



Public Meeting

**Thursday,
March 2, 2023 at
9:00AM**



PUBLIC MEETING AGENDA
Thursday, March 2, 2023 at 9:00AM
Livestreaming at <https://youtube.com/live/s9-TFOPIjJ4>

Call to Order

Indigenous Land Acknowledgement

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

Chief's Monthly Verbal Update

1. Confirmation of the Minutes from the public meeting held on [January 26, 2023](#).

Items for Consideration

2. February 21, 2023 from Ryan Teschner, Executive Director and Chief of Staff
Re: [Revisions to Board Policies](#)
3. February 8, 2023 from Ryan Teschner, Executive Director and Chief of Staff
Re: [Revised Policy: Toronto Police Service Procedures Transparency](#)
4. February 8, 2023 from Ryan Teschner, Executive Director and Chief of Staff
Re: [Proposed New Policy on Information Transparency and Data Sharing](#)
5. January 20, 2023 from Myron Demkiw, Chief of Police
Re: [Auxiliary Members – Termination of Appointments: January 1, 2022 to December 31, 2022](#)

6. January 16, 2023 from Myron Demkiw, Chief of Police
Re: City Council Motions Re: Auditor General Recommendations

7. January 24, 2023 from Myron Demkiw, Chief of Police
Re: Annual Report: 2022 Statistical Report *Municipal Freedom of Information and Protection of Privacy Act*

8. January 17, 2023 from Myron Demkiw, Chief of Police
Re: Contract Award to Olin Canada ULC for Ammunition

9. January 26, 2023 from Myron Demkiw, Chief of Police
Re: Contract Extensions and Increases - Esri Canada Ltd. - Enterprise Licence Agreement and Master Services Agreement

10. January 31, 2023 from Myron Demkiw, Chief of Police
Re: Contract Award for Online Police Reference Checks

11. February 1, 2023 from Myron Demkiw, Chief of Police
Re: Contract Extension & Increase for Police Vehicle Lights, Sirens and Weapon Mounts

12. February 15, 2023 from Myron Demkiw, Chief of Police
Re: Special Constable Appointments and Re-Appointments – March 2023

Consent Agenda

13. January 16, 2023 from Myron Demkiw, Chief of Police
Re: Economic and Community Development Committee Item 31.4 Report on Outstanding Noise Directive (Ward All) Ref: 22-EC31.4

14. January 16, 2023 from Myron Demkiw, Chief of Police
Re: Report on Impaired Driving – Ref: 22-MM47.36

15. January 11, 2023 from Myron Demkiw, Chief of Police
Re: Annual Report: 2022 Summary of Grievances

16. January 26, 2023 from Myron Demkiw, Chief of Police
Re: Annual Report: 2022 Parking Enforcement Unit – Parking Violation Notices Issuance

17. **Chief’s Administrative Investigation Reports**
 - 17.1 January 13, 2023 from Myron Demkiw, Chief of Police
Re: Chief’s Administrative Investigation into the Custody Death of Complainant 2020.22

 - 17.2 January 13, 2023 from Myron Demkiw, Chief of Police
Re: Chief’s Administrative Investigation into the Firearms Death of Complainant 2022.24

 - 17.3 January 13, 2023 from Myron Demkiw, Chief of Police
Re: Chief’s Administrative Investigation into the Custody Injury of Complainant 2022.28

 - 17.4 January 13, 2023 from Myron Demkiw, Chief of Police
Re: Chief’s Administrative Investigation into the Custody Injury of Complainant 2022.33

 - 17.5 January 13, 2023 from Myron Demkiw, Chief of Police
Re: Chief’s Administrative Investigation into the Custody Injury of Complainant 2022.35

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 Meeting

Regular Board Meeting

Thursday, April 13, 2023

Hybrid Board Meeting – at Police Headquarters, 40 College Street or virtually via WebEx

Members of the Toronto Police Services Board

Ann Morgan, Interim Chair

Lisa Kostakis, Member

Lily Cheng, Member & Councillor

Frances Nunziata, Vice-Chair & Councillor

Vincent Crisanti, Member & Councillor



PUBLIC REPORT

February 21, 2023

To: Chair and Members
Toronto Police Services Board

From: Ryan Teschner
Executive Director and Chief of Staff

Subject: Revisions to Board Policies

Purpose: Information Purposes Only Seeking Decision

Recommendation(s):

This report recommends that:

1. The Board approve the following revised Policies:
 - a. Process for Seeking Legislative Change (attached as Appendix "A")
 - b. Recruitment, Appointments and Promotions for Uniform and Civilian Members of the Toronto Police Service (attached as Appendix "B")
 - c. Grievance Settlements (attached as Appendix "C")

Financial Implications:

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

Summary:

The Board Office regularly reviews the Board's Policies, and consults with relevant stakeholders to ensure an effective, streamlined governance framework for the Toronto Police Service (the Service). This report recommends minor changes to three Policies: (1) Process for Seeking Legislative Change, (2) Recruitment, Appointments and

Promotions for Uniform and Civilian Members of the Toronto Police Service, and (3) Grievance Settlements.

These changes, if approved, would better align Board and Service processes and practices with both legislation and City of Toronto practices, and would enable the Board to more effectively carry out its oversight and governance duties.

Discussion:

Revisions to Board Policy Process for Seeking Legislative Change

At its February 19, 2013 meeting, the Board approved the Policy entitled *Process for Seeking Legislative Change* (Minute No. P30/13 refers), which establishes the required process for the Chief of Police to request the Board to make recommendations to the federal, provincial or municipal governments to add, amend or otherwise change any legislation.

The proposed revisions (attached as Appendix “A”) clarify that, where the Board has formally approved a request or recommendation for such changes, and has explicitly directed the Chief to convey the request or recommendation to the federal, provincial or municipal government on behalf of the Board and Service, the Chief may do so without contravening this Policy.

In addition, the proposed revised Policy requires that, when considering a request for a legislative change, the Board must also consult with the Chief of Police regarding the rationale and evidence supporting the effectiveness of the proposed change.

Revisions to Board Policy Recruitment, Appointments and Promotions for Uniform and Civilian Members of the Toronto Police Service

At its September 27, 2021 meeting, the Board approved a consolidated Policy entitled “Recruitment, Appointments and Promotions for Uniform and Civilian Members of the Toronto Police Service”, which subsumed and replaced three previous Policies (Minute No. P2021-0927-3.0 refers).

In implementing the Policy, the Board and the Service have endeavoured to revise and streamline the processes established by the Policy. The proposed revisions (attached as Appendix “B”) will better align the Policy with City of Toronto practices, and allow for the streamlined management of labour relations matters, while ensuring that the Board is engaged on matters that require its attention.

The revised Policy includes the following changes:

- Board approval will be required for appointments and promotions of civilian senior officers from the classification of Z30 (Manager) and above;

- Recommendations for delegated authority to the Chief or their designate for certain types of promotions and terminations;
- A requirement for consultation where changes to the established promotional process is being contemplated, with an understanding that establishing a standardized promotional process should be completed by or before Q1 2024; and
- Expanding and enhancing the requirements for the Chief’s annual report to the Board on hiring, promotions and terminations.

Revisions to Board Policy Grievance Settlement

The Board’s Grievance Settlement Policy was originally approved at its May 1, 2000 meeting (Minute No. P159/00 refers), and subsequently revised at the meetings of November 15, 2010 (Minute No. P292/10) and July 21, 2016 (Minute No. P174/16). This Policy established the delegation and levels of authority to be followed when grievances are submitted by Members of the Service.

The proposed revisions to the Policy (attached as Appendix “C”) clarify that the definition of a grievance includes employment-related Human Rights Tribunal of Ontario (H.R.T.O.) applications, and streamline the reporting requirements for grievances.

In addition, the revised Policy, if approved, will update the levels of authority for approval of accounts for labour relations counsel and monetary settlements, to better align with the practices of the City of Toronto and the approval authorities in the Board’s Purchasing By-Law, as follows:

Authority Level	Maximum Dollar Amount
Manager of Labour Relations	\$100,000
Director, People & Culture	\$250,000
Chief Administrative Officer	\$500,000
Chief of Police	\$1,000,000
Board	Above \$1,000,000

Conclusion:

The proposed revisions to the three Policies as outlined in this report will help to streamline the work of the Board and Service, while continuing to ensure effective oversight and governance by the Board with regards to requests for legislative amendments and matters of labour relations.

Respectfully submitted,



Ryan Teschner
Executive Director and Chief of Staff

Contact

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Senior Advisor, Strategic Analysis and Governance
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Attachments:

Appendix "A": Process for Seeking Legislative Change
Appendix "B": Recruitment, Appointments and Promotions for Uniform and Civilian
Members of the Toronto Police Service
Appendix "C": Grievance Settlement



TORONTO POLICE SERVICES BOARD

PROCESS FOR SEEKING LEGISLATIVE CHANGE

DATE APPROVED	February 19, 2013	Minute No: P30/13
DATE(S) AMENDED		
DATE REVIEWED		
REPORTING REQUIREMENT		
LEGISLATION	<i>Police Services Act, R.S.O. 1990, c.P.15, as amended, s. 31(1)(c).</i>	
DERIVATION	<i>Independent Civilian Review into Matters Relating to the G20 Summit, Recommendation No. 29</i>	

Policy considerations affect legislative choices and, together, policy and legislation determine the boundaries of police powers and ensure the adequacy and effectiveness of police services in Ontario.

As the entity that is responsible for the provision of adequate and effective policing under the *Police Services Act*, the Board is the body responsible for seeking legislative change. Legislative action, including action that can change the law enforcement powers available 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.

Conversely, under s. 41(1)(a) of the *Police Services Act*, the Chief of Police is responsible for administering the police service and overseeing its operation, in accordance with the objectives, priorities and policies established by the Board. The Chief is responsible for implementing Board policy and applicable legislation, while the Board is most appropriately placed for requesting new legislation or seeking amendment to existing legislation. However, in seeking legislative change, it is important for the Board to work in consultation with the Chief of Police.

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

1. Any requests or recommendations for additions to, amendments of or any other changes to federal, provincial and municipal legislation will only be made by the Board and not by any individual member of the Service, including the Chief of Police;
 - a) this prohibition does not apply if the Board has formally approved a request or recommendation for additions to, amendments of or any other changes to any

federal, provincial and municipal legislation, and has explicitly asked the Chief to convey a request or recommendation on behalf of both the Board and Chief.

2. Where the Chief of Police is of the opinion that the current legislative powers available to him or her are not sufficient or effective for the purposes of carrying out policing responsibilities, he or she will advise the Board, which will then consider whether to take further steps, including obtaining legal advice concerning the type of legislative change that would be required to address the Chief of Police's concern and determining whether it wishes to make a request for legislative change to the relevant level of government; and,
3. Such consideration by the Board will include consultation with the Chief of Police regarding the nature of the concern, the potential legislative change required, as well as any rationale and supporting information or evidence to support the effectiveness of the potential change.



TORONTO POLICE SERVICES BOARD

RECRUITMENT, APPOINTMENTS AND PROMOTIONS FOR UNIFORM AND CIVILIAN MEMBERS OF THE TORONTO POLICE SERVICE

DATE APPROVED	September 27, 2021	Minute No.: P2021-0927-3.0.
DATE(S) AMENDED		
DATE REVIEWED		
REPORTING REQUIREMENT	Chief to report to Board quarterly, annually, and as required, as described;	
LEGISLATION	<i>Police Services Act</i> , R.S.O. 1990, c.P.15, as amended, s. 31(1)(c).	
DERIVATION	Uniform Promotions and Appointments Civilian Promotions and Appointments Delegation: Appointments and Promotions	
TAGS	Board Administration, Human Resources	

Guiding Principles

The Toronto Police Services Board (Board) is the employer of all Members of the Toronto Police Service (Service), and in that capacity, is responsible for the recruitment, appointment and promotion of all Members, sworn and civilian. In addition, candidates for appointment as Police Officers must meet the conditions as prescribed in sections 43(1) and 45 of the *Police Services Act*, its successor legislation, and any other conditions as approved by the Board from time to time.

The members of a police service have a direct and real impact on the lives of those who interact with them, as victims of crime, as suspects, or in any other circumstance. Both the appointment and promotion processes play critical roles in the composition of a policing service, determining who is a part of it and who ultimately is placed in positions of seniority and leadership, shaping the way in which decisions are made, and the approach to delivering police services in partnership with Toronto's communities.

The recruitment and appointment of new Members must be made in the context of a long-term human resources strategy, identifying the educational attainment, skills and characteristics sought after in new Members, and ensuring that the Service's Members represent a diversity of backgrounds, experiences and perspectives. At the same time, the Board is committed to building a more inclusive, accessible and barrier-free workplace that supports all Service Members in realizing their full potential. The Board

and Service are working on many fronts to support inclusive employment, through evolving policy, procedure, practice, and supporting a positive workplace culture. These efforts will not only increase public trust in the Service across all communities, but also create the necessary conditions for effective promotional processes, with a broad and diverse slate of Members to select from and place into the most appropriate positions of leadership.

It is important to view how promotions, too, are made as part of a long-term, human resources strategy, ensuring that the priorities of the Board and Service are reflected in those who are chosen to be leaders and supervisors. The process must be based upon the need to ensure proper succession that looks beyond an individual promotion to a longer-term organizational strategy. This will ensure senior roles are consistently and appropriately filled by qualified individuals, representing a diverse range of perspectives and backgrounds, to provide excellence in leadership for the Service of the present and, from a succession-planning perspective, the Service of the future. These decisions must also be informed by the principle that diversity in leadership contributes to strong performance, innovation and higher morale.

The appointment and promotional processes used by the Service must also be transparent, accessible, efficient and procedurally fair for those that are involved in them. The opportunities, criteria, process and outcomes related to appointments and promotions must be transparent, widely available, and consistently applied, with final decisions communicated effectively. The processes should be designed efficiently and with reasonable balance in light of their objectives, so as to reduce potential loss of talented and skilled Members to other opportunities, and increase the appeal of the Service as an employer of choice. The processes for selection should ensure that bias and the appearance of bias do not manifest in the decision-making process. More than this, the appointments and promotions processes used by the Service must be designed so as to dislodge any systemic bias that may have potentially limited certain groups' opportunities to undertake job assignments traditionally valued as the most rewarded or challenging in policing.

The appointment and promotion processes are important tools in ensuring that the Service reflects Toronto's diversity, and that such diversity is seen throughout all levels of the organization. The promotional process should also explicitly value the importance of working in partnership with communities, experience in effectively and compassionately assisting individuals dealing with mental health and addictions issues, understanding of and adherence to the Service's mission and values, and modeling excellent conduct and professionalism in the full range of interactions that Members experience in their roles.

Purpose of the Policy

The purpose of this Policy is to ensure that the processes for the Service's appointments and promotions for both its sworn and civilian Members emphasize the following as priorities:

- Ensuring that Members embody the Service's values, and are ready and able to provide excellent policing services to the people of Toronto;
- Ensuring that Toronto's diversity is reflected both in new Members and throughout the ranks and levels of the Service, both in sworn and civilian Members;
- Maintaining appointments and promotions processes that recognize the existence of systemic barriers, are designed to address and minimize these barriers and facilitate opportunities to more equitably provide the most rewarded and challenging job assignments to those with the proven ability to undertake them;
- Ensuring excellence in the Service's leadership cadre, emphasizing proven leadership in decisions that advance the organization;
- Incorporating comprehensive organizational succession-planning into the promotional process and promotional decision-making;
- Transparently and fairly including and considering candidates' disciplinary history in promotional decision-making;
- Reporting regularly to the Board on appointments and promotion recommendations or decisions, including reporting demographic information, and including an analysis of how the appointments and promotions fit into the Service's larger strategic human resources plan, including outcomes associated with how diversity in human resources is being prioritized and achieved by the Service with respect to recruitment, hiring and promotion, at all ranks and levels of the organization.

Definitions

In this policy:

- **Appointment** means the initial appointment of a new hire into a position as a member of the Service;
- **Promotion** means the assignment of a member to a higher rank or job classification;
- **Classification** means a job classification as outlined in the Collective Agreements between the Board and the Toronto Police Association or the Toronto Police Service Senior Officers' Organization;
- **Reclassification** means the movement of a constable to a gradation within the rank of constable as defined in the Board's Rank Structure Policy, or the movement of a civilian member from one classification to another which is not a promotion.

Board's Policy

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

Recruitment and Appointments

1. The Chief of Police will establish processes for the recruitment of new sworn and civilian Service Members, ensuring that the processes and approach:
 - a. Reflect the requirements for appointment as set out in the forthcoming *Community Safety and Policing Act, 2019* (CSPA) and any other applicable legislation;
 - b. Require that successful cadet-in-training candidates must have at least one of:
 - i. a university degree;
 - ii. a degree from a college of applied arts and technology authorized to grant the degree;
 - iii. a diploma or advanced diploma granted by a college of applied arts and technology following successful completion of a program that is the equivalent in class hours of a full-time program of at least four academic semesters;
 - iv. a certificate or other document by a post-secondary institution evidencing successful completion of a program that the regulations prescribe as being equivalent to a degree or diploma described in subclause (i), (ii) or (iii); or
 - v. if alternative criteria have been prescribed in the legislation and the candidate meets the alternative criteria, a secondary school diploma.
 - c. Are inclusive, comprehensive, and linked to communities across Toronto, including those whose members have not historically sought or successfully secured employment with the Service;
 - d. Acknowledge those communities and demographics that typically face systemic barriers to employment, including employment in a policing organization, and addressing these barriers while balancing the unique operational realities of the requirements made of Service Members;
 - e. Are grounded in a comprehensive strategic human resources approach that is data-driven, analytical and regularly evolving to meet the needs of the Service;
 - f. Ensure that any communication or advertisement of open positions will not contain unnecessary or discriminatory barriers that would screen out potential employees for reasons unrelated to qualifications, merit, or occupational requirements;
 - g. Are clearly communicated on the Service's website, through its social media channels, and through traditional media (where applicable); and,
 - h. Are evaluated regularly to ensure that recruitments and appointments achieve the purposes outlined in this Policy and priorities as articulated by the Board from time to time and in its Business or Strategic Plan, including:
 - i. representing the diversity of the City and the continued progress being made in this regard;
 - ii. transparency of the process and its decisions, and the satisfaction of candidates with its procedural fairness;

- iii. timeliness of the process and of the communication of decisions to candidates;
 - iv. supporting the goal to be an employer of choice; and,
 - v. providing the promotions process with a strong slate of potential candidates for promotion with diverse backgrounds, experiences and perspectives.
2. To be appointed by the Board as Service Members, in addition to meeting any minimum standards for appointment articulated in the applicable legislation, Cadets-in-training must also successfully complete the applicable training program conducted at the Ontario Police College and at the Toronto Police College.
 3. The Board will, after taking into account the recommendations of the Chief of Police, determine whether to appoint sworn and civilian Members, recognizing the Board's role as employer, the significant legal authorities that accompany the role of a police officer, and the role civilian governance and oversight plays in promoting public confidence in policing.
 4. The Board's responsibility to appoint new police officers and civilians to the Service is delegated to the Chair and Vice Chair, except for appointments to the following classifications, which shall be approved by the Board:
 - a. Uniform Senior Officer rank of Inspector and above;
 - b. Civilian Senior Officer classification of Z30 and above; and,
 - c. Excluded Member classification of X36 and above.

Job Descriptions

5. The Chief of Police will establish processes to ensure that:
 - a. Job descriptions for all civilian classifications are developed, updated and maintained;
 - b. Job descriptions reflect legitimate requirements and standards of the job and will be evaluated in accordance with the applicable collective agreement(s) to ensure that the requirements are bona fide and updated as appropriate; and,
 - c. New job descriptions are approved by the Chief of Police or their delegate, provided that the delegate is a Director or Staff Superintendent or of higher rank.

The Promotional Process

It is further the policy of the Board that the Chief of Police will develop Procedure(s) regarding the promotional process for Service Members:

6. Stating that, to apply and be eligible for promotion, candidates must meet all the mandatory requirements of the process;
7. Outlining that the promotional process must be:
 - a. open, fair, consistent and transparent;

- b. reflect the diversity and evolving needs and expectations of the communities served by the Service;
 - c. accommodating, so as to reflect unique individual circumstances;
 - d. based on the Service's core competencies and values; and,
 - e. grounded in a comprehensive and strategic human resources approach that includes succession planning in identifying current and future leaders;
8. Requiring enhanced transparency in any promotional process, including:
- a. the advance posting and description of any promotional opportunities, so as to provide sufficient notice for those that may wish to apply and adequately prepare for the process;
 - b. publication of the specific criteria that will be applied to promotional decision-making;
 - c. a fulsome description of the elements of the promotional process, so as to provide candidates with sufficient information to adequately prepare for the process;
 - d. for civilian positions, clearly outlined career pathways for advancement and promotion; and,
 - e. the dissemination of information about the outcomes of any promotional process in terms of those who were successful, including aggregate and de-identified gender-identity and race-based statistics;
9. Where a change to the established promotional process is being contemplated, the Chief of Police will consult with the Chair, Vice Chair and Executive Director and Chief of Staff prior to the implementation of the change(s) in process.
10. For sworn promotions (in addition to sections 7 and 8, above):
- a. Indicating that candidates for promotion must have at least two years with a clear discipline record from the date of any finding of serious misconduct made as a result of the professional discipline process prescribed by the *Police Services Act*;
 - b. Requiring that a candidates' previous two-year disciplinary and complaint history, including complaints that were not substantiated but that, when taken as a whole, may suggest a pattern of behaviour that could impact on the candidate's suitability for promotion:
 - i. be considered as part of the promotional process; and,
 - ii. reported on to the Board *in camera* when making any promotional recommendation by the Chief of Police.
11. For sworn promotions and where appropriate for civilian promotions, placing emphasis in the promotional process on a candidate's particular skills and proven abilities in effectively and compassionately representing the Service's core competencies and values when: assisting people in crisis, including those experiencing mental health and addictions issues; supporting and contributing to community safety and community relationships, in particular with members of Black and Indigenous communities and other racialized, marginalized and vulnerable

communities; engaged in situations that require the application of de-escalation approaches and techniques.

Approval of Promotions

It is further the policy of the Board that:

12. The Board will, after taking into account the recommendations of the Chief of Police, determine whether to approve promotions or appointments of sworn Service Members to the rank of Inspector or above, of civilian Senior Officers to the classification of Z30 or above, and promotions to Excluded positions to the classification of X36 or above.
13. All promotions of sworn Service Members to ranks below Inspector, or of civilian Service Members to classifications other than Z30 and above, will be approved by the Chief of Police or their delegate, provided that the delegate is a Staff Superintendent or Director or of higher rank.
14. All promotions or appointments to Excluded positions below the classification of X36 will be approved by the Chair and Vice Chair.

Reclassifications and Confirmation in Rank

15. All reclassifications and confirmations in rank for sworn Members will be approved by the Chief of Police or their delegate, provided that the delegate is a Staff Superintendent or Director or of higher rank, except in cases where the Member has outstanding civil, Office of the Independent Police Review Director and/or Professional Standards complaints, where approval by the Chair and Vice Chair is required.
16. All reclassifications for Civilian Members will be approved by the Chief or their delegate, provided that the delegate is a Director or Staff Superintendent or of higher rank.

Terminations

17. All terminations of civilian senior officers below the classification of Z36 will be approved by the Chief of Police or their delegate, provided that the delegate is a Director or Staff Superintendent or of higher rank or classification. Terminations of civilian senior officers at the classification of Z36 will be approved by the Chief of Police only.
18. All terminations of probationary sworn members will be reviewed by the Board's Executive Director and Chief of Staff, and approved by the Chair and Vice-Chair, or two other Board Members to whom this authority is delegated.

19. The Board holds the sole authority for any termination of a Command Member.

Reporting Requirements

17. All terminations by the Chief or their delegate must be reported annually to the Board and should include the following:
 - a. justification for the termination
 - b. an outline of the steps that were taken to address the issues leading to termination; and
 - c. all equity and inclusion matters which may be related to the termination
18. The Chief of Police will report at the earliest Board Meeting possible to inform the Board of any barriers that impact the ability to comply with any of the requirements under section 1 of this Policy, and propose a mitigation plan to address these barriers, including expected timelines.

Further, it is the policy of the Board that the Chief of Police will:

19. Provide an annual report to the Board, including:
 - a. A description of the current promotional process(es);
 - b. New job descriptions for civilian Service Members;
 - c. De-identified demographic data, including the distribution of race, gender identity, and other demographic information, for candidates being considered for hire, for every stage of the hiring and appointment process;
 - d. Detailed and de-identified demographic information about applicants applying for, and who are successful in promotion, including race, gender-identity and other demographic information, and an analysis of trends at every stage of the promotional process, including analysis concerning whether it appears that there may be systemic or other barriers to promotion based on aggregated demographic information, and if so, what strategies the Service intends to employ in order to rectify any identified barriers in, or concerns that have arisen concerning the promotional process and/or disparate outcomes for identified groups;
 - e. De-identified demographic information concerning the distribution of race, gender identity, and other demographic information for all Members who have been terminated; and,
 - f. A summary and analysis of workplace well-being and/or human rights-related issues or concerns raised in Service exit interviews where a member has resigned, and the Service's response to these issues or concerns.



TORONTO POLICE SERVICES BOARD

GRIEVANCE SETTLEMENTS

APPROVED	May 1, 2000	Minute No: P159/00
REVIEWED (R) AND/OR AMENDED (A)	July 21, 2016 (R/A) November 15, 2010 (R/A)	Minute No. P174/16 Minute No: P292/10
REPORTING REQUIREMENT	Annual	
LEGISLATION	<i>Police Services Act</i> , R.S.O. 1990, c.P.15, as amended, s. 31(1)(c).	
DERIVATION		

It is important to the Toronto Police Services Board (Board) that Members of the Toronto Police Service (Service) are treated fairly and receive prompt resolution of grievances that they may bring forward. The Manager of Labour Relations, acting on behalf of the Board, has the day-to-day responsibility for the resolution of all grievances and associated employment-related disputes. For the purposes of this Policy, a grievance is a difference concerning the interpretation, application, administration or alleged violation of the provisions of the collective agreement, and includes, but is not limited to, an employment-related Human Rights Tribunal of Ontario (H.R.T.O.) Application.

This Policy establishes the levels of authority that apply when grievances are submitted by Members of the Service.

It is, therefore, the policy of the Board that:

Levels of Authority

1. The Manager of Labour Relations has the authority to approve all grievance settlements relating to non-monetary issues.
2. The Manager of Labour Relations has the authority to approve all accounts for external labour relations counsel, as well as all monetary grievance settlements up to \$100,000.
3. The Director, People & Culture has the authority to approve all accounts for external labour relations counsel, as well as all monetary grievance settlements up to \$250,000.

4. The Chief Administrative Officer has the authority to approve all accounts for external labour relations counsel, as well as all monetary grievance settlements up to \$500,000.
5. The Chief of Police has the authority to approve all accounts for external labour relations counsel, as well as all monetary grievance settlements up to \$1,000,000.
6. All accounts for external labour relations counsel, as well as all monetary grievance settlements over \$1,000,000 require the approval of the Board. The report submitted for Board consideration must contain a summary of the issue, an explanation of any attempts to resolve the matter (if applicable), and the rationale for the recommended resolution.

Retention

7. The Service's Labour Relations Unit will retain the documents and materials associated with all grievance settlements, and destroy them in accordance with the applicable retention schedule.

Reporting to the Board

8. The Service's Labour Relations Unit will provide an annual statistical report with information concerning grievances, including employment-related applications to the H.R.T.O., at the March Board meeting each year. The report will contain the following information:
 - a. Number of grievances received in the previous fiscal year
 - b. Number of grievances settled, withdrawn or dismissed in the previous fiscal year
 - c. Types of grievances in a. and b., above
 - d. A chart containing the status of all outstanding/active grievances, including employment-related applications to the H.R.T.O., including the stage of each matter and the form of any resolution (if applicable)
 - e. Legal fees expended on grievance activity in the previous fiscal year
 - f. Total annual cost of all financial settlements associated with the previous fiscal year's grievances, including employment-related applications to the H.R.T.O.
 - g. Additional analysis that describes any linkages between new grievances and any internal complaints and/or investigations, and any key policy issues or trends which may have a substantial impact on the collective agreements and/or which could benefit from the Board's further consideration in relation to revised or new Policy.
9. The Service's Labour Relations Unit will also provide a copy of all arbitration awards and minutes of settlement to the Board's Executive Director and Chief of Staff on an ongoing basis, and the Board will be kept advised of this information through the Office of the Police Services Board.



PUBLIC REPORT

February 8, 2023

To: Chair and Members
Toronto Police Services Board

From: Ryan Teschner
Executive Director and Chief of Staff

**Subject: Revised Policy: Toronto Police Service Procedures
Transparency**

Purpose: Information Purposes Only Seeking Decision

Recommendation(s):

That the Board approve the Policy titled "Toronto Police Service Procedures Transparency" to replace the current Policy titled "Filing of Toronto Police Service Procedures".

Financial Implications:

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

Summary:

The Board's Policy on the filing of Toronto Police Service Procedures, approved in 2014, was developed in response to recommendation 2 of the report of the *Independent Civilian Review Into Matters Relating to the G20 Summit*, by the Honourable John W. Morden. Since the Policy was originally approved, the relationship, processes and approaches between the Board/Board Office and Chief's Office have continued to evolve. The proposed revised Policy, renamed as "Toronto Police Service Procedures Transparency" and attached as Appendix 'A', further streamlines and modernizes the approach to the Board's/Board Office's and the public's access to Service procedures.

Discussion:

Background

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* (the Morden Report) and approved recommendations to implement this Report (Min. No. P166/12 refers). Recommendation 2 of the Morden Report provides that “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.” At its meeting of January 16, 2014, the Board approved a Policy on the filing of Service procedures (Min. No. P5/14 refers), implementing this recommendation.

More recently, at its meeting of August 18, 2020, the Board approved a report containing 81 recommendations on policing reform (Min. No. P129/20 refers). Recommendation 36 in this report directed the Chief as follows:

Direct the Chief of Police to post on the Service’s public website, as soon as feasible and on an on-going basis, up-to-date copies of those procedures of public interest that govern the interaction of police with the public, in a form that will not endanger the efficacy of investigative techniques and operations.

Streamlining and Modernizing Practices

The existing Policy requires that the Chief file copies of all new procedures that are developed or amended, where such procedures result from a Board Policy. In addition, the Chief must file an annual index of all Service procedures. This process was intended to facilitate Board awareness and discussion on new and amended procedures that address the requirements of Board Policies.

Since approved in 2014, a number of changes have occurred that warrant a recalibration of the approach to providing the Board with a line of sight into Service procedures. Through the Service’s Intranet, the Board was afforded ongoing access to all Service procedures, a measure which surpasses the requirements of the existing Policy (which limits access to those procedures that address the requirements of Board Policies).

In addition, a large number of Service procedures of public interest are now publicly available on the Service’s website, further facilitating public awareness, engagement and accountability.

In light of the current landscape, the proposed revised Policy establishes the following changes to modernize the framework within which procedures will be accessible to the Board/Board Office:

- Replacing the requirement for filing of procedures with a requirement to maintain constant access by the Board/Board Office to all procedures through the Service’s Intranet;
- Replacing the requirement for an annual index of procedures with a permanent posting of the full list of procedures on the Service’s public website;

- Codify in Policy the requirement to post on the Service’s public website copies of all procedures of public interest that govern the interaction of police with the public, in a form that will not endanger the efficacy of investigative techniques and operations.

Equity Analysis

Improved public access to information on police procedures will facilitate greater engagement and trust between the public and the Service, and will promote ongoing work to identify and address areas for improvement in interactions between the Service and members of the public. As such, the proposed changes will have a positive impact on the equitable provision of policing services in Toronto.

Conclusion:

The proposed revisions will help maintain public transparency and strengthen the Board’s ability to exercise its monitoring and oversight responsibilities, while streamlining information sharing between the Service and the Board.

Respectfully submitted,



Ryan Teschner
Executive Director and Chief of Staff

Contact

Dubi Kanengisser
Senior Advisor, Strategic Analysis and Governance
Email: dubi.kanengisser@tpsb.ca

Attachments:

A: Proposed revised Policy: Toronto Police Service Procedures Transparency



TRANSPARENCY OF TORONTO POLICE SERVICE PROCEDURES

APPROVED	TBD	Minute No: TBD
REVIEWED (R) AND/OR AMENDED (A)		
REPORTING REQUIREMENT	Chief to report to the Board annually with an index of all Service procedures	
LEGISLATION	<i>Police Services Act, R.S.O. 1990, c.P.15, as amended, s. 31(1)(c).</i>	
DERIVATION	<i>Filing of Toronto Police Service Procedures</i>	

Background

The Toronto Police Services Board (the Board) routinely approves new policies and amends existing ones, which, consequently, requires the Chief to develop new Toronto Police Service (Service) procedures or amend existing ones. In addition, the Chief develops various additional procedures that direct the manner in which Service Members conduct their business across the organization.

Purpose of Policy

In order to ensure that Service procedures are consistent with Board Policies and to facilitate the exercise of the Board's monitoring and oversight responsibilities more generally, the Board must be able to access and review all Service procedures. Furthermore, to maintain public accountability of both the Board and the Service, procedures of public interest that govern the interaction of police with the public must, to the greatest degree possible, be transparent and accessible by the public.

Policy of the Board

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

1. The Chief of Police will post a list of all Service procedures on the Service's public website, identifying for each procedure the date of its most recent update;
2. The Chief of Police will post on the Service's public website copies of those procedures that govern the interaction of police with the public, in a form that will not endanger the efficacy of investigative techniques and operations, and keep these copies up-to-date at least once a year;

3. The Chief of Police will ensure that the Office of the Police Services Board has full access to all current Service procedures, through the Service's secure Intranet;
4. Any Board Member may, at any time, request the Executive Director and Chief of Staff to provide them with a confidential, full copy of any Service procedure, and the procedure shall be made available;
5. Board Members will take all reasonable steps to maintain the confidentiality of any Service procedure, or sections thereof, that are not posted on the Service's public-facing website; and,
6. The Board, through the Office of the Police Services Board and as part of its periodical review of its policies, will examine the Service procedures associated with each Policy to determine their consistency with the Board's direction, and may request the Chief to review procedures to effect amendments where necessary to ensure consistency.



PUBLIC REPORT

February 8, 2023

To: Chair and Members
Toronto Police Services Board

From: Ryan Teschner
Executive Director and Chief of Staff

Subject: Proposed New Policy on Information Transparency and Data Sharing

Purpose: Information Purposes Only Seeking Decision

Recommendation(s):

This report recommends that the Board approve the proposed new Policy titled "Information Transparency and Data Sharing", attached as Appendix 'A'.

Financial Implications:

There are no specific financial implications arising from the recommendation contained in this report. Implementation of the requirements set out in the proposed Policy will require time and human resources, particularly during the early implementation phases as the Toronto Police Service transitions to new processes that facilitate the more transparent sharing of open data. However, there is no anticipated requirement for additional resources to comply with the proposed Policy.

Summary:

This report recommends a new Policy that fulfils one of the Board's 81 Police Reform Directions. This new Policy, if approved, will create a specific framework for the Chief of Police to share data collected by the Service in an open format so as to facilitate more meaningful public engagement and academic research. If approved, the implementation of this proposed Policy will help improve the policing services provided by the Service, and increase public trust in the Service, while protecting the privacy and safety of both members of the public, and Service Members. To our knowledge, if approved, this would be the only police board/commission policy of its kind in Canada.

TORONTO POLICE SERVICES BOARD

40 College Street Toronto, Ontario M5G 2J3 | Phone: 416.808.8080 Fax: 416.808.8082 | www.tpsb.ca

Discussion:

Background

At the Board meeting of August 18, 2020, the Board approved a report titled “Police Reform in Toronto: Systemic Racism, Alternative Community Safety and Crisis Response Models and Building New Confidence in Public Safety” (Min. no. P129/20 refers), which included 81 recommendations to improve police accountability, confront and address systemic racism, and increase the Toronto Police Service’s (the Service) budget transparency and modernization efforts. Recommendations 37–41 of the report directed as follows:

37. Direct the Chief of Police to share regularly updated datasets from the Toronto Police Service's open data portal with the City of Toronto for display and distribution on the City's open data portal, subject to the need to protect personal privacy and to comply with any privacy legislation.
38. Direct the Chief of Police to convert the Toronto Police Services Board's annual reports and any files currently provided on the Toronto Police Service's open data portal in PDF format into appropriate digital format for use and distribution on the City's open data portal.
39. Direct the Chief of Police to post all open data collected pursuant to the Race-Based Data Collection Policy to the Toronto Police Service open data portal and to share that data with the City of Toronto for display and distribution on its open data portal, subject to the need to comply with applicable privacy and other legislation.
40. Direct the Chief of Police and the Executive Director to work with the City Manager to consolidate and expedite continuous data sharing in order to better inform city-wide approaches to violence prevention and community safety, including with respect to the City’s Community Safety and Well-Being Planning efforts.
41. Direct the Executive Director to develop a policy governing information transparency and data sharing for the Toronto Police Service, which will include the above directions and any other provisions that will contribute to information transparency and data sharing that will improve accountability and service delivery.

Of the above, Direction 37 has been fully implemented, while Directions 38–40 are currently in progress. The proposed new Policy, if approved, will address Direction 41.

Purpose of the Proposed Policy

Open data, as defined by the *Open Data Charter*,¹ is digital data that is made available with the technical and legal characteristics necessary for it to be freely used, reused, and redistributed by anyone, anytime, anywhere. As noted in the *Open Data Charter*, “Open data enables governments, citizens, and civil society and private sector

¹ <https://opendatacharter.net/>

organizations to make better informed decisions. Effective and timely access to data helps individuals and organizations develop new insights and innovative ideas that can generate social and economic benefits, improving the lives of people around the world.”

The proposed Policy seeks to adopt the generally accepted principles of open data in a way that would leverage the Service’s data for the purpose of increasing the availability of accessible, contextualized data on policing in Toronto, and facilitating meaningful and effective public engagement and academic research based on this data. Achieving these goals will, ultimately, help improve policing services in Toronto, and increase public trust in the Service.

At the same time, the proposed Policy also seeks to ensure the protection of the privacy and safety of members of the public and Service Members alike, by ensuring that data is shared in an anonymized form that prevents de-anonymization.

Overview of the Proposed Information Transparency and Data Sharing Policy

The proposed Policy establishes and codifies the approach for the sharing of data and information which must guide the Service. This approach will strive to make as much community safety and wellbeing related information as possible open and accessible, in a format that will facilitate meaningful public engagement and academic research. Given the sensitive nature of much of the information collected by the Service, the proposed Policy also protects the privacy and safety of Service Members and members of the public, in accordance with the *Municipal Freedom of Information and Privacy Protection Act* (MFIPPA).

The proposed Policy also establishes a collaborative approach to data development and sharing. In line with the 81 Police Reform Directions, the proposed Policy requires that the Chief collaborate with the City of Toronto to better inform the City’s Community Safety and Well-Being planning, and related efforts.

In addition, the proposed Policy also commits both the Chief and the Board to collaborate with other police services, boards and commissions, and other stakeholders in the development and use of inter-operable data collection and reporting standards across Ontario and Canada.

Transition Period

Based on conversations between the Board Office and the Service, the proposed Policy also sets a transition period to allow the Service reasonable time to implement the data sharing requirements. While the Service is committed to implement the proposed requirements as soon as feasible, full implementation of the Policy must be achieved by end of 2025.

Open Race-Based Data

The Board Office is currently reviewing the Board’s Race-Based Data Collection Analysis and Public Reporting (RBDC) Policy, as required by that Policy. It is recommended that the above-mentioned Police Reform Direction 39, which relates to

the posting of data collected pursuant to the RBDC Policy, be incorporated into that Policy as part of revisions to it, rather than in this proposed Policy.

Equity Analysis

Improved public access to data and information collected by the Service, and greater comparability of data across police services in Ontario and Canada, will facilitate more meaningful engagement of the public with the Board and the Service, and better academic research on policing in Canada. This, in turn, will help to identify best practices and address areas for improvement in policing, particularly as it relates to the equitable provision of policing services.

Conclusion

The transparent sharing of open data will help the Board and the Service continue and broaden evidence-based, public engagement and discourse on the provision of policing services in Toronto, with the purpose of identifying opportunities for service improvement. To enhance this process and set standards to the public access to, and transparency of information, I recommend that the Board approve the proposed new Information Transparency and Data Sharing Policy, attached as Appendix 'A'.

Respectfully submitted,



Ryan Teschner
Executive Director and Chief of Staff

Contact

Dubi Kanengisser
Senior Advisor, Strategic Analysis and Governance
Email: dubi.kanengisser@tpsb.ca

Attachments:

A: Proposed *Information Transparency and Data Sharing Policy*



Information Transparency and Data Sharing

APPROVED	TBD	Minute No: TBD
REVIEWED (R) AND/OR AMENDED (A)		
REPORTING REQUIREMENT		
LEGISLATION	<i>Police Services Act, R.S.O. 1990, c.P.15, as amended, s. 31(1)(c).</i>	

Guiding Principles

The Toronto Police Service (the Service), in the course of carrying out its duties, collects administrative information on members of the public, Service members, reported incidents, and the variety of systems used by the Service. This data presents an opportunity to improve policing services provided to the people of Toronto and coordination across all community safety and wellbeing stakeholders in Toronto, keep the Service accountable for its actions, and improve effectiveness and efficiency. At the same time, this data can, if not properly protected, represent a risk to the privacy of the individuals it describes, often at some of the most difficult and sensitive moments of their lives. The Toronto Police Services Board (the Board) wishes to maximize the transparency and accountability of the Service through the public availability of data, while protecting the right to privacy of members of the public and Service Members.

This Policy seeks to achieve these twin goals by adhering to the principles and best practices of Open Data as described in *Ontario's Digital and Data Directive* and the *International Open Data Charter*. In accordance with these generally-accepted principles, data must be openly accessible to all, in a machine-readable, platform-independent, vendor-neutral format, and provided with an open license.

In addition, the Service must strive to ensure that data and information is accurate, timely, interpretable, and coherent. Wherever possible, primary, de-identified data should be provided. In interpreting this Policy, the Chief should strive to make data related to community safety and wellbeing as open as possible, with the presumption that information and data should be open unless there is justifiable reason for it to be kept closed.

Purpose of Policy

The purpose of this Policy is to:

- Improve public trust in the Service through increased transparency;
- Increase public access to meaningful, contextualized information and data collected by the Service;
- Encourage greater and more meaningful engagement of the public with the work carried out by the Service;
- Facilitate academic research on policing in Toronto and Canada;
- Support evidence-based decisions with reliable and complete data; and,
- Protect the privacy of members of the public and Service Members;

Policy of the Board

It is, therefore, the policy of the Toronto Police Services Board that the Chief of Police will:

Open Data Approach

1. Develop processes to ensure that, with regards to any information generated by the Service and data collected by the Service which are related to community safety and well-being, consideration is given to making it freely accessible to the public, while protecting the privacy of members of the public and Service Members, ensuring not to endanger the efficacy of investigative techniques and operations, and abiding by all relevant confidentiality requirements, the *Municipal Freedom of Information and Protection of Privacy Act* (the Act) or any other relevant legislation, including considering potential risks resulting from combining the information with other data sets that were made available;
2. Ensure that all data that is approved for release is published in an accurate and timely manner, and in a de-identified format that is openly accessible, machine readable and interpretable;

Sharing of Open Data

3. Share regularly updated datasets from the Toronto Police Service's Open Data Portal with the City of Toronto for display and distribution on the City's Open Data Portal, subject to the need to protect personal privacy and to comply with any privacy legislation;
4. Ensure that all Toronto Police Services Board annual reports posted from 2021 onwards, and all files posted on the Toronto Police Service's Open Data Portal from 2021 onwards, are provided in appropriate digital format for use and distribution on the City's Open Data Portal;
5. Ensure continuous data sharing with the City of Toronto to inform and facilitate city-wide approaches to violence prevention and community safety, including with respect to the City's Community Safety and Well-Being Planning efforts; and,

Development of Standards

6. Work in collaboration with other chiefs of police across Ontario and Canada to develop data collection, analysis and reporting standards, so as to generate consistency in approach that facilitates better comparisons and benchmarking.

It is also the policy of the Board that:

7. The Board will collaborate with other police services boards and commissions across Canada, in consultation with all levels of government and other stakeholders, including the Inspector General of Policing of Ontario and Statistics Canada, to promote the use of inter-operable data collection and reporting standards for policing across Ontario and Canada.

Transition Period

Furthermore, it is the policy of the Board that the Chief of Police will:

8. Ensure the full implementation of sections 2–5 as soon as feasible and no later than December 2025;

Reporting

9. Include in the Service's annual statistical report an index of all open datasets published by the Service either on its own website or on the City of Toronto's Open Data Portal; and
10. Report annually to the Board with a list of all the organizations with which the Service has a data-sharing agreement in force, and the type of data being shared.



PUBLIC REPORT

January 20, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw
Chief of Police

**Subject: Auxiliary Members – Termination of Appointments:
January 1, 2022 to December 31, 2022**

Purpose: Information Purposes Only Seeking Decision

Recommendation(s):

This report recommends that the Toronto Police Services Board (the Board):

- 1) Terminate the appointments of 48 Auxiliary members who are identified in Confidential Appendix "A" as they are no longer available to perform their duties due to resignation, retirement or they are deceased;
- 2) Notify the Ministry of Solicitor General about the termination of appointments of these 48 Auxiliary members.

Summary:

The purpose of this report is to present the names of 48 Auxiliary members of the Toronto Police Service whose appointments were terminated during the period between January 1, 2022 and December 31, 2022, and to request that the Board notify the Ministry of Solicitor General about the termination of their appointments.

Discussion:

Background

Auxiliary members are governed by the Police Services Act (P.S.A.); Revised Statutes of Ontario, 1990; Policing Standards Guidelines; Board Policy TPSB A1-004; Toronto Police Service Governance; Standards of Conduct; and Service Procedure 14-20 entitled, "Auxiliary Members". Under section 52(1) of the PSA, the Board is authorized to appoint and suspend, or terminate the appointment of Auxiliary members, subject to the approval of the Minister of the Solicitor General and with respect to the suspension or termination of the appointment of an Auxiliary member. Section 52(2) of the PSA states:

If the board suspends or terminates the appointment of an Auxiliary member of the police service, it shall promptly give the Solicitor General written notice of the suspension or termination.

Discussion

The terminations of appointments of the 48 Auxiliary members consist of 46 Auxiliary Constables, 1 Auxiliary Sergeant and 1 AUXO member. Of the 48 members, 16 have secured careers in law enforcement, with 8 of those being employed by the Toronto Police Service.

Conclusion:

In accordance with section 52(2) of the PSA, attached are the names of the 48 Auxiliary members set out in Appendix "A", whose appointments were terminated during the period between January 1, 2022 and December 31, 2022. These Auxiliary members are no longer available to perform their duties due to resignation, retirement or they are deceased. Acting Deputy Chief Lauren Pogue, Community Safety Command, will attend to respond to any questions that the Board may have regarding this report.

Reason for Confidential Information

This report includes a confidential attachment containing the names of Auxiliary members whose appointments are being terminated.

Financial Implications:

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

Respectfully submitted,

Myron Demkiw, M.O.M.
Chief of Police

Attachments:

Confidential attachment



PUBLIC REPORT

January 16, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw
Chief of Police

**Subject: City Council Motions Re: Auditor General
Recommendations**

Purpose: Information Purposes Only Seeking Decision

Recommendations:

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

- 1) receive the following report; and
- 2) forward this report to the City of Toronto (City) Council for information.

Financial Implications:

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

Summary:

In July 2022, Toronto City Council considered and adopted, with amendments, items 22-AU13.5 and 22-AU13.6 from the City Audit Committee, related to recent reports to the Board from the Auditor General, City of Toronto (Auditor General) [Min No P2022-0622-4.0 refers]. This report will describe collaborative and multi-sector implementation structure the Toronto Police Service (Service) has adopted, together with our City partners, in response to these City Council items.

An in-depth update on implementation progress for each of the Auditor General's recommendations will be submitted for Board approval at the June 2023 public meeting.

TORONTO POLICE SERVICES BOARD

40 College Street Toronto, Ontario M5G 2J3 | Phone: 416.808.8080 Fax: 416.808.8082 | www.tpsb.ca

Discussion:

Background

The Service has been working diligently towards implementing the Auditor General's recommendations. One important factor to achieving the project goals identified by the Auditor General is a focus on multi-sector collaboration. As the City's Audit Committee highlighted in adopting the items attached to this report (Appendix A and Appendix B), fostering a whole-of-government and whole-of-community approach is crucial to project success.

Partnerships

City Council considered and adopted items that provide direction for the structure required to implement the Auditor General's recommendations, as follows:

City Council direct the Deputy City Manager, Community and Social Services to play both a leading and coordinating role for City divisions in implementing the recommendations directed at the City, and that they engage with the Toronto Police Service to collaborate on recommendations whose implementation will be led by the Toronto Police Service, where the Auditor General indicated such collaboration would be necessary.

City Council direct the Deputy City Manager, Community and Social Services to report back on the City's progress at the beginning of the next term (approximately six months' time) and to provide regular updates following that to ensure that progress on the recommendations directed at the City is being made.

The Service is committed to working with the Board and our City partners collaboratively through the governance structure co-developed with the Board and the Deputy City Manager's office. The City Manager's Office will also be leading much of this work, as several of the Auditor General's recommendations were directed to the City Manager to implement.

The Service fully supports the key factors to achieve change identified in the attached Audit Committee Report Item (see Appendix B), which include:

- identifying key and shared outcomes as part of strategic planning and collaboration and using an evidence-based approach to inform decisions;
- being transparent and accountable by tracking and reporting out publicly on progress against agreed plans and outcomes; and
- being committed and building trust and support between stakeholders as they move through any barriers and difficulties towards common goals.

A number of working groups and an oversight committee have been established by the City and have begun meeting to work on project implementation. The structure of these working groups align with the key areas for change identified by the Auditor General:

1. Re-thinking Call for Service Response to Support More Efficient and Effective Outcomes;
2. Improving and Further Leveraging Data and Technology; and
3. Increasing Integration and Information Sharing.

In addition to the Board, the Service and the Deputy City Manager's office, other engaged City Divisions and Agencies include:

- 3-1-1
- Housing Secretariat
- Legal Services
- Municipal Licensing and Standards
- Shelter, Support and Housing Administration
- Social Development, Finance and Administration
- Strategic Public and Employee Communications
- Toronto Community Housing Corporation
- Toronto Fire Services
- Toronto Paramedic Services
- Toronto Public Health

Alignment with Existing Initiatives

It is important to acknowledge that the Service has already established a collaborative working approach with our City partners on a number of key initiatives identified by the Auditor General in her report. In some instances, these working groups pre-date the Auditor General's report, which will be a helpful support to accelerating the possibility of change. Some examples of existing collaborative groups include:

- Toronto Community Crisis Service, which was formed to support Safe TO's Goal #1 – Reduce Vulnerability
- Next Generation 9-1-1 Interagency Advisory Panel
- "See Ambulance" Protocol Review Working Group

Conclusion:

The Service looks forward to continuing to work together with our City partners to achieve positive change through implementing the Auditor General's recommendations.

Respectfully submitted,

Myron Demkiw, M.O.M.
Chief of Police

*copy with original signature on file at Board Office

Attachments:

Appendix A – Audit Committee Item 13.5
Appendix B – Audit Committee Item 13.6

City Clerk's Office

Secretariat
Marilyn Toft
Council Secretariat Support
City Hall, 12th Floor, West
100 Queen Street West
Toronto, Ontario M5H 2N2Tel: 416-392-7032
Fax: 416-392-2980
e-mail: Marilyn.Toft@toronto.ca
web: www.toronto.ca**In reply please quote:
Ref.: 22-AU13.5**

August 10, 2022

Mr. Jim Hart
Chair
Toronto Police Services Board
40 College Street
Toronto, Ontario
M5G 2J3

Dear Mr. Hart:

**Subject: Audit Committee Item 13.5
Toronto Police Service - Audit of 9-1-1 Public Safety Answering Point
Operations - Better Support for Staff, Improved Information Management
and Outcomes (Ward All)**

City Council on July 19, 20, 21 and 22, 2022, considered this Item, and has adopted the following:

1. City Council request the Chief and General Manager, Toronto Paramedic Services and the Fire Chief and General Manager - Emergency Management, Toronto Fire Services, and City Council request the Toronto Police Services Board to direct the Chief, Toronto Police Service to regularly review the information on timeliness of transferred 9-1-1 calls to Toronto Paramedic Services and Toronto Fire Services, including overdose calls, with the view to working together to meet the 9-1-1 emergency call service level standards. The entities should meet, when needed, to determine if any changes are needed to established protocols to ensure the safety of citizens.
2. City Council request the Chief, Toronto Paramedic Services and Chief, Toronto Fire Services, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service, in collaboration with Toronto Paramedic Services and Toronto Fire Services, to achieve live-time interconnectivity in communication on 9-1-1 calls and events amongst these entities, both currently, and in the implementation of the Next Generation 9-1-1 solution moving forward; this should include consideration of an interface of the Intergraph Computer Aided Dispatch system to allow for improved communication during 9-1-1 call transfers and events, and to specifically assist with communication where Toronto Police Service are no longer required by Toronto Paramedic Services and/or Toronto Fire Services as applicable, so as to avoid unnecessarily committing police resources.
3. City Council request the City Manager, in consultation with Toronto Police Services Board, Toronto Police Service, and City's Legal Services, to include the following to inform its feasibility review of whether to move the 9-1-1 operations to a non-police City Service:

- a. fulsome cost/benefit analysis that includes the potential impact to call answer and call response time of police, fire, and ambulance, and the other related functions of the call centre such as audio and data requests including for court proceedings, and maintenance of radio communications;
- b. cost impact and feasibility with regards to staffing, given the current collective agreement of communications operators;
- c. legislative feasibility given the current draft and forthcoming legislative requirements related to the delivery of policing and related services, in particular, the involvement of the police service in the Public Safety Answering Point dispatching function;
- d. legal risk and who would be responsible for those 9-1-1 calls and/or alternate non-police response where police are not dispatched, and it results in a negative outcome;
- e. governance model for Public Safety Answering Point with the view to enhance interoperability and coordination of emergency response services delivered; and
- f. the goals and outcomes that are intended through a potential move of the 9-1-1 operations, and whether other strategies may be more effective, efficient, and economical to achieve those, such as offering another phone number for non-police response such as 2-1-1, and/or working together with Toronto Police Services on other strategies, including but not limited to, updating the 9-1-1 communications operators manual, additional training, data and technological supports for communications operators and police officers, and increased public education and awareness.

4. City Council request the City Manager and request the Toronto Police Services Board to direct the Chief, Toronto Police Service, in collaboration with the City, to undertake public education campaigns (including targeted awareness programs) and ongoing public education initiatives to improve public awareness and understanding on distinguishing between the various lines and the proper use of 9-1-1, the non-emergency line (416-808-2222), online police reporting, and other non-police alternative resources, including promotion of 2-1-1 (assistance in connecting people with community and social service resources) and 3-1-1 and City Council request that an assessment be made to evaluate the effectiveness of these campaigns and initiatives on call behaviours; such campaign and/or initiatives should:

- a. include strategies to increase public awareness on what to do when the caller dials 9-1-1, including the specific information that needs to be provided to the call taker in order to shorten police response time, how to prevent pocket dials, and what to do when an individual dials 9-1-1 by mistake;
- b. be multi-lingual; and
- c. be refreshed and refocused periodically to address the 9-1-1 call analysis results to reduce unnecessary or avoidable non-emergency related calls to 9-1-1.

5. City Council request the City Manager and request the Toronto Police Services Board to direct the Chief, Toronto Police Service, in collaboration with the City, to consider a shorter and easier to remember number (if possible three digits) for Toronto Police Service's dedicated non-emergency line.

6. City Council direct the Deputy City Manager, Community and Social Services to play both a leading and coordinating role for City divisions in implementing the recommendations directed at the City, and that they engage with the Toronto Police Service to collaborate on recommendations whose implementation will be led by the Toronto Police Service, where the Auditor General indicated such collaboration would be necessary.

7. City Council direct the Deputy City Manager, Community and Social Services to report back on the City's progress at the beginning of the next term (approximately six months' time) and to provide regular updates following that to ensure that progress on the recommendations directed at the City is being made.

Yours truly,



for City Clerk

M. Toft/mm

Attachment

c. City Manager

Audit Committee

AU13.5		Amended		Ward: All
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Toronto Police Service - Audit of 9-1-1 Public Safety Answering Point Operations - Better Support for Staff, Improved Information Management and Outcomes

City Council Decision

City Council on July 19, 20, 21 and 22, 2022, adopted the following:

1. City Council request the Chief and General Manager, Toronto Paramedic Services and the Fire Chief and General Manager - Emergency Management, Toronto Fire Services, and City Council request the Toronto Police Services Board to direct the Chief, Toronto Police Service to regularly review the information on timeliness of transferred 9-1-1 calls to Toronto Paramedic Services and Toronto Fire Services, including overdose calls, with the view to working together to meet the 9-1-1 emergency call service level standards. The entities should meet, when needed, to determine if any changes are needed to established protocols to ensure the safety of citizens.

2. City Council request the Chief, Toronto Paramedic Services and Chief, Toronto Fire Services, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service, in collaboration with Toronto Paramedic Services and Toronto Fire Services, to achieve live-time interconnectivity in communication on 9-1-1 calls and events amongst these entities, both currently, and in the implementation of the Next Generation 9-1-1 solution moving forward; this should include consideration of an interface of the Intergraph Computer Aided Dispatch system to allow for improved communication during 9-1-1 call transfers and events, and to specifically assist with communication where Toronto Police Service are no longer required by Toronto Paramedic Services and/or Toronto Fire Services as applicable, so as to avoid unnecessarily committing police resources.

3. City Council request the City Manager, in consultation with Toronto Police Services Board, Toronto Police Service, and City's Legal Services, to include the following to inform its feasibility review of whether to move the 9-1-1 operations to a non-police City Service:
 - a. fulsome cost/benefit analysis that includes the potential impact to call answer and call response time of police, fire, and ambulance, and the other related functions of the call centre such as audio and data requests including for court proceedings, and maintenance of radio communications;

 - b. cost impact and feasibility with regards to staffing, given the current collective agreement of communications operators;

 - c. legislative feasibility given the current draft and forthcoming legislative requirements related to the delivery of policing and related services, in particular, the involvement of the

police service in the Public Safety Answering Point dispatching function;

d. legal risk and who would be responsible for those 9-1-1 calls and/or alternate non-police response where police are not dispatched, and it results in a negative outcome;

e. governance model for Public Safety Answering Point with the view to enhance interoperability and coordination of emergency response services delivered; and

f. the goals and outcomes that are intended through a potential move of the 9-1-1 operations, and whether other strategies may be more effective, efficient, and economical to achieve those, such as offering another phone number for non-police response such as 2-1-1, and/or working together with Toronto Police Services on other strategies, including but not limited to, updating the 9-1-1 communications operators manual, additional training, data and technological supports for communications operators and police officers, and increased public education and awareness.

4. City Council request the City Manager and request the Toronto Police Services Board to direct the Chief, Toronto Police Service, in collaboration with the City, to undertake public education campaigns (including targeted awareness programs) and ongoing public education initiatives to improve public awareness and understanding on distinguishing between the various lines and the proper use of 9-1-1, the non-emergency line (416-808-2222), online police reporting, and other non-police alternative resources, including promotion of 2-1-1 (assistance in connecting people with community and social service resources) and 3-1-1 and City Council request that an assessment be made to evaluate the effectiveness of these campaigns and initiatives on call behaviours; such campaign and/or initiatives should:

a. include strategies to increase public awareness on what to do when the caller dials 9-1-1, including the specific information that needs to be provided to the call taker in order to shorten police response time, how to prevent pocket dials, and what to do when an individual dials 9-1-1 by mistake;

b. be multi-lingual; and

c. be refreshed and refocused periodically to address the 9-1-1 call analysis results to reduce unnecessary or avoidable non-emergency related calls to 9-1-1.

5. City Council request the City Manager and request the Toronto Police Services Board to direct the Chief, Toronto Police Service, in collaboration with the City, to consider a shorter and easier to remember number (if possible three digits) for Toronto Police Service's dedicated non-emergency line.

6. City Council direct the Deputy City Manager, Community and Social Services to play both a leading and coordinating role for City divisions in implementing the recommendations directed at the City, and that they engage with the Toronto Police Service to collaborate on recommendations whose implementation will be led by the Toronto Police Service, where the Auditor General indicated such collaboration would be necessary.

7. City Council direct the Deputy City Manager, Community and Social Services to report back on the City's progress at the beginning of the next term (approximately six months' time) and to provide regular updates following that to ensure that progress on the recommendations directed at the City is being made.

City Council Decision Advice and Other Information

City Council considered Items AU13.5 and AU13.6 together.

Committee Recommendations

The Audit Committee recommends that:

1. City Council request the Chief, Toronto Paramedic Services and Chief, Toronto Fire Services, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to regularly review the information on timeliness of transferred 9-1-1 calls to Toronto Paramedic Services and Toronto Fire Services, with the view to working together to meet the 9-1-1 emergency call service level standards. The entities should meet, when needed, to determine if any changes are needed to established protocols to ensure the safety of citizens.
 2. City Council request the Chief, Toronto Paramedic Services and Chief, Toronto Fire Services, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service, in collaboration with Toronto Paramedic Services and Toronto Fire Services, to achieve live-time interconnectivity in communication on 9-1-1 calls and events amongst these entities, both currently, and in the implementation of the Next Generation 9-1-1 solution moving forward; this should include consideration of an interface of the Intergraph Computer Aided Dispatch system to allow for improved communication during 9-1-1 call transfers and events, and to specifically assist with communication where Toronto Police Service are no longer required by Toronto Paramedic Services and/or Toronto Fire Services as applicable, so as to avoid unnecessarily committing police resources.
 3. City Council request the City Manager, in consultation with Toronto Police Services Board, Toronto Police Service, and City's Legal Services, to include the following to inform its feasibility review of whether to move the 9-1-1 operations to a non-police City Service:
 - a. fulsome cost/benefit analysis that includes the potential impact to call answer and call response time of police, fire, and ambulance, and the other related functions of the call centre such as audio and data requests including for court proceedings, and maintenance of radio communications;
 - b. cost impact and feasibility with regards to staffing, given the current collective agreement of communications operators;
 - c. legislative feasibility given the current draft and forthcoming legislative requirements related to the delivery of policing and related services, in particular, the involvement of the police service in the Public Safety Answering Point dispatching function;
 - d. legal risk and who would be responsible for those 9-1-1 calls and/or alternate non-police response where police are not dispatched, and it results in a negative outcome;
 - e. governance model for Public Safety Answering Point with the view to enhance interoperability and coordination of emergency response services delivered; and
 - f. the goals and outcomes that are intended through a potential move of the 9-1-1 operations, and whether other strategies may be more effective, efficient, and economical to achieve those, such as offering another phone number for non-police response such as 2-1-1, and/or working together with Toronto Police Services on other strategies, including but not limited to, updating the 9-1-1 communications operators manual, additional training, data and technological supports for communications operators and police officers, and increased public education and awareness.
-

4. City Council request the City Manager and request the Toronto Police Services Board to direct the Chief, Toronto Police Service, in collaboration with the City, to undertake public education campaigns (including targeted awareness programs) and ongoing public education initiatives to improve public awareness and understanding on distinguishing between the various lines and the proper use of 9-1-1, the non-emergency line (416-808-2222), online police reporting, and other non-police alternative resources, including promotion of 2-1-1 (assistance in connecting people with community and social service resources) and 3-1-1 and City Council request that an assessment be made to evaluate the effectiveness of these campaigns and initiatives on call behaviours; such campaign and/or initiatives should:

a. include strategies to increase public awareness on what to do when the caller dials 9-1-1, including the specific information that needs to be provided to the call taker in order to shorten police response time, how to prevent pocket dials, and what to do when an individual dials 9-1-1 by mistake;

b. be multi-lingual; and

c. be refreshed and refocused periodically to address the 9-1-1 call analysis results to reduce unnecessary or avoidable non-emergency related calls to 9-1-1.

5. City Council request the City Manager and request the Toronto Police Services Board to direct the Chief, Toronto Police Service, in collaboration with the City, to consider a shorter and easier to remember number (if possible three digits) for Toronto Police Service's dedicated non-emergency line.

6. City Council direct the Deputy City Manager, Community and Social Services to play both a leading and coordinating role for City divisions in implementing the recommendations directed at the City, and that they engage with the Toronto Police Service to collaborate on recommendations whose implementation will be led by the Toronto Police Service, where the Auditor General indicated such collaboration would be necessary.

7. City Council direct the Deputy City Manager, Community and Social Services to report back on the City's progress at the beginning of the next term (approximately six months' time) and to provide regular updates following that to ensure that progress on the recommendations directed at the City is being made.

Committee Decision Advice and Other Information

The Auditor General and the Assistant Auditor General gave a presentation on Item AU13.5 headed "Toronto Police Service - Audit of 9-1-1 Public Safety Answering Point Operations - Better Support for Staff, Improved Information Management and Outcomes and Item AU13.6 headed "Review of Toronto Police Service - Opportunities to Support More Effective Responses to Calls for Service A Journey of Change: Improving Community Safety and Well-Being Outcome".

The Audit Committee considered Items AU13.5 and AU13.6 together.

Origin

(June 24, 2022) Report from the Auditor General

Summary

Toronto Police Service (TPS) operates a Communications Centre (call centre) that acts as the Public Safety Answering Point (PSAP) for the City of Toronto. The communications operators at the call centre answer all emergency 9-1-1 calls across the City. Depending on the

emergency response needed, the operators transfer the calls to fire services, ambulance, and/or other agencies, and dispatch police services when needed.

As the 9-1-1 PSAP for the City, the TPS call centre has a crucial role in ensuring the safety and security of the people of Toronto and their properties. It is the first point of contact for those who call for emergency assistance during times of distress. The timeliness of call answering is critical so that people receive the appropriate emergency response needed as soon as possible, as a person's life or safety can often be at risk. The assessment made by communications operators determines the priority level, which impacts the timeliness of emergency response. Also, the decision on whether a call is dispatched or not for police services has a direct impact on the first level of front-line police resourcing required.

The Toronto Police Services Board (TPSB) requested the Auditor General to complete a risk assessment of TPS to develop a risk-based audit plan. The audit of the TPS's 9-1-1 operations was included in the Auditor General's 2021 Audit Plan.

In the February 2021 meetings, as part of City Council's decisions discussing the Community Crisis Support Service, City Council requested the Auditor General to prioritize her planned 2021 audit of the TPS's 9-1-1 operations. City Council also directed the City Manager for an overview of 9-1-1 operations and an analysis of the feasibility of moving 9-1-1 operations from TPS to a non-police City service. Further, that the City Manager's analysis be informed by any findings made by the Auditor General in the context of her audits of TPS.

We have completed the audit of 9-1-1 operations. The audit was to assess whether the TPS's 9-1-1 Communications Centre provides access to emergency services in an effective and timely manner and identifying potential areas of improvement to the efficiency and economy of operations. The audit made 26 recommendations to the TPSB in the following five key areas. Five of these recommendations were also made to the City Manager's Office and relevant City's Divisions.

1. Answering calls
2. Assigning call event types and priority levels
3. Dispatch and response times to emergency events
4. New technology, 9-1-1 levies, and other opportunities
5. Community education and awareness

This report contains five recommendations made to the City Manager's Office and applicable City divisions for consideration by City Council that are relevant to the City's management response. The list of these recommendations referenced between the review report and this report can be found in Attachment 2 (Appendix 2 with references). The full list of the Auditor General's recommendations made to both City Council and the Toronto Police Services Board can be found in Appendix 1 to this report.

The audit report was tabled at the June 22, 2022 Toronto Police Services Board meeting. The agenda for the meeting and the report are available at:

<https://tpsb.ca/jdownloads-categories?task=download.send&id=733&catid=32&m=0>

The Toronto Police Services Board will forward a transmittal on its actions to the Audit Committee for information.

Background Information (Committee)

(June 24, 2022) Report from the Auditor General on Toronto Police Service - Audit of 9-1-1 Public Safety Answering Point Operations - Better Support for Staff, Improved Information

Management and Outcomes

(<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228259.pdf>)

Attachment 1 - Toronto Police Service - Audit of 9-1-1 Public Safety Answering Point Operations Better Support for Staff, Improved Information Management and Outcomes

(<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228260.pdf>)

Attachment 2 - Appendix 2 with References to Cover Report - City Management's Response to Relevant Recommendations to the Auditor General's Report Entitled: "Toronto Police Service - Audit of 9-1-1 Public Safety Answering Point Operations: Better Support for Staff, Improved Information Management and Outcomes"

(<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228261.pdf>)

(July 11, 2022) Supplementary material from the Auditor General on City's Road Map to Start Addressing Recommendations to City - Auditor General's Reports of Toronto Police Service

(<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228589.pdf>)

(July 11, 2022) Presentation from the Auditor General and the Assistant Auditor General on Items AU13.5 and AU13.6

(<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228609.pdf>)

(June 14, 2022) Video link document from the Auditor General on Toronto Police Service - Audit of 9-1-1 Public Safety Answering Point Operations.

(<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228593.pdf>)

Communications (Committee)

(July 7, 2022) Letter from Mayor John Tory (AU.Supp)

(<https://www.toronto.ca/legdocs/mmis/2022/au/comm/communicationfile-154711.pdf>)

Speakers

Maureen Attwell

5a Transmittal from the Toronto Police Services Board on Toronto Police Service - Audit of 9-1-1 Public Safety Answering Point Operations - Better Support for Staff, Improved Information Management and Outcomes

Origin

(June 28, 2022) Letter from the Toronto Police Services Board

Summary

At its meeting on June 22, 2022, the Toronto Police Services Board considered reports from the Auditor General. The following extracts have been provided from the draft Minutes of the public meeting of the Toronto Police Services Board:

1. Auditor General – Presentation (Minute No.: P2022-0622-4.1.);
 2. Review of Toronto Police Service - Opportunities to Support More Effective Responses to Calls for Service A Journey of Change: Improving Community Safety and Well-Being Outcomes (Minute No.: P2022-0622-4.2.);
 3. Toronto Police Service - Audit of 9-1-1 Public Safety Answering Point Operations Better Support for Staff, Improved Information Management and Outcomes (Minute No.: P2022-0622-4.3.)
 4. Key Common Themes: Toronto Police Service – Audit of 9-1-1 Operations & Review of Opportunities to Support More Effective Responses to Calls for Service (Minute No.: P2022-0622-4.4.)
-

The Board requested that copies of the Minute, along with the reports from the City's Auditor General, be forwarded to the Audit Committee for information, and for inclusion in the City's Audit Committee meeting.

Background Information (Committee)

(June 23, 2022) Transmittal from the Toronto Police Services Board

<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228370.pdf>

Extract from the Minutes of the Public Meeting of the Toronto Police Services Board held on June 22, 2022

<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228363.pdf>

(June 14, 2022) Report from the Auditor General on Toronto Police Service - Audit of 9-1-1 Public Safety Answering Point Operations Better Support for Staff, Improved Information Management and Outcomes

<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228364.pdf>

At a Glance - Toronto Police Service - Audit of 9-1-1 Public Safety Answering Point Operations Better Support for Staff, Improved Information Management and Outcomes

<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228365.pdf>

Attachment 1 - Toronto Police Service - Audit of 9-1-1 Public Safety Answering Point Operations Better Support for Staff, Improved Information Management and Outcomes

<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228366.pdf>

Key Common Themes: Toronto Police Service - Audit of 9-1-1 Operations and Review of Opportunities to Support More Effective Responses to Calls for Service

<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228367.pdf>

Auditor General's Presentation to the Toronto Police Services Board

<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228369.pdf>

City Clerk's Office

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Marilyn Toft
Council Secretariat Support
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e-mail: Marilyn.Toft@toronto.ca
web: www.toronto.ca**In reply please quote:
Ref.: 22-AU13.6**

August 10, 2022

Mr. Jim Hart
Chair
Toronto Police Services Board
40 College Street
Toronto, Ontario
M5G 2J3

Dear Mr. Hart:

**Subject: Audit Committee Item 13.6
 Review of Toronto Police Service - Opportunities to Support More Effective
 Responses to Calls for Service A Journey of Change: Improving
 Community Safety and Well-Being Outcomes (Ward All)**

City Council on July 19, 20, 21 and 22, 2022, considered this Item, and has adopted the following:

1. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration along with other agencies, to determine the feasibility of setting up adequately resourced, non-time restrictive, alternative responses for events where police are currently attending and where such attendance is likely not essential; and City Council request staff and the Toronto Police Services Board, in doing so to:
 - a. identify call for service event types, including but not limited to, the six event types discussed in our report that may be suitable for an alternative response;
 - b. develop reasonable criteria for each event type to assess the calls for service within those event types that may be suitable for an alternative response, including defining the level of acceptable risk and liability and how these factors will be managed;
 - c. consider alternative response pilot programs (e.g. community dispute mediation), with adequate evaluation mechanisms, to provide information and insights on the effectiveness of any established responses; this should include an assessment of the feasibility and cost-effectiveness of providing these alternative responses;
 - d. consider existing City or other community programs that could provide an alternative response and where needed, the feasibility and cost-effectiveness of changing the approach and resourcing to provide a timely and effective non-police response (e.g.

Municipal Licensing and Standards Division for noisy small gatherings, Shelter, Support and Housing Administration Division street outreach teams);

e. consider a gradual and informed approach to establishing responses and assess the factors that would be needed for an effective and efficient full transition, including consultation with the public; and

f. develop and regularly update a plan that includes key milestones and targets so that progress can be tracked.

2. City Council request the City Manager, in consultation with the Toronto Police Services Board, to reiterate the City's requests for funding commitments from the Government of Canada and the Ontario Government to support permanent housing options and to provide supports to address Toronto's mental health and addictions crises, and in doing so, to communicate to the other governments that a "whole-of-government" funding approach in these areas will be critical to building the infrastructure needed to support effective alternative response delivery and ensure the best possible outcomes for the people of Toronto.

3. City Council request the Chief, Toronto Paramedic Services, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to review current protocols for when Priority Response Unit officers are requested for See Ambulance calls for service; such review should include:

a. determining if there are any opportunities to further refine the See Ambulance protocol so that the attendance of Priority Response Unit officers is based on an articulable risk to paramedic safety, specific to the unique circumstances of each call for service;

b. re-evaluating the criteria for when police are requested; this evaluation should specifically consider, but not be limited to, if the presence of alcohol, in absence of other risk factors, requires an automatic Priority Response Unit response;

c. ensuring that the rationale for requesting Priority Response Unit attendance and other important information is clearly documented in the Toronto Paramedic Services call for service details, both entities should also consider documenting which entity initiated the request for attendance from the other entity;

d. in situations where Toronto Police Service would have sent Priority Response Unit officers to calls for service irrespective of a request from Toronto Paramedic Services, Toronto Police Service should consider documenting this in its call for service system;

e. regular, joint evaluation of calls for service where Priority Response Unit attendance is requested, to assess the effectiveness and efficiency of the revised protocol and consider any changes as necessary; and

f. considering if additional training is needed for Toronto Police Service and Toronto Paramedic Services call takers to ensure requests for police attendance are well documented and comply with policies and procedures.

4. City Council request the City Manager, and request the Toronto Police Service's Board to direct the Chief, Toronto Police Service to work in collaboration along with other agencies to analyze low priority, non-emergency calls for service (e.g. Unwanted Guests, Check Address

etc.) to identify instances where officers are repeatedly attending the same locations; to determine if an alternative resolution can be implemented; in developing solutions, Toronto Police Service should consider if a call for service volume can be reduced through implementing Part 1 above.

5. City Council request the City Manager, to work in collaboration with the President and Chief Executive Officer, Toronto Community Housing Corporation and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to determine if strategies can be implemented to reduce instances of Priority Response Unit officers repeatedly dispatched to the same locations within Toronto Community Housing Corporation properties.

6. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to:

a. conduct joint program assessments of the outcomes from current mental health call for service diversion pilots, including the Gerstein Crisis Centre call for service diversion pilot, and the City's Toronto Community Crisis Service, to assess the effectiveness and outcomes of these programs;

b. ensure mechanisms are in place so that both the City and Toronto Police Service have access to the necessary data, including Toronto Police Service call for service data (e.g. number of calls for service received, diverted) and relevant call for service details to complete effective evaluations of the current and any future pilots; and

c. ensure planning for future pilot programs are coordinated, involve both the City and Toronto Police Service, and consider the recommendations from Section A.1 of the report (June 24, 2022) from the Auditor General, to ensure they are achieving the desired outcomes in the most efficient and effective way.

7. City Council request the Chief, Toronto Paramedic Services and request the Toronto Police Services Board to direct the Chief, Toronto Police Service, in consultation with Toronto Paramedic Services and the Chief Executive Officers (or other appropriate executive liaisons) of Toronto hospitals to:

a. leverage technology and/or the use of data to identify the most appropriate hospital for an officer to transport an individual in custody, with the view of minimizing wait times and travelling the least possible distance; and

b. develop police-hospital liaison committees and transfer of care protocols with all hospitals where Toronto Police Service transports apprehended persons, to minimize wait times and develop protocols to create a workflow which will benefit both Toronto Police Service and the hospitals.

8. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to:

a. assess if current call for service diversion strategies to the City, through 3-1-1 Toronto, are working as intended, and if Toronto Police Service and City staff clearly understand the roles and responsibilities; such assessment to include evaluation of call volumes and outcomes at both Toronto Police Service's Communications Centre and 3-1-1 Toronto for relevant call for service types; and

b. assess if there are opportunities to increase call for service diversion from Toronto Police Service to the City.

9. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to consider through an interface or other means, increasing the information shared between City divisions (e.g. Municipal Licensing and Standards Division, 3-1-1 Toronto, etc.) and Toronto Police Service on a per call for service basis (e.g. addresses where police respond to noisy parties) so that trends can be identified and the City can help address the root cause of issues that are not police matters and City Council request that, before undertaking any data sharing, Toronto Police Service and the City perform a legal review, which includes consideration of any relevant privacy considerations, specifically the requirements outlined in the Municipal Freedom of Information and Protection of Privacy Act.

10. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to leverage 2-1-1 Central data in conjunction with call for service data, at an aggregate level, to identify neighbourhoods where there are a high number of low priority calls for service, and where community resources may exist to help divert front-line police resources and City Council request that before undertaking any data sharing, Toronto Police Service and the City perform a legal review, which includes consideration of any relevant privacy considerations, specifically the requirements outlined in the Municipal Freedom of Information and Protection of Privacy Act.

11. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to consider implementing public awareness campaigns addressing the public's perceptions on people experiencing mental health challenges and/or homelessness and what type of response (e.g. police or non-police response) would be most appropriate and such process should include mechanisms for campaign evaluation (e.g. key metrics that will be measured), a process for including community engagement in the planning process and determining the most appropriate target audience.

12. City Council direct the Deputy City Manager, Community and Social Services to play both a leading and coordinating role for City divisions in implementing the recommendations directed at the City, and that they engage with the Toronto Police Service to collaborate on recommendations whose implementation will be led by the Toronto Police Service, where the Auditor General indicated such collaboration would be necessary.

13. City Council direct the Deputy City Manager, Community and Social Services to report back on the City's progress on Part 3 above at the beginning of the next term (approximately six months' time) and to provide regular updates following that to ensure that progress on the recommendation directed at the City is being made.

Yours truly,



for City Clerk

M. Toft/mm

Attachment

Sent to: Chair, Toronto Police Services Board
President and Chief Executive Officer, Toronto Community Housing
Corporation

c. City Manager

Audit Committee

AU13.6		Adopted		Ward: All
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Review of Toronto Police Service - Opportunities to Support More Effective Responses to Calls for Service A Journey of Change: Improving Community Safety and Well-Being Outcomes

City Council Decision

City Council on July 19, 20, 21 and 22, 2022, adopted the following:

1. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration along with other agencies, to determine the feasibility of setting up adequately resourced, non-time restrictive, alternative responses for events where police are currently attending and where such attendance is likely not essential; and City Council request staff and the Toronto Police Services Board, in doing so to:

- a. identify call for service event types, including but not limited to, the six event types discussed in our report that may be suitable for an alternative response;
- b. develop reasonable criteria for each event type to assess the calls for service within those event types that may be suitable for an alternative response, including defining the level of acceptable risk and liability and how these factors will be managed;
- c. consider alternative response pilot programs (e.g. community dispute mediation), with adequate evaluation mechanisms, to provide information and insights on the effectiveness of any established responses; this should include an assessment of the feasibility and cost-effectiveness of providing these alternative responses;
- d. consider existing City or other community programs that could provide an alternative response and where needed, the feasibility and cost-effectiveness of changing the approach and resourcing to provide a timely and effective non-police response (e.g. Municipal Licensing and Standards Division for noisy small gatherings, Shelter, Support and Housing Administration Division street outreach teams);
- e. consider a gradual and informed approach to establishing responses and assess the factors that would be needed for an effective and efficient full transition, including consultation with the public; and
- f. develop and regularly update a plan that includes key milestones and targets so that progress can be tracked.

2. City Council request the City Manager, in consultation with the Toronto Police Services Board, to reiterate the City's requests for funding commitments from the Government of

Canada and the Ontario Government to support permanent housing options and to provide supports to address Toronto's mental health and addictions crises, and in doing so, to communicate to the other governments that a "whole-of-government" funding approach in these areas will be critical to building the infrastructure needed to support effective alternative response delivery and ensure the best possible outcomes for the people of Toronto.

3. City Council request the Chief, Toronto Paramedic Services, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to review current protocols for when Priority Response Unit officers are requested for See Ambulance calls for service; such review should include:

a. determining if there are any opportunities to further refine the See Ambulance protocol so that the attendance of Priority Response Unit officers is based on an articulable risk to paramedic safety, specific to the unique circumstances of each call for service;

b. re-evaluating the criteria for when police are requested; this evaluation should specifically consider, but not be limited to, if the presence of alcohol, in absence of other risk factors, requires an automatic Priority Response Unit response;

c. ensuring that the rationale for requesting Priority Response Unit attendance and other important information is clearly documented in the Toronto Paramedic Services call for service details, both entities should also consider documenting which entity initiated the request for attendance from the other entity;

d. in situations where Toronto Police Service would have sent Priority Response Unit officers to calls for service irrespective of a request from Toronto Paramedic Services, Toronto Police Service should consider documenting this in its call for service system;

e. regular, joint evaluation of calls for service where Priority Response Unit attendance is requested, to assess the effectiveness and efficiency of the revised protocol and consider any changes as necessary; and

f. considering if additional training is needed for Toronto Police Service and Toronto Paramedic Services call takers to ensure requests for police attendance are well documented and comply with policies and procedures.

4. City Council request the City Manager, and request the Toronto Police Service's Board to direct the Chief, Toronto Police Service to work in collaboration along with other agencies to analyze low priority, non-emergency calls for service (e.g. Unwanted Guests, Check Address etc.) to identify instances where officers are repeatedly attending the same locations; to determine if an alternative resolution can be implemented; in developing solutions, Toronto Police Service should consider if a call for service volume can be reduced through implementing Part 1 above.

5. City Council request the City Manager, to work in collaboration with the President and Chief Executive Officer, Toronto Community Housing Corporation and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to determine if strategies can be implemented to reduce instances of Priority Response Unit officers repeatedly dispatched to the same locations within Toronto Community Housing Corporation properties.

6. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to:

a. conduct joint program assessments of the outcomes from current mental health call for service diversion pilots, including the Gerstein Crisis Centre call for service diversion pilot, and the City's Toronto Community Crisis Service, to assess the effectiveness and outcomes of these programs;

b. ensure mechanisms are in place so that both the City and Toronto Police Service have access to the necessary data, including Toronto Police Service call for service data (e.g. number of calls for service received, diverted) and relevant call for service details to complete effective evaluations of the current and any future pilots; and

c. ensure planning for future pilot programs are coordinated, involve both the City and Toronto Police Service, and consider the recommendations from Section A.1 of the report (June 24, 2022) from the Auditor General, to ensure they are achieving the desired outcomes in the most efficient and effective way.

7. City Council request the Chief, Toronto Paramedic Services and request the Toronto Police Services Board to direct the Chief, Toronto Police Service, in consultation with Toronto Paramedic Services and the Chief Executive Officers (or other appropriate executive liaisons) of Toronto hospitals to:

a. leverage technology and/or the use of data to identify the most appropriate hospital for an officer to transport an individual in custody, with the view of minimizing wait times and travelling the least possible distance; and

b. develop police-hospital liaison committees and transfer of care protocols with all hospitals where Toronto Police Service transports apprehended persons, to minimize wait times and develop protocols to create a workflow which will benefit both Toronto Police Service and the hospitals.

8. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to:

a. assess if current call for service diversion strategies to the City, through 3-1-1 Toronto, are working as intended, and if Toronto Police Service and City staff clearly understand the roles and responsibilities; such assessment to include evaluation of call volumes and outcomes at both Toronto Police Service's Communications Centre and 3-1-1 Toronto for relevant call for service types; and

b. assess if there are opportunities to increase call for service diversion from Toronto Police Service to the City.

9. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to consider through an interface or other means, increasing the information shared between City divisions (e.g. Municipal Licensing and Standards Division, 3-1-1 Toronto, etc.) and Toronto Police Service on a per call for service basis (e.g. addresses where police respond to noisy parties) so that trends can be identified and the City can help address the root cause of issues that are not police matters and City Council request that, before undertaking any data sharing, Toronto Police Service and the City perform a legal review, which includes consideration of any relevant privacy considerations, specifically the requirements outlined in the Municipal Freedom of Information and Protection of Privacy Act.

10. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to leverage 2-1-1 Central data

in conjunction with call for service data, at an aggregate level, to identify neighbourhoods where there are a high number of low priority calls for service, and where community resources may exist to help divert front-line police resources and City Council request that before undertaking any data sharing, Toronto Police Service and the City perform a legal review, which includes consideration of any relevant privacy considerations, specifically the requirements outlined in the Municipal Freedom of Information and Protection of Privacy Act.

11. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to consider implementing public awareness campaigns addressing the public's perceptions on people experiencing mental health challenges and/or homelessness and what type of response (e.g. police or non-police response) would be most appropriate and such process should include mechanisms for campaign evaluation (e.g. key metrics that will be measured), a process for including community engagement in the planning process and determining the most appropriate target audience.

12. City Council direct the Deputy City Manager, Community and Social Services to play both a leading and coordinating role for City divisions in implementing the recommendations directed at the City, and that they engage with the Toronto Police Service to collaborate on recommendations whose implementation will be led by the Toronto Police Service, where the Auditor General indicated such collaboration would be necessary.

13. City Council direct the Deputy City Manager, Community and Social Services to report back on the City's progress on Part 3 above at the beginning of the next term (approximately six months' time) and to provide regular updates following that to ensure that progress on the recommendation directed at the City is being made.

City Council Decision Advice and Other Information

City Council considered Items AU13.5 and AU13.6 together.

Committee Recommendations

The Audit Committee recommends that:

1. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration along with other agencies, to determine the feasibility of setting up adequately resourced, non-time restrictive, alternative responses for events where police are currently attending and where such attendance is likely not essential; and City Council request staff and the Toronto Police Services Board, in doing so to:

a. identify call for service event types, including but not limited to, the six event types discussed in our report that may be suitable for an alternative response;

b. develop reasonable criteria for each event type to assess the calls for service within those event types that may be suitable for an alternative response, including defining the level of acceptable risk and liability and how these factors will be managed;

c. consider alternative response pilot programs (e.g. community dispute mediation), with adequate evaluation mechanisms, to provide information and insights on the effectiveness of any established responses; this should include an assessment of the feasibility and cost-effectiveness of providing these alternative responses;

d. consider existing City or other community programs that could provide an alternative response and where needed, the feasibility and cost-effectiveness of changing the approach and resourcing to provide a timely and effective non-police response (e.g. Municipal Licensing and Standards Division for noisy small gatherings, Shelter, Support and Housing Administration Division street outreach teams);

e. consider a gradual and informed approach to establishing responses and assess the factors that would be needed for an effective and efficient full transition, including consultation with the public; and

f. develop and regularly update a plan that includes key milestones and targets so that progress can be tracked.

2. City Council request the City Manager, in consultation with the Toronto Police Services Board, to reiterate the City's requests for funding commitments from the Government of Canada and the Ontario Government to support permanent housing options and to provide supports to address Toronto's mental health and addictions crises, and in doing so, to communicate to the other governments that a "whole-of-government" funding approach in these areas will be critical to building the infrastructure needed to support effective alternative response delivery and ensure the best possible outcomes for the people of Toronto.

3. City Council request the Chief, Toronto Paramedic Services, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to review current protocols for when Priority Response Unit officers are requested for See Ambulance calls for service; such review should include:

a. determining if there are any opportunities to further refine the See Ambulance protocol so that the attendance of Priority Response Unit officers is based on an articulable risk to paramedic safety, specific to the unique circumstances of each call for service;

b. re-evaluating the criteria for when police are requested; this evaluation should specifically consider, but not be limited to, if the presence of alcohol, in absence of other risk factors, requires an automatic Priority Response Unit response;

c. ensuring that the rationale for requesting Priority Response Unit attendance and other important information is clearly documented in the Toronto Paramedic Services call for service details, both entities should also consider documenting which entity initiated the request for attendance from the other entity;

d. in situations where Toronto Police Service would have sent Priority Response Unit officers to calls for service irrespective of a request from Toronto Paramedic Services, Toronto Police Service should consider documenting this in its call for service system;

e. regular, joint evaluation of calls for service where Priority Response Unit attendance is requested, to assess the effectiveness and efficiency of the revised protocol and consider any changes as necessary; and

f. considering if additional training is needed for Toronto Police Service and Toronto Paramedic Services call takers to ensure requests for police attendance are well documented and comply with policies and procedures.

4. City Council request the City Manager, and request the Toronto Police Service's Board to direct the Chief, Toronto Police Service to work in collaboration along with other agencies to analyze low priority, non-emergency calls for service (e.g. Unwanted Guests, Check Address

etc.) to identify instances where officers are repeatedly attending the same locations; to determine if an alternative resolution can be implemented; in developing solutions, Toronto Police Service should consider if a call for service volume can be reduced through implementing Recommendation 1 above.

5. City Council request the City Manager, to work in collaboration with the President and Chief Executive Officer, Toronto Community Housing Corporation and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to determine if strategies can be implemented to reduce instances of Priority Response Unit officers repeatedly dispatched to the same locations within Toronto Community Housing Corporation properties.

6. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to:

a. conduct joint program assessments of the outcomes from current mental health call for service diversion pilots, including the Gerstein Crisis Centre call for service diversion pilot, and the City's Toronto Community Crisis Service, to assess the effectiveness and outcomes of these programs;

b. ensure mechanisms are in place so that both the City and Toronto Police Service have access to the necessary data, including Toronto Police Service call for service data (e.g. number of calls for service received, diverted) and relevant call for service details to complete effective evaluations of the current and any future pilots; and

c. ensure planning for future pilot programs are coordinated, involve both the City and Toronto Police Service, and consider the recommendations from Section A.1 of the report (June 24, 2022) from the Auditor General, to ensure they are achieving the desired outcomes in the most efficient and effective way.

7. City Council request the Chief, Toronto Paramedic Services and request the Toronto Police Services Board to direct the Chief, Toronto Police Service, in consultation with Toronto Paramedic Services and the Chief Executive Officers (or other appropriate executive liaisons) of Toronto hospitals to:

a. leverage technology and/or the use of data to identify the most appropriate hospital for an officer to transport an individual in custody, with the view of minimizing wait times and travelling the least possible distance; and

b. develop police-hospital liaison committees and transfer of care protocols with all hospitals where Toronto Police Service transports apprehended persons, to minimize wait times and develop protocols to create a workflow which will benefit both Toronto Police Service and the hospitals.

8. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to:

a. assess if current call for service diversion strategies to the City, through 3-1-1 Toronto, are working as intended, and if Toronto Police Service and City staff clearly understand the roles and responsibilities; such assessment to include evaluation of call volumes and outcomes at both Toronto Police Service's Communications Centre and 3-1-1 Toronto for relevant call for service types; and

b. assess if there are opportunities to increase call for service diversion from Toronto Police Service to the City.

9. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to consider through an interface or other means, increasing the information shared between City divisions (e.g. Municipal Licensing and Standards Division, 3-1-1 Toronto, etc.) and Toronto Police Service on a per call for service basis (e.g. addresses where police respond to noisy parties) so that trends can be identified and the City can help address the root cause of issues that are not police matters and City Council request that, before undertaking any data sharing, Toronto Police Service and the City perform a legal review, which includes consideration of any relevant privacy considerations, specifically the requirements outlined in the Municipal Freedom of Information and Protection of Privacy Act.

10. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to leverage 2-1-1 Central data in conjunction with call for service data, at an aggregate level, to identify neighbourhoods where there are a high number of low priority calls for service, and where community resources may exist to help divert front-line police resources and City Council request that before undertaking any data sharing, Toronto Police Service and the City perform a legal review, which includes consideration of any relevant privacy considerations, specifically the requirements outlined in the Municipal Freedom of Information and Protection of Privacy Act.

11. City Council request the City Manager, and request the Toronto Police Services Board to direct the Chief, Toronto Police Service to work in collaboration to consider implementing public awareness campaigns addressing the public's perceptions on people experiencing mental health challenges and/or homelessness and what type of response (e.g. police or non-police response) would be most appropriate and such process should include mechanisms for campaign evaluation (e.g. key metrics that will be measured), a process for including community engagement in the planning process and determining the most appropriate target audience.

12. City Council direct the Deputy City Manager, Community and Social Services to play both a leading and coordinating role for City divisions in implementing the recommendations directed at the City, and that they engage with the Toronto Police Service to collaborate on recommendations whose implementation will be led by the Toronto Police Service, where the Auditor General indicated such collaboration would be necessary.

13. City Council direct the Deputy City Manager, Community and Social Services to report back on the City's progress on Recommendation 3 above at the beginning of the next term (approximately six months' time) and to provide regular updates following that to ensure that progress on the recommendation directed at the City is being made.

Committee Decision Advice and Other Information

The Auditor General and the Assistant Auditor General gave a presentation on Item AU13.5 headed "Toronto Police Service - Audit of 9-1-1 Public Safety Answering Point Operations - Better Support for Staff, Improved Information Management and Outcomes and Item AU13.6 headed "Review of Toronto Police Service - Opportunities to Support More Effective Responses to Calls for Service A Journey of Change: Improving Community Safety and Well-Being Outcome".

The Audit Committee considered Items AU13.5 and AU13.6 together.

Origin

(June 24, 2022) Report from the Auditor General

Summary

Toronto Police Service (TPS) plays a key role in ensuring the safety and well-being of the people of Toronto through its delivery of policing services. As first responders, TPS officers are on the front lines and respond to a variety of situations. However, we found TPS has effectively become the default response in some situations, responding to some calls for service that are not police matters, due in part to the lack of available effective alternate responses at the times they are needed.

Furthermore, a lack of adequate social service supports for vulnerable individuals including people experiencing homelessness, mental health and substance use challenges, has resulted in a default police response to some calls for service. Supporting the complex needs of these individuals is not something that a police emergency response was intended to resolve and alternative community-based responses, if in place and available when needed, can help to provide the needed social supports for people.

Modernizing and enhancing the way data is captured and leveraged provides the opportunity for TPS to work with the City and stakeholders in an informed way to divert some non-emergency 9-1-1 calls, as well as some calls for service to alternative responses that may be able to provide better outcomes for vulnerable individuals.

In our view, based on the results, it is not a 'lift and shift' of calls for service and funding, but a strategy of gradual transition for alternative non-police responses where appropriate, with the shared goal to improve outcomes for the people of Toronto.

These are complex matters needing better information to support transition. Opportunities for alternative responses may grow over time as better information is captured and analyzed, and while alternative responses are piloted and evaluated for potential further roll-out.

Once the pilots for alternative non-police responses have been established and evaluated, which will likely take several years, funding levels and sources should be re-assessed. Other factors impacting both TPS and the City should also be considered, including the population growth, the demand level to meet the needs of vulnerable individuals, strategic priorities and resourcing to achieve them, as well as other considerations such as the impact of mandated NG9-1-1 requirements.

This review also highlights that a whole-of-government and a whole-of-community commitment and approach is needed. Strategic investment by all levels of government in social service infrastructure and alternative strategies is necessary in order to create long-term value for the City, for individuals and the community. The need for funding supports from other levels of government for social infrastructure is also supported by our recent audits of the City's shelters and affordable housing program.

Ensuring community safety and well-being will require active leadership and commitment from the City, and multi-sector collaboration and partnership in pursuing alternative responses that will allow TPS to focus on achieving its mandate and provide the best possible outcomes for the people of Toronto.

It will be important for TPS, the City, and other stakeholders to develop concrete community-wide plans that include the desired outcomes and a framework to capture data, and track, evaluate and report out publicly on the progress of pilot outcomes. This will help the City, TPS, and other stakeholders to make evidence-based decisions and ensure transparency and accountability as all stakeholders move forward together.

The following will be important to achieve the change needed:

- identifying key and shared outcomes as part of strategic planning and collaboration and use evidence-based data to inform decisions
- being transparent and accountable by tracking and reporting out publicly on progress against agreed plans and outcomes
- being committed and building trust and support between stakeholders as they move through any barriers and difficulties towards common goals.

The recommendations for change are in three key areas.

1. Re-thinking Call for Service Response to Support More Efficient and Effective Outcomes
2. Improving and Further Leveraging Data and Technology
3. Increasing Integration and Information Sharing

The review contains 25 recommendations for change in 3 key areas and 11 of these are relevant to the City's management response. The recommendations provide key stakeholders with a starting point that will support them on their journey of long-term change as TPS works with the City and stakeholders to move forward together.

This report contains 11 recommendations made to the City Manager's Office and applicable City divisions for consideration by City Council that are relevant to the City's management response. The list of these recommendations referenced between the review report and this report can be found in Attachment 2 (Appendix 2 with references). The full list of the Auditor General's recommendations made to both City Council and the Toronto Police Services Board can be found in Appendix 1 to this report.

The public report was tabled at the June 22, 2022 TPSB meeting. The agenda for the meeting and the report are available at:

<https://tpsb.ca/jdownloads-categories?task=download.send&id=733&catid=32&m=0>

The Toronto Police Services Board will forward a transmittal on its actions to the Audit Committee for information.

Background Information (Committee)

(June 24, 2022) Report from the Auditor General on Review of Toronto Police Service - Opportunities to Support More Effective Responses to Calls for Service A Journey of Change: Improving Community Safety and Well-Being Outcomes

<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228233.pdf>

Attachment 1 - Review of Toronto Police Service - Opportunities to Support More Effective Responses to Calls for Service - A Journey of Change: Improving Community Safety and Well-Being Outcomes

<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228234.pdf>

Attachment 2 - Appendix 2 with References to Cover Report: City Management's Response to Relevant Recommendations to the Auditor General's Report Entitled: "Review of Toronto Police Service - Opportunities to Support More Effective Responses to Calls for Service, A Journey of Change: Improving Community Safety and Well-Being Outcomes

<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228235.pdf>

(July 11, 2022) Supplementary material from the Auditor General on City's Road Map to Start Addressing Recommendations to City - Auditor General's Reports of Toronto Police Service

<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228603.pdf>

(July 11, 2022) Presentation from the Auditor General and the Assistant Auditor General on Items AU13.5 and AU13.6

<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228610.pdf>

(June 14, 2022) Video link document from the Auditor General on Review of Toronto Police Service - Opportunities to Support More Effective Responses to Calls for Service
(<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228597.pdf>)

6a Transmittal from the Toronto Police Services Board on Review of Toronto Police Service - Opportunities to Support More Effective Responses to Calls for Service A Journey of Change: Improving Community Safety and Well-Being Outcomes

Origin

(June 23, 2022) Letter from the Toronto Police Services Board

Summary

At its meeting on June 22, 2022, the Toronto Police Services Board considered reports from the Auditor General. The following extracts have been provided from the draft Minutes of the public meeting of the Toronto Police Services Board:

1. Auditor General – Presentation (Minute No.: P2022-0622-4.1.);
2. Review of Toronto Police Service - Opportunities to Support More Effective Responses to Calls for Service A Journey of Change: Improving Community Safety and Well-Being Outcomes (Minute No.: P2022-0622-4.2.);
3. Toronto Police Service - Audit of 9-1-1 Public Safety Answering Point Operations Better Support for Staff, Improved Information Management and Outcomes (Minute No.: P2022-0622-4.3.)
4. Key Common Themes: Toronto Police Service – Audit of 9-1-1 Operations & Review of Opportunities to Support More Effective Responses to Calls for Service (Minute No.: P2022-0622-4.4.)

The Board requested that copies of the Minute, along with the reports from the City's Auditor General, be forwarded to the Audit Committee for information, and for inclusion in the City's Audit Committee meeting.

Background Information (Committee)

(June 23, 2022) Transmittal from the Toronto Police Services Board

(<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228371.pdf>)

Extract from the Minutes of the Public Meeting of the Toronto Police Services Board held on June 22, 2022

(<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228372.pdf>)

(June 14, 2022) Report from the Auditor General on Review of Toronto Police Service - Opportunities to Support More Effective Responses to Calls for Service A Journey of Change: Improving Community Safety and Well-Being Outcomes

(<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228373.pdf>)

At a Glance - Review of Toronto Police Service - Opportunities to Support More Effective Responses to Calls for Service - A Journey of Change: Improving Community Safety and Well-Being Outcomes

(<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228374.pdf>)

Attachment 1 - Review of Toronto Police Service - Opportunities to Support More Effective Responses to Calls for Service: A Journey of Change: Improving Community Safety and Well-Being Outcomes

(<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228375.pdf>)

Key Common Themes: Toronto Police Service - Audit of 9-1-1 Operations and Review of
Opportunities to Support More Effective Responses to Calls for Service
(<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228376.pdf>)
Auditor General's Presentation to the Toronto Police Services Board
(<https://www.toronto.ca/legdocs/mmis/2022/au/bgrd/backgroundfile-228377.pdf>)



PUBLIC REPORT

January 24, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw, M.O.M.
Chief of Police

**Subject: Annual Report: 2022 Statistical Report Municipal
Freedom of Information and Protection of Privacy Act**

Purpose: Information Purposes Only Seeking Decision

Summary:

The purposes of the *Municipal Freedom of Information and Protection of Privacy Act (Act)* are to:

1. provide a right of access to information under the control of institutions; and
2. protect the privacy of individuals with respect to personal information about themselves held by institutions, and to provide individuals with a right of access to that information.

Freedom of Information (F.O.I.) requests received by the Toronto Police Service (Service) are processed by the Access and Privacy Section (A.P.S.). The Service is legislated to provide an annual statistical report to the Information and Privacy Commissioner of Ontario (I.P.C.).

The purpose of this report is to provide the Board with the Service's Annual Municipal Year-End Statistical Report - I.P.C. and obtain approval for the electronic submission of the report to the I.P.C.

Discussion:

Background

In 2022, A.P.S. received 4,055 F.O.I. requests for access to information held by the Service in accordance with the Act. This represents an increase of 429 requests (11.8%) compared to the 3,626 requests received in 2021. The total number of files carried over from 2022 to 2023 is 417.

Compliance Rate:

The Act requires that requests for information received by an organization be responded to within 30 days. Throughout 2022, 3,953 requests were completed. The 2022 average compliance rate for requests completed within the mandated 30-day period was 76.83%.

As shown in Table 1 below, the compliance rate in 2022 varied from 71.98% to 87.02%.

Table 1: A.P.S. Compliance Rate by Percentage 2021 - 2022												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2021	75.38	84.19	74.15	82.03	83.08	82.13	79.66	75.9	74.71	78.68	78.88	80.00
2022	71.98	87.02	74.84	81.05	78.45	74.93	77.87	72.53	77.36	74.44	77.18	74.36

Appeals:

As stipulated by the Act, a requester has the right to appeal the Service’s decision to the I.P.C. Upon receipt of an appeal application, a mediation process between the Service’s assigned Disclosures Analyst and a Mediator from the I.P.C. is initiated and can occur over the period of several months, or years with some requests. This process may involve further searches being conducted, additional consultation with subject matter experts and rendering a new access decision to resolve mediation issues. If the appellant is not satisfied with the outcome of the mediation, the appeal may proceed to the adjudication stage. The Service received 32 appeals submitted to the I.P.C. in 2022.

Consultations:

A.P.S. is responsible for responding to consultations from external agencies. Such agencies include, but are not limited to, other police services, the Canada Border Services Agency, Ministry of the Attorney General, Department of Justice, and the Ministry of the Solicitor General. While the process can be similar to completing a F.O.I. request, these requests are not captured in the I.P.C. Annual Statistical Report. The Service received 38 consultations throughout 2022, a slight decrease from the 40 consultations received in 2021.

I.P.C. Reporting Requirements:

In the I.P.C. Annual Report, requests received are divided into two categories; Personal Information and General Records. These two categories are further separated by source of requests (e.g. Individual/Public, Business and Media, etc.).

As required by the I.P.C., disclosure of requests are divided into three sections; information released in full, information released in part, or information not released.

Due to the nature of police records, A.P.S. does disclose records in part, in order to protect the privacy interests of third parties, e.g., removing personal identifiers from the

records. Additionally, access to Service records directly relating to matters currently under investigation and/or before the courts, are typically denied in full.

As the disclosure of records through the F.O.I. process is strictly governed by the Act, the application of Section 8 (Law Enforcement) and Section 14 (Personal Privacy) continue to be the most commonly used exemptions prohibiting access to police records. These sections are referenced in Appendix A.

Key Highlights/Issues/Challenges:

In 2022, processing requests for Body Worn Camera (B.W.C.) video records represented a notable increase in workload for the team. When preparing B.W.C. records for release, the A.P.S. Disclosures Analyst expends a great deal of time reviewing and editing these records taking into account Service considerations, Board policy, and legislated requirements under the Act. We expect this increase in workload to continue and will be planning accordingly for resources and technology to meet the needs for this important digital information.

Additionally, meeting the mandated 30-day compliance outlined in Section 19 of the Act, continues to be challenging. As annually reported, this is mainly due to the increasing complexity of the requests, volume of responsive records, type of information being requested (e.g. B.W.C. records), and the need to consult with various internal and external stakeholders.

Relevant Board Policies and Compliance

- *Municipal Freedom of Information and Protection of Privacy Act;*
- Board policy – Body Worn Cameras and legislation contained therein.

Conclusion:

This report provides the Board with the 2022 Municipal Year-End Statistical Report, which has been prepared in accordance with the guidelines stipulated by the I.P.C., and is to be electronically submitted to the I.P.C. by March 31, 2023.

Despite the aforementioned challenges, A.P.S. staff continued to provide the public with access to information held by the Service as expeditiously as possible.

Deputy Chief Colin Stairs will be in attendance to answer any questions the Board may have regarding this report.

Recommendation(s):

This report recommends that the Toronto Police Services Board (Board):

- 1) receive the 2022 Municipal Year-End Statistical Report, Information and Privacy Commissioner of Ontario; and
- 2) approve the electronic submission of the 2022 Municipal Year-End Statistical Report to the Information and Privacy Commissioner of Ontario, on behalf of the Board.

Financial Implications:

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

Respectfully submitted,

Myron Demkiw, M.O.M.
Chief of Police

Attachments:

Municipal Freedom of Information and Protection of Privacy Act – Section 8

APPENDIX A

For the Board's reference, Section 8 of the Act states:

Law enforcement

8.(1) A head may refuse to disclose a record if the disclosure could reasonably be expected to,

- (a) interfere with a law enforcement matter;*
- (b) interfere with an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;*
- (c) reveal investigative techniques and procedures currently in use or likely to be used in law enforcement;*
- (d) disclose the identity of a confidential source of information in respect of a law enforcement matter, or disclose information furnished only by the confidential source;*
- (e) endanger the life or physical safety of a law enforcement officer or any other person;*
- (f) deprive a person of the right to a fair trial or impartial adjudication;*
- (g) interfere with the gathering of or reveal law enforcement intelligence information respecting organizations or persons;*
- (h) reveal a record which has been confiscated from a person by a peace officer in accordance with an Act or regulation;*
- (i) endanger the security of a building or the security of a vehicle carrying items, or of a system or procedure established for the protection of items, for which protection is reasonably required;*
- (j) facilitate the escape from custody of a person who is under lawful detention;*
- (k) jeopardize the security of a centre for lawful detention; or*
- (l) facilitate the commission of an unlawful act or hamper the control of crime. R.S.O. 1990, c. M.56, s 8 (1); 2002, c. 18, Sched. K, s. 14 (1).*

Idem

(2) A head may refuse to disclose a record,

- (a) that is a report prepared in the course of law enforcement, inspections or investigations by an agency which has the function of*

enforcing and regulating compliance with a law;

(b) that is a law enforcement record if the disclosure would constitute an offence under an Act of Parliament;

(c) that is a law enforcement record if the disclosure could reasonably be expected to expose the author of the record or any person who has been quoted or paraphrased in the record to civil liability; or

(d) that contains information about the history, supervision or release of a person under the control or supervision of a correctional authority. R.S.O. 1990, c. M.56, s. 8 (2); 2002, c. 18, Sched. K, s. 14 (2).

Refusal to confirm or deny existence of record

(3) A head may refuse to confirm or deny the existence of a record to which subsection (1) or (2) applies. R.S.O. 1990, c. M.56, s. 8 (3).

Exception

(4) Despite clause (2) (a), a head shall disclose a record that is a report prepared in the course of routine inspections by an agency that is authorized to enforce and regulate compliance with a particular statute of Ontario. R.S.O. 1990, c.M.56, s.8 (4).

Idem

(5) Subsections (1) and (2) do not apply to a record on the degree of success achieved in a law enforcement program including statistical analyses unless disclosure of such a record may prejudice, interfere with or adversely affect any of the matters referred to in those subsections. R.S.O. 1990, c. M.56, s. 8 (5).”

Further, Section 14 of the Act states:

Personal privacy

14.(1) A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

(a) upon the prior written request or consent of the individual, if the record is one to which the individual is entitled to have access;

- (b) in compelling circumstances affecting the health or safety of an individual, if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;*
- (c) personal information collected and maintained specifically for the purpose of creating a record available to the general public;*
- (d) under an Act of Ontario or Canada that expressly authorizes the disclosure;*
- (e) for a research purpose if,*
 - (i) the disclosure is consistent with the conditions or reasonable expectations of disclosure under which the personal information was provided, collected or obtained,*
 - (ii) the research purpose for which the disclosure is to be made cannot be reasonably accomplished unless the information is provided in individually identifiable form, and*
 - (iii) the person who is to receive the record has agreed to comply with the conditions relating to security and confidentiality prescribed by the regulations; or*
- (f) if the disclosure does not constitute an unjustified invasion of personal privacy. R.S.O. 1990, c. M.56, s. 14 (1).*

Criteria re invasion of privacy

- (2) A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,*
- (a) the disclosure is desirable for the purpose of subjecting the activities of the institution to public scrutiny;*
 - (b) access to the personal information may promote public health and safety;*
 - (c) access to the personal information will promote informed choice in the purchase of goods and services;*
 - (d) the personal information is relevant to a fair determination of rights affecting the person who made the request;*
 - (e) the individual to whom the information relates will be exposed unfairly to pecuniary or other harm;*
 - (f) the personal information is highly sensitive;*
 - (g) the personal information is unlikely to be accurate or reliable;*
 - (h) the personal information has been supplied by the individual to whom the information relates in confidence; and*

- (i) the disclosure may unfairly damage the reputation of any person referred to in the record. R.S.O. 1990, c. M.56, s. 14 (2).

Presumed invasion of privacy

- (3) A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy if the personal information,
- (a) relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;
 - (b) was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;
 - (c) relates to eligibility for social service or welfare benefits or to the determination of benefit levels;
 - (d) relates to employment or educational history;
 - (e) was obtained on a tax return or gathered for the purpose of collecting a tax;
 - (f) describes an individual's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness;
 - (g) consists of personal recommendations or evaluations, character references or personnel evaluations; or
 - (h) indicates the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations. R.S.O. 1990, c. M.56, s. 14 (3).

Limitation

- (4) Despite subsection (3), a disclosure does not constitute an unjustified invasion of personal privacy if it,
- (a) discloses the classification, salary range and benefits, or employment responsibilities of an individual who is or was an officer or employee of an institution;
 - (b) discloses financial or other details of a contract for personal services between an individual and an institution; or
 - (c) discloses personal information about a deceased individual to the spouse or a close relative of the deceased individual, and the head is satisfied that, in the circumstances, the disclosure is desirable for compassionate reasons. R.S.O. 1990, c. M.56, s. 14 (4); 2006, c. 19, Sched. N, s. 3 (2).

Refusal to confirm or deny existence of record

(5) A head may refuse to confirm or deny the existence of a record if disclosure of the record would constitute an unjustified invasion of personal privacy. R.S.O. 1990, c. M.56, s. 14 (5)."



The Year-End Statistical Report
for the
Information and Privacy Commissioner of Ontario

**Statistical Report of
Toronto Police Service
for the Reporting Year 2022**
for
*Municipal Freedom of Information and Protection of Privacy
Act*

Section 1: Identification

1.1	Organization Name	Toronto Police Service
	Head of Institution Name & Title	Ainsworth M. Morgan / TPSB Chair
	Head of Institution E-mail Address	board@tpsb.ca
	Management Contact Name & Title	Jarrod Dore / Mgr., Information Privacy & Security
	Management Contact E-mail Address	jarrod.dore@torontopolice.on.ca
	Primary Contact Name & Title	Paul McGee / Coordinator
	Primary Contact Email Address	APS.Coordinator@torontopolice.on.ca
	Primary Contact Phone Number	4168087848
	Primary Contact Fax Number	4168087857
	Primary Contact Mailing Address 1	40 College Street
	Primary Contact Mailing Address 2	4th Floor
	Primary Contact Mailing Address 3	
	Primary Contact City	Toronto
	Primary Contact Postal Code	M5G 2J3
1.2	Your institution is:	Police Services Board

Section 2: Inconsistent Use of Personal Information

2.1	Whenever your institution uses or discloses personal information in a way that differs from the way the information is normally used or disclosed (an inconsistent use), you must attach a record or notice of the inconsistent use to the affected information.	0
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Your institution received:

- No formal written requests for access or correction
- Formal written requests for access to records
- Requests for correction of records of personal information only

Section 3: Number of Requests Received and Completed

Enter the number of requests that fall into each category.

	Personal Information	General Records
3.1 New Requests received during the reporting year	3009	1046
3.2 Total number of requests completed during the reporting year	2847	1106

Section 4: Source of Requests

Enter the number of requests you completed from each source.

	Personal Information	General Records
4.1 Individual/Public	2298	40
4.2 Individual by Agent	545	64
4.3 Business	4	216
4.4 Academic/Researcher	0	6
4.5 Association/Group	0	31
4.6 Media	0	30
4.7 Government (all levels)	0	719
4.8 Other	0	0
4.9 Total requests (Add Boxes 4.1 to 4.8 = 4.9)	2847	1106

BOX 4.9 must equal BOX 3.2

Section 5: Time to Completion

How long did your institution take to complete all requests for information? Enter the number of requests into the appropriate category. How many requests were completed in:

	Personal Information	General Records
5.1 30 days or less	2232	845
5.2 31 - 60 days	350	125
5.3 61 - 90 days	93	49
5.4 91 days or longer	172	87
5.5 Total requests (Add Boxes 5.1 to 5.4 = 5.5)	2847	1106

BOX 5.5 must equal BOX 3.2

Section 6: Compliance with the Act

In the following charts, please indicate the number of requests completed, within the statutory time limit and in excess of the statutory time limit, under each of the four different situations:

- NO notices issued;
- BOTH a Notice of Extension (s.27(1)) and a Notice to Affected Person (s.28(1)) issued;
- ONLY a Notice of Extension (s.27(1)) issued;
- ONLY a Notice to Affected Person (s.28(1)) issued.

Section 6: Compliance with the Act

Please note that the four different situations are mutually exclusive and the number of requests completed in each situation should add up to the total number of requests completed in Section 3.2.(Add Boxes 6.3 + 6.6 + 6.9 + 6.12 = BOX 6.13 and BOX 6.13 must equal BOX 3.2)

A. No Notices Issued

	Personal Information	General Records
6.1 Number of requests completed within the statutory time limit (30 days) where neither a Notice of Extension (s.20(1)) nor a Notice to Affected Person (s.21(1)) were issued.	2228	843
6.2 Number of requests completed in excess of the statutory time limit (30 days) where neither a Notice of Extension (s.20(1)) nor a Notice to Affected Person (s.21(1)) were issued.	552	244
6.3 Total requests (Add Boxes 6.1 + 6.2 = 6.3)	2780	1087

B. Both a Notice of Extension (s.27(1)) and a Notice to Affected Person (s.28(1)) Issued

	Personal Information	General Records
6.4 Number of requests completed within the time limits permitted under both the Notice of Extension (s.27(1)) and a Notice to Affected Person (s.28(1)).	2	0
6.5 Number of requests completed in excess of the time limit permitted by the Notice of Extension (s.27(1)) and the time limit permitted by the Notice to Affected Person (s.28(1)).	3	0
6.6 Total requests (Add Boxes 6.4 + 6.5 = 6.6)	5	0

C. Only a Notice of Extension (s.27(1)) Issued

	Personal Information	General Records
6.7 Number of requests completed within the time limits permitted under both the Notice of Extension (s.27(1)).	25	1
6.8 Number of requests completed in excess of the time limit permitted by the Notice of Extension (s.27(1)).	20	12
6.9 Total requests (Add Boxes 6.7 + 6.8 = 6.9)	45	13

D. Only a Notice to Affected Person (s.28(1)) Issued

	Personal Information	General Records
6.10 Number of requests completed within the time limits permitted under both the Notice to Affected Person (s.28(1)).	12	6
6.11 Number of requests completed in excess of the time limit permitted by the Notice to Affected Person (s.28(1)).	5	0
6.12 Total requests (Add Boxes 6.10 + 6.11 = 6.12)	17	6

E. Total Completed Requests (sections A to D)

	Personal Information	General Records
6.13 Total requests (Add Boxes 6.3 + 6.6 + 6.9 + 6.12 = 6.13)	2847	1106

BOX 6.13 must equal BOX 3.2

Section 6a: Contributing Factors

Please outline any factors which may have contributed to your institution not meeting the statutory time limit. If you anticipate circumstances that will improve your ability to comply with the Act in the future, please provide details in the space below.

Meeting the mandated 30-day compliance outlined in Section 19 of the Act, still continues to provide challenges.

As annually reported, this is mainly due to the complexity of the requests, volume of responsive records, type of information being requested and, for certain requests, the need to consult with various internal and external stakeholders.

As such, in an effort to enhance efficiency and workflow processes, we continue to explore ways to further automate the F.O.I. process. Also of note, a vacant Disclosures Analyst position was filled in June of 2022, along with a vacant Administrative position being filled early in January of 2023.

It is anticipated the aforementioned factors will better support our compliance with the Act.

Section 7: Disposition of Requests

What course of action was taken with each of the completed requests? Enter the number of requests into the appropriate category.

	Personal Information	General Records
7.1 All information disclosed	177	664
7.2 Information disclosed in part	1984	186
7.3 No information disclosed	518	189
7.4 No responsive records exists	129	32
7.5 Request withdrawn, abandoned or non-jurisdictional	39	35
7.6 Total requests (Add Boxes 7.1 to 7.5 = 7.6)	2847	1106

BOX 7.6 must be greater than or equal to BOX 3.2

Section 8: Exemptions & Exclusions Applied

For the Total Requests with Exemptions/Exclusions/Frivolous or Vexatious Requests, how many times did your institution apply each of the following? (More than one exemption may be applied to each request)

	Personal Information	General Records
8.1 Section 6 — Draft Bylaws, etc.	0	0
8.2 Section 7 — Advice or Recommendations	2	0
8.3 Section 8 — Law Enforcement ¹	355	36
8.4 Section 8(3) — Refusal to Confirm or Deny	1	0
8.5 Section 8.1 — Civil Remedies Act, 2001	0	0
8.6 Section 8.2 — Prohibiting Profiting from Recounting Crimes Act, 2002	0	0
8.7 Section 9 — Relations with Governments	11	1
8.8 Section 10 — Third Party Information	0	2
8.9 Section 11 — Economic/Other Interests	0	0

Section 8: Exemptions & Exclusions Applied

8.10 Section 12 — Solicitor-Client Privilege	6	2
8.11 Section 13 — Danger to Safety or Health	7	1
8.12 Section 14 — Personal Privacy (Third Party) ²	0	178
8.13 Section 14(5) — Refusal to Confirm or Deny	7	1
8.14 Section 15 — Information soon to be published	0	2
8.15 Section 20.1 Frivolous or Vexatious	3	0
8.16 Section 38 — Personal Information (Requester)	1758	0
8.17 Section 52(2) — Act Does Not Apply ¹	0	0
8.18 Section 52(3) — Labour Relations & Employment Related Records	6	1
8.19 Section 53 — Other Acts	0	0
8.20 PHIPA Section 8(1) Applies	0	0
8.21 Total Exemptions & Exclusions Add Boxes 8.1 to 8.20 = 8.21	2156	224

¹ not including Section 8(3)
² not including Section 14(5)
³ not including Section 52(3)

Section 9: Fees

Did your institution collect fees related to request for access to records?

	Personal Information	General Records	Total
9.1 Number of REQUESTS where fees other than application fees were collected	126	12	138
9.2.1 Total dollar amount of application fees collected	\$15092.20	\$5230.00	\$20322.20
9.2.2 Total dollar amount of additional fees collected	\$546.50	\$359.40	\$905.90
9.2.3 Total dollar amount of fees collected (Add Boxes 9.2.1 + 9.2.2 = 9.2.3)	\$15638.70	\$5589.40	\$21228.10
9.3 Total dollar amount of fees waived	\$3534.80	\$494.60	\$4029.40

Section 10: Reasons for Additional Fee Collection

Enter the number of REQUESTS for which your institution collected fees other than application fees that apply to each category.

	Personal Information	General Records	Total
10.1 Search time	0	0	0
10.2 Reproduction	0	0	0
10.3 Preparation	0	0	0
10.4 Shipping	0	0	0
10.5 Computer costs	0	0	0
10.6 Invoice costs (and other as permitted by regulation)	0	0	0
10.7 Total (Add Boxes 10.1 to 10.6 = 10.7)	0	0	0

Section 11: Correction and Statements of Disagreement

Did your institution receive any requests to correct personal information?

- 11.1 Number of correction requests received
- 11.2 Correction requests carried forward from the previous year
- 11.3 Correction requests carried over to next year
- 11.4 Total Corrections Completed $[(11.1 + 11.2) - 11.3 = 11.4]$

Personal Information

5
2
1
6

BOX 11.4 must equal BOX 11.9

What course of action did your institution take regarding the requests that were received to correct personal information?

- 11.5 Correction(s) made in whole
- 11.6 Correction(s) made in part
- 11.7 Correction refused
- 11.8 Correction requests withdrawn by requester
- 11.9 Total requests (Add Boxes 11.5 to 11.8 = 11.9)

Personal Information

3
1
0
2
6

BOX 11.9 must equal BOX 11.4

In cases where correction requests were denied, in part or in full, were any statements of disagreement attached to the affected personal information?

- 11.10 Number of statements of disagreement attached:

Personal Information

2

If your institution received any requests to correct personal information, the Act requires that you send any person(s) or body who had access to the information in the previous year notification of either the correction or the statement of disagreement. Enter the number of notifications sent, if applicable.

- 11.11 Number of notifications sent:

Personal Information

0

Note:

This report is for your records only and should not be faxed or mailed to the Information and Privacy Commissioner of Ontario in lieu of online submission. Faxed or mailed copies of this report will NOT be accepted. Please submit your report online at: <https://statistics.ipc.on.ca>.

Thank You for your cooperation!

Declaration:

I, Jarrod Dore / Mgr., Information Privacy & Security, confirm that all the information provided in this report, furnished by me to the Information and Privacy Commissioner of Ontario, is true, accurate and complete in all respects.

Signature

Date



PUBLIC REPORT

January 17, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw
Chief of Police

Subject: Contract Award to Olin Canada ULC for Ammunition

Purpose: Information Purposes Only Seeking Decision

Recommendation(s):

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

1. approve a contract award to Olin Canada ULC (Olin, operating as Winchester Ammunition) for ammunition in the amount of \$1,845,300; 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 2023 Board approved budget for ammunition is \$1,595,300. (Min. No. P2023-0109-2.2). Due to supply chain disruptions and high price fluctuations, a provisional amount of \$250,000 has also been included, increasing the contract value to \$1,845,300. This provisional amount is to fulfil additional requirements to support training as well as cost increases and is subject to operational requirements and the availability of funding.

Summary:

The purpose of this report is to request approval for a non-competitive purchase from Olin Canada to meet 2023 ammunition requirements. Unsuccessful attempts to procure these goods competitively were made in 2022 through a joint procurement process by the Police Cooperative Purchasing Group (P.C.P.G.). The time taken on these unsuccessful purchasing attempts has now put the Service's inventory levels required for training at risk. The current ammunition market conditions consisting of long delivery lead times, supply chain disruptions and suppliers not wanting to commit to pricing beyond 30-60 days, has necessitated this non-competitive purchase.

Background

Current Situation

The purchase of ammunition is required in order for the Service to meet mandatory training requirements and for legislatively mandated operational purposes. The Toronto Police College (T.P.C.) is responsible for maintaining inventory and purchasing ammunition on behalf of the Toronto Police Service (T.P.S.). The T.P.C. generally maintains enough ammunition inventory to sustain training and operational and training demands for the current year.

The T.P.S., like all policing agencies in Ontario, have been experiencing supply issues with ammunition throughout the pandemic. Prior to the pandemic, T.P.S. and other agencies would typically receive delivery of ammunition within 60-90 days of ordering. Over the past two years, the T.P.S. has encountered supply chain issues that have severely impacted timely delivery of ammunition. For example, T.P.S. is still awaiting the delivery of an ammunition order from early 2022, with a 10-month delay in order fulfillment. As a result, it is critical for T.P.S. to "get in the queue" with ammunition manufacturers well in advance of required delivery dates. Acknowledging these current delivery challenges, T.P.S. has started to order ammunition a year in advance to ensure delivery by the required dates in order to avoid any interruption in training / requalification.

To provide some perspective with regards to usage:

- In Service Training generally consist of a class of 90 sworn members. The members spend three days at T.P.C. each year to requalify on all Use of Force implements, including firearms. During this training a total of approximately 10,000 rounds of ammunition will be discharged over the three day period;
 - The 3 days of IST consist of:
 - Day 1 is in class training consisting of Equity and Inclusion Training
 - Day 2 and 3 is firearms requalification and maintenance, scenario based Use of Force options and Conductive Energy Weapon requalification
- Further, the T.P.S. recruit development program will have each Cadet Discharge approximately 3,500 rounds over the eleven-week training program to meet

T.P.S. standards. This translates to a minimum of 320,000 rounds used for each intake of 120 recruits.

Typically, the Toronto Police Service (T.P.S.) has purchased ammunition through a joint procurement process by the Police Cooperative Purchasing Group (P.C.P.G.).

Due to price variations and availability constraints in material, vendors in this industry prefer shorter-term contracts. The Ontario Provincial Police (O.P.P.) was the lead agency to cover purchases up until December 31, 2019. T.P.S. was the lead agency to cover purchases for the period January 1, 2020 to December 31, 2021. The O.P.P. took the lead to conduct a procurement process for 2022 and 2023 needs.

In December 2020, the O.P.P. initiated a procurement process to establish a new contract for ammunition starting January 1, 2022 by posting a Request for Bids (R.F.B.) # 1335 through an open competitive procurement process on the Ontario Tenders Portal (O.T.P.). The R.F.B. closed on May 31, 2021, and two bids were received, both of which were disqualified due to mandatory requirements not having been submitted.

The O.P.P. then (re-)posted the R.F.B. # 1523 on August 12, 2021, which closed on October 29, 2021. Two bids were received and the O.P.P. cancelled the procurement because the bidders refused to extend the irrevocable period and hold their submitted pricing for the entire contract term. The two bidders were contacted to ask why they were not willing to hold their pricing for the entire contract term, and both bidders cited supply chain disruptions and price fluctuations from their suppliers. On November 16, 2022, the O.P.P. communicated the cancellation of the procurement for ammunition through the P.C.P.G. website.

As a result of the above, the P.C.P.G. contract for ammunition expired on December 31, 2021, without a replacement contract having been established.

The O.P.P. has indicated that they plan to re-issue an R.F.B. for ammunition in late 2023, in the hopes that market conditions have changed and suppliers are willing to hold their pricing for the duration of the contract.

In the meantime, it is critical for ammunition to be purchased through other means to ensure training is not interrupted.

Subsequent communication with P.C.P.G. members has indicated that each police services is purchasing ammunition separately through non-competitive purchasing processes until such time as the O.P.P. is able to establish a new contract for P.C.P.G. through a competitive purchasing process.

Due to supply chain and procurement disruptions as well as long delivery timelines, it is critical to order ammunition at least one-year ahead. In recent years in an effort to conserve ammunition the T.P.C. has stopped delivering structured range practice and has adjusted the delivery of all firearms courses.

Relevant Board Policies and Compliance

Procurement Implications

The Board's Purchasing Bylaw includes the following allowable non-competitive procurement exception: *"15.1(h) An attempt to procure the required Goods or Services by soliciting competitive submissions has been made in good faith, but has failed to identify a compliant submission or qualified supplier, or where the submissions received have been collusive"*.

On December 16, 2022, T.P.S. issued a purchase order to Olin for \$481,800 for ammunition for 1.4 million rounds of 40 calibre training ammunition, thus securing our place in "the queue" for initial requirements utilizing funds in the 2023 budget. Olin was selected because they have been one of the vendors of record under recent P.C.P.G. contracts, and historically the primary vendor of record for the types of ammunition that T.P.S. purchases.

The estimated 2023 cost of the additional types and quantities of ammunition to support the training and development of our members is \$1,113,500. The total combined cost of the two related procurements from Olin is \$1,595,300. Due to supply chain disruptions and price fluctuations, a provisional amount of \$250,000 has also been included for future orders, increasing the contract value to \$1,845,300. This is to fulfil additional requirements to support training as well as cost increases and is subject to operational requirements and the availability of funding.

If the Board does not approve this purchase there is a possibility that the Service could run out of ammunition, which would have an impact on the delivery of recruit training and front line use of force re-qualifications.

In the last couple of years two neighbouring police jurisdictions experienced delayed delivery of ammunition such that both Services reached out to the T.P.C. requesting ammunition supplies in order to maintain their own training and operational sustainability due to ammunition shortages. When other Services borrow ammunition from the T.P.S., they return the ammunition when their delivery has been received. The Service would be required to do the same if ammunition supply is depleted before delivery of new supply is received. Therefore, this purchase is considered urgent and operationally critical.

Conclusion:

For the reasons outlined above, it is recommended that the Board approve a contract award for ammunition to Olin \$1,845,300.

Ms. Svina Dhaliwal, Interim Chief Administrative Officer, will be in attendance to answer any questions the Board may have regarding this report.

Respectfully submitted,

Myron Demkiw, M.O.M.

Chief of Police

*copy with original signature on file at Board Office



PUBLIC REPORT

January 26, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw
Chief of Police

**Subject: Contract Extensions and Increases - Esri Canada Ltd. -
Enterprise Licence Agreement and Master Services
Agreement**

Purpose: Information Purposes Only Seeking Decision

Recommendation(s):

This report recommends that the Toronto Police Services Board (Board):

1. approve a three year contract extension and increase with Esri Canada Ltd. (Esri) of the Enterprise License Agreement (E.L.A.) for Geographic Information Systems (G.I.S.) technology, from April 1, 2023 to March 31, 2026, at an estimated cost of \$1.081 million (M) excluding taxes;
2. approve a three year contract extension and increase with Esri of the Master Services Agreement (M.S.A.), from April 1, 2023 to March 31, 2026 at an estimated cost not to exceed \$200,000 excluding taxes in any year; and
3. 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:

Since entering into the E.L.A. with Esri in November 2013 the spend to date is approximately \$2,031,600, and since entering into the M.S.A. in September 2014 the spend to date is approximately \$529,000.

The estimated cost of licencing for 2023 is \$349,200, which will be funded from the 2023 Board approved operating budget (Min. No. P2023-0109-2.2). The estimated costs for licencing for 2024 and 2025 is \$361,500 and \$370,700 respectively, which will be included in the operating budget request for the respective years. The total operating budget impact is estimated to be \$1,081,300 over the three year extension period.

Professional services from Esri may be required from time to time for any required configuration, verification, integration, and regular reviews to ensure the optimal use of G.I.S. technology. The cost of these services is in addition to the licensing cost. The amount that will be expended on professional services cannot be estimated at this time, but are not expected to exceed \$200,000 in any given year. Expenditures for these services in 2023 will be funded from the 2023 Board approved operating budget (Min. No. P2023-0109-2.2), and expenditures for 2024 and 2025 will be included in the operating budget requests for the respective years.

Summary:

The contract terms for the current E.L.A. & M.S.A. agreements with Esri will end on March 31, 2023. The purpose of this report is to request the Board's approval to

- approve a three year contract extension and increase of the E.L.A., from April 1, 2023 to March 31, 2026, at an estimated cost of \$1.081 million (M) excluding taxes; and
- approve a three year contract extension and increase of the M.S.A., from April 1, 2023 to March 31, 2026, at an estimated cost not to exceed \$200,000 excluding taxes in any year.

Discussion

Background:

In November 2013, the Toronto Police Service (Service) entered into a three year non-competitive agreement with Esri for an E.L.A. for the use of their G.I.S. suite of tools that included: mobile applications, the online Public Safety Data Portal, web maps, operations dashboards, desktop mapping, server applications and extensions for geographic analysis. In September 2014 Board approval was received to enter into a M.S.A. with Esri for professional services to ensure the G.I.S. system was delivering the highest level of performance (Min. No. P226). Both the E.L.A. and M.S.A. were extended for a three year

term in April 2017 (Min. No. P36 refers) and subsequently for another three years in 2020 (Min. No. P58 refers).

Since 2013, the Esri products have become the Service's standard application for G.I.S. capabilities using these tools to access real-time data, analysis and geographic-based information to support operational and strategic planning. The technology and services provided by Esri are aligned with current and anticipated needs for modernization, and the continued provision of their services for configuration, verification and review are imperative to fulfilling the Service's goals.

The Service has made a strategic investment in G.I.S. technology and related training in order to fully leverage its data and utilize geographic analysis that supports operational decision-making and modernization initiatives.

The Board and the Service understand the strategic value of information and evidence-based insight for all members of the organization and the public. The G.I.S. technology provided by Esri is foundational for public safety operations and management support including:

- The development of operational and strategic planning based on neighbourhoods, wards, and divisional boundaries within the City of Toronto (City);
- Accessibility of map-based information for members of the public and community partners;
- Ability to enable implementation of recommendations and policies that involve data-analytics;
- Development of demand and workload modelling to optimize resources;
- Access to real time geographic information and location-based alerts through Digital Officer devices, Bail Compliance Dashboard and Pushpin; and
- Data sharing, alignment and opportunity realization with the City and other partners.

The Service is also committed to the continued development and enhancement of Service-wide G.I.S. functionality, including mobile / desktop applications such as the Bail Compliance Dashboard, Interactive Crime Map, Calls for Service, and Situational Awareness related applications.

Esri is the industry leader and sole distributor of Esri software for this suite of products for use in law enforcement. Non-approval of this contract extension would result in rework and/or total loss of applications and tools such as the Bail Compliance Dashboard and the Public Safety Data Portal. Moreover, without the Esri software there would be a lack of information integration that would cause greater cost and effort to build and maintain in a piecemeal manner.

Relevant Board Policies and Compliance

The Board's Bylaw No. 163, Purchasing By-law, Section 15.1 includes the following allowable non-competitive procurement exceptions:

“(c) The existence of exclusive rights such as a patent, copyright, license or warranty restrictions;

...

(f) Additional purchases from a vendor of Goods or Services that were not included in the original procurement, when a change cannot be made for economic or technical reasons without causing significant inconvenience or substantial duplication of costs to the Service.”

Conclusion:

For the reasons outlined above, it is recommended that the Board approve

- a three year contract extension and increase of the E.L.A., from April 1, 2023 to March 31, 2026, at an estimated cost of \$1.081 million (M) excluding taxes; and
- a three year contract extension and increase of the M.S.A., from April 1, 2023 to March 31, 2026 at an estimated cost not to exceed \$200,000 excluding taxes in any year.

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

Respectfully submitted,

Myron Demkiw, M.O.M.
Chief of Police



PUBLIC REPORT

January 31, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw
Chief of Police

Subject: Contract Award for Online Police Reference Checks

Purpose: Information Purposes Only Seeking Decision

Recommendations:

This report recommends that the Toronto Police Services Board (Board):

- 1) approve a contract award to Forrest Green Solutions Ltd. as the Vendor of Record (V.O.R.) for Online Police Reference Checks for an initial contract term of five years from March 6, 2023 to February 29, 2028, plus five one-year option periods;
- 2) approve adding the vendor's fee of \$5.95 (excluding HST) to the fees charged to the public for police reference checks and other police documents;
- 3) approve increasing the vendor's fee to \$7.50 (excluding HST) during the five one-year option periods;
- 4) authorize the Chief of Police to exercise the additional five one-year options subject to satisfactory vendor performance and other considerations; and,
- 5) 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:

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

Summary:

In accordance with the Police Record Checks Reform Act (P.R.C.R.A.), the Royal Canadian Mounted Police (R.C.M.P.) Ministerial Directive and the R.C.M.P.'s Dissemination of Criminal Record Information policy, the Toronto Police Service (Service) has a requirement to perform police reference checks in relation to applications received from members of the public and is currently responsible for primarily processing three types of checks: Criminal Record Checks (Level One), Criminal Record and Judicial Matters Checks (Level Two) and Vulnerable Sector Screenings (Level Three).

There has been a significant increase in the number of police reference checks received over the years. In the 1980s, the Service received a few thousand reference check applications per year, whereas in recent years, the Service receives in excess of 130,000 applications annually. The cost recovery generated from these checks is approximately \$4.5 million annually, with Vulnerable Sector Screening checks accounting for approximately 78% of this total.

Currently, these reference check requests require an in-person visit to Toronto Police Headquarters in downtown Toronto, and high demand is creating long timelines to fulfil the request. In addition, the Toronto Police Service is one of the only police services that does not offer the opportunity to apply online.

The organization's current business practices in relation to reference checks are outdated and rely heavily on manual, paper, and labour-intensive processes. While an in-house online process currently exists for Level One and Level Two checks, it is limited in its functionality. Maintaining our current antiquated process does not reflect well on the organization's ability to modernize or provide solutions that make it easier for the public to access our services.

Utilizing an external vendor to provide a comprehensive online solution to facilitate a completely integrated electronic process for all three levels of police reference checks is an efficient and cost-effective way of significantly enhancing current business practices and will result in the following:

- Streamlined business processes resulting in improved efficiencies/productivity;
- Reduced processing time and costs;
- Increased transparency into the police reference check process through online tracking mechanisms;
- Reduced in-person applications; and
- Improved public experience/customer satisfaction.

Discussion:

Background

To meet the above-mentioned requirements, the Service's Purchasing Services unit issued a Request for Proposal (R.F.P. # 1360105-21) in 2021 with respect to a police reference checks solution. The purpose of this report is to obtain Board approval for a contract award to Forrest Green Solutions Ltd. as the V.O.R. for a cloud based online solution for all three types of police reference checks.

Procurement Process:

The R.F.P. was posted on October 27, 2021, and closed on December 20, 2021. 42 proponents downloaded the document and three submissions were received upon closing.

An evaluation committee was established to evaluate the submissions and Purchasing Services facilitated and provided oversight of the procurement process. Proposals were evaluated based on the weighted evaluation criteria included in the R.F.P.

The evaluation process consisted of five stages. The purpose and outcome of each stage are summarized below.

Stage 1 of the process was an evaluation to assess the mandatory requirements listed in the R.F.P. using a pass/fail grade as outlined in the R.F.P. All three proponents passed the mandatory requirements and moved on to the next stage.

Stage 2 of the process was an evaluation of the rated business requirements. All three proponents scored above the 75% acceptable scoring threshold and moved on to the next stage.

Stage 3 required proponents to demonstrate their solution, including an overview of the project approach, tools and functionality. All proponents presented their solution to the evaluation team comprised of four evaluators from Information Technology Services (I.T.S.) and other Service business units. Following an evaluator's consensus meeting, two vendors moved on to the next stage.

Stage 4 of the process was an evaluation to confirm if the proposed solutions met cloud security requirements. Both proponents scored above the 75% acceptable scoring threshold and moved on to the next stage.

Stage 5 was an evaluation of the proponents' pricing. The proponent with the lowest total fees would receive full points. All other proponents would receive a score that is proportional to the extent by which they exceed the lowest total fee proposed (i.e. if a proponent submitted a fee that was double the fee of the lowest priced proponent's fee, they would receive half of the available points for price).

Forrest Green Solutions Ltd. was the highest scored proponent and is recommended for award.

Vendor Fees:

The vendor will charge a fee of \$5.95 (plus HST) to the public for the use of its solution in submitting police reference check applications for the duration of the initial five-year contract term, with the fee increasing to \$7.50 (plus HST) for the duration of the five one-year option periods. Vendor fees will not be applied to Level One and Level Two checks for volunteers.

The vendor’s online solution includes Electronic Identity Verification (E.I.V.). For the public’s convenience and to streamline business practices, it is recommended that the fee charged by the vendor be added to the fees currently charged by the Service for police record checks. This would be clearly articulated to members of the public on the Service’s website. This will mean that the public will no longer be required to incur costs associated with posting or paying by money order or certified cheque, and will no longer need to attend in person to confirm identity and pick up police reference check responses.

Provided below in Tables 1 and 2 are the fees presently charged by the Service for the three types of police reference checks along with the proposed addition of the vendor’s fee. It is also recommended that the vendor’s fee be added to any Service fees charged for production of documents other than the three types of police reference checks mentioned in this report if the use of this solution is expanded to accommodate other functionalities.

TABLE 1: CURRENT FEES AND PROPOSED FEES TO BE CHARGED BY THE SERVICE FOR POLICE REFERENCE CHECKS INCLUSIVE OF VENDOR’S FEE FOR THE INITIAL CONTRACT TERM

COUNCIL APPROVAL 2nd QUARTER 2023

SERVICE	CURRENT FEE * (HST EXEMPT)	PROPOSED FEE		
		VENDOR’S FEE	HST (ON VENDOR’S FEE ONLY)	TOTAL (INCLUDING HST)
Criminal Record Check - Employment	\$20.00	\$5.95	\$0.77	\$26.72
Criminal Record Check – Volunteer (with Letter of Volunteer)	FREE	FREE	FREE	FREE
Criminal Record and Judicial Matters Check - Employment	\$20.00	\$5.95	\$0.77	\$26.72

Criminal Record and Judicial Matters Check – Volunteer (with Letter of Volunteer)	FREE	FREE	FREE	FREE
Vulnerable Sector Screening – Employment	\$65.00	\$5.95	\$0.77	\$71.72
Vulnerable Sector Screening – Employment (Expedited – 72 Business Hours)	\$110.00	\$5.95	\$0.77	\$116.72
Vulnerable Sector Screening – Volunteer	\$20.00	\$5.95	\$0.77	\$26.72
Vulnerable Sector Screening – Volunteer (Expedited – 72 Business Hours)	\$65.00	\$5.95	\$0.77	\$71.72

* Service fees charged are HST Exempt (HST applied to vendor's fee only)

TABLE 2: CURRENT FEES AND PROPOSED FEES TO BE CHARGED BY THE SERVICE FOR POLICE REFERENCE CHECKS INCLUSIVE OF VENDOR'S FEE FOR THE FIVE ONE-YEAR OPTION PERIODS MARCH 1, 2028 TO FEBRUARY 28, 2033

SERVICE	CURRENT FEE * (HST EXEMPT)	PROPOSED FEE		
		VENDOR'S FEE	HST (ON VENDOR'S FEE ONLY)	TOTAL (INCLUDING HST)
Criminal Record Check - Employment	\$20.00	\$7.50	\$0.98	\$28.48
Criminal Record Check – Volunteer (with Letter of Volunteer)	FREE	FREE	FREE	FREE

Criminal Record and Judicial Matters Check - Employment	\$20.00	\$7.50	\$0.98	\$28.48
Criminal Record and Judicial Matters Check – Volunteer (with Letter of Volunteer)	FREE	FREE	FREE	FREE
Vulnerable Sector Screening – Employment	\$65.00	\$7.50	\$0.98	\$73.48
Vulnerable Sector Screening – Employment (Expedited – 72 Business Hours)	\$110.00	\$7.50	\$0.98	\$118.48
Vulnerable Sector Screening – Volunteer	\$20.00	\$7.50	\$0.98	\$28.48
Vulnerable Sector Screening – Volunteer (Expedited – 72 Business Hours)	\$65.00	\$7.50	\$0.98	\$73.48

* Service fees charged are HST Exempt (HST applied to vendor's fee only)

A jurisdictional scan suggests the revised fees proposed above are comparable to fees charged by other police services.

Relevant Board Policies and Compliance

- Vulnerable Sector Screening Program - Police Reference Check Program (and legislation referred to therein)
- *Police Record Checks Reform Act (Act)*

Equity Analysis

As the provision of this service will negate the need for community members to come to headquarters (transportation fees, time and effort, fitting into our hours, etc.) the equity impact on the whole will be positive. This service will be more accessible by providing the option for the public to apply where they live, rather than forcing them to come to Headquarters.

Conclusion:

For the reasons outlined above, we recommend that the Board approve a contract award to Forrest Green Solutions Ltd. for Online Police Reference Checks for an initial contract term of five years from March 6, 2023 to February 29, 2028, plus five one-year option periods, with the associated vendor fees.

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

Respectfully submitted,

Myron Demkiw, M.O.M.
Chief of Police



PUBLIC REPORT

February 1, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw
Chief of Police

**Subject: Contract Extension & Increase for Police Vehicle Lights,
Sirens and Weapon Mounts**

Purpose: Information Purposes Only Seeking Decision

Recommendations:

This report recommends that the Toronto Police Services Board approve an extension of the contract with D&R Electronics (D&R) for the supply of police vehicle lights, sirens, weapon mounts and brackets for the period of March 3, 2023 to December 31, 2025, and an increase in the contract value from \$1.5 million (M) to \$2.0M.

Financial Implications:

The Toronto Police Service (Service) replaces approximately 90 front-line scout vehicles annually, and outfits the vehicles with emergency equipment, including lights, sirens and weapon mounts.

The Service has incurred a total cost of \$1.42M for this contract, since it was first awarded on March 17, 2016 and was extended on August 23, 2018.

The estimated cost of police vehicle lights, sirens, weapon mounts and brackets for 2023 is \$150,000 (excluding taxes) and is funded from the 2023 Board approved operating budget. The estimated cost for these items in 2024 and 2025 is \$389,000 combined, which will be included in the operating budget request for the respective years. The total funding requirement is estimated at \$539,000 for the duration of contract.

Summary:

The purpose of this report is to request approval for an extension and increase to the contract with D&R to continue supplying police vehicle lights, sirens, weapon mounts and brackets required in the Service's vehicles from January 1, 2023 to December 31, 2025.

Discussion:

Background

Operationalizing a vehicle for police purposes requires mounting and installing a number of items including mobile workstations, in-car camera systems, printers, additional power supply, lights, brackets, weapon mounts etc.

At its meeting on March 17, 2016, the Board approved a contract award to D&R Electronics as the non-competitive Vendor of Record (V.O.R.) for the supply and delivery of mobile workstation mounting hardware and power supply systems for the period of March 1, 2016 to January 31, 2019 (Min. No. P53/16 refers).

Subsequently, at its meeting on August 23, 2018, the Board approved an extension of this contract to January 31, 2020 (Min. No. P168/18 refers). The Chief Administrative Officer approved a further extension of the contract to February 28, 2021, according to its authority in the Purchasing Bylaw, to maintain operational continuity.

In October 2020, the Board approved the following related competitive contract awards:

- Kerr Industries for vehicle installation services for the period October 1, 2020 to September 30, 2025 (Min. No. P165/20 refers); and
- Mega-Technical Holdings for the supply of Havis mounting equipment for the period October 23, 2020 to October 22, 2025 (including option periods, Min. No. P166/20 refers).

These awards, however, did not include the supply of specific weapon mounts/brackets as well as police vehicle lights and sirens. There are a few customized items that only D&R could provide, such as: RDS17AS light and siren control boxes; C8 weapon mounts and sirens. As a result, at its meeting on February 25, 2021, the Board approved an extension of the contract with D&R to December 31, 2022, and the expansion of the contract to include police vehicle lights, sirens, weapon mounts and brackets (Min. No. P2021-0225-7.0 refers).

D&R continues to be the only vendor who can provide the RDS17AS light and siren control boxes; C8 weapon mounts; and sirens. Non-approval of this contract extension would result in lifecycle maintenance issues with Service vehicles and risk that they cannot be placed into operation.

Relevant Board Policy and Compliance

Board By-Law No. 163, Purchasing Bylaw, Section 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:

- (a) A statutory or market-based monopoly or scarcity of supply in the market;
- (b) An absence of competition in the market.

Conclusion:

It is therefore recommended that the Board approve a contract extension with D&R for police vehicle lights, sirens, weapon mounts and brackets for the period January 1, 2023 to December 31, 2025, and an increase in the contract value by \$539,000 to \$2.0M.

Ms. Svina Dhaliwal, Interim Chief Administrative Officer will be in attendance to answer any questions the Board may have regarding this report.

Respectfully submitted,

Myron Demkiw, M.O.M.
Chief of Police

*copy with original signature on file at Board Office



PUBLIC REPORT

February 15, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw
Chief of Police

**Subject: Special Constable Appointments and Re-Appointments –
March 2023**

Purpose: Information Purposes Only Seeking Decision

Recommendation(s):

This report recommends that the Toronto Police Services Board (Board) approve the agency-initiated appointment and re-appointment requests for the individuals listed in this report as special constables for the Toronto Community Housing Corporation (T.C.H.C.), Toronto Transit Commission (T.T.C), and the City of Toronto Traffic Agents (C.T.A.) subject to the approval of the Ministry of the Solicitor General (Ministry).

Financial Implications:

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

Summary:

The purpose of this report is to seek the Board's approval for the agency requested appointment(s) and re-appointment(s) of special constables for T.C.H.C., T.T.C., and C.T.A.

Discussion:

Background

Relevant Board Policies and Compliance

Under Section 53 of the *Police Services Act*, the Board is authorized to appoint and re-appoint special constables, subject to the approval of the Ministry. Pursuant to this authority, the Board has agreements with T.C.H.C., T.T.C., and C.T.A governing the administration of special constables (Min. Nos.P153/02; P289/13; P158/19 refer).

The Service received requests from T.C.H.C., T.T.C., and C.T.A. to appoint the following individuals as special constables (Appendix 'A' refers):

Table 1 Name of Agency and Special Constable Applicant

Agency	Name	Status Requested	Current Expiry Date
T.C.H.C.	Christopher James BAKER	Re-Appointment	June 7, 2023
T.C.H.C.	Dongjin KIM	Re-Appointment	June 3, 2023
T.T.C.	Sohail ASIFI	Appointment	N/A
T.T.C.	Toni-Ann CAMPBELL	Appointment	N/A
T.T.C.	Tomasz GERECH	Appointment	N/A
T.T.C.	George JULIUS	Appointment	N/A
T.T.C.	Ian David KOSHER	Appointment	N/A
T.T.C.	Octavian MALCOLM	Appointment	N/A
T.T.C.	Kamil PAWLOWSKI	Appointment	N/A
T.T.C.	Shiv PUA	Appointment	N/A
T.T.C.	Jason RAMDEO	Appointment	N/A
C.T.A.	Ariyo Dada AJAYI	Appointment	N/A
C.T.A.	Mary Christine ANDERSON	Appointment	N/A

Agency	Name	Status Requested	Current Expiry Date
C.T.A.	Dwayne Deverow Joseph BARRETT	Appointment	N/A
C.T.A.	Liang Hui CHEN	Appointment	N/A
C.T.A.	Eric CHEUNG	Appointment	N/A
C.T.A.	Omid DAWOUD	Appointment	N/A
C.T.A.	James Dylan Quimpo KRAFT	Appointment	N/A
C.T.A.	Omar MAHMOOD	Appointment	N/A
C.T.A.	Tichaona Matthew MOMBAYARARA	Appointment	N/A
C.T.A.	Andres David MORENO	Appointment	N/A
C.T.A.	Krishna VASANTHAKUMARAN	Appointment	N/A

Special constables are appointed to enforce the *Criminal Code* and certain sections of the *Controlled Drugs and Substances Act*, *Trespass to Property Act*, *Liquor Licence & Control Act* and *Mental Health Act* on their respective properties within the City of Toronto.

City Traffic Agents are appointed to conduct traffic direction under select sections of the *Highway Traffic Act* within the City of Toronto, but do not possess enforcement authorities.

The agreements between the Board and each agency require that background investigations be conducted on all individuals who are being recommended for appointment and re-appointment as special constables. The Service's Talent Acquisition Unit completed background investigations on these individuals, of which the agencies are satisfied with the results. Re-appointments have been employed by their agency for at least one 5-year term, and as such, they are satisfied that the members have satisfactorily carried out their duties and, from their perspective, there is nothing that precludes re-appointment.

The agencies have advised the Service that the above individuals satisfy all of the appointment criteria as set out in their agreements with the Board. The T.C.H.C., T.T.C., and C.T.A approved and current complements are indicated below:

Table 2 Name of Agency, Approved Complement and Current Complement of Special Constables

Agency	Approved Complement	Current Complement
T.C.H.C.	300	168
T.T.C.	145*	96
C.T.A.	34*	4

* Compliment approved by Toronto City Council.

Conclusion:

The Service continues to work together in partnership with the T.C.H.C., T.T.C., and C.T.A., to identify individuals to be appointed and re-appointed as special constables who will contribute positively to the safety and well-being of persons engaged in activities on their respective properties within the City of Toronto.

Acting Deputy Chief Pauline Gray, Specialized Operations Command, will be in attendance to answer any questions that the Board may have with respect to this report.

Respectfully submitted,

Myron Demkiw, M.O.M.
Chief of Police

*copy with original signature on file at Board Office

Attachments:

1. TCHC, TTC and CTA Request Letters

Toronto Community
Housing Corporation
931 Yonge Street
Toronto, ON
M4W 2H2



January 4, 2023

Special Constable Liaison Office
40 College Street
Toronto, Ontario
M5G 2J3

DELIVERED VIA ELECTRONIC MAIL

Re: Request for Toronto Police Services Board Approval for Appointment of Special Constables

In accordance with the terms and conditions set out in the Memorandum of Understanding between the Toronto Police Services Board and Toronto Community Housing, the Board is authorized to appoint special constables, subject to the approval of the Ministry of the Solicitor General.

The following individuals are fully trained, meeting all Ministry requirements, and have shown they possess the required skills and ability to perform at the level required to be a special constable. Both new appointments and re-appointments have undergone a background check, conducted by the Toronto Police Service, and we are satisfied with the results of those checks. Re-appointments have been employed by Toronto Community Housing for at least one 5-year term, and as such, we are satisfied that the members have satisfactorily carried out their duties and, from our perspective, there is nothing that precludes reappointment.

Name	Type	Current Term Expiry
Christopher BAKER	Re-Appointment	6/7/2023
Dongjin KIM	Re-Appointment	6/3/2023

It is requested that the Board approve this submission and forward the applicants to the Ministry of the Solicitor General for appointment of a five-year term.

Should you require any further information, please contact Kristina Seefeldt, Specialist-Compliance, Training & Quality Assurance at 416-268-8365.

Respectfully,



Allan Britton, Badge #31194
Acting Senior Director/Acting Chief Special Constable
Community Safety Unit

Toronto Community Housing
931 Yonge St, Toronto, ON M4W 2H2
T: 416 981-4116
torontohousing.ca



February 14th, 2023
 Sergeant Q. Yang
 Public Safety Operations
 Special Constable Liaison Office
 40 College Street, Toronto, Ontario, MSG 2J3

Sergeant Yang,

Request for Toronto Police Services Board Approval for Appointments of Special Constables for Member of the Toronto Transit Commission:

In accordance with the terms and conditions set out in the Memorandum of Understanding between the Toronto Police Services Board and the Toronto Transit Commission, the Board is authorized to appoint Special Constables, subject to the approval of the Ministry of the Solicitor General.

The following individuals are fully trained, meeting all Ministry requirements, and have shown they possess the required skills and ability to perform at the level required to be a Special Constable. Both new appointments and re-appointments have undergone a background check, conducted by the Toronto Police Service, and we are satisfied with the results of those checks. Re-appointments have been employed by the Toronto Transit Commission for at least one, five-year term, and as such, we are satisfied that the members have satisfactorily carried out their duties and, from our perspective, there is nothing that precludes reappointment.

Name	Type	Current Term Expiry
Sohail ASIFI	New Appointment	N/A
Toni-Ann CAMPBELL	New Appointment	N/A
Tomasz GERECH	New Appointment	N/A
George JULIUS	New Appointment	N/A
Ian KOSHER	New Appointment	N/A
Octavian MALCOLM	New Appointment	N/A
Kamil PAWLOWSKI	New Appointment	N/A
Shiv PUA	New Appointment	N/A
Jason Ramdeo	New Appointment	N/A

It is requested that the Board approve this submission and forward the applicants to the Ministry of the Solicitor General for appointment of a five-year term.

Should you require any further information, please contact James Bingham, Staff Sergeant (Acting), Training, Recruitment and Logistical Support at 416-333-0818

Regards,


 Trevor Timbrell
 Head (Acting), Special Constable Service

Jon Burnside, Chair
 Joanne De Laurentis, Vice-Chair
 Richard J. Leary, Chief Executive Officer

Paul Ainslie, Commissioner
 Stephen Holyday, Commissioner
 Fenton Jagdeo, Commissioner
 Ron Lalonde, Commissioner

Nick Mantas, Commissioner
 Chris Moise, Commissioner
 Julie Osborne, Commissioner

Transportation Services
Barbara Gray, General Manager

Reply to: Theodoros Malkos
Program Manager
Traffic Management
Active Traffic Management
703 Don Mills Road, 5th Floor
Toronto, Ontario, M3C 3N3
Tel: 437-855-3200
Email: ted.malkos@toronto.ca

February 15 2023

Sgt. Qian Yang
Special Constable Liaison Office
40 College St.
Toronto, ON M5G 2J3

Dear Sgt. Yang:

Re: Request for Toronto Police Services Board Approval for Appointment of Special Constable

In accordance with the terms and conditions set out in the Memorandum of Understanding between the Toronto Police Services Board and THE CITY OF TORONTO, the Board is authorized to appoint special constables, subject to the approval of the Ministry of the Solicitor General. The following individuals are fully trained, meeting all Ministry requirements, and have shown they possess the required skills and ability to perform at the level required to be a special constable. Both new appointments and re-appointments have undergone a background check, conducted by the Toronto Police Service, and we are satisfied with the results of those checks. Re-appointments have been employed by THE CITY OF TORONTO for at least one 5-year term, and as such, we are satisfied that the members have satisfactorily carried out their duties and, from our perspective, there is nothing that precludes reappointment.

Name	Type	Current Term Expiry
Ariyo Ajayi	New Appointment	N/A
Mary Anderson	New Appointment	N/A
Dwayne Barrett	New Appointment	N/A
Liang Hui Chen	New Appointment	N/A
Eric Cheung	New Appointment	N/A
Omid Dawoud	New Appointment	N/A
James Kraft	New Appointment	N/A
Omar Mahmood	New Appointment	N/A
Tichaona Mombeyarara	New Appointment	N/A
Andres Moreno	New Appointment	N/A
Krishna Vasanthakumaran	New Appointment	N/A

It is requested that the Board approve this submission and forward the applicants to the Ministry of the Solicitor General for appointment of a five-year term.

Yours truly,

T. Malkos

Theodoros Malkos
Program Manager, Active Traffic Management



PUBLIC REPORT

January 16, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw
Chief of Police

**Subject: Economic and Community Development Committee Item
31.4 Report on Outstanding Noise Directive (Ward All)
Ref: 22-EC31.4**

Purpose: Information Purposes Only Seeking Decision

Recommendation:

This report recommends that the Toronto Police Services Board (the Board):

- 1) receive this report for information, and;
- 2) forward of copy to Municipal Licensing and Standards, City of Toronto

Summary:

On July 19 – 22, 2022, Toronto City Council adopted the Economic and Community Development Committee Item 31.4 Report on Outstanding Noise Directive (Ward All), Ref: 22-EC31.4, as amended and in so doing had:

1. Requested additional support from the Toronto Police Services Board to conduct more joint blitzes with Municipal Licensing and Standards to address excessive vehicle noise and illegally modified vehicles.
2. Requested the Toronto Police Services Board to explore equipping and training the Toronto Police Traffic Services Unit on sound level meters to support enforcement of excessive motor vehicle noise.

This report provides an update with respect to the above mentioned requests.

TORONTO POLICE SERVICES BOARD

40 College Street Toronto, Ontario M5G 2J3 | Phone: 416.808.8080 Fax: 416.808.8082 | www.tpsb.ca

Discussion:

Background

In 2022, Traffic Services, in collaboration with Municipal Licensing and Standards, conducted six (6) joint enforcement blitzes in the City of Toronto. The locations were selected by the City based on noise complaint analytics. Two (2) blitzes occurred in the Yorkville area, two (2) in the Don Valley Parkway and Lakeshore Boulevard East area, one (1) in the Humber Bay West area, and one (1) in the Rosedale Valley Road area.

In taking part in these enforcement blitzes, it was realized that they do not yield many charges. Although the by-laws have provisions for all motor vehicles, these blitzes focused on motorcycles as they make up the majority of the City's complaints. However, the current City of Toronto Noise By-law only allows for testing of motorcycles while at idle. This method of testing is not sufficient to identify most of the modified exhaust systems which cause excessive noise. The vast majority of motorcycles tested passed the idle test and therefore no charges were laid with respect to the noise By-law. The current Society of Automotive Engineers (SAE) Technical Standards for vehicle testing includes a sweep test where the vehicle is tested at a particular RPM level for that specific engine type. It is the Toronto Police Service's understanding that this will be considered during the 2023 By-law review.

The Toronto Police Service – Traffic Service Unit is responsible for the majority of traffic investigations and enforcement activities within the City. There are a number of sub-units within Traffic Services that use technical equipment on a daily basis. The Collision Reconstruction Unit and the Commercial Motor Vehicle Inspectors are highly trained in the use and deployment of such equipment and could be equipped and trained to operate the noise measuring devices.

Although officers can be equipped and trained to use this noise measuring equipment, it is suggested that this only happen if there are significant changes to the By-law which would allow motorcycles, and possibly other motor vehicles, to be tested under a variety of RPM ranges to assess the noise level emitted from the vehicle. The current conditions under the By-law do not provide for an effective use of the officer's time and expertise.

The Toronto Police Service recognizes that all residents have a right to enjoy their City free of excessive noise and disruption. While unnecessary noise and vehicle modifications are not directly related to the Vision Zero Road Safety Plan which is the current focus for police officers conducting traffic enforcement in the City, there is an indirect relationship between the two. This is because the vehicles that have been modified are also, most often, the ones engaging in activities that are known to cause Killed and Serious Injury (KSI) collisions. As such, officers will continue to enforce sections of the Highway Traffic Act dealing with noise and modified vehicles. Below is a chart of the two offences that are of interest to the Economic and Community Development Committee.

Highway Traffic Act Charges	2020	2021	2022
Improper Muffler - HTA 75(1)	394	617	492

Unnecessary Noise - HTA 75(4)	320	584	454
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Conclusion:

Although officers can be equipped and trained to use noise measuring devices, it is suggested that this only happen if there are significant changes to the By-law which would allow motorcycles, and possibly other motor vehicles, to be tested under a variety of RPM ranges to assess the noise level emitted from the vehicle. The current conditions under the By-law do not provide for an effective use of the officer’s time and expertise.

The Toronto Police Service will continue to assist the City with its noise enforcement activities where possible and focus on the driving behaviours that disrupt and cause concern to our residents throughout the City.

Acting Deputy Chief Lauren Pogue, Community Safety Command, will be in attendance to answer any questions the Board may have concerning this report.

Financial Implications:

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

Respectfully submitted,

Myron Demkiw, M.O.M.
Chief of Police

Click or tap here to enter name of signee.
Click or tap here to enter signee’s designation.



PUBLIC REPORT

January 16, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw
Chief of Police

Subject: Report on Impaired Driving – Ref: 22-MM47.36

Purpose: Information Purposes Only Seeking Decision

Recommendations:

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

- 1) Receive this report for information, and;
- 2) Forward a copy to the General Manager, Transportation Services, City of Toronto

Summary:

On July 19 – 22, 2022, Toronto City Council adopted Item 47.36, Taking Action on Impaired Driving in Toronto (Ward All) and in doing so, directed the General Manager of Transportation Services, in consultation with the Toronto Police Service, to report back to City Council in the first quarter of 2023 on impaired driving in the City of Toronto. It was identified that the report should include:

1. Statistics on traffic collisions involving impaired drivers from 2018-2022 – including trends observed since the onset of the pandemic;
2. An update on efforts underway to address this issue as well as additional measures that can be taken, including a jurisdictional scan for best practices in other municipalities; and
3. Details on actions taken to-date following City Council's 2019 direction to develop a campaign to stop impaired driving in collaboration with Mothers Against Drunk Driving (M.A.D.D.) Canada, Arrive Alive Drive Sober (Arrive Alive) and other relevant stakeholders with the funding allocated for the Vision Zero Road Safety plan (Vision Zero) education and engagement programming.

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In addition, City Council directed the General Manager, Transportation Services, in consultation with the Toronto Police Service, to review and enhance public education and enforcement strategies pertaining to impaired driving.

Discussion:

Background

1. Statistics on traffic collision involving impaired drivers (alcohol and drugs) from 2018 – 2022, including trends observed since the onset of the pandemic.

Between 2018 and 2022, there was a total of 788 reported collisions in the City of Toronto where drug or alcohol impairment was a contributing factor.

In 2022, 71 impaired related collisions occurred, which represents a decrease of 52% when compared to 2021 (149) (Table 1 refers).

Table 1	
2018	229
2019	193
2020	146
2021	149
2022	71
Grand Total	788

The trend for impaired driving shows that collisions have seen an overall decrease since 2018. This trend is in part due to the COVID-19 pandemic which involved several waves of lockdowns and more work-from-home policies. In 2022, the level of activity out of the home did not return to levels recognized before the pandemic. As the City recovers from the pandemic, it is expected that there will be an increase in the number of road-users.

2. An update on efforts underway to address this issue, as well as additional measures that can be taken, including jurisdictional scan for best practices in other municipalities.

Impaired driving continues to be the leading cause of criminal death in Canada. In the last 5 years, the Toronto Police has arrested and charged over 6000 drivers for impaired driving related offences.

The Toronto Police Service has several external partnerships, including M.A.D.D., Arrive Alive, and Traffic Injury Research Foundation (T.I.R.F.), all working together sharing key

messaging. Traffic Services (TSV) officers represent the Toronto Police Service as a board member for MADD. Officers also provide presentations at conferences and in educational institutions alongside TIRF and Arrive Alive.

Traffic Services has a unique social media program which educates the community on traffic laws, including impaired driving and the associated consequences. Every day, TSV hosts a live show “Ask a Traffic Cop”, which airs on various social media platforms including TikTok, Twitter, Instagram, Facebook, YouTube and LinkedIn. This is an interactive show that allows the public to ask questions that are then answered live by the host officer. These questions, and resulting discussions, focus on traffic safety, including topics such as impaired driving, stunt driving, vehicle modifications, as well as general traffic and policing questions.

During 2022, there were a total of 129 Drug Recognition Evaluations completed by the Toronto Police Service.

During 2022, there were a total of 4,829 Mandatory Alcohol Screening (MAS) tests completed, resulting in 4,718 passes, 92 warnings, and 19 fails. 85% of all MAS tests were conducted as a Reduce Impaired Driving Everywhere (R.I.D.E.) Deployment (Table 2 refers).

Table 2: Mandatory Alcohol Screening Tests 2020 - 2022

MAS Results	2020	2020	%	2021	2021	%	2022	2022	%
	All MAS Test	R.I.D.E. MAS Tests	R.I.D.E. of All MAS	All MAS Test	R.I.D.E. MAS Tests	R.I.D.E. of All MAS	All MAS Test	R.I.D.E. MAS Tests	R.I.D.E. of All MAS
Warning	87	60	69%	152	115	76%	92	64	70%
Fail	35	23	66%	71	35	49%	19	10	53%
Pass	3541	3326	94%	9840	8768	89%	4718	4052	86%
Grand Total	3663	3409	93%	10063	8918	89%	4829	4126	85%

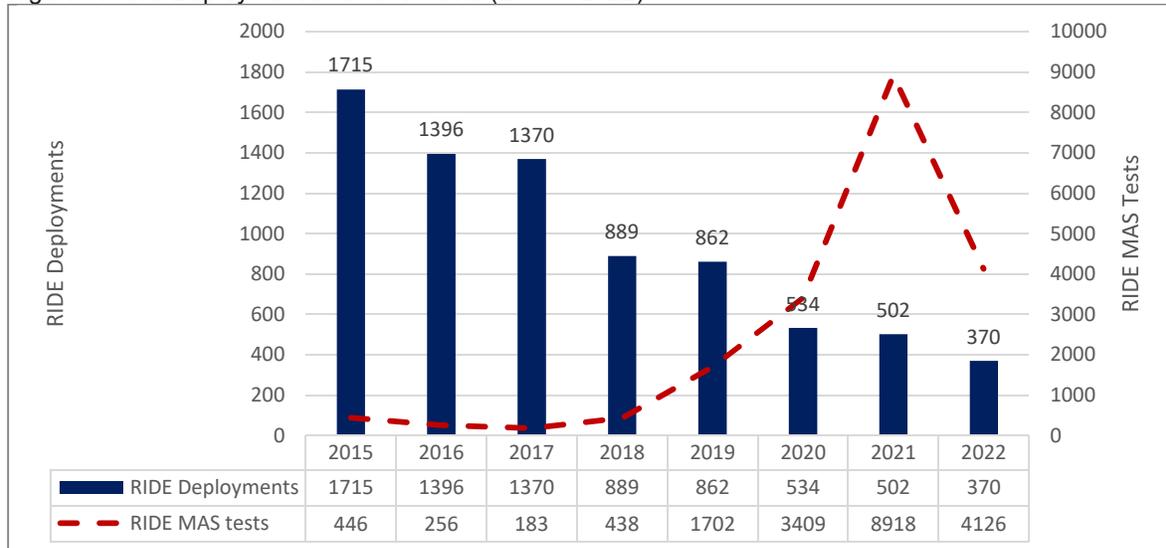
R.I.D.E. programs are implemented throughout the year. Over the holiday season, additional time and resources are allocated to R.I.D.E. enforcement initiatives which are deployed throughout the City.

The COVID-19 global pandemic has forced the Toronto Police Service to make fundamental changes in the way we conduct our spot checks. The safety of our members and the public continue to be our top priority. Officers were provided a training video during the pandemic, which highlighted safe practices while conducting vehicle stops. Emphasis was placed on using laws that support MAS (through the use of the Approved Screening Device (ASD)). This has ultimately become a valuable tool during R.I.D.E. deployments.

During the pandemic, a decrease in R.I.D.E. deployments resulted in an increased reliance on MAS testing to assist in impaired related enforcement. Since its inception in 2018, officers have used MAS as a proactive measure to screen for impairment by

alcohol. In 2022, 4,126 tests were used over the course of 370 R.I.D.E. deployments (Figure 1 refers).

Figure 1: Ride Deployment and MAS Tests (2015 – 2022)



Several of our policing partners in the Greater Toronto Area (GTA), including Halton Regional Police, York Regional Police, and Durham Regional Police, were consulted regarding the approaches and tactics used to address impaired driving. Each Region, as well as the Toronto Police Service, appear to have fundamentally similar approaches.

Each police service works in partnership with M.A.D.D., and has representation on the board. There was a joint R.I.D.E. launch hosted by the Ontario Provincial Police (O.P.P.) in November, which several GTA Police Services attended. Also in attendance for the launch were various stakeholders including Go Transit, the Ministry of Transportation, Taxi services, funeral home services, and representatives from M.A.D.D. Various media outlets were present at the R.I.D.E. launch and the event was broadcasted on mainstream television which ultimately brought awareness to the program and the Red Ribbon Campaign.

The Toronto Police Service, along with our other GTA police agencies, use traditional media and social media platforms to provide impaired driving education and awareness.

Each police service confirmed that R.I.D.E. campaigns are not only implemented during the holiday season, but rather are deployed on an ongoing basis throughout the year. York Regional Police started a unique approach this year setting up R.I.D.E. programs in LCBO parking lots where they engage with those entering the premises from the roadway. This has resulted in a number of impaired arrests, and a new approach to where R.I.D.E. is held. They also started inviting crown attorneys to their R.I.D.E. spot checks to give them an opportunity to see first-hand how an impaired investigation works, start to finish, as opposed to merely hearing about it in the courtroom.

Another tactic that has been used by other police services is releasing body worn camera or in-car camera video footage to the public as it relates to impaired driving. This is generally made public on social media platforms showing first-hand accounts to bring awareness. The Toronto Police Service currently does not post internally collected video as this is not an authorized practice.

In 2021, the Toronto Police Traffic Services Unit partnered with the Toronto Police Marine Unit. Officers were part of a joint operation named “Project SOS (Summer of Safety)”. This joint operation included GTA police services, RCMP, United States Coast Guard and U.S. Department of Homeland Security. One component of this operation was to check vessel operators for sobriety. A video was created and shared within the Toronto Police Service, and externally on social media platforms, about impaired operation on the water. Both Durham and York Regional Police Services also do regular enforcement on the water which include R.I.D.E. spot checks. Both of those services also have snowmobile and ATV patrols as part of their enforcement as it relates to impaired operations, however due to being in an urban setting, Toronto does not engage in that capacity.

As a whole, the Toronto Police Service, and our surrounding policing partners, all appear to have very similar approaches to education, awareness, and prevention tactics as it relates to impaired driving. Funding that is received through the City, and Ministry grants, are used year round to deploy R.I.D.E. programs with the ultimate goal of taking impaired drivers off our roads and lake. The Toronto Police Service will continue to work in with our partnering agencies and community groups, bringing awareness and education to impaired driving, as well as looking at new ways to deliver effective enforcement.

The Toronto Police Service has liaised with Transportation Services. Transportation Services intends to cover this motion in an upcoming Vision Zero omnibus report with the Infrastructure and Environment Committee in June 2023. Transportation Service’s Vision Zero Projects, Strategic Communications and Data & Analytics will review the data and trends and report on this further.

3. Details on actions taken to date following City Council’s 2019 direction to develop a campaign to stop impaired driving in collaboration with Mothers Against Drunk Driving Canada, Arrive Alive and other relevant stakeholders using the funding allocated for Vision Zero education and engagement programming.

Since 2021, the Toronto Police has partnered with the O.P.P., M.A.D.D., the Ministry of Transportation (MTO), and other regional policing partners, in a joint R.I.D.E. launch. This promotes the start of the campaign and allows each service to work in partnership, stopping impaired drivers and holding those that choose to drive impaired accountable for their actions. The R.I.D.E. program is not specific to the holiday season, but rather continues throughout the year.

Traffic Services will continue to engage with the public to bring awareness and education on impaired driving and Vision Zero. This will be accomplished through social media,

mainstream media, and during various other traffic campaigns. In 2022, The Toronto Police engaged in eight traffic related campaigns, which focused on an educational component, but also on a zero-tolerance approach. Our Vision Zero enforcement team (which is comprised of 16 constables and two sergeants), will continue to focus on the “Big 4” offences known to contribute to KSI collisions: Impaired driving, aggressive driving, speeding and distracted driving. In addition, in 2022, another 6 officers were added from the motor squad, whom act as support to the Vision Zero Enforcement Team (VZET). Funding from the City was allocated to the creation of this team, and the on-going cost to operate it.

Officers from Traffic Services collaborated with Arrive Alive and provided a presentation relating to impaired driving at their 2022 annual conference. There were also presentations made to the Canadian Armed Forces pertaining to new drivers, general traffic related topics, and impaired operation. In 2022, Traffic Services worked with TIRF providing presentations to high school students focusing on both impaired and distracted driving. Partnerships and engagement with these agencies will continue to develop and grow in the coming years.

The Toronto Police Service continues to coordinate and collaborate with Vision Zero Projects and Transportation Services in an on-going effort to engage with strategic communications, and data and analytics.

Conclusion:

The Toronto Police Service will continue their enhanced public education, through existing and new mediums, to ensure that information on the dangers and consequences of impaired driving are known. The Toronto Police will continue to use the enhanced legislated authority of Mandatory Alcohol Screening during organized R.I.D.E. programs and during regular investigations of persons operating vehicles.

The Toronto Police Service will continue to foster relationships with organizations such as M.A.D.D., T.I.R.F., Arrive Alive, Ministry of Transportation, CAA (the Canadian Automobile Association), and our other policing partners in the fight against impaired driving. The importance of continuing to pro-actively deter and prevent impaired driving cannot be overstated. The Toronto Police Service is committed to working in collaboration with our partners towards a safer Toronto.

Acting Deputy Chief Lauren Pogue, Community Safety Command, will be in attendance to answer any questions the Board may have concerning this report.

Financial Implications:

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

Respectfully submitted,

Myron Demkiw
Chief of Police

[Click or tap here to enter name of signee.](#)

[Click or tap here to enter signee's designation.](#)



PUBLIC REPORT

January 11, 2023

To: Chair and Members
Toronto Police Services Board

From: Peter Mowat
Manager of Labour Relations

Subject: Annual Report: 2022 Summary of Grievances

Purpose: Information Purposes Only Seeking Decision

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive the following report.

Financial Implications:

All fees with respect to legal representation and arbitration of grievances are funded through the Legal Reserve.

Summary:

The purpose of this report is to provide the Board with a summary of grievances addressed by the Labour Relations unit in 2022 and a confidential semi-annual status update regarding grievances and other employment-related disputes for the period of July 1, 2022 to December 31, 2022.

Discussion:

Background

At its confidential meeting on February 20, 2003, the Board requested that an annual summary report on grievances be provided for the public meeting in February of

each year (Min. No. C30/03 refers). The Board further requested that the public report include the cost of the grievances, the total costs for the year and the number of arbitrations where the Board, Toronto Police Association (Association) or both were successful.

On July 16, 2015, at its confidential Board meeting, the Board approved a revised reporting schedule for outstanding grievances and ongoing employment-related Human Rights Tribunal of Ontario (H.R.T.O.) applications. These reports are to be provided on a semi-annual basis, at the February and August Confidential Board meetings (Min. No. C159/2015).

Relevant Board Policies and Compliance

The Labour Relations unit is responsible for the management of grievances and other employment-related disputes on behalf of the Board pursuant to the Board's Policy on Grievance Settlements.

The Board's Policy requires that the Labour Relations unit provide an annual statistical summary of grievances, which is provided in this report. In addition, the Policy requires a semi-annual report summarizing the status of each grievance and employment-related H.R.T.O. application and any key policy issues, which is provided for the relevant reporting period (July 1, 2022 to December 31, 2022) in the included confidential attachment.

Grievance Activity

During 2022, there were 8 new grievances filed by the Toronto Police Association. Of this number, 2 grievances were either withdrawn or settled by the parties, and 6 are outstanding.

As of January 1, 2022, there were 40 outstanding grievances from previous years. Of this number, 20 were either settled or withdrawn in 2022.

There was 1 grievance arbitration award issued in 2022, in which the Board was successful. As of December 31, 2022, there are 2 grievances which have either been referred to or are currently in arbitration. There are no grievances currently in or awaiting Judicial Review.

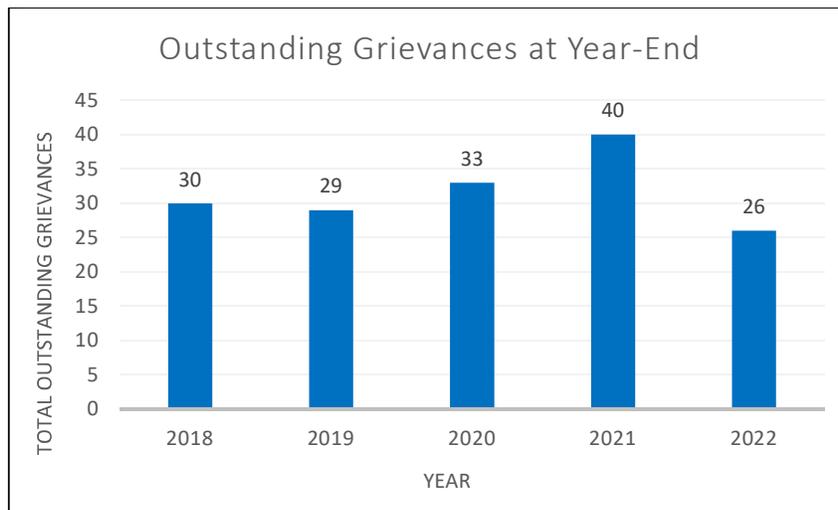
A summary of grievance activity in 2022 is as follows:

Number of grievances as of January 1, 2022	40
Number of new grievances filed in 2022	8
Number of grievances settled, withdrawn or dismissed in 2022	(22)
Total number of outstanding grievances as of December 31, 2022	26

The following table outlines the total number of open grievances as of December 31, 2022, by category:

Type of Grievance	Number of Grievances
Management Rights	14
Health Benefits	7
Policy	4
Civilian Member Discipline/Termination	1
Total	26

The following chart illustrates the total number of open grievances as of December 31 for the last 5 years:



Grievance-Related Legal Costs

The total legal expenditures in 2022 for all grievance activity, including matters which commenced prior to 2022, amounted to \$181,688.08. The following is an itemization of costs by type of grievance:

Type of Grievance	Legal Costs in 2022
Policy and Management Rights	\$181,055.79
Civilian Member Discipline/Termination	\$632.29
Total Costs in 2022*	\$181,688.08

* These costs include interim or final billings for cases filed prior to 2022, as well as new cases filed in 2022. They include fees for legal counsel, disbursements and arbitrator fees. The breakdown is as follows:

- Legal Counsel and Disbursements: \$161,688.08
- Arbitrator Fees: \$20,000.00

Conclusion

In summary, this report provides the Board with a summary of grievances addressed by the Labour Relations unit in 2022 and a confidential semi-annual status update regarding grievances and other employment-related disputes for the period of July 1, 2022 to December 31, 2022.

I will be in attendance to answer any questions the Board members may have regarding this report.

Reason for Confidential Information

This report includes a confidential attachment containing status updates on individual grievances and other employment-related disputes containing personal human resources and labour relations-related information and commentary.

Respectfully submitted,



Peter Mowat
Manager of Labour Relations

*copy with original signature on file at Board Office

Attachments:

Confidential Semi-Annual Report - Summary of Ongoing Grievances and Employment-Related Applications to the Human Rights Tribunal of Ontario for the Period of July 1, 2022 to December 31, 2022



PUBLIC REPORT

January 26, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw
Chief of Police

Subject: Annual Report: 2022 Parking Enforcement Unit – Parking Violation Notices Issuance

Purpose: Information Purposes Only Seeking Decision

Recommendations:

This report recommends that the Toronto Police Services Board (Board):

(1) receive the following report; and

(2) forward a copy of this report to the City of Toronto (City) General Government Committee, for its meeting in May 2023, to be considered in conjunction with the City of Toronto Administrative Penalty System – 2022 Activity Report.

Summary:

This report provides information on the Parking Enforcement Unit (Parking) achievements, activities and annual parking violation issuance during the year 2022 (Appendix A refers).

Discussion:

Background

Parking reports annually on Parking Violation Notices (P.V.N.'s) issuance by Parking Enforcement Officers (P.E.O.'s), Municipal Law Enforcement Officers (M.L.E.O.'s) and

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Police Officers. The City requests this information for use during the annual budget process.

COVID-19 Pandemic - Enforcement Restrictions:

Previously, due to COVID-19, many on-street parking regulations were not being enforced. In June 2021, routine enforcement resumed as Toronto, and the rest of Ontario, entered into 'Step One' of the Province's Roadmap to Reopen. At that time, traffic volumes were increasing and were expected to continue increasing.

Though enforcement of on-street parking regulations resumed, the City's CafeT.O. and CurbT.O. programs made it challenging for rush hour regulations to be enforced in areas participating in these programs. Furthermore, in February 2022, protests in the City impacted traffic movement and issuance of parking violation notices.

As such, it was not until June 2022 when City-wide Rush Hour Route enforcement resumed. In November 2022, enforcement of areas previously marked under CafeT.O. resumed.

The COVID-19 pandemic resulted in drastic changes to the operations of the Parking Enforcement Unit as the unit balanced meeting community and operational needs. Consequently, an overall reduction in tag issuance levels have been realized from pre COVID-19 pandemic levels.

Despite the above restrictions, the Parking Enforcement Unit has delivered key accomplishments through the provision of operational support to the Service (see Appendix A) and interoperability with City initiatives noted above.

Annual P.V.N. Issuance:

Preliminary information indicates that total P.V.N. issuance was estimated to be 1,821,388 in 2022, which is an increase of 341,694 (23.1%) when compared to 2021. Total P.V.N. issuance includes notices issued by P.E.O.'s, M.L.E.O.'s, and police officers. The final P.V.N. issuance numbers will be presented by the City in its Administrative Penalty System – 2022 Activity Report once all data is captured and reconciled.

The following is a breakdown of the parking violation issuance estimates by group:

Table 1: Parking Tag Issuance Summary 2022

Group	Tags Issued
Parking Enforcement Unit	1,553,313
Municipal Law Enforcement Officers	256,080
Police Officers	11,945
Total Parking Tag Issuance	1,821,338*

*Preliminary numbers – final numbers will be reported by the City after complete data capture and reconciliation.

Calls for Service:

Parking responded to 161,594 calls for parking related service from members of the public, a 17.7% increase when compared to the previous year. The attendance of P.E.O.'s at these calls alleviates pressure on frontline policing and allows police officers to focus on core policing duties. Parking's M.L.E.O. program services a significant amount of customized enforcement on private property, which would otherwise detract P.E.O.'s from focusing on street level enforcement activities.

Rush Hour Offences and Bicycle Lanes:

Rush hour routes were not enforced due to the City's CafeT.O. and CurbT.O. programs until late June of 2022. After that time, a total of 40,485 rush hour offence violations were issued and 5,703 vehicles were towed from rush hour routes. Parking Enforcement Officers issued 8,283 bike lane violations in support of safe cycling, helping to increase public compliance and improve road safety.

Habitual Offender Towing:

The City defines a habitual offender as a vehicle that has three or more parking violations that have been outstanding, with no action taken, in excess of 120 days. P.E.O.s towed a total of 537 vehicles under this initiative. This is an increase of 23.7% when compared to 2021. In previous years, the City reports that this enforcement initiative has a positive impact on the collection of parking violation fines.

Towing, Vehicle Relocations and Stolen Vehicle Recovery:

Members of Parking were responsible for towing a total of 14,283 vehicles, including 55 with unregistered license plates. A total of 2,038 vehicles were relocated to assist with Toronto Transit Commission subway closures, snow removal, forestry operations, and special events management. P.E.O.'s also recovered 1,219 stolen vehicles in support of the Service's crime management initiatives.

Accessible Parking:

Parking retained 509 Accessible Parking Permits for investigation of possible misuse. These efforts support the integrity of the Accessible Parking Program and ensure parking spaces are available for use by members of the public who use Accessible Parking Permits in a lawful manner.

Training of M.L.E.O.'s:

M.L.E.O.'s work for agencies that provide parking enforcement services on private property. All violation revenue derived from the issuance of these parking violations goes directly to the City. The training and oversight of these M.L.E.O.'s has allowed P.E.O.'s to focus their efforts on public streets and has reduced the need to attend

private property calls for service. Parking trained and certified 503 M.L.E.O.'s pursuant to the Toronto Municipal Code.

Staffing Levels:

Historically, Parking has adopted a strategy, in consultation with the Service's Budgeting and Financial Analysis, to operate at approximately 25 P.E.O.'s over strength at the beginning of the year. This strategy mitigates the impact of staff attrition and separation on enforcement and service delivery. In 2022, Parking hired one class of 44 P.E.O.'s; Parking anticipates hiring two more classes of P.E.O.'s in 2023. A new P.E.O. recruit requires approximately eight weeks of in-class and practical training before assuming full enforcement duties.

Conclusion:

Parking continues to contribute positively to the achievement of the goals and priorities of the Service by:

- ensuring the safe and orderly flow of traffic;
- delivering fair and equitable enforcement to all;
- providing a visible uniformed presence on the streets;
- ensuring positive outreach to the community through public awareness campaigns and education programs; and
- ensuring interoperability with other units within the Service and City departments.

The parking violation issuance for 2022 is estimated to be 1,821,338 (P.V.N.s) in 2022, which is an increase of 341,694 (23.1%) when compared to 2021. The City will report the final parking violation issuance numbers in its Administrative Penalty System – 2022 Activity Report once all data is captured and reconciled.

Parking continues to collaborate with City staff and all other units within the Service in order to ensure a successful overall parking program, which includes efficient and effective service delivery to Toronto's communities and neighbourhoods. Parking remains focused on the enforcement and education of parking regulations in support of safe traffic flow related City initiatives.

Acting Deputy Chief Lauren Pogue, of Community Safety Command will be in attendance to answer any questions the Board may have concerning this report.

Financial Implications:

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

Respectfully submitted,

Myron Demkiw, M.O.M
Chief of Police

Appendix "A"

Parking Enforcement Unit	<u>2020</u>	<u>2021</u>	<u>2022</u>
Parking Violation Issuance – P.E.O.’s	1,214,650	1,256,209	1,553,313
Parking Violation Issuance – P.E.O.’s, M.L.E.O.s, P.C.s	1,400,381	1,479,644	1,821,388*
Calls for service received	139,664	141,538	166,594
Stolen Vehicles Recovered	659	844	1,219
Stolen Autos Recovered - Street Sweeper	346	454	456
Stolen Autos Recovered – P.E.O.’s	313	390	763
Hours Spent on Stolen Vehicles Recovered	1,007	1292	1,748
Stolen Plates Recovered	102	121	136
Hours Spent on Stolen Plates Recovered	142	133	210
Vehicles Scanned by Street Sweeper	1,593,582	2,176,111	2,297,526
Vehicles Towed	9,950	7,939	14,283
Habitual Offenders Towed	259	434	537
Assistance to T.P.S. Units			
Unplated Vehicles Towed	494	119	55
Directed Patrol Requests from Other Police Units, Including additional Directed Patrols Due to Pandemic.	50,509	71,745	94
Arrest Assists	8	12	15
Assaults	11	6	15
Language Interpretations	30	48	46
Hours Spent on Language Interpretations	71	89	97
Disabled Permits Retained	199	602	509
Disabled Permits Cautioned	8	92	59
H.T.A Charges (Disabled Permits)	189	559	438
Special Events	67	99	154
Hours Spent On Special Events	1,940	4,908	9,339
Vehicle Relocations	4,329	2,523	2,038

*Preliminary numbers – final numbers to be reported by City of Toronto after complete data capture and reconciliation.



PUBLIC REPORT

January 13, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Death of Complainant 2020.22

Purpose: Information Purposes Only Seeking Decision

Summary:

The Chief's administrative investigation has identified that the Service's response to persons in crisis has been enhanced to provide a better service to our communities since this event transpired.

Minor misconduct on the part of three attending officers was identified pertaining to the proper use of the In-Car Camera System.

Discussion:

Background

In order to comply with provincial legislation, this report includes the Chief's administrative investigation in respect of this incident.

Whenever the Special Investigations Unit (S.I.U.) investigates an incident involving death, serious injury, the discharge of a firearm at a person or the allegation of a sexual assault, provincial legislation requires the chief of police, of the relevant police service, to conduct an administrative investigation. This is the Chief's report in respect of this incident.

Relevant Board Policies and Compliance

- Toronto Police Service (T.P.S.) procedures
- Provincial Legislation
- Ontario Regulation

S.I.U. Terminology

SO – Subject Official

WO – Witness Official

CW – Civilian Witness

ICCS – In-Car Camera System

TPS – Toronto Police Service

S.I.U. Investigative Conclusion

In a letter to the Chief of Police dated August 26, 2020, Director Joseph Martino of the S.I.U. advised, *“the file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the officer”*.

The following S.I.U. *Analysis and Directors Decision* has been reprinted from the S.I.U. Director’s report, number 20-TCD-124, which can be found in its entirety via the following link:

https://www.siu.on.ca/en/directors_report_details.php?drid=908

Analysis and Director’s Decision:

Introduction

On May 27, 2020, Regis Korchinski-Paquet fell tragically to her death from the balcony of a 24th floor apartment in Toronto. Because TPS police officers had interacted with her and were present in her apartment at the time of the fall, the SIU was notified and commenced an investigation. Six police officers were in and around the apartment at the time of the fall, including the SO, who had the most dealings with Ms. Korchinski-Paquet. He was designated the subject officer for purposes of the SIU investigation. Each officer was interviewed by the SIU. Ms. Korchinski-Paquet’s mother and brother, in the vicinity at the time, were also interviewed, and a statement obtained from her father, with whom she was speaking on the phone in the moments before the fall. On my review of the evidence, there are no reasonable grounds to believe that any of the officers committed a criminal offence in connection with Ms. Korchinski-Paquet’s death.

The aforementioned-interviews proved pivotal to an understanding of the circumstances surrounding the incident. As did interviews with two paramedics,

one of whom was inside Ms. Korchinski-Paquet's apartment, and two independent civilian witnesses, that latter pair having been in the area of the building and observed Ms. Korchinski-Paquet's fall. The investigation also benefited from video recordings captured by security cameras situated in the apartment building, video recorded by the ICCSs of cruisers parked at the scene, ICCS-related audio recordings produced by the wireless microphones worn by two of the involved officers, and audio recordings of the 911 calls that were made and the police radio communications that ensued. The TPS policy regarding police response to "emotionally disturbed persons" was reviewed and the coordinator of the TPS Mobile Crisis Intervention Team was interviewed.

My understanding of what occurred on the day in question is a product of my assessment of the evidence. Wherever possible, I relied heavily on the objective sources of information at the SIU's disposal, namely, the video and audio recordings. For example, my determination of the location of parties and what they said as events unfolded was based primarily on a review of the security video recording from the apartment building and the audio recorded via wireless microphones worn by two officers. In those instances where a contest in the evidence could not be resolved one way or the other, either by reference to the video or audio recordings, or the accounts of independent eyewitnesses, I set out the nature of the conflict. With that in mind, I propose to deal first with a number of issues before turning to a chronological recitation of the events of the day.

Some Issues

First and foremost, it must be acknowledged that Ms. Korchinski-Paquet's death, and others in recent months, has raised important issues of social consequence. On the heels of the death of George Floyd at the hands of police in Minneapolis, and the protest movement it has spawned across the United States, Canada and elsewhere, there is increased scrutiny of our society's policing of members of the Indigenous and Black communities. Ms. Korchinski-Paquet was a member of both communities.

I accept that systemic racism exists and continues to challenge the relationship between racialized communities and the institutions of our justice system, just as it does in other sectors of society. Our leaders have acknowledged it, as have our laws. As is set out in the preamble of Ontario's Anti-Racism Act, 2017, "Systemic racism is a persistent reality in Ontario, preventing many from fully participating in society and denying them equal rights, freedoms, respect and dignity."

However, the task before me was a narrow one, namely, to determine whether there were reasonable grounds on the evidence collected by the SIU to believe that any one or more of the officers who responded to Ms. Korchinski-Paquet's apartment committed a criminal offence in connection with her death. It was not to conduct a broad inquiry into systemic discrimination on the part of the police service. There are other forums with the institutional mandates and expertise to conduct those inquiries.

Having said that, the SIU cannot and must not turn a blind eye to issues of race to the extent they are manifest in a specific case under investigation. With respect to the circumstances culminating in Ms. Korchinski-Paquet's death, the investigation turned up no indications of overt racism being brought to bear by any of the involved officers. That is not to suggest that questions of race were entirely absent in the encounter. There is evidence that Ms. Korchinski-Paquet attempted to court favour with the police at one point by informing them that her father was coming and he was "white". The officers, it must be noted, indicated that they did not hear any such words. Needless to say, if true, the utterance is a testament to the importance of efforts to build and nurture trust in the relationship between the police and members of the Black and Indigenous communities.

There were allegations in the wake of Ms. Korchinski-Paquet's death that she was pushed off the balcony by the police. The evidence establishes that this did not occur. Instead, the evidence indicates that no one other than Ms. Korchinski-Paquet was on the balcony when she scaled over the railing and attempted to sidestep along the outer ledge over to her neighbour's balcony, lost her balance, and fell. That was the evidence of the SO and WO #3, who were present in the apartment at the time, confirmed by the paramedic who was in the apartment having been brought in to attempt to calm Ms. Korchinski-Paquet. It was also the evidence of an independent civilian eyewitness, who was walking on High Park Avenue near the apartment building in question when she looked up and saw Ms. Korchinski-Paquet on the outer side of the balcony railing moving quickly along the railing to her right before seeing her fall. Neither CW #7 nor CW #2, present in the apartment at the time of Ms. Korchinski-Paquet's fall, observed police officers enter onto the balcony. The video and audio recordings suggest, however, that CW #7 and CW #2 might have been able to see and/or were at least aware that Ms. Korchinski-Paquet had gone onto the balcony and was attempting to get to the neighbouring balcony right around the time the events were happening.

There were also allegations that moments before she fell, Ms. Korchinski-Paquet was heard to repeat, "Help me, mom," or words to that effect, a few times. The investigation was unable to resolve whether these words were, in fact, uttered. A civilian witness – CW #12 - claimed she heard, "Mom help. Mom, please help me," several times from a neighbouring apartment in the moments before Ms. Korchinski-Paquet's death. However, the security video recording from the apartment building establishes that she had left the apartment well before the police arrived. These utterances were also not captured on the ICCS wireless microphones worn by two officers involved in the incident and none of the officers who were in the area, including the officer who was in the apartment closest to Ms. Korchinski-Paquet, the SO, or the paramedic, indicated they heard these words spoken. There is indication, however, that Ms. Korchinski-Paquet, while on the phone with her father, did ask him to help her.

Finally, a few words about the SIU. The Special Investigations Unit was created in 1990. It is completely independent of the police and composed of civilian

investigators. While the majority of the SIU's lead investigators – those most responsible for the direction of any investigation – come from non-policing backgrounds – most of the Unit's as-needed complement of investigators are retired police officers. I understand the concern that some have with former police officers being involved in oversight investigations, and the SIU will continue with its efforts to redress the imbalance that presently exists in its corps of as-needed investigators. However, these investigators are people of good conscience who come to the SIU with a wealth of investigative experience and expertise looking to contribute their talents to the work of the office. I have confidence in their professionalism and objectivity. Moreover, there are statutory provisions in place meant to ensure the Unit's independence. Thus, for example, the director can never have been a police officer and investigators with policing backgrounds cannot partake in investigations of their former service(s). Finally, it is important to recognize the advice of Justice Tulloch, a highly regarded jurist from our Court of Appeal, in his recent report on the oversight system in Ontario. On this very issue, Justice Tulloch was satisfied that the SIU could function effectively with former police officers among its investigative ranks provided they were properly screened and trained to ensure their independence.

The Incident

Beginning at about 5:13 p.m., the TPS received multiple 911 calls about a domestic disturbance in an apartment on the 24th floor of 100 High Park Avenue among the residents of the home - Ms. Korchinski-Paquet and her mother and brother, CW #7 and CW #2, respectively. Ms. Korchinski-Paquet placed three of these calls; CW #7 and CW #2 each made one. I need not go into detail regarding the content of these calls as they are summarized elsewhere in this report. In general, CW #7 indicated that Ms. Korchinski-Paquet and CW #2 were fighting, bottles and punches had been thrown, and she wanted the police to immediately remove her son and daughter from the residence as she could no longer tolerate their behaviour. In her calls, Ms. Korchinski-Paquet told the 911 operator that her mother and brother had attacked her and that knives were involved. In his call to the police, CW #2 said that his sister had initiated an assault on him with two knives. When asked by the 911 operator about any mental health issues among the parties, Ms. Korchinski-Paquet and CW #2 each indicated that Ms. Korchinski-Paquet had epilepsy. CW #2 further explained that Ms. Korchinski-Paquet was irate after having suffered seizures earlier in the day, and that their quarrel stemmed from a disagreement over the volume of the television in the living room. In Ms. Korchinski-Paquet's final call to police at about 5:30 p.m., by which time officers were present and on scene, she indicated that she needed to urinate.

Officers were dispatched to the scene at about 5:16 p.m. The SO and WO #3 were the first at the apartment building, arriving on the 24th floor at about 5:29 p.m. They were met outside the elevators by CW #7 and Ms. Korchinski-Paquet, who was yelling down the hall toward her apartment. Ms. Korchinski-Paquet told the officers that her brother had assaulted her. At the southern end of the hall was CW #2. As the officers, CW #7 and Ms. Korchinski-Paquet made their way down the

corridor, the SO used his arm to prevent Ms. Korchinski-Paquet from moving past him toward CW #2 as CW #2 moved in their direction. Seconds later, WO #3 did the same and proceeded to direct Ms. Korchinski-Paquet further north up the hallway. WO #3 remained with Ms. Korchinski-Paquet as the SO accompanied CW #7 and CW #2 further south down the hallway and eventually into their apartment. At about this time, WO #2 arrived and joined WO #3 in speaking with Ms. Korchinski-Paquet near the elevators. Ms. Korchinski-Paquet told the officers she had experienced seizures earlier in the day and damaged the television when her brother refused to lower the volume. The SO spoke with CW #2, who confirmed Ms. Korchinski-Paquet's seizure and the argument over the television volume, adding that his sister had grabbed knives from the kitchen.

WO #1 and WO #4 were the next two officers to arrive on scene, at about 5:34 p.m. The other three officers were standing further south in the corridor and, CW #7 and CW #2, further south still. Ms. Korchinski-Paquet again tried to get past the officers but was prevented from doing so by the SO, who used his body to block her path. Seconds later, WO #4, who together with WO #1 had reached the other officers, engaged Ms. Korchinski-Paquet and escorted her further north up the hallway. Ms. Korchinski-Paquet indicated that she needed to urinate and threatened to relieve herself in the corridor if she was not permitted back into the apartment. The SO agreed and accompanied Ms. Korchinski-Paquet inside the apartment, as did WO #3 a short time later. The time was about 5:35 p.m.

While the SO and WO #3 were inside the apartment with Ms. Korchinski-Paquet, WO #4 spoke with CW #7 and CW #2 in the stairwell adjacent to the apartment. CW #7 wanted her daughter to be brought to the Centre for Addiction and Mental Health, noting that Ms. Korchinski-Paquet suffered from seizures. In response, WO #4 asked, "What about mental health?"

Also at about 5:35 p.m., paramedics – CW #5 and CW #6 - arrived on the 24th floor with a stretcher and made their way south down the hallway. At about 5:36 p.m., CW #2 stood up from the staircase on which he was sitting in the stairwell and approached CW #5 to be examined.

Ms. Korchinski-Paquet had called her father – CW #1 - inside the bathroom and was still on the call when she exited. CW #7 entered the apartment at about 5:37 p.m., and she and Ms. Korchinski-Paquet argued with each other. About 20 seconds later, CW #6 entered the apartment. The SO attempted to persuade Ms. Korchinski-Paquet to speak with CW #6 given her seizures earlier in the day. CW #7 exited the apartment into the hallway at about 5:38 p.m. Within seconds of her departure, WO #1, WO #2 and WO #4 entered through the apartment door.

Ms. Korchinski-Paquet refused to speak with CW #6. Instead, she backed away from the officers, toppled a standup portable air conditioning unit by the balcony door, and exited through the door onto the balcony. CW #7 entered the apartment again at this time followed by CW #2. The SO told Ms. Korchinski-Paquet to re-enter and attempted to open the door - a hinged screen door that opened into the

balcony - but Ms. Korchinski-Paquet kept it closed using her body weight. Very quickly, Ms. Korchinski-Paquet scaled the balcony railing and the SO lost sight of her. At about this time, CW #7 asked, "What is she doing?" A male voice replied, "She's going to the neighbour's." WO #1 said, "She's jumping balconies." CW #7 indicated, "She can't get to the neighbour's," followed shortly by CW #2 saying, "It's blocked off." Believing Ms. Korchinski-Paquet was attempting to cross over to the neighbouring balcony to the north, WO #3 reported this information over his radio. The time was about 5:39 p.m.

At word that Ms. Korchinski-Paquet was on the balcony crossing over to an adjacent balcony, WO #4 directed everyone out. He and another officer knocked on the front door of the adjacent apartment but received no answer. WO #4 returned to Ms. Korchinski-Paquet's apartment and made his way onto the balcony, where he noticed a metal partition dividing the adjoining balconies with netting completely around the balcony to the north making it inaccessible from the outside. Believing Ms. Korchinski-Paquet had nowhere to go, he looked down and saw her body on the ground below.

Ms. Korchinski-Paquet's descent to the ground was captured in part by a video recording from the ICCS of the SO's cruiser. The recording first depicted Ms. Korchinski-Paquet falling past the 6th floor of the building. She made impact with the ground at about 5:39:18 p.m., about 40 seconds before the officers first knocked on the neighbour's front door.

Some using the elevator, others using the stairs, the officers, paramedics and CW #7 made their way to the ground floor. Ms. Korchinski-Paquet's body was lying on a patch of lawn in line with the balcony immediately north of her balcony; she had fallen approximately 60 metres. The paramedics on scene tended to Ms. Korchinski-Paquet and found her without vital signs. A cardiac monitor was used and found that Ms. Korchinski-Paquet was asystolic.

Ms. Korchinski-Paquet was pronounced deceased at the scene at 6:05 p.m.

The Autopsies and Opinions of Forensic Pathologists

A post-mortem examination was conducted on May 28, 2020 at the facilities of the Provincial Forensics Pathology Unit in Toronto. By way of report dated June 15, 2020, the pathologist attributed Ms. Korchinski-Paquet's death to "multiple blunt impact trauma", which were consistent with a fall from height. That conclusion was confirmed in a second autopsy conducted by the Office of the Chief Medical Examiner for Newfoundland and Labrador at the request of the family.

In his report of the second autopsy, the forensic pathologist was also asked to opine on oval shaped bruising located on Ms. Korchinski-Paquet's left arm and a recent contusion apparent on the right upper back. He reported that the bruising to the arm resembled fingerprint marks and may have occurred during a struggle, the result of Ms. Korchinski-Paquet being forcefully grabbed by the arm. With respect

to the shoulder bruise, the pathologist concluded it occurred before Ms. Korchinski-Paquet's impact with the ground and was the result of blunt force.

The Analysis of Potential Criminal Liability

There are two theories which present themselves for consideration as far as the officers' potential criminal liability is concerned vis-à-vis the events culminating in Ms. Korchinski-Paquet's death. The first asks whether the officers went too far in the exercise of their authority. The second, whether the officers went far enough.

Did the police overstep their authority?

Pursuant to section 25(1) of the Criminal Code, police officers are immune from criminal liability for force used in the course of their duties provided such force was reasonably necessary in the execution of an act that they were required or authorized to do by law. Having personally heard the 911 calls to police and reviewed the transcripts of those calls, I am satisfied that the officers who responded to Ms. Korchinski-Paquet's apartment were there lawfully. As far as they knew, they were responding to multiple reports of assault, some which claimed Ms. Korchinski-Paquet had attacked her brother, others indicating that Ms. Korchinski-Paquet had been attacked by her brother and/or mother, all of which mentioned the presence of knives in the course of the altercation or altercations.

Arriving at the 24th floor hallway and meeting with CW #7, CW #2 and Ms. Korchinski-Paquet, it was apparent to the officers that emotions were running high between the parties. Ms. Korchinski-Paquet was yelling at her brother and her brother was yelling back. Shards of broken wine bottles and red wine were on the corridor floor. The officers stepped between the siblings to prevent any renewal of hostilities and set about trying to figure out what had happened.

At one point, after the SO had finished speaking with CW #2 inside the apartment to get his side of the story, he stepped into the hallway intending to speak with Ms. Korchinski-Paquet. Ms. Korchinski-Paquet yelled at CW #2 and tried to approach him. The SO used his body to block her path and Ms. Korchinski-Paquet backed down. This constituted a measure of force on the part of the officer, but one which I am satisfied was reasonably necessary in the circumstances. The SO was within his rights in attempting to preserve the peace and prevent a further altercation between the siblings, and he did so with minimal force and without injury. To her credit, Ms. Korchinski-Paquet did not press the issue and tensions abated, but only momentarily.

There is the question of the fingertip-type bruising and a contusion on the back of Ms. Korchinski-Paquet's right shoulder, indicative, on the pathology evidence, of a possible physical struggle before the fall. As there was no witness evidence of such a struggle between any of the officers and Ms. Korchinski-Paquet, and given the distinct possibility that these injuries may have been incurred in the assault or

assaults that reportedly occurred among the family members ahead of the police arrival, I am unable to infer from this evidence that there was any physical altercation between the officers and Ms. Korchinski-Paquet inside the apartment or on the balcony.

Aside from the physical force used to keep Ms. Korchinski-Paquet away from CW #2, it is also true that the officers exercised non-physical control over the movements of Ms. Korchinski-Paquet, CW #7 and CW #2 upon their arrival on the 24th floor by deciding, for example, who would and would not enter the apartment at times during their interaction. Thus, for example, when Ms. Korchinski-Paquet entered the apartment to use the bathroom, steps were initially taken to keep CW #2 and CW #7 in the stairwell. I do not believe the officers' conduct in this regard was unlawful. More specifically, I am satisfied that Ms. Korchinski-Paquet, CW #7 and CW #2 were under lawful detention at the time.

In R v Mann, [2004] 3 SCR 59, the Supreme Court of Canada confirmed that a police officer has a limited power to detain an individual for investigative purposes if the officer has a reasonable suspicion that the person is connected to a crime. The detention must be reasonably necessary with a view to such considerations as the extent to which the interference with individual liberty is necessary to the performance of the officer's duty, the liberty interfered with, and the nature and extent of the interference. In the instant case, the officers were aware via the information that came in on the 911 calls that they were responding to deal with an assault that had involved physical violence and weapons. On their arrival at the scene, the broken glass on the hallway floor and the enmity on display between the family members would have reinforced the notion that an unlawful assault had occurred. While knives were not present in the hallway, their presence in the apartment had yet to be ruled out by the officers. On this record, it would seem the officers had a lawful basis to temporarily detain Ms. Korchinski-Paquet and her family, and to control their access to the apartment, while they tried to figure out whom among them were the victims and whom among them were the perpetrators of the reported assault.

Did the police do enough?

The issue turns to whether the officers could have done more to prevent Ms. Korchinski-Paquet's death and, if so, whether their failure to do so amounted to a criminal offence. There are two offences that arise for consideration on this theory of liability, namely, failure to provide the necessities of life and criminal negligence causing death contrary to sections 215 and 220 of the Criminal Code, respectively. I deal first with the former.

As an offence of penal negligence, simple negligence will not suffice to ground liability for failure to provide the necessities of life. Rather, the offence is premised, in part, on conduct that amounts to a marked departure from the level of care that a reasonable person would have exercised in the circumstances: R v Naglik, [1993] 3 SCR 122; R v F(J), [2008] 3 SCR 215. In the instant case, the

liability analysis boils down to the following question: ought the officers have apprehended Ms. Korchinski-Paquet at some point before she scaled the balcony railing?

In asking this question, I accept as arguable that in the environment that prevailed in and around the apartment at the time, Ms. Korchinski-Paquet's apprehension by the police may well have constituted a "necessary of life" as it would have prevented her putting her life in danger by scaling the balcony railing. Of course, the officers were not simply free to apprehend Ms. Korchinski-Paquet outside the ambit of their legal authority.

While there were grounds for Ms. Korchinski-Paquet's detention, I am not satisfied there was a lawful basis to assume complete control over Ms. Korchinski-Paquet's movements via an arrest. The officers had conflicting information about who had done what to whom and were still attempting to sort that out when Ms. Korchinski-Paquet took the drastic action she did. Nor were the officers in a position to forcibly remove Ms. Korchinski-Paquet from the premises until she had calmed down. As with her mother and brother, Ms. Korchinski-Paquet's name was equally on the lease. Was there some other basis upon which the officers could have acted?

Section 17 of the MHA provides, in part, that police officers may take a person into custody for psychiatric examination at hospital where they have sufficient grounds to believe the person is: acting or has acted in a disorderly manner, at risk of self-harming or harming another person, and suffering from a mental disorder that will likely result in serious harm to the person or another person. It appears that some of the officers who responded to the scene turned their minds to whether the MHA was applicable to the situation at hand. One of them, at least, WO #4, seems to have concluded it was not. Informed by CW #7 outside the apartment that Ms. Korchinski-Paquet suffered from seizures, the officer asked, "What about mental health?" There also appears to have been uncertainty in the minds of one or more of the 911 operators as to whether epilepsy was a mental health condition.

I am not a doctor nor versed in the medical community's modern-day understanding of epilepsy and the seizures it produces. The limited layperson's research I have conducted of the matter suggests that epilepsy is a neurological disorder with manifestations that can be mental as well as physical. Be that as it may, I cannot fault the officers for failing to take Ms. Korchinski-Paquet into custody prior to her scaling the balcony railing. She had not given them any indication that she wished to harm herself and was professing to be the victim of an assault at the hands of her brother. There is no doubt she was irate and perhaps even behaving in a disorderly manner in the presence of the police, but that would not have been unusual for a person claiming to have been assaulted and demanding the police take action. Separate and apart from whether Ms. Korchinski-Paquet was suffering from a mental disorder, therefore, I am unable to reasonably conclude that the officers were derelict in failing to apprehend Ms. Korchinski-Paquet under the MHA at least until such time as they were satisfied

that she was the aggressor of the violence that had preceded their arrival or at risk of self-harm. I am satisfied they never reached those conclusions, nor were there necessarily grounds for having done so.

For the foregoing reasons, there are no reasonable grounds to believe that the officers' failure to take Ms. Korchinski-Paquet into custody for her own protection amounted to an offence under section 215 of the Criminal Code. The liability analysis turns to whether there is evidence of criminal negligence against any one or more of the involved officers in connection with Ms. Korchinski-Paquet's fateful fall.

The want of care at the heart of criminal negligence causing death is more egregious than that which defines other species of negligent-type offences, such as the failure to provide the necessities of life under section 215 of the Criminal Code. The latter are premised on a marked departure from a reasonable standard of care. The former is not made out unless the impugned conduct amounts to a marked and substantial departure from a reasonable standard of care.

Regardless of the officers' understanding of epilepsy or the precise nature of Ms. Korchinski-Paquet's mental health at the time, it was obvious that they were responding to a family dispute in which emotions were heated. Once the parties had been duly separated to prevent a continuation of further hostilities, de-escalation efforts would have been in order. The evidence indicates that the officers made efforts to defuse the situation. For example, once Ms. Korchinski-Paquet was inside the apartment with the SO, and after the officer had been unable to establish any productive communication with her as she emerged from the bathroom on the phone with her father, CW #6, the female paramedic on scene, was brought in. As WO #1 explained, paramedics had in her experience been effective in de-escalating situations in which individuals had not reacted well to police presence. Unfortunately, CW #6 could make no inroads. The weight of the evidence, including the video recordings of the corridor and the audio recordings of dialogue at the scene captured by the wireless microphones of WO #1 and WO #4, also suggests the officers were not aggressive in their dealings with the family. There were objections raised with the number of officers who arrived on scene – six – and with the long gun in the possession of WO #4. However, the officers were responding to an assault call involving multiple parties and the use of knives. In the circumstances, I am unable to characterize the nature and extent of the police resources deployed as an overreaction or heavy-handed.

There remains the question of the TPS Mobile Crisis Intervention Team (MCIT) program. The teams bring together officers specifically trained in de-escalation techniques with mental health nurses to rapidly respond to situations involving "emotionally disturbed persons". They are part of the police service's strategy for achieving positive outcomes when dealing with persons threatening self-harm or harm to others because of behaviour attributable to a mental or emotional crisis. Whether Ms. Korchinski-Paquet was in a mental health crisis strictly speaking, she was certainly "emotionally disturbed" in the language of the TPS MCIT policy and

could have benefitted from the expertise brought to bear by the MCIT. It is conceivable, for example, that the intervention of a mental health nurse might have proven successful in achieving a level of engagement with Ms. Korchinski-Paquet that the officers on scene had been unable to achieve. However, the policy expressly precludes the deployment of the MCIT as first responders with respect to incidents involving the possible use of weapons. This was such a case. In the circumstances, I am unable to find fault with the decision not to initially dispatch the MCIT. Nor is there a basis to be critical of the failure on the part of the officers on the scene to call for such a team. After all, even though it was apparent that none of the parties had actually sustained any serious injuries, the officers had not yet located and secured the knives that had reportedly been brandished in the domestic disturbance that prompted their attendance.

Finally, the decision to disengage soon after Ms. Korchinski-Paquet moved to the balcony and scaled the railing is open to legitimate scrutiny. The decision to do so was made by WO #4 and followed an initial attempt on the part of the SO to enter onto the balcony after Ms. Korchinski-Paquet. Arguably, the situation called for a more proactive posture at that moment; one in which, perhaps, officers entered onto the balcony to try to coax or physically pluck Ms. Korchinski-Paquet back to safety. As it turned out, within seconds of scaling the railing and attempting to make her way over to the neighbouring balcony, Ms. Korchinski-Paquet lost her balance and fell.

On the other hand, Ms. Korchinski-Paquet had given the officers no reason to believe that she was intent on harming herself. Instead, as they correctly surmised, she was attempting to traverse to the neighbouring balcony. In their SIU interviews, some officers indicated withdrawal was pursued so as not to do anything that could startle or further provoke Ms. Korchinski-Paquet, who was at the time in a very precarious position perched on a narrow ledge on the outer aspect of the balcony railing 24 stories in the air. In his SIU interview, WO #4 noted that he had previously spent three years in the MCIT. It was his judgment at the time that the officers' best recourse was to have the Emergency Task Force (ETF) dispatched to a situation that had suddenly become life-and-death. Certainly, the ETF is trained for these sorts of high-risk incidents and would have been able to bring to bear resources to attempt a rescue operation that the officers on scene were without. In this context, if the officers' fell short in their decision, I am satisfied the decision was not one divorced of logic.

In the final analysis, I am satisfied on the totality of the evidence that the conduct of the officers who responded to Ms. Korchinski-Paquet's residence did not amount to a marked and substantial departure from a reasonable level of care in the circumstances. The officers acted prudently, in my view, in keeping the parties separated while they sorted out exactly what had happened. Though their efforts were unsuccessful, they tried to de-escalate tensions by bringing in a non-police emergency responder to speak with Ms. Korchinski-Paquet. There is no suggestion of an undue show of force by the officers or unnecessarily aggressive behaviour in tone or movement. Arguably, they might have acted more proactively

in the penultimate moments of the incident by venturing onto the balcony. That said, the concern that doing so might worsen the situation was not without merit. On this record, I am satisfied on balance that the officers did not transgress the limits of care prescribed by the criminal law.

Conclusion

In the result, as I am satisfied that the involved officers acted lawfully throughout their engagement with Ms. Korchinski-Paquet and her family, there are no grounds for proceeding with criminal charges in this case notwithstanding Ms. Korchinski-Paquet's tragic death. Accordingly, the file is closed.

Summary of the Toronto Police Service's Investigation

Professional Standards – S.I.U. Liaison (S.I.U. Liaison) conducted an administrative investigation as is required by Provincial Legislation.

This investigation examined the circumstances of the custody death in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The S.I.U. Liaison investigation reviewed the following T.P.S. procedures (as they existed in 2020).

- T.P.S. Standards of Conduct 1.10 (Racially Biased Policing);
- Procedure 01-01 (Arrest);
- Procedure 04-02 (Death Investigations);
- Procedure 04-16 (Death in Police Custody);
- Procedure 06-04 (Persons in Crisis);
- Procedure 08-03 (Injured on Duty Reporting);
- Procedure 08-04 (Members Involved in a Traumatic Critical Incidents);
- Procedure 10-05 (Incidents Requiring the Emergency Task Force);
- Procedure 10-06 (Medical Emergencies);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports);
- Procedure 15-01 (Use of Force and Equipment);
- Procedure 15-17 (In-Car Camera System).

The S.I.U. Liaison investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)
- Ontario Regulation 926 (Equipment and Use of Force)

In November 2020, Ms. Korchinski-Paquet's family filed a public complaint alleging nine of the attending officers had committed misconduct in relation to their interactions with Ms. Korchinski-Paquet. The Office of the Independent Police Director (O.I.P.R.D) retained the investigation and conducted an investigation. At the conclusion of the investigation the Director of the O.I.P.R.D concluded that there was insufficient evidence to believe any of the nine respondent officers had committed misconduct under the *Police Services Act* (P.S.A.). It should be noted that the public complaint involves nine officers, however only six were designated by the O.I.P.R.D,

In October, 2021, counsel representing Ms. Korchinski-Paquet's family filed an application for judicial review of this finding. The application sought to quash the Directors findings and requested an order for "*mandamus*" requiring the Director to charge all respondent officers with misconduct under the P.S.A. Alternatively, the applicant sought, "*this Court (the Ontario Superior Court of Justice) to find the respondent officers guilty of misconduct. Or he requests that an investigation be ordered into the actions of the respondent officers by a local police service*".

On November 2, 2022, the Honourable Justices McWatt, Swinton and McCarthy of the Ontario Superior Court of Justice dismissed the application stating, "*I find that the Director's conclusion that there were insufficient grounds to believe that the respondent officers had committed misconduct was reasonable. The rationale he used to reach that decision was transparent, intelligible and justified. The reasons support the conclusion reached. The application is dismissed*".

The following additional comments are provided in relation to this investigation.

The S.I.U. Liaison examined Toronto Police Service Procedure 06-04 (Emotionally Disturbed Persons as it existed on May 27, 2020) with the following comments provided.

This event started as a domestic disturbance. It was reported that an assault had occurred and weapons had been used. There was mention in calls to 9-1-1 that Ms. Korchinski-Paquet had epilepsy and had seizure(s) earlier in the day. The Investigating Supervisor reviewed the statements the designated officers provided to the S.I.U and it is clear the officers understood they were attending a weapons call and not a call for a person in crisis.

Although Ms. Korchinski-Paquet had previous contact with T.P.S. there was no information provided to the responding officers indicating any possible mental health issues or concerns.

One of the officers in attendance at this call was a former member of the Mobile Crisis Intervention Team (M.C.I.T.) having been assigned to the M.C.I.T. between March 2015 and July 2018.

This officer spoke with Ms. Korchinski-Paquet's mother who advised him her daughter had epilepsy, had suffered a seizure earlier in the day and wanted the officer(s) to take

her to the Centre for Addiction and Mental Health (C.A.M.H.). This officer inquired what Ms. Korchinski-Paquet suffered from to which Ms. Korchinski-Paquet's mother responded *seizures*.

Based on this information the officers formed a reasonable belief that they were dealing with a medical issue and not a mental health issue.

Procedure 06-04 provides officers with clear direction when contemplating an apprehension under the *Mental Health Act* (M.H.A.). There is no evidence that grounds existed to apprehend Ms. Korchinski-Paquet under the M.H.A. Any concerns the officers had for her wellbeing were medical and not related to a potential mental health issue.

The Director of the S.I.U. Joseph Martino articulated a similar belief stating, "*separate and apart from whether Ms. Korchinski-Paquet was suffering from a mental disorder, therefore, I am unable to reasonably conclude that the officers were derelict in failing to apprehend Ms. Korchinski-Paquet under the MHA at least until such time as they were satisfied that she was the aggressor of the violence that had preceded their arrival or at risk of self-harm. I am satisfied they never reached those conclusions, nor were there necessarily grounds for having done so...*"

In his report to the Attorney General, Director Martino suggested that Ms. Korchinski-Paquet and the situation as a whole could have benefitted from the attendance of the M.C.I.T.

Notifying the M.C.I.T. was not considered by the officers. There was a former M.C.I.T. officer present at the call who had the knowledge, skills, abilities and experience to perform that role if required. None of the officers involved with this event believed this was a call for a person in crisis or one that involved a mental health issue or concern. Ms. Korchinski-Paquet had previously had a seizure and the officers believed this medical condition should be dealt with by medical professionals who were on scene. Ms. Korchinski-Paquet was encouraged by officers to avail herself of medical assistance but this was refused.

If it had been determined that an M.C.I.T. unit should attend they would have only attended once *weapons or any other identified safety concerns* had been managed by the primary responding officers. In this case, safety concerns and the presence of weapons had not been established or resolved at the time of Ms. Korchinski-Paquet's fall.

This rationale was echoed by the Director of the S.I.U. who in his report stated, "*in the circumstances, I am unable to find fault with the decision not to initially dispatch the M.C.I.T. Nor is there a basis to be critical of the failure on the part of the officers on the scene to call for such a team. After all, even though it was apparent that none of the parties had actually sustained any serious injuries, the officers had not yet located and secured the knives that had reportedly been brandished in the domestic disturbance that prompted their attendance*".

With the above said, the S.I.U. Liaison investigation determined the conduct of the designated officers was in compliance with applicable provincial legislation regarding the Standards of Conduct and T.P.S. Procedure 06-04.

On December 7, 2021, T.P.S. Procedure 06-04 was amended and renamed *Persons In Crisis* and this procedure has been made available to the public.

Given the tragic circumstances of this event the T.P.S. felt it was necessary to engage a subject matter expert who could assist in informing the Service of any potential gaps in procedures, training and identifying any concerns relating to the actions of the attending officers.

Dr. Peter Collins, CD, MD, MCA, FRCPC was identified as a subject matter expert and was requested by the T.P.S. to review the material pertaining to the death of Ms. Korchinski-Paquet from the perspective of an expert in police crisis intervention.

Dr. Collins is a forensic psychiatrist with the Complex Care and Recovery Program at the C.A.M.H., and is an Associate Professor with the Division of Forensic Psychiatry, Temerty Faculty of Medicine at the University of Toronto. Dr. Collins has been the operational forensic psychiatrist, with the Criminal Behaviour Analysis Section of the Ontario Provincial Police since 1995.

Dr. Collins has been a member of the Toronto Police Service Emergency Task Force crisis negotiation team since 1992 and for the past 32 years has instructed police officers in Canada, the United States, and internationally on crisis communications and crisis/hostage negotiations.

From 2016 to 2018 Dr. Collins was on the Deputy Minister's Executive Advisory Committee for Police De-escalation – the Ministry of the Solicitor General and Correctional Services Ontario.

Dr. Collins is a contributing editor of the *Journal of Threat Assessment and Management*, has been published by the American Psychological Association and is the co-editor of the text *The Psychology of Crisis Intervention for Law Enforcement Officers*, published by Carswell Thompson Reuters.

On January 25, 2021, Dr. Collins completed his report and provided it to Chief James Ramer.

Dr. Collins provided the following opinion:

“This is an unfortunate set of events and is it always tragic when someone loses their life. The nature of this call, however, was such that the responding officers had to be from a Primary Response Unit and not a Mobile Crisis Intervention Team. Unknown trouble, weapon calls and domestic violence calls would preclude the involvement of M.C.I.T.

Crisis calls are dynamic especially if behaviour encountered is emotional in nature. The responding officers appropriately tried to diffuse the situation by keeping the parties separate and then tried to gain understanding as to what had transpired by to obtain information from the parties. Given her stated discomfort the officers allowed Ms. Korchinski-Paquet to use the bathroom. After exiting refused to speak with a paramedic and headed to the balcony. There was never any indication that Ms. Korchinski-Paquet posed a risk to herself or what her intentions were when she went onto the balcony. If Ms. Korchinski-Paquet had remained on the balcony the Emergency Task Force would have been notified to respond as it was now a high risk situation. In these types of situations E.T.F. likely would have contacted the undersigned to attend as well.

An epileptic seizure is due to abnormal and excessive neuronal activity. Seizures may occur as a manifestation of a new neurologic insult (e.g., trauma, stroke, encephalitis) or due to systemic, infectious or inflammatory issues. Epilepsy syndromes are identified based on the type of seizure, findings on electroencephalography (E.E.G.), age of onset, family medical history, triggers and associated neurological symptoms or sequela. Epilepsy would be identified primarily as a medical concern and not mental illness. Despite [her mother's] request that her daughter be taken to CAMH the paramedics would have taken her for the closest emergency room for medical assessment. Ambulances will not transport patients to the C.A.M.H. Emergency Department. If the police had transported Ms. Korchinski-Paquet, to the C.A.M.H. E.D., they would be directed to the emergency room at Mount Sinai Hospital for medical clearance.

In conclusion, it is my professional opinion that despite the tragic outcome, the police responded as per protocol. They attempted to de-escalate the situation by separating those involved, tried to obtain everyone's perspective as to what had led to the 911 calls and also tried to have Ms. Korchinski-Paquet speak to one of the attending paramedics”.

This tragic event and other related global events have put a focus on the role police have when responding to crisis calls. In response to this, and in line with the Service's goal to focus on the complex needs of a large city now retired Chief of Police Jim Ramer (4951) directed the creation of dedicated M.C.I.T. teams. These newly formed teams are available in all 17 Divisions, 14 hours per day. These M.C.I.T. teams will attend all *persons in crisis* calls as either the first responder or co-responder including those calls considered *high priority* where officers may encounter violence or barricaded persons.

The formation of this new unit is supported by a new procedure and specialized training.

Specifically, on December 7, 2021, the Service implemented Procedure 06-13 (Mobile Crisis Intervention Team) which has been written in a manner which provides adequate and appropriate guidance and direction to members about the M.C.I.T., their role and when they are to be utilized.

These substantial changes in the manner the Service responds to crisis calls coupled with the roll out of the body-worn cameras and continued de-escalation training for all members will increase transparency, trust and further the Service's commitment to deliver police services, which are sensitive to the needs of the community, involving collaborative partnerships and teamwork to overcome all challenges.

In addition to the above steps taken by the T.P.S. in March 2022, the City of Toronto in partnership with the T.P.S. launched the Toronto Community Crisis Service. This service is an alternative model of crisis response aimed at better supporting community health, wellness and safety through a community-led approach to mental health crisis call and wellness checks.

The S.I.U. Liaison investigation examined Toronto Police Service procedure 15-17 (In-Car Camera System) and it was determined that three of the designated officers failed to comply with T.P.S. Procedure 15-17 (In-Car Camera System). An internal investigation was commenced and it was substantiated that the three officers had failed to properly utilize this recording equipment. The misconduct was adjudicated at the unit level.

No other conduct issues were identified by this investigation.

Staff Superintendent Peter Code (6469), Professionalism and Accountability, will be in attendance to answer any questions that the Board may have regarding this report.

Recommendation:

This report recommends that the Board receive this report for information.

Financial Implications:

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

Respectfully submitted,

Myron Demkiw, M.O.M.
Chief of Police

Contact

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PUBLIC REPORT

January 13, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw
Chief of Police

**Subject: Chief's Administrative Investigation into the Firearms
Death of Complainant 2022.24**

Purpose: Information Purposes Only Seeking Decision

Recommendations:

This report recommends that the Toronto Police Services Board (Board):

- 1) receive this report for information, and;
- 2) forward a copy of this report to the Solicitor General (per Ontario Regulation 926, s.13(4))

Financial Implications:

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

Summary:

As a result of the Special Investigations Unit Liaison (S.I.U. Liaison) investigation; an internal investigation was initiated, and misconduct was substantiated against the designated witness officer.

Discussion:

Background

TORONTO POLICE SERVICES BOARD

40 College Street Toronto, Ontario M5G 2J3 | Phone: 416.808.8080 Fax: 416.808.8082 | www.tpsb.ca

Whenever the Special Investigations Unit (S.I.U.) investigates an incident involving death, serious injury, the discharge of a firearm at a person or the allegation of a sexual assault, provincial legislation requires the chief of police, of the relevant police service, to conduct an administrative investigation. This is the Chief's report in respect of this incident.

Relevant Board Policies and Compliance

- Toronto Police Service (T.P.S.) procedures
- Provincial Legislation
- Provincial Regulation

S.I.U. Terminology

Complainant – Refers to the Affected Person

CW – Civilian Witness

SO – Subject Official

WO – Witness Official

TPS – Toronto Police Service

S.I.U. Investigative Conclusion

In a letter to the Chief of Police dated September 23, 2022, Director Joseph Martino of the S.I.U. stated, *“the file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the officials.”*

The following *S.I.U. Incident Narrative and Analysis and Directors Decision* has been reprinted from the S.I.U. Director's report, number 22-TFD-136, which can be found in its entirety via the following link:

https://www.siu.on.ca/en/directors_report_details.php?drid=2133

S.I.U. Incident Narrative

“The material events in question are clear on the evidence collected by the SIU, including interviews with police and civilian eyewitnesses, and video footage that captured the incident. As was their legal right, neither SO #1 nor SO #2 agreed an interview with the SIU or to authorize the release of their notes.

Shortly before 1:00 p.m. of May 26, 2022, TPS was alerted to the presence of a male with a firearm in the area of William G. Davis Jr. Public School on East Avenue. Officers were dispatched to the scene. The school was placed in lockdown.

The male was the Complainant. The Complainant walked nonchalantly with the rifle – a .22-caliber air rifle with a riflescope – sometimes concealed in the jacket

he was wearing, sometimes in plain view. The Complainant suffered from mental illness, and had had a particularly difficult time the week prior coping with his mental health.

Officers rushed to the area in search of the Complainant. Among these officers was SO #1, operating a marked police SUV. Travelling north on East Avenue past the school, the officer observed the Complainant on a grassy area west of the roadway. He had emerged holding the rifle from a treed and bushy area along the banks of a creek. As he drove past the Complainant, SO #1 told him to drop the weapon. The officer continued a short distance to the intersection at Baronial Court where he stopped his cruiser in the southbound East Avenue lane facing northwest.

At about the same time, SO #2, operating a marked police Ford Taurus north on East Avenue, had also seen the Complainant by the side of the road. With him in the passenger seat was WO #6. SO #2 brought his cruiser to a stop in the southbound lane, south of the intersection and north of the Complainant's position, facing northwest.

The officers pointed their firearms at the Complainant from positions of cover behind their respective vehicles. WO #6 yelled at him to drop his weapon. The Complainant maintained possession of his weapon during this brief standoff. Within moments, he raised the rifle, pointed it at the officers, and was met with gunfire.

SO #2 shot first with his semi-automatic pistol. The round struck the Complainant and staggered him momentarily. As the Complainant righted himself, the rifle in his hands again pointed in the direction of the officers, SO #2 fired once more. At about the same time, SO #1 discharged his C8 rifle three times. The time was about 1:23 p.m.

The Complainant fell onto his back following the volley of gunshots, dropping his rifle in the process. He had been struck four times in the torso.

SO #2 and other officers approached the Complainant on the ground and began to administer emergency treatment, including CPR. Firefighters and paramedics arrived on scene and assumed charge of the Complainant's care. At about 1:49 p.m., their live-saving efforts at resuscitation were discontinued.

Cause of Death

The pathologist at autopsy was of the preliminary view that the Complainant's death was attributable to gunshot wounds of the torso. Gunshot wounds were located on the Complainant's left shoulder, left flank, left hip and abdomen."

Analysis and Director's Decision

"The Complainant died on May 26, 2022, the result of gunshot wounds inflicted by two TPS officers. The officers – SO #1 and SO #2 – were identified as the subject officials in the ensuing SIU investigation of the incident. The investigation is now concluded. On my assessment of the evidence, there are no reasonable grounds to believe that either subject official committed a criminal offence in connection with the Complainant's death.

Section 34 provides that conduct that would otherwise constitute an offence is legally justified if it was intended to deter a reasonably apprehended assault, actual or threatened, and was itself reasonable. The reasonableness of the conduct is to be assessed in light of all the relevant circumstances, including with respect to such considerations as the nature of the force or threat; the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force; whether any party to the incident used or threatened to use a weapon; and, the nature and proportionality of the person's response to the use or threat of force. In my view, the use of lethal force by SO #1 and SO #2 fell within the ambit of justification prescribed by section 34.

The officers who responded to the scene, including SO #1 and SO #2, were engaged in the lawful discharge of their duties. Upon receiving word of an individual walking freely in the area of a school with a firearm, the officers dispatched to the scene were obliged to attend to do what they could to protect public safety and take the person into custody.

The evidence establishes that SO #1 and SO #2 fired their weapons at the Complainant in the reasonable belief that doing so was necessary to protect against a lethal threat. Though neither officer, as was their right, provided a statement to the SIU, the circumstances surrounding the shooting compel the conclusion. The Complainant had in his possession a rifle that gave every appearance of being able to inflict grievous bodily harm or death if fired. He had been ordered to drop the weapon but did not do so. Instead, the Complainant raised the weapon in the general direction of the officers, most pointedly at WO #6, as if about to fire. On this record, it is evident that the officers shot the Complainant in the genuine belief that they were about to be fired upon.

It is also apparent the gunfire by SO #1 and SO #2 constituted reasonable defensive force. The weapon in the Complainant's possession was an air rifle, but the officers would not have known that, nor, had they known, is it clear they could be assured it was non-lethal. For all intents and purposes, the officers would have reasonably apprehended that their lives were on the line when the Complainant very deliberately raised the rifle at them. That is what WO #6, similarly situated to SO #2, told the SIU. He explained that he was about to fire his gun at the Complainant in fear for his life when SO #1 and SO #2 discharged their weapons. Nor was it the case that retreat or withdrawal were options. The Complainant constituted a real and present danger to public safety, particularly given his proximity to a school that was in session, and the officers were not free to vacate the area. Lastly, confronted with a lethal weapon at a distance of approximately

20 (SO #2) to 40 (SO #1) metres, I am unable to fault the officers for not resorting to less lethal weapons. What was required was the Complainant's immediate incapacitation, something only a firearm could do given the officers' locations.

In the result, there are no reasonable grounds to believe that either of SO #1 and SO #2 comported themselves unlawfully when they confronted and shot the Complainant. As such, there is no basis for proceeding with criminal charges in this case."

Summary of the Toronto Police Service's Investigation

Professional Standards – Firearm Discharge Investigators (F.D.I.) conducted an administrative investigation as is required by Provincial legislation.

This investigation examined the circumstances of the firearms death in relation to the applicable legislation, policing services provided, procedures, and the conduct of the involved officers.

The F.D.I. investigation reviewed the following Toronto Police Service (T.P.S.) procedures:

- Procedure 01-01 (Arrest);
- Procedure 01-02 (Search of Persons);
- Procedure 01-03 (Persons in Custody);
- Procedure 04-27 (Use of Police Dog Services);
- Procedure 05-21 (Firearms);
- Procedure 08-03 (Injured on Duty Reporting)
- Procedure 08-04 (Members Involved in a Traumatic Critical Incident);
- Procedure 10-05 (Incidents Requiring the Emergency Task Force);
- Procedure 10-06 (Medical Emergencies);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports);
- Procedure 15-01 (Incident Response (Use of Force/De-Escalation));
- Procedure 15-02 (Injury/Illness Reporting);
- Procedure 15-03 (Service Firearms);
- Procedure 15-17 (In-Car Camera System); and
- Procedure 15-20 (Body-Worn Camera)

The F.D.I. investigation also reviewed the following legislation:

- *Special Investigations Unit Act, 2019*
- Ontario Regulation 926 14.2 - Use of Force Qualifications;
- Ontario Regulation 926 (9) - Discharge Firearm;
- Ontario Regulation 926 14.5(1) - Use of Force Report.

Conclusion:

The F.D.I. investigation determined that the T.P.S.'s policies and procedures associated with this firearms death were lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The S.I.U. Liaison investigation determined that the conduct of a designated witness officer was not in compliance with Procedure 13-16 (Special Investigations Unit) pertaining specifically to evidence management. An internal investigation was initiated, and misconduct was substantiated against the officer at the divisional level.

Staff Superintendent Peter Code, Professionalism and Accountability, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Myron Demkiw, M.O.M.
Chief of Police



PUBLIC REPORT

January 13, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury of Complainant 2022.28

Purpose: Information Purposes Only Seeking Decision

Recommendations:

This report recommends that the Board receive this report for information.

Financial Implications:

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

Summary:

As a result of the Special Investigations Unit Liaison (S.I.U. Liaison) investigation; an internal investigation was initiated, and misconduct was substantiated against the designated officer.

Discussion:

Background

Whenever the Special Investigations Unit (S.I.U.) investigates an incident involving death, serious injury, the discharge of a firearm at a person or the allegation of a sexual assault, provincial legislation requires the chief of police, of the relevant police service,

to conduct an administrative investigation. This is the Chief's report in respect of this incident.

Relevant Board Policies and Compliance

- Toronto Police Service (T.P.S.) procedures
- *Special Investigations Unit Act*

S.I.U. Terminology

Complainant – Refers to the Affected Person

SO – Subject Official

WO – Witness Official

TPS – Toronto Police Service

S.I.U. Investigative Conclusion

In a letter to the Chief of Police dated October 28, 2022, Director Joseph Martino of the S.I.U. stated, *“the file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the officials.”*

The following *S.I.U. Incident Narrative and Analysis and Directors Decision* has been reprinted from the S.I.U. Director's report, number 22-TCI-167, which can be found in its entirety via the following link:

https://www.siu.on.ca/en/directors_report_details.php?drid=2171

S.I.U. Incident Narrative

“At about 2:27 a.m. of June 30, 2022, the TPS received a 911 call about an attempted theft of a vehicle from an address on Cathy Jean Crescent, Toronto. The suspects, carrying duffle bags, had left the area in a white SUV after they were alerted to the 911 caller's presence. The incident was broadcast over the police radio and officers indicated they would attend at the area.

WO #2 spotted a white Mazda SUV with four males in it and decided to pull the vehicle over when it failed to stop for a stop sign. Other officers, including the SO, arrived to assist with the investigation at the scene of the stop – the westbound curb lane of Steeles Avenue West just east of Highway 27. The four males were directed to exit the Mazda and sit on the ground just north of the roadway. They did so. Within minutes of their detention, three of the four stood up and fled the scene on foot.

The Complainant was among the four occupants of the Mazda. He and another occupant, Occupant #1, ran northward across Highway 407 and then up and over

a fence into a lot of tall grass and bush. The SO gave chase for a period before pausing to wait for assistance, including the arrival of a police dog handler and his dog.

WO #4 and his dog arrived on scene and soon picked up the track of the Complainant and Occupant #1. The officer and his dog located the Complainant and Occupant #1 a distance into the fenced lot of tall grass, and advised them that they were under arrest. [2] The SO had climbed over the fence and rushed to the location of the dog handler, quickly locating the Complainant. Right behind the SO was WO #5.

With the Complainant on the ground, the SO and WO #5 attempted to handcuff him behind the back. The Complainant did not bring his hands around his back as directed by the officers and was punched several times to the left side by the SO. As this struggle unfolded, WO #5 extricated himself in order to deal with Occupant #1, whom he had observed a short distance away to his right. The officer was able to handcuff Occupant #1's hands to the back without much struggle. Shortly thereafter, after some additional punches to the back delivered by the SO, he and WO #5 handcuffed the Complainant's arms behind his back.

The Complainant was subsequently seen in hospital where he was diagnosed with fractures of the left orbital.”

Analysis and Director's Decision

“The Complainant was seriously injured in the course of his arrest by TPS officers on June 30, 2022. One of the arresting officers – the SO – was identified as the subject official in the ensuing SIU investigation. The investigation is now concluded. On my assessment of the evidence, there are no reasonable grounds to believe that the SO committed a criminal offence in connection with the Complainant's arrest and injuries. Pursuant to section 25(1) of the Criminal Code, police officers are immune from criminal liability for force used in the course of their duties provided such force was reasonably necessary in the execution of an act that they were required or authorized to do by law.

I am satisfied that the Complainant was under lawful police detention at the time of the events in question. His presence in a white SUV that had been seen leaving the scene of an attempted motor vehicle theft nearby, which vehicle contained duffle bags that the suspects had also been seen with, gave rise to a reasonable suspicion that the Complainant was implicated in a crime: R. v. Mann, [2004] 3 SCR 59.

I am also satisfied that the force brought to bear by the SO, namely, a series of punches, constituted legally justified force. The Complainant had fled the scene of a lawful detention and the officer was entitled to re-assert custody, this time, by securing the Complainant in handcuffs in light of his flight risk. When the Complainant did not comply with the SO's commands that he place his arms

behind his back, the officer was within his rights in resorting to a measure of force to achieve his ends. It is perhaps debatable whether the SO delivered more punches than were, strictly speaking, absolutely necessary to the task at hand. That said, the law requires that the force used by an officer is to be gauged with an appreciation of the dynamics of the moment. An officer is not expected to use only force that is perfectly tailored to the situation; what is required is a reasonable response, not an exacting one: R. v. Nasogaluak, [2010] 1 SCR 206; R. v. Baxter (1975), 27 CCC (2d) 96 (Ont. CA). The Complainant had led the officers on a dangerous trek across Highway 407, at night, into a lot of tall grass and uneven terrain. In so doing, he gave the officers every reason to believe that his immediate arrest was imperative in the interest of everyone's safety and, therefore, justification to use decisive force in so doing.

For the foregoing reasons, there is no basis for proceeding with criminal charges against the SO.”

Summary of the Toronto Police Service's Investigation

The Professional Standards – S.I.U. Liaison (S.I.U. Liaison) conducted an administrative investigation mandated by provincial legislation.

This investigation examined the circumstances of the custody injury in relation to the applicable legislation, policing services provided, procedures, and the conduct of the involved officers.

The S.I.U. Liaison investigation reviewed the following Toronto Police Service (T.P.S.) procedures:

- Procedure 01-01 (Arrest);
- Procedure 01-02 (Search of Persons);
- Procedure 04-27 (Use of Police Dog Services);
- Procedure 10-06 (Medical Emergencies);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports);
- Procedure 15-01 (Incident Response (Use of Force/De-Escalation));
- Procedure 15-17 (In-Car Camera System); and
- Procedure 15-20 (Body-Worn Camera)

The S.I.U. Liaison investigation also reviewed the following legislation:

- *Special Investigations Unit Act, 2019*

Conclusion:

The S.I.U. Liaison investigation determined that the T.P.S.'s policies and procedures associated with this custody injury were lawful, in keeping with current legislation, and

written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The S.I.U. Liaison investigation determined the conduct of a designated officer was not in compliance with Procedure 15-20 (Body-Worn Camera). Specifically, one of the officers involved in this event turned off his Body-Worn Camera prior to all direct interaction with the public having been concluded, in contravention of Service procedure.

An internal investigation was initiated and misconduct was substantiated against the officer. This matter was concluded at the unit level.

Staff Superintendent Peter Code, Professionalism and Accountability, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Myron Demkiw, M.O.M.
Chief of Police



PUBLIC REPORT

January 13, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury of Complainant 2022.33

Purpose: Information Purposes Only Seeking Decision

Summary:

The Special Investigations Unit Liaison (S.I.U. Liaison) investigation determined the conduct of the designated officials was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures.

Recommendation:

That the Toronto Police Services Board (Board) received this report for information.

Discussion:

Background

Whenever the Special Investigations Unit (S.I.U.) investigates an incident involving death, serious injury, the discharge of a firearm at a person or the allegation of a sexual assault, provincial legislation requires the chief of police, of the relevant police service, to conduct an administrative investigation. This is the Chief's report in respect of this incident.

Relevant Board Policies and Compliance

- Toronto Police Service (T.P.S.) procedures
- *Special Investigations Unit Act*

TORONTO POLICE SERVICES BOARD

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S.I.U. Terminology

Complainant – Refers to the Affected Person

SO – Subject Official

WO – Witness Official

ETF – Emergency Task Force

TPS – Toronto Police Service

S.I.U. Investigative Conclusion

In a letter to the Chief of Police dated November 25, 2022, Director Joseph Martino of the S.I.U. stated, *“the file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the subject officials.”*

The following *S.I.U. Incident Narrative and Analysis and Directors Decision* has been reprinted from the S.I.U. Director’s report, number 22-TCI-189, which can be found in its entirety via the following link:

https://www.siu.on.ca/en/directors_report_details.php?drid=2198

S.I.U. Incident Narrative

“In the morning of July 28, 2022, while the Complainant was in bed watching TV with his girlfriend, a team of TPS ETF officers forcibly entered his basement apartment in Brampton. The officers were part of a much larger multi-jurisdictional police operation that saw several search warrants being executed at about the same time in a major weapons and drugs investigation. The Complainant was the target of the search warrant for his address. He was suspected of being in possession of firearms, and had previously been charged for weapons-related offences.

Aware that his residence was being entered by police officers, the Complainant removed himself from the bed and assumed a prone position on the floor. His girlfriend left the bedroom and was arrested in the kitchen area without incident.

The SO was the first to enter the bedroom, followed closely by WO #2. Each officer delivered leg strikes to the Complainant on the floor, after which he was handcuffed and led from the room.

The Complainant was transported to hospital following his arrest and diagnosed with a right rib fracture.”

Analysis and Director's Decision

"The Complainant was seriously injured in the course of his arrest by TPS officers on July 28, 2022. One of the arresting officers – the SO – was identified as the subject official in the ensuing SIU investigation. The investigation is now concluded. On my assessment of the evidence, there are no reasonable grounds to believe that the SO committed a criminal offence in connection with the Complainant's arrest and injury.

Pursuant to section 25(1) of the Criminal Code, police officers are immune from criminal liability for force used in the course of their duties provided such force was reasonably necessary in the execution of an act that they were required or authorized to do by law.

Given what the ETF officers knew of the Complainant, and the existence of a facially valid search warrant in a weapons and drugs investigation, I am satisfied that they were lawfully placed inside the apartment and had grounds to seek his arrest.

There is a version of events proffered in the evidence that the Complainant placed himself on the floor and effectively surrendered when the officer to first enter the bedroom – the SO – stomped on his face and then kicked his rib area.

WO #2, who followed the SO into the room, was present when the officer stomped on the Complainant's right side as he lay on the floor. He too struck the Complainant at the same time – two stomps to the left elbow and shoulder area – to neutralize what he thought might have been the Complainant reaching for a weapon. According to WO #2, his apprehension arose as the Complainant moved his arms from behind his head to under his body. Being similarly situated at the time, it is plausible to infer that the SO would have had the same apprehension and reacted the same way.

In view of this conflict in the evidence, I am unable to reasonably conclude that the force used by either officer was excessive. It seems at least as likely as the alternate account that WO #2 and the SO used force in the reasonable belief that the Complainant was reaching for a firearm, and that he needed to be immediately deterred from doing so. On this record, it would appear that striking the Complainant with their legs – a couple of times each, on the evidence – was a proportionate response to the exigencies of the moment.

In the result, while I accept that the SO is likely responsible for the Complainant's fractured rib, I am not satisfied that the injury is attributable to any unlawful conduct on the part of the officer. As such, there is no basis for proceeding with criminal charges. The file is closed."

Summary of the Toronto Police Service's Investigation

The Professional Standards – S.I.U. Liaison (S.I.U. Liaison) conducted an administrative investigation mandated by provincial legislation.

This investigation examined the circumstances of the custody injury in relation to the applicable legislation, policing services provided, procedures, and the conduct of the involved officers.

The S.I.U. Liaison investigation reviewed the following Toronto Police Service (T.P.S.) procedures:

- Procedure 01-01 (Arrest);
- Procedure 01-02 (Search of Persons);
- Procedure 02-19 (Executing a Search Warrant);
- Procedure 04-27 (Use of Police Dog Services);
- Procedure 10-05 (Incidents Requiring the Emergency Task Force);
- Procedure 10-06 (Medical Emergencies);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports);
- Procedure 15-01 (Incident Response (Use of Force/De-Escalation));

The S.I.U. Liaison investigation also reviewed the following legislation:

- *Special Investigations Unit Act, 2019*

Conclusion:

The S.I.U. Liaison investigation determined that the T.P.S.'s policies and procedures associated with this custody injury were lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The S.I.U. Liaison investigation determined the conduct of the designated officials was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures.

Staff Superintendent Peter Code, Professionalism and Accountability, will be in attendance to answer any questions that the Board may have regarding this report.

Recommendation(s):

This report recommends that the Board receive this report for information.

Financial Implications:

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

Respectfully submitted,

Myron Demkiw, M.O.M.
Chief of Police



PUBLIC REPORT

January 13, 2023

To: Chair and Members
Toronto Police Services Board

From: Myron Demkiw
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury of Complainant 2022.35

Purpose: Information Purposes Only Seeking Decision

Summary:

The Special Investigations Unit Liaison (S.I.U. Liaison) investigation determined the conduct of the designated officials was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures.

Discussion:

Background

Whenever the Special Investigations Unit (S.I.U.) investigates an incident involving death, serious injury, the discharge of a firearm at a person or the allegation of a sexual assault, provincial legislation requires the chief of police, of the relevant police service, to conduct an administrative investigation. This is the Chief's report in respect of this incident.

Relevant Board Policies and Compliance

- Toronto Police Service (T.P.S.) procedures
- *Special Investigations Unit Act*

S.I.U. Terminology

Complainant – Refers to the Affected Person

SO – Subject Official

WO – Witness Official

S.I.U. Investigative Conclusion

In a letter to the Chief of Police dated December 5, 2022, Director Joseph Martino of the S.I.U. advised, *“the file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the subject officials.”*

The following *S.I.U. Incident Narrative and Analysis and Directors Decision* has been reprinted from the S.I.U. Director’s report, number 22-TCI-199, which can be found via the following link:

https://www.siu.on.ca/en/directors_report_details.php?drid=2211

S.I.U. Incident Narrative

“The material events in question are clear on the evidence gathered by the SIU, and may briefly be summarized.

In the evening of August 6, 2022, multiple 911 calls were received by the TPS from passersby in the area of Dundas Street West and Yonge Street, Toronto. The callers described a male who appeared to be in crisis. He was carrying weapons and acting erratically, and had threatened persons and damaged property. Officers were dispatched to investigate.

The male was the Complainant. The Complainant was of unsound mind at the time. In one hand, he had a short sharp stick of some sort. In the other, he held a shirt that was wrapped around a rock. The Complainant threatened to stab people, and swung the stick and rock at multiple persons. At one point, while in the middle of Dundas Street West, west of Yonge Street, the Complainant walked up behind an eastbound vehicle and swung the rock at the rear window, smashing it in the process.

The SO, together with WO #1 and WO #2, all on bicycle patrol, arrived on scene shortly before 8:00 p.m. Standing in the middle of Dundas Street West, the SO and WO #1 were the first to confront the Complainant. They repeatedly told him to put down his weapons. The Complainant did not do so. As the Complainant turned to face WO #1 to his left, the SO, from a position to the Complainant’s right, rushed him from several metres away and tackled him to the ground. The back of the Complainant’s head struck the roadway, and possibly even the metal streetcar tracks in the area. Within seconds, the officers turned the Complainant over and handcuffed him behind the back.

The Complainant was taken from the scene in ambulance to hospital. He was diagnosed with a skull fracture and epidural hemorrhage”.

Analysis and Director’s Decision

“The Complainant was seriously injured in the course of his arrest by TPS officers on August 6, 2022. One of the officers – the SO – was identified as the subject official in the ensuing SIU investigation. The investigation is now concluded. On my assessment of the evidence, there are no reasonable grounds to believe that the SO committed a criminal offence in connection with the Complainant’s arrest and injuries.

Pursuant to section 25(1) of the Criminal Code, police officers are immune from criminal liability for force used in the course of their duties provided such force was reasonably necessary in the execution of an act that they were required or authorized to do by law.

The SO was in the execution of his lawful duties when he responded to the scene and sought to take the Complainant into custody. Given what the officer knew of the 911 calls that had been broadcast over the radio, and his personal observations of a male in possession of weapons, there were ample grounds to arrest the Complainant.

With respect to the force used by the SO in aid of the arrest, namely, a takedown, I am satisfied that it was legally justified. The Complainant was in possession of weapons and had demonstrated a willingness to use them. In the circumstances, it made sense to bring the Complainant to the ground as soon as an opportunity presented itself. In that position, any continuing threat posed by the Complainant and his weapons could be much better managed given his position of relative disadvantage on the ground. Once on the ground, the SO and the other officers were able to quickly, and without the use of any strikes, secure the Complainant in handcuffs.

In the result, while it is regrettable that the Complainant was seriously injured in the process of the takedown, there are no reasonable grounds to believe that the injuries are attributable to unlawful conduct on the part of the SO. As such, there is no basis for proceeding with criminal charges. The file is closed”.

Summary of the Toronto Police Service’s Investigation

The Professional Standards – S.I.U. Liaison (S.I.U. Liaison) conducted an administrative investigation mandated by provincial legislation.

This investigation examined the circumstances of the custody injury in relation to the applicable legislation, policing services provided, procedures, and the conduct of the involved officers.

The S.I.U. Liaison investigation reviewed the following Toronto Police Service (T.P.S.) procedures:

- Procedure 01-01 (Arrest);
- Procedure 01-02 (Search of Persons);
- Procedure 01-03 (Persons in Custody);
- Procedure 06-04 (Persons In Crisis);
- Procedure 10-06 (Medical Emergencies);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports);
- Procedure 15-01 (Incident Response (Use of Force/De-Escalation));
- Procedure 15-02 (Injury/Illness Reporting); and
- Procedure 15-20 (Body-Worn Camera)

The S.I.U. Liaison investigation also reviewed the following legislation:

- *Special Investigations Unit Act, 2019*

Conclusion:

The S.I.U. Liaison investigation determined that the T.P.S.'s policies and procedures associated with this custody injury were lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The S.I.U. Liaison investigation determined the conduct of the designated officials was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures.

Staff Superintendent Peter Code, Professionalism and Accountability, will be in attendance to answer any questions that the Board may have regarding this report.

Recommendation(s):

This report recommends that the Board receive this report for information.

Financial Implications:

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

Respectfully submitted,

Myron Demkiw, M.O.M.
Chief of Police