



Public Meeting

**Tuesday, March 4,
2025 at 9:00AM**



PUBLIC MEETING AGENDA
Tuesday, March 4, 2025 at 9:00AM
Livestreaming at

<https://youtube.com/live/Ww2QcsOkjE?feature=share>

Call to Order

Indigenous Land Acknowledgement

Declaration of Interests under the Code of Conduct for Members of a Police Service Board Regulation and the *Municipal Conflict of Interest Act*.

Chief's Monthly Verbal Update

1. Confirmation of the Minutes from the regular public meeting held on January 14, 2025.

Presentation and Items for Consideration

2. **Excellence Canada Award Presentation**
3. January 24, 2025 from Ann Morgan, Co-Chair and Kevin Haynes, Co-Chair
Re: [2024 Update from Toronto Police Service Board's Mental Health and Addictions Advisory Panel](#)

4. March 4, 2025 from Myron Demkiw, Chief of Police
Re: [Mobile Crisis Intervention Team Program Memorandum of Understanding between the Toronto Police Service Board and Partner Hospitals: Humber River Health and Toronto East Health Network c.o.b. as Michael Garron Hospital](#)

5. January 20, 2025 from Dubi Kanengisser, Executive Director
Re: [Amendment to the Board's Recruitment, Appointments and Promotions Policy](#)

6. January 9, 2025 from Myron Demkiw, Chief of Police
Re: [Toronto Police Service Audit & Quality Assurance Annual Report](#)

7. January 22, 2025 from Dubi Kanengisser, Executive Director
Re: [Facial Recognition System Audit - 2023](#)

8. **City Traffic Agent Program**
 - 8.1 February 18, 2025 from Wendy Walberg, City Solicitor
Re: [Agreement with City of Toronto Regarding Special Constables](#)

 - 8.2 January 24, 2025 from Myron Demkiw, Chief of Police
Re: [Analysis of Costs and Operational Impacts of the Use of Call-back Police Constables and Special Constables to Support the City's Transportation Services' Traffic Agent Program](#)

9. January 9, 2025 from Myron Demkiw, Chief of Police
Re: [Contract Award to Vipond Inc. for the Supply, Design, Installation and Maintenance of Security Equipment and Access Control Systems](#)

10. January 6, 2025 from Myron Demkiw, Chief of Police
Re: [Contract Awards to Rogers Communications Canada Inc. and Bell Mobility Inc. for Mobile Devices and Services](#)

11. January 15, 2025 from Myron Demkiw, Chief of Police
Re: [Annual Report: 2024 Summary of Grievances and Employment-Related Applications to the Human Rights Tribunal of Ontario](#)

12. February 3, 2025 from Myron Demkiw, Chief of Police
Re: [Annual Report: 2024 Statistical Report Municipal Freedom of Information and Protection of Privacy Act](#)

13. **Chief's Administrative Investigation Reports**
 - 13.1 December 31, 2024 from Myron Demkiw, Chief of Police
Re: [Chief's Administrative Investigation into the Vehicle Injuries of Complainant 2024.20](#)

 - 13.2 December 31, 2024 from Myron Demkiw, Chief of Police
Re: [Chief's Administrative Investigation into the Custody Injury of Complainant 2024.35](#)

 - 13.3 December 31, 2024 from Myron Demkiw, Chief of Police
Re: [Chief Administrative Investigation of the Custody Injury of Complainant 2024.36](#)

 - 13.4 December 31, 2024 from Myron Demkiw, Chief of Police
Re: [Chief Administrative Investigation of the Custody Injury of Complainant 2024.40](#)

 - 13.5 December 31, 2024 from Myron Demkiw, Chief of Police
Re: [Chief Administrative Investigation of the Custody Injury of Complainant 2024.46](#)

 - 13.6 December 31, 2024 from Myron Demkiw, Chief of Police
Re: [Chief Administrative Investigation of the Custody Injury of Complainant 2024.47](#)

 - 13.7 December 31, 2024 from Myron Demkiw, Chief of Police
Re: [Chief Administrative Investigation of the Custody Injury of Complainant 2024.51](#)

Please note that the Board will move in camera shortly after commencing the meeting for consideration of confidential items, which will now take place prior to attending to the held public agenda items. **It is estimated that the regular public meeting will resume at approximately 1:00PM.**

The Police Service Board will move *in-camera* for consideration of confidential matters pursuant to Section 44 (1) of the *Community Safety and Policing Act* (CSPA).

MOTION

- **That the Toronto Police Service Board move In Camera before attending to any held public items, to discuss the following subject matters in accordance with Section 44(2) of the *Community Safety and Policing Act, 2019*:**
 1. **Investigative Matters**
 2. **Operational Needs**
 3. **Labour Relations Matters**
 4. **Training Session for Board Members**

Adjournment

Next Meeting

Regular Board Meeting

Thursday, April 10, 2025

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

Members of the Toronto Police Service Board

Shelley Carroll, Chair
Amber Morley, Member & Deputy Mayor
Lily Cheng, Member & Councillor
Nick Migliore, Member

Chris Brillinger, Vice-Chair
Lisa Kostakis, Member
Ann Morgan, Member



PUBLIC REPORT

January 24, 2025

To: Chair and Members
Toronto Police Service Board

From: Ann Morgan
Board Member
Co-Chair, Mental Health and Addictions Advisory Panel

Kevin Haynes
Co-Chair, Mental Health and Addictions Advisory Panel

Subject: 2024 Update from Toronto Police Service Board’s Mental Health and Addictions Advisory Panel

Purpose: Information Purposes Only Seeking Decision

Summary:

This report contains an update from the Toronto Police Service Board’s (Board) Mental Health and Addictions Advisory Panel (M.H.A.A.P.). This includes a summary of activities from 2024, including important themes and discussions.

Discussion:

Background

The Board, at its meeting of February 21, 2019, approved the establishment of the M.H.A.A.P., to supersede its Mental Health Sub-Committee (M.H.S.C.), as outlined in Terms of Reference. (Min. No. P26/19 refers). As noted at the time of its establishment, the work of M.H.A.A.P. has as its main objective “to review the implementation of the Mental Health and Addictions Strategy and to provide ongoing advice to the Board with respect to this important work.” The Terms of Reference were drafted with input from former M.H.S.C. members, with recognition of the critical and evolving role that an advisory body of this type can most effectively play in shaping Board policy with respect to how the police interact with people who may appear to be experiencing mental health and/or addictions issues. As the Terms of Reference note, M.H.A.A.P. is comprised of “members of the Board, members of the Service and members of the community,

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ensuring that this includes representatives from organizations run by and for people with lived experiences.

2024 Meetings and Themes

In 2024, M.H.A.A.P. held four **regular** meetings, each three hours in length. The major issues and themes addressed in 2024 were as follows:

- Input into the expansion of the Toronto Community Crisis Service program (T.C.C.S.) and its relationship to the Toronto Police Service (Service)
- Ongoing monitoring of the implementation of major themes included in the Service's Mental Health and Addictions Strategy
- Enhanced focus on data analysis, and input into the development of the Mental Health Data Portal and other public-facing dashboards
- Service Member wellness
- Discussion about use of force, and the Ontario Public-Police Interactions Training Aid approved by the Ministry of the Solicitor General to replace the 2004 Ontario Use of Force Model
- The Service's use of Conducted Energy Weapons (C.E.W.)
- Addictions, Drug Safety/Toxicity and the Overdose Crisis
- Training at the Toronto Police College

There were other issues discussed of note, including the Furthering Our Community by Uniting Services (F.O.C.U.S.) program, the Service's renowned Military Veterans Wellness Program (M.V.W.P.), hospital wait times and the new pilot program introduced to reduce this by embedding officers in E.R.s.

In addition, a considerable amount of M.H.A.A.P.'s work dealt with collaboration with other partners, such as Toronto Public Health, and in particular with its recently released strategy, *Our Health, Our City: A Mental Health, Substance Use, Harm Reduction and Treatment Strategy for Toronto*. M.H.A.A.P. also liaised with other groups dealing with officer wellness, including Beyond the Blue.

M.H.A.A.P. learned about and was given the opportunity to provide input into the public awareness campaign, "Make the Right Call." The objective of the campaign is to change behaviour, and reduce the number of non-emergency calls to 911 by increasing understanding of when to call 911, and when to contact a non-emergency service.

M.H.A.A.P. reviewed the use of force statistics for 2023, examining a report provided to the Board on this important issue. M.H.A.A.P. was pleased to see that although the Service has doubled the number of C.E.W. licensed officers (3,480) since expanding its use to frontline police constables, the rate of C.E.W. deployments has been steadily declining over the last five years. Indeed, it was shared that 2023 had the lowest rate of use at 18.4% or 642 deployments, despite increases in both demand and population. While M.H.A.A.P. was pleased to see that the vast majority (73%) of deployments were in the "demonstrated force presence" mode, where the weapon is removed and visibly

displayed, it reinforced that there are members of the public for whom that alone is perceived as a threat, with the possibility to escalate a situation.

M.H.A.A.P. added that it should be noted that there remain concerns that members of certain communities (racialized, and more specifically, Black communities) still continue to experience disproportionate use of force when compared to the general population, and further work continues to be needed in this area.

Another item of note in M.H.A.A.P.'s discussion was the introduction of the Service's Downtown Community Outreach Response and Engagement (C.O.R.E.) Team. C.O.R.E. is a one-year pilot program, spearheaded by Toronto Public Health and the Service, working to support residents in and around the Yonge and Dundas area. The program, which soft-launched on December 17, 2024, works alongside existing partners and initiatives underway in the Yonge and Dundas area, and is a proactive initiative separate from the emergency crisis response deployed by 911 or 211.

The C.O.R.E. program works to advance the objectives of [Our Health, Our City: A Mental Health, Substance Use, Harm Reduction and Treatment Strategy for Toronto](#), and advance reducing vulnerability and violence, healing and justice by investing in neighbourhood goals of [SafeTO, the City's Community Safety & Well-being Plan](#). It was developed in response to the fact that a number of vulnerable individuals – experiencing an intersection of health and mental health challenges, substance use, and lack of housing – are contributing disproportionately to the volume of calls for service and the ensuing and regular attendance of City resources and staff. The one-year pilot program will support vulnerable people and businesses in the Sankofa Square area. Specially trained community-oriented police supervisors and constables will join Public Health Nurses to proactively address the complex health needs of individuals in the area to improve access to health and social services. The nurses will be supported by a primary health care professional. C.O.R.E. aims to address the challenges of those in the area more systematically, holistically and compassionately.

Additional Special Meetings

M.H.A.A.P. also convened a special meeting to provide input into the Board's response to the recommendations directed toward it by the jury in the inquest into the death of Sammy Yatim. Facilitated by former Deputy Chief Mike Federico, the discussion dealt with a number of topics, including the creation of a centre for excellence in policing, peer intervention, the involvement of crisis nurses in program delivery, and the importance of having a mental health strategy, an area in which the Service, with M.H.A.A.P.'s significant contributions, is a leader.

In addition, M.H.A.A.P. had a special meeting, in collaboration with Anti-Racism Advisory Panel (A.R.A.P.), to meet with the Service's Race and Identity-Based Data Collection Strategy Team. The purpose of this meeting was to engage in preliminary discussions around our first set of Mental Health Apprehension data (released February

2024) and Arrest Outcome data (released November 2023), as well as to brainstorm ideas to coordinate a community engagement event with community partners.

M.H.A.A.P. also held a special meeting – the first of two – to deal with the development of the Board’s Strategic Plan. At that time, M.H.A.A.P. learned about the legislative context, background, proposed themes and development process, among other items related to the Strategic Plan. The second of these meetings, to finalize M.H.A.A.P.’s input, takes place in late January 2025.

Working Groups

M.H.A.A.P. has established a number of Working Groups which allow members to look at certain issues in a more detailed manner.

The Working Groups are as follows:

- Training and Education
- Alternative Crisis Response
- Data, Reporting and Analysis
- Addictions and Drug Toxicity

In 2024, each group met virtually between one to four times, for 90 minutes each meeting.

Review of Training - Training Observation Day

One of the most important responsibilities of M.H.A.A.P. is the annual visit to the Toronto Police College to observe training. Due to the training schedule and the timing of curriculum development, the 2024 Training Observation Day was postponed to January of this year. M.H.A.A.P. members were provided information on a variety of aspects of training, including conducted energy weapons (C.E.W.s), use of force, recruit training and training standardization.

Generally, M.H.A.A.P. members were pleased with the training and the learning priorities, including the overarching focus on de-escalation embedded into every aspect of the program. The Service provided information on the academic research being conducted into how training is retained and used “on the street;” an initiative that M.H.A.A.P. very much supports, and one for which it has been advocating for a number of years.

As has happened in the past, the Training Observation Day provides for meaningful and effective dialogue between M.H.A.A.P. members and College staff on areas including community resources, language to be used, and incorporating the perspectives of people working in the mental health and addictions sector, including those with lived experience.

Review of Membership

Recommendation 63b) of the Police Reform recommendations approved by the Board in August 2020 (Min. No. P129/20 refers) requires that the membership of M.H.A.A.P. be reviewed “at least every 3 years or when otherwise required.”

The original membership of M.H.A.A.P. took effect in May of 2019 (Min. No. P100/19 refers). At its meeting of December 16, 2022, the Board approved the current membership of M.H.A.A.P. ([Min. No. P2022-1216-4.0. refers](#)).

December 2025 will mark three years since the current membership was approved. As a result, we anticipate the next membership review taking place in late 2025. This will include determining the possible continuation of current members, and the recruitment and selection of new members. One overarching and important objective will be to ensure that M.H.A.A.P. adequately represents the broad perspective of community voices, including people with lived experience, and caregivers, including those working in the mental health and addictions sectors.

Should any recommendations emerge from the review of training that require Board approval, these will be the subject of a future Board report.

M.H.A.A.P.’s Work within a Broader Context

Central to many of M.H.A.A.P.’s discussions is a recognition that any work being done to improve police response to those dealing with mental health and addictions issues should be seen within the broader, and changing, context of all of the community partners and sectors dealing with these issues. The Board’s 81 Police Reform recommendations approved in August 2020 established a roadmap for comprehensive policing reform in Toronto, and included building new community safety response models, various initiatives to address systemic racism, and concrete steps to improve trust with our communities. The Board has consistently stated that it views this work as a beginning; one that proposes immediate action and a commitment to change through ongoing consultation, and a reimagining of our current approach to community safety.

M.H.A.A.P. shares that view, and the notion that ideally, a response to people in crisis is a non-police response, community-based, non-coercive, and free of force wherever possible, while recognizing that police will attend when there is an element of risk to public safety. As initiatives are built and strengthened to prevent crises from occurring, and to support people through the use of properly funded community-based resources, it is our hope that, over time, there will be fewer crisis calls that require police response.

Thanking our Members

There are few issues more important in policing today than our interaction with people dealing with mental health and addictions issues. The issues are complex and require a great deal of information and consideration. Our M.H.A.A.P. members are dedicated,

insightful, compassionate and diligent, and devote considerable time, effort, energy and passion to this critical work. We are so grateful for their contributions.

Conclusion:

It is recommended that the Board receive M.H.A.A.P.'s 2024 report for information.

Recommendation:

This report recommends that the Board receive the update from M.H.A.A.P.

Financial Implications:

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

Respectfully submitted,

Ann Morgan
Board Member
Co-Chair
M.H.A.A.P.

Kevin Haynes
Co-Chair
M.H.A.A.P.

*copy with original signature on file at the Board Office



PUBLIC REPORT

March 4, 2025

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Mobile Crisis Intervention Team Program Memorandum of Understanding between the Toronto Police Service Board and Partner Hospitals: Humber River Health and Toronto East Health Network c.o.b. as Michael Garron Hospital

Purpose: Information Purposes Only Seeking Decision

Recommendation:

This report recommends that the Toronto Police Service Board (the Board), authorize the Chair to execute two Memoranda of Understanding (M.O.U.) between the Board and each of the following partner hospitals: Humber River Health (H.R.H.) and Toronto East Health Network c.o.b. as Michael Garron Hospital (M.G.H.), in relation to the Mobile Crisis Intervention Team (M.C.I.T.) Program, subject to approval by the City Solicitor as to form.

Summary:

The Board, at its meeting on August 18, 2020, approved 81 recommendations on police reform (thereby becoming Directions), originating from a report by Chair Jim Hart, titled "Police Reform in Toronto: Systemic Racism, Alternative Community Safety and Crisis Response Models and Building New Confidence in Public Safety" (Min. No. P129/2020).

Direction #4 of this report "directs the Chief of Police to prioritize and create a plan to implement, as soon as feasible, an immediate expansion of the M.C.I.T. program in partnership with existing community-based crisis services...to meet current demands for mental health-related service calls..."

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A strategic plan to improve and expand the M.C.I.T. Program was executed. Part of this expansion plan included updating existing M.O.U.s with local partner hospitals to reflect modernized changes in the M.C.I.T. Program, which are detailed in this report.

Updated M.O.U.s with some of the hospital partners have since been achieved. The Board, at its meeting on March 18, 2024, approved a recommendation authorizing the Chair to execute three separate M.O.U.s between the Board and each of the following partner hospitals (Min. No P2024-0318-6.0):

Hospital	Hospital Currently Re-named To	Date M.O.U. Effective
North York General Hospital	North York General Hospital	April 12, 2024
St. Michael's Hospital St. Joseph's Health Centre	Unity Health Toronto	April 12, 2024
The Scarborough Hospital	Scarborough Health Network	April 12, 2024

The Board currently holds M.O.U.s with two other hospital partners in relation to the M.C.I.T. Program:

Hospital	Hospital Currently Re-named To	Date M.O.U. Effective
Toronto East General Hospital	Michael Garron Hospital	November 1, 2013
Humber River Regional Hospital	Humber River Hospital	April 4, 2008

New M.O.U.s have been prepared reflecting modernized changes to the M.C.I.T. Program for the two remaining hospital partners, H.R.H. and M.G.H., for which this report relates.

Discussion:

Background – History of the Hospital Partnerships for the M.C.I.T. Program

The genesis of the M.C.I.T. Program stemmed from two recommendations (#21 and #43) from the Lester Donaldson Inquest (1992 to 1994), which recommended that the Toronto Police Service (T.P.S.) create a specialized Crisis Intervention Unit.

Subsequent comprehensive program research and development commenced which led to a funding proposal presented in partnership by Dr Paul Links, Arthur Somner Chair on Suicide Studies, St. Michael's Hospital and the T.P.S., to the Ministry of Health and Long Term Care. The Ministry of Health agreed to provide funds to St. Michael's Hospital for two permanent psychiatric beds and nursing staff for a two-year pilot. The proposed pilot was modelled after the Crisis Outreach and Support Team program in operation at the time in Hamilton.

In November 2000, the T.P.S. commenced the M.C.I.T. pilot with St. Michael's Hospital. Program nurses with specialized training in forensic mental health partnered with police officers to provide specialized crisis response to mental health related calls for service.

A Program Review Committee was established with equal membership from St. Michael's Hospital and the T.P.S. to assess and evaluate the progress of the pilot as well as address any problems that might be encountered.

This project led to further expansion of the M.C.I.T. Program and new partnerships with St. Joseph's Health Centre, The Scarborough Hospital, Humber River Regional Hospital and Toronto East General Hospital.

Goals of the M.C.I.T. Program

The M.C.I.T. provides a unique perspective for mental health related calls for service and it fulfils the following functions:

- Make an immediate on-site clinical assessment of the person in crisis;
- Attempt to stabilize and defuse the crisis;
- Mitigate the risk of the individual causing serious harm to themselves or others;
- Provide supportive counselling, as needed;
- Arrange appropriate mental health treatment through referrals to an appropriate agency, or apprehension under the *Mental Health Act (M.H.A.)*;
- Coordinate and facilitate transportation to the hospital emergency department if further psychiatric and medical assessment is required; and
- Divert persons in crisis from both the criminal justice system and the hospital emergency room, to provide an avenue for immediate crisis intervention through community referrals for ongoing support.

With the existing M.C.I.T. M.O.U.s being rather dated and receiving a request from North York General Hospital to enter into a M.C.I.T. M.O.U., Field Services worked in collaboration with the T.P.S.'s Community Partnership and Engagement Unit, Legal Services, T.P.S. Counsel and Counsel for the Board, to bring the M.C.I.T. M.O.U. up to date, including sections specific to M.C.I.T. as first or co-responders, body worn cameras and pandemic situations.

The M.C.I.T as First or Co-Responders

In the past, the M.C.I.T. attended mental health related calls for service as a support unit, after priority response officers had attended to ensure the situation was safe for the nurse. On December 7, 2021, the T.P.S. and the hospitals determined that the role of the M.C.I.T should be changed to a first responder, to persons in crisis calls for service.

The updated M.O.U. in conjunction with the M.C.I.T. operating procedure "06-13 Mobile Crisis Intervention Team" reflects that the M.C.I.T. may respond to a call for service, with an appropriate back-up officer when required and shall make a threat assessment of the call based on the information available to the M.C.I.T. The M.C.I.T. will assess the overall safety of the situation and the overall response required from the M.C.I.T.

If the M.C.I.T.'s assessment deems a person in crisis poses a risk to the health or safety of the attending M.C.I.T. nurse, the M.C.I.T. nurse will not actively engage in the situation until the M.C.I.T. police officer has determined it is safe for the M.C.I.T. nurse to engage. Until the M.C.I.T. police officer has made the aforementioned determination, the M.C.I.T. nurse will be taken to, or asked to wait in, a safe location.

The T.P.S. developed an M.C.I.T. operating procedure in December 2021, as an extension of Procedure "06-04 Persons In Crisis." The new procedure "06-13 Mobile Crisis Intervention Team," identifies criteria for the M.C.I.T. to act as a first or co-responder, in certain circumstances, to mental health calls for service with appropriate police officer back-up when required. The following is an excerpt from Procedure 06-13:

"MCITs may act as a first or co-responder in certain circumstances, including but not limited to the following calls for service involving:

- *a person experiencing a mental, emotional, or substance use crisis*
- *a person attempting/threatening suicide*
- *a barricaded person, or other circumstances where it is known or thought to be caused by a mental, emotional or substance use crisis, in order to assess the person.*

➔ *Note: The MCIT officer shall conduct a threat assessment prior to attending the call; where a person in crisis is found to pose a risk or threat to the attending MCIT nurse, the MCIT officer shall direct the nurse not to actively engage in the incident until it is determined to be safe by the attending MCIT officer.*

A threat assessment of the incident (based on available information) and overall safety of the MCIT shall determine the involvement and level of the MCIT response. The Specialized Emergency Response – Emergency Task Force (ETF) shall be notified when there is information that a person in crisis is armed or may be armed with a weapon; background checks indicate that the person in crisis has a history of violence or use of weapons; the incident involves a barricaded person; and/or the incident involves a person who by their position has placed themselves or others in immediate jeopardy (i.e. person located at height on a balcony, bridge, etc.)."

The M.C.I.T and Body Worn Cameras

The M.C.I.T. police officer will be equipped with a body worn camera (B.W.C.), operated in accordance with T.P.S. procedure "15-20 Body Worn Camera." Where possible, when the in-car camera system (I.C.C.S.) in the M.C.I.T. vehicle and/or the B.W.C. is activated in accordance with T.P.S. procedures "15-17 In-Car Camera System" and "15-20 Body Worn Camera," sections 58 and 59, the M.C.I.T. police officer will advise any persons being recorded, that their audio and visual actions are being recorded and monitored through the use of the I.C.C.S. or B.W.C.

The M.C.I.T and Pandemic Situations

In the event of a resurgence of a pandemic situation, a partner hospital will reserve the right to reassign M.C.I.T. nurses as necessary. If an M.C.I.T. nurse is reassigned, and will not be a part of the M.C.I.T., the M.C.I.T. will continue with one (1) police officer that will constitute the M.C.I.T. until a partner hospital deems it prudent to reassign M.C.I.T. nurses to the M.C.I.T.

The T.P.S. presented the updated M.C.I.T. M.O.U. to partner hospitals for review and input. H.R.H. and M.G.H. have approved the updated M.C.I.T. M.O.U. and requested the T.P.S. proceed to obtain signatures on the M.C.I.T. M.O.U.

Each M.C.I.T. M.O.U. contains a stipulation that the Board and the partner hospital shall indemnify, defend and hold harmless the other party from and against any liabilities, claims that either party may incur as a result of the negligent acts or omissions of the other party, or for whom it is legally responsible.

The M.O.U. has been reviewed and approved to form and content by the City Solicitor. The M.O.U. has also been reviewed and approved by T.P.S. Counsel to ensure that the legal and operational requirements of the T.P.S. are adequately protected.

Conclusion:

The M.C.I.T. Program aligns with, and reaffirms, the T.P.S.'s commitment to our Mental Health and Addictions Strategy of zero deaths, while ensuring the well-being, safety, rights and dignity of individuals and communities. The T.P.S. is committed to learning from past interactions, and takes into account the views, expectations, and contributions of the community to guide future responses.

It is recommended that the Board authorize the Chair to execute the two M.O.U.s between the Board and each of the following partner hospitals: H.R.H. and M.G.H., in relation to the M.C.I.T. Program.

Deputy Chief Lauren Pogue, Community Safety Command, will attend to answer any questions that the Board may have regarding this report.

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 20, 2025

To: Chair and Members
Toronto Police Service Board

From: Dubi Kanengisser
Executive Director

Subject: Amendment to the Board's Recruitment, Appointments and Promotions Policy

Purpose: Information Purposes Only Seeking Decision

Recommendation(s):

This report recommends that the Board amend the Recruitment, Appointments and Promotions Policy as indicated in the draft revised Policy attached as Appendix A.

Financial Implications:

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

Summary:

On April 30, 2024, the Toronto Police Service Board (the Board) approved revisions to the Recruitment, Appointments and Promotions Policy (Minute No. P2024-0430-3.0.), including aligning language on educational requirements with the *Community Safety and Policing Act* (the *Act*). As part of the Board Office's ongoing review of policies in the context of the implementation of the *Community Safety and Policing Act (2019)* and the *Missing and Missed* report, it was determined that some revisions are needed to further align the Policy with the *Act* and improve its clarity. This Report seeks to address this issue by way of an amendment to the Policy, which is included as Appendix A.

Discussion:

Background

On April 13, 2021, the Independent Civilian Review into Missing Person Investigations released its report entitled “Missing and Missed” (*Missing and Missed*). The Report contained 151 recommendations designed to improve the Toronto Police Service's (Service) policies, procedures, training, education, professional development, and culture.

The Board's Recruitment, Appointments and Promotions Policy was originally approved at the September 27, 2021, Board meeting (Minute No. P2021-0927-3.0.). The purpose of the Policy is to ensure that the processes for the Service's appointments and promotions for both its sworn and civilian Members address a number of priorities, including ensuring that Toronto's diversity is reflected throughout the ranks and levels of the Service, and recognizing the existence of systemic barriers in an effort to minimize them. The Policy also addressed some elements of recommendations made in *Missing and Missed*.

The Policy was most recently amended at the April 30, 2024, meeting (Minute No. P2024-0430-3.0.), where it was aligned with language in the *Act*, including amending the educational requirements for successful cadet-in-training candidates in line with the *Act*.

Proposed Amendments

Hiring and Appointments

The Board's Policy defines “Appointments” as “the initial appointment of a new hire into a position as a member of the Service”. The *Act* does not define the term “appointment” but uses the term in the context of appointments by police service boards in the meaning of investing them with certain powers established by law. Specifically, the *Act* speaks of the appointment by a police service board of the chief of police, police officers, special constables and auxiliary members. Furthermore, the *Act* introduced a distinction between *employing* members of the police service (section 37(1)(b)) and *appointing* members of the police service as police officers (section 37(1)(c)). Notably, this distinction did not exist under the *Police Services Act*, that preceded the *Act*.

As a result of this misalignment, there is a lack of clarity in the current policy where “appointment” is used to mean “hiring”. It is therefore proposed that the definition of “appointment” be revised to mean “the appointment of a police officer under section 83 of the *Act*, or the appointment of a Special Constable under section 92 of the *Act*, where such Special Constable will be employed by the Board,” while a new definition is added for “hiring”, which means “the initial establishment of an employer-employee relationship between a new hire and the Board”. Subsequently, all occurrences of “appointment” are revised to mean either “hiring”, “appointment” or both, as appropriate.

In addition, the proposed Policy reiterates the Board's decision from July 12, 2005 (Min. No. P217/05 refers) to delegate to the Chief the administration of the agreements signed by the Board with Special Constable Employers and directs the Chief to review applications for the appointment of Special Constables employed by Special Constable Employers and provide recommendations to the Board.

Educational Requirements

In reviewing the Policy in connection with the ongoing work to fully implement all of the recommendations of the *Missing and Missed* report, it was identified that the language on educational requirements is missing an important element from the *Act*, which results in an equity issue.

Section 83(1)(f) of the *Act* requires that no person shall be appointed as a police officer unless they meet one of a number of conditions, including that "The person has a secondary school diploma *or equivalent*" (emphasis added).

Section 1(b) of the Board's Policy, in contrast, requires that successful cadet-in-training candidates must have "at least a secondary school diploma". As a result, the Policy requires that potential candidates who have valid equivalents to a secondary school diploma be excluded from the Service. This could have negative impacts particularly on new Canadians, who may have completed their secondary education abroad.

It is therefore proposed that the Board amend section 1(b) of the Policy by adding the words "or equivalent" after the words "secondary school diploma". The requirement that preference be given to candidates with post-secondary education remains in the Policy.

Promotions

To ensure that the Board is engaged at the appropriate level of oversight, it is proposed that the delegation to the Chief or their delegate of the authority to approve promotions of civilian Service Members be expanded to include all classifications below the level of Director (Z36).

Housekeeping

In addition to the above, the proposed revised Policy includes a number of edits for clarity and accuracy.

Equity Analysis

As noted above, failure to make the recommended amendment may result in the exclusion of certain candidates for Cadet-in-Training that would most likely be new Canadians. The proposed amendment would enable the Service to continue to increase the diversity of its membership while ensuring the high quality of all successful Cadets-in-Training.

Conclusion:

It is therefore proposed that the Board approve the amendments to the Policy as indicated in Appendix A. For reference, a “clean” version of the revised Policy is attached as Appendix B.

Respectfully submitted,

Dubi Kanengisser
Executive Director

Attachments:

Appendix A: Draft Revised Policy – Recruitment, Appointments and Promotions
(marked)

Appendix B: Draft Revised Policy – Recruitment, Appointments and Promotions (clean)

APPENDIX A



TORONTO POLICE SERVICE BOARD

RECRUITMENT, APPOINTMENTS AND PROMOTIONS

DATE APPROVED	September 27, 2021	Minute No: P2021-0927-3.0.
DATE(S) AMENDED	March 2, 2023 April 30, 2024	Minute No: P2023-0302-2.0. Minute No: P2024-0430-3.0.
REPORTING REQUIREMENT	Chief to report to Board quarterly, annually, and as required, as described;	
LEGISLATION	<i>Community Safety and Policing Act, 2019</i> , S.O. 2019, c. 1, Sched. 1, ss. 37(1)(b) and (c); s. 92.	

Guiding Principles

The Toronto Police Service Board (Board) is the employer of Members of the Toronto Police Service (Service), and is responsible for the recruitment, hiring, 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 83(1) and 85 of the *Community Safety and Policing Act, 2019* (the Act) 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 circumstances. Both the hiring 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.

Recruitment, hiring and appointment of new Members, as well as promotions, 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 in individuals in leadership and supervisory positions, and ensuring that the Service's Members represent a diversity of backgrounds, experiences and perspectives at all levels, and reflect the priorities of the Board and the need to ensure proper succession of senior roles by qualified individuals, representing a diverse range of perspectives and backgrounds. 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.

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The hiring and promotional processes used by the Service must also be transparent, accessible, efficient and procedurally fair for those that are involved in them. 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 hiring 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.

Purpose of the Policy

The purpose of this Policy is to ensure that the processes for the Service's hiring, appointments, promotions, reclassifications and terminations 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 and equitable policing services to all the people of Toronto, in partnership with the communities;
- 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 hiring 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;
- Ensuring appropriate oversight over all reclassification and termination decisions; and
- Reporting regularly to the Board on hiring, appointments and promotion recommendations or decisions.

Definitions

In this policy:

- **Appointment** means the appointment of a police officer under section 83 of the *Act*, or the appointment of a Special Constable under section 92 of the *Act*, where such Special Constable will be employed by the Board;
- **Hiring** means the initial establishment of an employer-employee relationship between a new hire and the Board;

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- **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 Service Board that:

Recruitment, Hiring 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 *Act* and any other applicable legislation;
 - b. Require that successful cadet-in-training candidates must have at least a secondary school diploma or equivalent, and preference is given to candidates with at least one of the following:
 - i. a university degree;
 - ii. a degree from a college of applied arts and technology authorized to grant the degree;
 - iii. a degree from an Indigenous Institute that is approved under the *Indigenous Institutes Act, 2017* to grant the degree.
 - iv. 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; or
 - v. 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), (iii) or (iv);
 - c. Give preference in the selection of successful cadet-in-training candidates to those with work or volunteer experience, and particularly those experiences that demonstrate alignment with Service values and those that are rooted in community service
 - d. Are inclusive, comprehensive, and linked to communities across Toronto, including those whose members have not historically sought or successfully secured employment with the Service;

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- e. Take into consideration the barriers facing those communities and demographics that typically face systemic barriers to employment, including employment in a policing organization, and address these barriers while balancing the unique operational realities of the requirements made of Service Members;
 - f. Are grounded in a comprehensive strategic human resources approach that is data-driven, analytical and regularly evolving to meet the needs of the Service;
 - g. 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;
 - h. Are clearly communicated on the Service's website, through its social media channels, and through traditional media (where applicable); and,
 - i. 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 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 police officers and hired 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 and/or hire 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 hire new civilian members to the Service is delegated to the Chair and Vice Chair, except for hiring to the following classifications, which shall be approved by the Board:
 - a. Civilian Senior Officer classification of Z30 and above; and,
 - b. Excluded Member classification of X36 and above.

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- 4a. The Board's power to appoint new police officers and special constables may be delegated to a committee as determined in the Board's Committees Bylaw.
5. The Board authorizes the Chief of Police to appoint employees of the Board who are under the direction of the Chief as police cadets to undergo training, in accordance with section 90(1) of the *Act*.
- 5a. (1) For the purpose of this section, "appointment" is defined to include the appointment of a Special Constable under section 92 of the Act, where such Special Constable will be employed by a Special Constable Employer approved by the Ministry.
 - (2) The Chief of Police be designated as the Board's agent with respect to the development of the agreements made between the Board and Special Constable Employers as approved by the Board from time to time;
 - (3) The Chief of Police will review the applications for Special Constable appointments where such Special Constables will be employed by a Special Constable Employer, and present to the Board with recommendations for consideration to appoint the applicants as Special Constables, in accordance with the *Act*.

Job Descriptions

6. 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:

7. Stating that, to apply and be eligible for promotion, candidates must meet all the mandatory requirements of the process;
8. 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,

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- e. grounded in a comprehensive and strategic human resources approach that includes succession planning in identifying current and future leaders;
9. 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;
10. 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 prior to the implementation of the change(s) in process.
11. 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 *Community Safety and Policing 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.
12. 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.

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Approval of Promotions

It is further the policy of the Board that:

13. 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 Z36 or above, and promotions to Excluded positions to the classification of X36 or above.
14. All promotions of sworn Service Members to ranks below Inspector, or of civilian Service Members to classifications other than Z36 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.
15. 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

16. 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 claims, Law Enforcement Complaints Agency complaints and/or Professional Standards complaints, where approval by the Chair and Vice Chair is required.
17. 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

18. 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.
19. All terminations of probationary sworn members will be reviewed by the Board's Executive Director and Chief of Staff, and approved by the Appointments Committee.
20. The Board holds the sole authority for any termination of a Command Member, as defined in the Board's Chief of Police and Command Members policy.

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Reporting Requirements

21. 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
22. 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:

23. The Chief of Police will Provide an annual report to the Board, including:
 - a. A description of the current promotional process(es), and any changes implemented during the reporting period;
 - 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.

APPENDIX B



TORONTO POLICE SERVICE BOARD

RECRUITMENT, APPOINTMENTS AND PROMOTIONS

DATE APPROVED	September 27, 2021	Minute No: P2021-0927-3.0.
DATE(S) AMENDED	March 2, 2023 April 30, 2024	Minute No: P2023-0302-2.0. Minute No: P2024-0430-3.0.
REPORTING REQUIREMENT	Chief to report to Board quarterly, annually, and as required, as described;	
LEGISLATION	<i>Community Safety and Policing Act, 2019</i> , S.O. 2019, c. 1, Sched. 1, ss. 37(1)(b) and (c); s. 92.	

Guiding Principles

The Toronto Police Service Board (Board) is the employer of Members of the Toronto Police Service (Service), and is responsible for the recruitment, hiring, 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 83(1) and 85 of the *Community Safety and Policing Act, 2019* (the Act) 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 circumstances. Both the hiring 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.

Recruitment, hiring and appointment of new Members, as well as promotions, 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 in individuals in leadership and supervisory positions, and ensuring that the Service's Members represent a diversity of backgrounds, experiences and perspectives at all levels, and reflect the priorities of the Board and the need to ensure proper succession of senior roles by qualified individuals, representing a diverse range of perspectives and backgrounds. 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.

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The hiring and promotional processes used by the Service must also be transparent, accessible, efficient and procedurally fair for those that are involved in them. 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 hiring 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.

Purpose of the Policy

The purpose of this Policy is to ensure that the processes for the Service's hiring, appointments, promotions, reclassifications and terminations 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 and equitable policing services to all the people of Toronto, in partnership with the communities;
- 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 hiring 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;
- Ensuring appropriate oversight over all reclassification and termination decisions; and
- Reporting regularly to the Board on hiring, appointments and promotion recommendations or decisions.

Definitions

In this policy:

- **Appointment** means the appointment of a police officer under section 83 of the *Act*, or the appointment of a Special Constable under section 92 of the *Act*, where such Special Constable will be employed by the Board;
- **Hiring** means the initial establishment of an employer-employee relationship between a new hire and the Board;

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- **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 Service Board that:

Recruitment, Hiring 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 *Act* and any other applicable legislation;
 - b. Require that successful cadet-in-training candidates must have at least a secondary school diploma or equivalent, and preference is given to candidates with at least one of the following:
 - i. a university degree;
 - ii. a degree from a college of applied arts and technology authorized to grant the degree;
 - iii. a degree from an Indigenous Institute that is approved under the *Indigenous Institutes Act, 2017* to grant the degree.
 - iv. 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; or
 - v. 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), (iii) or (iv);
 - c. Give preference in the selection of successful cadet-in-training candidates to those with work or volunteer experience, and particularly those experiences that demonstrate alignment with Service values and those that are rooted in community service
 - d. Are inclusive, comprehensive, and linked to communities across Toronto, including those whose members have not historically sought or successfully secured employment with the Service;

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- e. Take into consideration the barriers facing those communities and demographics that typically face systemic barriers to employment, including employment in a policing organization, and address these barriers while balancing the unique operational realities of the requirements made of Service Members;
 - f. Are grounded in a comprehensive strategic human resources approach that is data-driven, analytical and regularly evolving to meet the needs of the Service;
 - g. 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;
 - h. Are clearly communicated on the Service's website, through its social media channels, and through traditional media (where applicable); and,
 - i. 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 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 police officers and hired 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 and/or hire 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 hire new civilian members to the Service is delegated to the Chair and Vice Chair, except for hiring to the following classifications, which shall be approved by the Board:
 - a. Civilian Senior Officer classification of Z30 and above; and,
 - b. Excluded Member classification of X36 and above.

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- 4a. The Board's power to appoint new police officers and special constables may be delegated to a committee as determined in the Board's Committees Bylaw.
5. The Board authorizes the Chief of Police to appoint employees of the Board who are under the direction of the Chief as police cadets to undergo training, in accordance with section 90(1) of the *Act*.
- 5a. (1) For the purpose of this section, "appointment" is defined to include the appointment of a Special Constable under section 92 of the Act, where such Special Constable will be employed by a Special Constable Employer approved by the Ministry.
 - (2) The Chief of Police be designated as the Board's agent with respect to the development of the agreements made between the Board and Special Constable Employers as approved by the Board from time to time;
 - (3) The Chief of Police will review the applications for Special Constable appointments where such Special Constables will be employed by a Special Constable Employer, and present to the Board with recommendations for consideration to appoint the applicants as Special Constables, in accordance with the *Act*.

Job Descriptions

6. 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:

7. Stating that, to apply and be eligible for promotion, candidates must meet all the mandatory requirements of the process;
8. 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,

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- e. grounded in a comprehensive and strategic human resources approach that includes succession planning in identifying current and future leaders;
9. 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;
 10. 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 prior to the implementation of the change(s) in process.
 11. 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 *Community Safety and Policing 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.
 12. 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.

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Approval of Promotions

It is further the policy of the Board that:

13. 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 Z36 or above, and promotions to Excluded positions to the classification of X36 or above.
14. All promotions of sworn Service Members to ranks below Inspector, or of civilian Service Members to classifications other than Z36 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.
15. 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

16. 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 claims, Law Enforcement Complaints Agency complaints and/or Professional Standards complaints, where approval by the Chair and Vice Chair is required.
17. 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

18. 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.
19. All terminations of probationary sworn members will be reviewed by the Board's Executive Director and Chief of Staff, and approved by the Appointments Committee.
20. The Board holds the sole authority for any termination of a Command Member, as defined in the Board's Chief of Police and Command Members policy.

APPENDIX B

Reporting Requirements

21. 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
22. 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:

23. The Chief of Police will Provide an annual report to the Board, including:
 - a. A description of the current promotional process(es), and any changes implemented during the reporting period;
 - 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.



PUBLIC REPORT

January 9, 2025

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: **Toronto Police Service Audit & Quality Assurance
Annual Report**

Purpose: Information Purposes Only Seeking Decision

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.

Summary:

In accordance with the Board's Adequacy Standards Compliance Policy, this report provides the Board with the Service's 2025 Audit Work Plan and 2024 Ongoing/Not Yet Started Projects.

Discussion:

Background

Relevant Board Policies and Compliance

The Board's Adequacy Standards Compliance Framework, part of the Adequacy Standards Compliance Policy, directs the Chief of Police to "provide an annual report to the Board which will include:

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- a. The annual work plan; and
- b. Audits included in the previous annual quality assurance work plan but not completed during the reporting period, and an estimated time for their completion or an indication that they will no longer be pursued with supporting rationale.”

Development of Annual Audit Work Plan

Audit & Quality Assurance (A.&Q.A.) begins its annual work plan development process by researching and examining regulatory, environmental, technological and community issues and concerns that have the potential to affect the operations of the Service. The unit also examines other agencies' audit reports for trends, emerging issues and topics. A.&Q.A. then consults with Command, senior management and selected unit commanders to identify risks, opportunities, strengths and weaknesses, which may impact the ability of the Service to achieve its priorities, goals and strategies.

Based on the results of this research and consultation, A.&Q.A. creates a listing of potential projects and conducts a risk assessment using established risk and opportunity factors to determine the relevant ranking of these projects.

In formulating the work plan, the unit also considers legislative and Service requirements. The main legislative requirement is found in the Community Safety and Policing Act, under Ontario Regulation 392/23, Adequate and Effective Policing (General). Service requirements also include audits mandated by Service procedures, coverage of high-risk operations in various Command areas, identification of opportunities for improvement and fiscal accountability.

A.&Q.A. cannot audit every unit, process, policy, procedure or program in the Service. It is therefore important that in developing the annual work plan, careful consideration is given to prioritizing projects so that the unit's limited resources can be utilized efficiently and effectively, and add the greatest overall value to the Service. Following consultation with the Chief of Police, Command and the Board, the annual work plan is created and included in this report.

The City of Toronto Auditor General (A.G.) presented the Auditor General's Office 2025 Work Plan and Budget Highlights to the City's Audit Committee on December 9, 2024. This work plan contained two planned audits of the Service for 2025, which are the Cybersecurity Follow-up of Prior Recommendations and IT Governance/Infrastructure audits. In addition, there is one audit in the A.G.'s audit horizon planned for late 2025 or 2026, which is the Special Events/Paid Duty audit. In order to ensure that there is no duplication of efforts, A.&Q.A. has reviewed the A.G.'s work plan.

2025 Audit Work Plan

A.&Q.A.'s 2025 Audit Work Plan (see Appendix A) was approved by the Executive Assurance Committee (E.A.C.) on January 8, 2025. The work plan is a working document and is designed to accommodate changes due to challenges that arise from project findings or the need to divert resources to deal with emerging issues.

Once projects are completed, and the reports and recommendations approved by the E.A.C., the recommendations are tracked by A.&Q.A. The unit uses a tracking database to monitor the implementation status of recommendations assigned to management to ensure that appropriate corrective action is taken in a timely basis. Reports of the status of recommendations are presented to the E.A.C. on a quarterly basis.

2024 Ongoing/Not Yet Started Projects

Appendix B outlines projects ongoing at year-end and 2024 projects not started. Also included is the estimated time to complete each project and an estimate of when E.A.C. approved audit reports may be provided to the Board Office. The Board Office is responsible for scheduling the presentation of audit reports to the Board.

Conclusion:

This report provides the Board with the Service’s 2025 Audit Work Plan and 2024 Ongoing/Not Yet Started Projects.

Acting Staff Superintendent Jacqueline Baus 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

Attachments:

-
- Appendix A – 2025 Audit Work Plan
 - Appendix B – 2024 Ongoing/Not Yet Started Projects

Appendix A – 2025 Audit Work Plan

Project	Synopsis	Estimated Project Hours	Project Status as at December 31, 2024
Risk Assessment and Work Plan Development	Institute of Internal Auditors' Standards require A.&Q.A. to conduct a yearly risk assessment in the preparation of its work plan to ensure adequate resources are deployed to audit high risk areas. Research and consultation is undertaken to identify projects, which are then assessed using risk and opportunity factors to determine the relevant ranking of these projects. The work plan is then prepared giving careful consideration to prioritizing the projects to ensure A.&Q.A.'s resources can be utilized efficiently and effectively, and add the greatest overall value to the Service.	200	Not started
Quality Assurance and Improvement Program - Continuous Improvement	As part of A.&Q.A.'s commitment to a continuous improvement process, the unit will perform peer reviews on projects, prepare project and work plan status reports, track outstanding recommendations and review the unit's conformance with the I.I.A.'s Standards and Topical Requirements on an ongoing basis. A yearly report on these activities will be prepared and presented to the E.A.C. and the Board.	350	Not started
Institute of Internal Auditors' New Global Internal Audit Standards	The I.I.A. has issued new Standards to be adopted by January 2025. A.&Q.A. must undergo an external assessment to determine conformance with these new Standards in 2026. To meet the new Standards, A.&Q.A. must develop a strategic plan and performance metrics. A.&Q.A. must also update (1) its audit charter, (2) its Quality Assurance and Improvement Program, (3) Service Procedure 16-06, Audit and Quality Assurance Process and (4) its audit manual.	500	Not started

Project	Synopsis	Estimated Project Hours	Project Status as at December 31, 2024
Property and Video Evidence Management Unit – Drug Processing Section	The Property and Video Evidence Management Unit audit is a provincially mandated audit that is conducted on a rotational cycle. This rotation is comprised of general property, drugs, firearms and video evidence, to ensure adequate coverage of all areas. Each area is subject to a comprehensive audit every four years. The 2025 audit will assess the effectiveness of internal controls on the integrity, continuity and safeguarding of the Service’s drug evidence.	850	Not started
Ministry of Transportation - Inquiry Services System Compliance Audit	This audit will identify and report on compliance issues, in accordance with the Inquiry Services System Oversight Framework for Policing Services of the Ministry of Transportation (M.T.O.). Per the framework, this audit includes identifying a lawful purpose for transactions selected by the M.T.O. and performing user exception testing (i.e. volume of searches, searches on colleagues, family, public figures, and vanity plates).	500	Not started
Ministry of Transportation - Automatic License Plate Reader Audit	Awaiting specific audit work plan from the Ministry of Transportation.	800	Not started
Violent Crime Linkage Analysis System (V.i.C.L.A.S.) Follow up	A follow up audit to assess the Service's compliance with Section 18 (V.i.C.L.A.S. Reports) of Ontario Regulation 395/23 made under the Community Safety and Policing Act, 2019 and Service governance with respect to V.i.C.L.A.S. submissions. The first audit was performed by A.&Q.A. in 2022 in response to Recommendations 23 and 24 of the Missing and Missed Report issued by Justice Epstein.	500	Not started

Project	Synopsis	Estimated Project Hours	Project Status as at December 31, 2024
Body Worn Camera Compliance	An audit of Service compliance with the requirements of the Board's Body Worn Cameras Policy.	1,200	Not started
Cybersecurity Audit	To be determined based on resourcing and unit workload. Further information will be provided to the Executive Assurance Committee for review and approval before the project is started.	900	Not started

Appendix B – 2024 Ongoing/Not Yet Started Projects

Project	Synopsis	Estimated Project Hours Remaining at December 31, 2024	Anticipated Date to Board Office
Property and Video Evidence Management Unit - Digital Evidence Management Section	This audit is in the planning stage.	880	Quarter 3 2025
Ministry of Transportation – Automatic License Plate Reader	This audit was not conducted in 2024 as A.&Q.A. is still awaiting a specific audit work plan from the Ministry of Transportation.	0	Not applicable
Cybersecurity: Assessment of Select Internet Facing Applications	This audit is in the planning stage.	690	Quarter 3 2025
Prohibited Information Related to Search Warrants	This audit is being carried forward to 2025 and has not yet been started.	200	Quarter 3 2025
Divisional Locker Management System Internal Controls	This audit is in the reporting stage.	40	Quarter 2 2025
Source & Agent Management	This audit is in the reporting stage.	30	Quarter 2 2025

Project	Synopsis	Estimated Project Hours Remaining at December 31, 2024	Anticipated Date to Board Office
Major Case Management	This audit is being carried forward until such time as the new Service procedure comes into effect. It is expected that this audit will begin in 2026.	0	Not applicable
Compliance with Executing a Search Warrant and LE-011, Search of Premises	This audit was added to the 2024 work plan in October 2024 and is in the planning stage.	620	Quarter 3 2025
Information Technology Disaster Recovery	This audit is in the reporting stage. This project was originally titled "Information Technology Business Continuity and Disaster Recovery" in the 2023 audit work plan. However, in discussion with Command, the scope of this project was revised to exclude the review of business continuity activities; the project title has been adjusted to reflect this change in scope.	70	Quarter 2 2025

Definitions of Audit Stages	
Planning Stage	This stage includes gathering background information; communicating with auditee management; preparing process documentation; conducting project, information technology and fraud risk assessments; reviewing internal controls, developing objectives and scope; planning tests; and preparing a Terms of Reference.

Fieldwork Stage	This stage includes gathering information for analyses and evaluation; executing work programs; analyzing and evaluating findings; and drafting recommendations and compliance issues.
Reporting Stage	This stage includes meeting with auditee management on findings and recommendations; preparing the final report; and presenting to senior management.



PUBLIC REPORT

January 22, 2025

To: Chair and Members
Toronto Police Service Board

From: Dubi Kanengisser
Executive Director

Subject: Facial Recognition System Audit - 2023

Purpose: Information Purposes Only Seeking Decision

Summary:

The purpose of this report is to provide the Toronto Police Service Board (Board) with the Facial Recognition System Audit – 2023, prepared by the Toronto Police Service's Audit & Quality Assurance unit

Discussion:

In accordance with the Board's *Adequacy Standard Compliance Policy*, the attached report is being submitted to the Board for information purposes only.

Conclusion:

It is recommended that the Board receive this report. Ms. Angela Schieda, Manager, A&QA 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.

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Respectfully submitted,

Dubi Kanengisser
Executive Director

Attachment:

Facial Recognition System Audit - 2023



Toronto Police Service

Facial Recognition System Audit - 2023

Audit and Quality Assurance

Approved by the Executive Assurance Committee on September 27, 2023

This report and the information contained herein is not to be further disseminated without the approval of the Chief of Police

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Facial Recognition System Audit – 2023

Background

The Facial Recognition System (F.R.S.) is technology being utilized by personnel at Forensic Identification Services (F.I.S.) that accomplishes facial matching. This technology uses an algorithm that maps the facial image of unknown suspects (probe image) and then compares it to the facial images belonging to known identities contained within IntelliBook.

Members requesting the use of this technology are advised that the generated results of a potential candidate are only possible matches, and not an identification. As such, the results are only to be treated as an investigative aid, which still requires the corroboration of evidence and a thorough investigation.

The Toronto Police Service's (T.P.S.) use of facial recognition software, while a valuable tool for investigators, raises concerns from community members in relation to improper use and surveillance. Information Security conducted a Privacy Impact Assessment on the F.R.S. in October 2017, which included a recommendation that Audit & Quality Assurance (A.&Q.A.) conduct an audit on F.R.S.' internal controls after it has been in use for over a year.

Scope

The scope of this project included, but was not limited to:

- interviews and/or correspondence with members of F.I.S., the Policing Applications Unit, Information Security, Information & Technology Command, the Chief Information Security Officer, Legal Services, Sex Crimes and Homicide and Missing Persons;
- review of Service Procedure 04-04, F.R.S.;
- review of Routine Orders relating to the F.R.S. and the Use of Artificial Intelligence;
- review of related Toronto Police Services Board meeting minutes;
- review of the F.R.S. Privacy Impact Assessment;
- review of Legal Service's Youth Criminal Justice Act Guidelines on Publication, Records and Information;
- review of F.I.S.' Unit Specific Policy #35 - F.R.S.;
- review of Sex Crimes Unit Specific Policy - Traffic Jam User Policy and subsequent T.P.S. 649;
- walkthrough of the F.R.S. search process;
- a listing of all users who have accessed the F.R.S. since March 2018 (start of

use of F.R.S.);

- a listing of all members who currently have access to the F.R.S.;
- review of Federal Bureau of Investigation (F.B.I.) training documentation;
- review and analysis of F.I.S. spreadsheets of conducted F.R.S. searches;
- review and analysis of transactional data extracted from the F.R.S.;
- sample testing of completed F.R.S. searches; and
- review of information in Versadex (V.D.X.) including T.P.S. 856, Request for Facial Recognition Search, V.D.X. text templates and attachments, emails and other relevant documentation that pertain to F.R.S. searches.

The audit included sampling F.R.S. searches completed within the period of January 1, 2021 to December 31, 2022.

The following was **not** within the scope of this audit:

A.&Q.A. is unable to provide assurance on the accuracy of F.I.S.' statistics regarding the number of F.R.S. searches performed, potential candidates identified or arrests made due to limitations with F.R.S. data and a highly manual tracking system.

A.&Q.A. did not review use of the Clearview A.I. technology based on the following information: On February 5th, 2020, then Chief Mark Saunders issued a cease and desist order to all members to stop using Clearview A.I. This order continues to date. A Routine Order was issued on March 6, 2020 prohibiting the use of Clearview A.I. An internal working group investigated all uses of Clearview A.I prior to February 5, 2020 and determined that officers had used the technology in good faith, either for investigative purposes or to become more familiar with the capabilities of the platform. The working group concluded that no further action was required. In addition, according to a submission made by Clearview A.I. to the Board on December 15, 2021, "Clearview A.I. does not do business in Canada, and accordingly their technology is not currently available for use in Toronto or anywhere in Canada."

Conclusion

Overall, the findings of this report represent a moderate risk to the Service. The report contains 13 recommendations and 10 compliance issues.

Areas where high noncompliance or issues were identified include:

- not recording corroborating evidence that should be included and related to the potential candidate F.R.S. search result which leads to suspect identification;
- bench notes not attached to the General Occurrence by the F.I.S. member;
- V.D.X. "follow up" not created by F.I.S. member related to the potential candidate F.R.S. search result; and
- General Occurrences where no arrest was made or pending and the F.I.S spreadsheet indicated an arrest was made as a result of the F.R.S. search.

Other notable findings include:

All members who accessed the F.R.S. to perform a search had received the required F.B.I. training.

Access to the F.R.S was limited to F.I.S. users and to members of the Policing Applications Unit (P.A.U.) who support the system. However, access was not limited to current active users. This issue was rectified by P.A.U. and F.I.S. within two days.

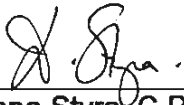
Users must only have one User Identification. This should be facilitated through integration of the F.R.S. with T.P.S.' Active Directory and user account administration should be administered by Information Technology Services' Computer Access group.

Members of the P.A.U.'s F.R.S. support team with administrator level access should be logging into the F.R.S. using their personal user accounts for improved traceability and accountability. In addition, members with administrative level access should have appropriate approvals in place and these approvals must be reviewed and renewed on a yearly basis.

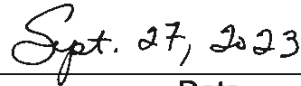
Three of the five Privacy Impact Assessment recommendations have been successfully implemented. Recommendations have been made to complete implementation of the remaining two recommendations.

Recommendations made relate to updating Service Procedure 04-04, F.R.S., F.I.S. Unit Specific Policy #35 – F.R.S. and improving existing processes.

The reader is cautioned on reliance on this conclusion due to limiting factors, such as, the economical use of a representative sample, professional judgement, and the evidence being persuasive rather than conclusive.



Dana Styra, C.P.A., C.A., C.B.V., C.F.E.,
C.R.M.A.
Chief Audit Executive
Manager, Audit and Quality Assurance



Date

Objective 1, Part A

To determine whether F.R.S. searches are conducted in accordance with Service Procedure 04-04, F.R.S.

Compliance Issues

Issue # 1

F.R.S. searches are not to be conducted if the suspect has already been identified.

- In 2% (3/150) of General Occurrences (G.O.s) reviewed, the image submitted for the F.R.S. search was of a suspect that had already been identified.

Management Response from the Staff Superintendent, Detective Operations and the Staff Superintendent, West Field Command on behalf of Community Safety Command

Community Safety Command and Detective Operations contacted all Detective Sergeants in their pillars, provided Service Procedure 04-04, Facial Recognition System, and requested that all members of the Criminal Investigations Bureau, Major Crime Unit, etc. are reminded of governance and educated accordingly.

Issue # 2

F.R.S. searches are not to be conducted for non-criminal investigations.

- In 1% (1/151) of G.O.s reviewed, the F.R.S. search was conducted for a non-criminal investigation.

Management Response from the Staff Superintendent, Detective Operations and the Staff Superintendent, West Field Command on behalf of Community Safety Command

Community Safety Command and Detective Operations contacted all Detective Sergeants in their pillars, provided Service Procedure 04-04, Facial Recognition System, and requested that all members of the Criminal Investigations Bureau, Major Crime Unit, etc. are reminded of governance and educated accordingly.

Issue # 3

When results are received back from F.I.S. and potential candidate information has been provided, the investigating officer must update the G.O. with all pertinent information.

- In 8% (9/106) of G.O.s reviewed, an update was not entered by the investigating officer indicating the actions that were taken as a result of a potential candidate being discovered.

Management Response from the Staff Superintendent, Detective Operations and the Staff Superintendent, West Field Command on behalf of Community Safety Command

Community Safety Command and Detective Operations contacted all Detective Sergeants in their pillars, provided Service Procedure 04-04, Facial Recognition

System, and requested that all members of the Criminal Investigations Bureau, Major Crime Unit, etc. are reminded of governance and educated accordingly.

Recommendation

Recommendation #1

As a best practice, a F.R.S. search request should only be submitted after being approved by the lead investigator.

- Community Investigative Support Unit officers are routinely submitting F.R.S. search requests for minor criminal offences such as theft from Liquor Control Board of Ontario stores. These F.R.S. search requests are being submitted to F.I.S. prior to the G.O. being assigned to a lead investigator. In some circumstances, due to time restraints, the lead investigator is not able to follow up on these types of cases and no action is taken after the F.R.S. search is conducted. In other circumstances, after the lead investigator has had an opportunity to review these types of cases, the G.O. is closed for various reasons which would not have required an F.R.S. search to be conducted.

Risk Rating: **Low**

Recommendation #1: That the Staff Superintendent, Strategy Management amend Service Procedure 04-04, Facial Recognition System, to require approval from the lead investigator prior to a Facial Recognition System search request being submitted.

Management Response from the Staff Superintendent, Strategy Management

The relevant governance will be updated subsequent to approval by Command.

Compliance Issue

Issue # 4

F.R.S. searches that generate results of a potential candidate are only possible matches and not an identification. The investigating officer must have corroborating evidence in order to identify the potential candidate for the purpose of arresting them or laying criminal charges.

- In 27% (17/62) of G.O.s reviewed involving an arrest, no indication of any corroborating evidence could be located.

Management Response from the Staff Superintendent, Detective Operations and the Staff Superintendent, West Field Command on behalf of Community Safety Command

The Detective Sergeant at Forensic Identification Services contacted Detective Sergeants across the Service whose investigative units had cases that did not possess the necessary corroborating evidence. In addition, Community Safety Command and Detective Operations contacted all Detective Sergeants in their pillars, provided Service

Procedure 04-04, Facial Recognition System, and requested that all members of the Criminal Investigations Bureau, Major Crime Unit, etc. are reminded of governance and educated accordingly.

Positive Finding

When officers request a F.R.S. search, they are required to complete T.P.S. 856, Request For Facial Recognition Search form and email it to F.I.S.

- In 100% (151/151) of G.O.s reviewed, the T.P.S. 856 was completed by the requesting officer.

Objective 1, Part B

To determine whether F.R.S. searches are conducted in accordance with F.I.S.' Unit Specific Policy #35 – F.R.S.

Compliance Issues

Issue # 5

F.R.S. searches can only be conducted on a subject of a criminal investigation, unless exceptional circumstances exist. If exceptional circumstances exist, a F.R.S. search may be conducted on a witness or victim but only after obtaining authorization from the Detective Sergeant at F.I.S.

- In 100% (1/1) of G.O.s reviewed where exceptional circumstances existed, the search was conducted on a victim, but no record could be located confirming it was authorized by the Detective Sergeant at F.I.S.

Management Response from the Inspector, Forensic Identification Services

Forensic Identification Services will modify the Unit Specific Policy (U.S.P.) to allow for exceptional (public safety and compassion) use outside of criminal investigations with the approval of the Detective Sergeant. The U.S.P. has been updated to reflect the need for email review and approval from the Detective Sergeant.

Issue # 6

When a F.I.S. member conducts a F.R.S. search and a potential candidate is discovered, the F.I.S. member is required to create a V.D.X “follow up” in the G.O.

- In 10% (11/106) of G.O.s reviewed, a V.D.X. “follow up” was not created.

Management Response from the Inspector, Forensic Identification Services

Forensic Identification Services will take steps to ensure that “follow ups” are created for all potential candidates.

Positive Finding

When a F.I.S. member conducts a F.R.S. search and a potential candidate is discovered using a youth photograph, the F.I.S. member must ensure that the Youth Criminal Justice Act (Y.C.J.A.) guidelines are met prior to releasing the potential candidate information.

- In 100% (3/3) of youth photographs used for F.R.S. searches, the Y.C.J.A. guidelines were met.

Positive Finding

When a F.I.S. member conducts a F.R.S. search, they are required to complete the T.P.S. 856 (including thumbnails of probe images) and email the results back to the requesting officer.

- In 99% (150/151) of G.O.s reviewed, the T.P.S. 856 was completed (including thumbnails of probe images).
- In 100% (10/10) of investigations without an associated G.O., the T.P.S. 856 was completed.

Recommendation

Recommendation #2

F.I.S.' Unit Specific Policy #35 – F.R.S. does not permit an F.R.S. search to be performed in relation to probe images that depict the subject of a non-criminal investigation in exceptional circumstances relating to public safety or compassionate reasons.

- F.I.S.' Unit Specific Policy #35 – F.R.S. allows for a F.R.S. search to be done in relation to a non-criminal investigation on a victim or witness but not a subject.

Risk Rating: **Low**

Recommendation #2: That the Inspector, Forensic Identification Services update Forensic Identification Services' Unit Specific Policy #35 – Facial Recognition System to permit a Facial Recognition System search to be performed in relation to probe images that depict the subject of a non-criminal investigation in exceptional circumstances relating to public and/or officer safety or compassionate reasons.

Management Response from the Inspector, Forensic Identification Services

Accepted.

Additional Finding – Unit Specific Practice

To determine whether F.R.S. searches are documented in accordance with F.I.S.' unit specific practice.

Compliance Issue

Issue # 7

When a F.I.S. member conducts a F.R.S. search and a potential candidate is discovered, the F.I.S. member is required to prepare bench notes supporting their conclusion and attach the bench notes to the G.O.

- In 59% (63/106) of G.O.s reviewed, the bench notes were not attached to the G.O.
- In 100% (5/5) of investigations without an associated G.O. where a potential candidate was discovered, the bench notes were not kept in the electronic file with the other documents.

Management Response from the Inspector, Forensic Identification Services

This issue relates to the significant workload being handled by only two analysts. In many cases the analysts are unable to keep up with clerical tasks while also completing priority comparisons. As such, Forensic Identification Services has requested two additional analyst positions as well as a clerk position to be added to the section. This change will ensure that clerical tasks remain up to date as required.

Positive Finding

When a F.I.S. member conducts a F.R.S. search and a potential candidate is discovered, the F.I.S. member is required to attach a latent face report to the G.O.

- In 100% (106/106) of G.O.s reviewed, a latent face report was attached to the G.O.
- In 100% (5/5) of investigations without an associated G.O. where a potential candidate was discovered, a latent face report was completed.

Positive Finding

When a F.I.S. member conducts a F.R.S. search, they are required to enter a F.I.S. text document in V.D.X. indicating that a F.R.S. search was done and indicating their role in the case.

- In 99% (149/151) of G.O.s reviewed, the text document was entered in V.D.X to reflect the F.R.S. search.
- In 99% (149/151) of G.O.s reviewed, the text document indicating the F.I.S. member's role was entered in V.D.X.

Positive Finding

When a F.I.S. member conducts a F.R.S. search and a potential candidate is discovered, the F.I.S. member is required to attach a standard F.R.S. process document to the G.O.

- In 99% (105/106) of G.O.s reviewed, the standard F.R.S. process document was attached to the G.O.

Compliance Issue

Issue # 8

F.R.S. searches are recorded by F.I.S. members manually on an Excel spreadsheet for the purpose of compiling F.R.S. statistics. One column on the spreadsheet indicates if the F.R.S. search led to an arrest.

- In 20% (30/151) of G.O.s reviewed, no arrest was made or pending, however the F.I.S. spreadsheet indicated an arrest was made as a result of the F.R.S. search.

Management Response from the Inspector, Forensic Identification Services

This issue relates partially to an issue with wording. In essence, the “arrest” column of Forensic Identification Services’ spreadsheet is meant to confirm if the correct individual was identified (whether or not the individual was arrested). It is an accuracy measure for our analysts. Forensic Identification Services will take steps to review the wording to ensure consistency and accuracy.

Additional Finding – Collection of F.R.S. Statistics

Recommendations

Recommendation #3

In order to monitor the impact the F.R.S. system is having, it is important to have accurate statistics.

- The total number of arrests derived from F.R.S. comparisons are undetermined because searches only discover potential candidates and not conclusive identifications. Arrests are only made after further investigations are conducted and additional evidence has been obtained. F.I.S. analysts do follow-up on potential candidate information provided to investigators, however, time constraints and the manual process of having to check and re-check for an arrest status in V.D.X. makes the process inefficient and unreliable for the collection of accurate arrest statistics.

Risk Rating: **Medium**

Recommendation #3: That the Inspector, Forensic Identification Services in conjunction with the Inspector, Business Relationship Management, review

potential opportunities within the new Records Management System to automate the process of collecting Facial Recognition System statistics.

Management Response from the Inspector, Forensic Identification Services

Accepted. Forensic Identification Services is researching opportunities for automation through Records Management System and Evidence.com.

Recommendation #4

In order to monitor the impact the F.R.S. system is having, being able to track potential candidates that have been identified as suspects but are not to be arrested for whatever reason is important.

- In some cases, potential candidates are being entered in the G.O. by officers as suspects even though they had not been identified as such through means other than just the F.R.S. search.

Risk Rating: **Medium**

Recommendation #4: The Staff Superintendent, Strategy Management amend Service Procedure 04-04, Facial Recognition System, to require officers to only enter a potential candidate as a suspect in a General Occurrence after they have been identified through means other than just the Facial Recognition System search.

Management Response from the Staff Superintendent, Strategy Management

The relevant governance will be updated subsequent to approval by Command.

Objective 2

To ensure access to the F.R.S. is limited to Service members that have received the required F.B.I. training and that user access is kept current.

Compliance Issues

Issue # 9

Per F.I.S. Unit-Specific Policy #35 – F.R.S., F.R.S. searches shall only be completed by members of F.I.S. that have successfully completed the F.B.I.'s Facial Comparison and Identification training program.

- Since use of the F.R.S. began in March 2018, 13 members of F.I.S. have been given access to the F.R.S. to conduct searches. F.B.I. training program certificates could not be located for three of the 13 members (23%).
 - Two of these members are currently retired and their certificates could not be located by F.I.S. or Employee Services.

- Since use of the F.R.S. began in March 2018, eight members of F.I.S. have accessed the F.R.S. to perform a search. These members all had completed the F.B.I. training program prior to performing a search.

Management Response from the Inspector, Forensic Identification Services

Forensic Identification Services will take steps to ensure copies of certificates are placed in personnel files going forward. Further, certificate information will be entered into the Human Resources and Management System going forward.

Issue # 10

As a best practice, all certificates of completion of the F.B.I.'s Facial Comparison and Identification training program should be forwarded to the Toronto Police College (T.P.C.) for input into the Human Resources and Management System (H.R.M.S.).

- At the beginning of the audit, eleven out of thirteen certificates (85%) had not been entered into H.R.M.S.

Management Response from the Inspector, Forensic Identification Services

Forensic Identification Services and Audit & Quality Assurance have now forwarded all available certificates for members who completed the Federal Bureau of Investigation training program to the Toronto Police College for entry into the Human Resources and Management System. Forensic Identification Services will continue do so in the future as additional members complete this training program.

Recommendations

Recommendations #5-7

It is important to follow cybersecurity best practices for identity and access management.

The F.R.S. has a default system administrator account (system admin account) that has the highest level of system access and privileges. This system admin account can be used for: user management, workstation management, transactions searching, server configurations, batch job configurations and monitoring, and transactional, system and statistical report generation.

- Three members of the P.A.U. have access to the system admin account. As such, if changes are made to the F.R.S. using this account, it cannot be determined which member made the changes.
- The same three members of P.A.U. have administrator level access attached to their personal user accounts.

Risk Rating: **High**

Recommendation #5: That the Manager, Policing Applications Unit, ensure that Policing Applications Unit support team members of the Facial Recognition

System stop using the default system administrator account for Facial Recognition System login and instead use their own personal user accounts when logging into the Facial Recognition System for improved traceability and accountability.

Management Response from the Manager, Policing Applications Unit

The Manager and three members of the Policing Applications Unit that have access to the default system administrator account have agreed that going forward, members will access the Facial Recognition System using their own individual accounts that have already been established.

Risk Rating: **High**

Recommendation #6: That the Manager, Policing Applications Unit, in conjunction with the Inspector, Forensic Identification Services, ensure that the Policing Applications Unit support team members of the Facial Recognition System who require administrator level access, have appropriate approvals in place from the Manager, Policing Applications Unit, the Inspector, Forensic Identification Services and the Manager, Information Privacy & Security, and that these administrator level access approvals are reviewed and renewed on a yearly basis.

Management Response from the Manager, Policing Applications Unit

On an annual basis the Manager, Policing Applications Unit will review and re-authorize members of the team who can access the Facial Recognition System for administrative and support activities. This task will be done at the beginning of each calendar year and reviewed annually starting January 2024. An existing review of members with administrative access has already been completed in 2023 as part of this audit.

Risk Rating: **High**

Recommendation #7: That the Manager, Policing Applications Unit, ensure that the password for the Facial Recognition System default system administrator account is changed and only kept by the primary Policing Applications Unit support team member and that this password is not shared with other members.

Management Response from the Manager, Policing Applications Unit

The password will be changed by August 31 2023 and be kept only by the primary Policing Applications Unit support member. The password will also be shared with computer access to ensure business continuity in the event the primary Policing Applications Unit support member is not available/on leave.

Recommendation

Recommendation #8

In line with best identity and access management practices, members who have access to the F.R.S. should have only one User Identification (I.D.).

- Since use of the F.R.S. began in March 2018, a total of 18 users have had access to the F.R.S: 13 members of F.I.S., four members of the P.A.U. and the default system administrator account.
 - The four members of P.A.U. required access for system administration and do not perform F.R.S. searches.
- The 18 users who have had access to the F.R.S. had a combined total of 36 different User I.D.s.
 - As an example, one user had the following four User I.D.s (name changed for privacy issues): KIM@TNT, KIMP@, KIMP@TNT; and KIMP@TNT@TNT.

Risk Rating: **Medium**

Recommendation #8: That the Manager, Policing Applications Unit, work with the Facial Recognition System’s vendor to integrate the system with the Toronto Police Service’s Active Directory for centralized and more secure Facial Recognition System user account administration by Information Technology Services’ Computer Access group, and to enable Single Sign-On for simplified and streamlined user login process. This recommendation should be actioned for the current Facial Recognition System and must be a requirement of any such future systems.

Management Response from the Manager, Policing Applications Unit

The process to replace the Facial Recognition System has begun and a Request for Information has been put in place. A replacement vendor and solution for the Facial Recognition System is targeted to be in place by 2024/2025 and at that point access to the Facial Recognition System will be integrated with the Toronto Police Service’s Active Directory.

Recommendation

Recommendation #9

In line with best identity and access management practices, access to the F.R.S. must be limited to F.I.S. current active users and to members of the P.A.U. who support the system.

On November 9, 2022, A.&Q.A. was provided with a listing of all members who had access to the F.R.S. As of this date, there were 16 users with access to the F.R.S. Two of these users were retired and six were no longer active users of the F.R.S.

A member of the P.A.U. worked with F.I.S. to ensure user access was updated to include only current users. On November 11, 2022 there were eight current F.R.S. users: four members of F.I.S., three members of the P.A.U. and the default system administrator account.

Risk Rating: **Medium**

Recommendation #9: That the Inspector, Forensic Identification Services, ensure that the Policing Applications Unit and/or Information Technology Services' Computer Access group is notified as soon as a member retires, resigns or no longer requires access to the Facial Recognition System so that their Facial Recognition System account can be deactivated.

Management Response from the Inspector, Forensic Identification Services

Accepted.

Objective 3

To determine whether the recommendations made in the October 2017 Privacy Impact Assessment (P.I.A.) have been actioned.

Positive Finding

P.I.A. Recommendation #1: It is recommended that F.I.S. develop a unit procedure to govern the intake and management of internal and external F.R.S. requests. This should provide a consistent framework for initial assignment, processing and priority, as well as best practices for handling results.

- Service governance has been created to address this recommendation.

Positive Finding

P.I.A. Recommendation #2: It is recommended that A.&Q.A. conduct an internal audit of system controls employed for the F.R.S. project, after one year of investigative use.

- Presentation of this audit report to the Executive Assurance Committee on September 27, 2023 addresses this recommendation.

Recommendation

Recommendation #10

P.I.A. Recommendation #3: It is recommended that F.I.S. develop retention requirements for all F.R.S. (and related) records, to formalize a comprehensive schedule that includes (i) probe images (ii) F.R.S. requests and (iii) audit data.

- F.I.S. set the retention policy for probe images and F.R.S requests as current plus five years. Audit logs are retained indefinitely.
- The F.I.S. policy will come into effect beginning January 1, 2024. As recommended in the P.I.A., F.I.S. should formalize a comprehensive retention schedule that includes probe images and F.R.S. requests before the end of 2023.

Risk Rating: **Medium**

Recommendation #10: That the Inspector, Forensic Identification Services, as recommended in the October 2017 Privacy Impact Assessment, formalize a

comprehensive retention schedule that includes probe images and Facial Recognition System requests before year end 2023.

Management Response from the Inspector, Forensic Identification Services

As noted above, Forensic Identification Services does have a retention policy for facial related data. However, Forensic Identification Services will include this policy into the Unit Specific Policy.

Recommendation

Recommendation #11

P.I.A. Recommendation #4: It is recommended that F.I.S. consider implementation of an F.R.S. policy to govern mandatory thresholds and best practices pertaining to (i) similarity score, (ii) false acceptance rate and (iii) false rejection rate. Setting the level of these thresholds is an operational decision; however, it should involve identifying what threshold, if any, is applied by other law enforcement agencies using facial recognition and be guided by the Service's duty to safeguard *Charter* rights, including the section 11(d) right to be presumed innocent. It may also include, in clear and unequivocal terms, that the thresholds shall not be altered irrespective of case type, sensitivity, or internal/external pressure for resolution.

- The similarity score is a number between 0 and 10,000 assigned to each photo in a F.R.S. search. The higher the score the more similar the F.R.S. believes the probe image is to the mugshot image it is being compared to. The F.R.S. hit threshold is currently set at 5,000 which means that the F.R.S. will give a "Hit" designation when the similarity score is over 5,000. The F.R.S. returns a maximum of 200 images for each F.R.S. search. The 200 images returned and 5,000 hit threshold is determined by F.I.S., however both of these numbers are the F.R.S. default recommendations. Similarity scores are observed by analysts but do not determine whether a potential candidate is sent to an investigator.
- A F.R.S. policy to govern mandatory thresholds and best practices pertaining to false acceptance rates and false rejection rates is not applicable at this time due to the manual process being used to determine if a potential candidate is discovered during a F.R.S. search.
- F.I.S. does not currently have a F.R.S. policy to govern mandatory thresholds and best practices pertaining to the similarity score.

Risk Rating: **Low**

Recommendation #11: That the Inspector, Forensic Identification Services consider implementation of a Facial Recognition System policy to govern mandatory thresholds and best practices pertaining to the similarity score.

Management Response from the Inspector, Forensic Identification Services

Given the age and effectiveness of the current algorithm and software, the similarity score is given zero weight. As newer technology is adopted, Forensic Identification Services will consider giving weight and building policy around similarity scores as appropriate.

Positive Finding

P.I.A. Recommendation #5: It is recommended that F.I.S. consider broadening the public component of this project to demonstrate the commitment of transparency, as reflected in the Transformational Task Force Final Report.

- Early on in the use of the F.R.S., information was provided to the public through the media and through a May 2019 public report to a Toronto Police Services Board meeting. The information provided satisfied this recommendation without compromising use of this important tool as an investigative aid to solve criminal offenses.

Additional Finding – Workstations and Unit Governance

Recommendation

Recommendation #12

The location of the workstations at F.I.S. that are capable of processing F.R.S. requests have changed since the October 2017 P.I.A.

- A review of the current location of the workstations is required to determine if the current physical safeguards are appropriate.

Additionally, it was suggested in the P.I.A. that the effectiveness of F.I.S.' unit governance should be measured under a privacy lens post-implementation, with a focus on system controls (e.g. security, access, user management, and data integrity).

- This has not yet been done.

Risk Rating: **Low**

Recommendation #12: That the Manager, Information Privacy & Security, Information Management:

- **review the location of the workstations that process Facial Recognition System requests to determine if the current physical safeguards in place at Forensic Identification Services are appropriate; and**
- **measure the effectiveness of Forensic Identification Services' unit governance under a privacy lens, with a focus on system controls (e.g. security, access, user management, and data integrity).**

Management Response from the Manager, Information Privacy & Security, Information Management

Information Privacy & Security, Information Management, will review the Privacy Impact Assessment to determine if an update is required based on the current workstation safeguards and any post-implementation findings that may result in a change to privacy risk. Target Quarter 1, 2024.

Additional Finding – Non-Canadian Law Enforcement

Recommendation

Recommendation #13

The Municipal Freedom of Information and Protection of Privacy Act permits T.P.S. to conduct, and share the results of, F.R.S. searches for law enforcement agencies in Canada. It is currently unknown whether there is legislation covering the conducting and sharing of F.R.S. searches with law enforcement agencies outside of Canada.

- On May 9, 2022, Interpol requested a search through a T.P.S. Officer. The suspect searched in the F.R.S. was wanted in Brazil by Interpol and believed to be in Toronto.

Risk Rating: **Medium**

Recommendation #13: That the Inspector, Forensic Identification Services, request Legal Services to provide an opinion on whether Forensic Identification Services is able conduct, and share the results of, Facial Recognition System searches with law enforcement agencies outside of Canada.

Management Response from the Inspector, Forensic Identification Services

The facial recognition section has been instructed to consult with Legal Services before releasing any information to agencies outside of Canada. I don't believe a blanket policy is appropriate in this circumstance as it is extremely rare and each case is unique.



Wendy Walberg LL.B., LL.M., C.S.
City Solicitor
Legal Services
55 John Street
Stn. 1260, 26th Flr., Metro Hall
Toronto ON M5V 3C6
Tel. (416) 392-8047
Fax (416) 397-5624

Reply To: Allyson Amster (she/her/hers)
Tel: (416) 396-7142
E-Mail: Allyson.Amster@toronto.ca

February 18, 2025

To: Chair and Board Members
Toronto Police Service Board

From: Wendy Walberg
City Solicitor, Legal Services

Subject: Agreement with City of Toronto Regarding Special Constables

Recommendation:

It is recommended that the Board:

- (1) approve the agreement between the Board and the City of Toronto regarding the appointment and governance of special constables, attached as Appendix "A" to this report;
- (2) forward the draft agreement to the Solicitor General for their information;
- (3) authorize the Chair to execute the agreement on behalf of the Board, on terms and conditions satisfactory to the Chair and in a form satisfactory to the City Solicitor.

Financial Implications:

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

Background/Purpose:

At its meeting held on November 22, 2018, the Board approved a request from the City of Toronto ("City") to establish a traffic warden program. At its meeting held on July 31,

2019, the Board approved an agreement between the Board and the City that set out each party's obligations under the City's Traffic Agents special constable program. That agreement was executed on February 6, 2020 and remains in place today. The Board has similar agreements with other third-party entities that employ special constables.

The Toronto Police Service ("TPS") advised the Board that the Solicitor General requires agreements between the Board and special constable employers be updated to reflect the enactment of the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1 ("CSPA"), which created a new legal framework for entities that employ special constables (referred to as "special constable employers" under the CSPA). The Board was advised that the TPS and the City were in the process of drafting a new agreement (the "Agreement") to reflect the CSPA.

The Board and the City have now settled on the terms and conditions set out in the Agreement, and the purpose of this report is to obtain the Board's approval, as well as authority for the Chair, on behalf of the Board, to execute the Agreement.

Discussion:

When the TPS and the City entered into the previous agreement, they anticipated changes to the appointment and regulation of special constables as a result of the CSPA. The TPS spent over a year developing a new agreement in anticipation of the enactment of the CSPA. Now that the CSPA has been enacted, the City and the Board are able to finalize the Agreement. The Agreement remains similar to the previous agreement between the Board and the City.

The Special Constable Liaison Office will administer the Agreement on behalf of the TPS and the Board. The Special Constable Liaison Office maintains the partnerships between the TPS and special constable employers. This includes administering the application process, training and the exchange of information between the TPS and special constable employers.

The Agreement sets out, among other things, the following:

- the appointment process;
- the powers of special constables employed by the City;
- the obligations of the City to supervise and hold special constables accountable;
- the process to be followed with respect to complaints about a special constable employed by the City, including a complaints investigation procedure;
- the identification, uniforms and equipment of the special constables employed by the City;
- the processes to be followed regarding exchange of information;
- training requirements for special constables employed by the City; and
- the reporting requirements of the City and special constables employed by the City.

Under the Police Services Act, R.S.O. 1990, c. P.15, the Solicitor General was required

to approve the Board's appointment of special constables, but was not required to approve an agreement between the Board and an entity that employed special constables. Notwithstanding that, in practice the Board had historically sought approval of the Solicitor General for these agreements on the basis that the agreements were intertwined with the Solicitor General's approval of appointments. The requirement that the Solicitor General approve the Board's appointment of special constables was removed with the enactment of the CSPA. However, the Solicitor General is required to approve who may become a special constable employer. Given the historical practice and the Solicitor General's oversight over special constable employers, it is recommended if the Board approves the Agreement, it should provide the draft Agreement to the Solicitor General for their information before execution. Once the City and the Board execute the Agreement, the City can then submit its application to the Ministry of the Solicitor General to become a special constable employer and then submit applications to the Board for the appointment of special constables.

Conclusion:

The parties have now settled on the terms and conditions set out in the Agreement attached as Appendix "A" and it is recommended that the Board approve the Agreement and authorize the Chair, on behalf of the Board, to execute the Agreement.

The Chief has been consulted in the preparation of the Agreement.

Deputy Robert Johnson will be in attendance to respond to any questions that the Board may have in regard to this report.



Wendy Walberg
City Solicitor

THIS AGREEMENT MADE THIS DAY OF , 20

BETWEEN:

TORONTO POLICE SERVICE BOARD
(the "Board")

- and -

CITY OF TORONTO
(the "City")

BACKGROUND:

- A. The Board is responsible for the provision of adequate and effective police services in the City of Toronto pursuant to the provisions of Part III of the *Community Safety and Policing Act, 2019*, S.O. 2019, c. 1, Sched. 1, (the "CSPA").
- B. The Toronto Police Service delivers police services to the City in accordance with the *CSPA*.
- C. The City has jurisdiction or joint jurisdiction, as the case may be, over certain Highways located in the City under section 33 of the *City of Toronto Act, 2006*, S.O. 2006, c. 11, Schedule A, as amended (the "COTA").
- D. The City provides by-law administration and enforcement services in the City of Toronto, including targeted strategies, business licensing and permitting, waste, parks and illegal posterage.
- E. The City, upon the execution of this Agreement, will submit an application to the Minister requesting designation as a special constable employer.
- F. The City has established the City Traffic Agent Special Constable program to assist in the movement of traffic on City Highways and ensure the safe and orderly flow of traffic on City Highways.
- G. The Board has the authority, pursuant to section 92 of the *CSPA*, to appoint individuals as special constables, for such period, area, and purpose that the Board considers appropriate.
- H. The Parties previously entered an agreement, dated February 6, 2020, to provide for the appointment, governance and performance of special constables at the City.
- I. Pursuant to that agreement, the City currently employs personnel within the City as

C.T.A.S.C.s, which personnel are currently appointed as special constables.

- J. The City wishes to continue to have the personnel it currently employs within its City Traffic Agent Special Constable program appointed as special constables within the geographical area of the City of Toronto identified in this Agreement.
- K. The Board considers it appropriate to continue to have City personnel employed within the City, appointed as special constables in order to provide the security functions of a City Special Constable set out below in this Agreement.
- L. The Parties wish to establish a new agreement to provide for the appointment, governance and performance of City special constables.
- M. On April 1, 2024, the *CSPA* and regulations made thereunder came into effect, amending policing legislation in the province including the replacement of the *Police Services Act*, R.S.O. 1990 Chap. P-15.

NOW, THEREFORE, IN CONSIDERATION OF the mutual covenants set forth below, the Parties agree as follows:

ARTICLE 1 - DEFINITIONS AND INTERPRETATION

1.1 In this Agreement,

“**Act**” or “**regulation**” are defined in the *Interpretation Act*, R.S.C., 1985, c. I-21, or, as defined in section 87 of the *Legislation Act, 2006*, S.O. 2006, c. 21, Schedule F, whichever applies.

“**Agreement**” means this Agreement setting out the requirements relating to the appointment of persons employed by the City as special constables in accordance with section 92 of the *CSPA*.

“**Chief**” means the Chief of Police for the Toronto Police Service.

“**City**” means the City of Toronto as a party to this Agreement.

“**City Property**” means all lands, facilities, structures and vehicles owned, leased, occupied or maintained by the City in the City of Toronto and includes the meaning of the term premises under the *CSPA* and its regulations.

“**City Traffic Agent Special Constable**” or “**C.T.A.S.C.**” means a person who has been appointed by the Board as a special constable for the City in accordance with section 92 of the *CSPA* with powers and duties as set out in the appointment and this Agreement.

“**City of Toronto**” means the city as defined in subsections 125(1) and (2) of the *COTA*, as amended and contained within the geographical boundaries of Steeles Avenue, south to

Lake Ontario and between the east side of Etobicoke Creek and Highway 427, over to the west side of the Rouge River and Rouge Park.

“**Claims**” has the meaning as set out in section 14.4 of this Agreement.

“**Code of Conduct**” means the written direction that the City shall have in accordance with sections 4.23 and 7.3 of this Agreement and the *CSPA* setting out the roles and responsibilities of the C.T.A.S.C.s.

“**Complaint**” means a written and signed allegation from:

- a) a member of the public concerning the conduct of a C.T.A.S.C.;
- b) a member of the public concerning the policies of, or the services or programs provided by, the City Traffic Agent Special Constable program;
- c) sources internal to the City concerning the conduct of a C.T.A.S.C.; or
- d) sources internal to the Service concerning the conduct of a C.T.A.S.C.

“**Complaints Investigation Procedure**” means the complaint investigation procedure developed in accordance with Article 10 and Schedule “D” of this Agreement.

“**Emergency**” means a situation that poses an immediate or imminent risk to the life or the health of an individual and may or may not involve acts of violence. An emergency may include criminal offences in progress if there is a likelihood that if the commission of the offence continues, harm to an individual is foreseeable.

“**Equipment**” means the equipment and vehicles used by C.T.A.S.C. in the performance of their duties, as identified in Article 11 of this Agreement.

“**Highway**” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“**Initial Term**” has the meaning as set out in section 6.1 of this Agreement.

“**Indemnified Parties**” has the meaning as set out in sections 14.4 of this Agreement.

“**Minister**” means the Minister of Community Safety and Correctional Services or any other Minister responsible for special constables under the *CSPA*.

“**Ministry**” means the Ministry of the Minister or any other ministry responsible for special constables under the *CSPA*.

“Officer-in-Charge” means the officer for the time being in command of the Service responsible for the lock-up or other place to which an accused is taken after arrest or a peace officer designated by him for the purposes of this Part who is in charge of that place at the time an accused is taken to that place to be detained in custody.

“Parties” means collectively the Board and the City, and **“Party”** means either the Board or the City.

“Renewal Term” has the meaning set out in section 6.1 of this Agreement.

“Schedules” means the following Schedules to this Agreement:

- Schedule “A” – City Traffic Agent Special Constable Acknowledgment Form;
- Schedule “B” – Training Requirements;
- Schedule “C” – Response and Reporting Requirements;
- Schedule “D” – Complaints Investigation Procedure Criteria; and
- Schedule “E” – CUPE Local 79 Investigation Protocol.

“Service” or **“TPS”** means the Toronto Police Service.

“Special Constable Liaison Office” means the liaison officer(s) designated by the Chief pursuant to section 2.4 of this Agreement.

“Training Requirements” means the mandatory training courses developed by the City for C.T.A.S.C.s in accordance with Article 12 and Schedule “B” to this Agreement and the training required by the *CSPA*.

- 1.2 Any technical term used in this Agreement that is not defined will have the generally accepted policing or technical meaning given to such term.
- 1.3 The division of this Agreement into Articles, Sections, Schedules (A – E) and the insertion of headings are for convenience and reference only and shall not affect the construction or interpretation of this Agreement.
- 1.4 In this Agreement, words in the singular include the plural and vice versa and words in one gender include all genders and **“includes”** or **“including”** mean **“including without limitation”** and is not to be construed as limiting any general statement which it follows to the specific or similar items or matters immediately following it.
- 1.4 This Agreement, including all Schedules, constitutes the entire agreement between the Parties pertaining to the subject matter hereof and supersedes all prior agreements, understandings, negotiations and discussions, whether oral or written, of the Parties and there are no representations, warranties, conditions or other agreements between the Parties in connection with the subject matter hereof except as specifically set forth herein.
- 1.6 This Agreement shall be governed by and construed in accordance with the laws of the

Province of Ontario and the federal laws of Canada applicable therein.

ARTICLE 2 - ADMINISTRATION OF AGREEMENT

- 2.1 (a) If this Agreement is breached by the City and such breach is not rectified to the satisfaction of the TPS within thirty (30) days after written notice of such breach is given by the TPS to the City, the Board may:
- (i) amend the certificate of appointment issued by the Board for any C.T.A.S.C., either individually or collectively as the case may be, in accordance with section 93 of the *CSPA*;
 - (ii) suspend or terminate the special constable appointment of any C.T.A.S.C., either individually or collectively as the case may be, subject to the requirements set out in section 94 of the *CSPA*; and
 - (iii) terminate this Agreement.
- (b) If a C.T.A.S.C. fails to comply with a requirement for C.T.A.S.C.s as set out in this Agreement, the Board may suspend or terminate their appointment immediately, subject to the requirements set out in section 94 of the *CSPA*.
- 2.2 This Agreement may be amended from time to time by written consent of the Parties.
- 2.3 For the purposes of the administration of this Agreement, the Board may designate the Chief to perform some or all of the Board's administrative functions under this Agreement, and will notify the City accordingly.
- 2.4 The Chief may designate one or more members of the Service as Special Constable Liaison Officers with respect to one or more operational aspects of this Agreement as specified from time to time, and will notify the City accordingly.
- 2.5 For the purposes of the administration of this Agreement, the City may designate the General Manager, Transportation Services to perform some or all of the City's administrative functions under this Agreement, and will notify the Board accordingly.
- 2.6 The City may designate one or more members of the City as a liaison officer with respect to one or more operational aspects of this Agreement as specified from time to time, and will notify the Chief accordingly.
- 2.7 The Board, or its designate, may audit the City in order to ensure compliance with the terms and conditions of this Agreement and any appointment of a C.T.A.S.C. The compliance audit shall be conducted in a manner that minimizes disruptions to the City's operations.
- 2.8 Should any dispute arise between the City and the Service in respect to the administration of this Agreement delegated by the Board and the City pursuant to this Article, it shall be

resolved by discussion between their respective liaison officers, failing which it will be referred to the Chief and the General Manager, Transportation Services for resolution.

- 2.9 The City and the Board acknowledge and agree that the City currently operates facilities in areas outside the City of Toronto and that nothing in this Agreement shall prevent the City from applying to other police service boards to confer special constable authority on a C.T.A.S.C. with respect to areas outside the City of Toronto. This Agreement shall not apply to activities undertaken by the City or C.T.A.S.C. which are outside the City of Toronto and governed by another agreement with a police service board.

**ARTICLE 3 - NUMBER OF SPECIAL CONSTABLES AND CANDIDATES
FOR THE APPOINTMENT OF CITY SPECIAL CONSTABLES**

- 3.1 The Parties agree that the total number of special constables that the City intends to employ as C.T.A.S.C.s shall be in accordance with the authorization issued by the Minister.
- 3.2 The City agrees that it shall adhere to the authorization issued by the Minister for the number of special constables in the City's employ and the City shall provide the TPS with a copy of the Minister's authorization, and any amendments to it.
- 3.3 If the City determines that it requires an increase to the number of C.T.A.S.C.s in its employ, the City shall submit an amended application to the Minister in accordance with the *CSPA*.
- 3.4 The City shall ensure that all candidates for appointment as special constables meet all of its own internal selection criteria for employment and the requirements of the *CSPA* before it offers the candidate for consideration for appointment.
- 3.5 In addition to section 3.4 of this Agreement, the City shall not put candidates forward to the Board for appointment or reappointment as a special constable unless the City is authorized as a special constable employer, if so required, in accordance with the *CSPA*. The City shall only put candidates forward to the Board for appointment or reappointment as special constables in accordance with the terms and conditions of the City's authorization as a special constable employer, and shall notify the Board should the terms and conditions of the City's authorization as a special constable employer change at any time during the Initial Term or any Renewal Term.
- 3.6 At the recommendation of the Chief, the Board may appoint an applicant who has been put forward by the City for appointment as a special constable in accordance with the *CSPA*, and who has met the qualifications set out in this Agreement.

- 3.7 Notwithstanding any of the foregoing, the term of appointment for any individual as a special constable made under this Agreement prior to the *CSPA* coming into force shall not run longer than the term permitted under subsection 92(12) of the *CSPA*.
- 3.8 The City shall ensure each C.T.A.S.C. is aware of and understands the provisions of this Agreement relating to their powers and duties as a C.T.A.S.C. and is provided with a copy of the Agreement and the Schedules and shall complete the Acknowledgement Form appended to this Agreement as Schedule "A".
- 3.9 When considering an applicant as a new hire to the City as a C.T.A.S.C., the City shall refrain from hiring an applicant, or providing an applicant with an offer of employment, or providing the applicant with a conditional offer of employment, prior to the completion of a Service background investigation conducted by the Service on behalf of the City.
- 3.10 For greater clarity, offers of employment or conditional offers of employment referred to in section 3.9 of this Agreement, shall only be provided by the City to applicants who have successfully passed a Service background investigation and in accordance with Article 4 of this Agreement.

ARTICLE 4 - APPOINTMENTS AND BACKGROUND INVESTIGATIONS PROCESS

- 4.1 The City shall, at its own expense, conduct or cause to be conducted for each applicant such background investigations and tests as the Board requires to determine the suitability of the applicant to be a special constable.
- 4.2 In addition to the requirements as set out in section 3.4 of this Agreement, the City must be satisfied with the good character, reputation, and suitability of each applicant before their candidacy for appointment as a special constable is considered. To be considered for appointment, an applicant must:
- (a) be an employee of the City (where an applicant is already an employee of the City and they wish to now apply to be a City special constable) or be offered employment as a special constable by the City, conditional upon the results of background investigations;
 - (b) have passed all background investigations, and security clearances conducted by or on behalf of the City and/or the Service, as applicable;
 - (c) successfully complete all training provided by or through the City for applicants, including the training identified in Schedule "B", as amended from time to time; and
 - (d) meet the requirements of the *CSPA*, including any prescribed training or other

requirements.

- 4.3 The City shall ensure that the Service's background investigation process is included as part of the City's competitive hiring process, in conjunction with the City's other standards when considering employment.
- 4.4 If the results of the background investigations for an applicant are unsatisfactory to the City, the City shall not put forward that applicant for appointment as a special constable to the Chief for recommendation, or to the Board for approval.
- 4.5 The Board may choose not to appoint an applicant as a special constable if the results of the background investigations for that applicant are unsatisfactory to the Board, in its sole and unfettered discretion.
- 4.6 The City agrees that all requests for the detailed results of the Service's background investigation on an applicant will be denied and the City shall advise the applicant if they were successful or unsuccessful in the applicant process.
- 4.7 The Board and the City shall each be responsible for maintaining all documentation and information relating to the application and appointment of C.T.A.S.C.s, in accordance with all applicable privacy legislation.
- 4.8 As part of its background investigation of an applicant, the City will require applicants to complete the Preliminary Background Questionnaire ("PBQ"), and any other related background documentation that the Board requires to be completed in the Board's unfettered discretion, and the City will adhere to the following guidelines in administering the PBQ to enhance the integrity of applicant information:
 - The City shall appoint one or more employees who will be responsible for the administration of the application process relating to the PBQ who will be trained by the Service (the "Applicant Administrators").
 - Only Applicant Administrators trained by the Service shall conduct the PBQ process.
 - An Applicant Administrator shall ensure that the candidates complete the appropriate paperwork themselves.
 - Any questions from the candidate shall only be answered by an Applicant Administrator.
 - An Applicant Administrator shall supervise a candidate at all times during the completion of the application paperwork.
 - When the candidate has completed all of the application paperwork, an Applicant Administrator shall review the documents for completeness, accuracy, and legibility.
 - An Applicant Administrator shall ensure that the candidate understands and signs the Service waiver form authorizing a background investigation to be conducted.
- 4.9 The Service shall provide the City with a copy of the complete application form, Service

guidelines and PBQ.

- 4.10 The City shall not use the Service's PBQs, or any other Service records for any purpose other than what is intended in this Agreement.
- 4.11 The City shall not screen out applicants based on the information contained in a PBQ.
- 4.12 The City shall retain and/or purge all PBQs and related documentation for applicants in accordance with law applicable to the City and their policies and/or procedures.
- 4.13 The City shall provide to the Board for consideration in respect of each applicant:
- (a) the results of its background investigations set out in section 4.1 of this Agreement;
 - (b) completed waivers and consent forms signed by the applicant to authorize such background investigations; and
 - (c) written confirmation of the applicant's successful completion of the Ministry required training, as outlined on the application or any training requirements in the *CSPA*, and prior to the applicant's appointment.
- 4.14 The Board may request such further or other information as it requires in respect of an applicant and the City shall provide such information if requested.
- 4.15 The City undertakes that it will make best efforts to ensure that all information provided for the Board to consider regarding an applicant shall be true, accurate and reliable.
- 4.16 Subsequent to the submission of the materials as set out in section 4.13 of this Agreement, the City shall:
- (a) provide to the Board any updated, or material, information the City receives about an applicant, as it is received;
 - (b) advise if any of the previously submitted information about an applicant is/was inaccurate; and/or
 - (c) advise if an applicant no longer wishes to proceed further in the process.
- 4.17 If any misrepresentation or omission is discovered by the Board to have been made in connection with any applicant, including the answers supplied to the background investigations referred to in this Article, whether or not the City was aware of the misrepresentation or omission at the time of making the request for appointment or providing the information to the Chief or the Board, the Board may immediately suspend or terminate the appointment of that C.T.A.S.C. subject to the requirements set out in section 94 of the *CSPA*.

- 4.18 The City shall be solely responsible for all expenses associated with the application and appointment process.
- 4.19 The Service may recover costs from the City for any background investigation conducted by the Service concerning an applicant or a C.T.A.S.C. provided that the Service gives the City at least thirty (30) days' notice containing an estimate of those costs and allows the City an opportunity to raise any concerns it may have regarding the estimated costs.
- 4.20 The City may elect to withdraw the applicant from consideration for appointment or re-appointment. In such event, the City will provide the Service with written notice of such withdrawal and the Service shall not proceed with the background investigation or be entitled to recover any costs from the City with respect to such background investigation where such investigation has not commenced.
- 4.21 The City shall administer oaths or affirmations of office and secrecy for all C.T.A.S.C.s, as required by the Ministry and in accordance with subsection 95(4) of the *CSPA* and related regulations.
- 4.22 The City shall advise the Board forthwith, in writing, when an individual that has been appointed as a special constable pursuant to this Agreement:
- (a) ceases to be employed by the City;
 - (b) is no longer employed within the City Traffic Agent Special Constable program (or any other successor unit, department or group responsible to provide law enforcement and security functions within the City); or
 - (c) is suspended from performing their duties as a C.T.A.S.C.
- 4.23 In addition to the Code of Conduct for special constables in accordance with Ontario Regulation (O Reg) 410/23, the City shall have a Code of Conduct setting out the roles and responsibilities of a C.T.A.S.C. which shall require a C.T.A.S.C. to comply with the terms and conditions of this Agreement and the Code of Conduct. The City shall provide a copy of the Code of Conduct to each C.T.A.S.C. and to the Board.

ARTICLE 5 - RE-APPOINTMENT PROCESS

- 5.1 For all C.T.A.S.C.s, the City shall initiate both the re-appointment and background investigation process six (6) months prior to the expiry of the current status of a C.T.A.S.C.
- 5.2 All re-appointment requests shall be submitted to the Service's Special Constable Liaison Office and shall include the following:
- special constable renewal waiver;
 - completed PBQ (as set out in section 4 of this Agreement); and
 - copy of driver's license (for background check).

Omission of any of the items shown in this section 5.2, may result in delays in the Service conducting its background investigation on the C.T.A.S.C.

- 5.3 The Parties agree that in the absence of an existing agreement, no special constable status will be granted to any City candidates and if a candidate is not an employee of the City, no special constable status will be granted, pursuant to subsection 92(11) of the *CSPA*.

ARTICLE 6 - PERIOD, AREA AND PURPOSE OF APPOINTMENT

- 6.1 This Agreement commences on the date of its final execution by the Parties and continues for a period of five (5) years (the “Initial Term”) and shall automatically renew, on the same terms, or as modified in writing by the Parties in accordance with its terms, for successive five (5) year terms (the “Renewal Terms”) unless terminated by one of the Parties upon ninety (90) days written notice to the other Party (collectively the “Term”).
- 6.2 Not less than six (6) months prior to the end of the Initial and Renewal terms, the Service and the City will work collaboratively to conduct a review of this Agreement and the C.T.A.S.C.s, including, but not limited to, the City special constable strength, complaints and the City Traffic Agent Special Constable program.
- 6.3 The Ministry may be notified of the termination of this Agreement as soon as is reasonably practicable.
- 6.4 The Board considers it appropriate that in addition to the powers conferred on a C.T.A.S.C. for the administration and enforcement of City by-laws, a C.T.A.S.C. who is performing the normal duties of a C.T.A.S.C. shall only have the powers of a police officer for the purposes of, and only as it relates to, sections 134(1), 134.1(1) and 134(2) of the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended.
- 6.5 Prior to any C.T.A.S.C. exercising any authority under the *Highway Traffic Act*, every C.T.A.S.C. will be provided with the necessary practical training in the direction of traffic as outlined in Schedule “B” to this Agreement.
- 6.6 A C.T.A.S.C. may not use any power conferred on that C.T.A.S.C. pursuant to section 92 of the *CSPA* for the enforcement of the *Criminal Code* for the sole purpose of looking for evidence of a criminal offence.
- 6.7 A C.T.A.S.C. shall only use the powers conferred on the C.T.A.S.C. while on duty and in uniform.
- 6.8 Where a young person within the meaning of the *Youth Criminal Justice Act S.C. 2002, c. 1*, as amended, (the *YCJA*) is dealt with by a C.T.A.S.C. in the course of carrying out their duties, all provisions of the *YCJA* apply. Nothing within this Agreement affects or changes the statutory requirements and obligations of the *YCJA* in relation to young persons.

ARTICLE 7 - ACCOUNTABILITY AND RISK MANAGEMENT

- 7.1 The City shall be accountable to the Board for all actions taken in relation to the exercise of the powers granted by this Agreement by both the City and the C.T.A.S.C.s.
- 7.2 The City shall ensure that C.T.A.S.C.s comply with the applicable sections of the *CSPA*, relating to their appointment as a special constable, the applicable regulations thereunder, all internal policies and procedures of the City, and all Service policies, standards, and procedures applicable to the duties, powers, and responsibilities of C.T.A.S.C.s as provided to the City in accordance with this Article, including any directives or policies of the Board for any C.T.A.S.C. appointed by the Board.
- 7.3 At all times during the Term, the City shall maintain adequate and effective supervision of any employee who has been appointed as a C.T.A.S.C. by the Board pursuant to this Agreement. The City shall, at a minimum, establish and maintain:
- (a) written policies and procedures with respect to the duties, powers and responsibilities of C.T.A.S.C.s;
 - (b) a Code of Conduct for C.T.A.S.C.s, as described in section 4.23 of this Agreement;
 - (c) a written procedure for supervising and evaluating C.T.A.S.C.s' powers;
 - (d) a complaints process regarding all matters relating to the conduct of C.T.A.S.C.s; and,
 - (e) a written investigation and disciplinary process regarding all matters relating to any allegation of improper exercise of any power or duty of a C.T.A.S.C. as granted pursuant to this Agreement.
- and any other documentation or other requirements in accordance with the *CSPA*. Copies of all materials identified in this section shall be provided to the Service and the Board.
- 7.4 The City shall ensure that a C.T.A.S.C., or an employee of the City, does not harass, coerce or intimidate, or attempt to harass, coerce or intimidate, any other person in relation to a Complaint made or investigated by the Service or the City.
- 7.5 The City and C.T.A.S.C.s shall cooperate with the Service in any matter where a C.T.A.S.C. has been involved in an investigation.
- 7.6 The City and C.T.A.S.C.s shall cooperate with the Service and the Special Investigations Unit (SIU) in any matter where the SIU has invoked its mandate and a C.T.A.S.C. has been designated as a material witness, or the procedural requirements of the *CSPA*.
- 7.7 The City and C.T.A.S.C.s shall cooperate with the Service, the Complaints Director, or the Inspector General as required under subsection 98(5) of the *CSPA*.

ARTICLE 8 - INCIDENT RESPONSE

- 8.1 The City recognizes that the Service has responsibility for responding to and investigating all criminal occurrences on Highways.
- 8.2 Subject to the powers granted to a C.T.A.S.C, as set out in section 6.4 of this Agreement, and in accordance with O Reg 396/23, or any subsequent amendments made to O Reg 396/23, in the performance of their duties set out in this Agreement, a C.T.A.S.C. shall:
- (a) direct traffic on City Property.
- 8.3 The City acknowledges that a C.T.A.S.C. must request police attendance in circumstances involving criminal occurrences on or in the vicinity of a Highway, including all actual or potential occurrences of violence where an injury has occurred or is likely to occur, utilizing the current reporting process utilized by the Service as identified in Schedule "C" to this Agreement. In circumstances where there is an Emergency, the C.T.A.S.C. should contact 911 immediately. Where the circumstances are not considered to be an Emergency, the C.T.A.S.C. should contact the Service through the non-Emergency number of the Service's Communications Services Unit and a police officer will attend in priority sequence. Where a police officer is unable to attend the C.T.A.S.C. shall call the non-Emergency phone number for the Service's Communications Services Unit and follow the reporting requirements set out in Schedule "C".
- 8.4 If the Service attends, the City shall ensure the C.T.A.S.C.s inform the first attending police officer of the circumstances, provide assistance and follow their instructions regarding further action.
- 8.5 Each day, the City shall forward to the Service, through the Special Constable Liaison Office, a written report summarizing all instances relating to their duties outlined in this Agreement involving interactions with members of the Service in which C.T.A.S.C.s have been involved within the previous twenty-four (24) hour period, including the badge number of any member of the Service consulted by, or giving direction to, C.T.A.S.C.s.
- 8.6 The City shall provide to the Board an annual report with statistical information including information regarding C.T.A.S.C.s assistance in the movement of traffic on City Highways and the safe and orderly flow of traffic on City Highways, including its impact, training, use of force activities, supervision, complaints, and other issues of concern to the Parties and such further categories of information as may be requested by the Board or the Chief, and as agreed to by the City, from time to time.
- 8.7 At any time, if requested by the Board, the City shall report to the Board on any aspect of this Agreement, including its operation and administration, within the reasonable time specified by the Board in such request.

ARTICLE 9 - EXCHANGE OF INFORMATION

- 9.1 All Service policies, standards, and procedures applicable to the duties, powers, and responsibilities of C.T.A.S.C.s, including any directives or policies of the Board generally governing any C.T.A.S.C. appointed by the Board, in effect as of the date of the execution of this Agreement, shall be forwarded to the City by the Board within 30 days of the date of execution of this Agreement.
- 9.2 Prior to any amendment or modification to any policy, standard, or procedure referred to in section 9.1 of this Agreement and applicable solely to the C.T.A.S.C.s, the Board agrees to consult with the City.
- 9.3 The Service will provide the City with any amended or modified policies, standards, or procedures referred to in section 9.1 of this Agreement on an annual basis or more frequently if required by the amendment or modification.
- 9.4 The City's current enforcement policies, rules, standards, and procedures for C.T.A.S.C.s will be provided to the Board and the Service within 30 days of the date of the execution of this Agreement.
- 9.5 The City shall consult with the Board and the Service prior to changing its enforcement policies, rules, standards, or procedures for C.T.A.S.C.s and shall forward copies of any such change to the Board and the Service upon its enactment by the City.
- 9.6 The City and the Service shall review all policies, standards, rules or procedures applicable to the duties, powers and responsibilities of C.T.A.S.C.s under this Article to ensure that they comply with the requirements of the *CSPA*. Should amendments to the policies, standards, rules or procedures be needed to ensure compliance with the *CSPA*, the City and Service agree that the City or Service shall amend them in order to ensure compliance and provide the other Party with notice of any needed amendments and copies of such updated policies, standards, rules or procedures upon enactment or adoption.
- 9.7 For the sole purpose of carrying out their duties under this Agreement, C.T.A.S.C.s may be provided by the Service with such confidential police information requested by them, subject to the unfettered discretion of the Service to refuse to provide some or all such information.
- 9.8 The City shall ensure that its C.T.A.S.C.s maintain the confidential nature of the information referred to in section 9.7 of this Agreement and shall comply with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, or other applicable privacy legislation, in this regard.
- 9.9 When considering personal information sharing for the purposes of this Agreement, other than as identified in this Agreement, the City and the Service will satisfy itself that the sharing is lawful. Where information is sought and received, the disclosing entity will ensure its own lawful authority to share the subject information. Sharing, publication,

dissemination, use or disclosure of any shared personal information may only occur with the written consent of the City or the Service that originally provided the information or as may be legally required.

- 9.10 Neither Party will surrender any document(s) or property owned by the other Party or that has been prepared by a member of the other Party, unless legally required by due process (summons, subpoena, order, etc.). If one Party is requested to disclose documents or property that is owned by the other Party or prepared by an employee or member of the other Party, the Party receiving the request to surrender the property or document, shall advise the other Party as soon as possible. For the purposes of this section, "Party", when used in respect to the Board, includes the Service.
- 9.11 The Parties recognize the importance of and need for timely and appropriate exchanges of information and agree to inform the other of material matters relevant to this Agreement, not otherwise addressed in this Agreement, as soon as practicable. For the purposes of this section, "Party", when used in respect to the Board, includes the Service.
- 9.12 Without limiting the obligations as set out in section 9.11 of this Agreement, the City undertakes to maintain the confidential nature of any information obtained through the provisions of any memorandum of understanding as between the Board or the Service and the City.
- 9.13 The City or C.T.A.S.C.s shall not construe the information sharing parameters contained in this Agreement as establishing a general information sharing arrangement between the Parties.
- 9.14 The City shall at all times be governed by the provisions of the *Youth Criminal Justice Act* S.C. 2002, c.1. in the management, storage and sharing of information in relation to any young person's records.
- 9.15 No Canadian Police Information Centre ("CPIC") information will be shared under this Agreement to the City. The City is responsible for entering into a separate agreement with the RCMP for CPIC access.
- 9.16 Unless explicitly set out under this Agreement, information obtained by the City or a C.T.A.S.C. from the Service shall not be used or shared by the City for any employment purpose.
- 9.17 With the exception of the existing special constable agreement between the Board and the City, this Agreement does not supersede any other memoranda of understanding or agreement(s) already established between the City and the Board or the Service.
- 9.18 The Parties agree that nothing in this Agreement, including any omissions, shall be construed to supersede or bypass the requirements of law, specifically the *CSPA* and its regulations.

ARTICLE 10 - INVESTIGATION OF COMPLAINTS

- 10.1 The Parties agree that all Complaints concerning a C.T.A.S.C. or the City shall be investigated in accordance with the *CSPA*.
- 10.2 The City shall investigate all Complaints in accordance with its Complaints Investigation Procedure, except for Complaints that may constitute criminal conduct or is criminal in nature. The Service agrees to comply with the Investigation Protocol, as amended , agreed to by the City and the Canadian Union of Public Employees Local 79 and assume the obligations of the City under the Investigation Protocol when the Service conducts an investigation that may result in the discipline of a C.T.A.S.C. A copy of the current Investigation Protocol is attached to this agreement as Schedule "E".
- 10.3 Upon receipt of any non-criminal Complaint concerning the conduct of a C.T.A.S.C. or the City, the City shall notify the Service's Special Constable Liaison Office within 10 days from the submission of the Complaint.
- 10.4 Subject to section 10.2 of this Agreement, upon receiving a Complaint that may constitute criminal conduct or is criminal in nature concerning a C.T.A.S.C., the City shall forward the Complaint to the Service's Special Constable Liaison Office immediately from the submission of the Complaint and the Service shall investigate the Complaint.
- 10.5 Where a non-criminal Complaint is to be investigated by the City, the City shall provide the Board with the results of the investigation, in writing, within 120 days from the date the Complaint was received by the City.
- 10.6 If a Complaint being investigated by the City needs to be, at the determination of the City, postponed or suspended, the City shall provide the Service's Special Constable Liaison Office with notification and details relating to the postponement/suspension, and shall provide the Service's Special Constable Liaison Office with up-dates on the postponement/suspension of the investigation every 30 days until the postponement/suspension of the investigation ends.
- 10.7 Where a Complaint being investigated by the City exceeds 120 days, the City shall provide the Service with a status up-date every 30 days, beyond the initial 120 days set out in section 10.5 of this Agreement.
- 10.8 Where the City's investigation set out in section 10.5 of this Agreement is not completed within 240 days from the date that the Complaint was received by the City, the City shall provide the Service's Special Constable Liaison Office with a report of the outstanding investigation. The Special Constable Liaison Office may prepare a board report for the Board.
- 10.9 After review of the board report referred to in section 10.8 of this Agreement, the Board may immediately:

- (i) grant an extension to the City to complete an investigation that has been postponed or suspended, which extension shall not exceed 120 days from the date the Board has provided approval to the City of the extension;
 - (ii) suspend the appointment process for the City C.T.A.S.C.s until the outstanding Complaint(s) are finalized by the City and reported to the Board and the complainant; or
 - (iii) terminate the Agreement, in accordance with section 2.1(a) of this Agreement, if the City continues to not comply with the timelines outlined in this section.
- 10.10 Pursuant to section 10.5 of this Agreement, if the City has not completed the investigation in 120 days, the City shall provide the Service's Special Constable Liaison Office with a report of the outstanding investigation. The Services' Special Constable Liaison Office may prepare a board report for the Board and, after reviewing the board report, the Board may take any of the options set out in section 10.9 of this Agreement.
- 10.11 The City shall have a written Complaint Investigation Procedure relating to any Complaint concerning the conduct of a C.T.A.S.C. or the City. The Complaints Investigation Procedure shall be established consistent with the criteria set out in Schedule "D" of this Agreement and this Article and a copy shall be provided to the Service and the Board. The Complaint Investigation Procedure shall include a review process which shall be undertaken by the Office of the Ombudsman of the City of Toronto, or such other independent third party selected jointly by the Parties. The review will be limited to the issue of whether the City has complied with the City Complaint Investigation Procedure. The City Complaint Investigation Procedure shall be made available to the public and shall be made available through the City's website – www.toronto.ca
- 10.12 The City shall not utilize any third party to conduct investigations outlined in this Article.
- 10.13 At any time, whether before, during or after completion of the City's investigation of a Complaint concerning a C.T.A.S.C. or before the making of any findings on the Complaint investigation by the City, the Board, in its sole discretion, may request the Service to undertake an investigation of the Complaint concerning the conduct of a C.T.A.S.C.
- 10.14 Subject to any applicable laws, in addition to any findings of misconduct following a Complaint investigation pursuant to sections 10.3 or 10.4 of this Agreement, the City shall immediately forward to the Board, for the Board's review and action, any information the City receives or has in its possession concerning misconduct or alleged misconduct, including a breach of any provision of this Agreement by a C.T.A.S.C. whether allegedly committed before or after the date of their appointment as a C.T.A.S.C., occurring up to one year prior to the date of their appointment as a C.T.A.S.C. pursuant to this Agreement and from the date of execution of this Agreement

forward, which has not resulted in a Complaints investigation by either the Service or the City in accordance with sections 10.3 or 10.4 of this Agreement.

- 10.15 Upon being provided, with a finding of misconduct by a C.T.A.S.C. or a substantiated Complaint regarding the policies of, or the services provided by, the City, pursuant to sections 10.3 or 10.4 of this Agreement, or, with information regarding misconduct by a C.T.A.S.C., pursuant to section 10.14 of this Agreement, the Service's Special Constable Liaison Office, in consultation with the Service's Professional Standards Unit, shall prepare a report to the Board if the Service deems a suspension or termination of a C.T.A.S.C.'s appointment is required.
- 10.16 After review of the board report referred to in section 10.15 of this Agreement, the Board may immediately:
- (i) suspend or terminate that C.T.A.S.C.'s appointment subject to the requirements set out in section 94 of the *CSPA*; and
 - (ii) in the case of a substantiated Complaint regarding the policies of, or the services provided by, the City, terminate the Agreement in accordance with section 2.1(a) of this Agreement.
- 10.17 The Service may recover costs from the City for any Complaint investigation conducted by the Service concerning a C.T.A.S.C. or the City provided that the Service gives the City at least thirty (30) days written notice containing an estimate of those costs and allows the City an opportunity to raise any concerns it may have with the estimated costs.
- 10.18 The City shall ensure that C.T.A.S.C.s shall, upon becoming aware of the following, notify an immediate supervisor forthwith:
- (a) when charged with, or under investigation for, a provincial offence; or
 - (b) when suspected of, under investigation for, or charged with, a criminal offence.
- 10.19 When a supervisor from the City is advised of an incident as described in section 10.18 of this Agreement, the supervisor shall ensure that the Service's Special Constable Liaison Office is immediately notified utilizing the reporting requirements in accordance with Article 8.

**ARTICLE 11 - IDENTIFICATION, EQUIPMENT AND UNIFORMS
OF CITY TRAFFIC AGENT SPECIAL CONSTABLES**

- 11.1 Upon the appointment by the Board of a City employee as a special constable in accordance with Article 4, the applicant shall be identified as a C.T.A.S.C. with the powers and duties of a special constable under their appointment and this Agreement.

- 11.2 The City shall ensure that a C.T.A.S.C. carries photographic identification at all times while on duty that indicates their status as a C.T.A.S.C. The identification shall include:
- (a) the name of the C.T.A.S.C.;
 - (b) a colour photograph of the C.T.A.S.C.;
 - (c) clear indication that the identification is issued to a C.T.A.S.C. with the words “Special Constable” prominently displayed;
 - (d) the appointing authority (Toronto Police Service Board);
 - (e) signature of the City or any City designate; and
 - (f) the expiry date of the C.T.A.S.C. appointment.
- 11.3 A C.T.A.S.C. may only be issued with the following equipment by the City, in accordance with the *CSPA*, at the time of appointment and after completion of training:
- a) memobook notes;
 - b) mobile phone;
 - c) shoulder flashes;
 - d) personal protective equipment, including,
 - i) a whistle;
 - ii) vest, providing full coverage of the upper torso (front, back and over the shoulders) including stripes/bands of retro-reflective performance materials which complies with the requirements of Canadian Standards Association standard *Z96 High-Visibility Safety Apparel* for a Class 2 garment;
 - iii) white gloves;
 - iv) high-visibility gloves;
 - v) flashlight;
 - vi) portable communication device to be used in accordance with all rules and regulations as set out by the Ministry of Labour, *Occupational Health and Safety Act*, R.S.O., 1990, c O.1.;
- Optional Equipment to be issued (and only on approval of the Chief of Police):
- vii) body armour;
 - viii) body worn camera; and/or
 - ix) in-car camera system.
- 11.4 All Equipment, uniforms and insignia issued to or worn by a C.T.A.S.C. shall be paid for by the City.
- 11.5 All Equipment, uniforms and insignia issued or used by a C.T.A.S.C. in the performance of their duties shall comply with the recommendations contained in the *CSPA*, O Reg 86/24 and any other requirements as established by the Board.

- 11.6 No substantial change or modification in any Equipment or uniform will be made without the City submitting a written submission to the Service, outlining the reason for the change, and before the request is approved by the Chief.
- 11.7 When an individual's status as a C.T.A.S.C. has expired, been terminated or suspended, the City shall ensure that the individual returns their special constable identification to the City.
- 11.8 The City shall not display or use the word "police" on any of its vehicles, uniforms, insignia, or other materials. C.T.A.S.C.s shall not identify or otherwise represent themselves to the public as a police officer.
- 11.9 When in uniform and on duty as a C.T.A.S.C., a C.T.A.S.C. is prohibited from identifying themselves as a police officer or in any way portraying themselves as a police officer or as an employee or member of the Toronto Police Service.
- 11.10 Nothing in this Agreement shall be interpreted to deem an applicant or a C.T.A.S.C. to be an employee or member of the Toronto Police Service.
- 11.11 The identification and equipment of special constables as set out under this Agreement shall run congruently with the identification of special constables under the *CSPA*.
- 11.12 All vehicles used by a C.T.A.S.C. in the performance of their duties outlined in this Agreement, shall be decalced in accordance with specifications in the *CSPA*.

ARTICLE 12 - TRAINING

- 12.1 The City is, and shall remain, responsible for the training of applicants and C.T.A.S.C.s in accordance with training standards prescribed by the Service, as modified from time to time, with the approval by the Board, for C.T.A.S.C.s based on their duties, powers, and responsibilities. The minimum Training Requirements are more particularly set out in Schedule "B".
- 12.2 The City shall ensure that C.T.A.S.C.s complete all provincially mandated training that is not already included in this Agreement.
- 12.3 Every applicant being considered for appointment as a special constable shall be trained and every C.T.A.S.C. shall remain trained in all components of their duties, powers, and responsibilities in accordance with the Training Requirements. Each applicant and C.T.A.S.C. shall have successfully completed the Training Requirements.
- 12.4 The City shall inform the Board and the Service of changes and updates to the Training Requirements, which information shall include a detailed explanation and rationale as to the change and update to the Training Requirements, and, provided the Board has approved such changes and updates, the City shall forthwith provide such modified or additional training to its applicants and C.T.A.S.C.s.

- 12.5 All costs and expenses associated with the training of applicants and C.T.A.S.C.s shall be paid for by the City.
- 12.6 With the exception of provincially mandated training, where an applicant or C.T.A.S.C. provides evidence, satisfactory to the Board, that the applicant or C.T.A.S.C. has already completed some or all of Training Requirements, the Board will consider if an applicant or C.T.A.S.C. needs to repeat the training based on their duties, powers and responsibilities as a C.T.A.S.C.
- 12.7 The City shall designate an employee as a Training Liaison, who shall be responsible for ensuring training is conducted in relation to any changes in legislation, Service rules, governance, the Service's reporting process and up-grades to reporting mechanisms.
- 12.8 The Service may recover costs from the City for any in-class and practical training provided by the Service to C.T.A.S.C.s specific to the *Highway Traffic Act* powers granted to C.T.A.S.Cs under this Agreement, provided that the Service gives the City at least thirty (30) days' notice containing an estimate of those costs and allows the City an opportunity to raise any concerns it may have regarding the estimated costs.

ARTICLE 13 - MEDIA AND COMMUNICATIONS

- 13.1 The City shall make best efforts to ensure that C.T.A.S.C.s, or any representative of the City, shall refrain from commenting to the media on any matter involving the exercise of a C.T.A.S.C.s duties and obligations, as set out in this Agreement, without first contacting the City's Media Relations. "Commenting to the media" includes conducting news conferences and interviews, issuing news releases and the use of social media such as blogs, social networking sites or any other similar platform.
- 13.2 The City's Media Relations will consult with the Service's Corporate Communications Unit before the release of any comment to the media.
- 13.3 The City shall ensure that a C.T.A.S.C's use of social media will be in accordance with Service Procedure 17-13 – Social Media.

ARTICLE 14 - INSURANCE AND INDEMNITY

- 14.1 At all times during the Term, the City agrees to provide and maintain in force, at its own expense, a minimum of \$5,000,000.00 per occurrence limit of Commercial General Liability insurance coverage, and shall file with the Board a certificate of insurance.
- 14.2 The insurance policy maintained by the City in accordance with section 14.1 of this Agreement shall include the following:
 - (i) name the Province of Ontario and the Minister as additional insureds;

- (ii) personal injury liability; a cross-liability/severability of interest; broad form contractual liability; contingent employer's liability; and non-owned automobile liability; and
- (iii) the insurer will endeavour to provide thirty (30) days' prior written notice of cancellation to the Board.

At the expiry date of the policy, the City shall provide a certificate evidencing renewal or replacement to the Board prior to the expiration date of the original policies, without notice or request by the Board.

- 14.3 The Board acknowledges and agrees that the deductible amounts of the insurance policies as noted above shall be borne by the City.
- 14.4 The City shall indemnify and save and hold harmless the Board, the Chief, the Crown in Right of Ontario, and all members of the Service (the "Indemnified Parties") from and against all loss, liability, damage, expenses or costs (the "Claims") which the Indemnified Parties or any of them may incur arising out of or related to the activities of the City and its employees appointed as C.T.A.S.C.s, save and except to the extent that any Claims arise from the negligent act or omission of any of the Indemnified Parties.
- 14.5 If any of the Indemnified Parties are, without liability on their part, made a party to any litigation commenced by or against the City and/or the City's said employees (excepting litigation commenced by the City against the Board) the City shall,
 - (i) protect, indemnify and hold harmless the Indemnified Parties; and
 - (ii) pay all costs, expenses and reasonable legal fees that may be incurred by any of the Indemnified Parties in enforcing the terms, covenants and conditions of this Agreement, unless a court shall decide otherwise.
- 14.6 The provisions of sections 14.4 and 14.5 of this Agreement shall survive the termination or expiry of this Agreement.

ARTICLE 15 - NOTICE

- 15.1 Any notice, demand or other communication (in this section 15.1, a "notice") required or permitted to be given or made hereunder shall be in writing and shall be sufficiently given or made if:
 - (a) delivered in person during normal business hours on a business day and left with a receptionist or other responsible employee of the relevant Party at the applicable address set forth below;
 - (b) sent by prepaid first class mail; or
 - (c) sent by facsimile or e-mail during normal business hours on a business day;

in the case of a notice to the Board, to:

Toronto Police Service Board
40 College Street
Toronto, ON M5G 2J3
Attention: Executive Director
Fax No.: 416-808-8082

and, in the case of a notice to the City, to:

City of Toronto
Transportation Services
17th Floor
100 Queen St. W
Toronto, ON, M5H 2N2

Attention: General Manager, Transportation Services
Email: gmots@toronto.ca

Each notice sent in accordance with this section 15.1 shall be deemed to have been received:

- (a) on the day it was delivered;
- (b) at start of business on the third business day after it was mailed (excluding each business day during which there existed a general interruption of postal services due to strike, lockout or other cause); or
- (c) on the same day that it was sent by facsimile or e-mail or at the start of business on the first business day thereafter if it was sent after 4:00 pm or if the day on which it was sent was not a business day.

Either Party may change its address for notice by giving notice to the other Party (as provided in this section 15.1).

ARTICLE 16 - GENERAL PROVISIONS

- 16.1 If any of the provisions or part thereof contained in this Agreement is found by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity, legality or enforceability of the remaining provisions or parts thereof contained herein shall not be in any way affected or impaired thereby.
- 16.2 No supplement, modification or termination of this Agreement shall be binding unless executed in writing by the Party to be bound thereby.
- 16.3 No waiver of or consent to depart from the requirements of any provision of this Agreement shall be binding against either Party unless it is in writing and is signed by the Party giving it. Such waiver or consent shall be effective only in the specific instance and

for the specific purpose for which it has been given and shall not be deemed or constitute a waiver of any other provisions (whether or not similar) nor shall such waiver constitute a continuing waiver unless otherwise expressly provided. No failure on the part of either Party to exercise, and no delay in exercising, any right under this Agreement shall operate as a waiver of such right. No single or partial exercise of any such right shall preclude any other or further exercise of such right or the exercise of any other right.

- 16.4 This Agreement may be executed in any number of counterparts. Either Party may send a copy of its executed counterpart to the other Party by facsimile transmission or by email in .pdf format instead of delivering a signed original of that counterpart. Each executed counterpart (including each copy sent by facsimile transmission or email) shall be deemed to be an original; all executed counterparts taken together shall constitute one agreement.

IN WITNESS WHEREOF the parties have executed this Agreement.

) **TORONTO POLICE SERVICE BOARD**
)
)
)
) Per: _____
)
)
) **CITY OF TORONTO**
)
)
)
) Per: _____

**SCHEDULE “A” – CITY OF TORONTO TRAFFIC AGENT SPECIAL CONSTABLE
ACKNOWLEDGEMENT FORM**

In accordance with the Agreement between:

TORONTO POLICE SERVICE BOARD

- and -

CITY OF TORONTO

I acknowledge that:

1. The City of Toronto (the “City”) has submitted my name to the Toronto Police Service Board (the “Board”) for appointment as a special constable in accordance with section 92 of the *Community Safety and Policing Act, 2019*, S.O. 2019, c. 1, Sched. 1 (“*CSPA*”), to assist in carrying out the duties of a City Traffic Agent Special Constable.
2. The City has provided me with a copy of the Agreement between the City and the Board as it relates to my appointment as a City Traffic Agent Special Constable.
3. The City has provided me with a copy of the City’s Code of Conduct as it relates to the roles and responsibilities of a City Traffic Agent Special Constable.
4. The City has notified me of my responsibilities regarding the powers and duties assigned to me as a City Traffic Agent Special Constable and my obligation to adhere to the terms and conditions of this Agreement.
5. I am aware of the obligations under the *CSPA* and its regulations as they relate to the functions, obligations and duties of a City Traffic Agent Special Constable.

Name of Applicant

Date

Witness

Date

**SCHEDULE “B”- TRAINING REQUIREMENTS
(ARTICLE 12)**

TRAINING

- B.1 The City shall ensure every applicant and every C.T.A.S.C. is trained to standards prescribed by the Service, and the requirements of the Ministry, in order to fulfill the duties, powers and responsibilities of a C.T.A.S.C. The City shall further ensure that every applicant and every C.T.A.S.C. is trained in accordance with the requirements of the *CSPA*.
- B.2 The City shall submit annually to the Special Constable Liaison Office of the Service a copy of course outlines, course curricula and, when requested by the Service, lesson plans and course instructors' curriculum vitae. The Service's Toronto Police College (“TPC”) will review these materials to ensure that the training being provided by the City to applicants and C.T.A.S.C.s complies with the training standards prescribed by the Service and the requirements of the *CSPA*. Where the training standards prescribed by the Service and the requirements of the *CSPA* are in conflict with the *CSPA*, the Parties agree that the requirements of the *CSPA* will govern.
- B.3 The TPC will ensure that the course outlines, course curricula and, when requested, lesson plans and course instructors curriculum vitae, are kept secure with access only to those Service members authorized.
- B.4 Representatives from the Service may, at their discretion, attend in-class academic courses and use of force training sessions in person to offer feedback on training.
- B.5 The Service and the City shall seek out opportunities to keep each other up-dated on changes in training, Service procedures, case law or any other material changes that may have an effect on C.T.A.S.C.s' performance of their duties and responsibilities.
- B.6 The City shall notify the Special Constable Liaison Office of any additional training that should be provided to its C.T.A.S.C.s. If upon reviewing this request for additional training the Special Constable Liaison Office, in consultation with the TPC, determines the additional training is outside of the scope of the C.T.A.S.C.s duties and responsibilities, it shall be submitted to the Board for approval.

- B.7 The City shall ensure every C.T.A.S.C. is trained in the following topics and which training,
- a) shall be determined in consultation with the Service;
 - b) shall be included in the City's syllabus, and
 - c) may change in accordance with the *CSPA*:

COURSE OFFERINGS
Arrest Authorities
Arrest/Search Incident to Arrest
Canadian Police Information Centre (CPIC) Use
Case Preparation Provincial Offences
Collection of Identifying Information Under Certain Circumstances
Communicable Diseases
Community Mobilization/Community Policing
Controlled Drugs and Substances Act
Crime Scene Management
Criminal Offences
Equity, Inclusion & Human Rights
Persons in Crisis/Mental Health Act
Ethics and Professionalism in Policing
Field Interviewing/Taking Statements
First Aid/CPR
Highway Traffic Act
Introduction to Law
Liquor Licence and Control Act
Memorandum Books/Note-Taking
Occurrence/Report Writing/Field Information Report
Prioritizing De-escalation and De-escalation Techniques
Provincial Offences Act
Radio Communications
Search and Seizure Authorities
Sex Offences
City Special Constable Status – Roles & Responsibilities
Taking Statements

Testimony/Criminal/Provincial Justice System/Rules of Evidence
Trespass to Property Act
Use of Force Legislation and Reporting
Vehicle Operations
Young Persons and the Law

INCIDENT RESPONSE TRAINING
Use of Force Authorities
Ontario Public-Police Interactions Training Aid
Conflict Prevention and De-escalation
Passive /Active Restraints
Strikes/Blocks
Baton Training
Escapes From Common Grabs
Ground Defence
Ground Pins
Oleoresin Capsicum (OC) Spray/Foam
Active Attacker Training
Edged Weapon Awareness

**SCHEDULE “C” - RESPONSE AND REPORTING REQUIREMENTS
(ARTICLE 8)**

**PROCEDURE FOR REPORTING INCIDENTS AND GUIDELINES FOR
ACTION**

As provided for in the *CSPA*, the Service has primary responsibility for responding to calls for service relating to City Property. Nothing in this Agreement shall be interpreted so as to restrict the authority of the Service to address this responsibility. Article 6 of the Agreement continues to apply.

- C.1 In all circumstances in which the C.T.A.S.C.s assist Service personnel in the conduct of an investigation, the C.T.A.S.C.s shall, in addition to any City internal reporting requirements and in addition to the completion of detailed notes regarding the incident, complete detailed notes regarding the incident, obtain the incident number from a TPS member and attend the involved or nearest police Division to provide a copy of their notes to be attached to the occurrence or record of arrest.
- C.2 Where a C.T.A.S.C., as a function of their normal duties, comes into possession of information relevant to incidents being investigated by the Service, they will immediately submit their notes and attend the involved police Division to provide any other information to the assigned Service investigator. Where the information is of an urgent nature, they shall immediately contact the Officer-in-Charge, or their designate.
- C.3 A C.T.A.S.C. who concludes that a situation is a serious threat to personal and/or public safety based on the reasonable judgment of a trained special constable, shall disengage from the situation and in each case, and where appropriate, the C.T.A.S.C. will:
- render assistance to the victim,
 - take precautions to ensure the safety of the members of the public,
 - advise the Service of the crime and ascertain if a police officer will be attending,
 - identify witnesses, and
 - complete memo book notes detailing their involvement.
- C.4 Situations may arise that are not covered by this Schedule “C”. In these instances, the investigating C.T.A.S.C.(s) shall call 911 if the situation appears to be an Emergency or the non-Emergency number of the Service’s Communications Services Unit if the situation does not appear to be an Emergency.

CALL FOR SERVICE

- C.5 When receiving a call for service which may be related to a criminal offence, C.T.A.S.C.s shall:
- (a) Immediately notify the Service’s Communications Services Unit of the incident;
 - (b) Attend the scene of the incident;
 - (c) Attend the police Division assigned to investigate the incident when requested to do so; and
 - (d) Not conduct any form of forensic work or photograph any evidence, individuals, or scenes relating to an incident to which the police have been called.
- C.6 Where a police officer is unable to attend, C.T.A.S.C.s shall:
- (a) call the non-Emergency number of the Service’s Communications Services Unit prior to the C.T.A.S.C. leaving the area;
 - (b) advise the call taker that the C.T.A.S.C. is leaving and obtain an event number;
 - (c) advise the call taker of the C.T.A.S.C.s contact information to add to the call details; and
 - (d) complete their notes, documenting their observations and interactions and attend the nearest police Division to provide a copy of their notes.

USE OF FORCE

- C.7 C.T.A.S.C.s shall submit a Use of Force Report to the Service through the Officer-in-Charge of the Police Division, or their designate, where the force was used and which force resulted in an injury to a member of the public that requires medical attention, and in accordance with Service Procedure 15-01, Incident Response (Use of Force/De-Escalation) & Equipment.

**SCHEDULE “D” - COMPLAINTS INVESTIGATION PROCEDURE CRITERIA
(ARTICLE 10)**

PUBLIC COMPLAINTS INVESTIGATION PROCEDURE

- D.1 The City shall ensure that it has a Public Complaints Investigation Procedure for receiving, investigating, and adjudicating Complaints from members of the public and others concerning the policies of the City, or services provided by, or the conduct of, a C.T.A.S.C.

The City’s Public Complaints Investigation Procedure shall be consistent with the principles set out in this Schedule.

- D.2 The City shall ensure that its Public Complaints Investigation Procedure contains the following elements:

- (a) Promotes public awareness of the Complaint process, including posting of the City’s Public Complaints Investigation Procedure on the City website – www.toronto.ca;
- (b) A process for members of the public to file a Complaint to the City in either writing, in person, by telephone, or by electronic means, concerning its policies relating to the City, or the services provided by, or the conduct of a C.T.A.S.C.;
- (c) A process regarding the disclosure of professional misconduct that is alleged to have been engaged in by a C.T.A.S.C, including:
 - i. A procedure to address how a member or former member of the Service, or a C.T.A.S.C. or former C.T.A.S.C., may make disclosures of professional misconduct, including giving directions as to the persons to whom disclosures may be made;
 - ii. A procedure to protect the identities of persons involved in the disclosure process, including persons who make disclosures, witnesses and persons alleged to be responsible for professional misconduct; and
 - iii. A procedure to provide for exceptions to be made to procedures described in clause (ii) where the interests of fairness require that a person’s identity be disclosed to one or more persons.
- (d) All Complaints received concerning the conduct of a C.T.A.S.C. or the policies of, or the services provided by, the City, shall be forwarded to the Service’s Special Constable Liaison Office on the prescribed form within the timelines shows in sections 11.3 and 11.4 of this Agreement;
- (e) Every Complaint investigated by the City shall be investigated by a designated Complaint Coordinator of the City who has been trained by the Service’s

Professional Standards Unit;

- (f) Complaints shall not be investigated by a third party agency on behalf of the City;
- (g) Every Complaint that the City investigates shall be investigated and reported on, in writing to the Service's Special Constable Liaison Office, within 120 days from the date the Complaint was received by the City. If the Complaint investigation is not able to be completed within 120 days, the City shall notify the Service and complainant, in writing, before the 120 day investigation period has expired;
- (h) Where a Complaint being investigated by the City exceeds 120 days, the City shall provide the Service and the complainant with a status up-date every 30 days, beyond the initial 120 days in section 10.7 of this Agreement;
- (i) The complainant shall be kept advised of the outcome of the investigation of the Complaint; and
- (j) There shall be a review process available to complainants to consider whether the City has complied with this Public Complaints Investigation Procedure. This review shall be undertaken by the Office of the Ombudsman of the City of Toronto or such other independent third party selected jointly by the parties if the Office of the Ombudsman declines or is unable to undertake the review process. The Office of the Ombudsman shall provide the results of the review to the City and the City shall provide the Board with a copy of the review results.

SCHEDULE "E" - CUPE LOCAL 79 INVESTIGATION PROTOCOL

- E.1 Where the City conducts an investigation which may result in the discipline of a Local 79 employee(s), the employee(s) who is the subject of the investigation will be informed of the nature of the meeting and their right to Local 79 representation. The City shall inform the Chief Steward or designate of Local 79 about the pending investigation meeting and the nature of the meeting.

Where practical, the employee will receive twenty-four (24) hours' notice of the investigation meeting.

At the meeting, the City will disclose the nature of the investigation including the nature of any complaints received.

At the meeting, the employee and the Local 79 Steward or representative will be informed if the City has contacted or intends to contact the police, children's aid societies a professional regulatory body regarding the matters under investigation.

Once the investigation is completed, the employee will be informed of the outcome of the investigation in a timely manner.



PUBLIC REPORT

January 24, 2025

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Analysis of Costs and Operational Impacts of the Use of Call-back Police Constables and Special Constables to Support the City's Transportation Services' Traffic Agent Program

Purpose: Information Purposes Only Seeking Decision

Recommendations:

This report recommends:

1. That the Toronto Police Service Board (Board) receive this report; and
2. That the Board forward a copy of this report to the General Manager, Transportation Services, of the City of Toronto (City).

Financial Implications:

The Toronto Police Service (Service) has been supporting the City Transportation Services' Traffic Agent Program by providing Police Constables and District Special Constables, on a charge-back basis since April 2023. Service members fulfil Traffic Agent positions at specific intersections during high-traffic periods. The program aims to alleviate congestion and improve traffic flow for vehicles and pedestrians.

All costs associated with the Traffic Direction Program for the Service and the Parking Enforcement Unit (P.E.U.) are recovered from the City and invoiced monthly. The Service's 2025 Operating budget includes \$2 million (M) in revenue (Min. No. P2024-1212-4.2 refers) and the 2025 P.E.U. Operating budget includes \$0.2M in revenue (Min. No. P2024-1212-4.4 refers) for the continuation of this program.

Toronto Police Service Board

40 College Street, Toronto, Ontario M5G 2J3 | Phone: 416-808-8080 Fax: 416-808-8082 | www.tpsb.ca

In 2023, the Service supported the Traffic Agent program for 9 months, from April to December 2023 at a total cost of \$1.39M. In 2024, the total cost to the city was \$2.06M.

Table 1 provides a breakdown of the 2024 costing of this program:

Table 1 – 2024 Traffic Direction Pilot Program Cost (000's)

Category	P.E.U.	SERVICE	Total
Salaries & Benefits	\$165.8	\$1,816.0	\$1,981.8
Non-Salary costs (vehicles, radios)		\$78.6	\$78.6
Grand Total	\$165.8	\$1,894.6	\$2,060.4

The call-backs for the City's Traffic Agent Program are managed and coordinated by the P.E.U. and utilize the following personnel, services, and resources:

- (1) Parking Supervisor – responsible to parade call-back members for duty and assign deployment details;
- (1) Administrative Co-ordinator – responsible for all related administrative details for the pilot, including registering call-back hours and accounting services for charge back invoicing;
- Call backs for off-duty Police Constables and District Special Constables;
- Rental of radio equipment (13 radios); and
- Rental of (4) Vehicles – including fuel and related scheduled maintenance and repairs.

It should be noted that no net new positions were created to support this program. Consequently, any hours worked by the Parking Supervisor or Administrative co-ordinator in support of the Traffic Agent Program results in a loss to the operational continuity of those positions, or completed on an overtime basis, placing additional workload on the impacted Service members.

Summary:

The City developed a traffic congestion management strategy “that places Traffic Agents, employed by the City, at key intersections during the morning and afternoon peak traffic periods. The role of Traffic Agents is to actively manage the movement of people who drive, bike and walk through key Toronto intersections – which reduces delays and improves safety.”¹

As reported by the General Manager, Transportation Services in her October 11, 2023 report to the Infrastructure and Environment Committee, “Transportation Services is

¹ <https://www.toronto.ca>

continuing to try to expand the traffic agent program, but continues to face challenges with respect to retaining staff and the lengthy recruitment process.” At the request of the City, the Service provides Police Constables and District Special Constables who would otherwise be off-duty, on a charge-back basis, to support staffing the City’s Traffic Agent Program, due to retention issues the City experienced with the program. When called in for these additional duties, Police Constables and District Special Constables are entitled to be paid at 1.5 times their regular wage.

On January 9, 2025, Mayor Olivia Chow announced the City’s plan to invest \$3M to expand the compliment of Traffic Agents by 75 to support a permanent enhancement to traffic congestion mitigation.

The Service will continue to support staffing the Traffic Agent program by providing Police Constables and District Special Constables, at premium pay on a charge-back basis, until December 31, 2025, to allow the City sufficient time to hire and train Traffic Agents to sustain the program on a permanent basis.

The Analysis of the Service’s contributions to the City’s Traffic Agent Program reveals significant financial and operational impacts due to the high volume of premium pay call-backs and the administrative requirements of the program. This has also placed additional strain on Service members.

Discussion:

Background

The Board at its meeting on March 18, 2024, approved a recommendation directing the Chief to report back with an analysis of costs and operational impacts of the use of call-back Uniform members and Special Constables to expand the City’s Transportation Services’ Traffic Agent program, prior to the expiry of the Toronto Police Service’s pilot with Transportation Services (Min. P2024-0318-13.0).

This recommendation stems from receipt of City Council’s decision on Infrastructure and Environment Committee Item 7.2 Congestion Management Plan 2023-2026 (IE7.2, which includes, among other things, direction to the General Manager, Transportation Services, to negotiate an agreement with the Board on the use of call-back Police Constables and Special Constables to expand the City’s Traffic Agent Program).

Toronto Police Service Traffic Direction Pilot Program – History and Operations

In April 2023, the Service commenced a six-month Traffic Direction Pilot, at the request of the City, to support its Traffic Agent Program. The pilot received multiple extensions by the Service since launching, due to continued retention issues experienced by the City’s Traffic Agent Program.

The Service Traffic Direction Pilot operates every weekday from Monday to Friday, excluding the statutory holidays. Call-backs for the Service members are for 7 hours from 1 PM to 8 PM.

As table 2 shows, each day the pilot is in operation, there are 13 Call-backs available to be filled at the following seven intersection locations, as determined by Transportation Services (which may be subject to change based on Transportation data trends):

Table 2- Number of Available call backs per day

Intersection	# Call-back Members Assigned
1. Bay St. / Front St.	1
2. Jarvis St. / Lakeshore Blvd W.	3
3. Spadina Ave. / Gardiner Expressway	1
4. Spadina Ave. / Bremner Blvd.	2
5. York St. / Bremner Blvd.	2
6. University Ave. / Front St. / York St.	2
7. York St. / Lakeshore Blvd. W.	2

Call-back Data and Operational Impact

In 2024, 3,237 individual call-backs were scheduled to support the City’s Traffic Agent program. This equates to a total of 22,659 operational hours, which is the equivalent of 944 days. The Service successfully fulfilled 93% of the requested call-backs. Table 3 provides a breakdown of the number of call-backs scheduled and percentage filled by the members since the program commenced in April 2023.

Table 3 - Number of Call-backs and Fulfilled Schedules

Month	# of Call-backs Required	# of Call-backs Fulfilled by the Members	% Percentage
2023			
April	130	92	71
May	286	182	64
June	286	196	69
July	260	222	85
August	286	230	80
September	260	217	83
October	273	241	88
November	286	250	87
December	247	230	93
Total - 2023	2,314	1,860	80
2024			
January	286	272	95
February	260	255	98
March	260	244	94
April	273	253	93

Month	# of Call-backs Required	# of Call-backs Fulfilled by the Members	% Percentage
May	286	271	95
June	247	229	93
July	286	269	94
August	260	226	87
September	260	240	92
October	286	267	93
November	273	226	83
December	260	251	97
Total - 2024	3,237	3,003	93

In 2024, District Special Constables fulfilled just over half of all completed call-backs.

The table below provides a breakdown of the Service members by rank who fulfilled the call-backs.

Table 4 – Fulfilled Roles by Rank

Rank	2023	2024
Sergeant	7%	7%
Police Constable	57%	40%
District Special Constable	36%	53%

In 2024, the Service supported 2,959 major and special events, festivals, demonstrations, sporting events, and parades, which were planned and unplanned in the City of Toronto. While many of these events were supported by on-duty resources, they also required a substantial number of call-backs and paid duties to ensure public safety, as well as vehicle and pedestrian access and egress.

The immense volume of Traffic Agent call-backs has reduced the pool of Service members available to fill other call-backs and paid duties required to maintain public safety at major events each year throughout the City.

The Service’s Commitment to the City’s Traffic Congestion Management Strategy

The Service remains committed to addressing the complex challenge of traffic congestion and enhancing traffic management across the city. Beyond its support of the Traffic Agent Program, the Service plays a pivotal role in implementing strategies aimed at reducing congestion, improving traffic flow, and ensuring public safety. In 2024, the Service’s Traffic Services collaborated closely with the City of Toronto’s “Don’t Block the Box” campaign, focusing enforcement efforts on key intersections. Officers actively targeted drivers who obstructed intersections, preventing vehicles from clearing the area and contributing to gridlock that severely impedes the movement of traffic.

Officers are regularly deployed to the downtown core, as part of the downtown safety plan, to manage traffic during high-traffic periods, especially around major event venues such as the Rogers Centre and Scotiabank Arena. This strategic deployment ensures smooth vehicle and pedestrian access, reducing congestion and improving safety for all road users.

Additionally, as part of its daily operational responsibilities, Parking Enforcement Officers (P.E.O.s) play a critical role in ensuring that parking by-laws are enforced, effectively. P.E.O.s focus on preventing illegal parking that obstructs the flow of traffic, particularly during rush hours, and safeguarding designated bicycle lanes from being blocked. Through these combined efforts, the Service continues to work in collaboration with city officials and other stakeholders to tackle the ongoing issue of traffic congestion and create safer, more efficient roadways for everyone.

As table 5 shows, in 2024, the Service conducted the following enforcement in support of mitigating traffic congestion:

Table 5 – Charges Laid

Offence	Charges Laid
Fail to Clear Intersection	333
Park in Rush Hour Route	72,306
Park in Bicycle Lane	13,479

Conclusion:

The volume of premium pay call-backs required to support the City’s Traffic Agent Program has resulted in compelling financial and operational impacts for the Service. The current charge-back model is not sustainable long-term given that traffic congestion will continue to be an ongoing issue for the City. As such, the Service will continue to support staffing the Traffic Agent program by providing Police Constables and District Special Constables, at premium pay on a charge-back basis, until December 31, 2025, which will provide the City sufficient time to hire and train Traffic Agents to sustain the program on a permanent basis.

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

Respectfully submitted,

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



PUBLIC REPORT

January 9, 2025

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Contract Award to Vipond Inc. for the Supply, Design, Installation and Maintenance of Security Equipment and Access Control Systems

Purpose: Information Purposes Only Seeking Decision

Recommendation(s):

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

- 1) approve a contract award to Vipond Inc. (Vipond) for the supply, delivery, maintenance and warranty of security and access control systems for a two-year period commencing April 1, 2025, to March 31, 2027, plus three one-year optional extension periods at a total estimated cost of \$10.1 Million (M) over the five-year term; 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; and
- 3) authorize the Chief to exercise the options to extend the contract subject to ongoing business need, continued funding, and satisfactory vendor performance.

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Financial Implications:

The contract with Vipond is valued at an estimated \$10.1M over five years, inclusive of the three one-year optional extension periods. The estimated annual costs are as follows:

Contract Year	Period (April - March)	Operating Cost (\$000s)	Capital Cost (\$000s)	Total Estimated Cost (\$000s)
Year 1	2025 - 2026	\$286.5	\$1,542.0	\$1,828.5
Year 2	2026 - 2027	\$299.4	\$1,616.1	\$1,915.5
Year 3	2027 - 2028	\$313.0	\$1,691.4	\$2,004.4
Year 4	2028 - 2029	\$328.3	\$1,764.2	\$2,092.5
Year 5	2029 - 2030	\$344.2	\$1,904.9	\$2,249.1
Total		\$1,571.4	\$8,518.6	\$10,090.0

The estimated cost of this contract award has been, or will be, considered in the Toronto Police Service's (Service's) operating and capital budgets as follows:

Funding for April to December of 2025 has been included in the Service's approved 2025 Operating Budget (Min. No. P2024-1212-4.2 refers). Funding requirements for future years will be included in future Operating Budget requests.

The estimated capital costs associated with this contract have been addressed in the Service's approved 2025-2034 Capital Program (Min. No. P2024-1212-4.3 refers). Funding for security system redesign, modifications, and installations for new builds or large-scale capital projects is included in the respective capital project budgets.

Any further changes to funding requirements will be addressed in future capital program submissions.

Summary:

The purpose of this report is to request the Board's approval for a contract award to Vipond for the supply, delivery, installation, repairs, and preventative maintenance of security equipment, security system design, software licensing, maintenance and warranty of the access control and photo imaging system for a five-year term to meet the Service's personnel access and facility related security requirements.

Discussion:

Background

The Service utilizes an access control system to assign personnel designated access to its numerous facilities. The establishment of a contract with a dedicated security equipment supplier will allow the Service to administer access control, maintain existing security equipment, and provide security systems for new builds and renovated facilities.

Procurement Process

The Purchasing Services unit published a Request for Quotation (R.F.Q.) # 1697431-24 on the MERX electronic tendering website for the supply, delivery, maintenance and warranty of security and access control systems on September 19, 2024, which closed on November 15, 2024. Forty-four suppliers downloaded all or part of the R.F.Q. document from MERX and five responses were received upon closing.

Evaluation Process

Stage One – Mandatory Requirements. Bids were first reviewed for compliance with mandatory requirements and were rated on a pass/fail basis. All bids were compliant in satisfying the mandatory requirements of the R.F.Q.

Stage Two – Pricing. This stage involved the evaluation of the supplier's pricing as stipulated in the required mandatory pricing submission forms provided in the R.F.Q.

Based on the bidder's pricing submission and adherence to the mandatory requirements stipulated in the R.F.Q., Vipond was the lowest compliant bidder and is therefore being recommended for the contract award, replacing the long-standing incumbent. The transition to the new supplier is anticipated to be relatively seamless due to the firm's experience with the software and access control system utilized by the Service.

Relevant Board Policies and Compliance

Section 20 of the Board's Purchasing Bylaw (Bylaw No. 163) outlines the Award and Contract Authorities:

20.1 No Award shall be made except with Board approval or in accordance with the provisions of this bylaw and in compliance with any other legal requirements.

...

20.3 The following persons, and those persons acting in their place from time to time, have the authority identified below, provided the conditions set out in section 20.1 and 20.4 have been met:

(a) The Chief may make an Award for an amount not exceeding \$1,000,000 in any one instance and execute a Contract in relation to that Award;

...

20.4 An Award may be made under this Part, provided that:

- (a) *The other provisions of this bylaw and purchasing Procedures have been followed;*
- (b) *The Award is being made to the vendor with the Lowest Cost Bid or the Highest Scoring Submission;*
- (c) *There have been no disputes associated with the Solicitation; and*
- (d) *At least one of the following is true:*
 - (i) *Funds for the purpose of the Award are available in the interim operating budget or budget in the year in which the Award and expenditure are being made and the expenditure in that year does not exceed the amount of the available funds; or*
 - (ii) *The Capital Project and its funding have been approved and funds are available for the purpose of the Award.'*

Conclusion:

For the reasons outlined above, it is recommended that the Board approve a contract award to Vipond for security system design, supply, installation and maintenance of security and access control equipment for the period April 1, 2025, to March 31, 2027, plus three one-year optional extension periods, at an estimated cost of \$10.1M over the five-year term.

Ms. Svina Dhaliwal, 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



PUBLIC REPORT

January 6, 2025

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: **Contract Awards to Rogers Communications Canada Inc. and Bell Mobility Inc. for Mobile Devices and Services**

Purpose: Information Purposes Only Seeking Decision

Recommendation(s):

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

- (1) approve a contract award to Rogers Communications Canada Inc. (Rogers) for mobile devices and services for a one-year period at a total estimated cost of \$5.5 million (M);
- (2) approve continued annual renewal with Rogers for mobile devices and services on an ongoing basis up to July 30, 2034;
- (3) approve a contract award to Bell Mobility Inc. (Bell) for mobile devices and services for a one-year period at a total estimated cost of \$2.7M;
- (4) approve continued annual renewal with Bell for mobile devices and services on an ongoing basis up to July 30, 2034;
- (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; and
- (6) authorize the Chief to exercise the options to extend the contracts subject to ongoing business needs, continued funding, and satisfactory vendor performance.

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Financial Implications:

The contracts with Rogers and Bell are estimated to cost \$8.2M in the first year. This amount will be funded from the Toronto Police Service (Service) operating budget, capital budget, and any applicable grant funding, as outlined below:

- Operating Budget - An amount of \$4.9M has been included in the Service's approved 2025 operating budget (Min. No. P2024-1212-4.2 refers). Funding will continue to be assessed annually based on operational needs and requirements and will be included in future operating budget requests. It is projected that the operating expense will benefit from the new contract terms, with rate plans now realizing a 68% monthly cost reduction. However, these overall expense savings will be offset by increased data consumption as the Service transitions its applications to cloud and mobile software platforms. Additionally, the deployment of more devices to officers will further offset the potential savings.
- Capital Budget - An amount of \$2.5M has been included in the Service's approved 2025-2034 capital budget as part of the Connected/Mobile Officer Lifecycle Replacement project (Min. No. P2024-1212-4.3 refers) This amount will be reviewed annually and adjusted as necessary, based on operational requirements and the number of devices requiring lifecycle replacement each year. This budget is expected to see a small increase in future years due to the new contract terms and the expansion of devices throughout the Service. Under the previous contract, a 65% subsidy off MSRP was provided for all hardware. In the new contract, vendors negotiated the best non-subsidized purchase price, which includes a 7% discount from the Manufacturer (Apple) off the OEM MSRP. The current capital plan will be adjusted in future years to minimize the impact of these changes. Additionally, the lifecycle period of devices can be extended to 3 years from the current 2 years, as the reliability of devices for field officers is now better documented.
- Grant Funding – Historically, grant funding has covered between \$0.5M and \$0.6M annually for mobile devices and services. However, many of these applicable grants are set to expire as of March 31, 2025.

This award will also be reported in the Service's annual Board Report of Co-operative, Joint and Consolidated Procurements.

Summary:

The purpose of this report is to request the Board's approval of contract awards to Rogers and Bell for mobile devices and services up to July 30, 2034.

Discussion:

Background

On August 1, 2024, the Government of Ontario established a new Vendor of Record (V.O.R.) arrangement for mobile devices and services, through a competitive procurement process, for a six-year period expiring July 31, 2030, with the option to extend the agreement on the same terms and conditions for up to two additional terms of two years. The V.O.R. arrangement has two streams:

1. mobile devices and services which includes in-building wireless (I.B.W.) solutions; and
2. cellular Internet of Things (I.o.T.).

To utilize the V.O.R. arrangement, non-Ontario Public Sector (O.P.S.) entities must enter into a separate master adoption agreement with the selected vendors.

The V.O.R. arrangement has four qualified vendors: Rogers, Bell, Tbaytel, and Telus Communications Inc., with Rogers being the primary vendor. If Rogers is unable to provide the required mobile devices and services, then secondary or tertiary vendors can be engaged. The Service will be engaging Bell for any mobile devices or services that Rogers is unable to provide or for any mobile devices or services required for system redundancy.

The Province of Ontario has negotiated the best-in-market government rate plan available with the vendors. This procurement and pricing are based off approximately 450K users. The Service has always used multiple vendors for its mobile wireless telecommunications goods and services, to provide for continued service in the event of a failure within a vendor's system, and this practice will be continued. To move all devices to a single vendor would expose the Service to additional risk and costs to replace existing hardware.

The Service currently has approximately 9,000 deployed devices which rely on wireless mobile carriers for either primary or backup connectivity. The need for robust and reliable wireless mobile carriers will continue to grow, as more devices and services are deployed in support of the Connected Officer, Rationalization and Digital programs. These efforts aim to put more data and digital technology in the Service's officers' hands while they further engage with the community.

Rogers' goods and services include:

- Mobile phone devices and accessories for Connected Officer and general use;
- Wireless voice and data services for Connected Officer and general use;
- Mobile Workstation (M.W.S.) and Automated Vehicle Location (A.V.L.) wireless data service through dedicated secure network configurations;

- Specialized secure tunnelling configurations for wireless devices to cloud hosted applications such as Evidence.com, Microsoft 365 and others;
- Cloud hosted Virtual Private Network (V.P.N.) and mobility management platform infrastructure to encrypt, secure and ensure reliable session persistence for the Service's mobile applications;
- Closed Circuit Television (C.C.T.V.) camera systems, which require a dedicated wireless network; and
- City of Toronto Radio Infrastructure Project (T.R.I.P.) system, which uses I.o.T. devices over wireless networks to monitor and control radio infrastructure installed in spaces such as the City's underground Path, malls, etc.

Bell's goods and services include:

- Mobile phone devices and accessories for Connected Officer and general use;
- Wireless voice and data services for Connected Officer and general use; and
- M.W.S. redundant wireless data service through dedicated secure network configurations.

Relevant Board Policies and Compliance

The Board's by-law No. 163, Purchasing By-law, includes the following applicable articles/clauses:

'14. Piggybacking of Same Goods and Services from Public Body

14.1 Notwithstanding any other provision in this by-law, the Purchasing Manager may participate in a procurement made directly by another Public Body if the Purchasing Manager determines that the Public Body followed a competitive method similar to that described in this by-law and complied with all applicable trade agreements, and provided that:

(a) The contract between the Public Body and the vendor stipulates that the same Goods or Services be made available to other public bodies at the same price;

(b) The Goods or Services will be made available to the Service for the same or better price than the price that is to be paid by the Public Body pursuant to the contract described in (a); and

(c) The value of the purchase of Goods or Services by the Service is within the approved budget.

14.2 The Chief may make Awards and execute Contracts in relation to procurements carried out pursuant to this section and shall report annually to the Board on such Awards that are greater than \$1,000,000.'

...

'22.3 A Contract term in excess of five (5) years, regardless of value, must be approved by the Board.'

Benefits

By leveraging the Government of Ontario's V.O.R. arrangement, the Service can purchase the newest mobile device technology with a pricing model that is predictable and stable, and demonstrates value for taxpayers' dollar, which should have reliable service levels that can be objectively measured. These economies of scale can only be achieved by leveraging the Government of Ontario's buying power.

The new contract pricing will provide the Service with excellent value, primarily regarding the monthly cellular service costs which are 68% lower than the previous contract. The phone hardware pricing is higher than the old contract, to more appropriately align with current smartphone industry costs; the previous phone hardware pricing was based on legacy devices compared to current smartphone technology. Savings compared to the old contract are variable depending on the amount of data utilized. Those with lighter usage will have higher costs; however, those with higher usage will have significant savings as the new pricing allows for higher usage at a much lower cost. It is anticipated that the Service will utilize increasing cellular data usage over time and gain additional value from the lower monthly cellular service pricing provided by the new contract.

In addition to favourable pricing, this contract expands additional service and technology capabilities which can directly benefit the Service. Some of these additional services include:

- Telecom Expense Management Platform (T.E.M.S.): reduces the overhead to manually process monthly invoices;
- Fully Managed Services: reduces the burden on Service technical staff to activate and migrate phones;
- Unified Communication Services: leverages cloud technology to reduce the complexity of managing the Service's non-emergency internal telephone system while also further expanding digital mobile calling features;
- Enterprise Mobile Management Licenses: various suites of software tools to manage security, connectivity and management of wireless based equipment;
- Push to talk: solutions which can complement or enhance traditional radio communications;
- First-Priority Service: priority wireless service for first responders to ensure reliable communication during times of cellular congestion or interference;
- Fifth Generation (5.G.) private wireless networks: isolated, secure and fast mobile networks; and
- I.o.T. value added services: a compliment of vendors, services and technology available for internet enabled digital sensors which collect telemetry such as location data, vehicle performance, and smart automation systems.

Included in this new contract is the ability to use wireless mobile priority access from both Rogers and Bell. This is a critical asset for police services, ensuring that first responders have reliable and immediate communication abilities, especially during peak times of network congestion or in emergency situations. For example, during major incidents or large public events, cellular networks can become overloaded, leading to disrupted communication. With wireless mobile priority access, police services can bypass this

congestion, maintaining uninterrupted communication channels essential for coordinating rapid responses and ensuring officer safety.

The Service continues to modernize unified communications technologies to achieve seamless integration across various communication devices. This ensures that officers, whether in the field or at the station, can maintain constant communication through voice, video, and data transmission. This level of integration is crucial for real-time decision-making and coordination during critical incidents. The reliability and speed provided by advanced wireless networks, like 5.G., enhance these capabilities, allowing for quick dissemination of information and efficient collaboration, and ensuring officers spend more time engaging in a more digitally aware community.

Single number reach is an anticipated future benefit that will enable officers to be contacted via one unified number, irrespective of their location or the device they are using. This feature streamlines the communication process and ensures that critical information reaches the appropriate personnel, thereby reducing administrative delays.

Mobile wireless carrier technology continues to underpin the Toronto Police Operations Centre (T.P.O.C.) and the Major Incident Command Centre (M.I.C.C.). Through advancements in real-time operation technology, the Service can centrally track, in real time, the deployment of officers during major City events, ensuring an appropriate and efficient officer response is employed.

An important aspect of the Government of Ontario's V.O.R. arrangement is the ability to use 5.G. and I.o.T. technology for both mobile phones and mobile smart devices. These technologies provide numerous benefits to the Service, significantly enhancing operational efficiency and effectiveness - subject to funding, evaluation and approvals.

5.G. technology offers incredibly fast data transfer speeds and low latency, enabling real-time communication and data sharing among officers and command centres. This ensures a swift and coordinated response during emergencies and critical incidents. The increased bandwidth of 5.G. also supports the use of high-definition video streaming from body-worn cameras, drones, and helicopters, providing comprehensive situational awareness and evidence collection capabilities.

During large city events, the ability to share real-time data and updates is paramount. Priority access and 5.G. network slicing ensures that officers can transmit and receive critical information without delay, facilitating timely decision-making and enhancing situational awareness during critical incidents.

Dedicated Communication Channels: During major incidents or large public events, cellular networks can become overloaded, leading to disrupted communication. With 5.G. network slicing, police services can bypass this congestion, maintaining uninterrupted communication channels essential for coordinating rapid responses and ensuring officer safety.

Customized Network Performance: Network slices can be tailored to meet the specific needs of different public safety applications, such as high-definition video streaming from body-worn cameras vs computer-aided dispatching of officers. This ensures optimal

performance for each application, enhancing situational awareness and evidence collection capabilities.

Enhanced Security: 5.G. network slicing provides isolated and secure communication channels, reducing the risk of cyber threats and ensuring the confidentiality and integrity of sensitive information exchanged during critical operations.

The adoption of I.o.T. technology further revolutionizes policing by allowing the integration of various smart devices and sensors across the City's infrastructure. I.o.T.-enabled devices can monitor environmental conditions, track assets, and gather crucial data on public safety issues. For instance, I.o.T. devices can improve traffic management, ensuring swift and safe routes for emergency response vehicles.

Additionally, the availability of Machine Learning (M.L.) and Artificial Intelligence (A.I.) hold potential for the Service, subject to the Board's A.I. policy. A.I. can vastly improve data analysis capabilities, enabling the Service to process vast amounts of data; however, A.I. often requires data from I.o.T. devices and fast and reliable networks typically using 5.G. and wireless.

Conclusion:

It is recommended that the Board approve

- one year contract awards to Rogers and Bell leveraging the Government of Ontario's V.O.R. arrangement for Mobile Devices and Services at an estimated cost of \$8.2M; and
- continued annual renewal with Rogers and Bell until July 30, 2034, for mobile devices and services, subject to continued business need, funding approval in the annual operating and capital budget processes, and satisfactory vendor performance.

Mr. Colin Stairs, Chief Information Officer and Ms. Svina Dhaliwal, Chief Administrative Officer 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 15, 2025

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Annual Report: 2024 Summary of Grievances and Employment-Related Applications to the Human Rights Tribunal of Ontario

Purpose: Information Purposes Only Seeking Decision

Recommendation:

It is recommended that the Toronto Police Service 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 and employment-related applications to the Human Rights Tribunal of Ontario (H.R.T.O.) addressed by the Labour Relations unit and a confidential annual status update of individual cases for the period of January 1, 2024 to December 31, 2024.

Toronto Police Service Board

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Discussion:

Background

The Labour Relations unit is responsible for the management of grievances and other employment-related disputes, including applications to the H.R.T.O., on behalf of the Board pursuant to the Board's Policy on Grievance Settlements.

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

At its public meeting on March 2, 2023, the Board approved additional amendments to the Grievance Settlement Policy, including updated levels of settlement authority and a streamlined annual reporting requirement (Min. No. P2023-0302-2.0).

Relevant Board Policies and Compliance

The Board's Grievance Settlement 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 an 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 (January 1, 2024 to December 31, 2024) in the included confidential attachment.

Grievances

During 2024, there were 28 new grievances filed by the Toronto Police Association (T.P.A.) or the Toronto Police Senior Officers' Organization (S.O.O.). Of this number, 1 grievance was either withdrawn or settled by the parties, and 27 are outstanding.

As of January 1, 2024, there were 41 outstanding grievances from previous years. Of this number, 17 were either settled or withdrawn in 2024.

There was 1 grievance arbitration award issued in 2024, in which the Board was successful. As of December 31, 2024, there are 3 grievances which have either been referred to or are currently in arbitration. There are no grievances currently in or awaiting Judicial Review.

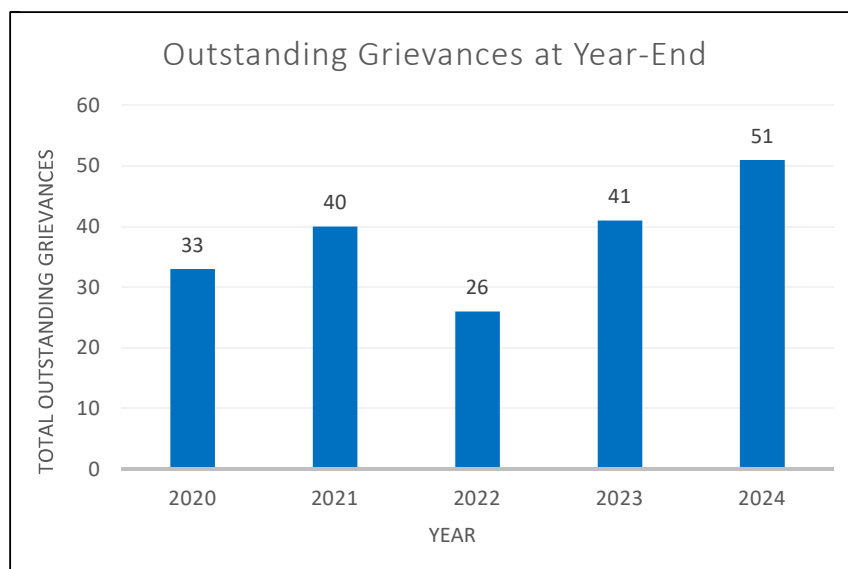
A summary of grievance activity in 2024 is as follows:

Number of grievances as of January 1, 2024	41
Number of new grievances filed in 2024	28
Number of grievances settled, withdrawn or dismissed in 2024	(18)
Total number of outstanding grievances as of December 31, 2024	51

The following table outlines the total number of open grievances as of December 31, 2024, by category:

Type of Grievance	Number of Grievances
Policy	21
Management Rights	16
Health Benefits	7
Civilian Member Discipline/Termination	7
Total	51

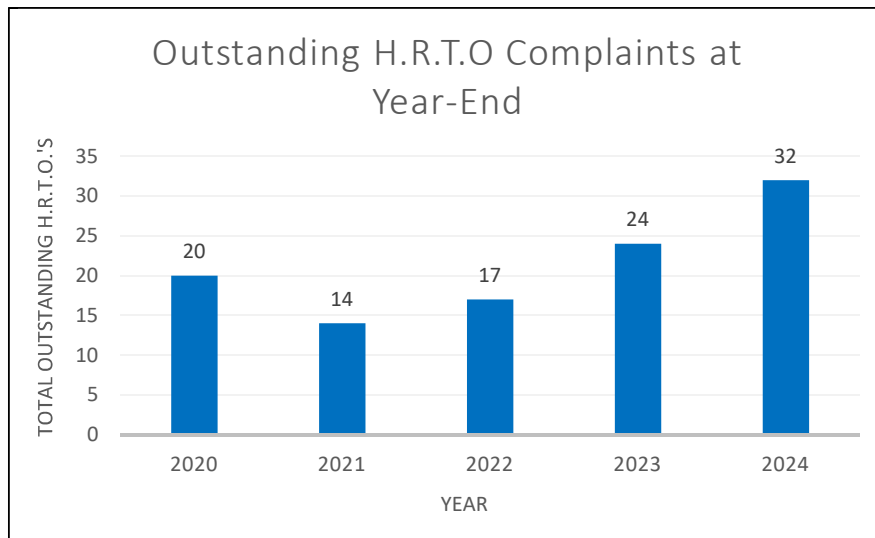
The following chart illustrates the total number of open grievances as of December 31 for the last 5 years:



Employment-Related H.R.T.O. Applications

The Labour Relations unit manages employment-related H.R.T.O. applications on behalf of the Board. However, unlike grievance proceedings, the Board is insured through the City of Toronto’s Insurance and Risk Management Division for certain heads of damages related to allegations brought before the H.R.T.O. as well as for associated legal costs.

The following chart illustrates the total number of open employment-related H.R.T.O. Applications as of December 31 for the last 5 years:



During this reporting period, 13 new employment-related H.R.T.O. applications were received and 5 matters were either settled or dismissed.

Grievance-Related Legal and Settlement Costs

The following is an itemization of legal and settlement costs by type of grievance:

Type of Grievance	Legal Costs in 2024	Settlement Costs in 2024
Termination	\$62,249.53	\$0
Management Rights	\$48,989.23	\$0
Policy	\$23,619.50	\$5,263.94
H.R.T.O. (Uninsured)	\$22,268.87	\$0
Health Benefits	\$3,781.66	\$0
Discipline	\$0	\$1,125.00
Total Costs in 2024	\$160,908.79*	\$6,388.94

* These costs include fees for legal counsel, disbursements and arbitrator fees. The breakdown is as follows:

- Legal Counsel and Disbursements: \$134,834.13
- Arbitrator Fees: \$26,074.66

Conclusion:

In summary, this report provides the Board with a summary of grievances and employment-related H.R.T.O. applications addressed by the Labour Relations unit and a confidential annual status update of individual cases for the period of January 1, 2024 to December 31, 2024.

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

Reason for Confidential Information

This report includes a confidential attachment containing status updates on individual grievances and employment-related H.R.T.O. applications containing personal human resources and labour relations-related information and commentary.

Respectfully submitted,

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

Attachments:

Confidential Attachment - 2024 Annual Summary of Grievances and Employment-Related Applications to the Human Rights Tribunal of Ontario



PUBLIC REPORT

February 3, 2025

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

**Subject: Annual Report: 2024 Statistical Report Municipal
Freedom of Information and Protection of Privacy Act**

Purpose: Information Purposes Only Seeking Decision

Recommendations:

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

- 1) receive the 2024 Municipal Year-End Statistical Report, Information and Privacy Commissioner of Ontario; and
- 2) approve the electronic submission of the 2024 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 recommendations contained in this report.

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

Toronto Police Service Board

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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 Information Privacy and Security – Information Privacy (I.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 2024, I.P.S. received 5,414 F.O.I. requests for access to information held by the Service in accordance with the Act. This represents an increase of 430 requests (8.6%) compared to the 4,984 requests received in 2023. The total number of files carried over from 2024 to 2025 is 758.

Compliance Rate:

The Act requires that requests for information received by an organization be responded to within 30 days. Throughout 2024, 5,056 requests were completed - this includes requests received in 2024 as well as previous years. The 2024 average compliance rate for requests completed within the mandated 30-day period was 73.6%.

As shown in Table 1 below, the compliance rate in 2024 varied from 62.2% to 82.9%.

Table 1: I.P.S. Compliance Rate by Percentage 2023 - 2024												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2023	75.66	81.00	76.15	78.76	78.90	76.08	74.68	67.63	74.41	69.27	80.24	80.86
2024	62.93	82.90	73.64	74.17	75.19	78.78	78.47	70.93	76.69	62.27	73.72	73.85

Historical compliance rates are shown below in Table 2.

Table 2: I.P.S. Compliance Rates 2019 - 2024		
Year	New Requests	Compliance
2024	5414	73.62
2023	4984	76.13
2022	4055	76.83
2021	3626	79
2020	2999	74.6
2019	5234	76.85

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 Information Privacy Examiner 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 33 appeals submitted to the I.P.C. in 2024.

Consultations:

I.P.S. is responsible for responding to consultations from external agencies. Such agencies include, but are not limited to, various branches of the Federal Government, (i.e., Public Safety Canada - Canada Border Services Agency), Ministry of the Attorney General/Solicitor General, and other police services. 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 83 consultations throughout 2024, an increase from the 49 consultations received in 2023.

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 is divided into three sections; information released in full, information released in part, or information not released.

Due to the nature of police records, I.P.S. does disclose records in part 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 used exemptions prohibiting access to police records. These sections are referenced in Appendix A.

Key Highlights/Issues/Challenges:

In 2024, I.P.S. continued to be impacted by increasing demands of processing requests for information. 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 number and complexity of the requests, the type, medium and volume of the records being requested, and needed consultation with internal and external stakeholders for certain requests.

The increase of 430 (8.6%) requests brought a reduction of average monthly compliance from 76.1% as seen in 2023 to 73.6% in 2024 (-2.2%). This level of compliance required the use of premium pay which will require further analysis of technology and staffing requirements to mitigate longer term.

In accordance with Board Policy, the Service reports quarterly statistics on B.W.C. requests on the T.P.S. Public Safety Data Portal. When preparing B.W.C. records for release, the I.P.S. Examiner expends a great deal of time reviewing and editing these records taking into account Service considerations and legislated requirements under the Act.

As seen in the T.P.S. Public Safety Data Portal, the number of requests which contained BWC increased from 209 in 2023 to 249 in 2024, with responsive recordings increasing from 833 to 890. It is expected this workload will continue to increase as it is anticipated the number of requests received will again trend higher in 2025.

The Service and the I.P.S team will continue to approach their work by using technology, exploring process efficiencies, and training team members to ensure information privacy best practices are continuously employed.

Relevant Board Policies and Compliance

- *Municipal Freedom of Information and Protection of Privacy Act*

Conclusion:

This report provides the Board with the 2024 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, 2025.

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

Chief Transformation Officer Colin Stairs 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

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)."*



PUBLIC REPORT

December 31, 2024

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Chief's Administrative Investigation into the Vehicle Injuries of Complainant 2024.20

Purpose: Information Purposes Only Seeking Decision

Recommendation:

This report recommends that the Toronto Police Service Board (Board) receive this report for information.

Financial Implications:

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

Summary:

The Professional Standards S.I.U. Liaison (P.R.S. – S.I.U. Liaison) and Traffic Services (T.S.V.) investigation determined the conduct of the designated official was not in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable Toronto Police Service (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

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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.A.) 2019*

S.I.U. Terminology

Complainants – Refers to the Affected Persons

SO – Subject Official(s)

WO – Witness Official(s)

CW – Civilian Witness(es)

C.D.R. – Crash Data Retrieval

B.W.C. – Body-Worn Camera

I.C.C.S. – In-Car Camera System

S.I.U. Investigative Conclusion

In a letter to the Chief of Police dated July 26, 2024, 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 official.”*

The following *S.I.U. Incident Narrative and Analysis and Director's Decision* has been reprinted from the S.I.U. Director's report, number 24-TVI-144, which can be found via the following link:

[Special Investigations Unit -- Director's Report Details, Case Number: 24-TVI-144](#)

S.I.U. Incident Narrative

“The evidence collected by the SIU, including interviews with the Complainant and civilian eyewitnesses, and video footage that captured the incident, give rise to the following scenario. As was his legal right, the SO did not agree an interview with the SIU or the release of his notes.

In the afternoon of March 29, 2024, the SO was operating a marked police SUV responding to the location of a theft in progress. A call had been received from a business in the area of Claireville Drive and Humberline Drive of masked individuals

stealing a forklift from the premises. Some had made off on foot while others had fled in vehicles. A Mazda and truck were reportedly involved in the crime and getaway.

The SO was northbound on Humberline Drive, a distance north of Finch Avenue West, when he maneuvered into the southbound lanes. He had observed the Mazda heading south towards him and was attempting to block its path of travel. The Mazda swerved around the cruiser in the northbound lanes and continued south through the Finch Avenue West intersection. The officer exited his cruiser as the truck involved in the theft was also travelling towards him. It too passed the cruiser in the northbound lanes and entered the Finch Avenue West intersection on a red light. The SO re-entered the cruiser and turned around to pursue the truck.

At about the same time, the Complainant was operating a Mercedes Sprinter van eastbound in the passing lane of Finch Avenue West approaching Humberline Drive. He entered the intersection on a green light and was struck by the SO's cruiser. The Sprinter's front end collided with the front passenger side of the cruiser. It continued a short distance and came to the rest at the southeast corner of the intersection. The cruiser rotated counter clockwise following impact and came to rest facing east in the intersection.

Other officers and first responders arrived on scene and rendered aid. The Complainant was taken to hospital and diagnosed with two fractured vertebrae.”

S.I.U. Analysis and Director's Decision

“The Complainant was seriously injured when his vehicle was struck on March 29, 2024, by a TPS cruiser. The SIU was notified of the incident and initiated an investigation naming the driver of the cruiser – the SO – the subject official. 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 collision.

The offence that arises for consideration is dangerous driving causing bodily harm contrary to section 320.13(2) of the Criminal Code. As an offence of penal negligence, a simple want of care will not suffice to give rise to liability. Rather, the offence is predicated, in part, on conduct that amounts to a marked departure from the level of care that a reasonable person would have observed in the circumstances. In the instant case, the issue is whether there was a want of care in the manner in which the SO operated his vehicle, sufficiently egregious to attract criminal sanction that caused or contributed to the collision. In my view, there was not.

The SO was within his rights when he decided to initiate a pursuit of the Mazda and truck that sped past his location. He had reason to believe the vehicles were involved in the theft of machinery from a nearby business.

With respect to the manner in which the SO operated the cruiser, the evidence falls short of reasonably establishing a marked departure from a reasonable standard of care. The officer failed to stop at the red light as he was required to do pursuant to sections 144(18) and (20) of the Highway Traffic Act. Those provisions, while conferring latitude on police officers to travel through red lights in the interests of law enforcement, require that they first come to a complete stop in order that they might assess safety considerations before doing so. The SO then compounded his error by accelerating through the intersection without ensuring that traffic in all directions had fully yielded. While some if not most of the motorists travelling east and west on Finch Avenue West had come to a stop, the Complainant had not. On the other hand, if the officer did not stop, he did slow. A post-collision statement made to other officers also suggests he believed, albeit wrongly, that it was safe to proceed when he did. Finally, it is worth noting that the officer had his emergency equipment operating at the time. On this record, the SO was not as careful as he should have been, but his conduct fell short of transgressing the limits of care prescribed by the criminal law.

For the foregoing reasons, there is no basis for proceeding with criminal charges in this case. The file is closed.”

Summary of the Toronto Police Service’s Investigation

The P.R.S. – S.I.U. Liaison and T.S.V. conducted an administrative investigation as is required by provincial legislation. This investigation examined the circumstances of the vehicle injury in relation to the applicable legislation, policing services provided, procedures, and the conduct of the involved officers.

The P.R.S. – S.I.U. Liaison and T.S.V. investigation reviewed the following T.P.S. procedures.

- Procedure 07-03 (Life Threatening/Fatal Collisions);
- Procedure 07-05 (Service Vehicle Collisions);
- Procedure 08-03 (Injured on Duty);
- Procedure 08-04 (Members involved in Traumatic Critical Incidents);
- Procedure 10-06 (Medical Emergencies);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports);
- Procedure 15-10 (Suspect Apprehension Pursuits);
- Procedure 15-11 (Use of Service Vehicles);
- Procedure 15-17 (In-Car Camera System); and,
- Procedure 15-20 (Body-Worn Camera).

The P.R.S. – S.I.U. Liaison investigation also reviewed the following legislation:

- Special Investigations Unit Act (S.I.U.A.), 2019;
- Highway Traffic Act (H.T.A.) (Right Light – Fail to Stop);

- Highway Traffic Act (H.T.A.) (Careless Driving)

Conclusion:

The P.R.S. – S.I.U. Liaison in consultation with investigators from the T.S.V. determined that the T.P.S.'s policies and procedures associated with these vehicle injuries 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 P.R.S. – S.I.U. Liaison in consultation with investigators from T.S.V. determined that the conduct of the designated official was not in compliance with T.P.S. Procedure 16-10 (Suspect Apprehension Pursuits) and Procedure 15-11 (Use of Service Vehicles) and the officers' training.

The existence of the In-Car Camera System footage was an essential piece of evidence that assisted both the S.I.U.'s investigation and this administrative investigation.

A review of the Service Vehicle Collision resulted in the officer being served two Provincial Offences Summons contrary to the H.T.A. These allegations of Red Light – Fail to Stop and Careless Driving are still pending judicial process at the Ontario Court of Justice, Old City Hall on February 20, 2025.

Staff Superintendent Shannon Dawson, 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

December 31, 2024

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury of Complainant 2024.35

Purpose: Information Purposes Only Seeking Decision

Recommendation:

This report recommends that the Toronto Police Service Board (Board) receive this report for information.

Financial Implications:

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

Summary:

The Professional Standards – S.I.U. Liaison (P.R.S. – 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 the applicable Toronto Police Service (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

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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.A.) 2019

S.I.U. Terminology

Complainant – Refers to the Affected Person

SO – Subject Official(s)

WO – Witness Official

S.I.U. Investigative Conclusion

In a letter to the Chief of Police dated September 17, 2024, 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 Director's Decision* has been reprinted from the S.I.U. Director's report, number 24-TCI-216, which can be found via the following link:

[Special Investigations Unit -- Director's Report Details, Case Number: 24-TCI-216](#)

S.I.U. Incident Narrative

“The evidence collected by the SIU, including interviews with the Complainant and the SO, and video footage that largely captured the incident, gives rise to the following scenario.

In the evening of May 21, 2024, the Complainant was riding a bicycle westbound on St. Joseph Street. The road was designated for eastbound traffic only. He and a companion, also riding a bicycle, were stopped by police officers on St. Joseph a distance east of Bay Street.

The SO and his partner, WO #1, were on bicycle patrol in the area when they observed the Complainant and his friend cycling the wrong way on St. Joseph Street. They stopped the pair, indicated they were investigating a traffic infraction, and attempted to ascertain their names. The Complainant provided false names. In time, the SO figured

out his true identity and learned that the Complainant was subject to an arrest warrant. The SO and WO #1 moved to take the Complainant into custody.

The officers took hold of the Complainant and forced him to the ground after a short period when he refused to release his arms. The Complainant struggled against the officers' efforts to control his arms behind the back. He was met with a series of right-handed punches to the left side of the head by the SO. The struggle continued on the ground and the Complainant bit one of the SO's hands. The officer reacted by punching him once to the head and delivering a knee strike to the back. The Complainant attempted to bite the SO's hand again, prompting the officer to punch him about five times to the right side of the head. The Complainant screamed and continued to hold his arms against his chest, resisting the officers' efforts. The SO delivered an additional punch to the face after which, using his baton, he was able to pry free the Complainant's right arm. The Complainant's right hand was handcuffed and, shortly thereafter, the left arm brought behind the back and cuffed as well.

Following his arrest, the Complainant was taken to hospital and diagnosed with a broken right cheekbone."

S.I.U. Analysis and Director's Decision

"The Complainant was seriously injured in the course of his arrest by TPS officers on May 21, 2024. The SIU was notified of the incident and initiated an investigation naming SO the subject official. 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 and WO #1 had cause to seek the Complainant's arrest. They had lawfully stopped him for investigation of a traffic infraction, in the course of which they realized that the Complainant was subject to an outstanding arrest warrant.

The force used by the SO in aid of the Complainant's arrest fell within the ambit of what was reasonable in the circumstances. The Complainant strenuously resisted arrest. When, after a period of attempting to wrestle control of his arms was to no avail, the SO was entitled to escalate his use of force and did so with a series of punches. The punches were several (about eight), short but sharp, and ultimately ineffective; the Complainant continued to refuse to release his arms. Instead, the Complainant bit the SO's hand. At this point, the Complainant had assaulted the officer, and the SO was within his rights in applying force to stop the aggression. He did so, in my view, in a proportionate way by delivering a single punch and knee strike. Still, the Complainant remained undeterred. He continued to struggle and attempted to bite the SO again. The SO escalated his force again, as I believe he was entitled to do in light of the

Complainant's repeated assaults – he struck him about five times. These too were short but sharp blows, and also not immediately successful in subduing the Complainant though they appeared to take some of the fight out of him. With one last punch and the use of his baton as a pry bar, the SO was finally able to free the Complainant's right arm and bring it behind the back. The Complainant was shortly handcuffed, after which no further force was brought to bear.

For the foregoing reasons, while I accept that one or more of the SO's punches were responsible for the Complainant facial fracture, there are no reasonable grounds to believe the injury is attributable to unlawful conduct on the part of the officer. The file is closed."

Summary of the Toronto Police Service's Investigation

The P.R.S. – S.I.U. Liaison conducted an administrative investigation as is required 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 P.R.S. – S.I.U. Liaison investigation reviewed the following T.P.S. procedures:

- Procedure 01-01 (Arrest);
- Procedure 01-02 (Search of Persons);
- Procedure 01-03 (Persons in Custody);
- 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)); and
- Procedure 15-02 (Injury/Illness Reporting);
- Procedure 15-17 (In-Car camera System), and;
- Procedure 15-20 (Body-Worn Camera)

The P.R.S. – S.I.U. Liaison investigation also reviewed the following legislation:

- Special Investigations Unit Act, 2019

Conclusion:

The P.R.S. – 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 P.R.S. – S.I.U. Liaison investigation determined the conduct of the involved officers was in compliance with applicable provincial legislation regarding the Standards of Conduct, and the applicable T.P.S. procedures.

The existence of the Body-Worn Camera footage of this arrest and the In-Car Camera System assisted both the S.I.U. investigation and the administrative investigation.

Staff Superintendent Shannon Dawson, 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

December 31, 2024

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury of Complainant 2024.36

Purpose: Information Purposes Only Seeking Decision

Recommendation:

This report recommends that the Toronto Police Service Board (Board) receive this report for information.

Financial Implications:

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

Summary:

The Professional Standards – S.I.U. Liaison (P.R.S. – 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 the applicable Toronto Police Service (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

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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.A.) 2019

S.I.U. Terminology

Complainant – Refers to the Affected Person

SO – Subject Official(s)

WO – Witness Official(s)

CW – Civilian Witness(es)

B.W.C. – Body-Worn Camera

S.I.U. Investigative Conclusion

In a letter to the Chief of Police dated September 19, 2024, 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 Director's Decision* has been reprinted from the S.I.U. Director's report, number 24-TCI-230, which can be found via the following link:

[Special Investigations Unit -- Director's Report Details, Case Number: 24-TCI-230](#)

S.I.U. Incident Narrative

“The material events in question are clear on the evidence collected by the SIU and may briefly be summarized.

At about 10:30 a.m. of June 1, 2024, TPS officers were called to an apartment near King Street West and Spencer Avenue. A neighbour had contacted police to report that the resident of the apartment, the Complainant, was in mental health crisis – he had been banging on the walls and destroying the apartment for the previous two hours.

SO #1 and SO #2 arrived on scene shortly before 11:00 a.m. They made their way up to the apartment and were invited inside by the Complainant. Within moments, the Complainant made his way to a window in the apartment and opened it. With the

officers watching, he placed his left leg and torso out the window. The officers rushed forward and were able to grab onto his right leg before the Complainant was fully out the window.

There followed a struggle at the window in which the Complainant, now hanging upside down, his back against the building's exterior, fought against the officers' efforts to prevent him falling. The Complainant kicked at the officers with his left leg and scratched and clawed at them with his hands. SO #2 held onto the Complainant's right leg despite being on the receiving end of this violence, suffering injuries in the process. SO #1 at times held onto the Complainant's right foot, and his partner to prevent him falling out the window. They eventually tired and lost their grip. The time was about 11:02 a.m.

The Complainant fell multiple floors. He was transported to hospital and diagnosed with multiple pelvic fractures."

S.I.U. Analysis and Director's Decision

"The Complainant was seriously injured in a fall from a height in Toronto on June 1, 2024. As TPS officers were present and attempting to prevent the fall, the SIU was notified of the incident and initiated an investigation. SO #1 and SO #2 were identified as subject officials. 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 fall and injuries.

The offence that arises for consideration is criminal negligence causing bodily harm contrary to section 221 of the Criminal Code. The offence is reserved by serious cases of neglect that demonstrate a wanton or reckless disregard for the lives or safety of other persons. It is predicated, in part, on conduct that amounts to a marked and substantial departure from the level of care that a reasonable person would have exercised in the circumstances. In the instant case, the question is whether there was a want of care on the part of the subject officials, sufficiently egregious to attract criminal sanction that caused or contributed to the Complainant's fall. There was not.

SO #2 and SO #1 were lawfully placed and in the execution of their duties through their brief engagement with the Complainant. Having been dispatched regarding a person in distress, the officers were duty bound to attend at the scene to do what they reasonably could to render assistance. Once at the apartment, they were allowed inside by the Complainant.

I am also satisfied that both subject officials comported themselves with due care and regard for the Complainant's wellbeing. They promptly ascertained that the Complainant was intending to jump out the window, and acted quickly to prevent that from happening. They also battled with all their strength to keep the Complainant from falling, even as he struck them and did all he could to free himself of their grip. Though

the officers were unable to prevent the fall, it was not from a want of any effort on their part.

For the foregoing reasons, there is no basis for proceeding with criminal charges in this case. The file is closed.”

Summary of the Toronto Police Service’s Investigation

The P.R.S. – S.I.U. Liaison conducted an administrative investigation as is required 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 P.R.S. – S.I.U. Liaison investigation reviewed the following T.P.S. procedures:

- Procedure 01-01 (Arrest);
- Procedure 06-04 (Persons in Crisis);
- Procedure 06-13 (Mobile Crisis Intervention Team);
- Procedure 08-03 (Injured on Duty Reporting);
- Procedure 08-04 (Members Involved in a Traumatic Critical Incident);
- 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 P.R.S. – S.I.U. Liaison investigation also reviewed the following legislation:

- Special Investigations Unit Act, 2019

Conclusion:

The P.R.S. – 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 P.R.S. – S.I.U. Liaison investigation determined the conduct of all the designated officials was in compliance with T.P.S. procedures and the officers training.

The existence of the Body Worn Camera footage of the interaction was an essential piece of evidence that assisted both the S.I.U. investigation and this administrative investigation.

Staff Superintendent Shannon Dawson, 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

December 31, 2024

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury of Complainant 2024.40

Purpose: Information Purposes Only Seeking Decision

Recommendation:

This report recommends that the Toronto Police Service Board (Board) receive this report for information.

Financial Implications:

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

Summary:

The Professional Standards – S.I.U. Liaison (P.R.S. – 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 the applicable Toronto Police Service (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

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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.A.) 2019

S.I.U. Terminology

Complainant – Refers to the Affected Person

SO – Subject Official(s)

WO – Witness Official(s)

B.W.C. – Body-Worn Camera

I.C.C.S. – In-Car Camera System

S.I.U. Investigative Conclusion

In a letter to the Chief of Police dated September 25, 2024, 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 official.”*

The following *S.I.U. Incident Narrative and Analysis and Director's Decision* has been reprinted from the S.I.U. Director's report, number 24-TCI-249, which can be found via the following link:

[Special Investigations Unit -- Director's Report Details, Case Number: 24-TCI-249](#)

S.I.U. Incident Narrative

“The evidence collected by the SIU, including interviews with police witnesses and video footage that largely captured the incident, gives rise to the following scenario. As was his legal right, the SO did not agree an interview with the SIU or the release of his notes.

In the early morning of June 13, 2024, the SO and his partner, WO #1, were dispatched to an apartment building in the area of Victoria Park Avenue and Dawes Road to deal with a man threatening self-harm. The man – the Complainant – had called a hospital and reported suicidal ideations. The hospital, in turn, had contacted the police. Following a records check, the officers ascertained the Complainant's apartment number.

The SO and WO #1 arrived on scene at about 1:10 a.m. They knocked on the apartment door and announced they were police officers. They explained that the Complainant was not in any trouble, and that they were there to ensure he was okay. They could hear noise from within the apartment, but no reply was forthcoming. Attempts to reach the Complainant by phone went to voice mail.

WO #2 arrived on scene to assist. He attended at the superintendent's apartment to retrieve a key to the Complainant's apartment, but no one answered. The officer then positioned his cruiser so that his ICCS was pointed at the balcony of the apartment in which the Complainant was thought to reside.

At about 2:00 a.m., WO #2 heard a thump and thought it was a dumpster lid that had closed because of a racoon. In fact, it was the sound of the Complainant falling from his balcony to a balcony on the floor below. The officer climbed onto a dumpster and, from there, onto the balcony where the Complainant was located. The Complainant was laying on the balcony floor complaining of pain.

The SO and WO #1, still outside the Complainant's apartment, had been alerted to the Complainant's fall from the residents of another apartment. They made their way downstairs and were let into the apartment by WO #2. Firefighters also attended and rendered aid to the Complainant.

The Complainant was taken to hospital and diagnosed with fractures to three left-sided ribs, and a broken left scapula."

S.I.U. Analysis and Director's Decision

"The Complainant was seriously injured in a fall from a balcony on June 13, 2024. As TPS officers were at his apartment door attempting to enter the residence at the time of the fall, the SIU was notified of the incident and initiated an investigation. The SO was identified as the subject official. 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 fall and injuries.

The offence that arises for consideration is criminal negligence causing bodily harm contrary to section 221 of the Criminal Code. The offence is reserved for serious cases of neglect that demonstrate a wanton or reckless disregard for the lives or safety of other persons. It is predicated, in part, on conduct that amounts to a marked and substantial departure from the level of care that a reasonable person would have exercised in the circumstances. In the instant case, the question is whether there was a want of care on the part of the SO, sufficiently egregious to attract criminal sanction, that caused or contributed to the Complainant's fall and injuries. In my view, there was not.

The SO and the other officers who responded to the scene were lawfully placed and in the execution of their duties through the series of events culminating in the Complainant's fall. Having been dispatched to a call for service involving a male threatening self-harm, the officers were bound to attend to do what they reasonably could to prevent injury coming to the Complainant.

I am also satisfied that the SO comported himself at all times with due care and regard for the Complainant's health and wellbeing. The officer knocked on the Complainant's door, indicated they were police, and explained that he was not in trouble and that they were there to check on him. Not receiving a response, the SO eventually informed the Complainant that they could not leave without first ensuring his safety and, if need be, they would force their way in. That, in my view, was fair warning, which could have served to avert rash behaviour on the part of the Complainant when and if the forced entry occurred. In the meantime, steps had been taken to retrieve a key to the apartment (to no avail) and a police officer – WO #2 – was positioned at ground-level outside the apartment balcony. Regrettably, in the state of mind the Complainant was in, it appears he was unable to appreciate what was happening and thought the people at the door meant him harm. Whether or not the result of firefighters trying to breach the door, the Complainant attempted to scale down to the balcony below, fell, and seriously injured himself. On this record, though they were unable to prevent the Complainant hurting himself, it was not for want of reasonable efforts on the part of the SO and the other officers on scene.

For the foregoing reasons, there is no basis for proceeding with criminal charges in this case. The file is closed."

Summary of the Toronto Police Service's Investigation

The P.R.S. – S.I.U. Liaison conducted an administrative investigation as is required 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 P.R.S. – S.I.U. Liaison investigation reviewed the following T.P.S. procedures:

- Procedure 06-04 (Persons in Crisis);
- Procedure 06-13 (Mobile Crisis Intervention Team);
- 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 15-17 (In-Car Camera System), and;
- Procedure 15-20 (Body-Worn Camera)

The P.R.S. – S.I.U. Liaison investigation also reviewed the following legislation:

- Special Investigations Unit Act, 2019

Conclusion:

The P.R.S. – 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 P.R.S. – S.I.U. Liaison investigation determined that the conduct of the designated officials was in compliance with T.P.S. procedures and the officers training.

The existence of the Body Worn Camera and In-car Camera System footage of the incident were essential pieces of evidence that assisted both the S.I.U. investigation and this administrative investigation.

Staff Superintendent Shannon Dawson, 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

December 31, 2024

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury of Complainant 2024.46

Purpose: Information Purposes Only Seeking Decision

Recommendation:

This report recommends that the Toronto Police Service Board (Board) receive this report for information.

Financial Implications:

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

Summary:

The Professional Standards – S.I.U. Liaison (P.R.S. – 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 the applicable Toronto Police Service (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

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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.A.) 2019
- Community Safety and Policing Act (C.S.P.A.) 2019

S.I.U. Terminology

Complainant – Refers to the Affected Person

SO – Subject Official(s)

WO – Witness Official

EMS – Emergency Medical Services

S.I.U. Investigative Conclusion

In a letter to the Chief of Police dated October 23, 2024, 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 official.”*

The following *S.I.U. Incident Narrative and Analysis and Director's Decision* has been reprinted from the S.I.U. Director's report, number 24-TCI-275, which can be found via the following link:

[Special Investigations Unit -- Director's Report Details, Case Number: 24-TCI-275](#)

S.I.U. Incident Narrative

“The evidence collected by the SIU, including interviews with the Complainant and a police eyewitness, and video footage that captured the incident in part, gives rise to the following scenario. As was his legal right, the SO did not agree an interview with the SIU. He did authorize the release of his notes.

In the afternoon of June 28, 2024, the SO and the WO were dispatched to a residence in the area of Finch Avenue West and Yonge Street to check on the Complainant's well-being. The Complainant's father had earlier attended the police station to report that his son had cuts to the neck and was suicidal. EMS paramedics were also in attendance.

The Complainant opened the door and spoke to the officers briefly before attempting to close it. The WO reached in and grabbed the front of his sweatshirt to pull him outside. The Complainant reacted by swatting at the officer's hands and punching him several times in the head.

On seeing the skirmish at the door, the SO took hold of the Complainant and forced him to the floor inside the residence. The Complainant continued to resist, flailing his legs and punching in the SO's direction. Using the butt end of his baton, the WO struck him several times in the abdomen. The SO delivered a single elbow strike to the face.

The Complainant was eventually subdued and handcuffed behind the back. He was transported to hospital and diagnosed with a broken nose."

S.I.U. Analysis and Director's Decision

"The Complainant was seriously injured in the course of his arrest by TPS officers on June 28, 2024. The SIU was notified of the incident and initiated an investigation naming the SO the subject official. 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.

I am satisfied that the officers had grounds to apprehend the Complainant pursuant to section 17 of the Mental Health Act. Given what they knew of the Complainant's mental health, the evidence of suicidal ideation from his father, and the cuts they observed to his neck, the officers were within their rights in concluding the Complainant was mentally disordered and at risk of harming himself.

I am also satisfied that the force used by the officers was no more than what was reasonable. When the Complainant struck the WO several times after the officer moved to effect what was a lawful apprehension, the SO was within his rights in resorting to a measure of force to bring the assault to an end. The takedown was a proportionate tactic in the circumstances as it would quickly deter the assault while placing the officers in position to better manage any continuing resistance on the part of the Complainant. Indeed, the Complainant continued to struggle against the officers' efforts and was met with several baton strikes by the WO and an elbow strike by the SO. The strikes were delivered in the context of a heated physical battle and legitimate concern on the part of the officers that the Complainant might be in possession of a knife. On this record, they do not appear excessive given the exigencies of the moment.

For the foregoing reasons, there is no basis for proceeding with criminal charges in this case. The file is closed."

Summary of the Toronto Police Service's Investigation

The P.R.S. – S.I.U. Liaison conducted an administrative investigation as is required 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 P.R.S. – S.I.U. Liaison investigation reviewed the following 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 06-13 (Mobile Crisis Intervention Team (M.C.I.T.));
- 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 15-17 (In-Car Camera System), and;
- Procedure 15-20 (Body-Worn Camera)

The P.R.S. – S.I.U. Liaison investigation also reviewed the following legislation:

- Special Investigations Unit Act, 2019

Conclusion:

The P.R.S. – 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 P.R.S. – S.I.U. Liaison investigation determined the conduct of the involved officers and specifically the subject official, was in compliance with the applicable provincial legislation regarding the Standards of Conduct, the applicable T.P.S. procedures and the officers' training. The following additional comments are provided:

The designated officer's response to this call and the resulting force used was lawful, justified and reasonably necessary given the resistance offered by the Complainant. It was also required to bring the Complainant's arrest to a safe and effective conclusion.

The existence of the Body-Worn Camera footage of this arrest was an important piece of evidence that assisted both the S.I.U. investigation and this administrative investigation.

Staff Superintendent Shannon Dawson, 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

December 31, 2024

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury of Complainant 2024.47

Purpose: Information Purposes Only Seeking Decision

Recommendation:

This report recommends that the Toronto Police Service Board (Board) receive this report for information.

Financial Implications:

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

Summary:

The Professional Standards – S.I.U. Liaison (P.R.S. – 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 the applicable Toronto Police Service (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

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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.A.) 2019
- Community Safety and Policing Act (C.S.P.A.) 2019

S.I.U. Terminology

Complainant – Refers to the Affected Person

SO – Subject Official(s)

WO – Witness Official

CEW – Conducted Energy Weapon

S.I.U. Investigative Conclusion

In a letter to the Chief of Police dated October 29, 2024, 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 official.”*

The following *S.I.U. Incident Narrative and Analysis and Director's Decision* has been reprinted from the S.I.U. Director's report, number 24-TCI-279, which can be found via the following link:

[Special Investigations Unit -- Director's Report Details, Case Number: 24-TCI-279](#)

S.I.U. Incident Narrative

“The material events in question are clear on the evidence collected by the SIU and may briefly be summarized.

In the early morning of July 1, 2024, the SO was on-duty driving east on Queen Street West approaching Dovercourt Road when he observed persons engaged in fisticuffs in the westbound lanes of the road. He brought the cruiser to a stop and he and his partner, WO #1, exited to deal with the situation. The SO arrested and handcuffed one of the parties – Arrestee #1 – while WO #1 did the same with another – Arrestee #2.

The Complainant was in the vicinity at the time and may or may not have been involved in the physical altercation. Within moments of Arrestee #2's arrest, as he was standing

by the driver's side of the cruiser, the Complainant approached and punched him in the head.

WO #1 saw what had happened and chased after the Complainant across Queen Street West. He caught him and the two tussled on the roadway for a period before they both ended up on the ground on the south sidewalk of Queen Street West. The Complainant struggled to release himself from the officer's hold and eventually broke free. He ran eastbound on the sidewalk a short distance before he was felled by a CEW discharge.

The discharge had come from the SO. On seeing his partner chase after the Complainant, he had followed to render assistance, bringing his arrestee – Arrestee #1 – with him. The officer had warned the Complainant of a CEW deployment if he did not desist, and then fired his weapon. WO #1 approached the Complainant on the ground and secured him in handcuffs.

Following his arrest, the Complainant was taken to hospital and diagnosed with a fractured skull and left ring finger, an epidural hematoma and a sub-dermal hematoma.”

S.I.U. Analysis and Director's Decision

“The Complainant was seriously injured in the course of his arrest by TPS officers on July 1, 2024. The SIU was notified of the incident and initiated an investigation naming the SO the subject official. 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 had observed the Complainant assault an individual in police custody and was within his rights in seeking to arrest him on that basis.

The use of the CEW was, in my view, a justifiable use of force in aid of the Complainant's arrest. The Complainant was determined to escape police apprehension and had proven a formidable challenge to WO #1 as he attempted to wrestle him under control. When he managed to free himself from WO #1's grasp, it was apparent that some further use of force would be necessary to prevent his escape and take him into custody. The use of the CEW made sense in these circumstances as the SO was not free to insert himself into the tussle or chase after the Complainant without a loss of control over Arrestee #1. He could, however, exert some control over the Complainant from a distance with the use of his CEW.

For the foregoing reasons, there is no basis for proceeding with criminal charges in this case. The file is closed.”

Summary of the Toronto Police Service's Investigation

The P.R.S. – S.I.U. Liaison conducted an administrative investigation as is required 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 P.R.S. – S.I.U. Liaison investigation reviewed the following T.P.S. procedures:

- Procedure 01-01 (Arrest);
- Procedure 01-02 (Search of Persons);
- Procedure 01-03 (Persons in Custody);
- 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 15-09 (Conducted Energy Weapons);
- Procedure 15-17 (In-Car Camera System), and;
- Procedure 15-20 (Body-Worn Camera)

The P.R.S. – S.I.U. Liaison investigation also reviewed the following legislation:

- Special Investigations Unit Act, 2019

Conclusion:

The P.R.S. – 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 P.R.S. – S.I.U. Liaison investigation determined the conduct of involved officers was in compliance with the applicable provincial legislation regarding the Standards of Conduct and the applicable T.P.S. procedures.

The existence of the Body-Worn Camera footage of this event and the In-Car Camera System assisted both the S.I.U. investigation and this administrative investigation.

Staff Superintendent Shannon Dawson, 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

December 31, 2024

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury of Complainant 2024.51

Purpose: Information Purposes Only Seeking Decision

Recommendation:

This report recommends that the Toronto Police Service Board (Board) receive this report for information.

Financial Implications:

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

Summary:

The Professional Standards – S.I.U. Liaison (P.R.S. – 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 the applicable Toronto Police Service (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

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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.A.) 2019
- Community Safety and Policing Act (C.S.P.A.) 2019

S.I.U. Terminology

Complainant – Refers to the Affected Person

SO – Subject Official(s)

WO – Witness Official

S.I.U. Investigative Conclusion

In a letter to the Chief of Police dated October 23, 2024, 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 official.”*

The following *S.I.U. Incident Narrative and Analysis and Director's Decision* has been reprinted from the S.I.U. Director's report, number 24-TCI-309, which can be found via the following link:

[Special Investigations Unit -- Director's Report Details, Case Number: 24-TCI-309](#)

S.I.U. Incident Narrative

“The evidence collected by the SIU, including interviews with the Complainant and police and non-police witnesses, and video footage that captured the events in question, gives rise to the following scenario. As was his legal right, the SO chose not to interview with the SIU or authorize the release of his notes.

Just after midnight of July 19, 2024, TPS officers made their way to an apartment building in the area of Shuter Street and Sherbourne Street. A security guard at the building had contacted police to report that a woman – Witness #1 – had approached and told him that the Complainant had just assaulted her in his apartment.

Together with several special constables of TCH, the WO and Officer #1 arrived at the building at about 12:15 a.m. and took the elevator up to the Complainant's floor. The

officers knocked on the door and attempted to have the Complainant exit so they could speak to him. The Complainant refused to do so. He told the officers he had done nothing wrong and asked that they leave. The officers made it clear they would not leave.

The SO arrived on scene at about 12:40 a.m. He too knocked on the door. By that time, it had been decided that the Complainant was subject to arrest for having assaulted Witness #1. The SO prevailed on the Complainant to exit and told him they would wait there all night to secure a warrant to enter the apartment, if necessary. Shortly after that pronouncement, a neighbour exited his apartment and advised the officers that the Complainant had jumped out the window.

The officers rushed outside and found the Complainant resting on his back. He had sustained multiple injuries, including fractures to his spine, legs, pelvis and ribs.”

S.I.U. Analysis and Director’s Decision

“The Complainant suffered serious injuries in a fall from his upper-level apartment on July 19, 2024. As TPS officers were outside his door attempting to negotiate his arrest at the time, the SIU was notified of the incident and initiated an investigation. The SO, the senior officer on scene, was identified as the subject official. 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 fall and injuries.

The offence that arises for consideration is criminal negligence causing bodily harm contrary to section 221 of the Criminal Code. The offence is reserved for serious cases of neglect that demonstrate a wanton or reckless disregard for the lives or safety of other persons. It is predicated, in part, on conduct that amounts to a marked and substantial departure from the level of care that a reasonable person would have exercised in the circumstances. In the instant case, the question is whether there was a want of care on the part of the SO, sufficiently egregious to attract criminal sanction, that caused or contributed to the Complainant’s injuries. In my view, there was not.

The SO and the other officers on scene were lawfully placed and in the execution of their duties through the series of events leading to the Complainant’s fall from height. They had information to believe that the Complainant had perpetrated a serious assault on Witness #1, and were within their rights in attending at his residence to seek his arrest.

I am also satisfied that the officers, including the SO, comported themselves with due care and regard for the Complainant’s health and well-being. To no avail, they attempted to persuade the Complainant to exit his apartment peacefully. They initially explained that they merely wanted to speak to him to further their investigation. Later, when it became clear he was to be arrested, they were straight with him on that score, telling him they would wait to enter his apartment legally once a Feeney warrant was

obtained. The police outside the door were only present for about a half-hour before the Complainant decided to jump out his window. On this record, it is apparent that none of the officers transgressed the limits of care prescribed by the criminal law.

For the foregoing reasons, there is no basis for proceeding with criminal charges in this case. The file is closed.”

Summary of the Toronto Police Service’s Investigation

The P.R.S. – S.I.U. Liaison conducted an administrative investigation as is required 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 P.R.S. – S.I.U. Liaison investigation reviewed the following T.P.S. procedures:

- Procedure 01-01 (Arrest);
- Procedure 01-03 (Persons in Custody);
- Procedure 05-04 (Intimate Partner Violence);
- 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 15-20 (Body-Worn Camera)

The P.R.S. – S.I.U. Liaison investigation also reviewed the following legislation:

- Special Investigations Unit Act, 2019

Conclusion:

The P.R.S. – 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 P.R.S. – S.I.U. Liaison investigation determined the conduct of the involved officers and specifically the subject official was in compliance with the applicable provincial legislation regarding the Standards of Conduct, the applicable T.P.S. procedures and the officer’s training. The following additional comments are provided.

The Complainant was subject to arrest for several serious Intimate Partner Violence offences and the officers were required by Procedure 05-04 (Intimate Partner Violence)

to arrest the Complainant. When the Complainant refused to surrender and exit his apartment, the officers, including the designated subject official, took the appropriate steps to convince him to surrender.

Despite the efforts of all the involved officers, the Complainant was determined to elude police and evade his lawful arrest by attempting to escape from his apartment via the balcony. Unfortunately, he fell to the ground and sustained life-altering injuries, injuries that were not caused by the actions of the attending officers.

The initial investigation and the negotiations with the Complainant were captured on Body-Worn Camera and this footage was an important piece of evidence that assisted both the S.I.U.'s investigation and this administrative investigation.

Staff Superintendent Shannon Dawson, 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