated from a date that is one month after this statement is delivered
We have made every effort to include fees and disbursements incurred on your behalf for the current billing period. In the event additional fees or disbursements are subsequently incurred and/or recorded, a subsequent account will be forwarded.	

Reference / File: 058057-0001

GST / HST N° 864865936
QST N° 1090192490TQ0001

Initials: TIt

PAYABLE UPON RECEIPT

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

#P200. PROPERTY EVIDENCE LOCKERS – VENDOR OF RECORD AWARD

The Board was in receipt of the following report July 27, 2012 from William Blair, Chief of Police:

Subject: PROPERTY EVIDENCE LOCKERS – VENDOR OF RECORD AWARD

Recommendations:

It is recommended that:

- (1) the Board approve Pech Consulting Incorporated as the vendor of record for the supply and installation of property evidence lockers for a three-year period commencing September 1, 2012 to August 31, 2015, with two one year options at the discretion of the Board; 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 current property evidence lockers are over fifteen years old and due for a lifecycle replacement. These replacements will be funded from the Vehicle & Equipment Reserve based on available funding. The estimated annual expenditure for the lifecycle replacements is \$300,000. The purchase of any additional property evidence lockers (e.g. for new facilities/expansion) will be funded from the respective approved capital or operating budget.

Background/Purpose:

In the mid-1990s, the Property and Evidence Management Unit (PEMU) implemented the Divisional Locker Management System (DLMS). The DLMS consists of a variety of different sized lockers that are wired to a control panel and computer. The computer uses software to track evidence and property while providing a method to identify lockers available for the storage of evidence or property. The Service's DLMS hardware has not been upgraded since its inception over 15 years ago.

The purpose of this report is to establish a vendor of record to supply and install evidence lockers.

Discussion:

On April 17, 2012, Purchasing Support Services issued a Request for Proposal (RFP) #1127960-12 to select a vendor of record for the supply, delivery and complete installation of property evidence lockers. The RFP closed on May 9, 2012 and two responses were received. The responses were from Spacesaver Solutions Incorporated and Pech Consulting Incorporated.

Each respondent was requested to provide background information to acknowledge conformity with the required specifications. Both respondents were requested to provide a sample locker for review by the evaluation team. The proposal submissions and sample lockers were reviewed and evaluated by members of PEMU, Telecommunication Services and Facilities Management based on the criteria below.

- Compliance with specifications (20 %)
- Evaluation of shop drawings (15%)
- Cost (25 %)
- Delivery and lead time (10%)
- Evaluation of sample locker (30%)

The result of the evaluation was that Pech Consulting Incorporated received the highest score and submitted the lowest cost, and is therefore being recommended as the vendor of record for the supply and installation of evidence lockers.

Conclusion:

The Service requires a vendor of record to be able to supply, deliver and install property evidence lockers. These lockers are a specialty item and not readily available. Consequently, the establishment of a vendor of record is required to ensure conformity and consistency with each existing DLMS site.

As a result of a competitive purchasing process conducted by the Service, Pech Consulting Incorporated is recommended as the vendor of record for the provision of evidence and property lockers.

Mr. Tony Veneziano, Chief Administrative Officer, Administrative Command, will be in attendance to respond to 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 AUGUST 15, 2012**

**#P201. FURNITURE SUPPLY AND INSTALLATION – VENDOR OF RECORD
AWARD**

The Board was in receipt of the following report July 27, 2012 from William Blair, Chief of Police:

Subject: FURNITURE SUPPLY AND INSTALLATION - VENDOR OF RECORD

Recommendations:

It is recommended that:

- (1) the Board approve Mayhew and Associates Inc. as the vendor of record for the supply of furniture and installation services for a period of five years, commencing January 1, 2013 to December 31, 2017; 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 lifecycle replacement of furniture is included in the Service's capital budget program and funded from the Service's Vehicle and Equipment Reserve (Reserve), through contributions from the operating budget. The estimated annual lifecycle replacement requirement from the Reserve is \$750,000. Funds for furniture requirements associated with the construction of new facilities are included in the respective capital budget for those projects. Any additional furniture requirements would be requested through the annual operating budget process and obtained based on budget approval.

Background/Purpose:

Mayhew and Associates Inc. is the current vendor of record for the supply and installation of furniture. The current agreement with Mayhew and Associates Inc. expires on December 31, 2012, as approved by the Board at its meeting of June 9, 2011 (Min. No. P159/11 refers). As a result, the Service conducted a Request for Proposal (RFP) process to select a vendor of record for the supply and installation of furniture. This report provides the results of the RFP process.

Discussion:

RFP# 1127576-12 was issued on March 22, 2012 and closed May 9, 2012. As part of the RFP process, a mandatory vendors meeting was held on April 18, 2012, and five vendors attended this

meeting. The Service received two responses to the RFP and one no-bid submission. The two submissions were evaluated based on the following criteria:

- Pricing including discounts (35%);
- Compliance with specifications & other requirements (25%);
- Experience & references (10%);
- Warrantee Program (10%);
- Resources assigned (10%);
- Occupational Health & Safety, Quality Assurance & Recycling Programs (5%); and
- Financial stability (5%).

The evaluation resulted in Mayhew and Associates Inc. receiving the highest score.

The pricing structure, as per the RFP requirements, provides for a discounted rate from the vendor's list price. The proposal from Mayhew and Associates Inc. includes increased discount rates from the rates provided in the current agreement. A comparison of the current versus the proposed discounts from Mayhew and Associates Inc. is provided below.

Tier	Purchase Range	Current Discount from List Price	Proposed Discount from List Price
1	\$1 ≥ \$100,000	56%	60%
2	\$100,001 ≥ \$2,000,000	67%	68.25%
3	>\$2,000,001	70%	70%+ (negotiable)

Mayhew and Associates Inc.'s price list, as provided in response to the RFP, is in effect for one year, and is the same as the current price list. Any increases to the list price in subsequent years are usually as a result of general inflation, and must be agreed to by the Service.

Conclusion:

The current vendor of record agreement for the supply and installation of furniture expires on December 31, 2012. As a result, an RFP process was conducted to establish a new vendor of record agreement. That process resulted in the selection of Mayhew and Associates Inc. as the recommended vendor of record for the supply and installation of furniture for the five year period commencing January 1, 2013 to December 31, 2017. The submission from Mayhew and Associates Inc. provides an improved discount framework than the current agreement.

Mr. Tony Veneziano, Chief Administrative Officer, Administrative Command, will be in attendance to respond to 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 AUGUST 15, 2012**

**#P202. POLICE TOWING AND POUND SERVICES CONTRACT FOR TOWING
DISTRICT NO. 5: 2012-2015**

The Board was in receipt of the following report July 23, 2012 from William Blair, Chief of Police:

Subject: POLICE TOWING AND POUND SERVICES CONTRACT FOR TOWING
DISTRICT NO. 5: 2012 - 2015

Recommendation:

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

Financial Implications:

There is no direct cost to the Toronto Police Service for entering into these contracts. The costs associated with administering the contracts are recovered through a cost recovery fee charged to the towing operators.

Background/Purpose:

At its meeting of April 19, 2012, the Board awarded the towing and pound services contracts for Towing Districts No. 1, 2, 3, 4, and 6 to the following towing companies effective June 1, 2012 to May 31, 2015 (Min. No. P90/12 refers):

- (i) Towing District No. 1 – JP Towing Service and Storage Ltd.;
- (ii) Towing District No. 2 – Walsh's Auto Service Ltd.;
- (iii) Towing District No. 3 – 1512081 Ontario Ltd.;
- (iv) Towing District No. 4 – Williams Towing Service Ltd.; and
- (v) Towing District No. 6 – A Towing Service Ltd.

No compliant bids were received for Towing District No. 5 other than the bid from A Towing Service Ltd. which could not be accepted as A Towing Service Ltd. was awarded the contract for Towing District No. 6. However, the Board requested A Towing Service Ltd., the current contract provider in Towing District No. 5 at the time, to extend its contract for four months, from June 1, 2012, up to and including, September 30, 2012, under the same terms and conditions. This would allow the Service the time necessary to issue another quotation request for the district.

At its meeting of April 19, 2012, the Board also authorized the Chief of Police, that in the event there were no compliant bids in response to the re-issued quotation request for Towing District No. 5, to request the towing operators in the adjacent towing districts expand the boundaries of those districts, as determined by the Chief of Police, for the duration of the proposed contract term. Further, the Board authorized the Board Chair to execute any agreements reflecting the expansion of the adjacent districts, subject to approval as to form by the City Solicitor.

Discussion:

On April 26, 2012, a quotation request was re-issued for Towing District No. 5. by Purchasing Support Services. No bids were tendered for review on the closing date of the quotation request. Consequently, agreements with the towing operators, reflecting the realigned boundaries, for Towing Districts No. 1, 3, 4 and 6 will be prepared and executed prior to the September 30, 2012 expiry of the current contract extension for Towing District No. 5.

Conclusion:

As a result of no bids being received for Towing District No. 5, the Service has realigned the boundaries for the adjacent districts, and will be amending the respective agreements accordingly.

This report was reviewed by staff in the City of Toronto Legal Division.

Acting Deputy Chief Jane Wilcox, Specialized Operations Command, will be in attendance to answer any questions the Board may have regarding this report.

The Board received the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

**#P203. NEW JOB DESCRIPTION – DNA COORDINATOR, FORENSIC
IDENTIFICATION SERVICES**

The Board was in receipt of the following report June 20, 2012 from William Blair, Chief of Police:

Subject: NEW JOB DESCRIPTION – DNA COORDINATOR, FORENSIC
IDENTIFICATION SERVICES

Recommendation:

It is recommended that the Board approve the attached new civilian job description and classification for the position of DNA Coordinator, Forensic Identification Services (A08066).

Financial Implications:

There are no financial implications related to the recommendation contained in this report as an equivalent Photo Imaging Technician A08 (35 hour) position, at Forensic Identification Services has been deleted and the DNA Coordinator, Forensic Identification Services will now be staffed with a permanent civilian member instead of a uniform member on restricted duties.

Background/Purpose:

Effective April 1, 2012, the Centre of Forensic Sciences (CFS) of Ontario implemented a province-wide policy of electronically distributing responses to Ontario Case Submission forms Deoxyribonucleic Acid (DNA) requests received from external agencies, including police services, to one designate/unit. Forensic Identification Services (FIS) has been designated as the receiving unit for the Service and needs to ensure that responses are properly received and promptly distributed across the Service to investigators, forensic officers and any other necessary personnel, in an efficient and timely manner. In order to adhere to this critical process, FIS has identified the necessity for change and determined that a permanent civilian coordinator, entitled DNA Coordinator, Forensic Identification Services, would be an essential resource for the unit.

Discussion:

Since the implementation of the CFS policy, FIS has been continuously assigning the DNA responsibility to a police constable working restricted duties. During this time, one retirement and two leaves of absence have created an intermittent vacancy in the position. As a result, it is no longer practical or efficient to staff the position with a police constable. This hardship determined that the role could be better managed with a permanent civilian member.

From January to the beginning of December 2011, FIS had 272 DNA hits. This represented an increase over the same period in 2010, with a 60% increase of Crime Scene to Crime Scene hits; a 17% increase of Crime Scene to Convicted Offender hits (Cold Cases); a 35% increase of DNA hits to known offenders; and, a 75% increase of Cold Case Sexual Assault hits. It is imperative that this information continue to be disseminated to the appropriate unit/personnel immediately, so that identified offenders, violent or otherwise, can be apprehended in an expeditious manner and that serial occurrences/offenders can be promptly linked. Recent legislative changes have also added to the workload volume of this position. The changes include additional designated offences for mandatory DNA submission and the acceptance by CFS of multiple DNA submissions for a single incident.

The new job description for the DNA Coordinator, Forensic Identification Services is attached. The position has been evaluated within the Service's job evaluation plan and has been determined to be a Class A08 (35 hour) position within the Unit "A" Collective Agreement. The current salary range for this position is \$61,648.46 to \$69,747.55 per annum effective July 1, 2012.

Conclusion:

It is hereby recommended that the Board approve the job description and classification for the position of DNA Coordinator, Forensic Identification Services (A08066). Subject to Board approval, the Toronto Police Association will be notified accordingly, as required by the collective agreement and this position will be staffed in accordance with established procedure.

Deputy Chief Mike Federico, Corporate Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board approved the foregoing report.



TORONTO POLICE SERVICE
JOB DESCRIPTION

Date Approved:
Board Minute No.:
Total Points: 432.5
Pay Class: A8

JOB TITLE:	DNA Coordinator	JOB NO.:	A08066
BRANCH:	Specialized Operations Command	SUPERSEDES:	NEW
UNIT:	Detective Services	HOURS OF WORK:	35 SHIFTS: 1
SECTION:	Forensic Identification Services	NO. OF INCUMBENTS IN THIS JOB:	1
REPORTS TO:	D/Sgt AFIS	DATE PREPARED:	April 30, 2012

SUMMARY OF FUNCTION:

To coordinate, analyze and disseminate DNA program information and advise the Toronto Police Service in using DNA evidence as an investigative tool and fulfilling its responsibilities in accordance with all legislated requirements. To track, analyze and provide reports on statistics, investigative follow ups and provide recommendations for policy and process development and improvements.

DIRECTION EXERCISED:

Provides guidance to Service personnel on procedures and information relating to DNA.

MACHINES AND EQUIPMENT USED:

Microcomputer with associated software and other related office equipment, as may be required.

DUTIES AND RESPONSIBILITIES:

1. Acts as the Toronto Police Service point of contact for the Centre of Forensic Sciences (CFS) and National DNA Databank (NDDDB) to collate and disseminate information, originating from these sources, to Service personnel and as necessary, to other Police Service personnel related to NDDDB "hits".
2. Responds to destruction notices from CFS and attends the Property & Evidence Management Unit to obtain and destroy DNA.
3. Develops and maintains constant liaison with CFS, NDDDB, provincial and municipal DNA Coordinators, other police agencies, the courts and internal units.
4. Assists service personnel and provides "expert" advice regarding policies, protocols and legislation relating to DNA, to support a consistent law enforcement approach.
5. Develop and deliver presentations, educational materials and instructional guidelines as required.
6. Uploads DNA reports sent by CFS via Enterprise Attachment Transfer Service (EATS) to the Service's Crime Scene Investigation software (CSI).
7. Identifies and informs the Case Managers and Scenes of Crime Officers (SOCO) when a DNA hit is made i.e. when there is a scene to scene or scene to offender match.

The above statements reflect the principal functions and duties as required for proper evaluation of the job and shall not be construed as a detailed description of all the work requirements that may be inherent in the job or incidental to it.



TORONTO POLICE SERVICE
JOB DESCRIPTION

Date Approved:
Board Minute No.:
Total Points: 432.5
Pay Class: A8

JOB TITLE: DNA Coordinator	JOB NO.: A08066
BRANCH: Specialized Operations Command	SUPERSEDES: NEW
UNIT: Detective Services	HOURS OF WORK: 35 SHIFTS: 1
SECTION: Forensic Identification Services	NO. OF INCUMBENTS IN THIS JOB: 1
REPORTS TO: D/Sgt AFIS	DATE PREPARED: April 30, 2012

DUTIES AND RESPONSIBILITIES: (cont'd)

8. Analyzes Scene to Scene hits to determine if older scenes have any DNA hits. Analyzes Scene to Offender hits through ECOPS and/or CIPS to verify status of the convicted offender and notifies CFS.
9. Researches the CFS history of a scene to offender or a scene to scene hit in the Toronto Police DNA hits database and updates CSI.
10. With DNA cold hits, verifies on CSI if fingerprints were lifted from the scene and not yet identified. If so, retrieves these lifted scene prints and requests that a fingerprint technician compares the unidentified prints with the fingerprints of the convicted offender.
11. Gathers and disseminates statistics and follows up on information relating to NDDDB "hits" as provided by NDDDB. Ensures a subsequent investigation is completed should evidence be outstanding.
12. Prepares written correspondence regarding DNA results and related DNA information to outside agencies and service members.
13. Verifies disposition dates and judge DNA orders on CIPS. Verifies judge DNA orders (dates and names) with Court Services DNA Coordinator.
14. Receives Firearm and Break and Enter reports and High Volume Service letters from CFS, updates CSI and/or ECOPS accordingly and forwards information to SOCO and Case Managers.
15. Files all scene to offender and scene to scene hits.
16. Performs all other duties, functions and assignments inherent to the position.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

**#P204. NEW JOB DESCRIPTION – E-LEARNING SPECIALIST, TORONTO
POLICE COLLEGE**

The Board was in receipt of the following report June 20, 2012 from William Blair, Chief of Police:

Subject: NEW JOB DESCRIPTION – E-LEARNING SPECIALIST, TORONTO POLICE
COLLEGE

Recommendation:

It is recommended that the Board approve the attached new civilian job description and classification for the position of e-Learning Specialist, Toronto Police College (A08067).

Financial Implications:

There are no financial implications related to the recommendation contained in this report as a vacant Senior Analyst A12 (35 hour) position, at the Toronto Police College has been deleted and replaced with the above noted new position. Current year gapping savings are dependent upon the timing of the backfill; however, the decrease in cost will result in an annualized savings of approximately \$32,000.

Background/Purpose:

The primary method of instruction at the Toronto Police College (TPC) has been in the traditional classroom. In the interest of providing more current learning practices and more effective delivery of training, the TPC has determined that there be an increased emphasis on e-learning. To achieve the best outcomes, the TPC has identified the need and determined that a permanent civilian position entitled, e-Learning Specialist, Toronto Police College, would be most effective. The Learning Development and Standards (LD&S) section of the TPC is responsible for e-learning. This includes the development and delivery of training materials through the TPS Learning Management System portal on the Canadian Police Knowledge Network. In addition to the favourable economic benefits, other advantages include convenience, standardized delivery, self-paced learning, and a variety of available content which has made e-learning a high training priority of the Service.

Discussion:

In order to realize the benefits of e-learning, the TPC will replace a vacant Senior Analyst A12 (35 hour) position, with an e-Learning Specialist A08 (35 hour) position. By doing so, this staffing change will further enhance the goal of being a learning organization and increase the ability to produce e-learning modules that are highly robust.

The new job description for the e-Learning Specialist, Toronto Police College is attached. The position has been evaluated within the Service's job evaluation plan and has been determined to be a Class A08 (35 hour) position within the Unit "A" Collective Agreement. The current salary range for this position is \$61,648.46 to \$69,747.55 per annum effective July 1, 2012.

Conclusion:

It is hereby recommended that the Board approve the job description and classification for the position of e-Learning Specialist, Toronto Police College (A08067). Subject to Board approval, the Toronto Police Association will be notified accordingly, as required by the collective agreement and this position will be staffed in accordance with established procedure.

Deputy Chief Mike Federico, Corporate Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board noted that the Chief's Internal Organizational Review (CIOR) includes a review of the delivery of training programs to TPS members and asked whether or not a new position for an e-learning specialist would pre-determine the outcome of the CIOR.

Deputy Chief Mike Federico, Corporate Command, advised the Board that, while part of the CIOR will review the delivery of training, there is an opportunity to fill a civilian vacancy and allow the sergeant who is currently performing the e-learning role to return to a core policing function. Deputy Federico also said that he anticipates that the CIOR will recommend the expansion of e-learning and that the approval of a new position for e-learning now would provide an opportunity to advance e-learning within the TPS.

The Board noted that computer science and technology skills and knowledge were primary components of the duties and responsibilities, the educational requirements and the additional requirements of the new position and that there was no requirement in the job description of background in the pedagogical aspects of developing e-learning programs. The Board said that, based upon the current requirements in the job description, it appears that the position is similar to an IT technician as opposed to a true e-learning specialist.

The Board received the foregoing report and approved the following Motion:

THAT the Board request the Chief of Police to review the job description and submit a further report containing a revised job description that contains emphasis on the pedagogical side of e-learning.



TORONTO POLICE SERVICE
JOB DESCRIPTION

Date Approved:
Board Minute No.:
Total Points: 437.5
Pay Class: A08

JOB TITLE:	e-Learning Specialist	JOB NO.:	A08067
BRANCH:	Corporate Command – Human Resources Mangement	SUPERSEDES:	NEW
UNIT:	Toronto Police College	HOURS OF WORK:	35 SHIFTS: 1
SECTION:	Learning Development & Standards	NO. OF INCUMBENTS IN THIS JOB:	1
REPORTS TO:	Staff Sergeant, Learning Development & Standards	DATE PREPARED:	May 18, 2012

SUMMARY OF FUNCTION:

To develop and implement e-learning courses and to support the maintenance, testing and administration of the Toronto Police Service (TPS) Learning Management System (LMS) Portal on the Canadian Police Knowledge Network (CPKN).

DIRECTION EXERCISED:

Responsible for the development of e-training courses and provides support to end users. Opportunities to make presentations as required.

MACHINES AND EQUIPMENT USED:

Standard TPS workstation, stand alone Windows PC, Apple Mac and MacBook Pro with specialized e-learning, graphic and multi-media software. Cameras and any related audio/visual and office equipment as may be required.

DUTIES AND RESPONSIBILITIES:

1. Works collaboratively with subject matter experts to develop e-learning course content.
2. Designs online courses by utilizing current multi-media design/development software such as Adobe Flash, Adobe Captivate, Articulate and programming in Action Script 3. May also include the planning, capturing, editing and production of audio, video and photographs and using graphic software to create and/or edit graphics.
3. Configures, conducts testing and implements e-learning modules on to the Toronto Police Service (TPS) Learning Management System (LMS) Portal on the Canadian Police Knowledge Network (CPKN) ensuring functionality and quality control.
4. Designs, develops and maintains the Toronto Police College intranet website.
5. Provides day to day maintenance and administration of the TPS LMS Portal on the CPKN which includes verification that end users meet required course pre-requisites.
6. Provides end user support for the TPS LMS Portal on the CPKN.
7. Develops and delivers presentations on e-learning as required.
8. Maintains resource portal that shares course, training, and workshop information between GTA Police Services.
9. Performs all other duties, functions and assignments inherent to the position.

The above statements reflect the principal functions and duties as required for proper evaluation of the job and shall not be construed as a detailed description of all the work requirements that may be inherent in the job or incidental to it.



TORONTO POLICE SERVICE
JOB SPECIFICATIONS

Date Approved:
Board Minute No.:
Total Points: 437.5
Pay Class: A08

JOB TITLE:	e-Learning Specialist	JOB NO.:	A08067
BRANCH:	Corporate Command – Human Resources Mangement	SUPERSEDES:	NEW
UNIT:	Toronto Police College	HOURS OF WORK:	35 SHIFTS: 1
SECTION:	Learning Development & Standards	NO. OF INCUMBENTS IN THIS JOB:	1
REPORTS TO:	Staff Sergeant, Learning Development & Standards	DATE PREPARED:	May 18, 2012

EDUCATION:

- A university degree or college diploma in Computer Science, Computer Studies, Graphic Design, Computer Animation, Game Design or an approved combination of education, training and experience.

ADDITIONAL REQUIREMENTS:

- Minimum of 1 one (1) year of related work experience in the area of e-learning.
- Must have experience with Adobe Flash, Adobe Photoshop, Microsoft Office Suite – Powerpoint and experience in programming languages such as Action Script, JavaScript, HTML, PHP.
- Working knowledge of Adobe Captivate, Adobe Illustrator, Adobe Soundbooth, Adobe Acrobat Pro, Articulate, Final Cut Pro, Motion 3, Apache Server, MySQL, Joomla CMS and Moodle LMS would be considered an asset.
- Exceptional organizational skills, with the ability to multi-task.
- Must be able to work independently and use own initiative to set priorities and problem solve.
- Excellent interpersonal and presentation skills with the ability to communicate effectively both orally and in writing.
- Requires creative and evaluative skills to design visually appealing and interactive online courses and to create and enhance graphics and videos.

QUALIFYING PERIOD:

- One (1) year

The above statements reflect the principal functions and duties as required for proper evaluation of the job and shall not be construed as a detailed description of all the work requirements that may be inherent in the job or incidental to it.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

#P205. LEGAL INDEMNIFICATION - CASE NO. 963/2006

The Board was in receipt of the following report July 13, 2012 from William Blair, Chief of Police:

Subject: LEGAL INDEMNIFICATION CASE NO. 963/2006

Recommendation:

It is recommended that the Board deny a portion of the legal account dated February 7, 2006, in the amount \$509.32, from Mr. James Burke for his representation of three officers in relation to a Special Investigations Unit (SIU) investigation.

Financial Implications:

There are no financial implications relating to the recommendations contained within this report. Funding of the legal indemnification cost of \$4,243.09 is available in the 2012 operating budget.

Background/Purpose:

Three officers have requested payment of their legal fees as provided for in the legal indemnification clause of the uniform collective agreement. The purpose of this report is to recommend denial of a portion of the invoice that City Legal has determined is not necessary and reasonable.

Discussion:

This report corresponds with additional information provided on the confidential agenda.

Conclusion:

Article 23:10 of the uniform collective agreement for 2005 stated:

For the purposes of this provision, "necessary and reasonable legal costs" shall be based on the account rendered by the solicitor performing the work, subject initially to the approval of the City of Toronto Solicitor and, in the case of dispute between the solicitor doing the work and the City of Toronto solicitor, taxation on a solicitor and client basis by the taxing officer.

The account totalled \$4,752.41 for legal services. City Legal deemed a portion of the invoice in the amount of \$509.32 not necessary and reasonable for payment. The balance of the account, \$4,243.09 being necessary and reasonable, will be paid as recommended by City Legal.

Deputy Chief Mike Federico, Corporate Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board approved the foregoing report and noted that additional information was considered during the *in camera* meeting (Min. No. C250/12 refers).

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

#P206. LEGAL INDEMNIFICATION - CASE NO. 961/2006

The Board was in receipt of the following report June 27, 2012 from William Blair, Chief of Police:

Subject: LEGAL INDEMNIFICATION CASE NO. 961/2006

Recommendation:

It is recommended that the Board deny a portion of the legal account dated February 6, 2006, in the amount of \$717.50, from Mr. James Burke for his representation of two officers in relation to a Special Investigations Unit (SIU) investigation.

Financial Implications:

There are no financial implications relating to the recommendations contained within this report. Funding of the legal indemnification cost of \$3,446.94 is available in the 2012 operating budget.

Background/Purpose:

Eight officers have requested payment of their legal fees as provided for in the legal indemnification clause of the uniform collective agreement. The purpose of this report is to recommend denial of a portion of the invoice that City Legal has determined is not necessary and reasonable.

Discussion:

This report corresponds with additional information provided on the confidential agenda.

Conclusion:

Article 23:10 of the uniform collective agreement of 2005 states:

For the purposes of this provision, "necessary and reasonable legal costs" shall be based on the account rendered by the solicitor performing the work subject initially to the approval of the City of Toronto Solicitor and, in the case of dispute between the solicitor doing the work and the City of Toronto Solicitor, taxation on a solicitor and client basis by the taxing officer.

The account totalled \$4,164.44 for legal services. City Legal deemed a portion of the invoice in the amount of \$717.50 not necessary and reasonable for payment. The balance of the account, \$3,446.94 being necessary and reasonable will be paid as recommended by City Legal.

Deputy Chief Mike Federico, Corporate Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board approved the foregoing report and noted that additional information was considered during the *in camera* meeting (Min. No. C251/12 refers).

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

#P207. LEGAL INDEMNIFICATION – CASE NO. 964/2006

The Board was in receipt of the following report July 13, 2012 from William Blair, Chief of Police:

Subject: LEGAL INDEMNIFICATION CASE NO. 964/2006

Recommendation:

It is recommended that the Board deny a portion of the legal account dated February 6, 2006, in the amount of \$700.31, from Mr. James Burke for his representation of two officers in relation to a Special Investigations Unit (SIU) investigation.

Financial Implications:

There are no financial implications relating to the recommendations contained within this report. Funding of the legal indemnification cost of \$2,179.60 is available in the 2012 operating budget.

Background/Purpose:

Two officers have requested payment of their legal fees as provided for in the legal indemnification clause of the uniform collective agreement. The purpose of this report is to recommend denial of a portion of the invoice that City Legal has determined is not necessary and reasonable.

Discussion:

This report corresponds with additional information provided on the confidential agenda.

Conclusion:

Article 23:10 of the uniform collective agreement of 2005 states:

For the purposes of this provision, “necessary and reasonable legal costs” shall be based on the account rendered by the solicitor performing the work subject initially to the approval of the City of Toronto Solicitor and, in the case of dispute between the solicitor doing the work and the City of Toronto Solicitor, taxation on a solicitor and client basis by the taxing officer.

The account totalled \$2,879.91 for legal services. City Legal deemed a portion of the invoice in the amount of \$700.31 not necessary and reasonable for payment. The balance of the account, \$2,179.60 being necessary and reasonable for payment will be paid as recommended by City Legal.

Deputy Chief Mike Federico, Corporate Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board approved the foregoing report and noted that additional information was considered during the *in camera* meeting (Min. No. C252/12 refers).

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

#P208. LEGAL INDEMNIFICATION – CASE NO. 1483/2011

The Board was in receipt of the following report May 29, 2012 from William Blair, Chief of Police:

Subject: LEGAL INDEMNIFICATION CASE NO. 1483/2011

Recommendation:

It is recommended that the Board deny payment of the legal account from Mr. Harry Black dated September 14, 2011, in the amount of \$1,098.93 for his representation of six officers and a parking enforcement officer in relation to an application for disclosure of their statements made during the course of a Special Investigations Unit (SIU) investigation.

Financial Implications:

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

Background/Purpose:

Six officers and a parking enforcement officer have requested payment of legal fees for \$1,098.93 under the Memorandum of Understanding (MOU) contained within the legal indemnification clause of the uniform and unit C collective agreements. The purpose of this report is to recommend denial of the claim.

Discussion:

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

Conclusion:

The MOU between the Toronto Police Services Board and the Toronto Police Association dated May 28, 2003, states:

Article 23 of the Uniform Agreement (and similar clauses in the civilian agreements) shall be amended to add a new provision that the Board shall provide legal counsel to represent the member in respect of any attempt during a legal proceeding; where the member is a witness because of actions of the member in the attempted performance in good faith of the member's duties with the Toronto Police Service, to obtain access to the personnel or other records of the member maintained on a confidential and restricted basis by the

Toronto Police Service provided that adequate notice of the attempted access is given by the member in accordance with Service procedures and provided that the person designated by the Chief to appoint or designate such legal counsel is satisfied that, unless legal representation is provided, access to such personnel record may be ordered by the Court or other tribunal.

Statements given by members to the SIU are not personnel records of the members nor are these files maintained on a confidential and restricted basis by the Toronto Police Service. Therefore, this account does not meet the threshold to be considered for legal indemnification pursuant to the MOU of the uniform and unit C collective agreements.

Based on the foregoing, payment of the legal account should be denied.

Deputy Chief Mike Federico, Corporate Command, will be in attendance to answer any questions that the Board members may have regarding this report.

The Board approved the foregoing report and noted that additional information was considered during the *in camera* meeting (Min. No. C253/12 refers).

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

#P209. LEGAL INDEMNIFICATION – CASE NO. 1436/2011

The Board was in receipt of the following report May 29, 2012 from William Blair, Chief of Police:

Subject: LEGAL INDEMNIFICATION CASE NO. 1436/2011

Recommendation:

It is recommended that the Board deny payment of the legal account from Mr. Joseph Markson dated April 13, 2011, in the amount of \$20,535.49 for his representation of two Detective Constables in relation to an application for disclosure of the officers' statements made during the course of a Special Investigations Unit (SIU) investigation.

Financial Implications:

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

Background/Purpose:

Two detective constables have requested payment of legal fees for \$20,535.49 under the Memorandum of Understanding (MOU) contained within the legal indemnification clause of the uniform collective agreement. The purpose of this report is to recommend denial of the claim.

Discussion:

This report corresponds with additional information provided on the confidential agenda.

Conclusion:

The MOU between the Toronto Police Services Board and the Toronto Police Association dated May 28, 2003, states:

“Article 23 of the Uniform Agreement (and similar clauses in the civilian agreements) shall be amended to add a new provision that the Board shall provide legal counsel to represent the member in respect of any attempt during a legal proceeding; where the member is a witness because of the actions of the member in the attempted performance in good faith of the member’s duties with the Toronto Police Service, to obtain access to the personnel or other records of the member maintained on a confidential and restricted basis by the Toronto Police

Service provided that adequate notice of the attempted access is given by the member in accordance with Service procedures and provided that the person designated by the Chief to appoint or designate such legal counsel is satisfied that, unless legal representation is provided, access to such personnel record may be ordered by the Court or other tribunal.”

Statements given by members to the SIU are not personnel records of the members nor are these files maintained on a confidential and restricted basis by the Toronto Police Service. Therefore, this account, it does not meet the threshold to be considered for legal indemnification pursuant to the MOU of the uniform collective agreement.

Based on the foregoing, payment of the legal bill should be denied.

Deputy Chief Mike Federico, Corporate Command, will be in attendance to answer any questions that the Board members may have regarding this report.

The Board approved the foregoing report and noted that additional information was considered during the *in camera* meeting (Min. No. C254/12 refers).

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

#P210. LEGAL INDEMNIFICATION – CASE NO. 1434/2011

The Board was in receipt of the following report May 29, 2012 from William Blair, Chief of Police:

Subject: LEGAL INDEMNIFICATION CASE NO. 1434/2011

Recommendation:

It is recommended that the Board deny payment of the legal account from Mr. Joseph Markson dated April 13, 2011, in the amount of \$34,163.85 for his representation of four Police Constables in relation to an application for disclosure of the officers' statements made during the course of a Special Investigations Unit (SIU) investigation and the psychological counselling records of one of the officers.

Financial Implications:

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

Background/Purpose:

Four police constables have requested payment of legal fees for \$34,163.85 pursuant to the Memorandum of Understanding (MOU) contained within the legal indemnification clause of the uniform collective agreement. The purpose of this report is to recommend denial of the claim.

Discussion:

This report corresponds with additional information provided on the confidential agenda.

Conclusion:

The Memorandum of Understanding between the Toronto Police Services Board and the Toronto Police Association dated May 28, 2003, states:

Article 23 of the Uniform Agreement (and similar clauses in the civilian agreements) shall be amended to add a new provision that the Board shall provide legal counsel to represent the member in respect of any attempt during a legal proceeding; where the member is a witness because of actions of the member in the attempted performance in good faith of the member's duties with the Toronto Police Service, to obtain access to the personnel or other records of the member maintained on a confidential and restricted basis by the

Toronto Police Service provided that adequate notice of the attempted access is given by the member in accordance with Service procedures and provided that the person designated by the Chief to appoint or designate such legal counsel is satisfied that, unless legal representation is provided, access to such personnel record may be ordered by the Court or other tribunal.

Statements given by members to the SIU and psychological counselling reports are not records of the members or files maintained on a confidential and restricted basis by the Toronto Police Service. Therefore, this account does not meet the threshold to be considered for legal indemnification pursuant to the MOU of the uniform collective agreement.

Based on the foregoing, payment of the legal bill should be denied.

Deputy Chief Mike Federico, Corporate Command, will be in attendance to answer any questions that the Board members may have regarding this report.

The Board approved the foregoing report and noted that additional information was considered during the *in camera* meeting (Min. No. C255/12 refers).

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

#P211. CENTRAL JOINT HEALTH AND SAFETY COMMITTEE

The Board was in receipt of a copy of the Minutes from the Central Joint Health and Safety Committee meeting held on June 27, 2012. A copy of the Committee Minutes is appended to this Minute for information.

The foregoing Minutes were considered in conjunction with confidential Minutes that were also prepared for the same meeting (Min. No. C243/12 refers).

The Board received the Minutes from the Committee meeting held on June 27, 2012.



Central Joint Health and Safety Committee

- MEETING MINUTES -

**Conference Room 7A
Toronto Police Headquarters
Toronto, Ontario**

**Wednesday,
June 27, 2012
at 10:00 AM**

Meeting No. 45

Members: Present: Mr. Larry Molyneaux, TPA, Committee Co-Chair
Deputy Chief Mike Federico, TPS, Command Representative
Mr. Rick Perry, TPA, Executive Representative

Absent: Dr. Alok Mukherjee, TPSB, Committee Co-Chair

Also Present: Ms. Wendy Ryzek, Acting Manager, Occupational Health & Safety
Sgt. Gary Haitzer, Safety Officer, Occupational Health & Safety
Ms. Deirdre Williams, Recording Secretary

Guests: Ms. Fahreda Caissie, Records Management
S/Sgt. Chris Boddy, Human Resources Management
DC Karen Boyd, Detective Services
Det. Lawrence Chow, Audit & Quality Assurance
Mr. Craig Smyth, Video Services Unit
Mr. Rob Connor, Video Services Unit
Ms. Nina Serafini, Video Services Unit
Ms. Angelina Mason, Sex Crimes
Ms. Pinaz Dubash, Occupational Health & Safety
Ms. Christine Bortkiewicz, Human Resources Support Services
Mr. Tim Hunter, Courier Services
Mr. John Sandeman, Video Services Unit
S/Sgt. Rick Murdoch, Occupational Health & Safety

Chair for this Meeting: Mr. Larry Molyneaux, Co-Chair

Opening of the Meeting:

1. Mr. Molyneaux noted that, given the absence of Dr. Mukherjee, the meeting would not conform with the established standard for conducting an official meeting as outlined in its Terms of Reference – Quorum, in that:

The Committee shall have an equal number of Management and Association members present in order to conduct business.

The Committee agreed to waive the abovenoted portion of the Terms of Reference and, in the case of this meeting, determined that it would consider it to be an officially constituted meeting of the Committee.

Mr. Molyneaux extended a welcome to the guests and provided an overview of the Central Joint Health and Safety Committee and explained how it works in conjunction with the Local Joint Health and Safety Committees (“local JHSCs”), which are operating throughout the Toronto Police Service.

2. The Committee approved the public Minutes from its meeting held on March 29, 2012, with the following clarification:
 - item no 6 – 10th Annual Law Enforcement Occupational Safety & Health Conference – Mr. Molyneaux noted that when the TPA suggested that Sgt. Gary Haitzer would be an ideal candidate to attend the conference on behalf of TPS management, Mr. Molyneaux should have indicated that it was intended that Sgt. Haitzer would attend as a worker representative for the Headquarters’ local JHSC. Mr. Molyneaux noted that Dr. Mukherjee had prepared written comments about the proposed clarification (copy attached to these Minutes for information).

The Committee approved the confidential Minutes from its meeting held on March 29, 2012.

The Committee considered the following matters:

3. Video Services Unit

Mr. Rob Connor, member of the Video Services Unit and worker representative on the Headquarters local JHSC, advised that, at this time, there were no concerns regarding health and safety requirements or issues arising from work that is performed at the Video Services Unit.

Following the meeting, Mr. John Sandeman conducted a tour of the Video Services Unit for the Committee members and the guests who attended this meeting.

Status:	Video Services Unit: <u>Resolved.</u>
Action:	The Committee agreed that this matter has been resolved and that no further action is required at this time.

4. Update on Attendance at the 10th Annual Law Enforcement Occupational Safety & Health Conference
Update by: Deputy Chief Mike Federico, Command Representative
Ms. Wendy Ryzek, Acting Manager, OHS

Deputy Federico introduced Ms. Wendy Ryzek and said that she is currently the Acting Manager of the Occupational Health and Safety Unit. Deputy Chief Federico said that, while he appreciated the TPA's offer to pay the expenses related to Sgt. Gary Haitzer's attendance at the 10th Annual Law Enforcement Occupational Safety and Health Conference, Ms. Ryzek was ultimately selected to attend the conference, and not Sgt. Haitzer, as it was deemed more appropriate for Ms. Ryzek to attend in her capacity as Acting Manager of OHS.

Ms. Ryzek provided a brief oral overview of the conference. Speakers and topics of particular interest were:

- Lieutenant Colonel (Ret'd.) Stéphane Grenier, who delivered a presentation on "PTSD – Giving Purpose to Lived Experience Via Peer Group Assistance." Ms. Ryzek relayed that LCol Grenier believes that most people will, at some point in their lives, experience a mental health issue and that it could be attributed to a loss, grief, a trauma or operational stress. Ms. Ryzek said that while some people may be reluctant to acknowledge that they have experienced a mental health issue, particularly in the workplace, they may freely acknowledge that they have experienced an "occupational stress injury", a term created by LCol Grenier. LCol Grenier shared his own experience with PTSD and depression following a period of military work in Rwanda and described how he now advocates for the development of peer support programs in the workplace.
- Superintendent Mark Brown, York Regional Police, who presented details of the "Cruiser Speed Monitoring Program," a safe arrival initiative implemented by the York Regional Police to reduce critical injuries arising from on-duty vehicle collisions. Ms. Ryzek advised the Committee that in one year (2009), there were 16,000 occasions in which York Regional police officers exceeded a speed of 130 km per hour in their vehicles and that critical injuries related to collisions involving vehicles driving in excess of 130 km per hour represented a significant number of the total number of critical injuries experienced by York Regional members. Since the implementation of the safe arrival initiative, collisions involving York Regional vehicles have decreased by 90%.

The Committee discussed the feasibility of inviting LCol Grenier to be a speaker at the TPS- 2012 Occupational Health and Safety Awareness Day on October 03, 2012.

Mr. Molyneaux noted that the 2013 Annual Law Enforcement Occupational Safety & Health Conference will take place on June 21 and 22, 2013 in Peel Region and recommended that, if funds are available, the TPS send as many local JHSC worker representatives to the conference as possible.

Written notes provided by Deputy Chief Federico on this matter are attached to these Minutes for information. No written notes were submitted by Ms. Ryzek.

Status:	10th Annual Law Enforcement Occupational Safety & Health Conference: Resolved.
Action:	The Committee agreed that this matter has been resolved and that no further action is required at this time.

Quarterly Update:

5. TPS Wellness Issues and Initiatives
Update by: Deputy Chief Mike Federico, Command Representative

Deputy Chief Federico updated the Committee on the wellness initiatives that are in place and the initiatives that are being developed across the TPS.

Written notes provided by Deputy Chief Federico on this matter are attached to these Minutes for information.

Status:	Quarterly Update: TPS Wellness Issues and Initiatives: Ongoing
Action:	Deputy Federico will provide a further update in three months.

Semi-Annual Update:

6. Critical Injuries Involving TPS Members and New Training or Awareness Initiatives to Prevent Critical Injuries
Update by: Deputy Chief Mike Federico, Command Representative

Deputy Chief Federico advised the Committee that a review of the critical injuries involving members who were riding bicycles at the time that their injuries occurred determined that the injuries were caused by general riding accidents. Deputy Chief Federico said that future accidents may be prevented by providing additional training to the members as opposed to adjusting bicycle equipment or safety tactics.

Deputy Chief Federico provided a statistical summary of the critical injuries that have occurred to date in 2012 and compared them to the number of critical injuries that occurred in 2011.

Mr. Molyneaux said that when a member is critically injured, the Ministry of Labour is notified by the TPS and the member's local JHSC is responsible for conducting an investigation regarding the incident. Mr. Molyneaux said that he believes that a copy of the report prepared by the local JHSC at the completion of its investigation should be provided to the Committee for information.

Sgt. Haitzer described the steps that occur following a critical injury, these included: advising the Ministry; conducting the investigation; completing the report; advising the Ministry of the findings; identifying any trends based on the types of critical injuries that are occurring (e.g. the trend in bicycle-related injuries and the need for additional training); and making recommendations, where appropriate.

Sgt. Haitzer also said that OHS retains copies of the local JHSC critical injury investigation reports and that information on all critical injuries is reported to the Toronto Police Services Board on a quarterly basis.

In response to a question by Mr. Molyneaux, S/Sgt. Murdoch advised the Committee that the local JHSC report regarding the death of Sgt. Ryan Russell is “on hold” pending the conclusion of the criminal matters. Mr. Molyneaux said that, to date, the Ottawa Police Service is the only police service in Canada that has completed a critical injury investigation report pertaining to the death of a police officer.

Written notes provided by Deputy Chief Federico with regard to critical injury statistics are attached to these Minutes for information.

Status:	Semi-Annual Update: Critical Injuries Involving TPS Members and New Training or Awareness Initiatives to Prevent Critical Injuries: <u>Resolved</u>
Action:	Deputy Federico will provide a further update in six months.

Status:	Request for Copies of Critical Injury Investigation Reports: <u>Ongoing</u>
Action:	The Committee will consider this matter at its next meeting when all members are present.

New Matters:

7. Court Services – Evidence Submitted in Court
Update by: Mr. Larry Molyneaux, Co-Chair

Mr. Molyneaux advised the Committee that he was recently asked whether or not the TPS provides training to Court Security Officers on how to prepare for, and cope with, graphic details they may hear or graphic evidence they may see when they are in court.

Mr. Sandeman said that members of Video Services often view graphic images on videos and that they, too, should be considered if training is offered to members on how to prepare for, and cope with, exposure to graphic information.

Deputy Chief Federico said that there is a process in place to provide emotional survivor assistance to members in some high-risk units but that he was not aware of any specific training that might be available for Court Security Officers. Mr. Molyneaux said that emotional survivor assistance is a reactive measure and asked whether or not a proactive measure, such as training, is available for members. Deputy Chief Federico said that he and Ms. Ryzek would review this matter and would provide a response at the next meeting.

No written notes with regard to this matter were provided by Mr. Molyneaux.

Status:	Court Services – Evidence in Court: <u>Ongoing</u>
Action:	Deputy Chief Federico will provide an update at the next meeting.

8. Status - Health and Safety Planner, Occupational Health and Safety
Update by: Mr. Larry Molyneaux, Co-Chair

Mr. Molyneaux inquired about the status of the appointment of a new Health and Safety Planner. Deputy Chief Federico advised the Committee that a job call had been issued, a candidate had been selected and a recommendation to appoint a new Health and Safety Planner would be submitted to the Toronto Police Services Board for its July 2012 meeting.

No written notes with regard to this matter were provided by Mr. Molyneaux.

Status:	Status: Health and Safety Planner, Occupational Health & Safety: <u>Resolved</u>
Action:	The Committee agreed that this matter has been resolved and that no further action is required at this time.

9. Suggestions for the TPS 2012 Occupational Health and Safety Awareness Day
Update by: Sgt. Gary Haitzer, Safety Officer, OHS

Sgt. Haitzer noted that the 2012 Occupational Health and Safety Awareness Day would take place on October 03, 2012 and asked whether or not there was an interest in scheduling presentations on exposure to rabies or bed bugs. The Committee agreed that its first choice would be a presentation by LCol (Ret'd.) Stéphane Grenier, and asked Ms. Ryzek to contact LCol Grenier on behalf of the Committee and invite him to speak at the OHS Awareness Day. The Committee discussed the approximate amount of LCol Grenier's speaking fee. Mr. Molyneaux said that the TPA could make a contribution towards the speaking fee, if necessary. The Committee said it would make a decision on the possibility of presentations related to rabies or bed bugs after it receives a response from LCol Grenier.

Status:	Suggestions for the TPS 2012 Occupational Health and Safety Day: <u>Ongoing</u>
Action:	Ms. Ryzek will provide an update at the next meeting.

Guests' Comments and Suggestions:

Ms. Christine Bortkiewicz, Manager, Human Resources Support Services, said that 50 TPS members recently attended peer support training and that there will now be one peer support representative in every TPS unit.

Det. Lawrence Chow, Audit and Quality Assurance, said that some front-line officers have responded to calls involving individuals under the influence of MDPV, also known as "bath salts." Det. Chow said that the behaviour of individuals who have taken bath salts can change significantly; they may experience excited delirium, possess extraordinary strength and may be combative. Det. Chow asked whether or not any steps

will be taken to warn front-line officers about the potential safety risks they may experience when dealing with individuals under the influence of bath salts. Mr. Molyneaux said that, when processing prisoners, booking officers are required to ask the prisoners if they have ingested any drugs. Mr. Molyneaux encouraged Det. Chow to discuss his concerns with his local JHSC.

Sgt. Gary Haitzer advised the Committee that copies of the revised TPSB OHS policy had been circulated to all units and divisions across the TPS. Sgt. Haitzer also provided an update on the circulation of information pertaining to the Peel Regional Police *Personal Protective Strategy Model for Infection Prevention and Control* which was discussed at the Committee's March 29, 2012 meeting. Written notes pertaining to these two matters were provided and are attached to these Minutes for information.

S/Sgt. Rick Murdoch, Occupational Health and Safety, referred to the comments made by Mr. Molyneaux pertaining to situations in which Court Security Officers have been exposed to graphic evidence in court, and said that civilian members assigned to the Major Incident Command Centre have been exposed to graphic images. S/Sgt. Murdoch also said that most of the civilian members would not normally be exposed to those types of images when they are performing their usual work.

****Confidential Matters****

The Committee also considered several confidential matters.

Details of the Committee's discussions and decisions regarding these matters have been recorded in confidential Minutes which form part of the Minutes for this meeting.

Next Meeting:

Date: Tuesday, September 11, 2012
Time: 1:00 PM
Location: Toronto Police Service – Mounted Unit

Members of the Central Joint Health and Safety Committee:

Dr. Alok Mukherjee, Co-Chair Toronto Police Services Board	Mr. Larry Molyneaux, Co-Chair Toronto Police Association
Deputy Chief Mike Federico, Command Representative, Toronto Police Service	Mr. Rick Perry, Executive Representative Toronto Police Association

CJHSC Minutes, March 29, 2012

10th Annual Law Enforcement Occupational Safety & Health Conference

A question has been raised regarding the accuracy of the following statement in the Minutes:

Mr. Molyneaux suggested that Sgt. Haitzer, the TPS Safety Officer in Occupational Health and Safety, would be an ideal candidate to attend the conference on behalf of TPS management. Mr. Molyneaux also said that if the TPS is not able to send Sgt. Haitzer due to current financial constraints, the TPA is willing to pay the conference registration and accommodation costs for Sgt. Haitzer.

With respect to the reference to Sgt. Haitzer attending “the conference on behalf TPS management,” it has been pointed out that this is an error because “Gary sits on the HQ local JHS as a worker rep”.

It is my recollection that the discussion related to the desirability of both management and Association representatives being present at the conference together. In that context, as I recall, Co-Chair Molyneaux suggested that Sgt. Haitzer could probably attend on behalf of management and if the TPS could not pay due to financial reasons, the TPA would take care of the expenses.

Sgt. Haitzer’s name came up in the context of his professional role in the OHS Unit and not his volunteer role as the worker rep on the local HSC.

Therefore, I believe that the Minutes are accurate.

Alok Mukherjee

Briefing Notes
2012.06.27. CJHSC Meeting

The following is an update for the upcoming Central Joint Health and Safety Committee (CJHSC) meeting, scheduled for Wednesday June 27, 2012.

As per the meeting agenda, Deputy Mike Federico is required to provide the Committee with an update on the following:

Carry Forward of Agenda Matters from the Previous Meeting:

Agenda Item #3: Update on Attendance at the 10th Annual Law Enforcement Occupational Safety & Health Conference

Acting Manager of Occupational Health & Safety, Wendy Ryzek attended the conference and will be providing an update to the committee.

Quarterly Update:

Agenda item #5: TPS Wellness Issues and Initiatives

- 1) Emotional Survival Training for Civilians is currently running, specific to policing environment; can be booked through Kim McClelland.
- 2) Health Screenings (testing Cholesterol, Blood Pressure, Blood Sugar), ongoing, can be booked through Kim McClelland.
- 3) On-going Fitness Pin Testing every Mon & Thurs at the Toronto Police College; There are 49 Fitness Pin Appraisers across the service conduct testing at each division.
- 4) Healthy Eating Program (HEP), on-going; HEP will be run at D41 starting in September.
- 5) Nutrition Consultations (menu planning, sleep tips, supplement recommendations etc.), ongoing, conducted at the Toronto Police College, HQ and other TPS locations.
- 6) Fitness Consultations (stretching, injury prevention, improving physical fitness, full movement screening), ongoing, conducted at the Toronto Police College and other TPS locations.

Briefing Notes
2012.06.27. CJHSC Meeting

- 7) Toronto Police Wellness Website
(<http://wellness.torontopolice.on.ca/> UN: tps PW: 123);
ongoing-weekly updates; articles and videos generated by TPS
wellness Team.
- 8) Emotional Survival Training for Police Officers continues to be
delivered as part of the 2012 In Service Training Program.

Semi-Annual Update:

**Agenda item #6: Critical Injuries – Awareness and
Education**

Occupational Health and Safety is working in partnership with
the Toronto Police College – Police Vehicle Operations (PVO)
to review critical injury incidents and injured on duty reports of
members involving police bicycles.

Summary of Critical Injuries (Bicycle Related) 2010 – 2012

2010

3 critical injuries involving bicycles in separate incidents.

- 1) 14 Division – Fractured pelvis – on patrol, streetcar tracks.
- 2) 32 Division – Head injury (not critical) – on patrol, streetcar
tracks.
- 3) TAVIS - Fractured right elbow – training fall from bicycle.

2011

8 critical injuries involving bicycles in separate incidents.

- 1) Parking - Fractured right knee – training, fall from bicycle.
- 2) 54 Division – Lost consciousness – on patrol fall, in ravine
and fall from bicycle.
- 3) 52 Division – Arm injury (no fracture-not critical) – on patrol,
pothole, and fall from bicycle
- 4) 14 Division – Fractured wrist – responding to call – oil on
roadway, and fall from bicycle.
- 5) 53 Division - Fractured elbow – on patrol on stairs, fall from
bicycle.
- 6) 51 Division – Fractured leg – training, streetcar tracks, and
fall from bicycle.

Briefing Notes
2012.06.27. CJHSC Meeting

- 7) 54 Division – Fractured leg – training, fall from bicycle.
- 8) 14 Division – Fractured wrist, scaphoid bone, and fall from bicycle in intersection.

2012

2 critical injury incidents involving bicycles in separate incidents.

- 1) 14 Division – Fractured left arm, call for service, streetcar tracks, and fall from bicycle.
- 2) Traffic Services Transit Patrol – Fractured right arm, on patrol, streetcar tracks, and fall from bicycle.

Summary of Critical Injuries

Total Year to Date (January 1 – June 22, 2012)

9 critical injuries were reported to the Ministry of Labour (MOL), 8 of which were determined to have resulted from a cause in the workplace.

Q1 2012 (January 1 – March 31, 2012)

3 critical injuries in separate incidents. All reported to MOL and confirmed.

- 1) Mounted Unit - Loss of Consciousness – fall from mount.
- 2) 13 Division - Fractured elbows – slip and fall on steps.
- 3) 31 Division - Fractured right elbow – culprit caused.

Q2 2012 (April 1 – June 22, 2012)

6 critical injuries in separate incidents. 6 reported to MOL and 5 confirmed.

- 4) 13 Division – Life in jeopardy, stabbed in neck – culprit caused.
- 5) 54 Division – Loss of consciousness/fractured hand – training at TPC.
- 6) *Bail & Parole – Loss of consciousness/collapse – training at TPC*.*
- 7) 14 Division – Fractured left arm – fall from bicycle.
- 8) Traffic Services Transit Patrol – Fractured right arm – fall from bicycle.

Briefing Notes
2012.06.27. CJHSC Meeting

9) 23 Division – Fractured right arm – fell in ravine – training with PSEMU.

* Although this critical injury incident occurred in the workplace and was reported to the MOL, it was determined to have not resulted from a cause in the workplace.

CRITICAL INJURIES (CONFIRMED)	Q1	Q2	Q3	Q4	TOTAL
2012	3	5			8
2011	7	10	5	5	27

Status: On-Going

Update of Resolved Agenda Items

TPSB Revised OHS Policy:

The revised policy has been forwarded to all units and divisions across the Service. For units within headquarters, the revised policy has been framed and posted on every floor by the elevators and by the HQ local JHSC bulletin board on the 4th floor outside of the cafeteria.

Infectious Disease Control and Personal Protective Strategy:

The Peel Regional Police Personal Protective Strategy video (DVD) is available for members to view via the TPSNet intranet home page and with a link from the Netpresenter screen saver.

The article *Communicable Diseases: A Major Police Hazard* by Natalie Hiltz is accessible for members to read via the TPSNet intranet home page. Corporate Communications is working on an article to be published in an upcoming edition of *the Badge*.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

**#P212. QUARTERLY REPORT: OCCUPATIONAL HEALTH AND SAFETY
UPDATE: APRIL TO JUNE 2012**

The Board was in receipt of the following report July 26, 2012 from William Blair, Chief of Police:

Subject: QUARTERLY REPORT: OCCUPATIONAL HEALTH AND SAFETY
UPDATE: APRIL 1, 2012 TO JUNE 30, 2012

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

At its meeting on January 24, 2005, the Board received an update on occupational health and safety matters relating to the Service (Min. No. C9/05 refers). Following consideration of the report, the Board requested the Chief of Police to provide quarterly updates on matters relating to occupational health and safety. The Board, at its meeting on August 21, 2008, further requested public quarterly reports for occupational health and safety matters (Min. No. C224/08 refers).

Discussion:

This quarterly update report is for the period from April 1, 2012 to June 30, 2012. This public report corresponds with additional information provided in the confidential agenda.

Accident and Injury Statistics

From April 1, 2012 to June 30, 2012, 300 members reported that they were involved in 322 workplace accidents/incidents resulting in lost time from work or health care which was provided by a medical professional. These incidents were reported as claims to the Workplace Safety and Insurance Board (WSIB). During this same period, 43 recurrences of previously approved WSIB claims were reported. Recurrences can include, but are not limited to, on-going treatment, re-injury and medical follow-ups ranging from specialist appointments to surgery.

A workplace incident may have several attributes and can be reported in more than one category. For example, an officer can be assaulted and sustain a laceration injury at the same time. Each attribute would be reported. For this reporting period, the 322 workplace or work-related accidents/incidents were categorized according to the following attributes:

- 53 arrest incidents involving suspects
- 18 vehicle incidents (member within vehicle as driver or passenger)
- 24 bicycle accidents (falls)
- 22 assault
- 33 cuts/lacerations/punctures
- 4 traumatic mental stress incidents
- 4 slips and falls
- 146 communicable diseases and possible exposures
- 5 inhalations of other substances.

The WSIB has increased the provisional administration rate by 5.4 % in 2012. As a Schedule 2 Employer, the Toronto Police Service paid \$73,110.70 in health care costs for civilian members and \$219,086.33 in health care costs for uniform members for the second quarter of 2012.

Critical Injuries

The employer has the duty to report but not adjudicate the seriousness of injuries and pursuant to *Section 51* of the *Occupational Health and Safety Act (OHSA)* and *Regulation 834*, must provide notice to the Ministry of Labour (MOL) of all critical injuries which occur in the workplace.

For the second quarterly report for 2012, there were seven Critical Injury Incidents reported to the Ministry of Labour. All incidents were confirmed by the MOL to be Critical Injury Incidents as defined in *Regulation 834*, which resulted from a cause in a workplace.

Communicable Diseases

As part of the Communicable Disease Exposure Surveillance Program, members of the Occupational Health and Safety Unit (OHS) reviewed reported exposures during the months indicated. The majority of these reports did not result in claim submissions to WSIB; however, there is an obligation to ensure the surveillance program maintains its administrative requirements and that there is a communication dispatched to members of the Service from a qualified designated officer from the Medical Advisory Services (MAS) team.

Reported Exposures	April	May	June	Q2 Total
1. Hepatitis A, B, & C & HIV	12	3	14	29
2. Influenza	0	0	0	0
3. Tuberculosis (TB)	0	2	4	6
4. Meningitis (All)	0	0	0	0

5. Lice and Scabies	5	0	0	5
6. Other*	29	30	47	106
Total	46	35	65	146

* This category can include, but is not limited to exposures to:

- infectious diseases not specified above including smallpox, severe acute respiratory syndrome (SARS), rubella and measles;
- respiratory condition/irritations;
- bites (human, animal or insect);
- varicella (chickenpox);
- Methicillin-Resistant Staphylococcus Aureus (MRSA, also known as multidrug-resistant bacteria); and,
- bodily fluids (blood, spit, vomit, etc.).

As a result of a determination made at the Central Joint Health and Safety Committee (CJHSC) meeting of March 29, 2010, OHS monitors incidents where members report exposure to bed bugs. There were 4 reported exposures to bed bugs in the second quarter.

Medical Advisory Services

The statistics provided below are limited to a consideration of non-occupational illness and/or injuries. By definition, short term refers to members that are off work for greater than fourteen days, but less than six months. Long term refers to members that have been off work for greater than six months.

An examination of disability distribution amongst Service members in the second quarter of 2012 revealed the following:

Disability	April	May	June
Short Term	46	53	59
Long Term – LTD	4	4	4
Long Term - CSLB	76	77	76
Total Disability per Month	126	134	139

Implementation of Health and Safety Policies, Including Training Policies, by various Departments or Divisions

Ms. Wendy Ryzek, A/Manager of Occupational Health and Safety, attended the National Forum for Law Enforcement Occupational Safety and Health held on June 21 and June 22, 2012, in Winnipeg, Manitoba. The following items of interest were discussed: PTSD, giving purpose to lived experience via peer group assistance; Enhancing visibility through reflective clothing, decaling and traffic signage; Reaction to stress; and the cruiser speed monitoring program developed by the York Region Police Service.

Peel Regional Police Service will be hosting the 2013 National Forum for Law Enforcement Occupational Safety and Health Conference.

Other Occupational Health and Safety Matters

Workplace Violence and Harassment

Bill 168, the Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009, came into force on June 15, 2010. As a result of the above amendment, the *Occupational Health and Safety Act* now includes definitions of workplace violence and workplace harassment and *Part III.0.1* refers specifically to *Violence and Harassment*.

- Workplace Violence/Harassment Complaints

In the second quarter of 2012 there were no documented complaints which have been categorized by Professional Standards to meet the criteria of workplace harassment as defined in the *OHSA*.

Ontario Police Health and Safety Association

On June 26, 2012, a meeting of the Ontario Police Health and Safety Association was hosted by the Waterloo Regional Police Service. Waterloo Regional Police provided an update on ergonomics in motor vehicles. The meeting was concluded with a round table discussion of issues prevailing in the respective jurisdictions.

Ministry of Labour Orders, Charges & Issues

There were no Ministry of Labour Orders, Charges, or issues during the second quarter of 2012.

Conclusion:

In summary, this report will update the Board on matters relating to occupational health and safety issues for the second quarter in 2012.

The next quarterly report for the period of July 1, 2012 to September 30, 2012, will be submitted to the Board for its meeting in November 2012.

Deputy Chief Mike Federico, Corporate Command, will be available to respond to any questions the Board may have regarding this report.

The Board received the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

**#P213. QUARTERLY REPORT: TORONTO POLICE SERVICES BOARD
SPECIAL FUND UNAUDITED STATEMENT: APRIL TO JUNE 2012**

The Board was in receipt of the following report August 01, 2012 from Alok Mukherjee, Chair:

Subject: QUARTERLY REPORT: TORONTO POLICE SERVICES BOARD SPECIAL
FUND UNAUDITED STATEMENT: APRIL TO JUNE 2012

Recommendation:

It is recommended that the Board receive the report on the Toronto Police Services Board's Special Fund un-audited statement for 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) Special Fund policy (Board Minute #P292/10) 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 April 1 to June 30, 2012.

As at June 30, 2012, the balance in the Special Fund was \$970,097. During the second quarter, the Special Fund recorded receipts of \$615,646 and disbursements of \$139,970. There has been a net increase of \$651,422 against the December 31, 2011 fund balance of \$318,675.

Auction proceeds have been estimated for the months of April to June 2012 as the actual deposits have not yet been made. The contract with Rite Auctions for the on-line auctioneering services was renewed until July 31, 2012.

The Special Fund received a net receipt of \$558,974 representing unclaimed money. In accordance with S.133 of the Police Services Act, the funds were transferred to the Special Fund and the Board may use it for any purpose that it considers in the public interest.

The Special Fund also received \$10,000 contribution from the Ontario Human Rights Commission for the component identified in phase one of the Ryerson University Diversity Institute assessment of the Human Rights project Charter.

For this quarter, the Board approved and disbursed the following sponsorships:

- Ryerson University Diversity \$54,325
- CPLC Consultative Committees \$29,000
- Asian Heritage Month \$5,000
- French Consultative Committee \$5,000
- Law Enforcement Torch Run \$5,000
- National Aboriginal Day \$5,000
- Pride Reception \$3,000

Conclusion:

As required by Toronto Police Services Board Special Fund policy, it is recommended that the Board receive the attached report.

The Board received the foregoing report.

THE TORONTO POLICE SERVICES BOARD SPECIAL FUND
2012 SECOND QUARTER RESULTS WITH REVISED PROJECTIONS

PARTICULARS	2012					JAN 01 TO DEC 31/12 TOTALS	2011	COMMENTS RELATING TO THIS QUARTER
	REVISED PROJ.	JAN 01 TO MAR 31/12	APR 01 TO JUN 30/12	JUL 01 TO SEPT 30/12	OCT 01 TO DEC 31/12		JAN 01 TO DEC 31/11 ACTUAL	
BALANCE FORWARD	318,675	318,675	494,421	970,097	970,097	318,675	464,204	
REVENUE								
PROCEEDS FROM AUCTIONS	200,000	74,010	69,161			143,171	243,579	Auction proceeds for the second quarter are based on estimates. Overhead is at 37% of the proceeds.
LESS OVERHEAD COST	(74,000)	(27,384)	(25,590)			(52,973)	(87,640)	
UNCLAIMED MONEY	750,000	131,739	561,217			692,956	310,703	
LESS RETURN OF UNCLAIMED MONEY	(22,500)	(1,326)	(2,243)			(3,569)	(6,393)	
INTEREST	2,700	329	1,004			1,334	3,287	Interest income is based on the average monthly bank balance.
LESS BANK SERVICE CHARGES	(1,000)	(159)	(292)			(451)	(971)	
OTHERS	2,400	0	2,388			2,388	11,374	Return of beer bottles and scrap metals Contribution from Ontario Human Rights Commission
OTHERS	10,000	0	10,000			10,000	0	
TOTAL REVENUE	867,600	177,210	615,646	0	0	792,856	473,939	
BALANCE FORWARD BEFORE EXPENSES	1,186,275	495,885	1,110,067	970,097	970,097	1,111,531	938,143	
DISBURSEMENTS								
POLICE COMMUNITY INITIATIVES								
SERVICE								
CPLC & COMM. OUTREACH ASSISTANCE	29,000	0	29,000			29,000	11,805	
UNITED WAY	10,000	0	0			0	0	
OTHER	0	0	0			0	0	
COMMUNITY								
VICTIM SERVICES PROGRAM	12,000	0				0	0	
VARIOUS ORGANIZATIONS	100,000	6,000	77,325			83,325	44,900	
FUNDS RETURNED - SPONSORSHIPS	(4,500)	(4,483)	0			(4,483)	(4,494)	
TPAAA ASSISTANCE	26,000	0	0			0	5,800	
RECOGNITION OF SERVICE MEMBERS								
AWARDS	46,000	(153)	22,937			22,784	45,150	Watch replacement
CATERING	15,000	0	2,274			2,274	11,258	
RECOGNITION OF COMMUNITY MEMBERS								
AWARDS	2,000	0	6,490			6,490	1,030	
CATERING	2,000	0	1,146			1,146	2,338	
RECOGNITION OF BOARD MEMBERS								
AWARDS	700	0	0			0	501	
CATERING	1,000	0	499			499	458	
CONFERENCES								
COMM. POLICE LIAISON COMMITTEES	8,500	0	0			0	0	
ONT. ASSO. OF POLICE SERVICES BOARD	0	0	0			0	5,500	
CDN ASSO. OF POLICE SERVICES BOARD	0	0	0			0	0	
DONATIONS - IN MEMORIAM	800	0	300			300	600	
TPSB/TPA RETIREMENT DINNER	20,000	0	0			0	18,394	
DINNER TICKETS	200	0	0			0	0	
PROFESSIONAL FEES	0	0	0			0	409,910	
INTERNAL CONTROL REVIEW FEE	5,640	99	0			99	5,640	
OTHER EXPENSES	0	0	0			0	60,678	
TOTAL DISBURSEMENTS	274,340	1,464	139,970	0	0	141,434	619,468	
SPECIAL FUND BALANCE	911,935	494,421	970,097	970,097	970,097	970,097	318,675	

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

**#P214. LETTER OF APPRECIATION – 45TH ANNUAL POLICE OFFICER OF
THE YEAR AWARDS AND THE 3RD ANNUAL TORONTO POLICE
SERVICE BUSINESS EXCELLENCE AWARDS**

The Board was in receipt of correspondence dated June 21, 2012 from Carol Wilding, President & Chief Executive Officer, Toronto Board of Trade, with regard to the 45th Annual Police Officer of the Year Awards and the 3rd Annual Toronto Police Service Business Excellence Awards. A copy of Ms. Wilding's correspondence is attached to this Minute for information.

The Board received the foregoing correspondence.



TORONTO
BOARD OF TRADE

1 First Canadian Place, P.O. Box 60
Toronto, Ontario, Canada M5X 1C1
Tel: 416.366.6811
Fax: 416.366.6460
www.bot.com

June 21, 2012

Dr. Alok Mukherjee
Chair
Toronto Police Service Board
40 College Street
Toronto, ON M5J 2G3



Dear Dr. Mukherjee,

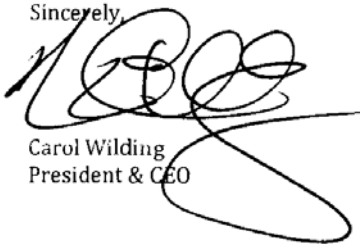
On behalf of the Toronto Board of Trade team, I would like to express my sincere appreciation to you and your colleagues for supporting our 45th Annual Police Officer of the Year Awards and the 3rd Annual Toronto Police Service Business Excellence Awards.

This year's event was a tremendous success bringing together Toronto Police Officers, their families and business community leaders. This event is one of the most prestigious evenings organized by Toronto Board of Trade and we continue to receive positive feedback on the event.

We truly appreciate the support and dedication of the Toronto Police Service Board. It is because of your continued assistance and efforts that we are able to provide a memorable evening honouring Toronto Police Officers.

We look forward to continued success.

Sincerely,


Carol Wilding
President & CEO

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

**#P215. REQUEST FOR CLARIFICATION ON THE INTERPRETATION OF
THE ROLE OF POLICE SERVICES BOARDS FOLLOWING THE
RELEASE OF THE JOHN W. MORDEN REPORT: *INDEPENDENT
CIVILIAN REVIEW INTO MATTERS RELATING TO THE G20 SUMMIT***

The Board was in receipt of the following:

- copy of correspondence dated July 31, 2012 from Eli El-Chantiry, Chair, Ottawa Police Services Board, to Madeleine Meilleur, Minister of Community Safety and Correctional Services
Re: Request for Clarification on the Interpretation of the Role of Police Services Boards Following the Release of the John W. Morden Report:
Independent Civilian Review into Matters Relating to the G20 Summit
- copy of correspondence dated July 31, 2012 from Eli El-Chantiry, Chair, Ottawa Police Services Board, to Henry Jensen, President, Ontario Association of Police Services Boards
Re: Request that the OASPB Take Leading Role in Seeking a Clarification on Behalf of All Police Services Boards in the Province

Copies of the foregoing correspondence are appended to this Minute for information.

The Board received the foregoing correspondence and requested that copies be referred to the Board Implementation Working Group (BIWG) for information.

OTTAWA POLICE SERVICES BOARD
110 Laurier Avenue West
Ottawa, Ontario, K1P 1J1
Tel: (613) 560-1270, Fax: (613) 580-2728
Ottawapoliceboard.ca



**COMMISSION DE SERVICES POLICIERS
D'OTTAWA**
110, avenue Laurier ouest
Ottawa (Ontario) K1P 1J1
Tél: (613) 560-1270, Télécopieur: 580-2728
Ottawapoliceboard.ca

31 July 2012

File: 05-12-0203

The Honourable Madeleine Meilleur, Minister
Ministry of Community Safety & Correctional Services
Province of Ontario
18th floor, 25 Grosvenor Street
Toronto, ON M7A 1Y6

Dear Minister Meilleur:

Re: Morden Report on G20 Summit Review

I am writing to convey to you a resolution approved by the Ottawa Police Services Board at a meeting on 30 July 2012.

The Board is requesting that the Government of Ontario provide clarification on the interpretation of the role of police services boards set out in the *Police Services Act*. This clarification is sought as a result of the report released by the Honourable John W. Morden on 29 June 2012, into Matters Relating to the G20 Summit in Toronto in June 2010.

As you know, Mr. Morden made thirty-eight recommendations to the Toronto Police Services Board aimed at strengthening the effectiveness of its performance in providing civilian oversight and ensuring adequate and effective police services. At the heart of his recommendations is his interpretation of the *Police Services Act* with regard to the role of the Board and its level of involvement in planning for and directing police operations. Mr. Morden's interpretation of the *Act* is very different from the interpretation that the police community across the Province has traditionally taken. While recognizing that Mr. Morden's recommendations are not binding on other police services boards, they have nonetheless raised considerable interest and concern from others as to whether his interpretation is shared by the Province, and whether boards should be moving in the direction recommended by him, as it would have a significant impact on the time commitment, resources and training required by board members.

As the Government of Ontario establishes the legislation governing police services and boards, our Board is looking to you to clarify the Province's intended interpretation of the *Police Services Act* specific to the role of police boards in operational matters.

Should you require further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Eli El-Chantiry". The signature is fluid and cursive, with a large flourish at the end.

Eli El-Chantiry, Chair
Ottawa Police Services Board

cc: Chairs, Big 12 Police Services Boards
F. Kaustinen, Executive Director, Ontario Association of Police Services Boards
C. Bordeleau, Chief of Police, Ottawa Police Service

OTTAWA POLICE SERVICES BOARD
110 Laurier Avenue West
Ottawa, Ontario, K1P 1J1
Tel: (613) 560-1270, Fax: (613) 580-2728
Ottawapoliceboard.ca



**COMMISSION DE SERVICES POLICIER
D'OTTAWA**
110, avenue Laurier ouest
Ottawa (Ontario) K1P 1J1
Tél: (613) 560-1270, Télécopieur: 580-2728
Ottawapoliceboard.ca

31 July 2012

File: 05-12-0203

Mr. Henry Jensen, President
Ontario Association of Police Services Boards
10 Peel Centre Drive
Brampton, ON L6T 4G9

Dear Mr. Jensen:

Re: Morden Report on G20 Summit Review

I am writing to convey to you a resolution approved by the Ottawa Police Services Board at a meeting on 30 July 2012.

As part of its resolution, the Board has written to the Government of Ontario requesting that it provide clarification on the interpretation of the role of police services boards set out in the *Police Services Act*. This clarification is sought as a result of the report released by the Honourable John W. Morden on 29 June 2012, into Matters Relating to the G20 Summit in Toronto in June 2010.

The second part of the Board's resolution is to request the assistance of the OAPSB in taking a lead role in seeking clarification on behalf of all police services boards in the province.

As you know, Mr. Morden made thirty-eight recommendations to the Toronto Police Services Board aimed at strengthening the effectiveness of its performance in providing civilian oversight and ensuring adequate and effective police services. At the heart of his recommendations is his interpretation of the *Police Services Act* with regard to the role of the Board and its level of involvement in planning for and directing police operations. Mr. Morden's interpretation of the *Act* is very different from the interpretation that the police community across the Province has traditionally taken. While recognizing that Mr. Morden's recommendations are not binding on other police services boards, they have nonetheless raised considerable interest and concern from others as to whether his interpretation is shared by the Province, and whether boards should be moving in the direction recommended by him, as it would have a significant impact on the time commitment, resources and training required by board members.

As the body that represents the interests of police services boards and advocates on our behalf, our Board is looking to the OAPSB to play a lead role in seeking clarification from the Government of Ontario as to its intended interpretation of the *Police Services Act* specific to the role of police boards in operational matters.

Should you require further information, please do not hesitate to contact me.

Thank you in advance for your efforts on behalf of the OAPSB membership.

Sincerely,



Eli El-Chantiry, Chair
Ottawa Police Services Board

cc: Chairs, Big 12 Police Services Boards
F. Kaustinen, Executive Director, Ontario Association of Police Services Boards
C. Bordeleau, Chief of Police, Ottawa Police Service

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

**#P216. SEMI-ANNUAL REVIEW: LIST OF PUBLIC REPORTS REQUESTED
BY THE BOARD**

The Board was in receipt of a copy of the list of public reports requested by the Board as of the July 19, 2012 meeting. A copy of the list of reports is on file in the Board office.

The Board received the list of public reports. The Board also agreed to review the list at its upcoming Strategic Planning Session to determine which reports, if any, were no longer required.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

#P217. STATUS UPDATE: REPORT BY THE HONOURABLE JOHN W. MORDEN – INDEPENDENT CIVILIAN REVIEW INTO MATTERS RELATING TO THE G20 SUMMIT

The Board was in receipt of the following report August 13, 2012 from Alok Mukherjee, Chair:

Subject: STATUS UPDATE: REPORT BY THE HONOURABLE JOHN W. MORDEN -
*INDEPENDENT CIVILIAN REVIEW INTO MATTERS RELATING TO THE G20
SUMMIT*

Recommendations:

It is recommended that the Board:

- (1) receive the status update as to the work completed to date with respect to Mr. Morden's recommendations;
- (2) formally constitute and name four Board members to participate on the Board Implementation Working Group (BIWG) to take necessary action or to propose action to be taken by the Board with respect to a number of Mr. Morden's recommendations; and
- (3) schedule the first meeting of the BIWG to take place before the end of August 2012.

Financial Implications:

There are no financial implications arising from the recommendations contained in this report.

Background/Purpose:

The Board, at its meeting of July 19, 2012, received the report from the Honourable John W. Morden entitled "*Independent Civilian Review Into Matters Relating to the G20 Summit,*" and approved a number of recommendations with respect to this report. (Min. No. P166/12 refers) as follows:

- (1) *receive the report from the Honourable John W. Morden entitled "Independent Civilian Review Into Matters Relating to the G20 Summit," and accept all 38 recommendations for implementation;*
- (2) *approve the "Proposed Implementation Plan" attached to this report;*
- (3) *approve, in principle, the immediate implementation of Mr. Morden's Recommendations 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 28, 29, 30, 36, 37 and 38, and direct the Chair to report back to the Board no later than October 2012 with proposed new policies, amendments to existing*

- policies and changes to Board rules and practices as indicated in the Proposed Implementation Plan;*
- (4) establish a Board Implementation Working Group (BIWG) of at least 4 Board members to take necessary action or to propose action to be taken by the Board with respect to Recommendations 1, 4, 5, 6, 20, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34 and 35;*
 - (5) direct the BIWG to provide status reports to the Board on its work on the Recommendations referred to it no later than October 2012;*
 - (6) refer to the BIWG for consideration in conjunction with Mr. Morden's report the Toronto Police Service's After-Action Report and the Ontario Independent Police Review Director's report titled, Policing the Right to Protest; and,*
 - (7) direct the BIWG to report back to the Board on the status of its consideration of these other G20 related reports by October 2012 or as soon thereafter as possible.*

The full Board Minute is attached for your information.

Discussion:

At a staff level, considerable work has already been done with respect to the implementation of Mr. Morden's recommendations. Each recommendation has been reviewed, and the necessary background work required has been detailed. This includes the assigning of work to individuals or groups, identifying where consultation may be required, identifying issues or questions with respect to implementation and drafting or amending Board policies. The review also includes cross-referencing with recommendations contained in both the Toronto Police Service's After-Action Report and the Ontario Independent Police Review Director's report entitled, "*Policing the Right to Protest.*"

Motion No. 4 above relates to the establishment of a Board Implementation Working Group (BIWG) of at least four Board Members to take necessary action or to propose action to be taken by the Board with respect to a number of the recommendations. At this time, the BIWG has not been formally constituted nor have the Board members who will participate on it been named. It is imperative that we take this next step now so that we can create a comprehensive workplan and schedule for the significant work to take place.

Conclusion:

Therefore, it is recommended that the Board:

- (1) receive the status update as to the work completed to date with respect to Mr. Morden's recommendations;
- (2) formally constitute and name four Board members to participate on the BIWG to take necessary action or to propose action to be taken by the Board with respect to a number of Mr. Morden's recommendations; and
- (3) schedule the first meeting of the BIWG to take place before the end of August 2012.

The Board approved the foregoing report and appointed the following members to participate on the BIWG:

Vice-Chair Michael Thompson, BIWG Co-Chair

Ms. Marie Moliner, BIWG Co-Chair

Mr. Andy Pringle, BIWG Member

Councillor Chin Lee, BIWG Member

The Board requested that notices of the dates of the BIWG meetings be sent to all the Board members with a note indicating that any interested members are welcome to attend any of the meetings.

-- COPY --

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P166 REPORT BY THE HONOURABLE JOHN W. MORDEN –
INDEPENDENT CIVILIAN REVIEW INTO MATTERS RELATING TO
THE G20 SUMMIT**

The Board was in receipt of the following report July 05, 2012 from Alok Mukherjee, Chair:

Subject: REPORT BY THE HONOURABLE JOHN W. MORDEN - *INDEPENDENT
CIVILIAN REVIEW INTO MATTERS RELATING TO THE G20 SUMMIT*

Recommendation:

It is recommended that the Board:

- (1) receive the report from the Honourable John W. Morden entitled *Independent Civilian Review Into Matters Relating to the G20 Summi*, and accept all 38 recommendations for implementation;
- (2) approve the “Proposed Implementation Plan” attached to this report;
- (3) approve, in principle, the immediate implementation of Mr. Morden’s Recommendations 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 28, 29, 30, 36, 37 and 38, and direct the Chair to report back to the Board no later than October 2012 with proposed new policies, amendments to existing policies and changes to Board rules and practices as indicated in the Proposed Implementation Plan;
- (4) establish a Board Implementation Working Group (BIWG) of at least 4 Board members to take necessary action or to propose action to be taken by the Board with respect to Recommendations 1, 4, 5, 6, 20, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34 and 35;
- (5) direct the BIWG to provide status reports to the Board on its work on the Recommendations referred to it no later than October 2012;
- (6) refer to the BIWG for consideration in conjunction with Mr. Morden’s report the Toronto Police Service’s *After-Action Report* and the Ontario Independent Police Review Director’s report titled, *Policing the Right to Protest*; and,
- (7) direct the BIWG to report back to the Board on the status of its consideration of these other G20 related reports by October 2012 or as soon thereafter as possible.

Financial Implications:

At this time, there are no financial implications arising from the recommendation contained in this report.

Background/Purpose:

On July 6, 2010, the Board approved a proposal by the Chair to carry out an Independent Civilian Review of the policing of the G20 Summit (ICR) held in Toronto on June 26 and 27, 2010. The purpose of the ICR was to undertake a comprehensive review of the issues and concerns raised by the public and the Board regarding oversight, governance, accountability, and transparency as they relate to the multi-jurisdictional model of policing applied at the Summit. The ICR was intended to carry out a review of these issues in the context of the governance role, legislated mandate and policies of the Board.

At its meeting of September 14, 2010, the Board approved the Terms of Reference for this review, as drafted by Mr. Doug Hunt, Q.C. In developing the Terms of Reference, Mr. Hunt used an inclusive, consultative process, incorporating input from the community as well as key stakeholders.

At its meeting on September 23, 2010, the Board approved the appointment of the Honourable John W. Morden to conduct the ICR.

On Friday June 29, 2012, Mr. Morden presented the Board with his report at a media event. The transmittal letter from Mr. Morden is attached for your information.

In my statement on behalf of the Board following the release of Mr. Morden's report, I emphasized the Board's commitment to taking expeditious action to implement his well thought-out recommendations and stated my expectation that the Board will move forward with implementation by October 2012.

As a Board, we believe that the Morden report presents us with an opportunity to enhance and make truly effective the Board's oversight and governance responsibilities in the public interest. The Board commissioned Mr. Morden's report at a significant cost and, now, our prompt and constructive response to it will give the public confidence that we have recognized the mistakes that were made and are now determined to take action to ensure that those mistakes will not be repeated.

As Mr. Morden points out in his report, considerably more time is allotted to the security planning for a major multijurisdictional international event such as a G20 Summit than the approximately four months available to the Toronto Police Services Board and the Toronto Police Service. In planning the policing arrangements in this time, mistakes were made for reasons that Mr. Morden sets out at length.

As well, he makes 38 recommendations designed to assist the Board in strengthening its oversight and governance roles through new or enhanced policies, practices and rules. These recommendations will enable the Board not only to provide better oversight of major events in the future but also to discharge its ongoing responsibilities more effectively.

It is, therefore, important that the Board act promptly and the intent of this report is to propose a roadmap for such action.

Discussion:

Mr. Morden's full report entitled "*Independent Civilian Review Into Matters Relating to the G20 Summit*" is on file in the Board office. The Executive Summary of Mr. Morden's report is attached for your information.

This is undoubtedly a significant report for our Board. Its 38 recommendations cover a wide range of important subjects designed to better prepare the Board for such events in the future as well as to enhance the quality and effectiveness of the Board's governance and oversight generally. The report proposes a very helpful interpretation of the Board's role under the *Police Services Act* to manage the police service and set objectives and priorities. In this regard, it recommends the development and amendment of several Board policies. Lastly, it recommends the development of a formal communications protocol between the Chief of Police and the Board in order to facilitate decision-making through consultation.

I believe that it is critical that we consider these recommendations in a thoughtful and comprehensive manner with a view to their full implementation.

It is my expectation that the Board will be able to move forward with the implementation of these recommendations by October of this year. The suggested timeframe is quite tight, but it recognizes the public expectation that the Board will take necessary follow-up action reasonably promptly. The timeframe is also based on the assessment that the Board can implement several of Mr. Morden's recommendations immediately, while there are a handful that may need further consideration.

The attached "Proposed Implementation Plan" identifies 22 recommendations that can be implemented now and 16 that need additional work. For ease of reference, the 16 recommendations that require further work are shaded in the attached implementation plan. The document also identifies the action that needs to be taken with respect to each recommendation, suggests which entity should assume or be given responsibility for it and within what timeframe it should complete its work.

I am, therefore, proposing that the Board implement the recommendations in two steps. Step 1 is the immediate adoption of 22 of the recommendations with responsibility for follow up, as appropriate, assigned to the Chair. Step 2 is to accept the remaining 16 recommendations in principle and to review them in more depth and in consultation with others as appropriate, including the Chief, pursuant to the timeframe set out in the implementation plan

Thus, in my view there are three entities who should be assigned responsibility: the Board, the Chair and a Board Implementation Working Group (BIWG).

It is obvious that the Board has in its hands an extremely important and ambitious task. The successful and timely completion of this task requires dedicated effort and access to necessary expertise.

Therefore, I propose that the Board agree to constitute a Board Implementation Working Group (BIWG) to deal with those recommendations that require further consideration in terms of their implementation. Such careful consideration is necessary, in light of the following observation by Mr. Morden at page 37 of his report:

It is my intention that the conclusions and recommendations in this Report will strengthen the effectiveness of the Board's performance of its civilian oversight role. The Board and its staff in the past have increasingly shouldered a heavy burden in carrying out their responsibilities. If my recommendations are implemented, this burden will be increased. Likely, this will necessitate the devotion of further resources to support the Board's work.

The BIWG will carefully examine the recommendations assigned to it in order to bring forward to the Board proposals for implementation.

Membership of the BIWG will be open to all Board members; however, the attendance of at least four members will be needed for meetings to occur. At the same time, in view of the nature of the task, it is important that there be continuity of participation. As such, it is important that there be at least four members on the BIWG who are able to attend most, if not all, of the meetings of the working group.

It will be up to the BIWG to identify what expertise or resources it requires for its work, and seek the Board's approval for obtaining them. Staff support to the BIWG will be provided by Ms. Joanne Campbell, the Board's Executive Director, with the assistance of other Board staff as needed.

Board members will recall, as well, that on previous occasions, the Board has stated its intention to consider two other reports – the Toronto Police Service *After-Action Review* (Min. No. P177/11 refers), and the G20 Systemic Review report by the Office of the Independent Police Review Director (OIPRD) titled *Policing the Right to Protest* (Min. No. P140/12 refers) – in conjunction with Mr. Morden's report.

It is proposed that these two reports be referred to the BIWG for consideration and recommendation of appropriate action.

Conclusion:

Therefore, it is recommended that the Board:

- (1) receive the report from the Honourable John W. Morden entitled *Independent Civilian Review Into Matters Relating to the G20 Summit*, and accept all 38 recommendations for implementation;

- (2) approve the “Proposed Implementation Plan” attached to this report;
- (3) approve, in principle, the immediate implementation of Mr. Morden’s Recommendations 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 28, 29, 30, 36, 37 and 38, and direct the Chair to report back to the Board no later than October 2012 with proposed new policies, amendments to existing policies and changes to Board rules and practices as indicated in the Proposed Implementation Plan;
- (4) establish a Board Implementation Working Group (BIWG) of at least 4 Board members to take necessary action or to propose action to be taken by the Board with respect to Recommendations 1, 4, 5, 6, 20, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34 and 35;
- (5) direct the BIWG to provide status reports to the Board on its work on the Recommendations referred to it no later than October 2012;
- (6) refer to the BIWG for consideration in conjunction with Mr. Morden’s report the Toronto Police Service’s *After-Action Report* and the Ontario Independent Police Review Director’s report titled, *Policing the Right to Protest*; and,
- (7) direct the BIWG to report back to the Board on the status of its consideration of these other G20 related reports by October 2012 or as soon thereafter as possible.

The Board was also in receipt of the following correspondence:

- **July 12, 2012 from Henry Jensen, President, Ontario Association of Police Services Boards
Re: Justice Morden’s Report**
- **July 11, 2012 from Roger Anderson, Chair, Durham Regional Police Services Board
Re: Justice Morden’s Report**

Copies of the foregoing correspondence are on file in the Board office.

Vice-Chair Michael Thompson assumed the position of Chair for the consideration of this matter.

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

- **Pam McConnell, Councillor, City of Toronto ***
- **John Sewell, Toronto Police Accountability Coalition ***
- **Vikram Mulligan ***

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

Chair Alok Mukherjee read a prepared statement in response to Mr. Morden’s report entitled “*Independent Civilian Review Into Matters Relating to the G20 Summit.*”

cont...d

The Board approved the following Motions:

- 1. THAT the Board approve the foregoing report with the following amendments:**
 - **That Recommendation No. 1 be revised by indicating that the Board will “receive all 38 recommendations;” as opposed to “accept all 38 recommendations for implementation;”**
 - **That Recommendation No. 3 be revised by deleting reference to Recommendation No. 3 from Mr. Morden's report;**
 - **That the Financial Implications section of the report be amended to read "At this time, the financial implications arising from the recommendations in this report are unknown. Further review and evaluation of the recommendations made by Mr. Morden will be required in order to assess the financial implications."**
- 2. THAT the Board direct the Chair to report back to the Board no later than October 2012 on the options and potential financial implications that would arise from approval of Mr. Morden's Recommendation No. 3; and**
- 3. THAT the Board receive the depositions, the written submissions and the correspondence from Mr. Jensen and Chair Anderson.**



**INDEPENDENT CIVILIAN REVIEW INTO
MATTERS RELATING TO THE G20 SUMMIT**

DATE RECEIVED

JUN 28 2012

TORONTO
POLICE SERVICES BOARD

June 28, 2012

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

Dear Dr. Mukherjee:

Having been appointed by the Toronto Police Services Board to conduct the Review described in the Board's Terms of Reference, dated the 23rd day of September, 2010, I submit to the Board the Review's Report.

Yours truly,

Hon. John W. Morden
Reviewer

The Honourable John W. Morden
Reviewer

Ryan Teschner
Review Counsel

Phone
(416) 643-6890

E-Mail
contact@g20review.ca

Mailing Address
Bay Adelaide Centre, 333 Bay St.
P.O. Box 2900, Suite 2900
Toronto, ON M5H 2T4

Website
www.g20review.ca

**INDEPENDENT CIVILIAN REVIEW INTO MATTERS
RELATING TO THE G20 SUMMIT**

REPORT

Honourable John W. Morden

June 2012

EXECUTIVE SUMMARY AND RECOMMENDATIONS

CHAPTER ONE: THE LEGISLATION THAT GOVERNS THE TORONTO POLICE SERVICES BOARD AND THE TORONTO POLICE SERVICE

Public police services are governed by law. In the case of the Toronto Police Services Board ("the Board") and the Toronto Police Service, the main legislative authority is the *Police Services Act*, R.S.O. 1990 c. P.15. The Board's basic mandate is expressed in the opening words of s. 31(1) as follows:

A board is responsible for the provision of adequate and effective police services in the municipality [the City of Toronto]...

These opening words of s. 31 (1) state the basic purpose of the Board and, necessarily, frequent references will be made to them in this Report. They provide the answer to many questions on whether a particular action or a response by the Board is warranted and appropriate. Indeed, they are the authority on which the Board relies in establishing this Review.

The first general statute for what is now the Province of Ontario that was concerned with delivery of police services by cities was the *Municipal Institutions Act of Upper Canada* 1858. This legislation was amended in many particular respects between 1858 and the present. In 1946, the provisions in it were removed from the *Municipal Act* to the newly enacted *Police Act*.

Section 1 (2) of the *Police Services Act* provides:

Police services shall be provided throughout Ontario in accordance with the following principles:

2. The importance of safeguarding the fundamental rights guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*.

The purpose of this provision is not to provide for the application of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code* because, from their own force, their terms apply directly to every case in which the facts makes them applicable. The purpose of the provision is, rather, to remind those acting under the *Police Services Act* of the constant bearing of the *Charter* and the *Human Rights Code* on the performance of their duties. This is critically important because the exercise of so many police powers, for example, those of arrest, detention, and search

and seizure, engage rights that are protected by the *Charter* or the *Human Rights Code*. These fundamental rights are highly valued in our society and must be protected from infringement by improper police action.

The main features of the *Police Services Act* are, as far as this Review is concerned, the changes made in the responsibilities and processes of police services boards. When the bill that became the *Police Services Act* was before the Legislative Assembly in 1989 and 1990, three features were stressed by the Solicitor General. The *Police Services Act* was intended: (1) to provide boards, police officers and chiefs of police with a "clear direction and a more precise definition of their roles and responsibilities"; (2) "to strengthen the role of the police services board"; and (3) it was to bring about "an enhanced level of interaction between the police and the community and to make our police services more reflective of the community they serve."

Before 1990, the statute did not provide clear direction or definition of the roles and responsibilities of boards and chiefs of police. There was a general understanding that matters of "policy" were for the board and matters of "operations" were for the chief of police and that the two must always be kept separate. As will be shown in parts of this Report, this general understanding has been carried forward after 1990 although there is no statutory foundation for it. In fact, it is clearly inconsistent with the provisions of the *Police Services Act* – in particular, sections 31 (1)(b), 31 (1)(c), and 41 (1)(a). Sections 31 (1)(b) and 31(1)(c) provide, respectively, that a board "shall generally determine, after consultation with the chief of police, objectives and priorities with respect to police services in the municipality" and shall "establish policies for the effective management of the police force." Section 41 (1)(a) provides that the duties of a chief of police include "administering the police force and overseeing its operation in accordance with the objectives, priorities and policies established by the Board under subsection 31 (1)."

Accordingly, the duties of the chief of police under section 41 (1)(a) dovetail with the board's responsibilities under section 31 (1)(b) and (c). The chief of police has the duty to administer the police force and oversee its operation "in accordance with the objectives, priorities and policies established by the board under subsection 31(1)." It is important to note that under section 31 (1)(b) there is to be a "consultation" between the board and the chief of police before the board determines the objectives and priorities with respect to police services in the municipality.

The matter of operations is addressed in the *Police Services Act*. Section 31 (4) provides:

The board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police force.

This provision is the only one in the *Police Services Act* that imposes a limit on a board's governance powers. It gives effect to the important principle of the independence of members of the police force in carrying out their law enforcement responsibilities. It is not infringed by the carrying out of the duties provided for in sections 31 (1)(b) and (c) and 41 (1)(a).

These statutory provisions are a clear reflection of the purposes of the *Police Services Act*, stated by the Solicitor General when it was before the legislature in bill form and also are fully consistent

with sound principles of civilian oversight. It is important to note that neither of the prohibitions in section 31 (4) prevent a board from obtaining any information, including operational information, from the chief of police nor from discussing any matter relating to policing in the municipality with the chief of police. These prohibitions also do not prohibit a board from expressing its opinions, or making suggestions, to the chief of police on any aspect of policing in the municipality.

As far as the meaning and scope of what a "policy" is, it is clear that it cannot breach section 31 (4). The review agrees with the general statement in the Ontario Association of Police Service Board's Handbook:

Section 31 (4) of the Act is intended to prevent direct Board interference in the actual policing function but not to prevent the Board from making decisions governing the structure and environment in which those policing functions occur.

Chief of Police William Blair in his interview with the Review said that he agreed with this general statement.

Chapter One sets out the complete text of six Toronto Police Services Board policies as examples of what, in fact, has been done under the Board's policy-making responsibilities. It may be noted that each one of them has some relevance to policing functions at the G20 Summit. A feature of some of these policies is that they do not state any policy. They merely provide what Ontario Regulation 3/99, made under the *Police Services Act*, requires – that the chief of police establish procedures and processes with respect to the subject in question. In other words, they provide no policy guidance to the police service, which was the clear intention of the statute.

It is not the standard practice for the procedures and processes made by the Toronto Police Service to be filed with the Board, whether made in relation to a matter covered by a Board policy or otherwise. Accordingly, having made a policy the Board does not see its consequences. The result is clearly inconsistent with the monitoring and oversight responsibilities of the Board.

Under the present arrangement for the provision of legal services to the Board, the Board is advised by a lawyer who is on the staff of the legal department of the City of Toronto and who also provides legal services to the Toronto Police Service. The Board's legal advisor should not be encumbered by the possibility of being in a position of conflict of interest.

Recommendation No. 1: Improving the nature and quality of Board policies

The Board, the Chief of Police, and the Ministry of Community Safety and Correctional Services should engage in consultation with a view to devising a method of improving the general nature and quality of Board policies made under O. Reg. 3/99 and otherwise.

Recommendation No. 2: Filing police service procedures and processes with the Board

All Toronto Police Service procedures and processes should be filed with the Board as a necessary step to strengthen the exercise of its monitoring and oversight responsibilities.

Recommendation No. 3: Legal counsel to the Board

The Board should have its own counsel whose legal services are not available to either the Toronto Police Service of the City of Toronto.

CHAPTER TWO: CIVILIAN OVERSIGHT IN POLICING

Civilian oversight of our police is essential. It acts as a check and balance against the legal powers society has given the police to enforce the law. Effective oversight of the police is the way that the public and police remain partners in the preservation of public safety. For the police to be effective in our communities, the public must have respect for those that perform the policing function. The governance and accountability that civilian oversight creates work in tandem.

The Ontario Legislature has adopted a system where, for municipal police services, a board comprised of persons unconnected with the police consult with the chief of police to identify objectives and priorities for the police service. The board also creates the policy framework in which those objectives and priorities will be achieved. The responsibility of police boards is considerable. Through their policy-making and resource allocation powers, police boards shape the way in which policing is done. Therefore, effective fulfillment of the governance role that police boards play ensures that decisions made and actions taken by police are reflective of the community's values.

In establishing objectives and priorities for the police service, a police board must be mindful of only one, albeit one very specific prohibition: not to direct the chief of police with respect to *specific* operational decisions or with respect to the day-to-day operation of the police service. Unfortunately, despite the clear wording of the *Police Services Act*, the Board has defined its responsibilities in terms of a separation between matters of policy and operational matters. The Board has limited its consultative mandate and has viewed it as improper to ask questions about, comment on, or make recommendations concerning operational matters. The Board's approach in this regard has been wrong.

Consultation between a police board and the chief of police is the main process through which the police board can engage in an assessment of the adequacy and effectiveness of the policing services which have been or will be provided. The overall purpose of a consultation between a police board and the chief of police is to identify the elements that are required for the police service to deliver adequate and effective policing within the municipality. Sometimes, this consultation will take place *before* a particular police operation or event. The police board can use

the information to provide further guidance to the police service by creating policies that will frame the operation or event and assist in the achievement of identified outcomes. This consultation can also take place *after* a particular police operation or event and will take the form of deconstructing what happened and why, which can identify valuable lessons and lead to accountability for the decisions that were made.

I have designed a consultation protocol and recommend that the Board use this protocol in its interactions with the chief of police. This consultation protocol will help to ensure that the Board obtain relevant information that will assist it in identifying the objectives and priorities for the Toronto Police Service to achieve. There are three elements to the consultation protocol that I propose:

First element – Information exchange between the Board and Chief of Police: a reciprocal information exchange between the Board and Chief of Police must exist to ensure that each obtain information relevant to their respective roles. With this exchange, the Board will be provided with operational information that will inform its policy-making function and the Chief of Police will have an opportunity to provide his or her views on policy options the Board is considering. With this exchange, both policies and operations may be adjusted to address changing circumstances. Where sensitive law enforcement matters are concerned, the Board should resort to the appropriate statutory measures to maintain confidentiality of information where appropriate.

Second element – Identifying the "critical points": The Board should seek specific operational information from the Chief of Police where a "critical point" arises. These are policing operations (e.g. gun and gang operation), events (e.g. international summit of world leaders), or organizationally-significant issues (e.g. the use of Conducted-Energy Weapons, or TASERS, by the police) for which advance approval at the Toronto Police Service's highest levels of command is required.

Third element – Board collaboration in defining the 'what,' but not the 'how,' of an operation: The Board should use the operational information it obtains from the Chief of Police to determine what the Toronto Police Service's overall objectives and priorities will be for a particular operation, event, or organizationally-significant issue. With these established, the Toronto Police Service can create specific operational plans that will outline how the policing mission and objectives will be achieved. The Toronto Police Service must always maintain its autonomy to make and execute particular decisions during the operation. The Board should review the Toronto Police Service's operational plans to ensure they are consistent with the mission or objectives stated by the Board and that they have the benefit of an adequate policy framework.

Proper application of this consultation protocol will ensure that policy vacuums do not develop that could compromise the attainment of the Board's objectives and priorities. It will also permit

the Board to provide recommendations, but not direction, to the Toronto Police Service where it believes that a particular aspect of an operational plan is inconsistent with applicable legal requirements or community norms and values.

The consultation protocol that I recommend, while in harmony with the framework and provisions of the *Police Services Act*, is not consistent with the way in which the Board has generally applied its oversight role to date. To be successful, the application of this consultation protocol will require a mutual commitment on the part of the Board and the Toronto Police Service to engage with one another as true partners in the delivery of policing services in Toronto.

Recommendation No. 4: Information exchange between the Board and the Chief of Police on all subject matters

The Board and the Toronto Police Service should ensure that an open exchange of information on all matters of operations and policy is established and maintained. The purpose of this information exchange is to ensure that both the Board and the Toronto Police Service are aware of the details necessary to engage in consultation concerning Board policies and Toronto Police Service operational mandates.

This exchange must permit a two-way transmission of information between the Board and the Toronto Police Service: the Board is to be made aware of all information relevant to its statutory role to determine "objectives, priorities and policies" for policing in Toronto and the Toronto Police Service is to be made aware of information that may assist it in commenting on policy options the Board is considering. In particular, this information exchange must include the provision to the Board of relevant operational information by the Toronto Police Service before operations actually unfold.

Recommendation No. 5: The Board should create a policy that defines "critical points"

The Board should, in consultation with the Toronto Police Service, draft a policy that defines what will constitute a "critical point" in municipal policing and identifies criteria that will be applied in determining when a "critical point" has arisen. This policy will assist both the Board and the Chief of Police in determining when operational information should be provided to the Board in advance of the "critical point."

The Board should consider using the following definition of a "critical point": a policing operation, event, or organizationally-significant issue for which advance planning and approval at the Toronto Police Service's command level is required.

There should be clarity and consistency concerning the types of matters about which more detailed information, including operational information, should be provided to the Board by the Toronto Police Service. This policy should be reviewed by the Board with some frequency after it is established to ensure that it is enabling the Board to identify events and issues for which operational information should be provided in advance.

Recommendation No. 6: The Board should determine appropriate objectives, priorities, and policies for major events, operations, and organizationally-significant issues in which the Toronto Police Service will be involved.

Where critical points in the policing of Toronto arise, the Board and Toronto Police Service should apply the consultation protocol and engage in a consultation about the major event/operation or organizationally-significant issue at the earliest possible opportunity. The Board should be provided with relevant operational and other information in order to understand the details of the major event/operation/issue. The Board should then work with the Chief of Police to identify the mission, objectives and priorities for the particular event/operation/issue, the achievement of which will result in the provision of adequate and effective policing in Toronto.

Once the mission, objectives and priorities have been defined, the Toronto Police Service must maintain the autonomy to develop and execute the appropriate operational plans. The Board should conduct a review of the Toronto Police Service' operational plans to ensure that (a) they are consistent with the mission or objectives stated by the Board, (b) they are consistent with applicable Board policies, and (c) that no additional policies are required in order to provide guidance to the Toronto Police Service. Through this review process, the Board may provide recommendations to the Toronto Police Service where it believes that a particular aspect of the operational plan may result in the operational mission, objectives and priorities not being achieved. The Chief of Police, however, must remain entirely free to accept or reject the Board's recommendations.

CHAPTER THREE: PLANNING AND POLICING FRAMEWORK FOR THE G20 SUMMIT

The Toronto Police Service was forced to plan for a major policing event in far less time than would usually be available for a security operation the scope of the G20 Summit. The G20 Summit was the largest security operation in Canada's history. In Chief William Blair's view, the planning required of the Toronto Police Service was "extraordinary." The Toronto Police Service depended entirely on others for the information it required to undertake its planning process. Information about the details and requirements for the G20 Summit was passed from the federal government, to the RCMP, and then to the Toronto Police Service. Until the federal government selected and announced the location and official venue for the event, the Toronto Police Service could not properly begin its planning process. After the location (Toronto) and venue (Metro Toronto Convention Centre) for the G20 Summit had been announced, the Toronto Police Service had only four months to develop its plans. As the entities that would bear the brunt of the policing and security for the G20 Summit, the Board and the Toronto Police Service should not have been excluded from the federal government's decision-making with regard to the event. The hallmarks

one would expect to see in putting together a major international security event – deliberation, cooperation, and sufficient time to plan – were absent.

Three major areas of the Toronto Police Service's planning process became challenging because of the late point at which the federal government announced its location and venue decisions. In the area of funding, the Toronto Police Service was able to seek the Board's approval for a request to the City of Toronto for funds only five months before the G20 Summit. This funding request was unusual. The City was to pay millions of dollars up front with the expectation that it would be reimbursed by the federal government later. However, at the time, no arrangement for this funding had been entered into. Therefore, there was a risk that some of the funds provided by the City might not be recovered.

The Toronto Police Service also needed to acquire equipment and facilities for use during the event. It advised the Board that without certain equipment or facilities, its ability to deliver adequate and effective policing for the G20 Summit was compromised. Without, at least, knowing that Toronto was the location for the G20 Summit, the Toronto Police Service could not begin the process of securing the equipment and facilities. The process for these acquisitions and arrangements was shorter than would have been ideal.

Finally, the development of the Toronto Police Service's policing plans for the event was compromised. These types of plans would usually develop over the course of up to two years. In this case, the Toronto Police Service had only a matter of months. The planning process was made more complicated by the Toronto Police Service's reliance on the RCMP for information that was critical to its own planning. The short amount of time available for this process meant that operational and field commanders were not properly involved in the planning and did not develop an appropriate level of familiarity with the plans. It also meant that the Toronto Police Service was unable to test its plans in advance of the Summit.

The ability to deliver adequate and effective policing for the G20 Summit was put at risk by the short time made available to properly plan all components of the Toronto Police Service's operation. Had more time been available, the shortcomings of the Toronto Police Service's policing role at the event would have been minimized.

In reporting to the Board, Chief Blair identified the timing challenges faced by the Toronto Police Service only in general terms. The Board itself was concerned about the amount of time available to plan the policing for the G20 Summit. Had the Chief provided the Board with more detailed information about how the short timeline was affecting the Toronto Police Service's ability to properly plan and prepare for its policing role, the Board would have had a clearer picture of the potential risks to the Toronto Police Service's operations during the G20 Summit. With this awareness, the Board could have acted earlier in the process to obtain more detailed information from the federal government. This information could have assisted the Toronto Police Service in its planning.

The Integrated Security Unit ("ISU") was established to plan and coordinate security-related matters for the G8 and G20 Summits. For the G20 Summit, the ISU comprised five partners: the RCMP, the Ontario Provincial Police, the Toronto Police Service, Peel Regional Police and the

Canadian Forces. Each ISU partner was required to develop its own set of operational plans to cover its own functions during the G20 Summit. The ISU partners collaborated during the planning process to ensure the plans could function in coordination with one another. However, the short amount of time available to plan made full integration of all plans impossible.

The RCMP was the lead entity on all matters of security at the G20 Summit and had ultimate decision-making authority over all security operations. The ISU operated under the leadership of the RCMP. The ISU determined the security responsibilities that would be assumed by its various partners for the G20 Summit. This included the policing responsibilities and geographic areas of jurisdiction the Toronto Police Service would assume. The Toronto Police Service ultimately accepted these responsibilities and geographic areas.

Four security zones for the G20 Summit were established: the Controlled Access Zone; the Restricted Access Zone; the Interdiction Zone; and the Outer Zone. The Toronto Police Service was responsible for the Interdiction Zone and Outer Zone. Geographically, the Interdiction Zone fence became an important boundary between the G20 Summit's high-security areas and the rest of Toronto. The decision that the Toronto Police Service would assume responsibility for the Interdiction Zone had implications both in terms of where Toronto Police Service deployed its officers and specific tactical decisions that were made during the G20 Summit.

Under the federal *Foreign Missions and International Organizations Act* ("FMIOA"), the federal government may enter into an arrangement with a provincial government to "facilitate consultation and cooperation" for the policing of international events. Despite a request by the Province of Ontario for an arrangement, no arrangement was made. The decision by the federal government not to enter into an arrangement under the FMIOA was a missed opportunity. An arrangement could have brought clarity to the division of policing responsibilities. It could have also brought clarity with regard to the legal authorities on which each partners' role during the G20 Summit would be based. Had discussions concerning an arrangement under the FMIOA taken place early on, possibly different decisions would have been made on which policing partner would assume the responsibility for the various security zones. In particular, these discussions may have resulted in the RCMP assuming responsibility for the policing of the Interdiction Zone. In that event, a request by the Toronto Police Service for new legislative powers under the *Public Works Protection Act* would have been unnecessary.

The Toronto Police Service did not engage the Board in the planning process for the G20 Summit and the Board failed to obtain the detailed information it required to address its gap in knowledge. The Board was never aware of the process used to develop plans for G20 Summit policing. The Board's knowledge of the ISU and its actual role was inadequate. The Board was also not aware to what extent the Toronto Police Service was subject to the planning direction of the RCMP, including the ability of the RCMP to override planning decisions made by the Toronto Police Service. The Board's lack of knowledge in each of these areas is a matter of concern.

The Toronto Police Service's planning for the G20 Summit included the development of a mission statement, a "Concept of Operations," and a 26-chapter operational plan for the event. The Board never received or reviewed any of these important planning documents before the G20 Summit. As a result, the Board was never in a position to evaluate whether the Toronto Police Service

could fulfill its roles and functions for the G20 Summit adequately and effectively. The Board was also unable to engage in informed consultation with the Chief so that it could determine the Toronto Police Service's objectives, priorities, and policies for its policing role during the event. Without the information in these documents, and without even the knowledge that this information existed, the Board's oversight function was seriously impaired.

The short time for planning the policing for the G20 Summit and a failure on the Board's part to ask for information weakened the civilian oversight relationship between the Toronto Police Service and the Board. As a result, the Board did not have a clear sense of the framework and plan for the policing of the Summit. Instead of leading a consultative process with the Chief and setting the Toronto Police Service's objectives and priorities for the G20 Summit, significant matters were presented to the Board as 'done deals.' In general, the Board did not make the necessary inquiries to ensure it had the information it needed to fulfill its oversight function. In fact, even when Board members had questions or were unclear about a specific matter related to the policing of the G20 Summit, there is no evidence of any effort to pursue those matters and obtain responses that were available at the time.

Recommendation No. 7: Board to negotiate framework for funding conditions

In all cases where the Toronto Police Service will be involved in policing and security for a major event, the Board should, at a minimum, negotiate a framework funding agreement with the entity requiring the Toronto Police Service's assistance. This agreement should set out the funding and reimbursement conditions with respect to the Toronto Police Service's expenses associated with planning and policing the event.

Recommendation No. 8: Board involvement in consultation

Where the Board learns of the potential for Toronto to be selected as the host city for an event sponsored by the federal or provincial government, the Board should make a formal request that it be consulted, in advance of final decisions being made, on matters relevant to the Toronto Police Service's policing function at the event. In particular, the Board should request information that will enable it to understand the Toronto Police Service's role at the event, the legal framework applicable to the event's policing and other relevant matters.

Recommendation No. 9: Confirmation concerning Toronto Police Service's planning process

The Board should request regular updates concerning the progress of the Toronto Police Service in planning for the policing of a major event. In particular, the Board should seek information from the Toronto Police Service about (i) what mechanisms exist to capture, during the planning process, the input of those who will have operational decision-making

responsibilities during the event and (ii) what testing of the operational plans will be conducted before the event.

Recommendation No. 10: Time available for Toronto Police Service operational planning

Where the Toronto Police Service is required to develop operational plans for a major event, the Board should consult with the Chief of Police to determine whether there is a sufficient amount of time available for proper planning and, specifically, whether the adequacy and effectiveness of policing for the event may be compromised by the time available to plan.

If the adequacy and effectiveness of the Toronto Police Service's policing may be affected by the amount of time available for planning, the Board should communicate this to the government entity hosting the event and seek assistance to address challenges and gaps.

Recommendation No. 11: Board to be informed of possibility of major event

The Board should be informed, as soon as practicable, where a reasonable possibility exists that the Toronto Police Service may be involved in the policing of a major event hosted by a government entity. The Board should seek information and clarity concerning the proposed decision-making structure and process related to the policing of the event.

Recommendation No. 12: Board should insist on FMIOA agreement

Where the RCMP will be involved in an international event for which security arrangements are required, including the participation of the Toronto Police Service, the Board should encourage the federal and provincial governments to enter into an arrangement under section 10.1(4) of the *Foreign Missions and International Organizations Act*.

The Board should also seek an opportunity to provide input concerning the details of such an arrangement, including with respect to the policing functions the Toronto Police Service can fulfill for the event and the legal authorities on which the Toronto Police Service's involvement in the event's security will be based.

Recommendation No. 13: Toronto Police Service to provide information regarding planning structure to the Board

Where the Toronto Police Service is involved in a joint operation related to the policing of a major event, the Board should be provided with detailed information and briefings

concerning the planning structure, including information regarding the Toronto Police Service's role in that structure and whether planning decisions by the Toronto Police Service are subject to the approval of any other entity.

CHAPTER FOUR: TORONTO POLICE SERVICE OBJECTIVES AND PRIORITIES FOR THE G20 SUMMIT

Although the *Police Services Act* requires the Board to set the objectives and priorities for the Toronto Police Service, this did not occur in advance of the G20 Summit. Instead, this role was assumed by the ISU, under the leadership of the RCMP. In the earliest days of the planning for the G20 Summit, a pattern was followed in which the ISU defined certain objectives, priorities, broad responsibilities, and geographic jurisdiction for the policing of the event and the Toronto Police Service adopted them. The Board was merely advised about general aspects of the Toronto Police Service's responsibilities at various points in time, without any specifics.

As a result, the Board was unaware of the specific policing functions that the Toronto Police Service had agreed to assume for the G20 Summit. At no point before the G20 Summit did the Board consult with the Chief concerning the details of the Toronto Police Service's role during the G20 Summit or what the full scope of policing required for the event would be. Board Chair Mukherjee confirmed this in his interview with the Review:

"...I don't think the Board understood. I mean, again, beyond the general sense that there'll be leaders to be protected and there will likely be protests and demonstrations, I don't believe there was any understanding of the full scope of policing that this would involve, or the nature of policing that would be involved."

One of the priorities for G20 Summit security was protection of the Interdiction Zone fence. This was the fence that served as a buffer between the G20 Summit site, which was controlled by the RCMP, and the rest of the city, which was policed by the Toronto Police Service. At no point was consideration given to the RCMP assuming responsibility for the Interdiction Zone rather than the Toronto Police Service.

The significance of this buffer to the overall security of the event, combined with the ISU's focus on the protection of Internationally Protected Persons, created a preoccupation with the Interdiction Zone fence. This preoccupation by the Toronto Police Service influenced its decisions concerning the allocation of resources and specific deployments. Officer notes made during the G20 Summit confirm that the Toronto Police Service's focus was protecting this fence:

MICC [Toronto Police Service Major Incident Command Centre] strategy to keep crowd away.

[L]eave units on fence but get them in a line.

OZ [Outer Zone] - plan to secure fence

The Toronto Police Service's preoccupation with protecting the Interdiction Zone detracted from its ability to police the rest of the city and caused a policing vacuum in the Outer Zone. On the afternoon of Saturday, June 26, the Toronto Police Service was unable to adequately and effectively manage the violence and property damage taking place in the city. Despite this violence and property damage, officers assigned to police the Outer Zone were often deployed near the Interdiction Zone fence. Ultimately, the Toronto Police Service lost control of the Outer Zone – the very area it had a statutory obligation to police.

It was a mistake for the Toronto Police Service to prioritize policing the Interdiction Zone. As a result of this mistake, a significant redeployment of resources was required. RCMP and OPP officers still at the G8 Summit in Huntsville were sent to Toronto. The Toronto Police Service also requested that the RCMP take over command of the Interdiction Zone. The request was made so that the Toronto Police Service could redeploy its resources to the Outer Zone. Unfortunately, there was no plan in place for a large reallocation of resources or the transfer of command from one ISU partner to another. This planning gap meant that redeployment and transfer of command plans had to be created at a time of crisis. It also meant that twelve hours passed before the RCMP agreed to assume command of the Interdiction Zone from the Toronto Police Service. This passage of time was unacceptable. Given that violence and property damage were reasonably anticipated by the Toronto Police Service in planning for the G20 Summit, a contingency plan for the reallocation of officers and the transfer of command to the RCMP should have been prepared in advance of the event.

The combination of short timelines and a Board that did not assert its oversight role resulted in a planning error. In accepting the objective of securing the Interdiction Zone, the Toronto Police Service left the Outer Zone exposed to some of the violence and property damage that have become the unfortunate images of the G20 Summit. Had the Board and Chief engaged in proper consultation on the Toronto Police Service's focus for the G20 Summit, a more balanced approach to the Toronto Police Service's objectives and priorities for G20 Summit policing may have been established. Certainly, the Board would have emphasized the need to make the Outer Zone the Toronto Police Service's first priority. This could have minimized the extent of the breakdown that occurred on June 26.

CHAPTER FIVE: COMMAND AND CONTROL

In January 2010, a small working group of representatives from each of the ISU partners began meeting for the purpose of creating a document that would set out the command and control structure for the G20 Summit. Each ISU partner had the ability to raise particular concerns and suggest amendments to the draft document. Ultimately, the partners resolved all issues and produced a document that was "acceptable to all." The *2010 Summits Command and Control (C2) Document* ("C2 document") was approved on June 17, 2010.

The C2 document outlined the responsibilities of each of the ISU members. The RCMP was the "lead security agency" and was responsible for protecting the Internationally Protected Persons ("IPPs"), securing the G20 Summit site, and for supporting its policing partners. The Toronto

Police Service was responsible for "its mandated obligations under the *Police Services Act*" and for supporting the RCMP is its "federally legislated mandate."

There were four layers of command for the G8 and G20 Summits. The Unified Command Centre ("UCC") was located at the ISU headquarters in Barrie, Ontario and was the highest level of command and control for the G8 and G20 Summits. It was comprised of commanders from all ISU members, but was under the command of an RCMP commander. The UCC Steering Committee was a body comprised of senior officials from each of the ISU partners and was responsible for providing "senior executive oversight during the [G20 Summit]." The Steering Committee was not, however, "a decision making body in the chain of command."

The next entities in the command structure were the Area Command Centres: one for Muskoka (G8 Summit) and another for the Toronto Area (G20 Summit - "TACC"). The TACC was located at Lester B. Pearson International Airport and served as a link to the UCC. It was also under the command of an RCMP commander.

The Major Incident Command Centre ("MICC"), located at Toronto Police Service Headquarters, exercised command and control of all Toronto Police Service resources, including external officers recruited from other police services, who were deployed to the Interdiction Zone and the Outer Zone. The MICC was under the command the Toronto Police Service and reported to the TACC, not the UCC. Finally, the last level of authority with respect to the Toronto Police Service was a "site." Toronto Police Service Site Commanders were deployed on the ground and were responsible for making specific tactical decisions. RCMP sites located in the RAZ and CAZ reported directly to the TACC.

The C2 document began with the general premise that the police force with command of a particular security zone (the RAZ, CAZ, IZ, or OZ) was responsible for authorizing all tactical decisions made in that zone. An annex to the C2 prescribed the level of command (Site Commander, MICC, TACC or UCC) that had the power to authorize a particular action, including the deployment of public order units, arrest and detention, and the use of tear gas. Only one level of command had the power to authorize a particular action. Once an authorization had been given, all other levels of command were to be informed that the authorization had been given.

The C2 document fell short in two important aspects. First, resources deployed to the Outer Zone were to be under the command of the MICC, but, the C2 document did not contemplate a direct command link between the MICC and RCMP and OPP resources (site commanders) deployed to that zone. Instead, it provided that RCMP and OPP resources were under the direct command of the TACC. During the G20 Summit, at least one RCMP troop deployed to the Outer Zone on June 27 was taking orders directly from the TACC, rather than the MICC. This meant that for a period of time on June 27, there were, in effect, two chains of command operating simultaneously in the Outer Zone. This created confusion for the RCMP site commander and created the potential for conflicting orders being given to officers in the same security zone. Indeed, this gap in the C2 document led to fairly widespread confusion among RCMP and OPP commanders deployed to the Outer Zone on June 27. In debriefing sessions, both RCMP and OPP site commanders reported that it was difficult to determine *who* was in charge.

The second gap in the C2 document was the lack of any process or procedure for the transfer of command of a particular security zone from one ISU partner to another. The violence and property damage that occurred on June 26 prompted the Toronto Police Service to move the majority of its officers deployed to the Interdiction Zone to the Outer Zone. Those officers were replaced by RCMP and OPP officers redeployed from the G8 Summit. As part of that process, the Toronto Police Service requested that the RCMP take command of the Interdiction Zone. The lack of an existing process meant that transfer of command took more than 12 hours and delayed the Toronto Police Service movement of much-needed resources into the city. Ultimately, this impeded the Toronto Police Service's ability to adequately and effectively police the Outer Zone. Had the C2 document included a specific transfer of command process, many of those vital hours may not have been lost.

The more complex a police operation is the more essential it is that all of the police services involved have a clear understanding of the scope of their authority. The governing document that addresses this purpose should be clear, comprehensive, and sufficiently detailed. Given the size and complexity of the G20 Summit policing operation, these two gaps should have been addressed.

The Board received no information with respect to the command and control structure for the G20 Summit. Given its responsibility for the provision of adequate and effective policing in the City of Toronto, the Board should have sought sufficiently detailed information to be confident that mechanisms were in place to govern how the Toronto Police Service would give orders to the thousands of officers deployed to the areas under its command. In addition, given the multi-jurisdictional nature of the policing of the G20 Summit and the potential for police officers in the City of Toronto to become subject to the command of the RCMP, it was incumbent on the Board to understand what command and control structure was in place.

Recommendation No. 14: **Board to obtain information concerning the command and control structure for multi-jurisdictional policing events**

The command and control structure for the policing of a particular event has a direct impact on the manner in which police services will be delivered. When the Toronto Police Service is involved in a multi-jurisdictional policing event in Toronto, the Board shall require information from the Chief of Police concerning the command and control structure for the event. The Board shall also ensure that the command and control structure will enable the Toronto Police Service to adequately and effectively provide police services for the event and for the City of Toronto generally.

CHAPTER SIX: BOARD'S KNOWLEDGE OF G20 SUMMIT MATTERS

The Board must obtain all relevant information so that it can ensure adequate and effective policing in Toronto. The Board should be well-informed on community issues, public safety concerns, and policing strategies and tactics so that it can identify the information it requires to

make a decision or recommendation, and to establish the Toronto Police Service's objectives and priorities.

The Board receives most of its information from the chief of police. This information is generally communicated during official Board meetings. All too often, the chief of police is required to act as the main "gatekeeper" of information transmitted to the Board. This places the chief of police in the position of having to regulate the flow and substance of information provided to the Board, as opposed to the Board having more control over what information it obtains. As a result, meetings between the chief of police and the Board often take the form of a one-way address as opposed to a consultation concerning issues and matters impacting the Toronto Police Service. True consultation – that is, an open exchange of information, ideas, and, sometimes, debate – is required if the Board is to meet its significant legislative duties.

There are two primary reasons why the chief of police has been unable to transition beyond this gatekeeper role. First, the Board, incorrectly, has the view that it is improper for it to seek information from the Chief on operational matters. However, correctly interpreted, the *Police Services Act* places no limit on the type of information the Board can obtain from the chief of police, including operational information. Second, the Board constantly struggles to identify what questions it needs to ask the chief of police to ensure it has sufficient information to perform its statutory functions. The Board's incorrect understanding of what information it is entitled to obtain and its challenge in asking the right questions have operated to unnecessarily constrict the flow of relevant information to the Board. This has weakened the Board's civilian oversight authority.

The recent experience with the G20 Summit in Toronto underscores the importance of developing a culture within the Toronto Police Service that is founded on the cooperative exchange of information, operational or otherwise, between the chief of police and the Board. The Board received very little information about the framework and plans for policing the G20 Summit. In certain instances, the Board was left completely in the dark on details of the Toronto Police Service's plans and priorities for the policing of the G20 Summit.

Some Board members felt that the Chief was quite "secretive" with the information he had about the G20 Summit. Certain Board members speculated that the Chief's handling of information stemmed from the Chief himself not being fully briefed on all relevant information pertaining to the G20 Summit. Other Board members indicated that the Chief felt that he could not disclose certain information to the Board because of its confidential or sensitive nature. Still other Board members suggested that the Chief did not share certain information with the Board because, in the Chief's opinion, the information concerned operational matters and were not the Board's concern. What is clear from the record is that the Chief's non-disclosure of certain information to the Board with respect to the G20 Summit led to confusion, or even a complete lack of understanding, among Board members on a number of important policing issues. While the Chief had considerably more information about the G20 Summit than what was communicated to the Board, the Board must take responsibility for its own lack of knowledge concerning the Toronto Police Service's plans and priorities for policing the Summit. In fact, it was the Board's action – and inaction – that resulted in its lack of the information it needed on the G20 Summit to effectively discharge its oversight responsibilities.

For example, in an e-mail from Chair Mukherjee to the Chief on March 16, 2010, the Board directed the Chief to report on only three items: (i) budget, procurement and other financial issues, (ii) community and media relations issues, and (iii) human resource issues. This was the only specific direction the Board provided to the Chief regarding the information it wished to have on the policing of the G20 Summit. In the e-mail, the Chair specifically advised the Chief that it was not seeking information about confidential operational matters. This direction unnecessarily limited the information that would be provided to the Board over the coming months to these three basic items.

The Board could have asked questions about how the plans for the G20 Summit were unfolding, what specific policing role the Toronto Police Service would be discharging during the G20 Summit, or how decisions about critical aspects of policing the event were being made, but it did not. By not asking these and other questions, the Board created significant gaps in its knowledge regarding essential matters relating to the Toronto Police Service's planning and policing of the G20 Summit. These gaps concerned: the legal framework for policing the G20 Summit; the role and function of the ISU; the Toronto Police Service's operational plans for the event; the command and control structure and the Toronto Police Service's role, duties, objectives, and operational authority within that structure; and the nature of the relationship between the Board and the external police officers seconded to assist with the policing the G20 Summit.

Without this information the Board rendered itself a virtually voiceless entity. To a large extent, the Board became irrelevant throughout the G20 Summit planning process. In addition, without specifics about the Toronto Police Service's role within the larger security framework for the event, the Board did not have the information it needed to fulfill its oversight responsibilities under the *Police Services Act*.

There is one example of a Board member who attempted to seek detailed information about G20 Summit policing matters. In particular, this Board member sought information on whether appropriate safeguards would be in place for the use of the Long Range Acoustic Device (the "LRAD"). The record shows that these efforts to obtain information were not supported, encouraged, or fully and sufficiently addressed by the Board as a whole. Instead, the Board member was criticized by the Chair for raising this issue. The work done by this Board member to obtain relevant information and ask detailed questions is an example of the standard Board members should meet. The Board should have encouraged and facilitated these efforts rather than shutting them down.

Another Board member and city councillor also encountered some issues regarding the sharing of information on G20 Summit matters. A complaint was initiated by the Chair against Councillor Vaughan in respect of a newsletter that he distributed to his constituents on February 11, 2010. In that newsletter, Councillor Vaughan referred to a "classified briefing" that he had received. According to Chair Mukherjee, this reference suggested that the newsletter contained information about matters that were discussed in a confidential Board meeting and, therefore, it was a breach of Councillor Vaughan's Board member oath of secrecy to have publically divulged this information. While Councillor Vaughan took responsibility for using the term "classified" in his newsletter and agreed that, in hindsight, the use of the term was inappropriate, he confirmed that the information contained in the newsletter was not information he received as a Board member.

Based on my review of the record, I find that the content of Councillor Vaughan's newsletter did not include any information that he received at a confidential meeting of the Board. Therefore, there was no breach of his oath of secrecy. Unfortunately, the complaint against Councillor Vaughan negatively impacted on the information-sharing situation between the Chief and the Board in the lead up to the G20 Summit.

Collectively, these challenges in the flow of information led some Board members to become disengaged from their duties during the planning of the G20 Summit. This disengagement meant that the Board failed to seek the information it needed to discharge its civilian oversight obligations.

The recommendations that I have made regarding the information sharing practices between the Board and the Toronto Police Service are intended to ensure that where critical points arise – such as a major policing event in which the Toronto Police Service will participate – a mechanism will be in place to encourage and preserve the flow of relevant information to the Board.

Recommendation No. 15: The Board should record confidential Board meetings

Properly recording discussion and information provided during Board meetings is critical. It ensures that an accurate record of the questions asked and decisions or recommendations made is preserved. The Board should institute a practice of audio recording all confidential Board meetings.

Recommendation No. 16: The Board should develop a mechanism to ensure all Board members are canvassed in advance of pre-meeting agenda briefings

The pre-meeting agenda briefings present a useful opportunity for the Chair and Board Staff to identify areas and issues that may be of concern or interest to the Board and that should be placed on the agenda, and to work with the Chief and his staff to obtain information the Board requires. The Board should develop a mechanism that requires canvassing all members in advance of these briefings to identify questions or requests for information that can be conveyed by the Chair during the briefings.

Recommendation No. 17: The Board should create a policy requiring open communication and sharing of information between all Board members

The Board should develop a policy that sets guidelines for the exchange of information between Board members. Under this policy all Board members would be required to share, at the earliest opportunity, information he/she receives through informal communications

with the Chief on a particular matter or issue that is before the Board or that otherwise falls within the Board's statutory role and responsibilities.

Recommendation No. 18: Where time is of the essence for procurement, the Board must maintain a monitoring role

While specific timing issues may require the Board to pre-authorize certain expenditures in order to hasten the procurement of equipment and other supplies, the Board should maintain an oversight role with regard to this process. Where time is of the essence and the Board decides to suspend or alter its usual procurement practices, the Board should establish a process that will ensure it receives relevant information from the Toronto Police Service regarding the purpose and justification of all expenditures.

Recommendation No. 19: The Board should be involved in the negotiation of contribution agreements pertaining to the Toronto Police Service's involvement in a policing event

Where a contribution agreement with a government entity will determine the recovery of costs applicable to the Toronto Police Service's involvement in a policing event, the Board must be involved in the negotiation of the contribution agreement. The Board should also obtain legal advice concerning the Board's financial exposure as a result of the contribution agreement and, in particular, whether there are any provisions that may place at risk the Board's ability to recover all funds spent for the policing event.

Recommendation No. 20: Board policies and Toronto Police Service procedures should apply to police personnel seconded to assist the Toronto Police Service in a joint operation

Board policy and Toronto Police Service procedures should apply to external police officers seconded to assist in policing the city of Toronto where those officers are under the command and control of the Toronto Police Service. The home police services boards should be required to formally adopt the relevant Board policies and Toronto Police Service procedures as their own. In that regard, the Board should provide its policies and the Toronto Police Service procedures to the home police services board so that it can help ensure that its officers are familiar with these policies and procedures. If external police officers violate Board policies or Toronto Police Service procedures while carrying out their duties in assisting the Toronto Police Service, the home board or their complaints and disciplinary oversight body should have the authority to discipline those officers, thereby avoiding any jurisdictional dispute between the Board and the home boards.

Recommendation No. 21: The Board should receive information on any training developed by the Toronto Police Service for a major event

The Board should receive information related to the training of Toronto Police Service officers and other external officers seconded to assist the Toronto Police Service with policing a major event. The information the Board receives should permit it to determine whether the training accords with the Board's existing policies and give the Board an opportunity to identify any gaps in its policies that need to be addressed prior to the event. Such information should include, but is not limited to, any material developed to aid in the training, details concerning how the Toronto Police Service plans on monitoring compliance with the training and details concerning who is required to undergo the training and what form of training is being provided to the officers.

Recommendation No. 22: The Board should review the Toronto Police Service's continuity of service plans for major policing events

Where there is a large event that may impact upon the Toronto Police Service's ability to deliver regular policing officers in Toronto, the Board should consult with the Chief of Police concerning how continuity of service can be achieved. The Board should be provided with any plans developed by the Toronto Police Service to aid in the consultation.

Recommendation No. 23: The Board should amend its information sharing protocol with City Council

The Board should amend its existing information sharing protocol with City Council to include a mutual information sharing mechanism. This mechanism should address the type of information to be shared and the method and frequency for sharing such information. The Board should also work with City Council to develop a protocol that ensures there is a free flow of communication to and from the Board and City Council with respect to the policing of major events.

Recommendation No. 24: The Board should, with the assistance of the Ontario Association of Police Services Boards analyze the issues and concerns raised with respect to sharing confidential or classified information

Sharing confidential or classified information between different policing partners is a complex issue that requires further study. Accordingly, I recommend that the Board request that the Ontario Association of Police Services Boards examine this issue carefully and propose solutions that would ensure that sensitive information is protected without

detracting from the requirement that municipal police services share relevant information with the police services boards.

Recommendation No. 25: The Board should develop an information sharing policy for major events

The Board should develop a specific information-sharing policy tailored specifically for major policing events. The policy should include a direction concerning the manner and frequency in which the information should be provided to the Board.

Under this policy, the Chief of Police would be required to provide the Board with information, at the earliest possible opportunity, with respect to the following matters, at a minimum: the nature of the event; the policing, security and other entities involved in planning the event; whether the Toronto Police Service is taking planning or operational direction from another entity; information about Toronto Police Service's proposed priorities and objectives; the need for any requests for legislative change to accommodate the Toronto Police Service's policing of event; and information about specific policing strategies or techniques that may be used during the event itself.

CHAPTER SEVEN: TRAINING OF POLICE FOR THE G20 SUMMIT

More than twenty thousand police, military, and security personnel across Canada came together to help police the G20 Summit in Toronto. All external police officers were generally required to abide by the Ontario *Police Services Act* and Toronto Police Service policies and operational guidelines. Officers from outside Ontario were appointed special constables for the purposes of ensuring they had the legal authority to enforce Ontario statutes that came into play during the policing of the G20 Summit.

Given the joint-operational nature of this event, the Toronto Police College developed and implemented a training program for all regular and special officers (e.g. Public Order Unit, or "POU") who would be under the operational command of the Toronto Police Service during the G20 Summit. The training program was aimed at providing these officers with a basic overview of the skills and tools they would require during the event.

The training was delivered through computer-based learning modules as well as face-to-face sessions. The computer-based training covered topics such as crowd dynamics and management; public order incidents; investigative detention; search and seizure the arrest process; and, the use of specialized equipment, such as the Long-Range Acoustic Device. Officers from outside Ontario who were deployed to police the G20 Summit received additional training on provincial laws they may have had to enforce during the event.

The face-to-face training focused on incorporating and reinforcing certain cognitive skills and providing practical instruction on use of force options. Training was provided on issues that might affect public and officer safety and included a review of crowd management protocols, operational considerations, and defensive and front-line tactics. Part of the training involved practical exercises which were evaluated and assessed by an instructor.

A separate, two-day training program was developed for the POU officers and used simulated scenarios to permit officers to practice specific skills, proper tactical formations, and arrests. POU teams also received training on the various legal authorities that could be engaged during the policing of the G20 Summit.

The substance of the training administered to officers covered a broad range of topics related to policing the G20 Summit, with a particular focus on crowd dynamics and management. Crowd management skills are a critical component of safety planning for any major event and were essential in the case of the G20 Summit given its unprecedented size, the thousands of police and security personnel involved, and the security requirements for the event. While the training materials developed were clearly presented and highly relevant to maximizing safety in mass protest situations, the training was lacking in several respects.

First, the training would have benefitted from a more detailed discussion of the relationship between the exercise of police powers, such as arrest, and the relevant *Charter* rights and freedoms engaged in policing mass public demonstrations, such as the freedom of peaceful assembly. There should have been a greater emphasis in training on the police officers' responsibility to protect and facilitate the public's exercise of their fundamental rights and freedoms under the *Charter*.

Second, many of the images and much of the language used in the training materials to depict protestors was unbalanced. Representations of rioting crowds, violent protestors, and anarchists left the impression that all protestors at the G20 Summit would engage in destructive protest activity and that police officers would be required to respond with aggressive crowd control measures.

Third, given the increased potential for violence and civil disorder in a mass protest situation, all officers deployed to the G20 Summit should have received more practical skills training than was offered. This should have included simulated scenario training with groups of non-violent and violent protestors that focus on the powers of police to detain or arrest, as well as the legal rights an individual has when the police engage in such conduct.

Overall, the lack of communication between the Board and the Toronto Police Service regarding officer training for the G20 Summit is a matter of concern. The Toronto Police Service did not consult with the Board before developing the training program and materials. The Board was also not advised of concerns raised by the Toronto Police Service Training Coordinator early in the development of the training program regarding the sufficiency and method of delivery of the training.

The Board itself made no effort to obtain specific information about the training that would be delivered. This is despite the fact that the Board was advised by Chief Blair on June 11, 2010 that

external officers seconded to assist with policing the G20 Summit would be required to follow Board policies and Toronto Police Service procedures. The Board's lack of engagement in relation to training caused it to have absolutely no information on what topics the training would cover, who would receive training, or the training methods developed for the G20 Summit. As a result, the Board was not aware of whether the training adequately reflected its policies or whether the training covered areas of policing for which a new Board policy may have been usefully created.

Recommendation No. 26: **The Toronto Police Service and the Board should work together to develop the training materials for a major event**

The Toronto Police Service should share information with the Board on the training being developed for officers participating in a major event. This information should include: the topics to be covered, an overview of the general content, and any potential issues or concerns raised regarding the sufficiency of the training materials. The Board should examine the information provided with a view to maximizing the overall effectiveness of the training materials and ensuring that the materials properly reflect existing Board policies. This examination should include an assessment of the methods of delivery of the training (e.g. E-learning, practical exercises, etc.).

CHAPTER EIGHT: THE POLICIES AND PROCEDURE CONCERNING CROWD CONTROL AND MASS DEMONSTRATIONS

The Board had policies in place before the G20 Summit that dealt with aspects of crowd control and mass demonstrations. They were entitled "Arrest," "Public Order Units," and "Preliminary Perimeter Control and Containment." However, the Board did not have a policy that squarely and comprehensively addressed the general subject.

The same can be said with respect to Toronto Police Service procedures bearing on crowd control and mass demonstrations. Two of its procedures made it reasonably clear that they were intended to relate to protester demonstrations of a much smaller order than those which took place during the G20 Summit.

Chief Blair advised the Review that he had "every expectation that the procedures would be integrated into the training material," and that the police service "always monitors compliance" with procedures. Accepting that this latter statement may fairly relate to day-to-day policing, this was not the case during the policing on June 26 and 27, 2010.

The cases of ineffective policing and excessive use of force during the G20 Summit were not significantly the result of non-compliance with police service procedures but, rather, a host of other factors beginning with inadequate preparation time.

Crowd control and mass demonstrations is a policing function of increasing importance. To provide the Toronto Police Service with its guidance in this area the Board, working with the

Ontario Association of Police Services Boards and other bodies that would be of assistance, should prepare a comprehensive policy on crowd control at mass demonstrations.

Recommendation No. 27: **Board to create a comprehensive policy on crowd control at mass demonstrations**

The Board, with the assistance of the Ontario Association of Police Services Boards and other bodies that would be of assistance, should prepare a comprehensive policy on crowd control at mass demonstrations. This policy should address the following subject matters, among others: necessary preparation times for adequate planning; command structures; the organization and dissemination of intelligence; incident management systems; the adaptation, if necessary, of existing services procedures for use during the contemplated event; and training.

CHAPTER NINE: POLICIES AND PROCEDURES ON THE WEARING OF NAME BADGES

The Board has a policy that has been in place since 2005 that requires police officers to wear name badges. Its only documentation is in the minutes of a board meeting held in September of 2005 that read: "It is recommended that: the Board approve the implementation of police identification uniforms in 2005." This is a very important policy that should be made expressly as such and included in the catalogue of Board policies.

The Toronto Police Service, at all relevant times, had a procedure in place that required the wearing of name badges.

The non-wearing of name badges by Toronto Police Service officers was not brought to the attention of the Toronto Police Service through its own monitoring system, even though the non-wearing of name badges could not have gone unnoticed by senior officers.

Twenty-eight other police services from across the country assisted the Toronto Police Service during the G20 Summit. Chief Blair informed the Review that these police services had different requirements regarding the identification of officers and, accordingly, the Toronto Police Services procedures did not apply to them. This was a result of a provision in the standard memorandum of agreement between the Board and the external police services for policing of the G20 Summit. The effect of this provision was that the external officers policing the G20 Summit would act contrary to the Board policy without consequence. This issue and others should have been examined closely by the Board before the memoranda of agreements were approved and executed.

In terms of penalties imposed, 66 breaches of the rule requiring identifiers to be worn by Toronto Police Service officers were substantiated and led to the loss of an eight hour day of pay. Separately, 53 breaches were substantiated that lead to a penalty of two eight hour days of pay.

The intentional non-wearing of a name badge by an officer carrying out his or her duties is an extremely serious offence. It is a fundamental breach of duty for police officers to remove their name badges so that they may exercise their powers with intentional anonymity. The inevitable effect is to undermine the public's trust in the police force, a trust that is essential to the provision of effective police services.

Recommendation No. 28: Board policy on the wearing of name badges and/or police badge numbers

The Board should express its policy on the wearing of name badges and/or police badge numbers in its standard policy format and include it in its catalogue of policies. The policy should require the chief of police to report to the Board on a regular basis concerning incidents of non-compliance with the policy.

CHAPTER TEN: THE PUBLIC WORKS PROTECTION ACT AND ONTARIO REGULATION 233/10

Three weeks before the G20 Summit began the Lieutenant Governor in Council made O. Reg. 233/10 under the *Public Works Protection Act* ("PWPA"). The regulation designated parts of the area within the Interdiction Zone as "public works." That designation provided police officers with additional powers to search and arrest people without warrant and to refuse entry to those wishing to enter the Interdiction Zone.

The ISU considered it vital for the Toronto Police Service to establish a security perimeter around the Interdiction Zone. Early in the planning process, the Toronto Police Service Planning Team sought a legal opinion from City of Toronto Legal Services regarding the legal bases it could rely upon to establish a security perimeter and enforce an accreditation system. The opinion identified two potential sources of power: (1) police ancillary powers at common law and (2) an arrangement between the federal and provincial governments under s. 10.1(4) of the *Foreign Missions and International Organizations Act* ("FMIOA arrangement"). It concluded that neither would provide the "firm legal basis" the ISU or the Toronto Police Service was looking for. The opinion did not make any reference to the PWPA.

It appears that the PWPA was being considered as a possible source of power for the Toronto Police Service in April 2010. At that point, the PWPA and the FMIOA were being considered simultaneously as possible legal bases for the establishment of a security perimeter around the Interdiction Zone. On May 7, 2010, the Ontario Deputy Minister of Community Safety and Correctional Services wrote to the Deputy Minister of Public Safety Canada formally requesting that the provincial and federal governments enter into an FMIOA arrangement. The letter noted that such an arrangement would "enhance" the provision of security at the G20 Summit. On June 11, 2010, the federal Deputy Minister responded and denied the request. The Deputy Minister's letter stated that sufficient common law and statutory powers already existed.

The Toronto Police Service was not satisfied without some additional source of power to secure the Interdiction Zone. On May 12, 2010, Chief Blair wrote to the Ontario Minister of Community Safety and Correctional Services and requested that the area within the Interdiction Zone fence be designated as a "public work" under the *PWPA*. In his letter, Chief Blair explained that the Interdiction Zone security perimeter was a "cornerstone" of the G20 Summit security plans and that the provisions of the *PWPA* would "offer legal support for the extraordinary security measures being undertaken for this unusual event."

On June 15, 2010, the Ontario Minister of Community Safety and Correctional Services wrote to Chief Blair and informed him that O. Reg. 233/10 had been passed in response to the Chief's request. O. Reg. 233/10 was a regulation made under the *PWPA* and provided that specific areas within the Interdiction Zone were designated as "public works." The regulation came into force on June 3, 2010 and was revoked on June 28, 2010.

Chief Blair's request under the *PWPA* was made before any discussion took place with Board. The Chief's request was sent to the provincial government on May 12, 2010, eight days before the May 20, 2010 Board meeting at which the request was discussed for the first time. In addition, the information that was given to the Board at the May 20th meeting was unclear and incomplete. The agenda for the meeting said that the Toronto Police Service would be asking the Province "to designate various properties and/or spaces situated within the City of Toronto to ensure that they are properly protected subject to acts of violence." While the Chief made a passing reference to the *PWPA* during the meeting, the Board was not provided with a copy of the *PWPA* or Chief Blair's letter to the Minister. It was not advised that the "properties and/or spaces" in question related to the Interdiction Zone. As a result, Board members did not understand that the Toronto Police Service was requesting a change in legislation that, if granted, would give its officers additional enforcement powers. When asked during her interview if she understood nature of the Chief's request or its legal ramifications, one Board member answered simply, "No, not at all."

Effective consultation between the Board and Chief on this issue required a level of basic information. In this case, that information should have at least included express reference to the provisions of the *PWPA*, an explanation of the additional powers that would be granted to police officers, and details of the request itself. Moreover, the information should have been provided *before* the Toronto Police Service made the request of the Ontario Government. There is little point in the Chief consulting the Board on a matter *after* a decision has been made or specific action has been taken.

There is currently no statutory provision in Ontario or Board policy that prescribes the process through which a police service or police services board may seek legislative changes. Ontario Regulation 544/91, which concerns the political activities of municipal police officers, and the related Board policy, are not relevant and I note that Chief Blair's request under the *PWPA* did not contravene those authorities. The absence of a Board policy has led to confusion as to which entity – the Toronto Police Service or the Board – is responsible for seeking legislative changes that will affect law enforcement powers.

The Board is the proper entity to make requests of government for legislative change. Legislative action, including action that can result in the granting of additional law enforcement powers to

police officers, affects the very framework in which police services are delivered in Toronto. It is the Board's responsibility to maximize the delivery of adequate and effective policing within this framework and, where it believes the framework requires improvement in this regard, to seek those improvements.

On June 25, 2010, the day before G20 Summit began, Chief Blair was asked during a press conference about the boundaries of the area designated as a "public work" by O. Reg. 233/10. As part of his answer, Chief Blair told the reporters present that the *PWPA* applied within the Interdiction Zone and up to five meters *outside* of the Interdiction Zone fence. This interpretation of O. Reg. 233/10 was incorrect. Chief Blair answered the question on the basis of a briefing he had received from Toronto Police Service legal advisers before the press conference took place. There is no indication that this interpretation was offered as a result of any intention to mislead the public.

The source of the incorrect interpretation appears to have been a reference to "within 5 meters" in Schedule 2 to O. Reg. 233/10. To properly secure the Interdiction Zone, it was vital that its entire fence was located on a "public work." The majority of the fence was located on public property, which automatically fell under the definition of "public works." However, three small portions of the fence were located on private property. It was necessary, therefore, to designate specifically those strips of land as "public works" in Schedule 2 to O. Reg. 233/10 to ensure that the *PWPA* applied to the entire Interdiction Zone fence line. Reference to these five meter strips of land was included in Schedule 2. The confusion appears to have been caused by the complicated legal language Schedule 2 used to describe these three strips. The Toronto Police Service prepared for the G20 Summit on basis of the incorrect interpretation of O. Reg. 233/10 and officers were incorrectly advised that the *PWPA* applied up to five meters outside of the Interdiction Zone fence.

Following Chief Blair's press conference on June 25, the Toronto Police Service was contacted by the Ontario Ministry of Community Safety and Correctional Services and informed that its interpretation of O. Reg. 233/10 was incorrect. Chief Blair immediately directed his legal counsel to draft a clarification which could be distributed to officers to advise them of the limits of their authority. That clarification was distributed to officers in the early evening of June 25 as they were being deployed and was also transmitted by radio.

However, the Toronto Police Service took no steps to provide a correct interpretation of O. Reg. 233/10 to the public. While the Toronto Police Service should not generally be responsible for explaining legislation to the public, it was responsible for public dissemination of the incorrect interpretation. Therefore, the Toronto Police Service should have taken steps in this case to notify the public as soon as it became aware of its mistake. It was important for members of the public to understand what additional powers the police had been granted so that they could govern their conduct accordingly.

Chief Blair also addressed the "five meter rule" at a press conference after the G20 Summit had concluded. Following the conclusion of that press conference, he was asked in passing why the designation under the *PWPA* was required in the first place. Chief Blair responded that it was to

"keep the bad guys out." That comment referred to the need for O. Reg. 233/10 and not the Toronto Police Service's failure to correct its incorrect interpretation of the regulation.

The events surrounding the incorrect interpretation of O. Reg. 233/10 highlight the need for Board involvement in communicating to the public changes in legislation that relate to police powers. The Board played no role in correcting the Toronto Police Service's mistake because it played no part in communicating the effect of O. Reg. 233/10 to the public in the first place and was not aware that the "five meter rule" was incorrect until it was reported in the media. If a legislative change is made that affects the Toronto Police Service's powers, the Board has an important role to play in communicating those changes and their consequences to the public. The Board's role is particularly important where changes to the law have a direct impact on the scope of law enforcement powers that the police will have in their dealings with the public.

Recommendation No. 29: **Creation of a Board policy concerning the seeking of legislative change**

The Board should make a policy on the process governing the seeking of changes to legislation on the provision of police services. Under this policy, the Chief of Police should be required to advise the Board when the Chief of Police is of the opinion that the current legislative powers are not sufficient for the purposes of carrying out any police responsibilities or otherwise should be amended.

Once advised, the Board should obtain legal advice concerning the type of legislative change that would be required to address the Chief of Police's concern and determine whether it wishes to make a request for change to the relevant level of government. All requests for legislative change that may affect the Toronto Police Service's delivery of policing services should be made by the Board.

Following the implementation of this policy, the Board should also remove as a standing item on its agenda the opportunity for the Chief to inform the Board of his attempts to secure legislative changes.

Recommendation No. 30: **Communication of legislative changes to the public**

The Board should create a policy that addresses how legislative changes that may affect policing by the Toronto Police Service will be effectively communicated to the public in advance of major events. The policy must ensure that the public receive adequate and correct information concerning police powers in a timely manner.

CHAPTER ELEVEN: THE PRISONER PROCESSING CENTRE

The Prisoner Processing Centre ("PPC") was designed and built by the Toronto Police Service to be a central hub for the processing of persons arrested in relation to the G20 Summit. Early in the planning process, the Toronto Police Service analyzed its existing prisoner processing and holding facilities and concluded that they would be unable to handle the volume of arrests expected at the G20 Summit. The primary concern was that existing facilities were not large enough and that bottlenecks in prisoner processing would lead to delays. Because legal standards require prisoners to be processed in a timely manner, the Toronto Police Service determined that a new, large-scale facility was required for the G20 Summit.

The members of the Toronto Police Service Planning Team responsible for the PPC ("PPC Planning Team") were required to design and construct a mass prisoner processing centre in less than four months. The City of Toronto located and leased a vacant film studio at 629 Eastern Avenue in March 2010. The facility then required significant renovations and technical upgrades. The extent of the work meant that the PPC was completed only days before it began operations on June 18, 2010. At the same time, the PPC Planning Team was responsible for designing the prisoner management process at the PPC.

The PPC was a facility without precedent in Ontario and, as a mass detention facility, posed unique operational challenges that required expert planning. However, the members of the PPC Planning Team had no particular experience or expertise in designing a mass prisoner processing facility. While expert advice on the structural and technical aspects of the PPC was sought (e.g. compliance with building codes) available expert advice in relation to prisoner care and management at a mass detention facility was not. Most notably, the PPC Planning Team did not solicit the input of the Ministry of Community Safety and Correctional Services, the provincial ministry responsible for the operation of Ontario's jails and detention centres as well as the regulation of police services in Ontario. The Ministry was a readily available source of relevant expertise and the PPC Planning Team should have sought this out.

The PPC Planning Team intended that the PPC would operate in same manner as a Toronto Police Service divisional facility. It was designed to process – receive, book, investigate, and release – 500 prisoners within a 24-hour period, but was capable of housing in excess of 1,000 prisoners at one time. The PPC was intended to be a mass prisoner *processing* centre. Those arrested were supposed to be processed and released or transferred to a court facility for a bail hearing. It was not intended to be a *detention* centre where prisoners would be held for extended periods of time, and certainly not more than 24 hours.

The operational plan that governed prisoner care and management at the PPC ("PPC Plan") was intended to "capture the universe" of the procedures to be followed at the PPC. In an effort to save planning and training time, standard procedures used at Toronto Police Service divisional facilities were incorporated without adaptation. This reliance on standard procedures was problematic. Standard Toronto Police Service procedures are designed to meet the everyday demands of a divisional facility and not the unique demands of mass prisoner processing centre. In particular, they are not designed to facilitate the processing of a large number of prisoners at

one time. In certain instances, the PPC Plan incorporated multiple procedures that would apply to the same situation, making the plan internally inconsistent. Collectively, these shortfalls meant that the PPC Plan provided little more than an overview of the prisoner management process and was not complete or detailed enough to provide guidance to those who would operate the facility.

The Board had almost no involvement in the planning for the PPC. It received an initial report from Chief Blair during a closed Board meeting on January 21, 2010 and was informed that a new prisoner processing facility was required because existing Toronto Police Service facilities were insufficient. Following that meeting, the Board received only informal briefings from Chief Blair and it was not provided with any of the PPC planning materials. Chief Blair made clear during his interview with the Review that, in his opinion, the details of the PPC Plan were "operational in nature" and were not properly a matter for the Board to consider. For its part, the Board took no active steps to obtain any detailed information from Chief Blair. It also failed to undertake a review of its own policies to determine whether they were adequate for the purpose of a facility like the PPC, or whether further policy direction was required. Unfortunately, the Board was satisfied with the general assurance that it would be "business as usual" at the PPC.

It was not "business as usual." Under the *Police Services Act*, the Board was responsible for the provision of adequate policing facilities in Toronto. The express reason for building the PPC was that existing Toronto Police Service facilities were inadequate. This should have prompted the Board to question why existing facilities were inadequate and how the proposed facility would address those shortcomings. The need for Board oversight was particularly important in relation to the PPC. It was a unique, mass detention facility and the PPC Plan was a new procedure that had not undergone any operational testing. Had the Board engaged in a proper consultation with the Chief, shortfalls in the PPC Plan may have become evident. This may have helped to avoid some of the problems encountered during the G20 Summit.

While Toronto Police Service officers were responsible for the planning process, the PPC was commanded by a Court Services Superintendent ("PPC Incident Commander") and was operated primarily by Court Services officers. Court Services is the unit within the Toronto Police Service responsible for prisoner care and management, and security at court facilities. Court Services officers follow unit-specific procedures and are not usually familiar with standard procedures followed by police officers.

The short transition from the planning phase to the PPC beginning operations meant that the Court Services officers who were responsible for prisoner care and management received minimal training: an orientation weekend conducted on June 16 and 17 and a series of mock exercises which took place the following week, after the PPC had already begun operations. This meant that the Court Services officers were required to learn a complex operational plan within a matter of days, including numerous standard Toronto Police Service procedures with which they would not have been familiar. This short transition period and the shortfalls in the PPC Plan meant that the Court Services officers had almost no guidance as to how they were to run the PPC. This led the PPC Incident Commander to impose three changes to the prisoner management process at the very last minute: (1) the inclusion of a single pre-booking officer who was responsible for screening every prisoner that arrived at the PPC; (2) the introduction of prisoner tracking systems

in addition to the one already in place; and (3) the division of the PPC into four autonomous zones each under the command of a Court Services Supervisor.

The last-minute changes to the prisoner management process had a significant impact on the effective operation of the PPC and on those who were held at the facility. The inclusion of a single pre-booking officer resulted in a crippling bottleneck at the beginning of the prisoner booking process, which was precisely the situation the PPC was built to avoid. As prisoners were waiting to be screened by the pre-booking officer they were held in pre-booking cells. While in those cells, prisoners were, in effect, being held in procedural "limbo" and were not afforded the same care as prisoners who had been through the booking process and were being held in the main holding cells: they were held in restraints, they were not given access to lawyers or a telephone, there was no record of when they were fed, and young people were not able to contact a parent or guardian. Given the extent of the delays, some prisoners were kept in pre-booking cells for over 24 hours. The combination of multiple tracking systems and the division of the PPC into four zones caused confusion on the part of Court Officers. It also led to an inability to track prisoner information in "real time" effectively and, as a result, additional delays, overcrowding, and a breakdown in prisoner care occurred.

The high incident of Level 3 searches (strip searches) at the PPC merits further investigation by the Board. The Board should require that the Chief of Police's next quarterly report concerning Level 3 searches address the number of such searches at the PPC and the lack of proper documentation for many of those searches.

Recommendation No. 31: **Early involvement of major event planning specialists and relevant experts**

The Board should create a policy governing circumstances where the Toronto Police Service is required to design and plan for a unique operational requirement, such as the PPC. The Board's policy should require that the Chief of Police ensure that major event planning specialists and other relevant experts are engaged to assist the Toronto Police Service with the development of operational plans and the design of specific processes associated with the operational plans. The event specialists should have a background and experience in planning for and overseeing large-scale security operations. Experts include relevant government ministries, agencies, and legal advisors. The input of planning specialists and experts should be solicited at the earliest possible opportunity.

Recommendation No. 32: **Complete operational plan**

Where the Toronto Police Service has created an operational plan for a major event, the Board should seek confirmation that the operational plan constitutes a complete document that addresses all potentially applicable policies and procedures. Further, where different units within the Toronto Police Service have different procedures that relate to the same matter, the Board should seek confirmation regarding how the Toronto Police Service has reconciled these different procedures.

Recommendation No. 33: Procedures concerning mass arrest and detention

The Board should make a policy that directs the Chief of Police to create an operational plan for a temporary mass prisoner processing centre, if such a facility is required at major events are held in Toronto. The plan should address the design and processes for the facility, including procedures concerning to prisoner care and management.

The Ministry of Community Safety and Correctional Services should be consulted with respect to the development of this operational plan.

Recommendation No. 34: Board guidance on unique operational requirements

In situations where the Toronto Police Service must plan for a unique operational requirement, like the PPC, the Board ensure that adequate and complete policy direction is in place. The Board must ensure it is provided with relevant information, including operational information, to enable it to decide if its existing policies are adequate and to engage in an informed consultation with the Chief of Police.

Recommendation No. 35: Creation of a Board Policy on mass detention

Mass detention centres to be used at large policing events pose unique policy concerns and operational demands, and bears on the rights of a large number of prisoners. For these reasons, the Board should develop a specific policy pertaining to mass detention that highlights the specific procedural matters the Chief of Police should address in a related Toronto Police Service procedure on mass detention. The Board should also consult with legal and policy advisors to create a policy that is in accordance with current Canadian legal standards.

Recommendation No. 36: Board to require a report on Level 3 searches conducted during the G20 Summit

The Board should require that the Chief of Police's next quarterly report address the number of Level 3 searches conducted at the PPC and lack of proper documentation for many of these searches.

After the Board considers this report, it should determine: (i) whether it is necessary to direct the Chief of Police to undertake a review of the procedure governing Level 3 searches; and (ii) whether consultation with the Chief of Police is required concerning the use of Level 3 searches in the context of public demonstrations, and whether further direction to ensure

such searches are conducted only where specific justification for them exists would be necessary.

Recommendation No. 37: Amendment to Board Policy LE-016 – Prisoner Care and Control to ensure compliance with the *Youth Criminal Justice Act*

The Board should amend Board Policy LE-016 – Prisoner Care and Control to provide that where young people may be detained in the same facility as adults specific measures are taken to guarantee compliance with the *Youth Criminal Justice Act*, S.C. 2002, c. 1.

Recommendation No. 38: Amendment to Board Policy LE-016 – Prisoner Care and Control to ensure separation of male, female, transgendered, and transsexual prisoners

The Board should amend Board Policy LE-016 – Prisoner Care and Control to provide that where male, female, transsexual, and transgendered persons are to be detained in the same facility specific measures are taken to separate completely male, female, transsexual, and transgendered prisoners.

**INDEPENDENT CIVILIAN REVIEW INTO MATTERS
RELATING TO THE G20 SUMMIT**

RECOMMENDATIONS

PROPOSED IMPLEMENTATION PLAN

Recommendation #	Recommendation	Action	Responsibility	Timeline
1	Improving the nature and quality of Board policies	The Board, the Chief of Police, and the Ministry of Community Safety and Correctional Services will engage in consultation with a view to devising a method of improving the general nature and quality of Board policies made under O. Reg. 3/99 and otherwise.	Board's Implementation Working Group (BIWG)	Starting immediately, with status report to the Board's October 2012 meeting
2	Filing police service procedures and processes with the Board	<ol style="list-style-type: none"> 1. Board direction to Chief of Police to implement recommendation 2. Board direction to Chair to submit policy for Board approval to ensure the confidential custody of Service procedures by Board 	Board, Chair and Chief of Police	Immediate Board decision; Chair to propose policy for Board approval by October 2012
3	Legal counsel to the Board	<ol style="list-style-type: none"> 1. Board approval in principle of the concept of independent Legal Counsel to the Board 2. Board direction to Chair to report back to the Board on options related to, the process for and resource implications of implementing recommendation 	Board and Chair	Immediate Board decision; Chair to report back to the Board's October 2012 meeting

4	Information exchange between the Board and the Chief of Police on all subject matters	BIWG to work with the Chief of Police to propose a process for implementing the "Consultation Protocol" recommended by the ICR	BIWG and Chief of Police	BIWG to provide a status report for the Board's October 2012 meeting
5	The Board should create a policy that defines "critical points"	BIWG to deal with this recommendation in conjunction with its consideration of Recommendation 4	BIWG and Chief of Police	BIWG to bring policy to the Board for approval in October 2012
6	The Board should determine appropriate objectives, priorities, and policies for major events, operations, and organizationally-significant issues in which the Toronto Police Service will be involved	BIWG to deal with this recommendation in conjunction with its consideration of Recommendation 4	BIWG and Chief of Police	BIWG to provide a status report for the Board's October 2012 meeting
7	Board to negotiate framework for funding conditions	Board direction to Chief of Police and advice to the City Manager that in all cases in future, where the Toronto Police Service will be involved in policing and security for a major event, the Board will, at a minimum, negotiate a framework funding agreement with the entity requiring the Toronto Police Service's assistance.	Board	Immediate implementation
8	Board involvement in consultation	Board decision that where the Board learns of the potential for Toronto to be selected as the host city for an	Board	Immediate implementation

		event sponsored by the federal or provincial government, the Board will make a formal request that it be consulted, in advance of final decisions being made, on matters relevant to the Toronto Police Service's policing function at the event.		
9	Confirmation concerning Toronto Police Service's planning process	Board decision that it will request regular updates concerning the progress of the Toronto Police Service in planning for the policing of a major event. In particular, the Board will seek information from the Toronto Police Service about (i) what mechanisms exist to capture, during the planning process, the input of those who will have operational decision-making responsibilities during the event and (ii) what testing of the operational plans will be conducted before the event.	Board	Immediate implementation
10	Time available for Toronto Police Service operational planning	Board decision that where the Toronto Police Service is required to develop operational plans for a major event, the Board will consult with the Chief of Police to determine whether there is a sufficient amount of time available for proper planning and, specifically, whether the adequacy and effectiveness of policing for the event may be compromised by the time available to plan. If the	Board	Immediate implementation

		adequacy and effectiveness of the Toronto Police Service's policing may be affected by the amount of time available for planning, the Board will communicate this to the government entity hosting the event and seek assistance to address challenges and gaps.		
11	Board to be informed of possibility of major event	Board decision that it will seek to be informed, as soon as practicable, where a reasonable possibility exists that the Toronto Police Service may be involved in the policing of a major event hosted by a government entity. The Board will seek information and clarity concerning the proposed decision-making structure and process related to the policing of the event.	Board	Immediate implementation
12	Board should insist on FMIOA agreement	Board decision that where the RCMP will be involved in an international event for which security arrangements are required, including the participation of the Toronto Police Service, the Board will encourage the federal and provincial governments to enter into an arrangement under section 10.1(4) of the <i>Foreign Missions and International Organizations Act</i> . The Board will also seek an opportunity to provide input concerning the details of such an arrangement,	Board	Immediate implementation

		including with respect to the policing functions the Toronto Police Service can fulfill for the event and the legal authorities on which the Toronto Police Service's involvement in the event's security will be based.		
13	Toronto Police Service to provide information regarding planning structure to the Board	Board direction to the Chief of Police that where the Toronto Police Service is involved in a joint operation related to the policing of a major event, the Board will be provided with detailed information and briefings concerning the planning structure, including the Service's role in that structure and whether planning decisions by the Service are subject to the approval of any other entity.	Board	Immediate implementation
14	Board to obtain information concerning the command and control structure for multi-jurisdictional policing events	Board decision that when the Toronto Police Service is involved in a multijurisdictional policing event in Toronto, the Board shall require information from the Chief of Police concerning the command and control structure for the event. The Board shall also ensure that the command and control structure will enable the Toronto Police Service to adequately and effectively provide police services for the event and for the City of Toronto generally.	Board	Immediate implementation
15	The Board should record confidential Board meetings	1. Board approval in principle of instituting the practice of recording confidential Board	Board and Chair	Immediate approval in principle; Chair to report to the Board's October

		meetings as recommended by ICR. 2. Board direction to the Chair to report back on the feasibility as well as legal and resource implications of instituting the practice of audio recording all confidential Board meetings.		2012 meeting
16	The Board should develop a mechanism to ensure all Board members are canvassed in advance of pre-meeting agenda briefings	Board direction to the Chair to develop a mechanism to canvass all Board members in advance of agenda briefings to identify questions or requests for information that can be conveyed by the Chair during the briefings.	Board and Chair	Immediate implementation
17	The Board should create a policy requiring open communication and sharing of information between all Board members	Board direction to the Chair to propose a policy requiring all Board members to share, at the earliest opportunity, information he/she receives through informal communications with the Chief on a particular matter or issue that is before the Board or that otherwise falls within the Board's statutory role and responsibilities.	Board and Chair	Immediate direction by Board; Chair to propose policy for Board's consideration no later than October 2012
18	Where time is of the essence for procurement, the Board must maintain a monitoring role	1. Board direction to the Chair to work with the Chief of Police to make necessary changes to procurement processes to ensure that when normal processes are varied due to time constraints, the Board will receive relevant information from the Toronto	Board, Chair and Chief of Police	Immediate direction by Board; Chair to report back immediately upon completion of the change in process

		<p>Police Service regarding the purpose and justification of all expenditures related to procurements.</p> <p>2. Chair to report back to the Board when process established.</p>		
19	The Board should be involved in the negotiation of contribution agreements pertaining to the Toronto Police Service's involvement in a policing event	Board direction to the Chair to communicate Board's intent to federal and provincial governments immediately and propose to the Board process to ensure Board involvement in the negotiation of contribution agreements in circumstances where a contribution agreement with a government entity will determine the recovery of costs applicable to the Toronto Police Service's involvement in a policing event, including provision for obtaining legal advice concerning the Board's financial exposure as a result of the contribution agreement and, in particular, whether there are any provisions that may place at risk the Board's ability to recover all funds spent for the policing event.	Board and Chair	Immediate direction by Board; Chair to provide a status report to the Board's October 2012 meeting
20	Board policies and Toronto Police Service procedures should apply to police personnel seconded to assist the Toronto Police Service in a joint operation	BIWG to examine feasibility, logistical issues and possible options concerning implementation of this recommendation and report back to Board for its consideration.	BIWG and Chief of Police	BIWG to provide a status report to the Board's October 2012 meeting

21	The Board should receive information on any training developed by the Toronto Police Service for a major event	Board direction to the Chief of Police to provide to the Board information related to the training of Toronto Police Service officers and other external officers seconded to assist the Toronto Police Service with policing a major event, including, at least, any material developed to aid in the training, details concerning how the Toronto Police Service plans on monitoring compliance with the training and details concerning who is required to undergo the training and what form of training is being provided to the officers.	Board	Immediate implementation
22	The Board should review the Toronto Police Service's continuity of service plans for major policing events	BIWG to work with the Chief of Police to propose a process for the Board to consult with the Chief of Police on ensuring continuity of service when there is a large event that may impact upon the Toronto Police Service's ability to deliver regular policing officers in Toronto.	BIWG and Chief of Police	BIWG to provide a status report to the Board's October 2012 meeting
23	The Board should amend its information sharing protocol with City Council	BIWG, in consultation with City, to develop for Board's consideration amendments to the existing information sharing protocol with City Council to include a mutual information sharing mechanism that addresses the type of information to be shared and the method and frequency for sharing such	BIWG, City Manager	BIWG to provide a status report to the Board's October 2012 meeting

		information to ensure a free flow of communication to and from the Board and City Council with respect to the policing of major events.		
24	The Board should, with the assistance of the Ontario Association of Police Services Boards analyze the issues and concerns raised with respect to sharing confidential or classified information	BIWG work with the Ontario Association of Police Services Boards to examine this issue and propose solutions that would ensure that sensitive information is protected without detracting from the requirement that municipal police services share relevant information with the police services boards.	BIWG	BIWG to provide a status report to the Board's October 2012 meeting
25	The Board should develop an information sharing policy for major events	BIWG work with the Chief of Police to develop an information-sharing policy tailored specifically for major policing events, containing the elements recommended by ICR and including a direction concerning the manner and frequency in which the information will be provided to the Board.	BIWG and Chief of Police	BIWG to propose policy for Board's consideration by October 2012
26	The Toronto Police Service and the Board should work together to develop the training materials for a major event	BIWG work with the Chief of Police to develop a process to provide the Board with information related to the topics to be covered in the training, an overview of the general content, and any potential issues or concerns raised regarding the sufficiency of the training materials in order to enable the Board to examine the information provided with a view to maximizing the overall effectiveness of the	BIWG and Chief of Police	BIWG to provide a status report to the Board's October 2012 meeting

		training materials and ensuring that the materials properly reflect existing Board policies, including an assessment of the methods of delivery of the training (e.g. Elearning, practical exercises, etc.).		
27	Board to create a comprehensive policy on crowd control at mass demonstrations	BIWG, with the assistance of the Ontario Association of Police Services Board and other relevant bodies, prepare a comprehensive policy on crowd control at mass demonstrations, that includes, among others: necessary preparation times for adequate planning; command structures; the organization and dissemination of intelligence; incident management systems; the adaptation, if necessary, of existing services procedures for use during the contemplated event; and training.	BIWG and Chief of Police	BIWG to propose policy to the Board by October 2012 or as soon thereafter as possible
28	Board policy on the wearing of name badges and/or police badge numbers	Board direction to the Chair to propose a policy that expresses in its standard policy format its policy on the wearing of name badges and/or police badge numbers and include it in its catalogue of policies. The policy should require the chief of police to report to the Board on a regular basis concerning incidents of non-compliance with the policy.	Board and Chair	Immediate Board decision; Chair to propose policy for Board approval no later than October 2012
29	Creation of a Board policy concerning the seeking of legislative	Board direction to the Chair to: 1. propose, in consultation with the	Board, Chair and Chief of Police	Immediate Board decision; Chair to propose policy for Board

	change	<p>Chief of Police, a policy on the process governing the seeking of changes to legislation on the provision of police services, including requirements for the Chief of Police to advise the Board when the Chief of Police is of the opinion that the current legislative powers are not sufficient for the purposes of carrying out any police responsibilities or otherwise should be amended and for obtaining legal advice concerning the type of legislative change that would be required; and,</p> <p>2. revise the confidential Board agenda format upon approval of policy.</p>		approval no later than October 2012; Chair to revise the confidential Board agenda format upon approval of policy
30	Communication of legislative changes to the public	Board direction to the Chair to propose a policy that addresses how legislative changes that may affect policing by the Toronto Police Service will be effectively communicated to the public in advance of major events, in order to ensure that the public receive adequate and correct information concerning police powers in a timely manner. This policy to be developed in conjunction with the policy required by Recommendation 29.	Board, Chair and Chief of Police	Immediate Board decision; Chair to propose policy for Board approval no later than October 2012
31	Early involvement of major event planning	BIWG to work with the Chief of Police to propose a policy governing	BIWG and Chief of Police	BIWG to provide a status report to the Board's

	specialists and relevant experts	circumstances where the Toronto Police Service is required to design and plan for a unique operational requirement, such as the PPC, in order to ensure that major event planning specialists and other relevant experts are engaged at the earliest possible opportunity to assist the Toronto Police Service with the development of operational plans and the design of specific processes associated with the operational plans.		October 2012 meeting
32	Complete operational plan	BIWG to work with the Chief of Police to develop a mechanism for the Board to receive confirmation that the operational plan for policing a major event constitutes a complete document that addresses all potentially applicable policies and procedures, and, further, where different units within the Toronto Police Service have different procedures that relate to the same matter, confirmation regarding how the Toronto Police Service has reconciled these different procedures.	BIWG and Chief of Police	BIWG to provide a status report to the Board's October 2012 meeting
33	Procedures concerning mass arrest and detention	BIWG to work with the Chief of Police to propose a policy directing the Chief of Police to create, in consultation with the Ministry of Community Safety and Correctional Services, an operational plan for a temporary mass prisoner processing	BIWG and Chief of Police	BIWG to provide a status report back to the Board's October 2012 meeting

		centre, if such a facility is required at major events are held in Toronto, that addresses the design and processes for the facility, including procedures concerning to prisoner care and management.		
34	Board guidance on unique operational requirements	BIWG to work with the Chief of Police to develop a mechanism to ensure that in situations where the Toronto Police Service must plan for a unique operational requirement, like the PPC, adequate and complete policy direction is in place and the Board is provided with relevant information, including operational information, to enable it to decide if its existing policies are adequate and to engage in an informed consultation with the Chief of Police.	BIWG and Chief of Police	BIWG to provide a status report to the Board's October 2012 meeting
35	Creation of a Board Policy on mass detention	BIWG, working with the Chief of Police and in consultation with legal and policy advisors, to propose a specific policy pertaining to mass detention that is in accordance with current Canadian legal standards, highlighting the specific procedural matters the Chief of Police should address in a related Toronto Police Service procedure on mass detention.	BIWG and Chief of Police	BIWG to propose policy for Board approval by October 2012 or as soon thereafter as possible
36	Board to require a report on Level 3 searches conducted during the G20 Summit	1. Board direction to the Chief of Police that the Chief's next quarterly report addresses the number of Level 3 searches	Board	Immediate implementation with possible follow-up

		<p>conducted at the PPC and lack of proper documentation for many of these searches.</p> <p>2. Based on consideration of the Chief's report, Board to take further action as recommended by the ICR.</p>		
37	Amendment to Board Policy LE-016 – Prisoner Care and Control to ensure compliance with the Youth Criminal Justice Act	Board direction to the Chair to propose, in consultation with the Chief of Police, amendments to Board Policy LE-016 – Prisoner Care and Control to provide that where young people may be detained in the same facility as adults specific measures are taken to guarantee compliance with the Youth Criminal Justice Act, S.C. 2002, c. 1.	Board, Chair and Chief of Police	Immediate Board decision; Chair to propose policy for Board approval no later than October 2012
38	Amendment to Board Policy LE-016 – Prisoner Care and Control to ensure separation of male, female, transgendered, and transsexual prisoners	Board direction to the Chair to propose, in consultation with the Chief of Police, amendments to Board Policy LE-016 – Prisoner Care and Control to provide that where male, female, transsexual, and transgendered persons are to be detained in the same facility specific measures are taken to separate completely male, female, transsexual, and transgendered prisoners.	Board, Chair and Chief of Police	Immediate Board decision; Chair to propose policy for Board approval no later than October 2012

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

**#P218. CANADIAN ASSOCIATION OF POLICE BOARDS (CAPB) 2012
RESOLUTIONS**

The Board was in receipt of the following report August 10, 2012 from Alok Mukherjee, Chair:

Subject: CANADIAN ASSOCIATION OF POLICE BOARDS (CAPB) 2012
RESOLUTIONS

Recommendation:

It is recommended that the Board determine the order in which it wishes the CAPB Resolutions noted below to be ranked.

Financial Implications:

There are no financial implications arising from the recommendations contained in this report.

Background/Purpose:

The Canadian Association of Police Boards (CAPB) is a national organization dedicated to civilian oversight of municipal police representing more than 75 municipal police boards and commissions across Canada that, together, employ more than 35,000 police personnel. The Toronto Police Services Board is a CAPB member and I sit on the Board of Directors of this organization.

Discussion:

At its forthcoming annual general meeting, due to be held in Victoria on August 16-18, 2012, the membership of the CAPB will consider a number of resolutions submitted by member boards/commissions. The CAPB Resolutions Committee has asked that each CAPB member Board/Commission review the resolutions, and rank the resolutions in order of importance with #1 being most important and #8 being lowest priority, and submit their commentary or feedback.

The resolutions as approved by the CAPB Board of Directors are as follows:

- **12-1** - Saskatoon Board of Police Commissioners Funding for National Police Service
- **12-2** - Prince Albert Board of Police Commissioners Crime Against Seniors
- **12-3** - Youth Criminal Justice Act
- **12-4** - Delta Police Department Federal Funding for Independent Municipal Police Departments

- **12-5** - Calgary Police Commission Record all Firearm Transfers
- **12-6** - Reclassify Firearms
- **12-7** - Theft of Electricity
- **12-8** - National Protocol for the Management of Inter-Jurisdictional Offenders

A copy of the CAPB ranking chart, as well as a document prepared by CAPB which provides a detailed description of the Resolutions are attached to this report as Appendix 1 and Appendix 2 respectively.

Conclusion:

Therefore, it is recommended that the Board determine the order in which it wishes the CAPB Resolutions noted below to be ranked.

At the CAPB Annual General Meeting on August 17, 2012, in Victoria, BC, I will vote on the resolutions on behalf of TPSB in accordance with the Board's decision.

The Board received the foregoing report and agreed to rank the resolutions in the following order of importance:

- 1 Youth Criminal Justice Act**
- 2 Saskatoon Board of Police Commissioners Funding for National Police Service**
- 3 Prince Albert Board of Police Commissioners Crime Against Seniors**
- 4 Delta Police Department Federal Funding for Independent Municipal Police Departments**
- 5 Calgary Police Commission Record all Firearm Transfers**
- 6 Reclassify Firearms**
- 7 Theft of Electricity**
- 8 National Protocol for the Management of Inter-Jurisdictional Offenders**

CAPB 2012 RESOLUTIONS

RESOLUTION NUMBER	RANKING FROM 1 TO 8	RESOLUTIONS Please mark in the column to the left the resolutions in order of importance. #1 being most important and #8 lowest priority.
12-1		Saskatoon Board of Police Commissioners Funding for National Police Service
12-2		Prince Albert Board of Police Commissioners Crime Against Seniors
12-3		Youth Criminal Justice Act
12-4		Delta Police Department Federal Funding for Independent Municipal Police Departments
12-5		Calgary Police Commission Record all Firearm Transfers
12-6		Reclassify Firearms
12-7		Theft of Electricity
12-8		National Protocol for the Management of Inter-Jurisdictional Offenders

RESOLUTION 2012 – 1 Saskatoon Board of Police Commissioners Funding for National Police Service

WHEREAS: The Federal Government under the Ministry of Public Safety, through the stewardship of the Royal Canadian Mounted Police (RCMP), funds National Police Service (NPS) for the following programs;

- Canadian Police College
- Criminal Intelligence Service Canada
- Forensic Science and Identification Area (Crime Laboratories and Criminal Records)
- Canada Firearms Centre
- National Child Exploitation Centre

WHEREAS: All municipal, provincial, and federal law enforcement agencies across Canada rely on the services under the National Police Service for daily activity related to; criminal records, Canadian Police Information Center (CPIC), training at the Canadian Police College, intelligence work through the Criminal Intelligence Service Canada, services provided through the crime laboratories, and information obtained from the National Child Exploitation Center;

WHEREAS: The RCMP is currently required to fund the shortfall of funding for the National Police Service through their operating budget and cannot continue to offset funding shortages through their operating budget;

WHEREAS: There is a risk to public safety and police officer safety, if there is reduced service from the NPS due to insufficient funding from the Ministry of Public Safety;

BE IT RESOLVED: That the Ministry of Public Safety ensure policing across Canada maintains a level of service currently received from National Police Service;

AND BE IT FURTHER RESOLVED: That the Ministry of Public Safety adequately funds the National Police Service, thus ensuring a sustainable standard required for police and law enforcement agencies throughout Canada.

RESOLUTION 2012 – 2 Prince Albert Board of Police Commissioners Crime Against Seniors

Whereas the Criminal Code of Canada recognizes the fundamental principle that a sentence must be proportionate to the gravity of the offence;

Whereas the age of the victim of a crime is currently recognized as a sentencing principle if they are under the age of eighteen or where the offender is in a position of trust;

Whereas the same principle should be applied to senior citizens as an aggravating factor considered in sentencing to reflect the gravity of offending against elderly persons;

Therefore Be It Resolved that the Canadian Association of Police Boards encourages the Government of Canada to amend the Criminal Code so that the objective of denunciation and deterrence of criminal conduct against seniors is addressed in sentencing.

RESOLUTION 2012-3 Youth Criminal Justice Act

Whereas Canadian society requires a youth criminal justice system that ensures accountability through meaningful consequences;

Whereas the Youth Criminal Justice Act describes presumptive offences and occasions where an adult sentence shall be imposed on a young person;

Whereas many violent offences are committed by a young person do not meet the criteria for adult sentencing as currently set out in the Act;

Whereas in Canada there are many examples of a legislated increase in responsibility for a young person who has reached the age of sixteen years;

Therefore It be Resolved that the Canadian Association of Police Boards encourages the government of Canada to enhance this legislation so that an adult sentence is imposed for any violent offence committed by a young person who has reached the age of sixteen years.

RESOLUTION 2012-4 Delta Police Department Federal Funding for Independent Municipal Police Departments

Whereas in the Province of British Columbia alone, the Federal Government transferred approximately \$57 million dollars to municipal RCMP forces in 2010;

Whereas municipal independent police forces do not receive any federal funding for policing;

Whereas municipal independent police forces contribute to integrated units, drug enforcement and port policing which are beyond the scope of municipal police departments;

Whereas 78% of municipalities in Canada , who are serviced by municipal independent police forces do not benefit from federal police funding;

Whereas Bill C-10 will impose changes to a number of previously debated *Acts* that will impact minimum sentencing for many crimes including child and immigrant sexual exploitation and Organized-Crime related drug charges as well as other victim-based reforms;

Whereas costs for the Provinces for Bill C-10, *Safe Streets and Communities Act*, will have a downstream effect on municipal independent police budgets;

Therefore be it RESOLVED, THAT the Canadian Association of Police Boards call on the provincial and federal governments to ensure that federal policing monies are equitably shared by all police forces in the Province of British Columbia.

Background to Resolution 2012-4

In its annual *Police Resources in British Columbia, 2010* publication, the Government of British Columbia produced a report on provincial and federal government contributions to policing. In the report, \$57 million in federal dollars was transferred to RCMP municipal forces in British Columbia with populations greater than 5000. An additional \$133 million in federal dollars funds policing in populations less than 5000. Changes in legislation and case law have had an impact on the increasing costs for policing at all levels of government. Local governments can no longer support the increasing costs that are placed on them through these increases and it is particularly difficult for those who do not receive funding from the Federal Government.

Delta Police Board applauds the Federal Government for ensuring the contents of Bill C-10¹ were brought forward to Parliament. Amending law in relation to sexual predators, organized crime and violent young offenders as well as focusing on victims of crime is exemplary. However, Delta Police Board is concerned that the changes to Federal law in Canada will have an impact on local police budgets. Historically, municipal police have participated in many initiatives and day-to-day policing that go beyond local scope including drug enforcement and border security. With amendments made through Bill C-10 and the impact on costs for provincial and municipal governments, it is necessary to request assurance from the Federal Government that additional costs will be funded through Federal funds, specifically in the form of direct funding to municipal independent police agencies.

¹ Appendix A: Details of Bill C-10

Appendix A:

The *Safe Streets and Communities Act* re-introduces the following reforms which were debated by Parliament during the previous session but never became law:

The *Protecting Children from Sexual Predators Act* (former Bill C-54), which proposes increased penalties for sexual offences against children, as well as creates two new offences aimed at conduct that could facilitate or enable the commission of a sexual offence against a child;

The *Penalties for Organized Drug Crime Act* (former Bill S-10), which would target organized crime by imposing tougher sentences for the production and possession of illicit drugs for the purposes of trafficking;

Sébastien's Law (Protecting the Public from Violent Young Offenders) (former Bill C-4), which would ensure that violent and repeat young offenders are held accountable for their actions and the protection of society is a paramount consideration in the treatment of young offenders by the justice system;

The *Ending House Arrest for Property and Other Serious Crimes by Serious and Violent Offenders Act* (former Bill C-16), which would eliminate the use of conditional sentences, or house arrest, for serious and violent crimes;

The *Increasing Offender Accountability Act* (former Bill C-39), which would enshrine a victim's right to participate in parole hearings and address inmate accountability, responsibility, and management under the *Corrections and Conditional Release Act*;

The *Eliminating Pardons for Serious Crimes Act* (former Bill C-23B), which would extend the ineligibility periods for applications for a record suspension (currently called a "pardon") to five years for summary conviction offences and to ten years for indictable offences;

The *Keeping Canadians Safe (International Transfer of Offenders) Act* (former Bill C-5), which would add additional criteria that the Minister of Public Safety could consider when deciding whether or not to allow the transfer of a Canadian offender back to Canada to serve their sentence;

The *Justice for Victims of Terrorism Act* and related amendments to the State Immunity Act (former Bill S-7), which would allow victims of terrorism to sue perpetrators and supporters of terrorism, including listed foreign states, for loss or damage that occurred as a result of an act of terrorism committed anywhere in the world; and

The *Preventing the Trafficking, Abuse and Exploitation of Vulnerable Immigrants Act* (former Bill C-56), which would authorize immigration officers to refuse work permits to vulnerable foreign nationals when it is determined that they are at risk of humiliating or degrading treatment, including sexual exploitation or human trafficking.

Taken from: September 20, 2011 Media Release by Federal Government (www.parl.gc.ca)

RESOLUTION 2012-5 Calgary Police Commission Record all Firearm Transfers

WHEREAS the current Federal Gun Registry is likely being abolished, and;

WHEREAS this abolition will remove all controls from non-restricted firearms, including the requirement for an owner to hold a registration certificate for such a weapon and for stores and individuals to record transactions, and;

WHEREAS non-restricted firearms include the Ruger Mini-14 semi-automatic rifle, the Steyr-Mannlicher HS .50 sniper rifle, the L115A3 Long Range sniper rifle and the IWI Tavor TAR021 5.56mm, and;

WHEREAS all firearms should be traceable in some manner;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Federal Government of Canada to ensure point of sale and point of transfer recording of all firearm transfers, as defined in the Criminal code, including retail purchases, gifts, transfers and private sales so that non-restricted firearms are traceable in the hands of their owners and identifiable if lost, stolen or used in the commission of an offence;

THEREFORE BE IT ALSO RESOLVED that the Canadian Association of Police Boards urge the Federal Government of Canada to require the recording of all firearms at the point of entry into Canada and, therefore, that all wholesale imports of weapons into the country require a complete and accurate manifest including make, model and serial number of all guns in the shipment, the source of the guns imported and the identification of the exporter and importer.

Background to Resolution 2012-5

Non-restricted firearms include all firearms that are neither restricted nor prohibited.

The Criminal Code, in section 2, defines a firearm as:

a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.

In Part III of the Criminal Code, Firearms and Other Weapons, section 84 defines a prohibited firearms as:

(a) a handgun that

(i) has a barrel equal to or less than 105 mm in length, or

(ii) is designed or adapted to discharge a 25 or 32 calibre cartridge,

but does not include any such handgun that is prescribed, where the handgun is for use in international sporting competitions governed by the rules of the International Shooting Union,

(b) a firearm that is adapted from a rifle or shotgun, whether by sawing, cutting or any other alteration, and that, as so adapted,

(i) is less than 660 mm in length, or

(ii) is 660 mm or greater in length and has a barrel less than 457 mm in length,

(c) an automatic firearm, whether or not it has been altered to discharge only one projectile with one pressure of the trigger, or

(d) any firearm that is prescribed to be a prohibited firearm;

and a restricted firearm as:

(a) a handgun that is not a prohibited firearm,

(b) a firearm that

(i) is not a prohibited firearm,

(ii) has a barrel less than 470 mm in length, and

(iii) is capable of discharging centre-fire ammunition in a semi-automatic manner,

(c) a firearm that is designed or adapted to be fired when reduced to a length of less than 660 mm by folding, telescoping or otherwise, or

(d) a firearm of any other kind that is prescribed to be a restricted firearm;

This section of the Criminal Code also defines a transfer. Transfer “means sell, provide, barter, give, lend, rent, send, transport, ship, distribute or deliver.”

The Royal Canadian Mounted Police Canadian Firearms Program Frequently Asked Questions website (<http://www.rcmp-grc.gc.ca/cfp-pcaf/faq/index-eng.htm#a3>) describes non restricted firearms as “ordinary rifles and shotguns” that are not included in the restricted or prohibited firearm definitions.

Bill C-19, *An Act to Amend the Criminal Code and the Firearms Act*, removes all references to registration of non-restricted weapons, including transfers and destruction, thereby removing all tracking of these firearms in Canada.

As stated by the Coalition for Gun Control, the abolition of the Gun Registry, “will allow a licenced individual to acquire an unlimited number of guns without even checking if their licence is valid. There will also be no means to know who owns these powerful guns, who sold them or how many are owned. When long guns are recovered in crime, police will not be able to trace them back to their owners, losing an important investigative tool.”

Further into their report, the Coalition for Gun Control states that:

Non-restricted rifles and shotguns are used in homicides, suicides and unintentional injury and account for a substantial proportion of firearms recovered in crime, even in large urban centres.

They are the guns most often used in suicide, domestic violence and the murder of police officers.

Screening and licensing firearm owners reduces the risks that dangerous people will have access to weapons and registration reinforces licensing, as it holds gun owners accountable for their firearms and reduces the chances that their guns will be diverted to unlicensed owners.

Registering firearms helps police enforce prohibition orders and remove guns from dangerous people.

The gun registry has aided police investigations, including the prosecution of accessories to the murder of four RCMP officers in Mayerthorpe, Alberta.

In Canada, rates of firearm death and injury have fallen with successively stronger firearms regulation, particularly those focusing on rifles and shotguns, the firearms most often in Canadian homes.

All illegal firearms begin as legal firearms. Controls over legal guns are essential to preventing diversion and choking off the illegal supply.

Most industrialized countries register firearms. The registry helps Canada meet its international obligations to trace firearms and combat the illegal gun trade.

This report states that:

Bill C-19 goes far beyond simply repealing elements of C-68, the 1995 legislation; it actually removes critical measures that have been in place since 1977. Bill C-19:

Makes verifying a firearms purchaser's licence voluntary, which increases the chances unlicensed individuals will be sold rifles and shotguns.

Erases data on 7.1 million rifles and shotguns currently registered, despite the fact that the data could be useful as an investigative tool for police officers for firearm tracing purpose. Several international treaties require that countries maintain firearm sales records for the purpose of tracing.

Omits provisions to reinstate the requirement that businesses keep records of sales. This has been a requirement since 1977, and was removed when the *Firearms Act* passed in 1995 as the information would be in the registry. Without this information there is no way for police to investigate the source of rifles and shotguns recovered from crime scenes or seized from suspects.

Destroys a tool widely used by police officers to remove guns from dangerous or suicidal people, enforce prohibition orders and take preventive actions.

(See: Coalition for Gun Control. (November 2011). *Discussion of Bill C-19: Brief to the Standing Committee on Public Safety and National Security*. p.2.)

RESOLUTION 2012-6 Reclassify Firearms

WHEREAS the current Federal Gun Registry is likely being abolished, and;

WHEREAS this abolition will remove all controls from non-restricted firearms, including the requirement for an owner to hold a registration certificate for such a weapon and for stores and individuals to record transactions, and;

WHEREAS non-restricted firearms include the Ruger Mini-14 semi-automatic rifle, the Steyr-Mannlicher HS .50 sniper rifle, the L115A3 Long Range sniper rifle and the IWI Tavor TAR021 5.56mm, and;

WHEREAS these weapons are not typical hunting rifles or shotguns and should be traceable;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Federal Government of Canada to have the Commissioner of Firearms/Canadian Firearms Program reclassify a number of non-restricted firearms as restricted firearms, through orders in council, to ensure they remain traceable in the hands of their owners at all times.

Background To Resolution 2012 - 6

A number of non-restricted firearms are assumed to be restricted by most individuals as they are more powerful or include additional features or capabilities than many traditional hunting rifles and shotguns do not have.

Recently, a number of non-restricted weapons have been reclassified. There are a number of semi-automatic rifles on the non-restricted firearms list. Those that have been reclassified include the Armi Jager AP80, a semi-automatic rifle that is a member of the AK-47 family; the Walther G22 rifle, a semi-automatic rifle which resembles a Beretta Storm carbine; and other firearms that resemble assault weapons. (Davis, J. Jan 6, 2012. *Rcmp to Seize more 'scary-looking' guns before registry dies*. Postmedia News.)

This reclassification should continue and restrict additional weapons.

Non-restricted firearms include all firearms that are neither restricted nor prohibited. The Criminal Code, in section 2, defines a firearm as:

a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.

In Part III of the Criminal Code, Firearms and Other Weapons, section 84 defines a prohibited firearms as:

(a) a handgun that

(i) has a barrel equal to or less than 105 mm in length, or

(ii) is designed or adapted to discharge a 25 or 32 calibre cartridge,

but does not include any such handgun that is prescribed, where the handgun is for use in international sporting competitions governed by the rules of the International Shooting Union,

(b) a firearm that is adapted from a rifle or shotgun, whether by sawing, cutting or any other alteration, and that, as so adapted,

(i) is less than 660 mm in length, or

(ii) is 660 mm or greater in length and has a barrel less than 457 mm in length,

(c) an automatic firearm, whether or not it has been altered to discharge only one projectile with one pressure of the trigger, or

(d) any firearm that is prescribed to be a prohibited firearm;

and a restricted firearm as:

(a) a handgun that is not a prohibited firearm,

(b) a firearm that

(i) is not a prohibited firearm,

(ii) has a barrel less than 470 mm in length, and

(iii) is capable of discharging centre-fire ammunition in a semi-automatic manner,

(c) a firearm that is designed or adapted to be fired when reduced to a length of less than 660 mm by folding, telescoping or otherwise, or

(d) a firearm of any other kind that is prescribed to be a restricted firearm;

This section of the Criminal Code also defines a transfer. Transfer “means sell, provide, barter, give, lend, rent, send, transport, ship, distribute or deliver.”

The Royal Canadian Mounted Police Canadian Firearms Program Frequently Asked Questions website (<http://www.rcmp-grc.gc.ca/cfp-pcaf/faq/index-eng.htm#a3>) describes non restricted firearms as “ordinary rifles and shotguns” that are not included in the restricted or prohibited firearm definitions.

Bill C-19, *An Act to Amend the Criminal Code and the Firearms Act*, removes all references to registration of non-restricted weapons, including transfers and destruction, thereby removing all tracking of these firearms in Canada.

As stated by the Coalition for Gun Control, the abolition of the Gun Registry, “will allow a licenced individual to acquire an unlimited number of guns without even checking if their licence is valid. There will also be no means to know who owns these powerful guns, who sold them or how many are owned. When long guns are recovered in crime, police will not be able to trace them back to their owners, losing an important investigative tool.”

Further into their report, the Coalition for Gun Control states that:

Non-restricted rifles and shotguns are used in homicides, suicides and unintentional injury and account for a substantial proportion of firearms recovered in crime, even in large urban centres. They are the guns most often used in suicide, domestic violence and the murder of police officers.

Screening and licensing firearm owners reduces the risks that dangerous people will have access to weapons and registration reinforces licensing, as it holds gun owners accountable for their firearms and reduces the chances that their guns will be diverted to unlicensed owners.

Registering firearms helps police enforce prohibition orders and remove guns from dangerous people.

The gun registry has aided police investigations, including the prosecution of accessories to the murder of four RCMP officers in Mayerthorpe, Alberta.

In Canada, rates of firearm death and injury have fallen with successively stronger firearms regulation, particularly those focusing on rifles and shotguns, the firearms most often in Canadian homes.

All illegal firearms begin as legal firearms. Controls over legal guns are essential to preventing diversion and choking off the illegal supply.

Most industrialized countries register firearms. The registry helps Canada meet its international obligations to trace firearms and combat the illegal gun trade.

This report states that:

Bill C-19 goes far beyond simply repealing elements of C-68, the 1995 legislation; it actually removes critical measures that have been in place since 1977. Bill C-19:

Makes verifying a firearms purchaser's licence voluntary, which increases the chances unlicensed individuals will be sold rifles and shotguns.

Erases data on 7.1 million rifles and shotguns currently registered, despite the fact that the data could be useful as an investigative tool for police officers for firearm tracing purpose. Several international treaties require that countries maintain firearm sales records for the purpose of tracing.

Omits provisions to reinstate the requirement that businesses keep records of sales. This has been a requirement since 1977, and was removed when the *Firearms Act* passed in 1995 as the information would be in the registry. Without this information there is no way for police to investigate the source of rifles and shotguns recovered from crime scenes or seized from suspects.

Destroys a tool widely used by police officers to remove guns from dangerous or suicidal people, enforce prohibition orders and take preventive actions.

(See: Coalition for Gun Control. (November 2011). *Discussion of Bill C-19: Brief to the Standing Committee on Public Safety and National Security*. p.2.)

RESOLUTION 2012-7 Theft of Electricity

WHEREAS organized crime and illegal drug grow operations routinely steal utilities, and;

WHEREAS this utility theft often results in identifiable spikes on utility meters and safety threats, and;

WHEREAS utility companies are well placed to assist police in identifying organized crime and illegal drug grow operations through technology that can identify these operations, and;

WHEREAS there is a disincentive for utility companies to identify and eliminate utility theft due to the current utility marketplace;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Federal Government to penalize the activities of utility companies who enable organized crime through inaction.

THEREFORE BE IT ALSO RESOLVED that the Canadian Association of Police Boards urge its members to lobby their Provincial Government to be part of a standardized national solution to:

- consult with key stakeholders and other provinces on best practices;
- require utility companies to be transparent about line loss;
- implement and use current technology to identify line loss and theft; and
- monitor lines for theft, and disclose theft to police and other appropriate agencies/organizations, in an effort to reduce electricity theft and close down organized crime and illegal drug grow operations.

Background to Resolution 2012-7

British Columbia and Ontario have legislation and codes that can be used as a guide for the development of legislation that requires monitoring and reporting of suspected utility theft. Note that after a court challenge, the BC legislation requires a warrant for an inspection to occur.

BC Example:

SAFETY STANDARDS ACT, SBC 2003, c.39

Division 3 — Residential Electricity Information

Definitions

19.1 In this Division:

"account information" means

- (a) the name of the account holder with respect to,
- (b) the service address of and billing address for, and
- (c) the electricity consumption data with respect to,

a residence to which an electricity distributor distributes electricity;

"electricity consumption data" means available electricity consumption data

- (a) for the most recently completed billing period at the time a request is made under section 19.2 (1), and
- (b) for the previous 24-month billing period;

"electricity distributor" means

- (a) the British Columbia Hydro and Power Authority continued under the *Hydro and Power Authority Act*,

(b) a public utility, within the meaning of the *Utilities Commission Act*, that owns or operates electricity equipment or facilities, and

(c) a municipality that owns or operates electricity equipment or facilities and that would be a public utility within the meaning of the *Utilities Commission Act*, but for paragraph (c) of the definition of "public utility" in that Act;

"residence" means premises designed for use as a private dwelling, and any other building or structure adjacent to those premises that is intended for the private use of the owner or occupier of those premises;

"residential electricity information" means the available account information for all of the residences that

(a) are within the jurisdictional boundaries of a local government that makes a request under section 19.2 (1), and

(b) according to the current records of the electricity distributor distributing electricity to the residences, are consuming electricity at a level within a range prescribed by regulation.

Residential electricity information

19.2 (1) A local government may request, in writing, from an electricity distributor the residential electricity information with respect to the residences within its jurisdictional boundaries.

(2) If an electricity distributor receives a request under subsection (1), the electricity distributor must provide that residential electricity information to the local government within a reasonable time.

(3) A local government that receives residential electricity information from an electricity distributor under this section may disclose account information derived from that residential electricity information, or a portion of that account information, to

(a) an authority to which the administration of the Act has been delegated under Part 2 or Part 12, and

(b) a provincial police force or a municipal police department, as those terms are defined in the *Police Act*.

Notice of inspection

19.3 (1) If, after receiving account information under section 19.2 (3), a safety officer intends on the basis of that information to exercise the power granted under section 18 (1) (c) and (d) with respect to a residence identified in the account information, the safety officer must give a notice to the owner or occupier of that residence.

(2) The notice under subsection (1) must

(a) be in writing,

(b) state the safety officer's intention to enter the residence and conduct an inspection, and the reasons for the intended entry and inspection,

(c) set out the date by which the owner or occupier must reply to the notice to arrange a date and time for the safety officer to enter the residence and conduct an inspection,

(d) set out how to reply to the notice, and

(e) state that the safety officer may issue a compliance order if the owner or occupier does not

(i) reply to the notice within 2 days of the date on which it was received,

(ii) within a reasonable time complete arrangements to the satisfaction of the safety officer for the safety officer to enter the residence and conduct an inspection, or

(iii) allow the safety officer to enter the residence at the arranged date and time.

Compliance with notice

19.4 An owner or occupier who receives a notice under section 19.3 (1) must

- (a) reply to the notice within 2 days of the date on which it was received,
- (b) within a reasonable time complete arrangements to the satisfaction of the safety officer for the safety officer to enter the residence and conduct an inspection, and
- (c) allow the safety officer to enter the residence at the arranged date and time.

Ontario Example:

Ontario Energy Board. Distribution System Code, Last revised on October 1, 2011

4.3 Unauthorized Energy Use

4.3.1 A distributor shall use its discretion in taking action to mitigate unauthorized energy use. Upon identification of possible unauthorized energy use, a distributor shall notify, if appropriate, Measurement Canada, the Electrical Safety Authority, police officials, retailers that service consumers affected by the unauthorized energy use, or other entities.

4.3.2 A distributor shall monitor losses and unaccounted for energy use on an annual basis to detect any upward trends that may indicate the need for management policies to moderate unauthorized energy use.

4.3.3 A distributor may recover from the customer responsible for the unauthorized energy use all reasonable costs incurred by the distributor arising from unauthorized energy use.

Editorial:

Time to take drug growers' power theft seriously

By Diane Colley-Urquhart, Calgary Herald, January 13, 2012

Much has changed over the past decade since deregulation of the retail electricity market, as the Herald recently profiled - including the theft of power.

I have one way of curbing utility rates in Alberta; stop organized crime from stealing power. Every month when you and I pay our utility bill, we are subsidizing organized crime operations. Outraged? You should be. Organized crime steals unbelievable amounts of power to run their marijuana growing farms in houses across our city.

The problem is much bigger than you could ever imagine. As the magnitude of grow ops has escalated over the past 10 years, it is not uncommon for police to remove well over 1,000 plants in a single home. Over the past five years alone, joint operations of the Calgary Police Service, RCMP and Alberta Law Enforcement Response Teams have seized more than \$372 million worth of marijuana out of Calgary and area - that's 298,000 plants in 590 homes. Over the past eight years that I have been working on this issue, 95 per cent of the grow ops taken down were stealing power. This is a Criminal Code offence that raises the question as to where responsibility lies when utility companies know power is being stolen and either fail to act or disguise it as general line loss.

Gangs could be stealing power right beside you by bypassing the meter and running huge amounts of power through ballast boxes, set to automated timers, and powering their personal grid of 500-watt light bulbs. Organized crime can also monitor their timers remotely, running high-temperature lights reaching 500 F in 12-hour cycles every day of the year and harvesting three crops a year out of one house. An average grow op consumes roughly 10 times the power of a typical home. If they actually paid for this power, the bill would be substantial and utility companies would be able to readily detect the extreme over-consumption of power . . . but they don't. These large-scale marijuana grow farms, run by gangs and organized crime, are lucrative and provide them with their primary revenue source to move drugs throughout the province and North America. Marijuana is an integral component of the drug trade and the drug problem many of our communities face, and the ecstasy our kids die from. If we stopped the theft of power, we could bring organized crime to its knees.

The problem is that utility companies don't take the theft of power seriously, or worse, they turn a blind eye. They refuse to admit to the magnitude of the problem. Their ambivalence and failure to admit this theft is happening means we have no idea whether we have 500 grow houses or 5,000.

Whatever the number is, every grow op is stealing power, we are paying for it, and they are putting kids and first responders in harm's way. Remember the Citadel fires in December 2009 from a grow op stealing power? Five homes burned to the ground with two more damaged. Grow ops are 40 per cent more likely to catch fire than a regular house.

Rough estimates from experts such as retired Calgary police staff sergeant Roger Morrison put the theft of power well into the millions in Calgary alone.

The magnitude of the problem when viewed province-wide is staggering. When Morrison was on the southern Alberta marijuana investigation team, he attended and investigated more than 750 marijuana grow operations and almost all were stealing power. He is recognized today as a qualified and sought-after court expert, and I agree with his view that, "in Alberta's deregulated electricity market, there is a disincentive to reduce generation, and a monetary benefit to increase it. The utilities are following the rules set in place, but they have a social responsibility to act."

You are probably wondering how this could be allowed to happen. Utility companies are able to operate in the generation and distribution side. They sell electricity into the pool from one subsidiary of the corporation and sell you the electricity in another. All power produced gets sold into the grid and doesn't incur theft losses at this stage. Utility companies get paid for all the electricity produced by selling it into the Alberta power pool.

The distribution side charges us for line loss, which is an all-encompassing figure reflective of theft, inefficiencies and statistical losses. So whatever is stolen just gets added automatically to your bill, and the utility incurs no loss. In fact, the more power stolen, the greater the "sales" of the distribution company. The threat to public safety is significant and municipalities and the provincial government must demand this issue be addressed either through co-operation or regulation. Changes to legislation could require utility companies to be more transparent about

line loss, monitor their lines for theft and disclose, or even better, make distribution companies bear financial losses from theft instead of us. The technology and monitoring equipment to detect gangs stealing power is remarkably simple, proven, tested and available.

In two recent community pilot projects, more than a dozen grow ops stealing power were identified in a few minutes. With the recent landmark Supreme Court ruling in favour of using this technology, provincial legislation is timely and necessary to get utility companies to act.

We need to stop marijuana grow ops from ever starting up in the first place, rather than spending millions in surveillance, taking them down and dealing with our city's drug problem.

We need better monitoring and accountability of line loss by utility companies and regulators. We need a smart metering system that readily identifies and analyses line loss. We need utility companies to be socially responsible.

At the end of the day, it is Calgarians who own the transmission wires and we should be able to demand that we don't want our assets being used to fund organized crime.

Diane Colley-Urquhart is the City of Calgary's alderman for Ward 13.

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RESOLUTION 2012-8 *National Protocol for the Management of Inter-Jurisdictional Offenders*

WHEREAS the supervision of offenders in the community is a shared responsibility and is essential in preserving the public's safety, and;

WHEREAS a portion of federal offenders under the care of the Correctional Service of Canada are subject to detention during the period of statutory release and not paroled, however, sections 810.1 and 810.2 of the *Criminal Code of Canada* assist in securing the "good conduct" of persons feared, on reasonable grounds, to pose a risk of harm to the public, and;

WHEREAS there is no national protocol that provides clarity as to how police agencies and other responsible stakeholders in Canada make applications, monitor and transfer the supervision of offenders bound by 810.1 and 810.2 recognizance between agencies and Provinces, and;

WHEREAS without a national protocol there exists a gap in the inter-operability of offender management in Canada, particularly with offenders subject to detention during the period of statutory release, which elevates the risk to the community in that an offender may lack any supervision, appropriate supervision, or continuity of supervision.

THEREFORE LET IT BE RESOLVED THAT the Canadian Association of Police Boards urge the Canadian Association of Chiefs of Police to ratify a national protocol to set out a uniform process to coordinate an inter-jurisdictional response to offender release at the expiry of sentence, and promote a greater clarity in both the use of section 810.1 or section 810.2 and which jurisdiction will be responsible for the same.

Background to Resolution 2012-8

Under the *Corrections and Conditional Release Act*, certain offenders can be detained during what would normally be their period of statutory release (ss. 129-131). Statutory release allows for an offender to be released back into the community in a controlled and supervised manner. A detention order for offenders under the care of the Correctional Service of Canada is confirmed by the Parole Board of Canada and is made in response to a reasonable belief that the offender will likely commit a serious offence prior to the expiry of that offender's sentence. Therefore the offender is not provided a gradual and controlled return to the community prior to the end of the offender's sentence (no parole).

Offenders subject to detention during their period of statutory release are frequently considered to be high-risk offenders.

Sections 810.1 and 810.2 of the Criminal Code allow for a court to issue a recognizance, to keep the peace and be of good behaviour, in respect of any individual who it is feared, on reasonable grounds, will commit a sexual offence or a serious personal injury offence. This allows an individual who is a potential threat to public safety to be placed under conditions for a period of no more than one year or no more than two years if they have a previous conviction for a sexual offence against a person under the age of 16 or a personal injury offence. This provides for the supervision of offenders who did not have a controlled return into the community through parole but were held in custody under a detention order until the end of their sentence.

There is a lack of clarity around who is responsible for obtaining and enforcing a recognizance under sections 810.1 and 810.2 where an offender leaves the jurisdiction (province) in which he or she is released from custody and relocates to another jurisdiction (province), either at the time of release or at a later date. This confusion can have the result of an offender slipping through the cracks and not being placed under recognizance upon release and not being properly supervised in the community.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

**#P219. WIRELESS PARKING SYSTEM – HAND-HELD COMPUTERS,
PRINTERS AND MAINTENANCE AWARD**

The Board was in receipt of the following report August 13, 2012 from William Blair, Chief of Police:

Subject: WIRELESS PARKING SYSTEM - HAND-HELD COMPUTERS, PRINTERS
AND MAINTENANCE AWARD

Recommendations:

It is recommended that:

- (1) the Board approve the acquisition of hand-held computers and printing equipment for the Wireless Parking System from Aparc Systems for a total amount of \$770,237.38 (inclusive of all taxes);
- (2) the Board approve annual hardware maintenance at a cost of \$44,476.80 per year (inclusive of all taxes) for a five year period, commencing no later than four weeks after equipment delivery, for a total cost over the five years of \$222,384.00 (inclusive of all taxes); and
- (3) 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 acquisition of the hand-held computers and printing equipment is required to replace the current equipment which has reached the end of its lifecycle. Funding for these replacements is available within the Service's Vehicle and Equipment Reserve (Reserve). The annual hardware maintenance is funded from the Service's operating budget and funds are included in the 2012 operating budget for this maintenance. The 2013 and future operating budget requests will include funding for the annual hardware maintenance.

Background/Purpose:

The Parking Enforcement unit uses 300 hand held computers, 300 printers and related hardware accessories for the electronic issuance of tags. The current equipment was purchased in 2006 and is approaching the end of its lifecycle. The Service's approved 2012-2021 Capital Program includes funding for the equipment replacement from the Reserve.

Discussion:

On January 16, 2012, the Service's Purchasing Support Services unit issued a Request for Proposal (RFP) #1125831-12 for the acquisition of hand-held computers, printing equipment and hardware maintenance for the Wireless Parking System (WiPS), with a closing date of February 9, 2012.

Four responses to the RFP were received from the vendors listed below:

Aparc Systems
OCR Canada
Qdata
Softchoice Corporation

RFP Evaluation Process:

An evaluation team comprised of members from the Parking Enforcement unit and Information Technology Services was formed to evaluate the submissions. The four submissions were pre-screened by the evaluation team to ensure that the recommended equipment met or exceeded the equipment specification of the existing devices or was compatible with the specifications as indicated in the RFP. The results of the pre-screening process produced a short list of two vendor submissions that would be further evaluated. The vendors selected for the short list were Aparc Systems and OCR Canada.

The two short-listed vendors were invited to provide test equipment for a field evaluation. As Aparc Systems is the provider of the existing proprietary hand-held software, its services were acquired to integrate all new hardware with the existing software for the field evaluation. Both Aparc Systems and OCR Canada participated to prepare their recommended equipment for field evaluation and were on site during the field evaluation, to ensure their recommended equipment was operating at a suitable level. This allowed them the opportunity to provide feedback and technical assistance relating to their recommended devices. The hand-held computer and printer, provided by Aparc Systems and OCR Canada were cross tested as well. This gave the evaluation team the opportunity to test four possible combinations of hand-helds and printers.

The submissions were evaluated using a weighted matrix based on the following evaluation criteria:

- equipment durability (20%);
- functional evaluation (40%); and
- cost (40%).

The evaluation team and the front line officers who participated in the field evaluation determined the best hardware configuration based on the evaluation matrix.

The equipment proposed by Aparc Systems received the highest overall score based on the weighted matrix. The selected equipment meets the life cycle replacement needs at the lowest cost.

Conclusion:

The Parking Enforcement unit utilizes hand-held computers and printers to issue parking tags. The current equipment, purchased in 2006, has reached the end of its lifecycle and requires replacement. As a result, the Service issued an RFP to solicit submissions for the equipment and annual hardware maintenance. The Service received four responses to the RFP and following the evaluation process, Aparc Systems is being recommended as the successful vendor to provide the equipment and annual hardware maintenance for five years. The total one-time equipment cost is \$770,237.38 (including taxes) and the annual maintenance cost is \$44,476.80 (including taxes).

Acting Deputy Chief, Jane Wilcox, Specialized Operations Command, and Mr. Tony Veneziano, Chief Administrative Officer, will be in attendance to answer any questions the Board may have concerning this report.

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 AUGUST 15, 2012**

**#P220. PROVIDING CONTACT CARD RECEIPTS TO INDIVIDUALS WHO
ARE STOPPED BY THE POLICE**

The Board was in receipt of the following report August 09, 2012 from William Blair, Chief of Police:

Subject: PROVIDING CONTACT CARD RECEIPTS TO INDIVIDUALS WHO ARE
STOPPED BY THE POLICE

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

The Board, at its meeting of April 5, 2012, approved six motions relating to contact cards that required action by the Chief of Police (Min. No. P56/12 refers). The sixth motion recommended that the implementation of Motions Nos. 2 and 4 be subject to a report from the Chief on the costs and operational implications of those motions.

At its meeting of May 18, 2012, the Board revised Motion No. 2 as follows: "THAT the Chief of Police be requested to ensure that individuals for whom a contact card (Form 208) is created be provided a copy of the contact card, including the reason for the stop." (Min. No. P56/12 refers).

Further, at its meeting of July 19, 2012, the Board approved a four-month extension for the completion of the report on the cost and implications of Motions Nos. 2 and 4 at the request of the Chief of Police (Min. No. P187/12 refers). The report is now due to the Board at its November 2012 meeting.

At that meeting, the Board also received a deputation from Mr. John Sewell, in which the suggestion was put forward that Toronto Police Service (Service) officers provide a copy of the contact card to everyone stopped, in a form similar to receipts issued by the Metropolitan London and Manchester Police Services in the United Kingdom. As a result, the Board approved a motion requesting that the Chief of Police provide a walk-on report for the Board's August 15, 2012 meeting on the reasons why the TPS is unable to provide contact card receipts to individuals who are stopped (Min. No. P187/12 refers).

The purpose of this report is to respond to the Board's motion.

Discussion:

As reported in July, the procedure relating to the contact card (Form 208) and Field Information Report (FIR) is being examined in detail by Service Members involved in the Chief's Internal Organizational Review (CIOR). The review is examining Service Procedure 04-14 (Field Information Report) and all issues directly or indirectly related to it, including the rationale for conducting stops, the content and distribution of the forms, approaches to training, record retention, communication strategies, public consultation and feedback, measurement of effectiveness and impact, and cost.

At its meeting on July 19, 2012, the Board extended the due date of this report to November 2012 (Min. No. P187/12 refers). At this stage of its review, the CIOR team currently examining the FIR/Form 208 process is not prepared to make a recommendation on the necessity, purpose, content, or cost of issuing some form of receipt or record to individuals stopped by the police. Further work is required by the team to complete the review.

It should be noted that Mr. Sewell's suggestion is not currently part of the Service's procedure and is, in effect, a repetition of Motion #2 from the Board's May 18, 2012 meeting (Min. No. P56/12 refers). The Service is working to complete the review in time for its November due date, including the cost and impact of what providing a receipt is.

Conclusion:

The Service is unable to immediately provide contact card receipts to individuals who are stopped by the police while the entire process is under review, the report of which is due to the Board at its November 2012 meeting.

Deputy Chief Peter Sloly, Divisional Policing Command, will be in attendance to answer questions that the Board may have regarding this report.

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

- **Moya Teklu, Policy Research Lawyer, African Canadian Legal Clinic ***
- **Harvey Simmons, Toronto Police Accountability Coalition**

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

In response to questions by the Board, Chief Blair and Deputy Chief Sloly emphasized that, despite the complexity of the review, the TPS is working as quickly as possible to examine all the significant operational and financial aspects of providing contact card receipts and that the additional time approved by the Board at its previous meeting is still required to complete this task. Chief Blair also advised that the November 2012 report will include an implementation plan detailing how a form of receipt or record will be provided to individuals who are stopped by the police.

The Board approved the following Motions:

1. THAT the Board request the Chief of Police to implement an interim measure, effective November 01, 2012, pending the outcome of the comprehensive review which will be provided to the Board at its November 2012 meeting; and
2. THAT the Board receive the foregoing report, the deputations and Ms. Teklu's written submission.

Reconsideration pursuant to subsection 24(1) of By-Law 107 governing proceedings of the Board:

At its meeting on October 15, 2012, the Board approved a request to re-open this matter in order to amend the last line in the Minute so that it accurately reflects what the Board was advised.

The last line originally indicated:

Chief Blair advised that the November 2012 report will include an implementation plan detailing how a form of receipt or record will be provided to individuals who are stopped by the police.

The Board agreed to amend the last line in the Minute as noted in italics below:

Chief Blair advised that the November 2012 report will include an implementation plan detailing *the results of the TPS plan for individuals who are stopped by the police.*

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

#P221. IN-CAMERA MEETING – AUGUST 15, 2012

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
Mr. Michael Thompson, Councillor & Vice-Chair
Mr. Chin Lee, Councillor & Member
Ms. Marie Moliner, Member
Dr. Dhun Noria, Member
Ms. Frances Nunziata, Councillor & Member
Mr. Andrew Pringle, Member

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON AUGUST 15, 2012**

#P222. ADJOURNMENT

Alok Mukherjee
Chair