



**Virtual Public Meeting**

**Monday,  
December 13, 2021  
at 9:00AM**



**VIRTUAL PUBLIC MEETING AGENDA**  
**Monday, December 13 2021 at 9:00AM**

**Livestream at:**

<https://youtu.be/q4SLT3I6fgw>

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Call to Order

Indigenous Land Acknowledgement

Declarations of Interest under the [Municipal Conflict of Interest Act](#).

1. Confirmation of the Minutes from the virtual public meeting held on November 23, 2021.

Presentation and Item for Consideration

2. **Missing and Missed - The Report of the Independent Civilian Review: Implementation Update**
  - 2.1 **Missing and Missed - The Report of the Independent Civilian Review: Implementation Update – Presentation**
  - 2.2 November 16, 2021 from James Ramer, Chief of Police  
**Re: Missing and Missed - The Report of the Independent Civilian Review: Implementation Update**
3. November 25, 2021 from Ryan Teschner, Executive Director and Chief of Staff  
**Re: Toronto Police Services Board – 2022 Meeting Schedule**
4. November 26, 2021 from Ryan Teschner, Executive Director and Chief of Staff  
**Re: Special Fund Status Update Report and Continuation of Temporary Moratorium**

5. November 25, 2021 from James Ramer, Chief of Police  
**Re: Prequalification of Vendors for Architectural Services for Interior Renovation or Construction Fit-Up Projects**
  
6. October 15, 2021 from James Ramer, Chief of Police  
**Re: Contract Award - Theta Lake Inc. - Software Subscription Service**
  
7. November 23, 2021 from James Ramer, Chief of Police  
**Re: Contract Award – Public On-Line Auction Services**
  
8. November 25, 2021 from James Ramer, Chief of Police  
**Re: Contract Award - IDEMIA Identity & Security Canada Inc. - IntelliBook System - Software Support and Maintenance Renewal**

Board to convene in a Confidential meeting for the purpose of considering confidential items pertaining to legal and personnel matters in accordance with Section 35(4) of the *Police Services Act*

Adjournment

Next Regular Board Meeting

**Thursday, January 27<sup>th</sup>, 2022**  
***Tentative (pending approval by the Board)***

**Time and location to be announced closer to the date.**

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**Members of the Toronto Police Services Board**

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

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

# MISSING AND MISSED

*The Report of the Independent Civilian  
Review: Implementation Update*

December 13, 2021

# Agenda

1. Background / Overview
2. Short-Term Implementation Goals
3. Recommendation 146 (R146) – The Missing and Missed Implementation Team (MMIT)
4. Communications
5. Implementation Plan / Evaluation Plan
6. Dashboard
7. Next Steps

# Background / Overview

## Independent Civilian Review (Review)

- Recommended by diverse community-led working group
- Examined how the Service conducts missing person investigations
- Led by the Honourable Gloria J. Epstein
- Review Team engaged in detailed inquiry and research

# Background / Overview

Report entitled 'Missing and Missed' released April 13, 2021

- 151 recommendations
  - Improve policies, procedures, training, education, professional development & culture
  - Improve relations between the Service and Toronto's LGBTQ2S+, Indigenous, racialized, marginalized & vulnerable communities
- Commitment by the Board and the Service
  - Accept the Review's findings
  - Implement each of the 151 Recommendations
  - Create a joint Service/Community Working Group to co-design an implementation plan
    - Informed by both the Service's and LGBTQ2S+ communities' perspectives for the implementation of the 151 recommendations

# Short-Term Implementation Goals

The immediate steps the Service undertook when the Board received *Missing and Missed - The Report of the Independent Civilian Review*

- The Missing and Missed Implementation Team (R146)
- Major Case Management (R15 & R23)
- Changes to the Missing Persons Unit and Divisional Staffing (R37, R38, R39, R40, & R41)
- Risk Assessment (R48, R123, & R125)

# Recommendation 146

## Overview of R146

- Assemble a diverse implementation team of community representatives and Service members (the MMIT)
- Co-Chaired by community representative and Service senior officer
- Representative of Toronto's diverse communities
- R146(e) - Community members to include individuals who drafted the Review's Terms of Reference or were members of the Review's Community Advisory Group (CAG)

# R146 – Role of MMIT

## Role of the MMIT

- Provide meaningful perspective and leadership
- Build success through mutual engagement and respect
- Co-create the Implementation Plan
- Consult on the 151 Recommendations
- Consult on ad hoc requests from the Office of the Chief
- Monitor effective implementation of the recommendations

# R146 – Assembling the MMIT

Created a plan to assemble the Missing and Missed Implementation Team

- Established a small Selection Committee of community and Service members
- Identified Service members to form the Missing and Missed Project Team
- Selection Committee met weekly during June and July 2021
  - Determined selection process for MMIT – Community Representatives
  - Determined the selection criteria and competencies it wished to see reflected in the composition of the MMIT

# R146 - Engaging Communities

## Engaging LGBTQ2S+, Indigenous, racialized, marginalized & vulnerable communities

- Extended invitation for applications via news release & social media
- Emailed news release and application to Service news subscribers and Judge Epstein's stakeholder list
- LGBTQ2S+ CCC and / or D51 LGBTQ2S+ liaison officer and / or neighbourhood supervisor did promotional work
- Addressed internet / accessibility issues with hard copy applications

# R146 – MMIT Selection

## Selection of MMIT – Community Representatives

- Service members on Selection Committee removed identifying information from applicant list
- Community members on the Selection Committee short-listed applicants
- Community members on the Selection Committee screened-in applicants for interviews
- Selection Committee members (community and Service members jointly) conducted interviews

# R146 – MMIT Composition

## 24 Community and Police Representatives form the MMIT

- 148 applicants
  - Top seven (7) Community Representatives selected based on interviews
- Four (4) Community Representatives, members of Judge Epstein's Community Advisory Group, volunteered and were appointed in keeping with R146(e)
- Police Representatives include members of OPP, PRP, and TPS, selected for their expertise and / or function
  - Some of the Missing and Missed recommendations are of interest to these police services that are also looking to implement them effectively

# R146 – MMIT Composition

## **MMIT Community Representatives**

Praney Anand

Monica Forrester

Ashley Hiscox

Justin Khan

Michele Lent

Maureen Parkinson

Ron Rosenes

Desmond Ryan

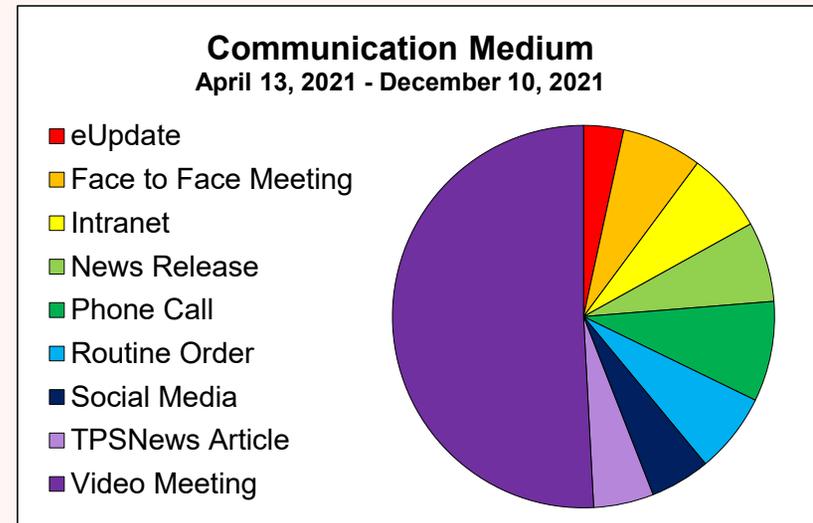
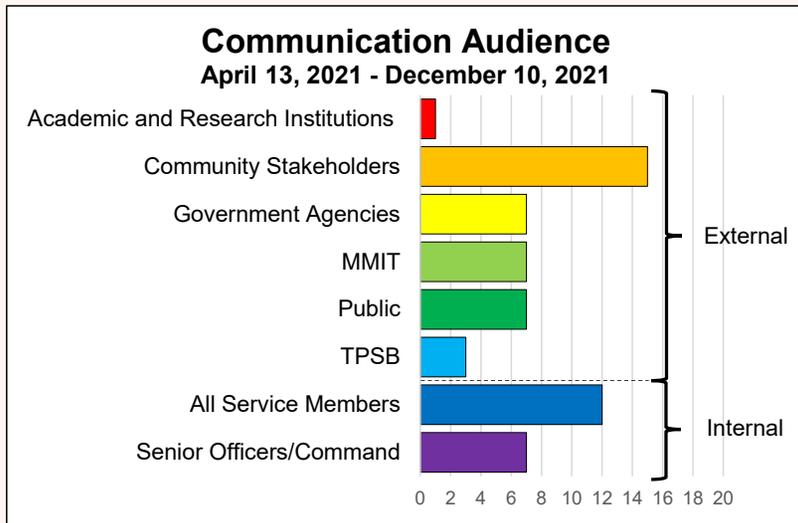
Natalie Sitt

Haran Vijayanathan (Co-Chair)

Flora Vineberg

# Communications

40 external communications and 19 internal communications



# Implementation Plan

## Implementation Plan

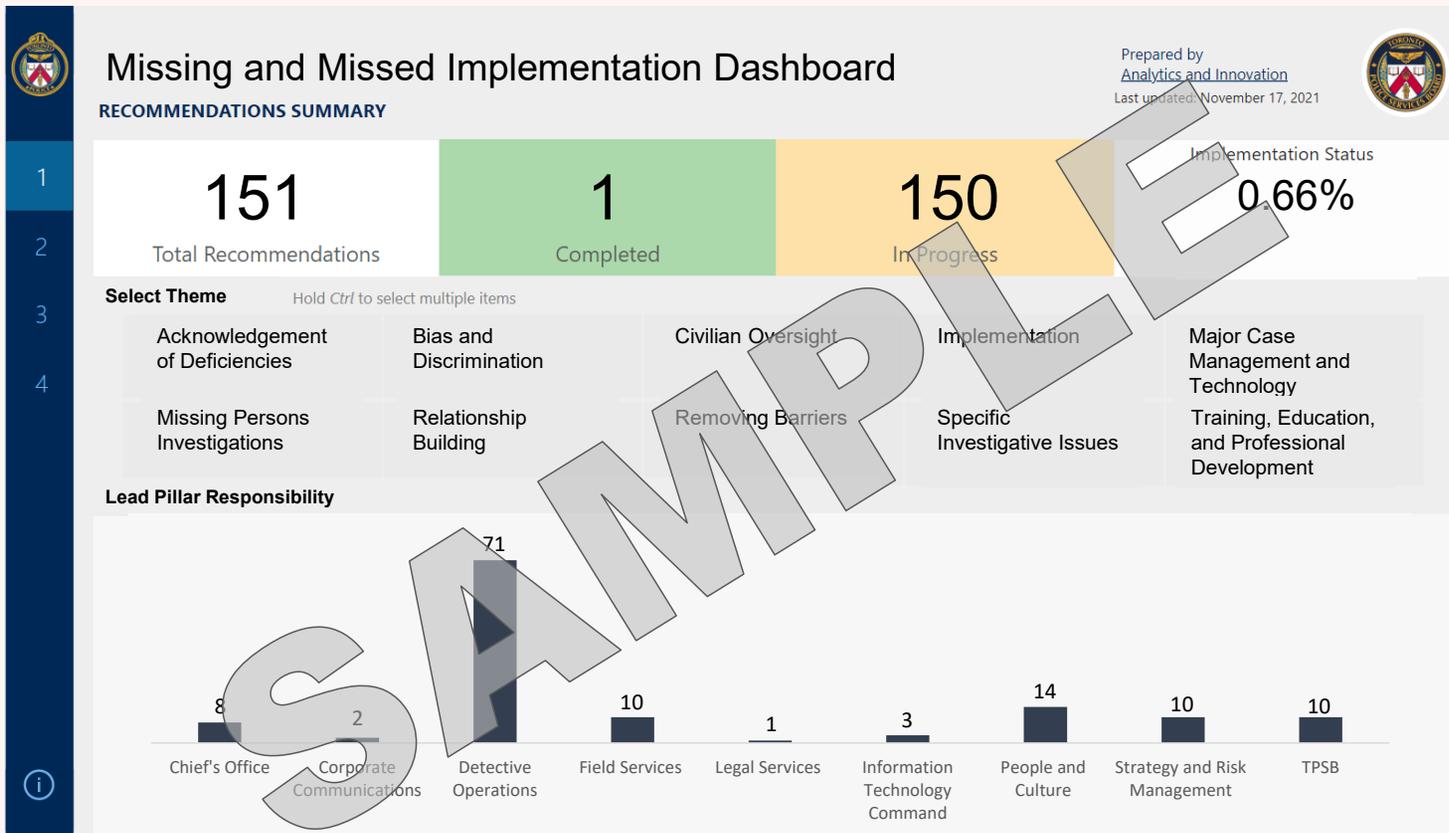
- The Service engaged the MMIT – Community Representatives to develop the Implementation Plan
  - Jointly developing goals and outcomes for the recommendations
  - Providing inputs on the timelines
- Posted to Service website before December 31, 2021

# Evaluation Plan

## Evaluation Plan

- Qualitative and quantitative metrics
- Feedback on engagement efforts from communities and MMIT
- Will support Judge Epstein's long-term desired outcomes
  - Improve missing person processes
  - Improve community relationships
  - Build capacity in agencies and organizations

# Dashboard – Recommendation



# Dashboard – Recommendation

**Missing and Missed Implementation Dashboard**

Prepared by [Analytics and Innovation](#)  
Last updated: November 17, 2021

**RECOMMENDATION DETAILS**

Select a Recommendation: **34** | Recommendation Status: **In Progress** | Recommendation Type: **Project**

**Recommendation Summary**

TPS and TPSB should ensure that the change in culture respecting heightened priority of missing persons investigations is widely communicated within the Service.

**Recommendation Details**

The Toronto Police Service and the Toronto Police Services Board should ensure that the change in culture respecting the heightened priority of missing person investigations – as well as the reasons for this priority – is widely communicated within the Service. The change of culture should make the safety and well-being of missing persons a greater priority while recognizing the important role of social service, public health, and community agencies in these cases. The creation of a Missing Persons Unit represents only one step in recognizing a new priority for these cases, especially when the current unit is inadequately resourced.

**Progress Details**

Click on sub-recommendations for updates.

**Missing Persons Investigations**

**Board Theme**

Detective Operations

**Lead Unit**

TBD

**Targeted Due Date**

**Related Recommendations**

n/a

**Links**

1  
2  
3  
4

**SAMPLE**

# Next Steps

## Continued Engagement and Reporting

- Monthly MMIT Meetings
  - Create sub-committees as required (R146d)
- Bi-weekly Dashboard updates (R147b)
- Status reports (R147b)
- Detailed implementation report (R148)
  - On or before April 30, 2022



## Toronto Police Services Board Report

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November 16, 2021

To: Chair and Members  
Toronto Police Services Board

From: James Ramer  
Chief of Police

**Subject: Missing and Missed - The Report of the Independent Civilian Review:  
Implementation Update**

### **Recommendation(s):**

I recommend that the Board receive the following report.

### **Financial Implications:**

While there are no financial implications related to the recommendation contained within this report, the Service has already allocated resources to this initiative. Given the priority and significance, the Service has worked to absorb the associated costs from within its budget, including the cost of creating a dedicated Missing and Missed Project Team of 16 employees and enhancements made to the Missing Persons Unit.

### **Background / Purpose:**

#### **The Independent Civilian Review into Missing Person Investigations**

In 2018, on the recommendation of a diverse community-led working group, the Toronto Police Services Board (Board) commissioned an independent review (Review) to evaluate how the Toronto Police Service (Service) has conducted, and is conducting, missing person investigations, particularly in relation to LGBTQ2S+ and vulnerable or marginalized communities. In addition to the evaluation of the Service's conduct of missing person investigations, the Board mandated an examination of the relationships between the Service and Toronto's diverse communities, especially as they have an impact on missing person investigations.

The Honourable Gloria J. Epstein was appointed to lead the Review and to make recommendations to promote efficient, effective and bias-free investigations, and better police relations with the affected communities. For almost three years, the Review team engaged in detailed inquiry and research. The Review's detailed inquiry included collecting feedback from community stakeholders and members of the public through extensive interviews, written submissions, a policy roundtable, and a town hall meeting.

### **Release of Report entitled ‘Missing and Missed’, including recommendations**

On April 13, 2021, the Review released its report entitled ‘Missing and Missed’ (Report). In her Report, Judge Epstein made 151 recommendations designed to improve the Service’s policies, procedures, training, education, professional development, and culture. The recommendations also focus extensively on the development of improved relationships between the Service and Toronto’s diverse communities through collaborative efforts.

### **Commitment by the Service and the Board**

The Service and the Board accepted all of the Review’s findings and committed to implementing each of the 151 recommendations. We also committed to supporting the development of real partnerships with Toronto’s communities through a public and transparent process. This includes our commitment to co-design the Implementation Plan with community representatives.

The purpose of this report is to provide the Board with a status update on the short-term implementation goals, the Missing and Missed Implementation Team, communications, and how an evaluation plan of the impacts of implementation will be developed and reported.

### **Discussion:**

#### **Update on Short-Term Implementation Goals**

The immediate steps the Service undertook when the Board received *Missing and Missed - The Report of the Independent Civilian Review*, included:

##### *The Missing and Missed Implementation Team (R146)*

Staff Superintendent Pauline Gray was appointed to assemble and lead the Missing and Missed Implementation Team, a team that will utilize a modernized community-centric approach to implementing all 151 recommendations. This team was assembled in July 2021.

- Assembling this team satisfied the implementation requirements of Recommendation 146

##### *Major Case Management (Recommendations 15 & 23)*

- Work to improve the existing Major Case Management tracker is ongoing
- Audit & Quality Assurance (A&QA) began the evaluation of ViCLAS compliance with provincial adequacy standards for ViCLAS submissions

##### *Changes to the Missing Persons Unit and Divisional Staffing (Recommendation 37, 38, 39, 40, & 41)*

- The candidate for the Administrator position has been selected and will be in place before the end of 2021
- Suggested criteria and job description for Missing Person Coordinators has been disseminated to all Divisions

- All Divisions have assigned members to the Missing Person Coordinator role
  - Full-time Missing Person Coordinators have been assigned to 4 Divisions
- The Detective Sergeant position in the Missing Persons Unit has been created and filled
- Four (4) additional Constable positions have been created within the Missing Persons Unit and the candidates have been selected. The positions will be filled before the end of 2021
- The Service continues to explore integrating civilians to provide support for those directly affected by the disappearance of individuals, including reaching out to other jurisdictions to identify leading practices, and meeting with a community partner agency to determine next steps

*Risk Assessment (Recommendation 33, 48, 50, 54, 55, 57, 58, 60)*

- Developing a prototype Response Assessment Tool in partnership with academics who were specifically recommended by Judge Epstein, informing police response to missing persons in terms of case prioritization and resource allocation
  - Based on evidence-based research specific to missing persons and victimology
- Consulting with subject matter experts throughout Canada
- Collaborating with Information Technology Command to develop a digital tool that can be accessed on mobile devices by both police officers and district special constables. Digitizing this tool:
  - facilitates information sharing and enhances police response by ensuring critical information from a reportee is shared with key decisions makers instantaneously
  - allows key metrics to be captured necessary for pattern analysis, case linkages, and social intervention strategies

**Update on Missing and Missed Implementation Team**

*Engaging LGBTQ2S+, Indigenous, Racialized, Vulnerable, and Marginalized Communities in Toronto to Establish the Missing and Missed Implementation Team*

To create a plan for engaging communities to assemble the Missing and Missed Implementation Team, the Service first established a small Selection Committee, and identified members to form the Missing and Missed Project Team.

**Missing and Missed Project Team**

The Project Team, formed to facilitate implementation of the 151 recommendations, is comprised of civilian and uniformed Service members and is led by Staff Superintendent Gray. The Project Team meets regularly with external and internal stakeholders, including academic and research institutions, community members, and various Service units, to ensure that each recommendation is implemented in keeping with the spirit and essence of the Review. The Community Co-Chair of the LGBTQ2S+ Chief's Consultative Committee participated in the selection of the Missing and Missed Project Team

## Selection Committee

The Selection Committee consisted of both community members who played a role in Judge Epstein's Review and Service members selected by Staff Superintendent Gray to assist with the set-up of the Missing and Missed Implementation Team as required by Recommendation 146. The Selection Committee met weekly during June and July 2021 to determine the process for selecting the Community Representatives for the Missing and Missed Implementation Team.

This work included:

- Creating the Community Representative Selection Criteria, including:
  - Being a Toronto resident
  - Core skills and specific expertise:
    - Analytical and Critical Thinking
    - Interpersonal Communications
    - Governance
    - Working with or lived experience with/as LGBTQ2S+, Indigenous, Racialized, and/or Marginalized persons
- Creating and executing a Community Representative Selection Process, including:
  - Identifying the number of Missing and Missed Implementation Team – Community Representative positions to be filled
    - Recommendation 146(e) recommended community representatives include members of Judge Epstein's Community Advisory Group and/or the advisory group that drafted the Terms of Reference for the Review
      - In keeping with R146(e), four (4) members of Judge Epstein's Community Advisory Group volunteered to be Community Representatives and were appointed as such
  - Extending an invitation for applications from community members, including:
    - News releases, social media posts on Facebook, Instagram, and Twitter
    - Email with news release and application form sent to Service news release subscribers
    - Email with news release and application form sent to everyone on Judge Epstein's Missing Person Stakeholder list
    - The LGBTQ2S+ Chief's Consultative Committee, 51 Division's LGBTQ2S+ Liaison officer, and 51 Division Neighbourhood supervisor did some promotional work through their networks and through social media. The LGBTQ2S+ Liaison officer and the Neighbourhood supervisor proactively approached some community members they thought may be interested, and reached out to people whose applications were incomplete to seek out the missing information.

- A poster calling for applications was shared with 11 representative organizations in addition to the 35 individuals/organizations that received notification of the opportunity through the BLOOM Network<sup>1</sup>
- Internet/accessibility issues were addressed by making hard copies of the application available and accessible
- Service members on the Selection Committee screening out non-Toronto applicants
- Service members on the Selection Committee removing identifying information from the applicant list and applications to ensure that personal biases did not influence the decision making process
- Community members on the Selection Committee short-listing the applicant list for interviews
- Selection Committee members (community and Service members jointly) conducting interviews
- Selecting Missing and Missed Implementation Team – Community Representatives
  - 148 applicants
  - 15 interviews conducted → Top 7 applicants selected based on interviews
- Total of 11 Community Representatives

#### *About the Missing and Missed Implementation Team*

Three (3) of Judge Epstein’s recommendations called for the creation an implementation team that operates as a true partnership and that is comprised of a diverse group of community representatives and Service representatives. The Missing and Missed Implementation Team will be integral in reviewing and discussing the recommendations to provide diverse perspectives and views that will guide and inform decision-making and many aspects of implementation.

The purpose of the Missing and Missed Implementation Team is to provide meaningful perspective and leadership. The members of this committee will be dedicated to building success through mutual engagement and respect.

The role of the Missing and Missed Implementation Team is to:

- co-create the implementation plan
- consult on the 151 Recommendations
- consult on ad hoc requests from the Office of the Chief
- monitor the effective implementation of the recommendations

The current composition of the Missing and Missed Implementation Team includes twenty four (24) members comprised of both Community Representatives and Police

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<sup>1</sup> BLOOM Network - BLOOM provides housing and support to Trans persons who are transitioning while living with mental health and substance use issues, or who are experiencing or are at risk of homelessness.

Representatives. The Missing and Missed Implementation Team, assembled in July 2021, began meeting regularly in September 2021. The 2021 meeting schedule was as follows:

- September 9
- September 23
- October 7
- October 21
- November 4
- November 23
- December 9

The focus of the meetings for 2021 has been on:

- Co-designing the Implementation Plan with the Missing and Missed Implementation Team
  - To be posted to the Missing and Missed Implementation webpage by Judge Epstein's revised deadline of December 31, 2021
    - This will fulfil the requirements of R147(a)
- Developing a Communication Plan for keeping the public updated on the work of the Missing and Missed Implementation Team.

#### *Progress Reporting*

The Service will be issuing the first progress report by December 31, 2021 in an online Implementation Dashboard similar to the dashboard used for the 81 Recommendations on Police Reform.

- The online tracking tool will be updated bi-weekly

The Service will be releasing a detailed report by April 30, 2022, as required by R148. This report will focus on the extent to which each recommendation has been implemented.

*Missing and Missed Implementation Team – Community Representatives include:*

#### **Praney Anand**

A Registered Psychotherapist (Qualifying) and the current Executive Director at the Alliance for South Asian AIDS Prevention, with more than a decade of experience working with gender and sexual minority communities in research, counselling, and education.

#### **Monica Forrester**

A 2Spirit Transwoman of colour, Founder of Trans Pride Toronto and Transitioning Together 2004, and currently working with Maggie's Toronto as the Program and Outreach Manager. Monica was a member of Judge Epstein's Community Advisory Group.

**Ashley Hiscox**

Has over a decade of experience working as a trauma-informed victim support and response specialist, supporting people impacted by crime and sudden tragedy, and their direct involvement with police in relation to these. She has worked closely with and advocated for members of vulnerable and marginalized communities, including those affected by missing persons.

**Justin Khan**

The Director of Public Interest and Legal Initiatives at The 519 and a vocal advocate for 2SLGBTQ+ communities navigating the justice system.

**Michele Lent**

Previously a 26-year member of the New York Police Department, a member of the Gay Officers Action League and a member of Judge Epstein's Community Advisory Group.

**Maureen Parkinson**

Has worked with the provincial government managing various teams in investigating at-risk persons facing financial/physical abuse, homelessness and a lack of financial resources. These people often cannot speak for themselves and advocating on their behalf called for liaisons with multiple local, provincial and federal agencies all while being cognizant of the individual's prior capable wishes and personal background.

**Ron Rosenes**

A life-long advocate and community leader, awarded the Order of Canada in 2015 for his work on behalf of HIV communities, and a member of Judge Epstein's Community Advisory Group.

**Desmond Ryan**

Has lived experience as a police officer and spent decades working with people experiencing homelessness and addiction, as well as those in the street-level sex trade, including Trans and marginalized sex trade workers.

**Natalie Sitt**

A Parole Supervisor with the Correctional Service of Canada brings experience working closely with Elders, Indigenous Liaison Officers and first-hand knowledge of how the justice system has impacted many Indigenous people.

**Haran Vijayanathan**

The Director of Equity and Strategic Initiatives at the Canadian Museum for Human Rights, a Casey Award winner for work with HIV/AIDS and 2SLGBTQ+ communities, and a member of Judge Epstein's Community Advisory Group, and Missing and Misdemeanor Implementation Team Co-Chair

**Flora Vineberg**

An Associate at Spring Law with a Masters in International Law and Human Rights, frequently represents sexual assault survivors, and a current member of the Sexual Orientation and Gender Identity Committee.

*Missing and Missed Implementation Team – Police Representatives include:*

**Frank Barredo**

Superintendent – Unit Commander of the Toronto Police College

**Michael Barksy**

Superintendent – Commander of Specialized Criminal Investigations

**Lisa Crooker**

Superintendent – Unit Commander of Talent Acquisition

**Andrew Ecklund**

Inspector – Equity, Inclusion and Human Rights

**Pauline Gray**

Staff Superintendent – Leading the implementation of the 151 recommendations and Missing and Missed Implementation Team Co-Chair

**Donovan Locke**

Inspector – Professional Standards, former member of Community Partnerships and Engagement Unit

**Carole Matthews (Ontario Provincial Police)**

Superintendent – MMIWG - Indigenous Policing Bureau

**Brooke McRoberts (Ontario Provincial Police)**

Staff Sergeant – MMIWG - Indigenous Policing Bureau

**Peter Moreira**

Staff Superintendent – Public Safety Operations, former Unit Commander of 51 Division

**Michael Patterson**

Inspector – Information Technology Command

**Charles Payette (Peel Regional Police)**

Executive Director to the Chief of Police, Co-Chair of the Toronto Police Service's LGBTQ2S+ Chief's Consultative Committee

**Lauren Pogue**

Staff Superintendent – Detective Operations, Co-Chair of Aboriginal Chief's Consultative Committee

**Andy Singh**

Inspector – 51 Division

### Update on Communications

Between the release of the Report on April 13, 2021, and December 10, 2021, there were 40 external and 19 internal communications (See Figure 1 and Figure 2 below).

Most recently, the Service announced the launch of the Missing and Missed Implementation Team with a public introduction to the Community Representatives. The work-to-date of the Implementation Team was shared through a news release, social media posts, and an online article posted to TPSNews.ca.

A webpage dedicated to the work of the Missing and Missed Implementation Team will be attached to the tps.on.ca website before the end of 2021. The Missing and Missed Implementation Team will also work towards measuring the effectiveness of communications.

Figure 1 - Communication Audience

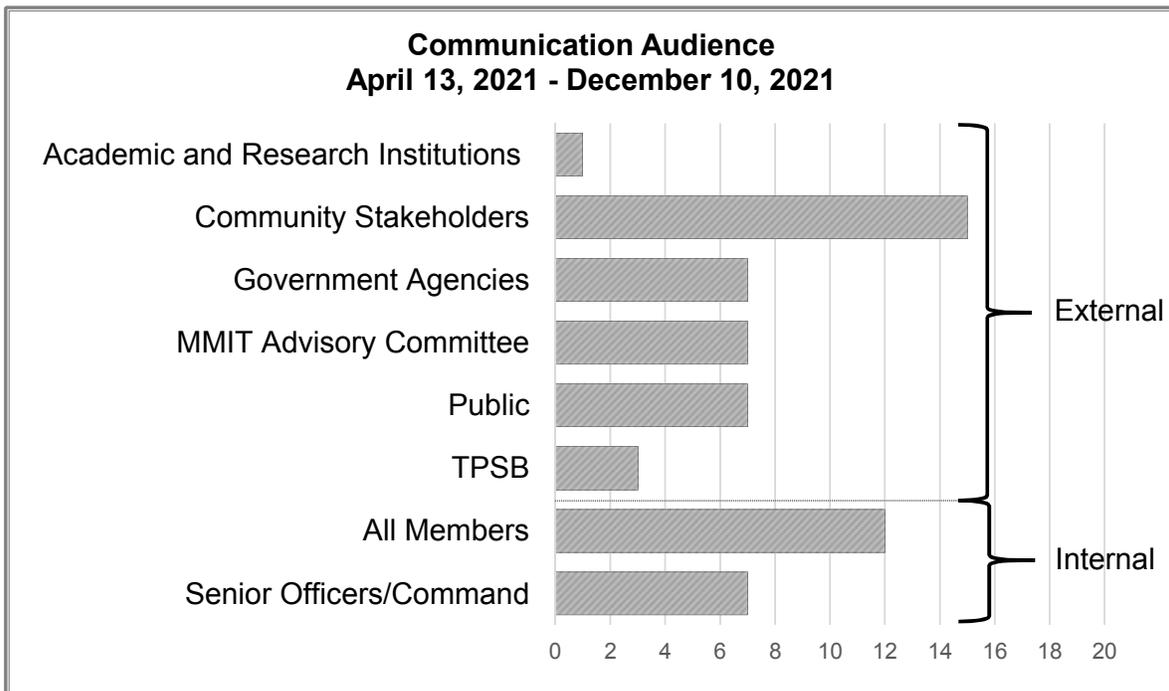
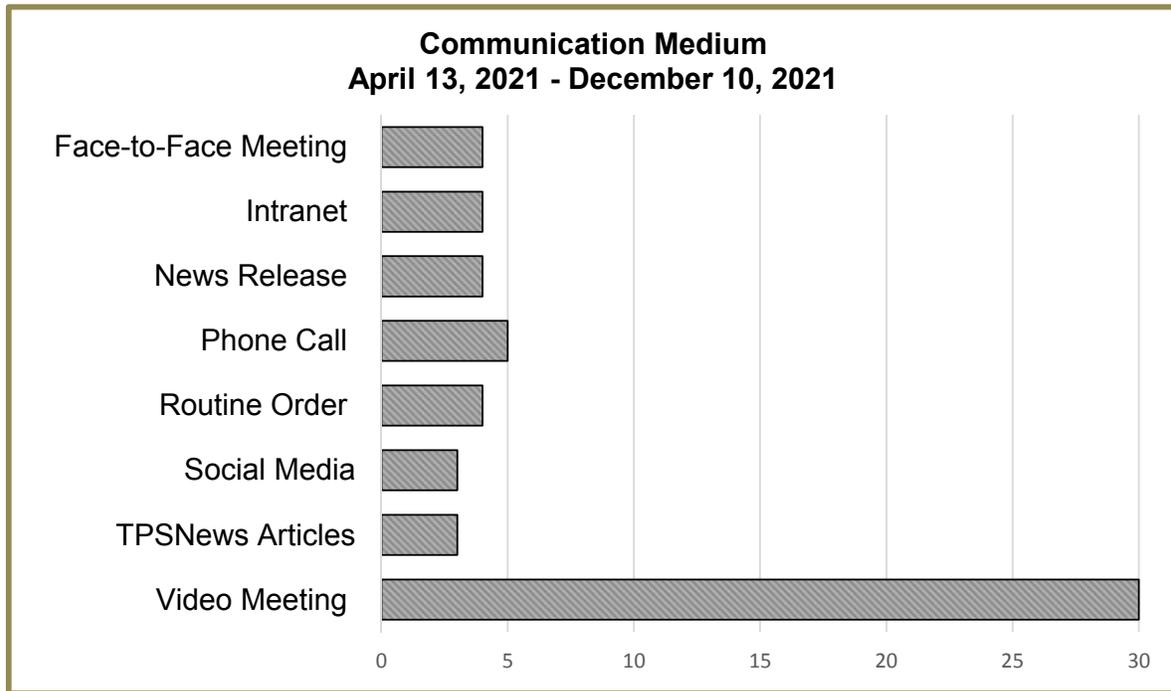


Figure 2 - Communication Medium



## Update on Evaluation Plan on Impacts of Implementation

### *Implementation Plan*

The Missing and Missed Implementation Team has actively engaged in the development of the Implementation Plan, with the desired outcomes below in mind, beginning with the clarification of goals and outcomes for the recommendations and providing input on the timelines.

### *Evaluation Plan*

Judge Epstein identified three desired outcomes:

- Fundamentally improve how missing person cases are responded to
- Invest in strategies designed to improve relationships with Toronto's marginalized and vulnerable communities
- Build capacity for social services, public health, community agencies, and not-for-profit organizations to play a central role in addressing missing persons holistically

The Service, the Board, and the Missing and Missed Implementation Team participated in developing desired outcomes for the recommendations. As the Implementation Plan gets refined, outcomes associated with the long-term success of this plan will be selected as key measures of program success and effectiveness. The Missing and Missed Implementation Team will determine the qualitative and quantitative metrics to be included in the Evaluation Plan. The Evaluation Plan will be designed to help

determine the effectiveness of the recommendations' implementation as well as the desired outcomes.

#### *Changes to Recommendations*

If it becomes necessary to modify or delay the implementation of any recommendations, the Missing and Missed Implementation Team will be consulted on the modifications prior to such changes being adopted. However, responsibility for any deviation from the Implementation Plan lies with the Board and/or the Service. A report setting out the rationale for any such deviation will be publicly released, as required by Recommendation 148.

#### **Conclusion:**

This report provides information to the Board on the short-term implementation goals, the Missing and Missed Implementation Team, and communications, up to December 10, 2021, in addition to how an evaluation plan of the impacts of implementation will be developed and reported on. Staff Superintendent Pauline Gray, Detective Dawn Rose, and members of the Missing and Missed Implementation Team, will be in attendance to answer any questions the Board may have regarding this report.

Respectfully submitted,

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

\*original copy with signature on file in Board office



## Toronto Police Services Board Report

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November 25, 2021

To: Chair and Members  
Toronto Police Services Board

From: Ryan Teschner  
Executive Director and Chief of Staff

**Subject: Toronto Police Services Board – 2022 Meeting Schedule**

### **Recommendation:**

It is recommended that the Toronto Police Services Board (Board) approve the 2022 meeting schedule as outlined in this report.

### **Financial Implications:**

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

### **Background / Purpose:**

The Board bases its annual schedule of meetings on a number of factors, including the days that are least likely to conflict with the schedule of meetings of Toronto City Council, standing committees of Council, Community Councils and other committee meetings; annual key conferences for Board Members; and, other significant events which Board Members and the Chief of Police are expected to attend.

In July 2006, in order to recognize culturally-significant days, the Board approved a Policy indicating that it would attempt to avoid scheduling meetings involving the public on these days. A list of the days formally recognized as “culturally significant” was also approved as part of that Policy.

Although the Board attempts to follow its schedule of meetings as much as possible once it has been established, there may be circumstances which result in changes on short notice during the year. In those circumstances, the Board Office will provide public notice of any change at the soonest possible opportunity.

## **Discussion:**

In establishing the Board meeting schedule for 2022, the Board Office reviewed the current 2022 schedule of meetings developed by the City of Toronto, the dates upon which culturally-significant holidays will be observed in 2022, and the dates of key conferences that Board Members or the Chief of Police may attend during the year.

### *Board Meeting Schedule – 2022*

Based on the foregoing, I am proposing the following dates for meetings of the Board in 2022:

Thursday, January 27  
Monday, February 28  
Thursday, March 31  
Monday, May 2  
Wednesday, June 22  
Wednesday, July 27  
Tuesday, September 13  
Tuesday, October 11  
Monday, November 14  
Friday, December 16

As the year progresses, there may be some dates when certain Board Members may not be able to attend a meeting due to new personal or business commitments. Unless a quorum of the Board cannot be achieved, I believe that the meeting dates, as proposed, should be confirmed at this time in order to establish a regular cycle of meetings prior to the new year, and so that members of the public are aware of these dates.

### *Times and Locations of Board Meetings*

Throughout the COVID pandemic, the Board Office monitored how the City of Toronto has been conducting, and intends to conduct, its public meetings. The principle focus remains to hold Board meetings in a manner that best complies with public health guidance, leveraging the technology available to make these meetings accessible for the public. As the City's practices and public health guidance continues to evolve, and once more information is available regarding the form that future Board meetings may take, the Board Office will inform members of the public of any changes, both through our website and social media.

It is anticipated that all public meetings will commence at 9:00AM, followed by an *in camera* portion of the meeting.

The Board has been actively pursuing opportunities to better engage Toronto communities in the fulfillment of the Board's governance mandate, through its meetings, policy development processes and broader community engagement

initiatives. Once the Board is able to resume in-person meetings, we will strive to hold future Board meetings outside of Police Headquarters, and in local communities, at city-owned and public venues. It is our hope to continue to leverage technology to make Board meetings more accessible to members of the public who wish to engage and participate.

It is also our hope that by effectively bringing meetings into communities, members of the public will have more opportunities to engage with the Board, provide their input on policing matters in the City, and share a local perspective on issues of importance. Ultimately, deeper engagement with higher participation will assist the Board its oversight and governance responsibilities, as more voices are included in the Board's discussions and decisions.

Public meetings, whether in-person or virtual, are livestreamed on YouTube through a link on the Board's website ([www.tpsb.ca](http://www.tpsb.ca)). Agendas for public meetings are also posted to the Board's website in advance of Board meetings.

**Conclusion:**

It is recommended that the Board approve the 2022 meeting schedule, as outlined above.

Respectfully submitted,

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

Ryan Teschner  
Executive Director and Chief of Staff



## Toronto Police Services Board Report

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November 26, 2021

To: Chair and Members  
Toronto Police Services Board

From: Ryan Teschner  
Executive Director and Chief of Staff

Subject: Special Fund Status Update Report and Continuation of Temporary  
Moratorium

### **Recommendation(s):**

It is recommended that the Board approve the continuation of the moratorium that was placed on the Special Fund until the Special Fund Policy has been updated and approved.

### **Financial Implications:**

The balance of the Special Fund as at November 26, 2021, is \$607,667. If the recommendation is approved, the Board will continue to fulfill its annual commitments but will not be in a position to accept applications for initiatives from community partners at this time.

### **Background:**

At its meeting held on June 24, 2021, the Board placed a moratorium on the Special Fund, as the Board was at risk of being unable to meet its ongoing Special Fund financial commitments. This was due to the pandemic-related pause on revenue-generating auctions, the proceeds from which are deposited into the Special Fund. The Board committed to monitoring the Special Fund, and providing a status update or recommendations on how to move forward at its December meeting.

### **Discussion:**

#### *Overview of the Special Fund*

The Board's Special Fund is maintained through the auction sale of unclaimed property, the proceeds of which are deposited into the Fund. Section 132(2) of the *Police*

*Services Act* states “the chief of police may cause the property to be sold, and the board may use the proceeds for any purpose that it considers in the public interest.”

The Board uses its Fund to support employee recognition programs, as well as local community initiatives that support Toronto Police Service and community relations, and at times, sponsoring events related to civilian oversight. The Board has the sole legislated authority to expend the contents of the Fund.

#### *The moratorium in place*

In March 2020, in adherence to the pandemic guidelines, all Service facilities were closed to the public. As a result, the entire processing and auctioning of unclaimed items was temporarily suspended by the Property Video and Evidence Management Unit (PVEMU).

Recently, the PVEMU advised that regular auctions have resumed and that, subject to any future pandemic-related closers, we can expect that regular deposits will be made into the Fund. This is a welcomed update which will, ultimately, allow the Board to continue to support its annual commitments to celebrate Members who have completed long service and who have been recognized for various awards. That said, in order to return the Fund to its previous and more healthy status, it would be prudent to allow some time to elapse for the Fund to be replenished.

#### *Special Fund Policy modernization*

In addition, Board Staff have also begun to review and update the Board’s Special Fund Policy (which was last updated 2013) to reflect the Board’s commitment to meaningful community engagement and partnership, in the spirit of its police reform agenda. An updated Policy will be presented to the Board for consideration by its March 2022 meeting. It is anticipated that the newly proposed Policy will modernize the criteria for consideration of applications, maximize the alignment between the expenditures associated with the Special Fund and the Board’s priorities, and, create a reporting framework to better understand how these monies are being spend and what outcomes are being achieved.

Given the nature of these changes, it would be prudent to await the update of the Policy before accepting new applications from community partners.

#### **Conclusion:**

I have reviewed the status of the Special Fund and although regular auctions have resumed, I am recommending that the Board continue the moratorium to allow for the

Fund to be replenished to some extent, and until such time that the new Special Fund Policy has been considered by the Board.

Respectfully submitted,

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

Ryan Teschner  
Executive Director and Chief of Staff



## Toronto Police Services Board Report

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November 25, 2021

To: Chair and Members  
Toronto Police Services Board

From: James Ramer  
Chief of Police

**Subject: Prequalification of Vendors for Architectural Services for Interior Renovation or Construction Fit-Up Projects**

### **Recommendation:**

It is recommended that the Toronto Police Services Board (Board) approve the prequalification of the seven suppliers listed below for the provision of architectural services for interior renovation or construction fit-up projects at Toronto Police Service (Service) facilities for a period of three years, commencing January 1, 2022 and ending on December 31, 2024.

1. Rebanks Pepper Littlewood Architects Inc.
2. W.H.Z.M. Architects
3. The Ventin Group Limited
4. AECOM Canada Ltd.
5. Bortolotto Design Architect Inc.
6. Dutra Architect Inc.
7. Kasian Architectural Ontario Inc.

### **Financial Implications:**

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

The selected prequalified roster of architectural firms will be eligible to submit proposals in response to Request for Service (R.F.S.) processes for future construction projects undertaken by the Service on an as needed basis. Essentially, these prequalified firms will be invited to bid on the architectural component of projects (interior renovations or construction fit-ups) with a project value ranging from \$100,000 to \$3 Million (M).

The cost of architectural services performed will be funded from various renovation and state of good repair projects in the Service's approved capital program or operating budget, subject to the availability of funds. Services related to new construction projects

above \$3M are out of the scope of this prequalification list, and will be procured through a full Request for Proposals process.

### **Background / Purpose:**

The purpose of this report is to establish a roster of architectural firms that will be given the opportunity to bid on all architectural consulting services required to support design and project management from planning to completion, for any related interior renovation or construction fit-up projects. Architectural specialists will assist the Service with detailed programming studies, site inspections, scope development, drawings, design options (including furniture/equipment design layout), budget projections and preparation of construction schedules.

The Board's approval of the recommended prequalification list will help facilitate the turnaround time for future projects requiring architectural expertise by streamlining the process for the engagement of architectural services, and at the same retaining a competitive bid requirement for the services being procured.

### **Discussion:**

#### *Procurement Process:*

On May 19, 2021, the Service's Purchasing Services unit issued a Request for Pre-Qualification (R.F.P.Q.) # 1453585-21 to establish a list of prequalified architectural firms to provide architectural services for various Service projects. The request was advertised on MERX, an electronic tendering site, with a closing date of June 9, 2021. Twenty-six suppliers downloaded the R.F.P.Q. document and a total of ten responses were submitted. Of these ten submissions, three were disqualified as not having met the minimum mandatory requirements detailed in the R.F.P.Q. document.

A committee comprised of members of Facilities Management evaluated the proponent responses in two stages. In Stage 1, proponents were evaluated to ensure that the mandatory requirements were met. Proponents meeting the mandatory criteria advanced to Stage 2 of the evaluation process and were scored using the criteria outlined below:

- Company Experience;
- Project Experience;
- Lead and Back-up Architect Experience and Qualifications;
- Project Management Methodologies; and
- Cost Planning Scenario.

Within each of these weighted criteria, ratings and associated points were assigned by the evaluators based on a pre-defined rating system that was outlined in the R.F.P.Q. document.

**Conclusion:**

Following the R.F.P.Q evaluation process for architectural services, seven architectural firms have been recommended for inclusion on a prequalified list of firms that will be eligible to bid on architectural services required for interior renovation or construction fit-up projects with an estimated value of \$100,000 to \$3M. The prequalified vendor list will be valid for a three year period commencing January 1, 2022 and ending December 31, 2024.

The architectural services required for each project will be procured through a competitive Request for Service (R.F.S.) process where each of the seven firms on the prequalified list will be eligible to bid on the work.

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

Respectfully submitted,

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

\*original copy with signature on file in Board office



## Toronto Police Services Board Report

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October 15, 2021

To: Chair and Members  
Toronto Police Services Board

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

**Subject: Contract Award - Theta Lake Inc. - Software Subscription Service**

### **Recommendation(s):**

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

1. authorize the award of a contract to Theta Lake Inc. (Theta Lake) for their Software as a Subscription services (S.a.a.S.) for a one year period at a cost of \$50,000 (excluding taxes), with an option to extend for four one-year periods at an estimated cost of \$228,000 (excluding taxes), for a total estimated cost of \$278,000; and
2. authorize the Chair to execute any required agreements on behalf of the Board, subject to review and approval as to form by the City Solicitor; and
3. authorize the Chief to approve any options to extend, subject to continuing need, funding, and satisfactory vendor performance.

### **Financial Implications:**

The Theta Lake S.a.a.S. has an annual cost of \$50,000 (excluding taxes), and will be funded by the Telephone Handset Lifecycle capital project from the Vehicle and Equipment Reserve in the Service's approved 2021-2030 Capital Program (Min. No. 2021-0113-3.2 refers).

It is anticipated that renewal of this subscription service may be required for at least four additional years and that costs may increase by approximately 5% per year, as outlined in Table 1.

**Table 1 – Estimated Annual Cost**

<b>Year</b>	<b>Cost*</b>
2021	\$50,000
2022	\$53,000
2023	\$56,000
2024	\$58,000
2025	\$61,000
Total	\$278,000

\* includes estimated 5% increase per year

At this point no funding for future years (2022 onwards) is allocated for this expenditure. Information Technology Service (I.T.S.) will review the potential need and request an increase in operating funding as part of the Toronto Police Service's (T.P.S.) budget process to renew the use of this S.a.a.S.

**Background / Purpose:**

On December 19, 2016, the Board approved OnX Enterprise Solutions Ltd. (OnX) as the vendor of record for the supply/maintenance/replacement of network security hardware, software, maintenance, support and professional services for a two-year period commencing January 1, 2017 and ending December 31, 2018, with an option to extend for three additional one-year terms at the discretion of the Chief of Police (Min. No. P283/16 refers).

T.P.S. has identified a need for a solution which allows for the searching and extracting of electronic messaging information from its Cisco WebEx Teams platform.

The Purchasing Bylaw allows for a non-competitive procurement exception for compatibility reasons:

- 15.1 A non-competitive procurement may be undertaken where both the proposed non-competitive procurement and the particular vendor can be justified in good faith, based on one or more of the following considerations:
  - (g) The need for compatibility with Goods or Services previously acquired when there are no reasonable alternatives, substitutes or accommodations or there is a need to avoid violating warranties and guarantees;

As Cisco's only recommended solution for the purposes of auditing WebEx communications was Theta Lake, T.P.S. felt it prudent to follow their guidelines at that time.

As a result, a one year subscription of the Theta Lake S.a.a.S. was purchased at a cost of \$50,000 through T.P.S.'s vendor of record agreement with OnX.

Upon purchasing the subscription, Theta Lake provided T.P.S. with their Enterprise Terms of Use agreement. T.P.S. requested that the City Solicitor review the agreement, and the City Solicitor identified a number of risks and suggested revisions. Theta Lake indicated however that they are not willing to make any revisions to their agreement, and as a result, the City Solicitor recommended that T.P.S. request the Board's approval for Theta Lake's Enterprise Terms of Use agreement.

The purpose of this Board Report is to request the Board's approval for Theta Lake's Enterprise Terms of Use agreement, and for T.P.S. to proceed with using the Theta Lake S.a.a.S.

### **Discussion:**

The I.T.S. Unified Communications team is currently engaged in deploying Cisco WebEx Teams across the T.P.S. The Theta Lake S.a.a.S. will provide the T.P.S. with easy to use client software that will:

- Correlate the communication information from Cisco WebEx Teams instant messaging;
- Allow the Information Security Unit (I.S.U.) to access T.P.S. communication information required for searching, extracting and providing responses to requests from the T.P.S.'s Professional Standards Unit and Freedom of Information requests.

Without auditing software, the I.S.U. will be without the means to access T.P.S. communication information required for searching, extracting and providing responses to requests from the T.P.S.'s Professional Standards Unit and Freedom of Information requests until such time as a new solution can be procured and implemented.

If T.P.S. wishes to use this software, the vendor requires that T.P.S. sign Theta Lake's Enterprise Terms of Use agreement. These terms are not negotiable. The terms contain several clauses which the Board should consider, given they involve the Board accepting some risk:

- The vendor reserves the right to change the fees upon renewal of the services term by T.P.S.;
- T.P.S. may only terminate the agreement at the end of a term, but T.P.S. may not otherwise terminate the agreement;
- The agreement will automatically renew indefinitely unless T.P.S. advises the vendor it is terminating the agreement 90 days prior to the end of a term;

- The vendor will retain all intellectual property rights, title and interest in the services provided, including all statistics or reports generated under the agreement. T.P.S. will have a licence to use service reports generated by the vendor;
- The agreement limits the vendor's liability in several ways:
  - The agreement contains a liability cap for both parties equal to the amount of 12 months' subscription fees, and neither party shall be liable for certain kinds of indirect, incidental, punitive or consequential damages;
  - For claims other than claims in relation to breaches by the vendor of others' intellectual property rights, T.P.S.' sole recourse against the vendor will be to have the vendor provide a new licence to the services to avoid claims from others, modify the services to avoid claims from others or refund the fees T.P.S. has paid for the services.
- The agreement requires T.P.S. indemnify the vendor from any claims in connection to the actions of T.P.S. employees or agents in connection with their use of the services or any breach of the agreement by T.P.S.;
- The agreement is governed by California law; however, T.P.S. data will be stored in Canada (Toronto);
- The vendor can transfer and assign any of its rights under the agreement without the consent of T.P.S.;
- The vendor can make changes to the services at any time;
- The vendor will take "reasonable precautions" to protect TPS data;
- There is a time limit on how long the vendor keeps TPS information confidential;
- The vendor owns all statistics and reports.

The response to the above identified risks are articulated in the table that accompanies this report.

### **Conclusion:**

The Theta Lake S.a.a.S. tool will allow the I.S.U. to access T.P.S. communication information required for searching, extracting and providing responses to requests from the T.P.S.'s Professional Standards Unit and Freedom of Information requests.

Mr. Colin Stairs, Chief Information Officer, will be in attendance to answer any questions the Board may have regarding this report.

Respectfully submitted,

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

Section No.	Agreement Term	Risks Identified by City Legal	Risk Type	TPS Response
6. Confidentiality	6. ...The Receiving Party agrees: (i) to take reasonable precautions to protect such Confidential Information, and (ii) not to divulge to any third person any such Confidential Information. The Receiving Party will limit access to the Confidential Information of the Disclosing Party to only those of the Receiving Party's employees, attorneys, or service providers having a need to know and who have signed confidentiality agreements containing, or are otherwise bound by, confidentiality obligations at least as restrictive as those contained herein.	The vendor will take "reasonable precautions" to protect TPS data, but the standards the vendor will employ in doing so are unclear.	Other	Theta Lake is SOC 2 and HIPAA certified - in order to maintain this certification, the company must meet standards. TPS is also encrypting our data with our own keys so that only we can view the data
6. Confidentiality	6. ... The Disclosing Party agrees that the foregoing shall not apply with respect to any information after three years following the disclosure thereof or any information that the Receiving Party can document: (a) is or becomes generally available to the public; (b) was in its possession or known by it prior to receipt from the Disclosing Party; (c) was rightfully disclosed to it without restriction by a third party; (d) was independently developed without use of any Proprietary Information of the Disclosing Party; or (e) is required by law.	There is a time limit on how long the vendor keeps TPS information confidential. After this time limit, the information could presumably be made public.	Other	All data (instant messaging) stored in the cloud is encrypted using keys that only TPS has access to. The vendor will not have access, nor can they expose our data. If we terminate, we have the option to export our data if necessary.
8. Payment of Fees; Taxes	8...Theta Lake reserves the right to change the Fees and to institute new Fees at any time upon notice to Customer, with such updated Fees to apply to any renewal of the Service by Customer.	The vendor reserves the right to change the fees upon renewal of the services term by T.P.S. It is unclear what amount of notice, if any, the vendor would have to provide.	Financial	The subscription is currently for one year with no commitment from the vendor to keep the same price year over year. If the vendor increases the fees significantly we can always decide to cancel our subscription.  TPS renews the service each year prior to the service expiring and prior to the 90 day termination clause mentioned elsewhere

<p><b>9. Term; Termination</b></p>	<p>9. Customer's annual or multi-year term will commence on the Effective Date identified on the Order Form and shall continue for the terms as specified in the Order Form, hereafter (the "Initial Term"). Subject to earlier termination as provided below, following the Initial Term, Customer's subscription to the Service will automatically renew for additional one (1) year periods (each a "Renewal Term" and, together with the Initial Term the "Term") unless either party requests termination at least ninety (90) days prior to the end of the then-current term.</p> <p>In addition to any other remedies it may have, Theta Lake may terminate Customer's use of the Service if Customer breaches any of the terms or conditions contained herein and fails to cure such breach within thirty (30) days following notice thereof. If Customer is in material breach of these Enterprise Terms of Use, Theta Lake reserves the right to immediately suspend access to the Service until such breach is cured. Theta Lake may also suspend Customer's access to the Service if Customer has not paid the Fees for a Renewal Term in a timely manner following invoice or has not <u>confirmed to Theta Lake upon inquiry its desire to</u></p>	<p>T.P.S. may only terminate the agreement at the end of a term, but T.P.S. may not otherwise terminate the agreement</p>	<p>Financial</p>	<p>TPS can terminate the agreement mid-year, but the subscription cost is for the entire year. The annual subscription fee is approx. \$50k so the cost of terminating mid-year will be equivalent to the amount that is left in the term.</p> <p>TPS will ensure that the service is evaluated prior to the 90 day threshold</p>
	<p>9..Customer's annual or multi-year term will commence on the Effective Date identified on the Order Form and shall continue for the terms as specified in the Order Form, hereafter (the "Initial Term"). Subject to earlier termination as provided below, following the Initial Term, Customer's subscription to the Service will automatically renew for additional one (1) year periods (each a "Renewal Term" and, together with the Initial Term the "Term") unless either party requests termination at least ninety (90) days prior to the end of the then-current term.</p>	<p>The agreement will automatically renew indefinitely unless T.P.S. advises the vendor it is terminating the agreement 90 days prior to the end of a term</p>	<p>Financial</p>	<p>This risk can be mitigated by ensuring that we notify the vendor at least 90 days prior the end of the current contract term that we don't want to renew.</p> <p>If we do not notify the vendor at least 90 days prior to the end of the current contract term that we don't want to renew, our cost will be limited to the cost of the next year's subscription fee, which is approximately \$50k</p>

**10. Intellectual Property**

<p>10.1. Theta Lake Intellectual Property Rights. Theta Lake will retain all rights, title and interest in and to all intellectual property rights related to the Service, including all statistics or reports computed or generated by the Services hereunder (the "Service Reports") and all modifications, extensions, customizations or other derivative works of the Service provided or developed by Theta Lake. Customer is hereby granted, without additional fees, a non-exclusive, nontransferable, irrevocable right to use the Service Reports for Customer's internal risk and compliance analysis, internal and third-party audit, and regulatory reporting and response purposes only.</p>	<p>The vendor will retain all intellectual property rights, title and interest in the services provided, including all statistics or reports generated under the agreement. T.P.S. will have a licence to use service reports generated by the vendor for "internal risk and compliance analysis, internal and third-party audit, and regulatory reporting and response purposes only." As owner of statistics or reports computed or generated by the services, the vendor will have great discretion on how to use those records. It is unclear what privacy implications this could have for T.P.S.</p>	<p>Other</p>	<p>Theta Lake provided the following response when questioned about this risk:</p> <p>"We assert those IP rights because we consider the report templates and statistics to be proprietary information of Theta Lake. That said, the fact that we assert those IP rights does not impact the confidentiality commitments we make in the agreement. The IP rights we assert do not change our obligations to protect Confidential Information, deploy encryption in transit and at rest, or any of the other security commitments in the agreement."</p> <p>Further to this, Theta Lake also stated:  <u>"The intent of the section is that Theta Lake owns the IP over the report template and related statistics--we're not asserting IP ownership rights over the TPS data in them."</u></p>
<p>13. IN NO EVENT SHALL EITHER PARTY BE LIABLE TO ANYONE FOR ANY LOST PROFITS OR REVENUE OR FOR ANY INDIRECT, EXEMPLARY, INCIDENTAL, PUNITIVE, SPECIAL (EXCLUDING ANY BREACH OF THE CONFIDENTIALITY PROVISIONS SET FORTH IN SECTION 6) OR CONSEQUENTIAL DAMAGES OF ANY TYPE OR KIND HOWEVER CAUSED, WHETHER FROM BREACH OF WARRANTY, BREACH OR REPUDIATION OF CONTRACT, NEGLIGENCE OR ANY OTHER LEGAL CAUSE OF ACTION (REGARDLESS OF WHETHER THE PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH LOSS OR DAMAGE TO THE MAXIMUM EXTENT PERMITTED BY LAW). The maximum liability of either party to any person, firm or corporation whatsoever arising out of or in connection with any use or employment of the Service, whether such liability arises from a claim based on breach of contract, breach of warranty, negligence, tort, statutory duty, or otherwise, shall in no case exceed the equivalent of 12 months in Subscription Fees applicable at the time of the event.</p>	<p>The agreement limits the vendor's liability in several ways:          - The agreement contains a liability cap for both parties equal to the amount of 12 months' subscription fees, and neither party shall be liable for certain kinds of indirect, incidental, punitive or consequential damages;</p>	<p>Financial</p>	<p>TPS considers this a low risk</p>

<p><b>14. Indemnification</b></p>	<p>14.1. ... If a Claim is brought or threatened, Theta Lake shall, at its sole option and expense, use commercially reasonable efforts either: (a) to procure a license that will protect Customer against such Claim without cost to Customer; (b) to modify or replace all or portions of the Service as needed to avoid infringement, such update or replacement having substantially similar or better capabilities; or (c) if (a) and (b) are not commercially feasible, terminate Customer's subscription to the Service and refund to the Customer a pro-rata refund of any previously paid Subscription Fees for the terminated portion of the Term. The rights and remedies granted Customer under this Section 13.1 state Theta Lake's entire liability, and Customer's exclusive remedy, with respect to any claim of infringement of the intellectual property rights of a third party.</p>	<p>The agreement limits the vendor's liability in several ways: - For claims in relation to breaches by the vendor of others' intellectual property rights, T.P.S.' sole recourse against the vendor will be to have the vendor provide a new licence to the services to avoid claims from others, modify the services to avoid claims from others or refund the fees T.P.S. has paid for the services.</p>	<p>Other</p>	<p>TPS considers this a low risk - should Theta Lake breach others' intellectual property rights, financial liability would lie with the company. It is unlikely that clients of the company would be named</p>
	<p>3.4. Responsibility for User Activity. Customer shall be responsible for all activities undertaken by Customer's employees or agents in connection with their use of the Services, as well as for any failure on the part of its employees or agents to comply with any relevant law or regulation including, but not limited to, copyright law for content submitted into the Service by Customer. Customer hereby agrees to indemnify and hold Theta Lake, its officers, directors, employees and agents harmless from and against any damages, losses, liabilities, settlements and expenses (including without limitation reasonable attorneys' fees) in connection with any claim or action that arises from the actions of Customer's employees or agents in connection with their use of the Service.//// 14.2. By Customer. In addition to the indemnification obligations set forth in Section 3.4, Customer shall, at its own expense and subject to the limitations set forth in this Section 13, defend Theta Lake from and against any and all Claims arising out of Customer's breach of any provision of these Enterprise Terms of Use and shall hold Theta Lake harmless from and against liability for any Losses to the extent based upon such Claims.</p>	<p>The agreement requires T.P.S. indemnify the vendor from any claims in connection to the actions of T.P.S. employees or agents in connection with their use of the services or any breach of the agreement by T.P.S.</p>	<p>Financial</p>	<p>This risk can be mitigated by ensuring that users of this software clearly understand the terms of the agreement and only use the software for TPS and vendor approved purposes.  The only members using this will be those in Information Security.</p>

<b>16. Miscellaneous</b>	16.1. Governing Law. These Enterprise Terms of Use shall be governed by the laws of the State of California without regard to its conflict of laws provisions.	The agreement is governed by California law and T.P.S. data will be stored in Canada (Toronto) but will be subject to California law. What that means for the vendor's future use of data obtained through the agreement is unclear.	Financial	Theta Lake will be provisioning our services in Canada and have provided a letter in writing saying that they will do so. Data to be stored will be instant message data. Our data will be encrypted with keys that only TPS will have access to. While our data will be in the cloud, it will only be viewed by TPS personnel. The data that will be stored is names, email addresses and any information that members share in a message. As above, all this data will be encrypted with keys owned by TPS.
	16.3. Assignment. These Enterprise Terms of Use are not assignable, transferable or sublicensable by Customer except with Theta Lake's prior written consent. Theta Lake may transfer and assign any of its rights and obligations under these Enterprise Terms of Use without consent.	The vendor can transfer and assign any of its rights under the agreement without the consent of T.P.S. Ownership rights over T.P.S. data could thus be assigned to another entity without T.P.S.' consent.	Other	TPS can cancel services if service is impacted  This is most likely only in the event of the vendor being sold.
<b>B. Technical Support Agreement</b>	6. Changes to Support Theta Lake may change its Support from time to time in its sole discretion; provided, however, that no such change shall materially diminish the level of support being provided to Customer. /// 5. Theta Lake may make modifications to the Service from time to time and will use commercially reasonable efforts to notify Customer of any material modification. Theta Lake reserves the	The vendor can make changes to the services at any time, with no clear notice requirement or consent from T.P.S.	Other	If support degrades TPS can cancel  The vendor may make changes to the services "provided however, that no such change shall materially diminish the level of support being provided to the customer" It is more than likely that such changes will add new functionality or bug fixes. The vendor will use commercially reasonable efforts to notify TPS - should they discontinue service before end of term, they will refund on a pro-rated basis (as per section 5 of the TOU)



## Toronto Police Services Board Report

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November 23, 2021

To: Chair and Members  
Toronto Police Services Board

From: James Ramer  
Chief of Police

**Subject: Contract Award – Public On-Line Auction Services**

### **Recommendations:**

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

- 1) approve a contract award to Police Auctions Canada for public on-line auctioneering services for a three-year period commencing January 1, 2022 to December 31, 2024, with the option of two additional one-year extensions;
- 2) authorize the Chair to execute all required agreements and related documents on behalf of the Board subject to approval by the City Solicitor as to form; and
- 3) authorize the Chief of Police to exercise the two option years subject to satisfactory performance and other considerations.

### **Financial Implications:**

In accordance with Section 132(2) of the *Police Services Act* of Ontario, the Chief of Police may cause unclaimed property to be sold at a public auction. The auction revenue less the commission paid to the auction company is remitted to the Board's Special Fund, for use by the Board in accordance with the provisions of the Special Fund.

From 2016 to 2020, just over \$973,000 in goods were sold by auction providers, with net auction proceeds (after commissions), to the Board's Special Fund of approximately \$517,000.

The net amount of revenue contributed to the Board's Special Fund is dependent on the total gross sales less commissions paid to the auction company.

Below is a breakdown of the net revenue generated for the Special Fund since 2016:

Year	Auction	Company - Commission %	Number of Items / Lots	Gross Revenue	Net Revenue
2016	On-Line	P.L.I. 27% - P.A.C. - 35-50%	2825	\$80,192	\$56,292
2017	On-Line	P.A.C. - Sliding Scale 35-50%	4192	\$283,250	\$146,234
2018	On-Line	P.A.C. - Sliding Scale 35-50%	3170	\$218,582	\$112,663
2019	On-Line	P.A.C. - Sliding Scale 35-50%	4730	\$199,130	\$103,739
2020	On-Line	P.A.C. - Sliding Scale 35-50%	2900	\$192,244	\$98,379
		<b>Total</b>	<b>17817</b>	<b>\$973,398</b>	<b>\$517,307</b>

P.L.I. -> Platinum Liquidations Inc. (contract ended 2016)

P.A.C. -> Police Auctions Canada (2016 to present)

### **Background / Purpose:**

The public on-line auction process utilized by the Toronto Police Service (Service) occurs 24 hours a day – 7 days a week as opposed to public forum auctions which have been traditionally conducted once every five weeks.

This expedited processing procedure reduces inventory levels and the stockpiling effect, which occurs when items are held internally until one week before a scheduled public auction. A continuous turnover of inventory, results in the reduction of the Service's storage and management costs, and in the double handling of property.

The contract with the current auction provider (Police Auctions Canada) expires on November 30, 2021. As such, the purpose of this report is to obtain Board approval for a new on-line auction services contract. Police Auctions Canada will continue to receive and process items on behalf of the Board until a new contract is approved.

### **Discussion:**

On September 2, 2021, the Service's Purchasing Services Unit issued Request for Quotation (R.F.Q.) #1453279-21 on MERX to seek public on-line auction services for a

three-year period, with an option to renew for two additional one-year periods. The R.F.Q. closed on September 28, 2021. Four suppliers downloaded a complete set of the R.F.Q documents. Two suppliers, Police Auctions Canada and AuctionMaxx submitted bids.

Following a review of the bids, AuctionMaxx's submission did not meet all of the specifications and was deemed non-compliant.

Police Auctions Canada's submission was fully compliant with specifications within the R.F.Q., and is being recommended for contract award.

The submission from P.A.C. provides for a sliding scale commission rate (50%-35%) depending on the value of the item, as summarized below:

<b>FINAL SALE PRICE (PER ITEM/LOT)</b>	<b>T.P.S.B.</b>	<b>P.A.C.</b>
< \$1,000	50%	50%
\$1,000 - \$2,500	55%	45%
\$2,501 - \$5,000	60%	40%
> \$5,000	65%	35%

### **Conclusion:**

It is therefore recommended that the Board approve a contract award to Police Auctions Canada for public on-line auction services for the period January 1, 2022 to December 31, 2024, with the option of two additional one-year extensions at the discretion of the Chief.

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

Respectfully submitted,

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

\*original copy with signature on file in Board office



## Toronto Police Services Board Report

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November 25, 2021

To: Chair and Members  
Toronto Police Services Board

From: Jim Ramer  
Chief of Police

**Subject: Contract Award - IDEMIA Identity & Security Canada Inc. - IntelliBook System - Software Support and Maintenance Renewal**

### **Recommendation(s):**

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

- (1) approve a contract award to IDEMIA Identity & Security Canada Inc. (IDEMIA) for software support and maintenance renewal for the IntelliBook System commencing January 1, 2022 and ending December 31, 2024, and at a total cost of approximately \$116,300 (excluding taxes) for the three period; and
- (2) authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form.

### **Financial Implications:**

The 2022 support and maintenance cost for the IntelliBook System, to be provided by IDEMIA, will be \$36,900 and is included in the Service's 2022 operating budget request. Future year costs will be included in the respective operating budget requests, for a three-year total cost of approximately \$116,300. Table 1 below provides an annual breakdown of the cost.

Table 1: Estimated Annual Cost (excluding taxes)

<b>Year</b>	<b>Cost</b>
2022	\$36,900
2023	\$38,700
2024	\$40,700
Total	\$116,300

**Background / Purpose:**

At its meeting on September 14, 2011, the Board approved a contract award to Morpho Canada Inc. for the purchase of a new Automated Fingerprint Identification System (A.F.I.S.) (Min. No. P233/11 refers). Morpho subsequently went through a merger and was renamed to IDEMIA.

The IntelliBook system is used for automated booking and investigative support. The system captures high-quality fingerprint data for use with A.F.I.S. and helps to establish a complete arrest record of charged persons, along with face, demographic, and Scars, Marks and Tattoos (S.M.T.) information, all of which is collected under the authority of the *Identification of Criminals Act*.

The IntelliBook system is a proprietary solution of IDEMIA's, and they are the exclusive provider of software support and maintenance. IDEMIA has been providing these services since the system was implemented.

As the current agreement for software support and maintenance expires on December 31, 2021, this report seeks the Board's approval for a new contract award to IDEMIA for the required services.

**Discussion:**

The IntelliBook arrest processing system includes the IntelliBook software, which is installed on the LiveScan booking workstations, as well as the central IntelliBook server. IDEMIA has integrated LiveScan, CardScan and other image capture peripherals into the IntelliBook arrest processing system in an effort to provide a fully integrated arrest processing system.

**Conclusion:**

The IntelliBook System requires on-going maintenance and support. Board approval is therefore being requested for the renewal of the contract for these services for a three-year period, commencing January 1, 2022 and ending December 31, 2024.

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

Respectfully submitted,

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