



PUBLIC MEETING

Minutes

**Tuesday, December 18, 2018 at 1:30 PM
Auditorium, 40 College Street, 2nd Floor
Toronto, Ontario**

www.tpsb.ca

The following *draft* Minutes of the meeting of the Toronto Police Services Board that was held on December 18, 2018 are subject to adoption at its next regularly scheduled meeting.

Attendance:

The following members were present:

Mr. Andrew Pringle, Chair
Ms. Uppala Chandrasekera, Member
Mr. Michael Ford, Councillor & Member
Mr. Ken Jeffers, Member
Ms. Frances Nunziata, Councillor & Member
Mr. John Tory, Mayor & Member

The following were also present:

Chief of Police Mark Saunders, Toronto Police Service
Mr. Ryan Teschner, Executive Director, Toronto Police Services Board
Ms. Karlene Bennett, Board Administrator, Toronto Police Services Board
Ms. Diana Achim, Board Administrator, Toronto Police Services Board
Ms. Jane Burton, Solicitor, City of Toronto, Legal Services Division

Declarations:

Declarations of Interest under the *Municipal Conflict of Interest Act* - None

Previous Minutes:

P253. The Board approved the minutes of the previous meeting held on [November 22, 2018](#).

Written Submission provided by: [Kit Matte](#)
[DIONNE Renée](#)

The Board received the written submissions.

Moved by: F. Nunziata
Seconded by: K. Jeffers

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P254. Retirement of Karlene Bennett, Board Administrator

Chair Pringle announced that Karlene Bennett is retiring after 30 years of service with the Toronto Police Services Board. The Chair said that Ms. Bennett has been instrumental in developing and being a core part of the strong and mighty team in the Board Office. The Chair said that Ms. Bennett's influence and impact runs deep, that she has played an extremely central role in the Board's oversight function over the years, and, that her absence will be profoundly felt. He said that the Board is exceptionally lucky to have benefitted from Ms. Bennett's remarkable dedication and expertise in a variety of roles over the years.

[A copy of Chair Pringle's statement is attached to this minute.](#)

Mr. Ryan Teschner, Executive Director also paid tribute to Ms. Bennett's dedication to improving the Board, the Service and the City. Mr. Teschner highlighted Ms. Bennett's impressive contribution to the Board's vital governance function, her ability to analyze issues and how she has come to be relied upon for her wise counsel. On behalf of the Board office, Mr. Teschner expressed how deeply Ms. Bennett's absence will be felt.

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P255. Length of Deputations

The Board approved the following Motion:

THAT in light of the large number of deputations at today's meeting, and to ensure that all deputants have an opportunity to speak, pursuant to sections 4.4 and 17.4 of the Board's Procedural By-Law No. 161, it is

recommended that the time allotted for deputations be reduced from five minutes to three minutes per deputation.

Moved by: A. Pringle
Seconded by: K. Jeffers

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P256. Disruption of the Board Meeting

As a result of disruptions at today's Board meeting the Board issued the following statement.

At today's public Toronto Police Services Board meeting, the Chair of the Board determined that a number of members of the public repeatedly engaged in improper conduct, which is contrary to the Board's Procedural By-law. This conduct impacted the ability of the Board to proceed with the meeting.

The Chair began the meeting by outlining the rules related to making deputations and the importance of respecting those rules. When the improper conduct persisted, the Chair continued to remind both the public generally, and specific individuals, of the rules.

Despite these reminders and requests that this conduct cease, some individuals continued to engage in improper conduct. The Chair asked these individuals to leave the meeting at this point, but they refused. Therefore, in order to continue with its important business, the Board decided to move its meeting to another location without public access, but with webcast capability so members of the public could continue to watch the proceedings. The Board regrets that its public meeting was forced to be moved in this way due to the unfortunate behaviour of a few individuals. As always, the Board will continue to encourage input from the community.

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P257. [Toronto Police Services Board's Anti-Racism Advisory Panel \(ARAP\) – Quarterly Update](#)

The Board was in receipt of a report dated December 5, 2018 from Uppala Chandrasekera and Notisha Massaquoi Co-Chairs, Anti-Racism Advisory Panel (ARAP), with regard to this matter.

Recommendation(s)

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

Written submissions provided by: [Renu Mandhane, Chief Commissioner, Ontario Human Rights Commission](#)
[Johanna Lewis](#)

Ms. Notisha Massaquoi Co-Chairs, Anti-Racism Advisory Panel (ARAP) presented the first quarterly report to the Board. She provided the Board with an overview of the focus of ARAP's first two meetings. Ms. Massaquoi also spoke about the Ontario Human Rights Commission's report, "*A Collective Impact: Interim report on the inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service.*" Ms. Massaquoi said that it is a critical report that requires thoughtful and throughout consideration. Ms. Massaquoi also spoke about the utility of ARAP's reviewing the Board's "Collection, Use and Reporting of Demographic Statistics Policy." She said that ARAP this work is urgent and ARAP would work quickly to review the policy and make recommendations to the Board for improvements. Ms. Massaquoi said that ARAP will review other relevant work including the Toronto Action Plan to Confront Anti-Black Racism, which was referred to ARAP by the Board. Ms. Massaquoi said that ARAP's work is also informed and guided by the Province's Anti-Racism Directorate's strategic plan. She said that the OHRC report is also a guiding document for ARAP.

Ms. Chandrasekera the ARAP Co-Chair, said that ARAP is doing important work and thanked the Board for its support. In response to a question from the Board regarding how ARAP will approach and improve on past recommendations, Ms. Chandrasekera said that the Panel includes several Service members including Deputy Chiefs Barbara McLean and Peter Yuen. She said that Service members are instrumental in assisting ARAP to identify and address barriers within the Service, as well as to help determine how to move items practically through the Service. Ms. Massaquoi said that the objective is to have a Panel that works effectively with the system, not against it.

The Board received the written submissions, received the presentation and approved the following Motions:

The Board is committed to using the collection of race-based data to promote evidence-based policy-making and organizational change, including in monitoring systemic racial and other disparities to identify gaps, eliminate barriers and advance the fair treatment of every person;

The Board currently has a policy entitled "Collection, Use and Reporting of Demographic Statistics," approved in October 2007 and subsequently amended in 2010 and 2011, which permits the Chief of Police to collect race-based data from members of the public, analyze this data, and report this data publicly; however, this Policy has not been operationalized by the Service;

The Board approved a motion at its meeting of October 26, 2017, in which the Chief was directed to provide a report that includes past recommendations referencing the collection of race-based statistics and a description of the Chief's strategy for implementing those recommendations;

The Toronto Police Service currently collects and publicly reports on race-based data pursuant to its obligations under O. Reg. 58/16, *Collection of Identifying Information in Certain Circumstances*;

In April 2018, the Government of Ontario published its *Data Standards for the Identification and Monitoring of Systemic Racism*, which permits the collection of race-based data (among other types) by provincial public-sector organizations;

There are no data standards for the collection of race-based data that apply to municipal organizations, such as the Board, and the Ontario Human Rights Commission has not published specific data standards concerning the collection and public reporting of race-based data by police services; and,

The Board views it as essential that its "Collection, Use and Reporting of Demographic Statistics Policy be amended to capture more current standards and best practices related to the collection, analysis and public reporting of race-based data.

Therefore, the Board directs that:

1. The Board refer its existing "Collection, Use and Reporting of Demographic Statistics" Policy to the Board's Anti-Racism Advisory Panel (ARAP) to be reviewed, with recommendations made for amendments to the Board, based on a consideration of current standards and best practices related to the collection, analysis and public reporting of race-based data related to complainants and victims (i.e. those involved in a call for service), those arrested, those who are stopped by police, and those who are involved in incidents involving police use of force;
2. The Chief continue to engage with ARAP's work through the existing representation and participation of Service Members on ARAP, so that perspectives of an operational nature can be shared and considered during the development of revisions to the Policy;
3. ARAP report back to the Board with a recommended updated Policy for Board consideration by no later than the Board's May 2019 meeting; and
4. The Board request the Ontario Human Rights Commission to provide a presentation to ARAP concerning best practices it has identified for the

collection of race-based data by police services, including any challenges associated with collecting and publishing race-based data arising from various types of policing interactions, and recommendations for addressing those challenges in a manner that balances the law enforcement function police must provide with the importance of building community trust.

Moved by: U. Chandrasekera
Seconded by: J. Tory

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P258. [Special Constables: Toronto Community Housing Corporation, Increase in Approved Strength](#)

The Board was in receipt of a report dated September 17, 2018 from Mark Saunders, Chief, with regard to this matter.

Recommendation(s)

It is recommended that the Board approve the request from the Toronto Community Housing Corporation to increase their approved authorized strength of Special Constables from 160 to 300.

The Board approved the foregoing report.

Moved by: M. Ford
Seconded by: F. Nunziata

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P259. [Amendment to Increase the value of the Existing Contract for 2019 - Vendor of Record Bell Canada for VMware AirWatch Software, Maintenance and Professional Services](#)

The Board was in receipt of a report dated November 2, 2018 from Mark Saunders, Chief, with regard to this matter.

Recommendation(s):

It is recommended that the Board:

1. Approve an amendment to increase the existing Vendor of Record (V.O.R.) contract with Bell Canada in the amount of \$222,000 (including taxes) for a total contract value of approximately \$706,000 for the period December 20, 2018 to December 19, 2019, to supply software licences, professional services and maintenance renewal.
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.

The Board approved the foregoing report.

Moved by: K. Jeffers
Seconded by: F. Nunziata

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P260. [Clinical Psychological Assessments](#)

The Board was in receipt of a report dated November 13, 2018 from Mark Saunders, Chief, with regard to this matter.

Recommendation(s)

It is recommended that the Board approve:

1. FVB Psychologists as an additional vendor and the continued use of S.L. Jackson Psychology (the current vendor), to conduct pre-placement psychological examinations of applicants for the position of police constable, as well as pre-employment psychological examinations for candidates to other positions within the Toronto Police Service (Service), including but not limited to the pre-hire evaluation of civilian communication operators assigned to Communication Services, for a 23 month term from January 1, 2019 to November 30, 2020; and
2. an option to extend the contract with FVB Psychologists and S.L. Jackson, at the discretion of the Chief of Police, for one additional year to November 30, 2021, provided the terms and conditions are agreeable to both parties and satisfactory performance by the vendor.

The Board approved the foregoing report.

Moved by: U. Chandrasekera
Seconded by: F. Nunziata

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P261. [School Crossing Guards – 2019 Hourly Wage Rates](#)

The Board was in receipt of a report dated November 28, 2018 from Andy Pringle, Chair, with regard to this matter.

Recommendation(s)

It is recommended that the Board receive the following report and approve the realignment of the School Crossing Guard hourly wage rates effective January 1, 2019.

The Board approved the foregoing report.

Moved by: M. Ford
Seconded by: U. Chandrasekera

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P262. [Request for Use of the Board Special Fund: Funeral Costs for PC Sam Sun #9709](#)

The Board was in receipt of a report dated December 3, 2018 from Mark Saunders, Chief, with regard to this matter.

Recommendation(s):

It is recommended that the Board approve an expenditure in the amount of \$29,488.83 from the Board's Special Fund to assist the family of Police Constable Sam Sun in the payment of funeral costs associated to his sudden passing.

The Board approved the foregoing report.

Moved by: K. Jeffers
Seconded by: U. Chandrasekera

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P263. [Toronto Police Service Calls Made to the Canada Border Services Agency](#)

The Board was in receipt of a report dated November 22, 2018 from Mark Saunders, Chief, with regard to this matter.

Recommendation(s):

It is recommended that the Board receive the foregoing report.

In response to a question from the Board regarding status checks, Deputy Chief Yuen said that the Service and Canada Border Services Agency (CBSA) define status checks differently. He said that CBSA categorizes any calls they receive as status checks, for example, in the case of lost passport, refugee claimant, etc. He said that the Service and CBSA have different tracking systems and that the Service only tracks criminal matters. Deputy Yuen said that the discrepancy between the data reported by the Service and the data reported by CBSA is an issue faced by police services across Canada. He said that the Service is working with CBSA to develop a tracking system that can more accurately record and reflect Service activity which will address the gap in reporting.

The Board also raised concerns about how this matter impacts the mental health community. The Chief said that he understands the sensitivity and impact this discussion has on the community. He said that Service training does not support officers asking about immigration status, unless, in keeping with policy and procedure, they have *bona fide* reasons, and if that occurs, it is addressed from a disciplinary perspective. He said that a form that required individuals to identify whether or not they are citizens was found to be problematic and has been updated to remove that identifier.

The Board received the foregoing report.

Moved by: U. Chandrasekera
Seconded by: K. Jeffers

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P264. [Inquest into the Death of Kwasi Skene-Peters – Verdict and Recommendations of the Jury](#)

The Board was in receipt of correspondence dated November 16, 2018 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation(s):

It is recommended that the Board receive the foregoing report.

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

THAT the Chief provide a report at the February 2019 Board meeting, informing the Board of the Service's review and possible implementation of the jury's recommendations.

Moved by: M. Ford
Seconded by: K. Jeffers

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P265. [Public Minutes of Meeting No. 63 held on October 11, 2018](#)

The Board was in receipt of the minutes of the Central Joint Health and Safety Committee meeting held on October 11, 2011.

The Board received the foregoing minutes.

Moved by: F. Nunziata
Seconded by: J. Tory

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P266. [Chief's Administrative Investigation into the Alleged Sexual Assault of Sexual Assault Complainant 2018-L](#)

The Board was in receipt of correspondence dated July 5, 2018 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation(s):

It is recommended that the Board receive the foregoing report.

The Board received the foregoing report.

Moved by: M. Ford
Seconded by: U. Chandrasekera

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P267. [Chief's Administrative Investigation into the Alleged Sexual Assault of Sexual Assault Complainant 2018-O](#)

The Board was in receipt of correspondence dated August 19, 2018 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation(s):

It is recommended that the Board receive the foregoing report.

The Board received the foregoing report.

Moved by: K. Jeffers
Seconded by: F. Nunziata

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P268. [Chief's Administrative Investigation into the Alleged Sexual Assault of Sexual Assault Complainant 2018-N](#)

The Board was in receipt of correspondence dated August 31, 2018 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation(s):

It is recommended that the Board receive the foregoing report.

The Board received the foregoing report.

Moved by: J. Tory
Seconded by: M. Ford

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P269. [Chief's Administrative Investigation: Alleged Sexual Assault of Sexual Assault Complainant 2018-P](#)

The Board was in receipt of correspondence dated September 14, 2018 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation(s):

It is recommended that the Board receive the foregoing report.

The Board received the foregoing report.

Moved by: K. Jeffers
Seconded by: F. Nunziata

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P270. [Chief's Administrative Investigation: Custody Injury of Mr. A.H.](#)

The Board was in receipt of correspondence dated September 18, 2018 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation(s):

It is recommended that the Board receive the foregoing report.

The Board received the foregoing report.

Moved by: F. Nunziata
Seconded by: M. Ford

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P271. [Chief's Administrative Investigation into the Vehicle Injuries to Ms. Titilayo Lanlokun](#)

The Board was in receipt of correspondence dated September 21, 2018 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation(s):

It is recommended that the Board receive the foregoing report.

The Board received the foregoing report.

Moved by: F. Nunziata
Seconded by: K. Jeffers

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P272. [Request for Use of the Board Special Fund: New Canadian Citizenship Ceremony](#)

The Board was in receipt of correspondence dated December 10, 2018 from Mark Saunders, Chief of Police, with regard to this matter.

Recommendation(s):

It is recommended that the Board approve an expenditure not to exceed \$2,000.00 from the Board's Special Fund to support the Toronto Police Service in hosting the New Canadian Citizenship Ceremony on December 20, 2018.

The Board approved the foregoing report.

Moved by: U. Chandrasekera
Seconded by: M. Ford

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P273. [Toronto Police Services Board – 2019 Meeting Schedule](#)

The Board was in receipt of correspondence dated December 13, 2018, from Ryan Teschner, Executive Director, with regard to this matter.

Recommendation(s):

It is recommended:

1. That the Board approve the 2019 meeting schedule outlined in this report; and
2. That subject to the approval of recommendation no. 1, any requests to amend the schedule shall be proposed by the Board member seeking the amendment in the form of a Motion for consideration at an appropriate public meeting.

The Board approved the foregoing report.

Moved by: U. Chandrasekera
Seconded by: F. Nunziata

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P274. [City Council Member Appointments to the Toronto Police Services Board – Mayor John Tory, Councillor Frances Nunziata and Councillor Michael Ford](#)

The Board was in receipt of correspondence dated December 14, 2018, from Ulli S. Watkiss, City Clerk, with regard to this matter.

Recommendation(s):

It is recommended that the Board receive the foregoing correspondence.

Chair Pringle administered the oath of office and the oath of secrecy to Councillor Ford.

The Board received Ms. Watkiss' correspondence.

Moved by: U. Chandrasekera
Seconded by: K. Jeffers

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P275. [Amendment to the 2019 Capital and Operation Budget Process](#)

The Board was in receipt of correspondence dated December 17, 2018, from Andy Pringle, Chair, with regard to this matter.

Recommendation(s):

It is recommended:

1. That the Board amend Board Min. No. P145/18, approved at the July 19, 2018 meeting, which outlines the structure of the Budget Committee and the proposed schedule of the Budget Committee as follows:
 - a. That the Board no longer utilize a Budget Committee process for the 2019 Budget Requests, and
 - b. That the Board amend the previously-approved schedule to require that the 2019 Operating and Capital Budget Requests for the Service, Parking Enforcement and the Board be presented and considered at the Board's January 2019 meeting and that deputations from the public be received at that meeting; and
2. That the Board forward a copy of this report to the City Manager and to the CFO.

The Board approved the foregoing report.

Moved by: K. Jeffers
Seconded by: F. Nunziata

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on December 18, 2018

P276. Confidential

In addition to the public meeting conducted by the Board today, a confidential meeting was held to consider a number of matters which were exempt from the public agenda in accordance with the criteria for considering confidential matters set out in s.35(4) of the *Police Services Act*.

The following members attended the confidential meeting:

Mr. Andrew Pringle, Chair
Ms. Uppala Chandrasekera, Member
Mr. Michael Ford, Councillor & Member
Mr. Ken Jeffers, Member
Ms. Marie Moliner
Ms. Frances Nunziata, Councillor & Member
Mr. John Tory, Mayor & Member

Next Regular Meeting

Date: January 24, 2019

Time: 1:30 PM

Minutes Approved by:

Andy Pringle
Chair

Members of the Toronto Police Services Board

Andy Pringle, Chair
Uppala Chandrasekera, Member
Michael Ford, Councillor & Member
Ken Jeffers, Member

Marie Moliner, Member
Frances Nunziata, Councillor & Member
John Tory, Mayor & Member

<https://www.ontario.ca/laws/statute/90m50>

Karlene Bennett – Last Meeting
December 18, 2018
Speaking Notes for Chair Andy Pringle

Before we begin today's meeting, I would like to acknowledge that this is the last Board meeting for our Board Administrator, Ms. Karlene Bennett, who has been an extremely valued and integral part of the Board office and will be retiring in January after 30 years of service.

Many of you in this room know Karlene, - the Board members who have seen, first-hand the incredible way she organizes our meetings and all the hard work and preparation that goes into this, the Service members, who have collaborated with Karlene on some of our most important projects and initiatives over the years, and the community members, for whom Karlene is the vital point person to the Board, facilitating their ability to provide input on the significant issues we face. From all of this, it is abundantly evident that Karlene's influence and impact runs deep, that she has played an extremely central role in the Board's oversight function over the years, and, that her absence will be profoundly felt.

Karlene started her career with the Service in the Records Management Unit. She was then transferred to 32 Division, before being hired as the Staff Assistant in the Board office. In her time with the Board, Karlene has held a number of varied positions in our office, including Secretary to the Chair, Research Assistant, and, finally, Board Administrator.

Karlene, today we honour you and your extraordinary contribution over the course of your career. As Board Administrator, you have been a true innovator, consistently working to streamline processes to make them more efficient, and constantly finding ways to make systems work better.

Most of all, today we pay tribute to your passion for the community, for your sincere dedication - on both a personal and professional level - to always wanting the Board to do what is right and what is fair. You have spoken your mind, eloquently and passionately, time after time, leading us to see vital perspectives and points we did not see or might have missed, always working to ensure that our policies truly reflect community input and expectations, giving voice to the voiceless who may not be at our table, but, nevertheless, should be heard.

In your time with the Board, you have had many and varied accomplishments throughout the years- focusing on youth projects funded through the Special Fund, leading our advancements in technology and, especially, championing our ever-important anti-racism and equity initiatives.

In particular, you were instrumental in your role in representing the Board in the innovative and ground-breaking *Human Rights Project Charter*, which outlined the framework of a relationship between the Service, Board and the Ontario Human Rights Commission. Project Charter was a significant milestone in many ways, leading to the establishment of the Board's comprehensive policy on Human Rights and Accommodation and the creation of the Service's Human Rights Strategy. There is no doubt that your energy, passion and genuine commitment to the principles of Project Charter were a huge part of its success.

You have also demonstrated your significant commitment to the community, both within the Service, as a member of both the Black Internal Support Network and the Filipino Internal Support Network, and to the greater community, as a dedicated volunteer at the Gatehouse, an amazing organization with the mandate to provide support, community, and resources for individuals impacted by childhood sexual abuse.

You have been instrumental in forging and being a core part of the strong and mighty team in the Board office. I know that the friendships you have made with the staff in our office, both present and former, and members across the Service, are solid and precious. I also know that you will be very, very missed.

Karlene, the Board is exceptionally lucky to have benefitted from your remarkable dedication and your expertise in a variety of roles over the years. On behalf of the Board, and of all the staff here, I want to thank you for your dedication to the Toronto Police Services Board and to the people of Toronto.

We are so grateful for all that you have done for our office, our organization and our community. Your voice, your perspective and your passion will be missed beyond measure. But we are also so excited for what the future holds for you, and wish you all the best in your well-deserved retirement.

---- introduction of Diana Achim

I would also like to take this opportunity to introduce to you Ms. Diana Achim, who is the Board's new Administrator. Diana joins us from the Office of the Independent Police Review Director and is eager to take on this new role.



Toronto Police Services Board Report

December 5, 2018

To: Chair and Members
Toronto Police Services Board

From: Uppala Chandrasekera and Notisha Massaquoi
Co-Chairs, Anti-Racism Advisory Panel (ARAP)

Subject: Toronto Police Services Board's Anti-Racism Advisory Panel (ARAP) – Quarterly Update

Recommendation(s):

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

Financial Implications:

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

Background / Purpose:

The Board, at its meeting of December 14, 2017, considered a report from Chair Pringle with respect to the "Implementation of Recommendations Arising from the Inquest into the Death of Andrew Loku." (P261/17 refers). At this report notes, three of the recommendations made by the jury in this inquest were directed to the Board, including recommendation #17 which states as follows:

17. Establish a new committee to consider possible or identified disparities in services and outcomes for racialized persons and consider interventions to address any such disparities. The committee should include representatives of the Toronto Police Service, subject matter experts and members of racialized communities, including the Black community. The committee should consider the intersectionality of mental health and race both in terms of member composition and issues to be addressed.

At its meeting of April 18, 2018 the Board approved a document pertaining to the establishment of the Anti-Racism Advisory Panel (ARAP), detailing its mandate, terms of reference, as well as a number of other relevant issues. (Min. No. P62/18 refers) At its meeting of August 23, 2018, the Board approved the recommended membership of ARAP (Min. No. 158/18 refers).

As part of the establishment of ARAP, it was stated that “ARAP will provide regular quarterly reports, highlighting the key activities of ARAP.” This is the first of these updates.

Discussion:

ARAP met for the first time on October 15, 2018. This introductory meeting included an acknowledgement of the death of Andrew Loku so that the work of ARAP could start with a foundation of the significance of that event. The first meeting was focused on having the members learn about what each brings to the table, becoming grounded to their roles, and the development of a workplan for moving forward.

ARAP met for the second time on December 3, 2018. This meeting was focused on providing presentations in a number of areas, such as key concepts in anti-Black racism and mental health and addictions, racism and mental health, racism and policing. It also included an overview of the relevant units and initiatives of the Toronto Police Service, including the Professional Standards Unit, Diversity and Inclusion, the Aboriginal Peacekeeping Unit and a number of mental health and addictions initiatives.

The work of ARAP is focused on the establishment of a monitoring framework for the Board to use in assessing the response to and implementation of each of the inquest recommendations directed to the Toronto Police Service and the Toronto Police Services Board, including the creation of key benchmarks and performance indicators addressing each recommendation.

The Board has also requested that ARAP receive the Board’s existing Policy concerning data collection and develop recommendations to improve the Policy. This work will consider the legitimate concerns surrounding the impact of race-based data collection on interactions between police and members of Toronto’s racialized communities, and look to collect this data in a manner that will increase transparency and strengthen the connection between the Board, the Service and Toronto’s communities.

Conclusion:

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

Respectfully submitted,



Uppala Chandrasekera
Co-Chair
Anti-Racism Advisory Panel (ARAP)



Notisha Massaquoi
Co-Chair



Toronto Police Services Board Report

September 17 , 2017

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Special Constables: Toronto Community Housing Corporation, Increase in Approved Strength

Recommendation(s):

It is recommended that the Board approve the request from the Toronto Community Housing Corporation (T.C.H.C.) to increase their approved authorized strength of Special Constables from 160 to 300.

Financial Implications:

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

Background / Purpose:

Under Section 53 of the *Police Services Act of Ontario*, the Board is authorized to appoint and re-appoint special constables, subject to the approval of the Minister of Community Safety and Correctional Services. Pursuant to this authority, the Board now has agreements with the University of Toronto (U of T), Toronto Community Housing Corporation (T.C.H.C.) and Toronto Transit Commission (T.T.C.) governing the administration of Special Constables (Min. Nos. P571/94, P41/98 and P154/14 refer).

T.C.H.C., Community Safety Unit is requesting that the Board increase their approved strength from 160 to 300 Special Constables.

T.C.H.C. is the largest social housing provider in Canada. Their portfolio includes nearly 60,000 residential units in 2,100 buildings. T.C.H.C.'s Community Safety Unit serves more than 110,000 people across 50 million square feet of residential space throughout the year by delivering safety programs to residents, securing their buildings and providing corporate security.

T.C.H.C. Special Constables are comprised of Constables, Field Supervisors and District Managers. They are appointed to enforce the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act*, the *Trespass to Property Act*, the *Liquor License Act* and the *Mental Health Act* on T.C.H.C. properties within the City of Toronto.

They are charged with the responsibility of securing the T.C.H.C. facilities while ensuring the safety and security of their communities. In 2017, the T.C.H.C.'s Community Safety Unit responded to 38,872 incidents pertaining to requests for service and investigations relating to events on or near T.C.H.C. properties.

Discussion:

This enables the same officers to have a frequent and consistent presence in that community. Increasing the approved complement of Special Constables will assist the Community Safety Unit in achieving the goals they have set through this new deployment model.

With the increase of residents in T.C.H.C. facilities so have the requirements of T.C.H.C Special Constables. With the additional officers the Community Safety Unit will be able to meet the growing demands placed upon them and also implementing new strategies .

Table 1 Name of Agency, Approved Strength and Current Number of Special Constables

Agency	Approved Strength	Current Complement
Toronto Community Housing Corporation	160	117

Conclusion:

The Toronto Police Service continues to work together in partnership with the agencies to identify individuals who may be appointed as Special Constables who will contribute positively to the safety and well-being of persons engaged in activities on T.T.C., T.C.H.C. and U of T properties within the City of Toronto.

The Toronto Police Service Special Constable Liaison Office is in support of the request from the Toronto Community Housing Corporation to increase their approved authorized strength of Special Constables from 160 to 300. We are confident that T.C.H.C. can manage this increase and it would be beneficial to both the T.C.H.C. and the Toronto Police Service.

A representative from T.C.H.C. and Deputy Chief James Ramer, Specialized Operations Command, will be in attendance to answer any questions that the Board may have with respect to this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

BoardReportTCHCSeptember2018.docx

BUSINESS CASE

Increase Special Constable Strength

Toronto Community Housing, Community Safety Unit

Date: September 10, 2018

Page 1 of 4

PURPOSE:

Toronto Community Housing Corporation ("TCHC") is requesting Toronto Police Service Board (the "Board") increase its approved strength of Special Constables in the Community Safety Unit ("CSU") by 140. This will be an increase from the current approved strength of 160 to 300. The Special Constable designations will be shared amongst Special Constables and sworn supervision. TCHC's Security Services Section and the Toronto Police Service ("TPS") have enjoyed mutually supportive, effective, and efficient co-operation in law enforcement and security matters in relation to the property and operations of TCHC.

BACKGROUND:

Under Section 53 of the Police Services Act, R.S.O. 1990 the Board is authorized to appoint and re-appoint Special Constables, subject to the approval of the Minister of Community Safety and Correctional Services. Pursuant to this authority, the Board has agreements with TCHC, governing the administration of Special Constables (MOU dated September 13, 2002).

Special Constables are appointed to enforce the Criminal Code of Canada, Controlled Drugs and Substances Act, Trespass to Property Act, Liquor License Act and Mental Health Act on their respective properties within the City of Toronto. Special Constables are charged with the responsibility of securing TCHC facilities while ensuring the safety and security of TCHC communities. In 2017, Toronto Community Housing Special Constables responded to 38,872 incidents pertaining to requests for service and investigations of events on or related to Toronto Community Housing properties.

RECOMMENDATION:

TCHC is requesting the Board increase the approved strength of Special Constables from 160 to 300. With the increase in resident population and facilities used by the community, coupled with the growing expectations of safety, the CSU is requesting an increase to their Special Constable strength to meet the demands and violence reduction initiatives.

Increase Special Constable Strength - TCHC

REASON FOR RECOMMENDATION:

TCHC is the largest social housing provider in Canada. Its portfolio includes nearly 60,000 residential units in 2,100 buildings. The CSU services approximately 110,000 people across 50 million square feet of residential space throughout the year, delivering safety programs to residents, securing TCHC buildings, and providing corporate security.

We continue to leverage our relationship with TPS. We are making deployment decisions that are intelligence and statistically based to put our resources where and when they are needed.

We work closely with other law enforcement agencies, in addition to our own patrols, we conducted 791 joint patrols with TPS in 2017. Furthermore, we partner on special projects and represent TCHC in community policing liaison committees. Recently, CSU joined a neighbourhood officer advisory committee ("NOPAC") where TCHC is supporting TPS in their pilot project in various TPS Divisions. CSU has assigned two Special Constables full time to the pilot to start in October 2018.

Toronto Community Housing represents 4% of the population of Toronto. In 2018 (Jan – Aug 31) TCHC properties represented 37.5% of the city's shootings and 21.9% of the city's homicides (See charts below).

On TCHC property as a % of TPS reported City events.

	2014	2015	2016	2017	2018 (Jan- Aug 31)
Shootings (regardless of level of injury)	37.2%	40.8%	27.0%	26.0%	37.5%

On TCHC property - as a % of TPS reported City events.

	2014	2015	2016	2017	2018 (Jan- Aug 31)
Homicides -					
Victims of shooting	40.7%	26.9%	22.2%	9.1%	37.8%
Victims of stabbing	20.2%	11.1%	14.6%	28.2%	12.5%
Victims of other	13.3%	8.3%	16.7%	18.2%	1% *
Annual- TCHC homicides	28.1%	17.9%	16.2%	23.0%	21.9%

* 55% if data includes 11 victims of Yonge St van attack that CSU assisted with.

Increase Special Constable Strength - TCHC

Page 3 of 4

Increasing the approved strength of Special Constables will assist in supporting CSU's core mandate of supporting TPS and achieving the following initiatives:

TCHC's Violence Reduction Strategy:

This strategy supports the city-wide initiative to help reduce violence in the City of Toronto. TCHC identified 10 high risk neighborhoods that would benefit from increased security presence, community engagement, intelligence gathering and enforcement. Effective September 5th, TCHC has increased security presence by initially using G4S contract security staff and will eventually be replaced by TCHC Special Constables as they are hired, trained and deployed during 2019.

Area Pilot Projects:

Broader Dan Harrison Community. To address historical and ongoing safety challenges at the Dan Harrison Complex and surrounding TCHC community, an enhanced community safety pilot project commenced September 2018. The pilot has eight Special Constables (days / nights x 2 rotations) including two sergeants, where regular patrols are conducted as well as responding to issues at surrounding buildings.

Greenwood Towers. A seniors' building pilot program was also conducted at Greenwood Towers in Q3 2018 with a focus on community safety and fire life safety. The objective of the pilot was to obtain a better understanding of tenant safety needs and enhancing tenant engagement and awareness, various activities were implemented. There were 460 interactions with the staff during this pilot, which was well-received by the tenants as it provided them with valuable information and offered them an additional channel to address their current concerns.

Community Assignments:

CSU is now assigning Special Constables to specific buildings within their patrol zone for frequent foot patrols. These assignments have enhanced community engagement and familiarity with the buildings. This also supports the enhanced fire and life safety program by having officers consistently spot check fire equipment as well as respond to fire hazards such as obstructed exits, illegal dumping etc.

Implementing these strategies will assist in reducing anti-social activity, reduce anti-social behaviours that affect quality of life and potentially reduce violent crimes.

TCHC's CSU is equipped to manage the increase in strength. The 140 additional designations would be beneficial to both TCHC and the TPS.

Increase Special Constable Strength - TCHC

FINANCIAL IMPLICATIONS:

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

Requested by: M. Bottoni Date: Sept 10, 2018
Mona Bottoni, Manager CSU

Recommended by: W. A. Date: Sept. 10, 2018
William Anderson, Chief Special Constable, CSU

Approved by: K. Milsom Date: SEPT 10, 2018
Kathy Milsom, President and Chief Executive Officer



Toronto Police Services Board Report

November 2, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Amendment to Increase the value of the Existing Contract for 2019 - Vendor of Record Bell Canada for VMware AirWatch Software, Maintenance and Professional Services

Recommendations:

It is recommended that the Board:

- (1) approve an amendment to increase the existing Vendor of Record (V.O.R.) contract with Bell Canada in the amount of \$222,000 (including taxes) for a total contract value of approximately \$706,000 for the period December 20, 2018 to December 19, 2019, to supply software licences, professional services and maintenance renewal.
- (2) authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form.

Financial Implications:

The current contract value up to end of 2018 with Bell Canada (Bell) is \$484,000 (including taxes). The contract requires an increase of \$222,000 in 2019, which will bring the total contract value to approximately \$706,000. This increase to the existing contract is a result of additional licences, enhanced change and professional services associated with the Connected Officer project, as summarized below:

- Acquisition of new VMware AirWatch Software licences for new mobile devices, at an estimated amount of \$11,300.
- Acquisition of professional services for the review, configuration and verification of the Service's implementation of the VMware AirWatch Solution, which is outside of the Bell's current level of support. The estimated cost for these services is not expected to exceed \$28,000 for 2019.
- Additional maintenance services at an estimated amount of \$182,400.

The maintenance services provided to the Service are reviewed and paid for on an annual basis.

Background / Purpose:

The purpose of this report is to provide the Board with an updated contract value and request Board approval to increase the existing contract for 2019 in the amount of \$222,000. The 2019 increase represents the maintenance renewal process for the V.O.R. Bell Canada. The total contract for the period December 20, 2018 to December 19, 2019 is estimated to cost \$706,000. As the contract value will now exceed the \$500,000 approval authority delegated to the Chief, under the Financial Control By-law, Board approval is required.

Discussion:

In 2013, the Service purchased 500 VMware AirWatch licenses, piggy backing on the City of Toronto (C.O.T.) Request for Proposal (R.F.P. #2104-09-3051) contract #47014958, and as part of the Service's mobility project initiative for non-Blackberry devices. This contract included the provisions to procure additional licenses, professional services and maintenance renewal.

In 2015, the Service again planned on piggy backing on to the new C.O.T. contract issued under R.F.P. #2104-14-3019 (Wireless Telecommunication Service awarded to Bell Canada). Unfortunately, the C.O.T. contract renewal was not completed prior to the Service contract expiry date of December 19, 2015. The Service therefore issued a Request for Quotation (R.F.Q. #116017-16) for a V.O.R. to procure additional licences, professional services and maintenance services using the same terms and conditions included in the C.O.T. R.F.P. #2104-14-3019. The R.F.Q. V.O.R. was awarded to Bell with an estimated contract value amount for maintenance renewal of \$67,000 (including taxes).

In 2017 and 2018, the contract increased significantly beyond the regular maintenance renewal to a value of \$484,000 (including taxes), mainly due to the need for additional licenses, professional services and maintenance for Connected Officer modernization initiative.

The 2019 renewal process and projected additional licences required, as well as the potential need for professional services will exceed \$500,000, and under the Financial Control by-law requires Board approval. The remaining portion of the 2019 contract, which will terminate on December 19, 2019, will be included in a new procurement process for 2020.

To this end, the Service has two options:

- Leverage (Piggy Back) on existing contracts.
- Initiate a competitive process through the Services Purchasing Support Services Unit.

Conclusion:

This report requests Board approval of an increase in the current contract with Bell, as a result of increased maintenance support, acquisition of new licences and professional services for the period of December 20, 2018 to December 19, 2019. Board approval is now required as the new estimated contract amount for 2019 of \$706,000, will exceed the \$500,000 delegated authority in the Board's Financial Control By-law.

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

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

ZM/vfb

Filename: 2018 Board Report Amendment Increase VOR Bell for VMware AirWatch
2019 Renewal.docx



Toronto Police Services Board Report

November 13, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Clinical Psychological Assessments

Recommendations:

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

1. FVB Psychologists as an additional vendor and the continued use of S.L. Jackson Psychology (the current vendor), to conduct pre-placement psychological examinations of applicants for the position of police constable, as well as pre-employment psychological examinations for candidates to other positions within the Toronto Police Service (Service), including but not limited to the pre-hire evaluation of civilian communication operators assigned to Communication Services, for a 23 month term from January 1, 2019 to November 30, 2020; and
2. an option to extend the contract with FVB Psychologists and S.L. Jackson, at the discretion of the Chief of Police, for one additional year to November 30, 2021, provided the terms and conditions are agreeable to both parties and satisfactory performance by the vendor.

Financial Implications:

There is an existing non-exclusive contract for pre-placement and pre-employment psychological assessment services with S.L. Jackson Psychology with a contract term of January 10, 2018 to November 30, 2020 with approved funding of \$497,200 (including taxes) for the initial contract term and option period (December 1, 2020 to November 30, 2021). This was based on a pre-set fee of \$425 per assessment.

Since the initial funding approval for external contract psychological services, there has been a significant change in needs due to the increase in hiring of police constables by the Service. It is now anticipated that there will be an ongoing hiring pressure of approximately 300 constables per year to fill three classes annually.

Currently, the in-house corporate psychologists perform approximately 25% of new constable psychological assessments. The Wellness Unit is currently in the end stages of hiring one additional corporate psychologist to join the Service and one psychologist to replace an existing psychologist who is anticipated to retire in the spring of 2019. This will provide additional support for pre-placement psychological exams and increase our internal capacity to approximately 35%. The target hire date for these roles is January 2019.

Taking into account the use of in-house corporate psychologists, it is now estimated that funding in the amount of \$1.12 million (including taxes) will be required over the contract term (including the option year), to cover the cost of external psychological services and ensure the Service can meet the increased hiring needs of the Service. The required annual amounts have been incorporated in the Service's 2019 operating budget request and will be included in future year operating budget submissions.

The intention is to split the external psychological services approximately equally going forward between the current vendor (S.L. Jackson Psychology) and the recommended additional vendor (FVB Psychologists).

Background / Purpose:

Pre-placement psychological assessments are a critical part of the Service's hiring process. The Service currently has three psychologists contracted with S.L. Jackson Psychology through November 30, 2020. However, with the ongoing and planned increase in hiring and to ensure hiring is not delayed, it has been determined that additional psychologists are required to support the increased requirement for pre-placement and pre-employment psychological examinations.

The purpose of this report is to provide the Board with information on the results of the Request for Services (R.F.S.) process, and to recommend the selected vendor for Board approval. In addition, the Service is requesting Board approval for the continued use of the current vendor, as the contract value for this vendor is now expected to exceed the \$500,000 delegated authority to the Chief, under the Financial Control By-law.

Discussion:

A Request for Services for Clinical Psychologists was published on MERX. Eight suppliers downloaded the R.F.S. from MERX, but no submissions were received.

Purchasing contacted the eight vendors who had downloaded the R.F.S. on MERX to ask for feedback on why they decided not to submit a response. Three of the vendors responded, with two indicating that the \$550 per assessment pre-set fee was too low, and the third advised that after verification, they realized that the R.F.S. was not a good fit.

After consultation with and agreement from the People & Culture and Finance & Business Management pillars, and receiving confirmation that none of the other Greater Toronto Area (G.T.A.) police services had an existing contract on which the Service could piggyback, the R.F.S. was modified to remove the pre-set fee and instead requested that respondents submit their own proposed fee. R.F.S. # 1284963-18B was modified and re-issued on MERX on September 28, 2018.

To help promote/ensure awareness of the R.F.S. among the psychologist community, the Service's Wellness Unit sent a letter to an extensive list of G.T.A. area psychologists alerting them to the R.F.S. posting and an advertisement was also placed on the Ontario Psychological Association website.

Ten suppliers downloaded the re-issued R.F.S. from MERX, and four submissions were received, from the following suppliers:

- Calian Ltd.
- FVB Psychologists
- North York Rehabilitation Centre
- Sands Psychology Professional Corporation

After review of the four submissions, three respondents passed all of the mandatory requirements and were selected to move on to the next stage for an interview.

After interviewing the three remaining respondents and scoring based on the evaluation criteria, two respondents passed the acceptable scoring threshold and moved on to the next stage for price evaluation.

After clarifying the scope with both remaining respondents and both respondents revising their pricing and confirming best and final pricing, FVB Psychologists received the highest total score and also had the lowest price/fee, and is therefore recommended as the successful vendor.

Also, due to the change with this R.F.S. allowing for no pre-set fee, People & Culture pillar, in conjunction with the Purchasing Services Unit, agreed that to be fair to both the current vendor (S.L. Jackson Psychology) and the recommended vendor (FVB Psychologists), who will both be performing the same type of psychological assessments, the same fee (\$1245 per assessment) should be paid to both vendors.

Conclusion:

As a result of a competitive procurement process and evaluation, FVB Psychologists achieved the highest total score. As well, their assessment fee has been negotiated and reduced by approximately half of their initial proposed fee.

It is therefore being recommended that the Board approve FVB Psychologists as an additional vendor to conduct pre-placement psychological examinations of applicants for the position of police constable, as well as pre-employment psychological examinations for candidates to other positions within the Service. The term of the contract covers the period January 1, 2019 to November 30, 2020, with an additional one-year extension option, at the discretion of the Chief of Police.

Barbara McLean, Deputy Chief, Human Resources Command, and Tony Veneziano, Chief Administrative Officer, will be in attendance to respond to any questions from the Board.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

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Toronto Police Services Board Report

November 28, 2018

To: Members
Toronto Police Services Board

From: Andy Pringle
Chair

Subject: School Crossing Guards – 2019 Hourly Wage Rates

Recommendation(s):

It is recommended that the Board receive the following report and approve the realignment of the School Crossing Guard hourly wage rates effective January 1, 2019.

Financial Implications:

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

Background/Purpose:

At its meeting on December 14, 2017 (Min. No. #P269/17 refers), the Board approved a report recommending increases to the hourly wage rates of School Crossing Guards effective January 1, 2018 and January 1, 2019.

The purpose of this report is to update the Board with respect to the compensation of School Crossing Guards as a result of amendments made to the *Employment Standards Act, 2000* ("ESA") by Bill 47, the *Making Ontario Open for Business Act, 2018* ("Bill 47"), and to recommend that the hourly wage rate for School Crossing Guards be realigned with the revised provincial minimum wage effective January 1, 2019.

Discussion:

On November 21, 2018, Bill 47 was passed by the Legislative Assembly of Ontario and received Royal Assent. Bill 47 repeals or amends numerous amendments made to the ESA in 2017 which were enacted in the *Fair Workplaces, Better Jobs Act, 2017* ("Bill 148"). Among the amendments, Bill 47 eliminates the planned increase to the minimum

wage to \$15.00 per hour as of January 1, 2019. The minimum wage will now be frozen at \$14.00 per hour until annual inflationary adjustments restart in 2020.

A review of the hourly rates for the School Crossing Guards has determined that effective January 1, 2019 the wage grid will no longer align to the revised provincial minimum wage. In order to ensure legislative compliance and alignment with the provincial minimum wage, it is recommended that the Board realign all steps in the 2019 wage grid to the current 2018 wage rates:

Step/Years of Service	Current Hourly Rates	Approved 2019 Hourly Rates	Recommended 2019 Hourly Rates
1/1 st year	\$14.00	\$15.00	\$14.00
2/2 nd year	\$14.00	\$15.00	\$14.00
3/3 rd year	\$14.13	\$15.00	\$14.13
4/20+ years	\$14.44	\$15.00	\$14.44

Conclusion:

In light of the foregoing, it is recommended that the Board receive this report and approve the realigned hourly wage rates of the School Crossing Guards effective January 1, 2019.

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

Respectfully submitted,

Andy Pringle
Chair



Toronto Police Services Board Report

December 03, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Request for Use of the Board Special Fund: Funeral Costs for PC Sam Sun #9709

Recommendation(s):

It is recommended that the Board approve an expenditure in the amount of \$29, 488.83 from the Board's Special Fund to assist the family of Police Constable Sam Sun in the payment of funeral costs associated to his sudden passing.

Financial Implications:

The Board's Special Fund would be depleted in the amount of \$29, 488.83

Background / Purpose:

Constable Sam Sun passed away suddenly, in his home, on November 6, 2018. At the time of his death, Constable Sun was an active member of the Toronto Police Service assigned to 42 Division, and had 12 years of service.

Constable Sun was involved in an on-duty incident in the days prior to his death in which he attended hospital for treatment. An autopsy was conducted and it is not known conclusively whether the on-duty incident played a role in his untimely death.

Due to the nature of his death and the events that transpired prior, the Toronto Police Service has committed to the family to pay for the unexpected funeral bill for Constable Sam Sun.

Discussion:

Funeral arrangements for Constable Sun have been finalized and the funeral was held on November 23, 2018; the total cost associated to his funeral was \$29, 488.83. Funds from the Board’s special fund are being requested to cover the costs associated to his funeral expenses. The cost break down is provided below:

Funeral Home	\$27, 755.53
Florist	\$ 1130.00
Printing of Program	\$ 603.30

Approximately 700 people were in attendance at this funeral, which were made up of Service members, family and relatives.

Although this request does not fit within the 6 delegated categories as defined within the Board Policy #112 – Special Fund, administrative process #11 directs that:

11. The Board, on a case-by-case basis, may consider exceptions to this policy. Exceptions must be clearly stated in the Board report requesting funding

This report is requesting funding from the Board’s Special Fund as an exception to the above-noted policy and is a one-time request.

Conclusion:

It is recommended the Board approve of the request for funds from the Board’s Special Fund as outlined within this report.

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

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

special fund – PC Sam Sun funeral.docx

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Toronto Police Services Board Report

November 22, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Toronto Police Service Calls Made to the Canada Border Services Agency

Recommendation(s):

It is recommended that the Board receive this report.

Financial Implications:

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

Background / Purpose:

At its meeting on August 24, 2017, the Board received a report from the Chief entitled "Review of Inquiries Made to the Canada Boarder Services Agency" (Min. No. P182/17 refers). That report outlined steps the Toronto Police Service (Service) was taking to investigate calls made to the Canada Board Services Agency (C.B.S.A.) and the justification for such calls.

Discussion:

Data related to interactions between the Toronto Police Service (Service) and persons subject to the Immigration and Refugee Protection Act (I.R.P.A.) is contained in the following reports:

- "Response to City Council Motions – Access to City Services for Undocumented Torontonians", authored by the Service, (Min. No.s P57/17 and P137/17), and;
- ["Often Asking, Always Telling: The Toronto Police Service and the Sanctuary City Policy, November 2015"](#), authored by No One is Illegal – Toronto (Appendix A).

Data contained in the Service-authored report was obtained from internal Service information systems. Data contained in the report authored by No One is Illegal – Toronto was obtained from the C.B.S.A. through multiple Freedom of Information requests.

The purpose of this report is to outline the steps the Service has taken to investigate a data variance existing between the above mentioned reports (Min. No. P137/17). During the time period of 2014 – 2016, the Service reported a total of 684 general occurrences that involved a component of the Immigration and Refugee Protection Act. During the shorter time period of November 4, 2014 – June 28, 2015, No One Is Illegal – Toronto reported a total of 3,278 calls made by the Service to the C.B.S.A.

In order to provide a fulsome response to the Board on this apparent discrepancy and the justification for such calls, the Service sought additional information from the C.B.S.A. regarding the 3,278 calls. A request for this additional information was submitted to the C.B.S.A. on July 11, 2017. The Service was in receipt of a response from the C.B.S.A. on April 21, 2018. The Service further engaged in multiple discussions with the C.B.S.A. to seek additional clarification on details in the agency's response document.

Service Calls to the C.B.S.A. Made November 4, 2014 – June 28, 2015

The Service asked the C.B.S.A. to provide details on the nature and outcome of their incoming phone calls from the Service. Specifically, the Service sought deeper information on the data provided by the C.B.S.A. for the time period of November 4, 2014 – June 28, 2015 used in the report authored by No One Is Illegal – Toronto.

In response, the C.B.S.A. explained there is a lawful authority under the *Immigration and Refugee Protection Act* (I.R.P.A.) and various regulations for the agency to collect information and conduct immigration enforcement activities, including the powers of arrest, detention and removal. The C.B.S.A. is not authorized to collect information if the sole purpose of the collection is not related to its mandate. Information that is collected by the C.B.S.A. may be disclosed to law enforcement partners where authorized by the applicable legislation.

Regarding incoming call tracking, the C.B.S.A. explained that when contacted by any law enforcement agency, the call is categorized for statistical reporting purposes. Call categories have been created using agency-specific language to support the C.B.S.A.'s own mandate, internal process, and reporting needs. An incoming call is first categorized based on the initial assessment of the call. While a call may be initiated for one reason, often the resulting review of the file by the C.B.S.A. reveals additional information that is relevant. For that reason, the C.B.S.A. categorizes a majority of incoming calls as 'status check' or 'other' as the primary reason for the call. Subsequently, this is how the calls are reported in C.B.S.A. systems for statistical purposes. The varied nature of the calls classified as "status check" or "other", as

outlined below, show that caution should be used when making inferences on what a “status check” or “other” type of call means at the local police level.

Additionally, further verification and clarification from an initial call often results in subsequent phone calls from the law enforcement agency to the C.B.S.A., which in turn are statistically tracked as their own calls. Therefore, often one occurrence is statistically tracked by the C.B.S.A. as multiple calls.

Regarding the time period of November 4, 2014 – June 28, 2015 and the 3,278 calls to the C.B.S.A. that No One Is Illegal – Toronto reported on, the C.B.S.A. could not provide specific details on the content of the files due to confidentiality. The C.B.S.A. could, however, provide a list of the reasons the Service made those calls to the C.B.S.A. and the type of information that was in turn released. The reasons the Service contacted the C.B.S.A. are bona fide and legally justifiable. They are as follows, as provided by the C.B.S.A.:

- To confirm immigration status of an individual subject to an ongoing criminal investigation. Status check revealed the individual was either ‘out of status’ or a ‘previously deported person’ and was therefore subject to an immigration arrest without warrant. These calls were often recorded as ‘status check’ as this was the primary reason for the call, even though it may have resulted in subsequent immigration enforcement activity;
- To receive assistance confirming the identity of an individual subject to a criminal investigation who had provided multiple names/identities. The C.B.S.A. Warrant Response Centre (W.R.C.) reviewed their databases to assist in the confirmation of identity and immigration status known to the C.B.S.A. These calls were recorded as ‘status check’;
- To confirm an immigration warrant or ‘previously deported person’ flag found in the Canadian Police Information Centre (C.P.I.C.) database. The C.B.S.A. – W.R.C. confirmed the ‘warrant’ or ‘previously deported person’ information and, as required, provided a copy of the warrant and/or photo for identification purposes;
- To confirm immigration status for an individual subject to criminal charges. This information is required for Crown brief/bail consideration. The C.B.S.A. – W.R.C. validated, provided information, and forwarded this information to a local C.B.S.A. office to initiate court tracking as a subsequent conviction may result in immigration enforcement action. These calls were recorded as ‘status check’;
- To inquire on an issue that falls within the C.B.S.A. mandate, but not about a specific individual (for example, to obtain information on C.B.S.A. enforcement

processes). The C.B.S.A. – W.R.C. officer either provided the requested information or referred the officer to a local C.B.S.A. Inland Enforcement Officer for further details.

- To inquire on an immigration related matter outside of the C.B.S.A. mandate (for example, immigration information held by Immigration, Refugees and Citizenship Canada (I.R.C.C.) on visa processing). The C.B.S.A. – W.R.C. provided website information for I.R.C.C. as the I.R.C.C. does not have a call centre that deals with questions related to general immigration information;
- To report the possible abuse of a foreign national or the violation of an employment contract by a Canadian employer. Provided the foreign national has valid status (where no C.B.S.A. Inland Enforcement action is warranted), such calls/information were redirected to Employment and Social Development Canada who have the primary mandate over employer compliance. The calls were recorded as 'status check' or 'other' type of call;
- To request general passport information. This is outside the C.B.S.A. mandate and such calls were re-directed to I.R.C.C. who administers the passport program. These calls were recorded as 'other';
- To request exit data information (for example, to identify if a person subject to a criminal warrant, missing person, etc. has departed Canada). This information is not available and these calls were recorded as 'status check';
- To provide an 'immigration tip' that was originally provided by a member of the public to a local police station. The C.B.S.A. – W.R.C. re-directed the tips to a regional C.B.S.A. Inland Enforcement office for review/action;
- To obtain an address of a foreign national whose passport was turned into a police station as a 'lost/stolen' item. The C.B.S.A. – W.R.C. does not release contact details on these matters and directed the Service to contact the Embassy/Consulate of the document. These calls were recorded as 'status check' or 'other';
- To obtain information on immigration procedures (for example, applying for an extension of visitor status or study/work permit) to assist a victim of crime (for example, domestic assault, sexual assault, etc.) in order for them to remain in Canada for trial. The C.B.S.A. – W.R.C. officer validated status and provided the Service with information on applying for an extension of status. These calls were recorded as 'status check'.

Future Calls Made to the C.B.S.A.

The nature of, and ability to report on, the data that the Service and the C.B.S.A. collect is dependent upon their individual mandates. Due to different mandates, the Service and the C.B.S.A. collect different categories of information. For that reason, Service and C.B.S.A. statistics do not correlate.

The Service does, and will continue to, record all general occurrences where there is an I.R.P.A. component that overlaps with the Service's mandate. The Service records management system is focused on tracking occurrences that are criminal in nature and is limited in how it can report on I.R.P.A. violations and interactions with the C.B.S.A. call centre. The Service does not capture phone calls made to external agencies. Integrating a phone logging process to track an external agency's incoming calls is outside the Service's mandate.

The C.B.S.A. tracks phone calls made to their agency and any pertinent details, as prescribed by their mandate. The C.B.S.A. uses agency-specific terminology to categorize incoming calls to meet the agency's internal tracking needs and purposes. The varied nature of calls classified as "status check" or "other", as outlined in this report, show that caution should be used when applying C.B.S.A. specific terminology and statistics to explain enforcement activity at the local police level. For details on calls made to the C.B.S.A. and other items falling under the agency's mandate, requests are best made directly to the C.B.S.A.

To better support the C.B.S.A. in tracking and categorizing incoming calls, the Service will issue a Routine Order to raise awareness to its membership on the importance of clearly articulating the reason for their call to the C.B.S.A. and to ensure this articulation is provided at the onset of the call. The Service will continue to make inquiries to the C.B.S.A. for bona fide law enforcement reasons.

Conclusion:

In order to investigate the nature and outcomes of phone calls it has made to the C.B.S.A., the Service asked for more information from the agency. The C.B.S.A. responded with an explanation of their statistical tracking methods, an explanation for the data discrepancy between Service statistics and C.B.S.A. statistics, and the bona fide reasons the Service makes calls to the C.B.S.A.

The service will continue to exercise its bona fide police duties where the I.R.P.A. and the Service mandate overlap, and will continue to track such general occurrences in the Service records management system.

The Service will raise awareness to its membership on the importance of clearly articulating the reason for their call to the C.B.S.A. call centre, for the purpose of assisting the agency in categorizing incoming calls. The Service will do this by way of issuing a Routine Order.

Deputy Chief Peter Yuen, Communities and Neighbourhoods Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

Appendix A

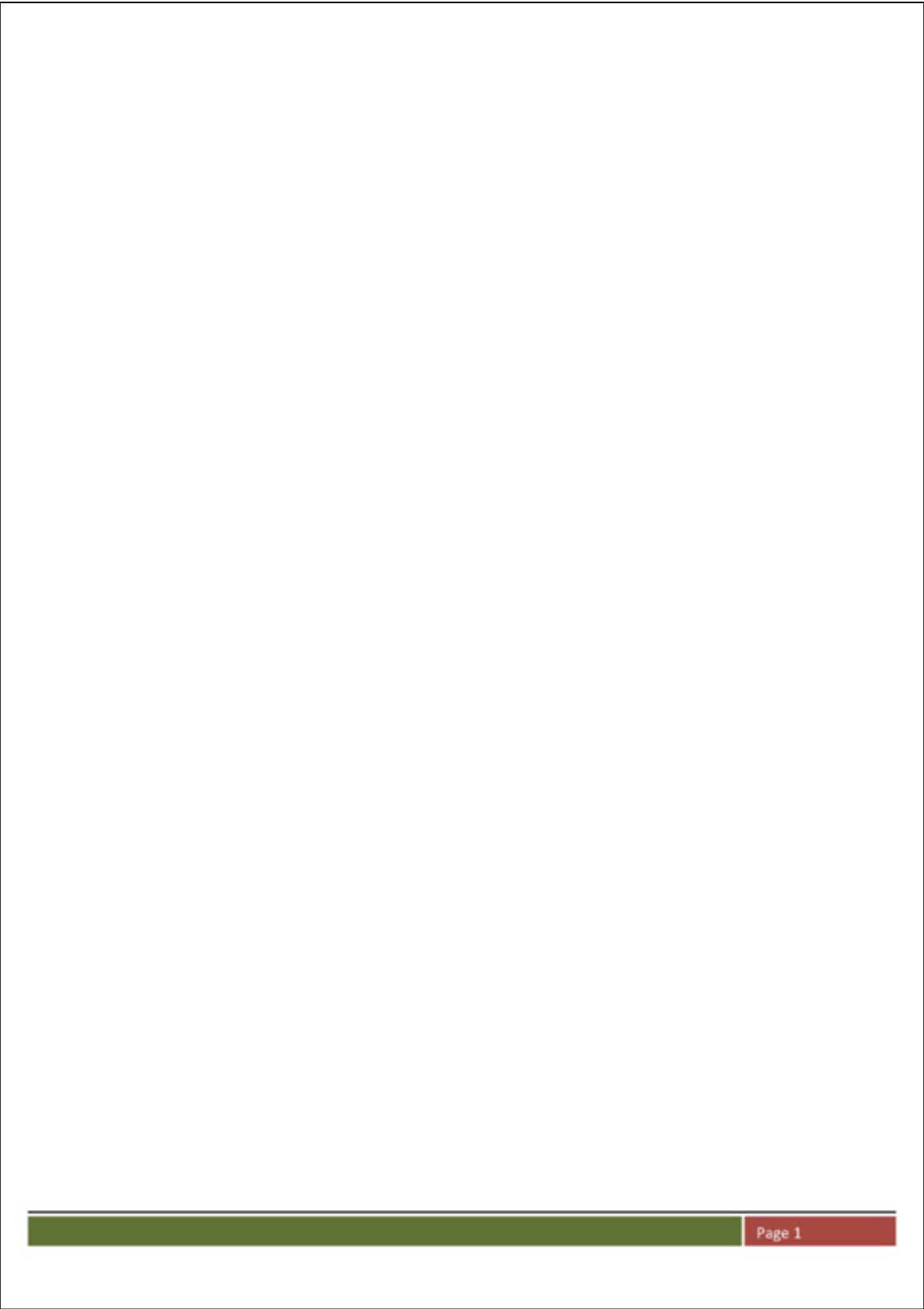
Report Title - Often Asking, Always Telling: The Toronto Police Service and the Sanctuary City Policy, November 2015

**OFTEN ASKING,
ALWAYS TELLING:**

**The Toronto Police Service
and the Sanctuary
City Policy**



November 2015



We humbly acknowledge that our work takes place on traditional territories defended by the Mississaugas of the New Credit First Nation, Haudenosaunee People and the Wendat Nation.

And with deep thanks to those who shared their stories.

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About No One is Illegal - Toronto

Often Asking, Always Telling: The Toronto Police Service and the Sanctuary City Policy is a project of No One Is Illegal-Toronto.

No One is Illegal-Toronto is a grassroots, anti-colonial, migrant justice group with leadership from members of migrant and/or racialized backgrounds. We are an all-volunteer group; none of our organizers are paid.

We are a group of immigrants, refugees and allies who fight for the rights of all migrants to live with dignity and respect. We believe that granting citizenship to a privileged few is a part of racist immigration and border policies designed to exploit and marginalize migrants. We work to oppose these policies, as well as the international economic policies that create the conditions of poverty and war that force migration. At the same time, it is part of our ongoing work to support and build alliances with Indigenous peoples in their fight against colonialism, displacement and the ongoing occupation of their land.

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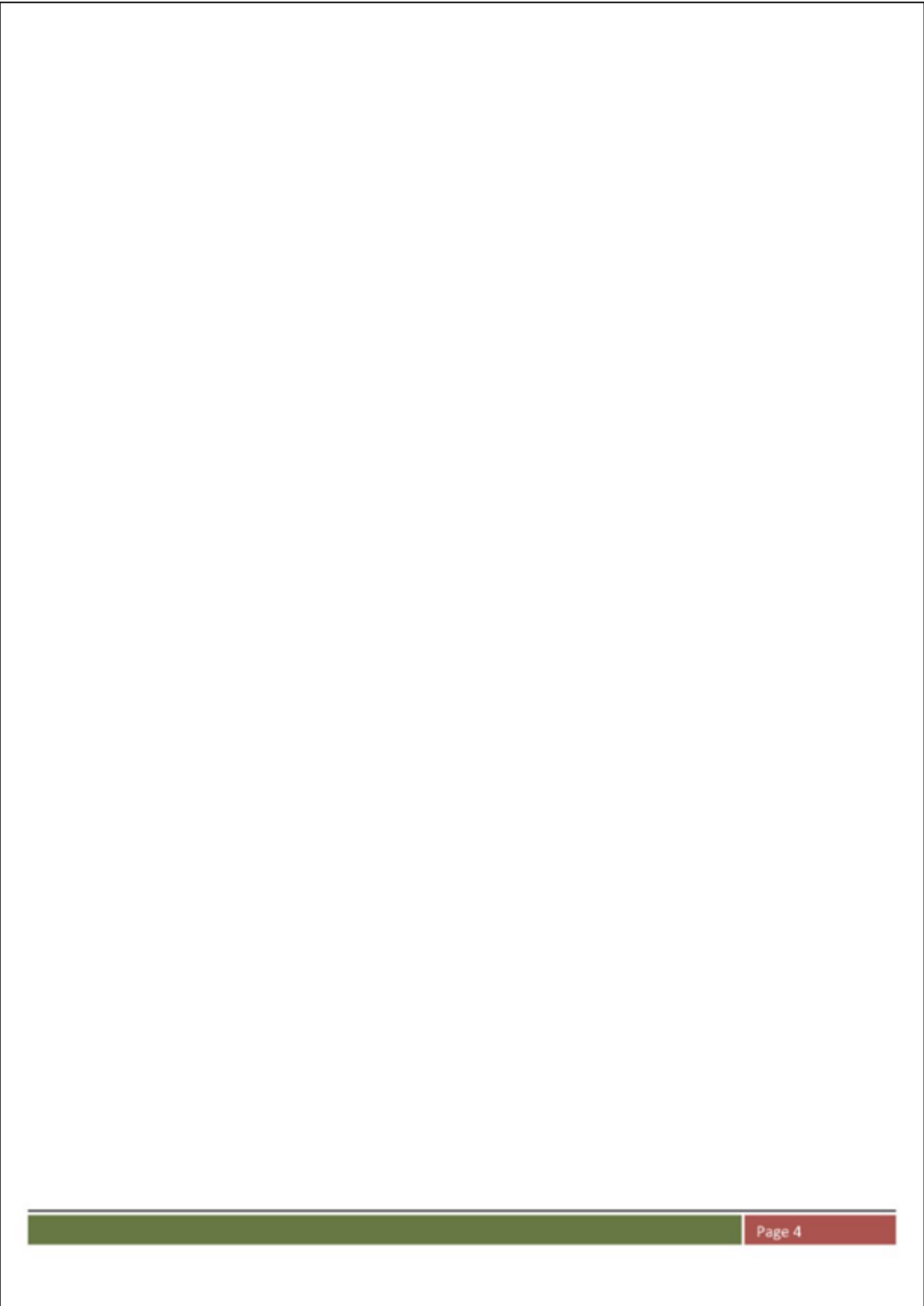
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Executive Summary

This report presents new evidence that the Toronto Police Service (TPS) is not complying with the City of Toronto's Access Without Fear directives and often violates its own partial "Don't Ask" policy.

Since the TPS has only implemented a partial "Don't Ask" policy and remains opposed to a practice of non-disclosure, we hold the position that Toronto police services remain inaccessible to undocumented Torontonians who fear being reported to the Canada Border Services Agency (CBSA), and potentially detained and deported. Data recently obtained through *Access to Information* requests also confirm what many undocumented Torontonians and service providers have been saying for years: that Toronto police officers continue to practice racial profiling to inquire into Torontonians' immigration status, in contravention of their own "Don't Ask" commitment.

We have found that the TPS is the most frequent user of the CBSA's Warrant Response System. Described as "an important component in effecting removal orders" by the CBSA, the call centre is available 24 hours/day, 7 days/week to law enforcement officers who want to inquire whether an immigration warrant exists against a particular individual. In the period for which we have obtained data (part of 2014 and 2015), the TPS is responsible for 31% of all calls made by all law enforcement and transit agencies *across the country*. The TPS inquired more often than the RCMP, and more often than the police services of Montreal, Quebec City, Calgary and Vancouver combined.

The reason for these calls is also shocking. The data provided by the CBSA show that TPS calls were rarely for "database verification." Rather, 83% of all calls were placed to perform a "status check" – to actively seek out information about someone's immigration situation. This troubling information confirms what we already knew: that TPS is not accessible to people with precarious immigration status and actively seeks to identify immigration status of undocumented Torontonians, putting them in danger of indefinite detention without charges or trial or deportation to places where their lives may be at grave risk.¹

¹http://hrp.law.utoronto.ca/utfi_file/count/PUBLICATIONS/IHRP%20We%20Have%20No%20Rights%20Report%20web%20170615.pdf http://hrp.law.utoronto.ca/utfi_file/count/PUBLICATIONS/IHRP%20We%20Have%20No%20Rights%20Report%20web%20170615.pdf

In addition to this data, this report presents new testimonies that contribute to the substantial anecdotal evidence collected over the years that highlight the continued discrepancy between TPS policies and officer practices. We have conducted interviews with people, including a woman who was the victim of intimate violence, a man who found himself witness to a crime and assisted police and a woman stopped for a minor traffic violation. These individuals ended up in immigration detention and threatened with deportation. In light of these testimonies and the new data collecting, we have to conclude that officers are in fact often asking and almost always telling.

This report also presents legal arguments for the addition of a "Don't Tell" component to the TPS policy, finding that there is no legislation or regulation that compels the TPS to disclose information to the CBSA. In the January 19th 2015 report that he submitted to the Community Development and Recreation Committee (CDRC) of the City of Toronto, former Chief Bill Blair claimed that *Ontario Regulation 265/98* compels police officers to share this information. In our view, this is simply not true.² In fact, in order to make his case, Chief Blair had to selectively cite only the parts of Article 5(1) that supported his position, clearly misrepresenting the law and misleading councillors. Article 5(1) states that officers **may** choose to share this information, not that it **compels** them to do so as in the version doctored by the former chief.

In order for the TPS to be in compliance with Toronto's Access Without Fear directive, a comprehensive "Don't Ask, Don't Tell" policy must be adopted. The implementation of a DADT policy is legal and—in the opinion of the Immigration Legal Committee—*recommended* by Ontario law. The provincial government may actually become crucial in realizing this – much like the province was forced to intervene after the TPS and other Ontario municipal police forces refused to reign in carding (or "street checks"), a provincial directive to explicitly prevent police from doing immigration enforcement may be the deciding factor. Racial profiling by police has received enormous media scrutiny during the carding debate – immigration status checks may in fact be one of the most overt (and underreported) forms of racial profiling, and is thus a

² TPSB, *Toronto Police Service: Service Governance Pertaining to the Access to Police Services for Undocumented Torontonians*, TPSB communication with the CDRC, March 12, 2015, p. 6. Online: <http://www.toronto.ca/legdocs/mmis/2015/cd/bgrd/backgroundfile-79357.pdf>

natural extension of the fight for racial justice in our city. For the past decade, the TPS has demonstrated that it is not willing to take the necessary steps required to become an accessible service to *all* Torontonians. Hundreds of cities in the U.S. and across Europe have taken steps to ensure they are safe for all of their residents. The City of Toronto must also move forward with this issue. It's time for City Council to make its police an accessible service and create a true Sanctuary City.

Recommendations

To the City of Toronto

1. Request that the Toronto Police Service come into compliance with Toronto's Sanctuary City Policy (CD 18.9).
2. Specifically, instruct the Toronto Police Service to not compile immigration status information.
3. Request that the Toronto Police Service not communicate with federal immigration authorities or any other agencies to verify immigration status of individuals the TPS comes in to contact with.
4. Request that the Toronto Police Service not arrest for the purposes of immigration enforcement, nor share identifying information about individuals it becomes aware of as being without full immigration status with federal immigration authorities.
5. Until the Toronto Police Services agrees in writing to implement recommendations 1 to 4 and until communities are confident interactions with police won't lead to their detention and deportation, the Toronto Police Service must be removed from all municipal outreach materials that list city services that are accessible to undocumented Torontonians Not only is the listing of the TPS dangerous to undocumented people but it also diminishes the credibility of all other services listed as accessible.

Recommendations

To the Toronto Police Service

6. Expand the Don't Ask policy (*Victims and Witnesses Without Legal Status*) to include all encounters with police.
7. Create a Don't Tell policy, where immigration status information of an individual, if ascertained, would not be shared with CBSA or other federal immigration enforcement bodies voluntarily.
8. Sever any formal cooperation agreements with federal immigration enforcement agencies where it violates City Council's Sanctuary Motion (CD 18.9), including all present and future memorandums of understanding. No such agreements should ever be instated.
9. Remove the CBSA Enforcement and Intelligence Division, CBSA Investigations Tip Line, and Immigration Warrant Response Center phone numbers as well as all immigration-related databases such as Immigration Detainees Management System from Toronto Police Services materials, officers notebooks and databases
10. Ensure that a range of identification is accepted as sufficient to verify identity. This can range from passport, birth certificate or photo ID from country of origin; valid or expired immigration or visa documents; community center, public library, or food bank identification; bank card or tax forms; lease or any bill with place of residence; or a notarized letter.
11. End the practice of 'carding', which arbitrarily puts racialized people in police custody and significantly increases the chance of immigration status being found and disclosed to the CBSA.
12. Cease all communications with CBSA or CIC regarding persons they come in contact with (including but not limited to witnesses, suspects, persons of interest etc.) unless there is a warrant for that person's arrest.

Recommendations

To the Government of Ontario

13. Ban the use of status checks by all police departments in the province.
14. Sever any formal cooperation agreements with federal immigration enforcement agencies, including all present and future memorandums of understanding.
15. Remove the words, '... is under investigation of, is charged with...'
from O. Reg. 265/98, s. 5 (1).

About the Authors

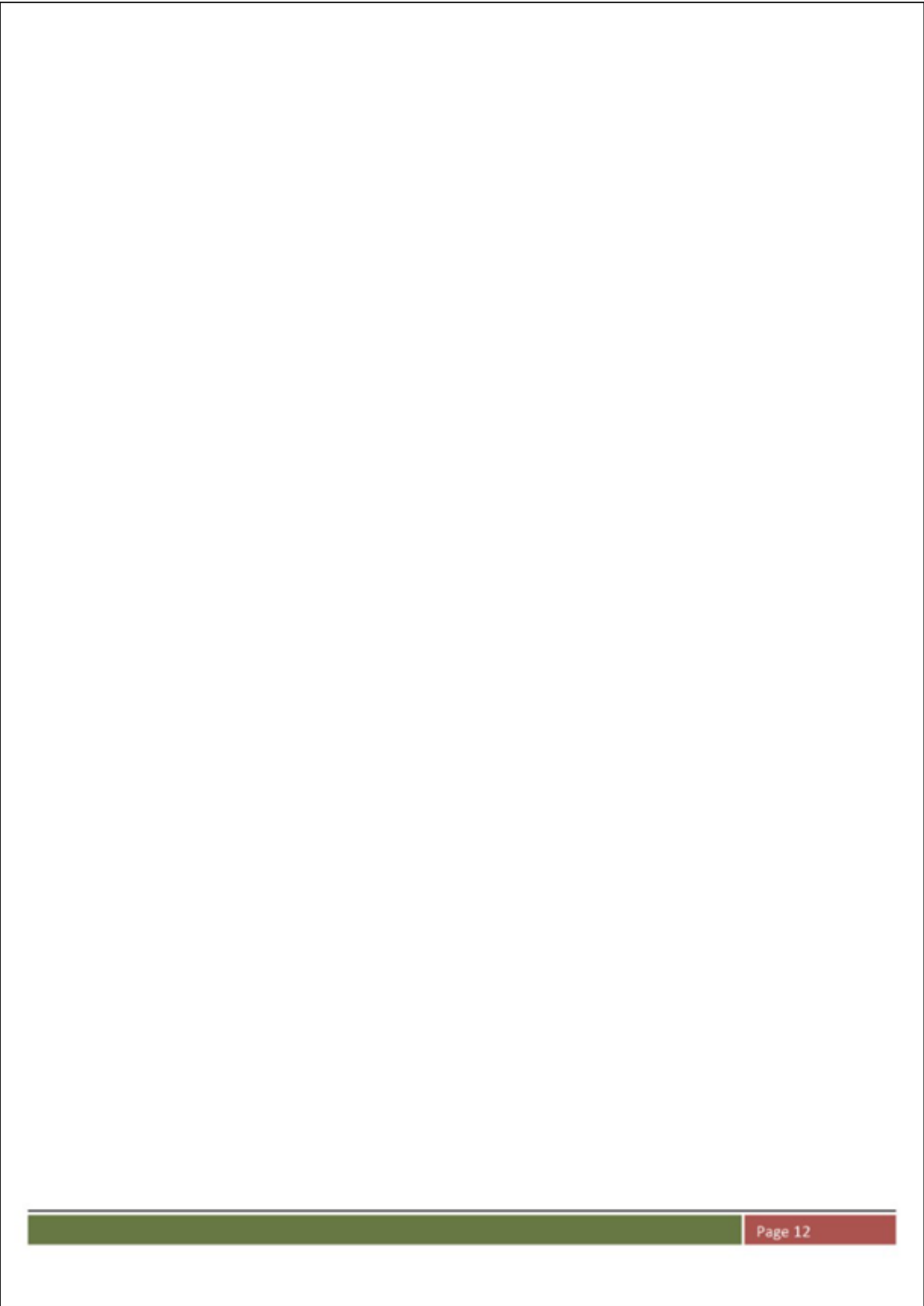
No One Is Illegal - Toronto and **The Immigration Legal Committee of the Law Union of Ontario.**

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List of Acronyms

AWF:	Access Without Fear
CBSA:	Canada Border Services Agency
CDRC:	Community Recreation and Development Committee
CPIC:	Canadian Police Information Centre
DADT:	Don't Ask, Don't Tell
ILC:	Immigration Legal Committee
GTA:	Greater Toronto Area
OPP:	Ontario Provincial Police
RCMP:	Royal Canadian Mounted Police
SCN:	Solidarity City Network
SQ:	Sûreté du Québec
TIHC:	Toronto Immigration Holding Centre
TPS:	Toronto Police Service
TPSB:	Toronto Police Service Board



Background

For over a decade, the Toronto Police Service (TPS) has defended its power to arbitrarily verify individuals' immigration status against countless objections from communities and organizations across the city. This routinized practice of "status checks" – even in encounters unrelated to immigration warrants – virtually excludes the approximately 200,000 Torontonians³ who are undocumented from accessing city services without fear of being arrested, detained, and eventually deported. This report is a response to the continued non-compliance of TPS policies and practices to Toronto's Access Without Fear directive. The City must remove the TPS from the list of accessible municipal services and take the lead in making the police an accessible service to all Torontonians, as per the Sanctuary City policy.

Only in times of intense public and political pressure has the TPS agreed to circumscribe when such status checks may be conducted. In 2008, following public pressure and advocacy, a partial "Don't Ask" policy was implemented.⁴ Victims and witnesses of crime are now supposedly protected from status checks, provided there are no bona fide reasons to ask. In any circumstances in which immigration status is found out, however, there is no "Don't Tell" component to the policy to protect those whose precarious status have been discovered.

Such a response proved to be wholly inadequate. Despite adopting the *Victims and Witnesses without Legal Status* policy, testimonies we have collected over the years show that undocumented Torontonians continue to have their status unduly checked, and these individuals are then handed over to the Canada Border Services Agency (CBSA), detained in the Toronto Immigration Holding Centre (TIHC), and eventually deported.

The partial "Don't Ask" policy has failed to make the TPS an accessible service for two reasons. First, information regarding immigration status often can and does come up, directly or indirectly, in police encounters with victims and witnesses of crime. Immigration status is not always asked for directly by officers. Nonetheless, data obtained of the CBSA

³http://www.thestar.com/news/immigration/2013/08/20/undocumented_immigrants_toronto_may_be_a_sanctuary_city_but_agencies_still_ask_about_status.html

⁴http://www.torontopolice.on.ca/publications/files/victims_and_witnesses_without_legal_status.pdf

through Access to Information requests show that despite the existence of a partial "Don't Ask" policy, the TPS has contacted the CBSA thousands of times in the past six months alone to perform "status checks" (see section: "Evidence of Non-Compliance"). A narrowly defined "Don't Ask" policy is therefore inadequate in creating a police force that can be accessed without fear. Furthermore, without a corresponding "Don't Tell" component, there will remain a high degree of risk and fear for undocumented people and those with precarious status attempting to access the police.

Second, a proper "Don't Ask" policy must be extended beyond victims and witnesses of crime to include all people and interactions with the police not specifically related to an immigration warrant. This includes, but is not limited to, the practice of "carding" by Toronto Police officers. Carding, understood here as a form of street check based on racial profiling,⁵ is an encounter that does not fall under the narrow purview of "victims and witnesses of crime" and therefore leaves undocumented people (who are often racialized) at risk. Community agencies and advocacy organizations that work with undocumented people have reported that racialized clients are routinely stopped and "carded" by police. By limiting "Don't Ask" practices to victims and witnesses of crime, a large segment of interactions with police officers will continue to be exempt from the City's Access Without Fear mandate and "status check" will continue to be performed during "routine" interactions often based on racial profiling.

This report presents a collection of new empirical data and testimonies from victims of what the CBSA calls "status checks" as well as front line service providers. The information presented here demonstrates the lack of accessibility of the TPS to undocumented Torontonians, and details its continued non-compliance with Toronto's Access Without Fear directives.

⁵ Ontario Human Rights Commission Submission to the Ministry of Community Safety and Correctional Services on street checks August 11, 2015: <http://www.ohrc.on.ca/en/ohrc-submission-ministry-community-safety-and-correctional-services-street-checks>

Legal Principles

For a decade now, the TPS has been resisting the implementation of an Access Without Fear or "Don't Ask, Don't Tell" policy. In the absence of an immigration warrant, no law prevents the implementation of a full "Don't Ask, Don't Tell" policy, only a lack of political will.

According to the Immigration Legal Committee (ILC):

- Police have no legal duty to disclose immigration status to federal officials;
- In most cases, police disclosure of immigration status likely conflicts with certain duties under the *Police Services Act, (PSA)* as well as with provisions of the *Victim's Bill of Rights*, the *Ontario Human Rights Code*, the *Canadian Charter of Rights and Freedoms*, and a number of international legal instruments.⁶

The TPS has been resisting this legal argument, but the weakness of its claim is becoming evident. Forced to respond to allegations that its officers inquired and shared information about the immigration status of people with whom they interact, including victims and witnesses of crime, the TPS first argued in 2005 that "the Police are bound by law to enforce the provisions set out in the Immigration and Refugee Protection Act" and that "no changes to the Rules, Procedures or Policies of the Toronto Police Service was required."⁷

Nonetheless, on May 18th 2006, the TPSB approved a policy requesting the Chief to develop a "Don't Ask" policy that would prevent the police from inquiring about the immigration status of victims and witnesses of crime without bona fide reasons to do so. In February 2007, the TPSB approved the TPS official proposal for the *Victims and Witnesses without Legal Status* policy, but decided to reopen the discussion about the feasibility of a "Don't Tell" component just a month later, in March 2007.⁸

⁶ Immigration Legal Committee, *Police Services: Safe Access for All. Legal Arguments for a Complete "Don't Ask, Don't Tell" Policy*, report presented to the TPSB, May 2008. Online:

<http://toronto.nooneisillegal.org/node/567>

⁷ TPSB, minutes of the August 11, 2005 meeting, p.7. Online:

<http://www.tpsb.ca/FS/Docs/Minutes/2005/>

⁸ TPSB, minutes of the March 22, 2007 meeting, p.146-149. Online:

http://www.tpsb.ca/FS/Docs/Minutes/2007/orderby_4/page_2/

The final version of the TPS policy approved in 2008 does not include a "Don't Tell" component.

Most recently, as a result of the adoption of the motion on the Access to City Services for Undocumented Torontonians in June 2014, the TPS has been required to review its policies to ensure that it complies with the City policy. In the January 19th 2015 report that he submitted to the Community Development and Recreation Committee (CDRC) of the City of Toronto, former Chief Bill Blair misrepresented the law in an attempt to convince councillors that officers who find out about an immigration violation have a duty to report it.⁹ **This is simply not true.**

What Toronto Police Claims the Law Says

"If, during an investigation, a police officer discovers that an individual is under investigation for, is charged with, or is convicted or found guilty of a an offence [...] subsection 5(1) of the Ontario Regulation 265/98 entitled *Disclosure of Personal Information*, made under the *Police Services Act* **compels** the officer to disclose any personal information about the individual to:

- (a) any police force in Canada;
- (b) any correctional or parole authority in Canada; or
- (c) any person or agency engaged in the protection of the public, the administrative of justice or the enforcement of or compliance with any federal or provincial regulation or government program. [...]

As such, **police officers would be in contravention of Ontario Regulation 265/98** if they do not share information about these individuals

Here, Chief Blair eliminated the wording in the legislation that does not support his argument in order to present the *Ontario regulation 265/98* as *compelling* officers to disclose immigration status to the CBSA or any other police service, law enforcement body, or person/agency engaged in the protection of the public. However, *Ontario Regulation 265/98* specifically states that officers **may** disclose information about an

⁹ TPSB, *Toronto Police Service: Service Governance Pertaining to the Access to Police Services for Undocumented Torontonians*, TPSB communication to the CDRC, March 12, 2015, p. 6. Online: www.toronto.ca/legdocs/mmis/2015/cd/bgrd/backgroundfile-79357.pdf

individual under certain circumstances, never that they have a duty to do so.

What the Law Actually Says

5. (1) A chief of police or his or her designate **may disclose** any personal information about an individual if the individual is under investigation of, is charged with or is convicted or found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or any other federal or provincial Act to,

- (a) any police force in Canada;
- (b) any correctional or parole authority in Canada; or
- (c) any person or agency engaged in the protection of the public, the administration of justice or the enforcement of or compliance with any federal or provincial Act, regulation or government program.

O. Reg. 265/98, s. 5(1).

The Police Chief's claim misrepresents the law. As Karin Baqi, a lawyer with the South Asian Legal Clinic of Ontario and co-author of the 2008 ILC legal opinion explains: "The language is *may*, not *should*; the law is clear that officers do not have to disclose this information." Considering what he chose to omit in order to push his interpretation, it is hard not to conclude that Chief Blair attempted to mislead the TPSB and City councillors.

Section 5(1) of the *Ontario Regulation 265/98* also indicates that officers may only disclose personal information "if the individual is under investigation, is charged with, or is convicted or found guilty of" a number of offences. It does not authorize them to share information about victims and witnesses of crime, nor about any individual who is "carded" or otherwise stopped on the street while not being directly under investigation. Finally, even for individuals about whom police officers are authorized to disclose information, Section 6 of *Regulation 265/98* specifies that they have to use their discretion to decide what is reasonable and consistent with the public interest.

6. In deciding whether or not to disclose personal information under this Regulation, the chief of police or his or her designate shall consider the availability of resources and information, what is reasonable in the circumstances of the case, what is consistent with the law and the public interest and what is necessary to ensure that the resolution of criminal proceedings is not delayed.

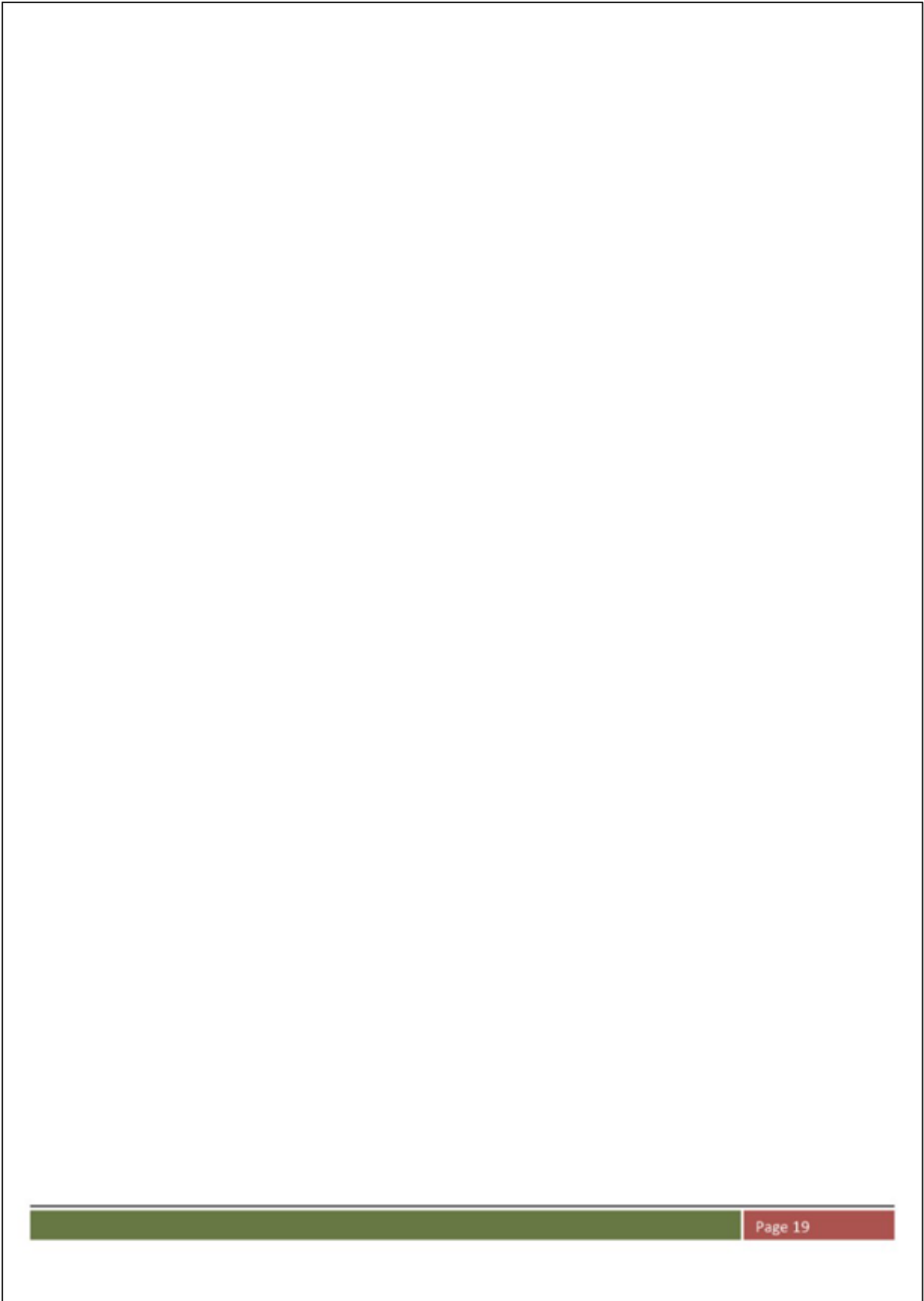
O. Reg. 265/98, s. 6.

Macdonald Scott, an immigration consultant at Carranza LLP, notes that "disclosing immigration information will not protect the public, will not protect victims of crime, will not help keep victims informed of the correctional processes relevant to the crime that affected them," but instead "throws the profile of law enforcement into disrepute in migrant communities."

There is therefore no stated obligation to request and/or disclose information about an individual's immigration status, contrary to what the TPS has been saying for years. In his recent report submitted to the TPSB on September 17th 2015, Chief Saunders acknowledged that under *Ontario Regulation 265/98*, the TPS only has "the power to disclose personal information" in certain circumstances.¹⁰ His report suggests, however, that the TPS will continue to keep and use this power, despite the fact that he cannot make a compelling legal case against a "Don't Tell" component and the fact that this practice unnecessarily puts undocumented people and those with precarious status at risk in *every encounter* with the TPS.

Torontonians and their representatives are entitled to decide whether or not this power should be exercised and set criteria and guidelines on such power to make sure that it does not contravene the Access Without Fear principles of the Sanctuary City policy. The addition of a "Don't Tell" component to the TPS policy is compliant with the law, and, in the ILC's opinion, encouraged by Ontario law. The only limits to the TPS's implementation of a full "Don't Ask, Don't Tell" policy is a lack of political will. Beyond *actually* implementing its "Don't Ask" policy, the TPS also needs to develop and implement a comprehensive "Don't Tell" component. Without a full "Don't Ask, Don't Tell" policy, the TPS will remain an inaccessible service, which runs contrary to the City's Access Without Fear directives.

¹⁰ TPSB, "Access to Police Services for Undocumented Torontonians", *Public Meeting Agenda*, September 17th 2015. Online: www.tpsb.ca/documents/agendadoc.pdf



Evidence of Non-Compliance

Individuals and organizations working with undocumented Torontonians have been reporting collusion between the TPS and the CBSA for years. In July 2004, a 16-year-old woman from Grenada who had reported an assault to the Toronto Police was handed over to immigration enforcement. This and other cases around the same time fuelled a rising public pressure that would force the TPSB to recommend a "Don't Ask" policy in 2006.¹¹ Over the years, No One Is Illegal -Toronto has collected many testimonies demonstrating that the TPS regularly inquires into racialized individuals' immigration status and reports it to the CBSA. The final adoption of the *Victims and Witnesses Without Legal Status*, or "Don't Ask" policy, by the TPS in 2008 did not change that. Unfortunately, these stories are still around today, and we feature some recent ones in this report. In addition to these numerous testimonies, we now also have new quantitative data to show the extent that the TPS "often asks, and always tells."

Status Checks, Suspicion and Racial Profiling

In his August 12th 2015 report to the TPSB¹², Chief Saunders stated that "the Toronto Police Service does not maintain statistics on persons reported to the CBSA." He added that "the general occurrence and arrest reports do not contain a field to record this information, so it is not possible to search for this information." This clearly limits oversight into police practice, and the lack of internal information makes it easy for the TPS to claim that it complies with the Sanctuary City policy. However, we obtained CBSA data through *Access to Information* requests that suggests otherwise.

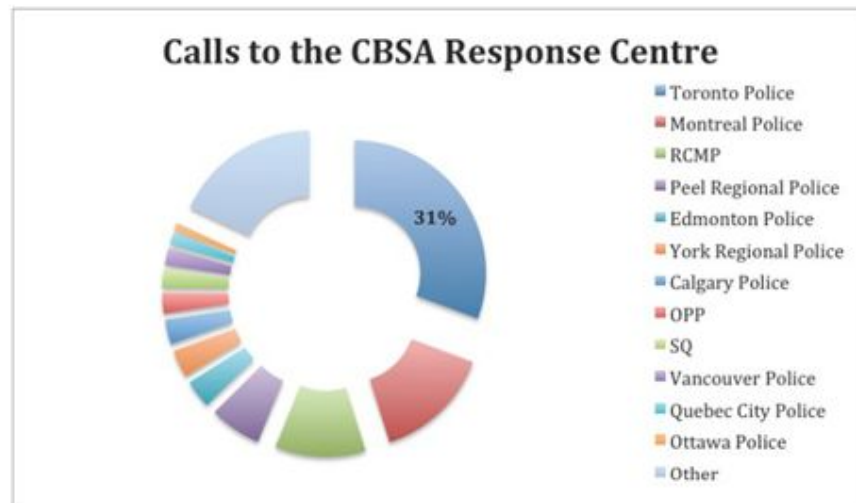
The CBSA claim that "the process to add an immigration-related warrant to the CPIC [Canadian Police Information Centre] system is cumbersome and leads to delays in warrants being transferred to CPIC." In an attempt to streamline this process, the agency runs a Warrant Response Centre, which it describes as "an important component in

¹¹ On early cases, see the Solidarity City Network (<http://solidaritycity.net/victories-to-date/>). For a summary of the beginning of the mobilization for the implementation of a DADT for the TPS, see Deshman, Abigail. 2009. "To Serve and to Protect Fewer: The Toronto Police Services' Policy on Non-Status Victims and Witnesses of Crime", *Journal of Law and Social Policy* 2(1): 209-235.

¹² TPSB, minutes of the September 17, 2015 meeting, p.16. Online: <http://www.tpsb.ca/FS/Docs/Minutes/2015/>

effecting removal orders.”¹³ This call centre is available 24 hours a day, 7 days a week to law enforcement officers who want to inquire whether an immigration warrant exists against a particular individual. According to the CBSA, it usually receives between 16,000 and 20,000 requests per year.

In the nearly eight months between November 4th 2014 and June 28th 2015 for which we have obtained data, 10,700 calls were made by all Canadian law enforcement agencies to the CBSA, 4,392 of which were made from the Greater Toronto Area. The TPS made 75% (3,278) of all calls from the GTA. In fact, calls made by the TPS to the CBSA constitute 31% of the total calls made by all law enforcement and transit agencies *across the country*. With its 3,278 calls, the TPS made more calls than the RCMP (1,197), and more calls than the police services of Montreal, Quebec City, Ottawa, Calgary, Edmonton, and Vancouver combined (2,729). The data show that the TPS is the most frequent user of what the CBSA calls an “important component in effecting removal orders” in the country.



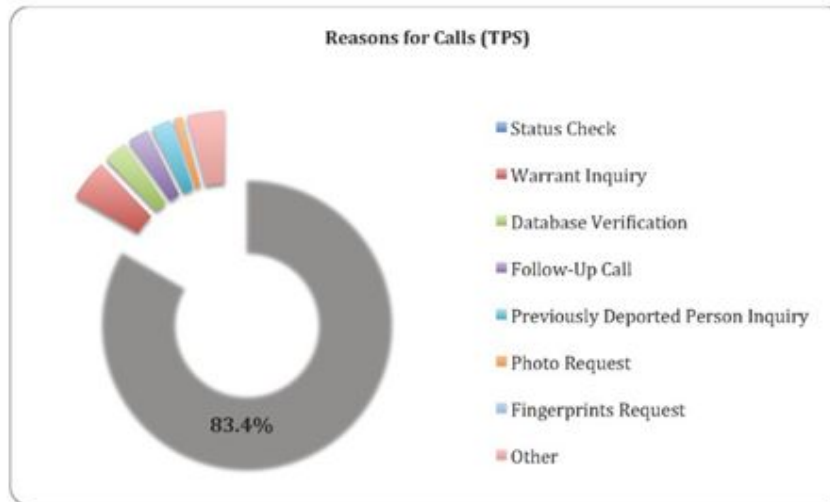
Source: Data obtained with the CBSA through an ATIP request. Data from Nov. 4, 2014 to June 28, 2015.

The CBSA also keeps statistics about the reasons law enforcement officers call. When officers notice that an immigration warrant has been

¹³ CBSA *Detentions and Removal Programs - Evaluation Study*, November 2010. Online: (www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/ae-ve/2010/dr-rd-eng.html)

uploaded to the CPIC, they may call to verify that the information is valid. This is classified as a "warrant inquiry" or "database verification."

Yet, the most important reason for calling is not, in fact, to confirm the validity of a warrant. The CBSA listed "status checks" as the most common reason. Across the country, "status check" is the reason for 72% the calls, a proportion that rises to 83.35% in the case of the TPS. This shows the consistent practice of "asking," that is, inquiring about the immigration status on an individual even when no immigration warrant appears on the CPIC. Indeed, the CBSA call centre procedures explain that a call should be filed as a "status check" when "law enforcement officers [...] call to verify the immigration status of a subject because they have a suspicion a subject may not have legal status in Canada and therefore may be of interest to CBSA" or when they call "to confirm the status of a subject they have in custody." It is therefore a practice informed by a mere suspicion about an individual's immigration status that often relies on racial profiling.



Source: Data obtained with the CBSA through an ATIP request. Data for several months from Nov. 2014 to the time the request was processed in the fall of 2015.

The broad criterion of "officer suspicion" is fertile ground for the practice of racial profiling. This is not a matter of a few exceptional circumstances of certain individual officers, but instead a *systemic problem in policing*. "Suspicion" in this context often relies on the racist equation of Black people and other racialized individuals with criminality and non-citizenship. Combined with the concentrated police presence in Black and racialized communities which itself is based in such racist suspicions, "status checks" illegally and disproportionately target people because of their race.

As well, checking the status of someone the TPS is holding in custody for a transgression unrelated to immigration is similarly based in the same racist assumptions that fuel racial profiling. Once again, calls in such circumstances are *not* "warrant checks," but arbitrary "status checks" fuelled by officer suspicion. By being arbitrarily subjected to immigration enforcement on top of the criminal justice system, undocumented Torontonians are therefore subject to *double punishment* by the TPS. Such practices are in absolute contravention of *both* the partial "Don't Ask" policy adopted by the TPS as well as the City's Sanctuary City status.

Indeed, the data suggests the TPS not only shares information regarding undocumented Torontonians' immigration status with the CBSA (as the numerous testimonies we collected and cases we've supported over the years reveal), but officers also actively contact this agency to inquire about the status of whomever they encounter. More concerning, however, is the clear link between "status checks" and officer suspicion. Judging by the numerous testimonies and case work we have done over the years, along with the growing concern over police practices of "carding," Black and racialized individuals are clearly subject to more intensive police investigation and surveillance. Given the frequency of the deeply embedded practice of racial profiling and its link to the numerous calls made based on an officer's suspicion of criminality and non-citizenship, we must conclude that the TPS are not by any means an accessible service to Black and racialized groups with precarious or no status in Toronto.

Testimonies and Cases

For the last decade, the TPS has assured the public that it is an accessible service. This has continued in the face of a decade of community efforts and personal testimonies attesting to the stark contrast between the TPS "Don't Ask" policy and the practices of its officers. The TPS has continually been informed that such instances occur through various means, but solicited or unsolicited community input has been routinely ignored or the problems they raised have been minimized as "exceptional circumstances." This is simply not the case. The testimonies shared in this report form the most recent addition of years of stories that have been brought forward to the TPS, and demonstrate the need for a radical change in its policies and practices.

No One Is Illegal-Toronto regularly receives stories from people who cannot access the police without fear of detention or deportation. Most recently, we interviewed a man who was subject to the very practices the police claim to have ceased (see Testimony 1). He was a witness to a crime against someone close to him, but his status was checked while he was aiding the police in their investigation. After finding out he was undocumented, the TPS turned him over to the CBSA who detained him for almost three months. He was then forced to fight (successfully) his pending deportation in federal court. This man has lived in Canada for almost ten years, and has a wife and child. Despite all this, the officers ran his name and kept him in the police station until CBSA authorities arrived. The result was a man taken away from his wife and newborn child, extensive legal fees, and a now embedded distrust and fear of the police. As he explained:

"To tell you the truth if I could do it all over again, I would do it differently ... if I see someone getting killed on the road, I'm not going to say nothing to the police. I told my wife straight up I'm not going to report it. And I'm going to put that in my kid's head, even though my kid is Canadian, I'm gonna tell him: sorry for whomever but whenever you see something, someone getting killed, doing something bad, shut your mouth and don't say nothing to the police.

Testimony 1

Name: Jared

Age: Mid-20s

Region of Origin: Caribbean

Time in Canada: Almost 10 years

Family: Married with a child

Interview conducted: September 20, 2015

Summary:

- Witness of a crime, gave statement at police station, turned over to CBSA. No criminal history.
- Detained by CBSA in the summer of 2015

I called the police around 11:30 PM. Upon arrival they asked for my ID and they wrote down my details. They asked if I would be willing to come down to the station for some questioning to help with their investigation – my friend had been shot. Because I knew the victim of the crime I immediately said yes even though my immigration status crossed my mind.

At the police station, I gave a statement with all the details. I had to two officers and answered all their questions. They thanked me for my assistance and took me out to the waiting area, where they asked me if I would like a ride back to where my car was parked. I accepted their offer as my car was a long walk away.

I was waiting in the lobby for a long time so I asked if the officer who I had just dealt with could be called. I was told to wait for another minute, and that the officer was on his way. Eventually the officer appeared, accompanied by another officer dressed in a suit, with a paper in his hands. They asked me to come into a room for a moment.

When I sat down they told me that they had run my name and discovered that there was an immigration warrant out for me. I immediately broke down in tears because I knew what that meant. Two more police officers in suits came and sat in the room with me. I think they thought I might have run. The officer who had brought the paper said that he had spoken to CBSA and they were sending over two of their officers. He said that the bad news was they have to take me with them to detention but that the good news is I would be released on Monday. This all happened on Thursday night, Friday morning. He said you'll see the judge on Monday and be out promptly because we've already told him you're cooperating with us and helping with the investigation.

That wasn't to be the case. I spent two and half months in an Immigration Holding Centre. I was on the verge of being deported and then had to pay a lot of money to fight it in federal court just to be out."

Part 1 of 2

Despite what they had said, the police weren't cooperating with CBSA to help me once I was in detention because what a CBSA officer told me was that the police is not helping you at all because we asked them for a specific document related to serious crimes, saying that you're needed for the case and they didn't send it. Despite further attempts the police never responded to the request. I was told the deportation had to go ahead because the police weren't helping my case. The CBSA officer's boss told him, to hell with it, deport him, because they're [the police] not doing anything to help him so why should we? Send him home.

The CBSA officer told me he later found out that the police officer that I had originally dealt with had been removed from the case and a new officer had been assigned. Even my relative, the victim of the crime, was trying to pressure them to send the note required. However he was told that the police had more serious cases to deal with, that he had only been shot, and was lucky to be alive. That's what they told my cousin. You just got shot. Just shot. So getting shot is not nothing serious. When I heard this I told him, it's cause we're black. If we were white, number one I wouldn't be in here, and number two they would've already caught the guy.

Were you given any indication of why they ran your name?

They just came out with the paper and said we ran your name and found there was an immigration warrant out for you. I don't believe they ran my name while I was in the questioning room giving my statement. I'm sure it was while I was waiting in the lobby to be driven back to my car. The ridiculous thing is I could've just got up and walked out the door and gone back to my car myself.

As a witness of a crime, what was the experience like to then end up in immigration detention?

To tell you the truth if I could do it all over again, I would do it differently. Number one, I wouldn't go into the police station to give my statement. It made me so angry afterwards. I now always say to my wife, if I see someone getting killed on the road, I'm not going to say anything to the police. I told my wife straight up I'm not going to report it. And I'm going to put that in my kid's head. Even though my kid is Canadian, I'm going to tell him to be sorry for the victim but whenever you see something, someone getting killed, someone doing something bad, shut your mouth and don't say anything to the police. Just come home, tell me, we'll keep it between us but never ever go to the police and say anything.

I really regret what happened. I'm sorry my relative had to go through that tough thing but I regret helping with the investigation. I'll never ever ever go to the police again, even for the smallest thing. I'll never ever tell them something that has happened. I'll never report anything to the police.

Part 2 of 2

Just come home, tell me, we'll keep it between us but never ever go to the police and say nothing ... [Reporting on a crime as a witness] was one of my biggest regrets. I'll never ever go to the police again, even for the smallest thing, I'll never tell them something that happened. I'll never report anything to the police"

To reiterate, this is not an isolated incident. The second testimony offered below – which has been shared anonymously on multiple occasions in the fight for a full TPS "Don't Ask, Don't Tell" policy – concerns a survivor of domestic abuse. She has been in Canada for three years and was seeking trauma counselling. Not understanding the severe precarity of being non-status and accessing the police, she was consistently pushed by her councillors to report the assault. When she did, her and her community were shocked to find that the TPS immediately began investigating her immigration status and notified the CBSA, who quickly filed a removal order. After public outrage and legal action, her removal was blocked a day before it was scheduled. Beyond the injustice of having her status arbitrarily checked by the TPS, she remained detained during her trial against the perpetrator and was not allowed to testify, leading to the charges eventually being dropped. This story opened up the space for many others to come forward with similar experiences and launched the initial push for a comprehensive "Don't Ask, Don't Tell" policy; which was then only partially adopted by the TPS.

In the third testimony contained in this report, a woman was stopped by the TPS for failing to come to a complete stop at a stop sign. The police officer aggressively questioned the woman who did not have any identification with her. After repeated and escalating questions, the officer asked point blank if she was "illegal," to which she broke down and admitted being in the country without status. Such questioning and assumptions is exemplary of the numerous cases of racial profiling and 'carding' by TPS officers. She was handed over to the CBSA and detained with her 7 year old daughter, to eventually be deported. Her removal order was stayed due to health issues concerning her daughter, who would not receive the treatment she required in Haiti – the country she fled. The routinized occurrence of such instances of racial profiling, status checks, and enforcement of immigration law where it is irrelevant to the encounter:

Testimony 2

Name: Anonymous

Age: Late teens

Region of Origin: Grenada

Time in Canada: 3 years

Family: Single

Interview conducted: October 3, 2015 with frontline service provider in the shelter sector. With the consent of the affected person, they presented the details of the case.

Summary:

- Victim of crime, encouraged to report to police by trauma counsellors, handed over to CBSA
- Detained by CBSA in 2004; released after last-minute federal stay of deportation after enormous anti-VAW and refugee advocate uproar

This victim has agreed to share her case once again. After being assaulted by a partner in 2004, after fleeing domestic violence as a refugee in 2001, she was fearful of reporting her perpetrator to the police for fear of having her lapsed status reported. After a considerable amount of prodding from trauma counsellors, who couldn't foresee her immigration status being a priority for police interested in investigating a serious assault case, she agreed to report the assault to police. She, and her community of support, were shocked when the police immediately investigated her immigration status, and promptly handed her over to CBSA, who filed a removal order shortly thereafter.

Her deportation was blocked by federal courts days before she was set to be deported, thanks to the skilful intervention of anti-VAW immigration lawyers that framed the very real threats to her life in the place she had fled. This was not before she was unable to testify against her perpetrator in court - she was held in immigration detention on the day of the trial, and the perpetrator saw all subsequent charges dropped. This spurred an interest in collecting similar stories from around the city, where victims and witnesses of crime were being put at enormous risk of deportation if they were to cooperate with police investigations against their perpetrators or crime they had witnessed. In 2006, this led to a series of deputations that was resisted by then Chief of Police Bill Blair, but which gained at least partial traction.

Part 1 of 2

"Invokes fear in Toronto that the police operate with a completely arbitrary and discretionary power when it comes to immigration checks ... this ability to check immigration status (and hand people over to CBSA accordingly) without reason must be stopped through a forcefully applied ban on such information gathering and sharing."

Such examples are not simply "poor judgments" by officers who otherwise respect the partial "Don't Ask" policy. As our data above suggests, inquiring as to the immigration status of people they interact with continues to be a pervasive practice.

Front-line service providers have countless stories of their clients' status being unnecessarily checked or put in immigration detention after encounters with the police that were unrelated to issues related to immigration. We have recently been informed of a client experiencing a mental health crisis at a shelter, and once the police arrived the client's status was divulged and the person was handed over to the CBSA, detained, and eventually deported. Another service provider shared that a client who was also experiencing mental health issues was, again, subject to an immigration status check when the TPS ran the client's name for prior diagnoses. This client was taken to the hospital, released into the custody of the CBSA, detained and deported.

Macdonald Scott (Carranza, LLP), an immigration consultant, works on many cases every year related to TPS-CBSA collaboration. In one particularly instructive example, Scott outlines that a Latin American client of his was profiled by police officers claiming to locate a "drug dealer" in the area. Scott explains: "He was picked up by plain clothes cops, not told what was going on, thrown into a regular car to the floor, kicked and beaten." Following this police misconduct, CBSA was contacted:

"After he stewed at 51 division for a while, they realized they did not have the right person. They did a Canadian Police Information Centre check on him and discovered an immigration warrant, and he was transferred to CBSA custody at the Toronto Immigration Holding Centre. A pre-removal risk assessment request was filed, but

The police claimed they were compelled to run the individuals name for "advice" reasons with CBSA. This is the case that launched the 2006 campaign to have the police develop an internal "Don't Ask, Don't Tell" policy. The compromised policy that was eventually developed with respect to this landmark case stopped short of a holistic "Don't Ask, Don't Tell," leaving us where we are now, with a "Don't Ask" component that leaves far too much discretion with police on when to call immigration. As seen in the first testimony, fear of police is at an extremely high level in Toronto's racialized communities, and not only for the reasons that residents with immigration status fear - police can, as they did in this case, turn people attempting to seek justice from perpetrators into deportees.

Part 2 of 2

when we filed a civil action, the assessment was processed (extremely quickly) and denied, and the client deported, killing the civil action."

Considering this instance of police misconduct, it appears that the immigration status check and prompt deportation may have been used to cover these bad practices. This client was not a victim or a witness of a crime, but of racial profiling, and therefore not protected by the partial "Don't Ask" policy of the TPS. Subsequently, the TPS consciously sought to hand over the individual to the CBSA to stop the civil action they were taking.

What these testimonies, along with nearly a decade of similar stories, reveal is the continued lack of accessibility of the TPS for undocumented people and those with precarious status. Not only is there a stark contrast between TPS policy and officers' practices, but the partial "Don't Ask" and lack of "Don't Tell" policies also remain wholly inadequate. TPS policies and practices therefore continue to put people with precarious or no status at serious risk of indefinite detention criticized by the United Nations, and deportation. The TPS currently does not adhere to the City's Access Without Fear directives and therefore should be immediately removed from all City outreach materials. Not only does this mislead people who are undocumented or have precarious status into a false sense of safety in accessing the police, it in fact calls the accessible character of all other services on the list into question for those fearing for their lives and the lives of their families. Any new TPS policy must be reflected in officers' practices to ensure communities are confident interactions with police won't lead to the detention and deportation of their loved ones. Until then, the TPS stands in contravention of Toronto's status as a Sanctuary City and its Access Without Fear directives and should be removed from the list of accessible services.

Testimony 3

Name: Anonymous

Age: Mid-20s

Region of Origin: Haiti

Time in Canada: 6 years

Family: Single mother with 7-year old daughter

Interview conducted: October 3, 2015 with frontline service provider in the shelter sector. With the consent of the affected person, they presented the details of the case.

Summary:

- Stopped for minor traffic violation, arrested and scheduled for deportation
- Detained by CBSA in 2011 with her 7-year-old child; released after last-minute federal stay of deportation resulting from community mobilization

This woman has also agreed to share her story on condition of anonymity. She was driving in Toronto in 2011, when she was pulled over by a police cruiser for not having come to a complete stop at a stop sign. After being aggressively questioned for identification and failing to have any with her, the police officer asked her right away if she was "illegal" and she finally disclosed that she was indeed in the country irregularly. Her refugee claim was one of thousands of Haitian cases that had suspiciously failed. The coercive questioning and officer implications through omission are unusual for such a minor traffic violation. This is what could be considered a classic case of racial profiling that would need explicit policy to address: the police officer had no reason except racialized suspicion to check her status with immigration enforcement. The woman had no criminal background, and had been pulled over for an exceedingly minor traffic violation. These types of stories spread quickly through our communities, reinforcing the gap between racialized communities and the police.

She was detained at the Toronto Immigration Holding Centre in Rexdale, along with her 7-year-old child for weeks before being released on bail. Her removal order was stayed due to her child's medical conditions, which could be treated here but not in her country of origin.

Part 1 of 2

The police were incredibly silent on their role in landing this woman and her child in immigration detention, at huge risk of deportation. Because other channels were being followed to fight for a successful Humanitarian and Compassionate leave application - which granted the woman and her child permanent residency - this did not become a major media event at the wishes of the family. This invokes fear in Toronto that the police operate with a completely arbitrary and discretionary power when it comes to immigration checks. In tandem with policies such as carding, which effectively lead to questioning residents without reason, this ability to check immigration status (and hand people over to CBSA accordingly) without reason must be stopped through a forcefully applied ban on such information gathering and sharing. Only a holistic and simple Don't Ask, Don't Tell policy is able to rebuild some trust with many of Toronto's communities.



Conclusion

We investigated the extent to which the TPS follows the Access Without Fear directives set forth in the City of Toronto's Sanctuary City policy. We found that current TPS practices violate the Sanctuary City principles adopted by City Council in 2013. There is evidence that undocumented Torontonians cannot reasonably trust that they can access the services of the Toronto Police without fear of reprisal - indefinite immigration detention and deportation to places where their lives may be at risk - due to their immigration status.

As such, we recommend that the TPS be immediately taken off the list of City services claimed to be accessible to undocumented Torontonians. This is necessary in order to protect our neighbours, our co-workers, and our loved ones who live in this city with precarious immigration status. This should be a temporary measure as we work toward rendering the TPS accessible to all Torontonians.

Despite the existence of a partial "Don't Ask" policy, we have evidence that the TPS regularly inquires into the immigration status of Torontonians with whom they interact. Data obtained through Access to Information requests show that the TPS often reaches out to the CBSA to seek this information in the form of 'status checks'. We demand that the TPS honour its commitment as defined in the *Victims and Witnesses without Status* policy and expand its "Don't Ask" guidelines to anyone who is not the subject of an active investigation. The practice of inquiring about one's immigration status while performing routine street checks or 'carding' adds to the discredit of this discriminatory practice. Carding and 'random' questions about one's immigration status are practices based on racial profiling and must stop altogether.

In order for the TPS to comply with the City's access without fear principles, it must implement a "Don't Tell" component. As many of the testimonies we received indicate, without a "Don't Tell" policy, undocumented Torontonians are at risk of detention and deportation when they contact police. This is the case even for victims and witnesses of crime, since police often find out about immigration status even when not asking directly. We argue that the legal analysis presented by the Immigration Legal Committee in 2008 is still valid and that there are no legal limits to the adoption of a "Don't Tell" policy. Chief

Saunders recently acknowledged that this is the case, arguing that police officers have a legal "power" to share information, not an obligation to do so.

It is therefore not a legal obligation but a lack of political will that has prevented us from ensuring that the TPS is in compliance with the City's Access Without Fear directive, which requires a comprehensive "Don't Ask, Don't Tell" policy. More than 350 cities and counties in the United States have adopted policies allowing for various forms of noncompliance with immigration enforcement. In a time when distrust of police is growing in Toronto's Black and racialized communities, the TPS gains nothing in pretending that carding and collaboration with CBSA are legal and necessary policing tools. They are not. It's time for the TPS to stop these attacks against immigrant and racialized communities and acknowledge these practices are hurting Torontonians. It's time for City Councillors to force the TPSB to take this policy seriously. It's time that **all** municipal services are made accessible to all Torontonians so that Toronto can become a true Sanctuary City.



Canada Border
Services Agency

Agence des services
frontaliers du Canada

JUL 24 2015

Mr. David Moffette
201 - 161 Christie Street
Toronto, ON M6G 3B3

Your File
20150623_310297

Our File
A-2015-10242 / TW

Dear Mr. Moffette:

This letter is in response to your request under the *Access to Information Act*. Your request reads:

"Requesting copies of statistics and other data regarding the origins and topics of calls made to the Warrant Response Centre (WRC) with a detailed breakdown of the Canadian police services and other Canadian agencies that have consulted the WRC since 2005."

The processing of your request is now complete. Please note that the records are being released in their entirety.

As the Canada Border Services Agency is committed to providing the highest level of client service, we would be pleased to assist you with any questions or concerns you may have regarding the handling of your request. You may contact Tanya Wagdin at 343-291-7019 or by email at Tanya.Wagdin@cbsa-asfc.gc.ca, using our file number as a reference.

Should you be dissatisfied with the processing of this request, you may file a complaint within sixty days of receipt of this notice to the Information Commissioner of Canada by writing to:

Office of the Information Commissioner of Canada
30 Victoria Street
Gatineau, QC K1A 1H3

Yours truly,

Alain Belleville
Manager
Access to Information and Privacy Division
Place Vanier Tower A
333 North River Road, 14th floor
Ottawa, ON K1A 0L8

Enclosure: A copy of the release package to the applicant

Canada

WRC Caller Type Breakdown
November 4, 2014 to June 28, 2015

WRC/ATL/ATL/ATL/ATL/ATL/ATL

Total Calls received	12362
Calls Received from With-in the CBSA	
Atlantic region	8
Quebec Region	240
Northern Ontario Region	108
Southern Ontario Region	91
Greater Toronto Area Region	154
Prairie Region	222
Pacific Region	456
Other	59
CBSA Total	1438
Calls Received from Law Enforcement/Transit Agencies	
Atlantic Region	
NI	
Total Atlantic Region	0
Quebec Region	
Montreal, Service de Police de la Ville de	1547
Quebec, Service de Police de la Ville de Quebec	100
SG, Surete du Quebec	242
Total Quebec Region	1889
Northern Ontario Region	
Ottawa Police Service	109
Total Northern Ontario Region	109
Southern Ontario Region	
NI	
Total Southern Ontario Region	0
Greater Toronto Area Region	
Peel Regional Police	582
Toronto Police Service	3278
Toronto Transit (GO)	67
York Regional Police	65
Total Greater Toronto Area Region	4392
Prairie Region	
Calgary Police Service	475
Edmonton Police Service	173
Total Prairie Region	648
Pacific Region	
Vancouver Police Department	226
Vancouver Transit	141
Total Pacific Region	367
International	
USCP	25
US POLICE SERVICE	43
Total International	68
OPP, Ontario Provincial Police	272
RCMP, Royal Canadian Mounted Police	1157
Other Law Enforcement/Transit Agency	1727
Total Other Law Enforcement/Transit Agency	3196
Total Law Enforcement/Transit Agency	10768
Calls Received from Other Type of Agency	
Total Other Type of Agency	194

ATI Request to
CBSA. Response
July 24, 2015

ATI FILE
20150623_310297

CBSA FILE
A-2015-10242/TW

Call Reason Breakdown
November 4, 2014 to June 28, 2015

Call Reasons	
Status Check	9321
Warrant Inquiry	979
PDP Inquiry	303
Database Verification	663
Photo Request	307
Fingerprints Request	39
Follow-up Call	389
Special Event	0
Other	1059

RECEIVED

Data prior to November 2014:

Due to system limitations, the WRC is unable to provide data for call topics prior to the launch of the new NBOC log in November 2014. For call origins, here is the data that was extracted from a decommissioned system (CATS) prior to the new log creation (the CATS system only allowed for the broad categories of Law Enforcement, CBSA Inland Offices, and Other Inquiries):

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Law Enforcement Inquiries	N/A	N/A	19879	16061	16245	18327	20044	5702	16217	12098
CBSA Inland offices	N/A	N/A	1939	1777	1906	1752	1605	383	1922	1461
Other Inquiries	N/A	N/A	448	223	940	94	137	40	175	193

***As you will notice above, there seems to be a discrepancy for the year 2012. We are unable to provide a breakdown for April - December 2012 for call origins and therefore 18,357 are unclassified (See below). These statistics were not collected at the time and we are therefore unable to go back and retrieve them from the decommissioned database. ***

	Jan. 2012	Feb. 2012	Mar. 2012	Apr. 2012	May. 2012	Jun. 2012	Jul. 2012	Aug. 2012	Sep. 2012	Oct. 2012	Nov. 2012	Dec. 2012
Law Enforcement Inquiries	1,776	1,763	2,163	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CBSA Inland offices	122	104	157	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Other Inquiries	13	13	14	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Unclassified				2027	2000	1935	2121	2190	2033	2209	2112	1730



NOV 13 2015

Mr. Macdonald Souza
Immigration Consultant
Cruzanza LJP
1280 Finch Ave West, Suite 200
Toronto, ON M3J 3K6

Our File:
A-2015-11669 / MZM

Dear Mr. Scott:

This letter is in response to your request under the *Access to Information Act*. Your request reads:

***"Freedom of Information Request regarding Toronto Police Services (TPS)
Collaboration with Canada Border Services Agency (CBSA):***

- 1. How many times has TPS supported, collaborated with, or played a role with CBSA in the 2014 year?***
- 2. How many times has TPS supported, collaborated with, or played a role with CBSA in the 2013 year?***
- 3. How many times has TPS supported, collaborated with, or played a role with CBSA in the 2012 year?***
- 4. How many times has TPS supported, collaborated with, or played a role with CBSA 2009 and 2011?***
- 5. How many times has TPS supported, collaborated with, or played a role with CBSA between 2006 and 2008?***
- 6. Please provide us with all documents and communications that outlines the relationship between the TPS and CBSA on matters related to immigration enforcement (including briefing notes and materials, slide decks, memorandums of understanding, emails, and so on) between 2006 and 2015."***

The processing of your request is now complete. Please note that the records are being released in their entirety. Number 6 of your request is being answered in the attached document. Be aware that the total inquiries by TPS do not match the total of call reasons for 2014 because there may be more than one call reason per inquiry (an officer asking for a status check and a photo, for example).

For your information, no briefing notes, material, slide deck, memorandum of understanding and or email were found.

As the Canada Border Services Agency is committed to providing the highest level of client service, we would be pleased to assist you with any questions or concerns you may have regarding the handling of your request. You may contact Mélanie Macéil at 343-291-6589 or by email at Melanie.Macel@cbso-astc.gc.ca, using our file number as a reference.

...2

Canada

- 2 -

Should you be dissatisfied with the processing of this request, you may file a complaint within sixty days of receipt of this notice to the Information Commissioner of Canada by writing to:

Office of the Information Commissioner of Canada
30 Victoria Street
Gatineau, Québec K1A 1H3

Yours truly,



Lindsay Bright
A/Manager
Access to Information and Privacy Division
Place Vanier Tower A
333 North River Road, 14th floor
Ottawa, ON K1A 0L8

Enclosures

Inquiries by Toronto Police Service:

Year	Number of inquiries by TPS
Nov 4, 2014 - Dec 31, 2014	757

Total inquiries by TPS: 3,759

Data prior to November 2014:

Due to system limitations, the WRC is unable to provide data for the Toronto Police Service prior to the launch of the new NBOC log in November 2014. The decommissioned system (CATS) prior to the new log creation, only allows for the broad categories of Law Enforcement, CBSA Inland Offices, and Other Inquiries)

#6: The requestor asks for communication that outlines the relationship between TPS and CBSA for 2006 - 2015 regarding immigration enforcement – so for this, we have provided why the call was made.

Call reason (note 2014 commences in Nov)

	2014	2015
Status check	667	2608
Warrant Inquiry	44	134
PDP Inquiry	22	64
Database verification	43	57
Photo Request	11	24
Fingerprints Request	0	1
Follow-up Call	14	77
Special Event	0	0
Other	48	115



Canada Border
Services Agency Agence des services
frontaliers du Canada

NOV 12 2015

Mr. David Moffette
201 - 161 Christie Street
Toronto, ON
M6G 3B3

Our File
A-2015-15097 / MZM

Dear Mr. Moffette:

This letter is in response to your request under the *Access to Information Act*. Your request reads:

"I would like to have a breakdown of reasons for calls for each of the callers. Minimally, I would like to receive statistics regarding the reasons for calls by: Service de Police de la Ville de Montreal, Peel Regional Police, Toronto Police Service, Toronto Transit (GO), York Regional Police. I would also like to receive the definitions of each reason since many seem to overlap (status check, warrant inquiry, database verification, follow-up call)."

The processing of your request is now complete. Please note that the records are being released in their entirety and that due to our system limitations we were only able to extract data from November 4th, 2014 to present.

As the Canada Border Services Agency is committed to providing the highest level of client service, we would be pleased to assist you with any questions or concerns you may have regarding the handling of your request. You may contact Mélanie Marcil at 343-291-6589 or by email at Melanie.Marcil@cbsa-asfc.gc.ca, using our file number as a reference.

Should you be dissatisfied with the processing of this request, you may file a complaint within sixty days of receipt of this notice to the Information Commissioner of Canada by writing to:

Office of the Information Commissioner of Canada
30 Victoria Street
Gatineau, Québec K1A 1H3

Yours truly,

Lindsay Bright
A/Manager
Access to Information and Privacy Division
Place Vanier Tower A
333 North River Road, 14th floor
Ottawa, ON K1A 0L8

Enclosures

Canada

Call Reasons from Nov 4, 2014 to Oct 16, 2015

	Service de Police de la Ville de Montreal	Peel	TPS	Toronto Transit GO	York RP
Status check	1940	738	4254	84	399
Warrant inquiry	177	78	214	3	52
PDP Inquiry	37	20	103	0	24
Database verification	71	68	152	4	34
Photo request	24	21	47	0	8
Fingerprints request	0	2	1	0	3
Follow-up call	85	20	123	1	21
Special event	0	0	0	0	0
Other	96	84	208	1	27

Status Check:

The status check box is used when inquiries are received from Law Enforcement Officers to the WRC in regards to a subject they have encountered. The status check box is used to reflect the nature of the request as well as the legislative provisions under which the information is collected and released. Law enforcement Officers may call to verify the Immigration status of a subject because they have suspicion a subject may not have legal status in Canada and therefore may be of interest to CBSA. Law Enforcement Officers may also call to confirm the status of a subject they have in custody. It should be noted, the status check box is not always reflective of only Immigration status queries but is reflective of the source on which the WRC makes any determination.

Database Verification:

The database check box is used when inquiries are received from CBSA officers in regards to the performance of a specific database query. The database check box is used to reflect the nature of the request. CBSA officers may call to ask the WRC to conduct a query of a database that they do not have access at that point in time or with which they are having technological issues. The WRC officer simply reads the information requested from the database screen to the CBSA officer, and WRC does not make any determination of status for these calls.

Warrant Inquiry:

The warrant inquiry check box is used when inquiries are received from Law Enforcement Officers regarding an individual with an Immigration Warrant. The warrant inquiry check box is used to reflect the nature of the request. Law Enforcement Officers may call to verify and confirm the Immigration warrant due to a hit they encountered on their police database CPIC (Canadian Police Information Centre).

PDP Inquiry:

The PDP inquiry check box is used when inquiries are received from Law Enforcement Officers regarding an individual who is a Previously Deported Person. The PDP inquiry check box is used to reflect the nature of the request. Law Enforcement Officers may call to verify and confirm the Previously Deported Person due to a hit they encountered on their police database CPIC (Canadian Police Information Centre).

Follow-up Call:

A follow-up call is selected when a Law Enforcement Officer or CBSA Officer calls again for the same case after the initial call, with follow up information or questions. This box is selected to reflect the nature of the request.

Photo Request:

The Photo Request check box is used when a Law Enforcement Officer or CBSA Officer requests a photo of a subject who has an Immigration Warrant or is a Previously Deported Person. This could be as a result of an arrest made or an investigation being conducted.

Fingerprints Request:

The Fingerprint Request check box is used when a Law Enforcement Officer or CBSA Officer requests fingerprints of a subject who has an Immigration Warrant or is a Previously Deported Person. This could be as a result of an arrest made or an investigation being conducted.

Special Event:

This check box is used for special projects that need to be accounted for statistically at the Warrant Response Centre.

Other:

This check box is used for telephone calls that fall outside of the standard Call Reasons.

NOTES:



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
** Certified by the Law Society as a Specialist
in Municipal Law: Local Government*

Reply To: Robert J. Baldwin
Tel: 416-392-8046
Fax: 416-397-5624
E-Mail: robert.baldwin@toronto.ca

November 16, 2018

To: Chair and Members of the Toronto Police Services Board
From: Wendy Walberg, City Solicitor
Reference: Inquest into the Death of Kwasi Skene-Peters
Verdict and Recommendations of the Jury

Recommendation:

It is recommended that the Board receive the verdict and recommendations of the jury, as attached.

Background:

This matter was the subject of a confidential report to the Board considered at its meeting of July 19, 2018.

The inquest was held from September 17 to 28 before Coroner Dr. John Carlisle. The Board, the Chief, the involved officers, and the detective who directed the takedown were each granted standing and were separately represented by counsel. The family of the deceased was also granted standing; the father retained counsel, but the maternal side of the family was self-represented.

Circumstances of the death:

On July 10, 2015, a Canada-wide warrant was issued for the arrest of Mr. Skene-Peters on two charges of first degree murder. On July 24, 2015, the TPS received information that Mr. Skene-Peters would be in attendance at Tryst nightclub at 82 Peter Street. Surveillance was established that night. Mr. Skene-Peters' white Ford Focus was located in a parking lot for the nightclub. He was observed in the lineup for the nightclub. At one point, two men left the lineup and went to the Ford Focus. One of the men, Mr. Druro, was observed removing what was suspected to be a firearm and placing it in the vehicle. Three men (including Mr. Skene-Peters) were then observed entering the nightclub. The decision was made by police to arrest Mr. Skene-Peters when he returned to his car.

At approximately 3:00 a.m. on July 25, 2015, Mr. Skene-Peters and Mr. Druro were observed entering the Ford Focus in the parking lot. A civilian vehicle pulled up and stopped directly in front of the Ford Focus at the same time there was a radio call initiating the takedown. Multiple uniform and plain clothes officers converged on the scene with emergency equipment activated on marked and unmarked vehicles.

Officers drew their handguns and repeatedly issued commands to "Freeze – don't move", "Put your hands up" and "You are under arrest". Although the Ford Focus was blocked by the civilian vehicle, it moved forward initially, and then reversed into a brick wall.

From within the Ford Focus, Mr. Skene-Peters fired 7 shots at the officers through the windshield. Two officers returned fire, shooting a total of 24 shots. Mr. Skene-Peters exited the vehicle, ran behind two parked cars, tripped over a civilian, and then fell to the ground, dropping his handgun in the process.

Mr. Skene-Peters was handcuffed, and when he was turned over, he was observed to have sustained a single gunshot wound to the chest. He was transported by ambulance to St. Michael's hospital where he was pronounced dead at 3:59 a.m.

Jury Verdict and Recommendations:

A copy of the Verdict and Recommendations is attached. We have summarized it with comments below:

A. The Five Statutory Questions

The Jury answered the five statutory questions as follows:

Name of Deceased:	Kwasi Skene-Peters
Date and Time of Death:	July 25, 2015 at 3:59 a.m.
Place of Death:	St. Michael's Hospital, Toronto
Cause of Death:	Gunshot Wound to the Chest
By What Means:	Homicide

B. The Jury Recommendations

In addition to determining the five statutory questions, the jury was authorized to make recommendations directed at preventing death in similar circumstances or respecting any other matter arising out of the inquest.

The jury made five recommendations:

To the Toronto Police Service

1. **Consider whether there would be value in establishing a system whereby officers on scene directing a "high risk" activity could call, if time and circumstances permit, to consult an individual with the relevant experience and training. The purpose is not to "second guess" those on scene, but to support them by ensuring that all appropriate factors have been considered in formulating a plan to carry out the task as safely and effectively as possible.**

This was a recommendation suggested by the Coroner. However, the evidence at the inquest, was that the detective who directed the arrest had considerable experience with high risk takedowns.

2. **The Toronto Police Service (TPS) should take steps to consult with the Special Investigations Unit (SIU) to establish a protocol for cases where the law mandates that the SIU conduct the investigation, to appropriately delegate and expedite notification to next kin, by either TPS or other third party.**

The mother testified that when she attended the hospital she was advised by a police officer that her son was being attended to, when in fact he had already died. A letter from the Director of the Special Investigations Unit was entered as evidence which indicated that, pursuant to regulation and policy, it's the S.I.U.'s position that it is to have sole contact with the family of the deceased. The letter also indicated that in appropriate circumstances the police could contact the SIU and request permission to notify the family about the death. It appears that the jury is concerned that the family may not be given timely information as to the status of their relative until such time as the SIU arrives on scene.

3. **Consider implementing a communication plan prior to a "high risk" take-down to ensure that communication is unimpeded and that all parties involved are properly informed at all times (i.e. all officers directed to use the same radio channel).**

The evidence in this case was that all officers were on the same radio channel; however, as multiple radio channels are available, the jury is seeking to avoid a potential for a future breakdown in communication.

To the Toronto Police College and the Ontario Police College

4. **Consider using the circumstances of this case as a dynamic training scenario, including an initial plan and unexpected intervening factors, such as bystanders or vehicles that mean the plan cannot be carried out as anticipated. Participants should be debriefed after the exercise to assess the choices they made and discuss the availability of other options.**

The takedown plan was that an unmarked police vehicle would box the subject vehicle into its parking space. However, a civilian vehicle got in the way and prevented this from occurring. The presence of the civilian vehicle and another unmarked police vehicle at the parking lot effectively prevented the subject vehicle from leaving the parking lot. As well, there were a number of bystanders in the parking lot which caused concern to the police that the bystanders might alert and assist the suspect. In fact, the bystanders did not impede the takedown. By its recommendation, the jury is reflecting a concern that officers be trained to respond appropriately to unexpected circumstances.

5. **Review and reinforce training practices in relation to subject, public, and police safety when dealing with an armed individual who is firing from a contained vehicle. Consideration should be given to utilizing both distance and cover to improve safety, when available and appropriate. The review should include best practices and procedures from other large North American police agencies that have dealt with such situations, and if appropriate consider implementing those practices within training**

programs.

The jury's recommendation is to determine best practices from other jurisdictions in dealing with the inherently dangerous high risk takedown.

Conclusion:

It is recommended that the Board receive the verdict and recommendations of the jury.


SWO Wendy Walberg
City Solicitor



Office of the
Chief Coroner
Bureau du
coroner en chef

Verdict of Coroner's Jury Verdict du jury du coroner

The Coroners Act – Province of Ontario
Loi sur les coroners – Province de l'Ontario

Inquest into the death of: Enquête sur le décès de :

Kwasi Skene-Peters

JURY RECOMMENDATIONS RECOMMANDATIONS DU JURY

We the jury, recommend to the Toronto Police Service

1 – Consider whether there would be value in establishing a system whereby officers on scene directing a “high risk” activity could call, if time and circumstances permit, to consult an individual with the relevant experience and training. The purpose is not to “second guess” those on scene, but to support them by ensuring that all appropriate factors have been considered in formulating a plan to carry out the task as safely and effectively as possible.

2 – The Toronto Police Service (TPS) should take steps to consult with the Special Investigations Unit (SIU) to establish a protocol for cases where the law mandates that the SIU conduct the investigation, to appropriately delegate and expedite notification to next kin, by either TPS or other third party.

3 – Consider implementing a communication plan prior to a “high risk” take-down to ensure that communication is unimpeded and that all parties involved are properly informed at all times (i.e. all officers directed to use the same radio channel).

We the jury, recommend to the Toronto Police College and the Ontario Police College

4 – Consider using the circumstances of this case as a dynamic training scenario, including an initial plan and unexpected intervening factors, such as bystanders or vehicles that mean the plan cannot be carried out as anticipated. Participants should be debriefed after the exercise to assess the choices they made and discuss the availability of other options.

5 – Review and reinforce training practices in relation to subject, public, and police safety when dealing with an armed individual who is firing from a contained vehicle. Consideration should be given to utilizing both distance and cover to improve safety, when available and appropriate. The review should include best practices and procedures from other large North American police agencies that have dealt with such situations, and if appropriate consider implementing those practices within training programs.

FOR INFORMATION ONLY

NOT OFFICIAL

VERDICT/RECOMMENDATIONS



Office of the
Chief Coroner
Bureau du
coroner en chef

**Verdict of Coroner's Jury
Verdict du jury du coroner**

The Coroners Act – Province of Ontario
Loi sur les coroners – Province de l'Ontario

We the undersigned / Nous soussignés,

_____ of / de Toronto, Ontario
 _____ of / de Toronto, Ontario
 _____ of / de Toronto, Ontario
 _____ of / de Toronto, Ontario
 _____ of / de Toronto, Ontario

the jury serving on the inquest into the death(s) of / membres dûment assermentés du jury à l'enquête sur le décès de :

Surname / Nom de famille Skene-Peters | Given Names / Prénoms Kwasi

aged 21 held at 25 Morton Shulman Avenue, Toronto, Ontario
 à l'âge de _____ tenue à _____

from the 17th of September to the 28th of September 20 18
 du _____ au _____

By Dr. / D^r John Carlisle Coroner for Ontario
 Par _____ coroner pour l'Ontario

having been duly sworn/affirmed, have inquired into and determined the following:
 avons fait enquête dans l'affaire et avons conclu ce qui suit :

Name of Deceased / Nom du défunt
 Kwasi Skene-Peters

Date and Time of Death / Date et heure du décès
 July 25th, 2015 at 3:59 a.m.

Place of Death / Lieu du décès
 St. Michael's Hospital, Toronto

Cause of Death / Cause du décès
 Gunshot Wound to the Chest

By what means / Circonstances du décès
 Homicide

Original signed by: Foreman / Original signé par : Président du jury

Original signed by jurors / Original signé par les jurés

The verdict was received on the 28th day of September 20 18
 Ce verdict a été reçu le _____ (Day / Jour) _____ (Month / Mois)



Central Joint Health and Safety Committee

PUBLIC MINUTES

**40 College Street, 7th Floor Board Room
Thursday October 11, 2018
2:00 PM**

Meeting No. 63

Members Present

Chair Andy Pringle, TPSB & Co-Chair, CJHSC
Mr. Jon Reid, Director, TPA & Co-Chair, CJHSC
Deputy Chief Barbara McLean, TPS, Command Representative
Mr. Brian Callanan, TPA & Executive Representative

Also Present

Mr. Rob Duncan, Safety Planner & Program Coordinator, Wellness Unit
Ivy Nanayakkara, Manager, Wellness Unit
Claire Wagar, TPA

Chair for this Meeting: Jon Reid, Director, TPA & Co-Chair, CJHSC

Opening of the Meeting:

1. Mr. Reid welcomed the group to the meeting, and called the meeting to order at 2:06pm.
2. The Committee approved the public and confidential Minutes from the meeting that was held on April 12, 2018.

The Committee considered the following matters:

3. NEW FORD TAURUS INTERCEPTOR SCOUT CARS

Concerns brought forward that many of TPS' taller members (defined as 6'2" or greater) are having difficulty entering and exiting the Ford Taurus Scout cars.

Action taken since the last meeting:

Deputy Chief McLean provided an update to inform the committee that the Wellness Unit had conducted ergonomic assessments of the Ford Taurus and several other police vehicles, and due to the results of the assessments, the Service plans to expand the availability of the Ford Explorer in order to better accommodate member needs. . Ford has also announced the release of new police specific vehicles, which the Service will also take into consideration when more information is available.

Status	<u>Resolved</u>
Action	The Committee agreed that this matter requires no further action at this time.

4. BARN SWALLOWS AT THE MARINE UNIT

Netting installation is in place.

Action taken since the last meeting:

Deputy Chief McLean advised the Committee that netting is up and Mr. Rob Duncan has spoken with members at the Marine Unit. Mr. Duncan commented the netting appears to be working, although the alternative nesting site doesn't seem to have been effective to date. Members at the Marine Unit report being satisfied with the outcome.

Status	<u>Resolved</u>
Action	The Committee agreed that this matter requires no further action at this time.

5. ISSUANCE OF NALOXONE KITS TO SPECIFIED UNIFORM MEMBERS

In June 2018, TPS proceeded with the strategic deployment of naloxone kits in order to help members respond to incidents involving suspected opioid overdoses. TPS has issued governance which includes specific procedures and has developed and implemented a reporting and tracking process.

Action taken since the last meeting:

Deputy Chief McLean advised the committee that the Naloxone kits have been issued to all frontline members in Divisions 14, 51, 52, and 55 downtown as part of a broader Service-wide deployment. Naloxone has been used twice to date on members of the public suffering from apparent overdoses, with two (2) lives being saved and no SIU involvement to date.

It was noted that officers have to track the use of Naloxone using the Service's Versadex system, and that the current search data is being refined so we can better search for outcome and circumstances. In addition, the Ministry of Health and Long-Term Care hasn't approved the issuance for Naloxone kits to Special Constables, Auxiliaries and Civilians therefore we cannot distribute to them at this time.

Deputy Chief McLean recommended to monitor further.

Status	Ongoing
Action	The Committee agreed that this matter is ongoing.

6. FULL BODY SCANNERS

Mr. Jon Reid advised the Committee the TPS has undertaken a six (6) month pilot project on the use of a full body scanner to conduct prisoner searches at 14 Division to reduce the risk of prisoners transporting contraband.

Two different models of machines will be evaluated, with the first pilot running to the end of December 2018, and the second pilot taking place from January to March 2019.

The full body scanner provides an alternative method for conducting searches. The equipment is being evaluated to determine whether it will be effective in better identifying contraband and whether it will reduce the frequency with which officers are required to conduct Level 3 searches of prisoners.

Deputy Chief McLean spoke with Superintendent Neil Corrigan and the feedback from members of 14 Division is positive, however Supt. Corrigan noted that the process adds some time to the booking process. It provides another option to conduct searches to ensure the safety of everyone involved.

Mr. Rob Duncan advised that the Wellness Unit has been involved in the process from a health and safety perspective and that all regulatory requirements are being met throughout the course of the pilot. Mr. Duncan addressed the concern on exposure limits, noting that the machines track the number of scans and amount of exposure for each individual prisoner in order to ensure that their exposure is accurately recorded and that any risk is minimized.

Status	Ongoing
Action	The Committee agreed that this matter is ongoing.

7. DUTY BELTS

Mr. Jon Reid provided a comparison of the duty belts. Currently members are issued leather Safariland Duty Belts but some have expressed a preference for an alternative web belt. The preferred Bianchi Duty Belt is \$20.00 less and the College is in support of this model however under current Service procedures, in order to be issued with this belt members must first seek medical authorization from Medical Advisory Services because it is currently a deviation from the standard issue equipment.

The Clothing and Equipment Committee has not met on this subject. Mr. Duncan advised that Medical Advisory Services has been consulted, and the Medical Advisor supports the use of the alternative duty belt without a need for medical approval. Deputy Chief McLean stated that if the Clothing and Equipment Committee approves the use of the Bianchi Duty Belt then there is no need for Medical Advisory Services approval on a case-by-case basis. If the Bianchi Duty Belt is more comfortable and preferred by members and is approved then Deputy Chief McLean will support confirming the Bianchi Duty Belt as an approved option for members going forward.

Status	Ongoing
Action	The Committee agreed that this matter is ongoing.

8. UPGRADING OF SERVICE ISSUED RAIN JACKETS TO CLASS 2

Mr. Jon Reid was approached by several members concerning the current issued rain jacket. The current police rain jackets have reflective markings, but the markings are not designed to comply with the CSA Standard for high visibility apparel although the vests do comply with this standard. To switch to CSA compliant jackets, the additional cost per jacket would be \$10.00 which is more economical than to retrofit each jacket.

We would allow officers to use the existing jackets until the new ones have been issued. There have not been any incidences of officers being injured, however the advantage to the new jackets is increased visibility of the officers.

Status	Resolved
Action	Mr. Rob Duncan will request Stores to order.

9. ARMED POLICE OFFICERS IN COURT HOUSES

Mr. Jon Reid addressed that we currently don't have any armed police officers in court houses, however we did have them in the past. This would be a good opportunity to review this need in Court Services.

Status	Ongoing
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Action	Deputy Chief McLean will speak with Deputy Shawna Coxon and provide an update at the next meeting.
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10. VENTILATION AT PROPERTY BUREAU

Mr. Brian Callanan raised the concern of a few calls being reported of the steady odour of marijuana at the 330 Progress location. It was suggested a site visit might be warranted as we are unsure if there has ever been a study done and if this has been brought up in their own Health and Safety meetings.

Status	Ongoing
Action	Possible site visit and study with an update by Mr. Callanan at the next meeting.

11. NEW MATTERS FOR CONSIDERATION – FIRE SCENES N95 MASKS

Mr. Reid suggested a routine order to remind members to have these masks on their person or in their kit. Mr. Reid confirmed these masks are disposable and fit tested, which on average takes 7-10 minutes. The concern is where we are going to incorporate the training. We will need to teach how to fit test and take it on and off, what the masks are good and not good for, setting up a perimeter, etc.

Deputy Chief McLean mentioned a conversation will be had with the College for recruit training and also during ISTP.

Status	Ongoing
Action	Deputy Chief McLean to provide and update at the next meeting.

****Confidential Matters****

The committee also considered several other confidential matters. Details of the committee's discussions and decisions regarding these matters have been recorded in the confidential minutes for this meeting.

Next Meeting:

Date: Thursday, December 13, 2018
Time: 1:00pm
Location: TBD

Meeting was adjourned at 2:40pm.

Members of the Central Joint Health and Safety Committee:

Andy Pringle, Co-Chair Toronto Police Services Board	Jon Reid, Co-Chair Toronto Police Association
Barbara McLean, Command Representative, Toronto Police Service	Brian Callanan, Executive Member Toronto Police Association



Toronto Police Services Board Report

July 5, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Chief's Administrative Investigation into the Alleged Sexual Assault of Sexual Assault Complainant 2018-L

Recommendation(s):

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

Financial Implications:

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

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) is notified of an incident involving serious injury or death, provincial legislation directs that a chief of police shall conduct an administrative investigation.

Ontario Regulation 267/10, Section 11(1) states:

"The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the S.I.U. has been notified, subject to the S.I.U.'s lead role in investigating the incident."

Section 11(2) of the Regulation states:

"The purpose of the chief of police's investigation is to review the policies of or services provided by the police force and the conduct of its police officers."

Section 11(4) of the Regulation states:

“The chief of police of a municipal police force shall report his or her findings and any action taken or recommended to be taken to the board within 30 days after the S.I.U. director advises the chief of police that he or she has reported the results of the S.I.U.’s investigation to the Attorney General, and the board may make the chief of police’s report available to the public.”

Upon conclusion of its investigation, the S.I.U. provides the Toronto Police Service (T.P.S.) with a letter. The S.I.U. does not provide the T.P.S. with a copy of the report that was provided to the Attorney General.

Discussion:

On March 30, 2017, approximately 1149 hours, members of the Toronto Drug Squad (T.D.S.) executed several *Controlled Drug and Substances Act (C.D.S.A.)* search warrants in the Toronto area. One of the search warrants was issued for an address in the area Lawrence Avenue West.

One of the persons found in that location was arrested for Possession of Cocaine for the Purposes of Trafficking. This person was identified as Sexual Assault Complainant 2018-L (2018-L). 2018-L was arrested without incident along with three other individuals at the location. 2018-L was searched by an officer at the scene of the arrest. The search was a Level 2 pat down to ensure that 2018-L was not in possession of any weapons, drugs, evidence or implements of escape. The officer conducted the search in the presence of a supervisory officer, who was part of the T.D.S. team.

The search comprised a pat down of the legs, torso with special attention paid to the ankles and waist band area of the clothing. At no time was any clothing removed during this search.

2018-L was transported to 32 Division for further investigation and processing on several criminal charges.

2018-L was paraded before the Officer-in-Charge of the station and was held for a Show Cause hearing. 2018-L was taken to the Major Crime Unit (M.C.U.) offices and placed into one of the secured interview rooms.

During the course of 2018-L’s time in the interview room, they became violent and assaultive and were involved in a violent struggle during efforts to move them from an interview room to the cells of the station. As a result of the struggle, 2018-L suffered a minor threshold injury. 2018-L was transported to North York General Hospital, where they were diagnosed and treated for a fractured nasal bone.

The S.I.U. was notified and invoked its mandate.

Investigators from the S.I.U. attended at a correctional facility to interview 2018-L and to obtain consent for medical records in the custody injury investigation.

2018-L alleged at that interview that when they were arrested in the residence on March 30, 2017, they were searched. The search entailed being stripped naked from the waist down and touched inappropriately.

On April 11, 2017, the S.I.U. notified the T.P.S. of the allegation and invoked its mandate.

The S.I.U. designated one officer, as a subject officer; one other officer was designated as a witness officer.

In a letter to the T.P.S. dated January 8, 2018, Director Tony Loparco of the S.I.U. advised that the investigation was completed and no further action was contemplated.

The S.I.U. did not publish any media releases regarding this investigation.

Summary of the Toronto Police Service's Investigation:

Professional Standards Support (P.S.S.) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

P.S.S. examined the use of force in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The P.S.S. 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 02-18 (Executing a Search Warrant)
- Procedure 05-05 (Sexual Assault)
- Procedure 05-30 (Major Drug Investigations)
- Procedure 10-06 (Medical Emergencies)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-01 (Use of Force)
- Procedure 15-02 (Injury/Illness Reporting)
- Procedure 15-17 (In-Car Camera System)

The P.S.S. investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit)

- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)
- Ontario Regulation 926 Section 14.3 (Use of Force Qualifications)

The P.S.S. investigation determined that the T.P.S.'s policies and procedures associated with the applied use of force were found to be 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 conduct of the officers was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

MS/ao

Filename: siusexualassault 2018-Lpublic



Toronto Police Services Board Report

August 19, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Chief's Administrative Investigation into the Alleged Sexual Assault of Sexual Assault Complainant 2018-O

Recommendation(s):

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

Financial Implications:

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

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) is notified of an incident involving serious injury or death, provincial legislation directs that a chief of police shall conduct an administrative investigation.

Ontario Regulation 267/10, Section 11(1) states:

"The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the S.I.U. has been notified, subject to the S.I.U.'s lead role in investigating the incident."

Section 11(2) of the Regulation states:

"The purpose of the chief of police's investigation is to review the policies of or services provided by the police force and the conduct of its police officers."

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“The chief of police of a municipal police force shall report his or her findings and any action taken or recommended to be taken to the board within 30 days after the S.I.U. director advises the chief of police that he or she has reported the results of the S.I.U.’s investigation to the Attorney General, and the board may make the chief of police’s report available to the public.”

Upon conclusion of its investigation, the S.I.U. provides the Toronto Police Service (T.P.S.) with a letter. The S.I.U. does not provide the T.P.S. with a copy of the report that was provided to the Attorney General.

Discussion:

On January 21, 2017, 2018-O was arrested by officers from York Regional Police (Y.R.P.) on an outstanding Warrant in the first instance for Uttering Threats of Death. Y.R.P. contacted the T.P.S. to make arrangements to transfer custody of 2018-O. Police Officers from 52 Division attended Steeles Avenue East and Highway 404 to receive 2018-O from Y.R.P. These officers were working in uniform and driving a marked police vehicle. 2018-O was transported to 51 Division and became upset and agitated during transport; they used their feet to kick the rear door window from the police vehicle.

The officers paraded 2018-O at 51 Division, before the Sergeant. The Sergeant authorized a level 3 search of 2018-O to be performed by two officers. Two officers escorted 2018-O into a private room in the booking hall and the search process was explained to 2018-O by the officers. 2018-O was co-operative and removed their own clothing which was searched by the officers. 2018-O was directed by the officers to bend over to ensure there was nothing concealed in their pelvic area; 2018-O refused. Due to 2018-O’s refusal to co-operate any further, their agitated state and their large stature, the officers requested the assistance of an additional officer. The additional officer arrived at the search room and assisted. 2018-O continued to refuse to bend over so the officers assisted 2018-O to bend over. At no time, did any of the officers touch 2018-O below their waist. The search was completed, when 2018-O stated they wanted to punch one of the officers before lunging at them. The officers restrained 2018-O by taking them to the floor and re-applying 2018-O’s handcuffs. The officers assisted 2018-O in re-dressing.

2018-O was brought back before the Sergeant prior to being taken to the cells. 2018-O did not make any complaints regarding the search. 2018-O was charged and had been held pending a show cause hearing.

On February 23, 2017, 2018-O addressed an email correspondence to the T.P.S. alleging that as a result of their arrest and subsequent search on January 21, 2017, they had been sexually assaulted by three officers.

The S.I.U. was contacted and invoked its mandate.

The S.I.U. has not published any media releases regarding this investigation.

The S.I.U. designated one officer as the subject officer; four other officers were designated as witness officers.

In a letter to the T.P.S. dated April 6, 2018, Director Tony Loparco of the S.I.U. advised that the investigation was completed and no further action was contemplated.

Summary of the Toronto Police Service's Investigation:

Sex Crimes Unit (S.C.U.) conducted an investigation pursuant to Ontario Regulation 267/10 Section 11.

S.C.U. examined the sexual assault in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The S.C.U. 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 04-21 (Gathering/Preserving Evidence)
- Procedure 05-05 (Sexual Assault)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-01 (Use of Force)
- Procedure 15-17 (In-Car Camera System)

The S.C.U. investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)
- Ontario Regulation 926 Section 14.3 (Use of Force Qualifications)

The S.C.U. investigation determined that the T.P.S.'s policies and procedures associated with the alleged sexual assault were found to be 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 conduct of the officers was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

MS/da

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Toronto Police Services Board Report

August 31, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Chief's Administrative Investigation: Alleged Sexual Assault of Sexual Assault Complainant 2018-N

Recommendation(s):

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

Financial Implications:

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

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) is notified of an incident involving serious injury or death, provincial legislation directs that a chief of police shall conduct an administrative investigation.

Ontario Regulation 267/10, s.11(1) states:

"The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the S.I.U. has been notified, subject to the S.I.U.'s lead role in investigating the incident."

Section 11(2) of the Regulation states:

"The purpose of the chief of police's investigation is to review the policies of or services provided by the police force and the conduct of its police officers."

Section 11(4) of the Regulation states:

“The chief of police of a municipal police force shall report his or her findings and any action taken or recommended to be taken to the board within 30 days after the S.I.U. director advises the chief of police that he or she has reported the results of the S.I.U.’s investigation to the Attorney General, and the board may make the chief of police’s report available to the public.”

Upon conclusion of its investigation, the S.I.U. provides the Toronto Police Service (T.P.S.) with a letter. The S.I.U. does not provide the T.P.S. with a copy of the report that was provided to the Attorney General.

Discussion:

On Tuesday, May 23, 2017, the T.P.S. was notified by the Office of the Independent Police Review Director (O.I.P.R.D.) that Sexual Assault Complainant 2018-N (2018-N) had filed a complaint regarding an unknown male T.P.S. officer.

2018-N advised that on Monday, April 17, 2017, they were working outside of the Air Canada Centre as part of the “Leafs Tailgate Party”.

The T.P.S. had an operational plan for this event and as a result there were a number of officers deployed to this location which included on duty personnel, as well as officers on Paid Duty assignments.

While working at this event, 2018-N alleged that an unidentified male police officer approached them from behind and placed his hands on their hips.

According to the O.I.P.R.D. complaint, the officer proceeded to state, *“how great my butt looked in the Lulu lemon pants I was wearing”*. The officer then walked away but returned a short time later. The officer began to massage 2018-N’s shoulders and stated, *“If I had a quarter for every look I received in those pants I would become a millionaire”*.

The S.I.U. was notified and invoked its mandate.

The S.I.U. designated one officer, as a subject officer; 16 other officers were designated as witness officers. One additional officer, who has since retired, was also designated as a witness officer.

The subject officer was identified as a result of the proximity of their paid duty to the work location of 2018-N, as well as their general description. The S.I.U. conducted an exhaustive investigation that included a canvass for video as well as conducting a photo lineup.

There was no evidence that linked the subject officer, or any other officer, to the conduct alleged by 2018-N.

In a letter to the Toronto Police Service (T.P.S.) dated May 4, 2018, Director Tony Loparco of the S.I.U. advised that the investigation was completed, the file has been closed and no further action is contemplated.

The Director of the S.I.U. did not publish any media releases in this investigation

Summary of the Toronto Police Service's Investigation:

Professional Standards Support (P.S.S.) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

P.S.S. examined the alleged sexual assault in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The *Police Services Act*, section 95 requires a police service to keep confidential the conduct issues in relation to its members, except in specific circumstances. The public release of this document does not fall within one of those exemptions.

The P.S.S. investigation reviewed the following T.P.S. procedures:

- Procedure 05-05 (Sexual Assault)
- Procedure 11-07 (Special Events)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 18-19 (Paid Duties)

The P.S.S. investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)
- Ontario Regulation 926 Section 14.3 (Use of Force Qualifications)

The P.S.S. investigation determined that the T.P.S.'s policies and procedures were found to be 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.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

MS:sp

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Toronto Police Services Board Report

September 14, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Chief's Administrative Investigation: Alleged Sexual Assault of Sexual Assault Complainant 2018-P

Recommendation(s):

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

Financial Implications:

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

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) is notified of an incident involving serious injury or death, provincial legislation directs that a chief of police shall conduct an administrative investigation.

Ontario Regulation 267/10, s.11(1) states:

“The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the S.I.U. has been notified, subject to the S.I.U.’s lead role in investigating the incident.”

Section 11(2) of the Regulation states:

“The purpose of the chief of police’s investigation is to review the policies of or services provided by the police force and the conduct of its police officers.”

Section 11(4) of the Regulation states:

“The chief of police of a municipal police force shall report his or her findings and any action taken or recommended to be taken to the board within 30 days after the S.I.U. director advises the chief of police that he or she has reported the results of the S.I.U.’s investigation to the Attorney General, and the board may make the chief of police’s report available to the public.”

Upon conclusion of its investigation, the S.I.U. provides the Toronto Police Service (T.P.S.) with a letter. The S.I.U. does not provide the T.P.S. with a copy of the report that was provided to the Attorney General.

Discussion:

On Tuesday, July 25, 2017, Sexual Assault Complainant 2018-P (2018-P) submitted a complaint to the Office of the Independent Police Review Director (O.I.P.R.D.) wherein they reported being arrested by members of the T.P.S. on Thursday, June 22, 2017. 2018-P alleged that during their arrest, an officer conducted a search of 2018-P’s person and in doing so, placed their hands inside 2018-P’s sweat pant pockets and ‘groped’ their groin area.

On Thursday, June 22, 2017, officers of 32 Division Major Crime Unit (M.C.U.) were conducting surveillance in the area of the Allen Road and Finch Avenue West, Toronto.

Officers observed a person, known to them as 2018-P, walking in the area. The officers were also aware that 2018-P was wanted on an outstanding warrant for Robbery.

Officers called out to 2018-P who immediately began to run away. After a short distance officers were able to catch up to 2018-P and place them under arrest.

The M.C.U. officers requested the assistance of a same gendered officer as 2018-P, for the purpose of conducting a search of 2018-P, and a uniform police vehicle, for the purpose of transporting 2018-P to 32 Division.

Uniform Police Constables of 32 Division, attended with a marked police vehicle and took custody of 2018-P. These officers were both of the opposite gender of 2018-P.

2018-P was placed in the rear of the marked police vehicle and the In-Car Camera System (I.C.C.S.) was activated.

After a short time, 2018-P began to complain of chest pains and the officers contacted Toronto Paramedic Services (Paramedics).

Paramedics attended, briefly examined 2018-P, and determined that they would be transported to hospital for further examination.

To this point there was no officer of the same gender available to conduct a search of 2018-P.

The officers removed 2018-P from their vehicle and positioned them in the front of the vehicle. While Constable A stood with 2018-P, Constable B viewed the I.C.C.S. and guided Constable A, such that 2018-P was positioned entirely in view of the In-Car camera.

Constable B then exited the vehicle and conducted a pat down search of 2018-P, which was fully captured on the I.C.C.S.

2018-P was then placed on the gurney by Paramedics and transported to North York General Hospital.

2018-P was medically cleared by a physician, and then transported to 32 division where they were charged and held for a show cause hearing.

On Monday, August 21, 2017, the O.I.P.R.D. advised the T.P.S. of the complaint made by 2018-P and that they would be retaining it for investigation.

The S.I.U. was notified and invoked its mandate.

The S.I.U. designated one officer, as a subject officer; four other officers were designated as witness officers.

In a letter to the T.P.S. dated Thursday, July 12, 2018, Director Tony Loparco of the S.I.U. advised that the investigation was completed, the file has been closed and no further action is contemplated.

The Director of the S.I.U. did not publish any media releases in this investigation

Summary of the Toronto Police Service's Investigation:

Professional Standards Support (P.S.S.) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

P.S.S. examined the alleged sexual assault in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The *Police Services Act*, section 95 requires a police service to keep confidential the conduct issues in relation to its members, except in specific circumstances. The public release of this document does not fall within one of those exemptions.

The P.S.S. 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 05-05 (Sexual Assault)
- Procedure 10-06 (Medical Emergencies)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-01 (Use of Force)
- Procedure 15-02 (Injury/Illness Reporting)
- Procedure 15-17 (In-Car Camera System)

The P.S.S. investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)
- Ontario Regulation 926 Section 14.3 (Use of Force Qualifications)

The P.S.S. investigation determined that the T.P.S.'s policies and procedures were found to be 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.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

MS:sp

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Toronto Police Services Board Report

September 18, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Chief's Administrative Investigation: Custody Injury of Mr. A.H.

Recommendation(s):

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

Financial Implications:

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

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) is notified of an incident involving serious injury or death, provincial legislation directs that a chief of police shall conduct an administrative investigation.

Ontario Regulation 267/10, s.11(1) states:

"The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the S.I.U. has been notified, subject to the S.I.U.'s lead role in investigating the incident."

Section 11(2) of the Regulation states:

"The purpose of the chief of police's investigation is to review the policies of or services provided by the police force and the conduct of its police officers."

Section 11(4) of the Regulation states:

“The chief of police of a municipal police force shall report his or her findings and any action taken or recommended to be taken to the board within 30 days after the S.I.U. director advises the chief of police that he or she has reported the results of the S.I.U.’s investigation to the Attorney General, and the board may make the chief of police’s report available to the public.”

Upon conclusion of its investigation, the S.I.U. provides the Toronto Police Service (T.P.S.) with a letter. The S.I.U. does not provide the T.P.S. with a copy of the report that was provided to the Attorney General.

Discussion:

On Saturday, February 4, 2017, Toronto Police Service (T.P.S.) Communications Services (Communications) received a number of 9-1-1 calls to an apartment building in the area of Lawrence Avenue West and Weston Road. Communications received information that a male, later identified as Mr. A.H., was attempting to throw a female, later identified as his mother, off their balcony located on the fourth floor. Officers of 12 Division Primary Response Unit (P.R.U.) were dispatched.

Two officers responded to the call and as they arrived at the address, they observed A.H. on the balcony with his arms around his mother. Another set of officers entered the building and attended the fourth floor unit.

Three other officers also responded to the call and remained outside on the ground level below the apartment balcony. As two officers approached the balcony, they observed A.H. straddling the railing; both officers verbally engaged A.H. in an attempt to de-escalate the situation.

When officers arrived on the fourth floor, they could hear A.H.’s mother yelling for help. The officers gained entry into the apartment and observed A.H.’s mother on the floor suffering from a knee injury. An officer then walked through the unit toward the closed balcony. As he approached the door, he observed A.H. straddle the railing then also swing his other leg over the railing. Before the officer could open the door, A.H. jumped over the railing and landed on the driveway below.

The officers on the ground level provided A.H. with first aid and contacted Toronto Paramedic Services (Paramedics). The male was transported by Paramedics to Sunnybrook Health Sciences Centre where he was diagnosed and treated for multiple fractures. A.H.’s mother was treated at the scene for minor injuries.

The S.I.U. was notified and invoked its mandate.

The S.I.U. designated three officers, as subject officers; six other officers were designated as witness officers.

In a letter to the T.P.S. dated Tuesday, April 10, 2018, Director Tony Loparco of the S.I.U. advised that the investigation was completed, the file has been closed and no further action is contemplated.

Director Loparco states in part,

“In my view, there were no grounds in the evidence to proceed with criminal charges against the subject officers.”

During the course of the administrative investigation it was determined that officers involved in the incident were found to be noncompliant with Procedure 15-17 In-Car Camera System.

As a result, officers found to be noncompliant were referred to the unit for discipline.

A copy of Director Loparco’s letter is appended to this report.

The S.I.U. Director’s public Report of Investigation can be found by the following link:

<https://www.ontario.ca/page/siu-directors-report-case-17-tci-028>

On Sunday, February 5, 2017, the S.I.U. issued a news release requesting the public’s assistance in locating any witnesses to this event. The news release can be viewed at the following link:

https://www.siu.on.ca/en/news_template.php?nrid=2954

On Tuesday, April 17, 2018, the S.I.U. issued a news release exonerating the subject officers. The news release can be viewed at following link:

https://www.siu.on.ca/en/news_template.php?nrid=3844

Summary of the Toronto Police Service’s Investigation:

Professional Standards Support (P.S.S.) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

P.S.S. examined the alleged custody injury in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The *Police Services Act*, section 95 requires a police service to keep confidential the conduct issues in relation to its members, except in specific circumstances. The public release of this document does not fall within one of those exemptions.

The P.S.S. investigation reviewed the following T.P.S. procedures:

- Procedure 06-04 (Emotionally Disturbed Persons)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-01 (Use of Force)
- Procedure 15-17 (In-Car Camera System)

The P.S.S. investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)
- Ontario Regulation 926 Section 14.3 (Use of Force Qualifications)

The P.S.S. investigation determined that the T.P.S.'s policies and procedures were found to be 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.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

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Toronto Police Services Board Report

September 21, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Chief's Administrative Investigation into the Vehicle Injuries to Ms. Titilayo Lanlokun

Recommendation(s):

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

Financial Implications:

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

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) is notified of an incident involving serious injury or death, provincial legislation directs that a chief of police shall conduct an administrative investigation.

Ontario Regulation 267/10, Section 11(1) states:

"The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the S.I.U. has been notified, subject to the S.I.U.'s lead role in investigating the incident."

Section 11(2) of the Regulation states:

"The purpose of the chief of police's investigation is to review the policies of or services provided by the police force and the conduct of its police officers."

Section 11(4) of the Regulation states:

“The chief of police of a municipal police force shall report his or her findings and any action taken or recommended to be taken to the board within 30 days after the S.I.U. director advises the chief of police that he or she has reported the results of the S.I.U.’s investigation to the Attorney General, and the board may make the chief of police’s report available to the public.”

Upon conclusion of its investigation, the S.I.U. provides the Toronto Police Service (T.P.S.) with a letter. The S.I.U. does not provide the T.P.S. with a copy of the report that was provided to the Attorney General.

Discussion:

On June 8, 2016, the Toronto Anti-Violence Intervention Strategy (T.A.V.I.S.) was assisting in *Project Stability*, effecting 23, 31 and 12 Divisions.

Two uniform members of T.A.V.I.S. were operating an unmarked police van, Fleet T.A.V.30. This vehicle was not equipped with any emergency lighting, siren or In-Car Camera System (I.C.C.S.)

At approximately 1730 hours, the officers observed a black Acura vehicle in front of them on Islington Avenue south of Albion Road that narrowly missed striking the vehicle in front of the Acura that had come to an abrupt stop. The officers conducted a license plate query. The results of that query indicated that a male party, identified as Mr. Jermaine Watson, associated to the black Acura vehicle bearing Ontario license plate B.Y.H.C. 369 was wanted on outstanding warrants for his arrest. The arrest warrants were for 3 counts of Assault, 3 counts of Uttering Death Threats, 1 count of Overcome Resistance to Offence-Render Unconscious and 1 count of Take Motor Vehicle without Owner’s Consent. These warrants were the result of a domestic related event from January 2016.

The officers decided to conduct a traffic stop and investigate the driver for potential distracted driving and the possibility that the driver may be the wanted person. The officers continued to follow the Acura and voiced out on the radio band requesting another T.A.V.I.S. vehicle to assist in stopping the vehicle they were now following.

Two other T.A.V.I.S. officers were operating Fleet T.A.V.53 in the general area. This was a marked police vehicle equipped with emergency lighting, sirens and I.C.C.S. These officers heard T.A.V.30 requesting assistance to stop a vehicle and that the driver was possibly wanted on warrants.

In the same area, a third T.A.V.I.S. team vehicle, T.A.V.55, also equipped with emergency lighting, sirens and I.C.C.S, heard T.A.V.30 requesting assistance with a vehicle stop. Both T.A.V.53 and T.A.V.55 responded to assist T.A.V.30 with the traffic stop.

The officers operating T.A.V.30 relayed information that they had turned onto Barker Avenue from southbound Islington Avenue. T.A.V.53 travelled to Riverdale Drive, expecting to intersect with T.A.V.30. The officers in T.A.V.53 saw the black Acura approaching northbound on Riverdale Drive. Behind it was T.A.V.30 and those officers advised over the radio; *“that’s the vehicle”*. T.A.V.53 transitioned from the southbound lane of Riverdale Drive into the northbound lane, with their roof lights activated. They had intended to block the Acura.

The driver of the Acura accelerated heavily and moved from the northbound lane into the southbound lane swerving past T.A.V.53.

The officers in T.A.V.53 turned around on Riverdale Drive and followed the Acura northbound in an attempt to catch up to the Acura. T.A.V.55 which had been travelling northbound on Riverdale Drive fell in behind T.A.V.53. Both police vehicles, T.A.V.55 and T.A.V.53 engaged their emergency equipment. T.A.V.30 also followed once T.A.V.55 passed them northbound.

As the driver of the Acura continued northbound on Riverdale Drive, he reached Albion Road, turned right, and accelerated rapidly in an attempt to evade the officers. The officers lost sight of the suspect vehicle after it had turned onto Albion Road and accelerated southbound.

Despite losing sight of the Acura, T.A.V.53, T.A.V.55 and T.A.V.30 continued southbound on Albion Road in an effort to catch up to the Acura. Approximately 1.5 kilometers south of Albion Road and Riverdale Drive, the officers approached Elmhurst Drive and Albion Road. There were several people standing in the intersection in what appeared to be the aftermath of a major collision scene. The Acura had struck a Toyota minivan, veered off the roadway, and come to rest against a pole after striking a bus shelter and two other vehicles. Several witnesses to the crash advised officers that the driver of the Acura had fled the scene on foot.

As other officers arrived on scene, they requested Toronto Paramedic Services (Paramedics) attend the scene while other T.A.V.I.S. members searched for the suspect. Mr. Watson was located a short distance away and, without incident, was placed under arrest for Dangerous Driving, and Fail to Stop after an Accident.

The driver of the Toyota minivan, later identified as Ms. Titilayo Lanlokun, suffered an injury to her right ankle. Paramedics arrived and transported Ms. Lanlokun via Ambulance to Sunnybrook Health Sciences Centre where she was diagnosed and treated for a compound fracture to the right tibia and fibula.

The S.I.U. was notified and invoked its mandate.

The SIU designated one officer as a subject officer; seven other officers were designated as witness officers.

The S.I.U. published a media release on June 9, 2016. The media release is available at: https://www.siu.on.ca/en/news_template.php?nrid=2653

In a letter to the T.P.S. dated January 10, 2018, Director Tony Loparco of the S.I.U. advised that the investigation was completed, the file has been closed and no further action is contemplated.

The S.I.U. published a media release on January 31, 2018. The media release is available at: https://www.siu.on.ca/en/news_template.php?nrid=3574

Summary of the Toronto Police Service's Investigation:

Traffic Services (T.S.V.) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

T.S.V. examined the use of force in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The T.S.V. 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 07-01 (Transportation Collisions)
- Procedure 07-05 (Service Vehicle Collisions)
- Procedure 10-06 (Medical Emergencies)
- Procedure 13-16 (Special Investigations Unit)
- Procedure 13-17 (Notes and Reports)
- Procedure 15-10 (Suspect Apprehension Pursuits)
- Procedure 15-17 (In-Car Camera System)

The T.S.V. investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)
- Ontario Regulation 266/10 (Suspect Apprehension Pursuits)
- Ontario Regulation 926 Section 14.3 (Use of Force Qualifications)

The T.S.V. investigation determined that the T.P.S.'s policies and procedures associated with the vehicle injury event were found to be 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 conduct of the subject officer and six witness officers was not in compliance with T.P.S. Procedure 15-10, Suspect Apprehension Pursuits, wherein it states that a pursuit for a non-criminal offence shall be abandoned once the motor vehicle is identified or an individual in the fleeing motor vehicle is identified, and that officers shall advise Communications Services of the fact that they are engaged in a Suspect Apprehension Pursuit.

The officers were assigned to the Advanced Driver Training Course at the Toronto Police College to provide retraining in the areas of concern.

Deputy Chief Barbara McLean, Human Resources Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

MS/ao

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Toronto Police Services Board Report

December 10, 2018

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Request for Use of the Board Special Fund: New Canadian Citizenship Ceremony

Recommendation(s):

It is recommended that the Board approve an expenditure not to exceed \$2,000.00 from the Board's Special Fund to support the Toronto Police Service in hosting the New Canadian Citizenship Ceremony on December 20, 2018.

Financial Implications:

The Board's Special Fund would be depleted in the amount of \$2,000.00, less the return of any funds not used.

Background / Purpose:

The Toronto Police Service (T.P.S.) received a request from Immigration, Refugees and Citizenship Canada at the end of November 2018 for the T.P.S. to host the New Canadian Citizenship Ceremony being held on December 20, 2018. There are two ceremonies being held on this date, the first commencing at 1000 hrs and the second at 1300 hrs, with approximately 200 new citizens taking their Oaths per ceremony. The T.P.S. has made arrangements for these ceremonies to be held at the Toronto Police College, and have arranged for light refreshments to be provided.

Discussion:

The cost to host these ceremonies is minimal, but was not included in the budget for 2018 as it was not known earlier in the year that this request would be made.

Immigration, Refugees and Citizenship Canada does not have a budget available for this event, and due to it being so close to the end of the year, the Service does not have funds available to support this event.

Board Policy #112 – Special Fund directs that approval of expenditures from the Special Fund will fall within one of the following categories:

1. Community Outreach
2. Awards and Recognition Programs
3. Toronto Police Amateur Athletic Association
4. Fitness Facilities
5. Consultative Committees
6. Victim Services Toronto

Funding for this request falls under the Community Outreach category, as this is an opportunity for the Toronto Police Service to connect with new Canadian citizens who may have from a country where their experiences have taught them to be fearful and untrusting of the police. As this will likely be a first interaction between these citizens and the T.P.S., supporting them at this important milestone will be a positive experience and is another platform in which the T.P.S. can connect with the community.

Conclusion:

Invitations have been sent to Government Officials and their attendance is anticipated; Board members have also been extended an invitation to attend, as well as Senior Police Executives.

In order to provide light refreshments during these two ceremonies for the approximately 400 new citizens, as well as their close relatives who will be attending to support their loved ones, it is requested that the Board approve the use of the Special Fund in the amount of \$2,000.00, less the return of any funds not used.

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

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police



Toronto Police Services Board Report

December 13, 2018

To: Members
Toronto Police Services Board

From: Ryan Teschner
Executive Director

Subject: Toronto Police Services Board – 2019 Meeting Schedule

Recommendation(s):

It is recommended:

1. THAT the Board approve the 2019 meeting schedule outlined in this report; and
2. THAT subject to the approval of recommendation no. 1, any requests to amend the schedule shall be proposed by the Board member seeking the amendment in the form of a Motion for consideration at an appropriate public meeting.

Financial Implications:

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

Background/Purpose:

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

In order to recognize culturally-significant days, the Board approved a policy indicating that it would attempt to avoid scheduling any meetings involving the public on these days. A list of the days formally recognized as culturally significant was also approved (Min. No. P358/05 refers).

Although the Board attempts to follow its schedule of meetings as much as possible once it has been established, there may be circumstances which result in changes on short notice during the year.

Discussion:

I have reviewed the current 2019 schedule of meetings developed by the City of Toronto; the dates upon which culturally-significant holidays will be observed in 2019; and dates for key conferences that members of the Board or Chief of Police may attend during the year.

Board Meeting Schedule – 2019:

Based on the foregoing review, I am proposing the following dates for the 2019 Board meetings:

Thursday, January 24
Thursday, February 21
Tuesday, March 26
Thursday, April 25
Thursday, May 30
Thursday, June 27
Wednesday, July 31
Thursday, September 19
Tuesday, October 22
Thursday, November 21
Thursday, December 19

I know that as the year progresses, there may be a few dates when some Board members may not be able to attend a meeting due to new personal or business commitments. Unless a quorum of the Board cannot be achieved, I believe that the meeting dates, as proposed, should be confirmed in order to establish a regular cycle of meetings at this time. Once the schedule has been approved, any requests to amend the schedule shall be proposed by the Board member seeking the amendment in the form of a Motion for consideration at an appropriate public meeting.

Times and Locations of Board Meetings:

It is anticipated that all confidential meetings will commence at 8:30 AM followed by a public meeting at 1:30 PM. The meetings will take place at Toronto Police Headquarters. However, the Board continues to discuss whether to hold certain 2019 meetings in alternate locations throughout the City. Public meetings are LiveStreamed on YouTube via a link on the Board's website, tpsb.ca. Agendas for public meetings are also posted to the Board's website and a limited number are available at each meeting.

Conclusion:

It is recommended that the Board approve the 2019 meeting schedule outlined above and, once the schedule has been approved, any requests to amend it shall be proposed by the Board member seeking the amendment in the form of a Motion for consideration at an appropriate public meeting.

Respectfully submitted,

Ryan Teschner
Executive Director



City Clerk's Office

Ulli S. Watkiss
City Clerk

Secretariat
Cathrine Regan
Striking Committee
City Hall, 12th Floor, West Tower
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Toronto, Ontario M5H 2N2

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Web: www.toronto.ca

December 14, 2018

Mr. Andrew Pringle
Chair
Toronto Police Services Board
40 College Street
Toronto, Ontario M5G 2J3

Dear Mr. Pringle:

City Council, at its First Meeting on December 4, 5 and 13, 2018, adopted, as amended, Striking Committee Item ST1.1.

City Council has appointed the following Members of Council to the Toronto Police Services Board for a term of office until December 31, 2020, and until successors are appointed:

Councillor Michael Ford
Councillor Frances Nunziata

Mayor John Tory continues to sit on the Toronto Police Services Board and will serve for the term of Council unless he chooses to vacate his seat.

Yours truly,

for Ulli S. Watkiss
City Clerk

CR/cr

c. ABC Files

**Toronto Police Services Board
Appointees' Contact Information**

Councillor Michael Ford
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Email: councillor_mford@toronto.ca

Councillor Frances Nunziata
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Email: councillor_nunziata@toronto.ca



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Toronto Police Services Board Report

December 17, 2018

To: Members
Toronto Police Services Board

From: Andy Pringle
Chair

Subject: AMENDMENT TO THE 2019 CAPITAL AND OPERATING BUDGET PROCESS

Recommendation(s):

It is recommended:

1. THAT the Board amend Board Min. No. P145/18, approved at the July 19, 2018 meeting, which outlines the structure of the Budget Committee and the proposed schedule of the Budget Committee as follows:
 - a. THAT the Board no longer utilize a Budget Committee process for the 2019 Budget Requests; and
 - b. THAT the Board amend the previously-approved schedule to require that the 2019 Operating and Capital Budget Requests for the Service, Parking Enforcement and the Board be presented and considered at the Board's January 2019 meeting and that deputations from the public be received at that meeting;
2. that the Board forward a copy of this report to the City Manager and to the CFO

Financial Implications:

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

Discussion:

At its meeting on July 19, 2018, the Board established a process to review the capital and operating budget estimates (Minute P145/18 refers, copy attached).

However, due to changes to City budget timelines, the Board's composition, and additional time required by the Service to complete its budget submission, I am

requesting that the previously-approved process be amended as outlined in the above recommendations.

Conclusion:

It is, therefore, recommended:

1. THAT the Board amend Board Min. No. P145/18, approved at the July 19, 2018 meeting, which outlines the structure of the Budget Committee and the proposed schedule of the Budget Committee as follows:
 - a. THAT the Board no longer utilize a Budget Committee process for the 2019 Budget Requests; and
 - b. THAT the Board amend the previously-approved schedule to require that the 2019 Operating and Capital Budget Requests for the Service, Parking Enforcement and the Board be presented and considered at the Board's January 2019 meeting and that deputations from the public be received at that meeting;
2. that the Board forward a copy of this report to the City Manager and to the CFO

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Pringle', with a horizontal line underneath.

Andy Pringle
Chair

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on July 19, 2018

P145 Process for Reviewing 2019 Capital and Operating Budget Estimates

The Board was in receipt of a report dated July 4, 2018 from Andy Pringle, Chair, with regard to this matter.

Recommendation(s):

It is recommended:

1. That the Board establish a Budget Committee for the purpose of reviewing the 2019 capital and operating budget estimates and designate two Board members as members of the Budget Committee, one of whom will act as Budget Committee Chair;
2. That the Board adopt the schedule outlined in this report for its review of the capital and operating budget estimates; and
3. That the Board forward a copy of this report to the Interim City Manager and to the Interim CFO.

Deputation: Miguel Avila-Velarde

The Board received the deputation and approved the foregoing report. The Board designated Andy Pringle and Jim Hart as members of the Budget Committee.

Moved by: J. Tory
Seconded by: K. Jeffers



Toronto Police Services Board Report

July 4, 2018

To: Members
Toronto Police Services Board

From: Andy Pringle
Chair

**Subject: PROCESS FOR REVIEWING 2019 CAPITAL AND
OPERATING BUDGET ESTIMATES**

Recommendation(s):

It is recommended:

1. that the Board establish a Budget Committee for the purpose of reviewing the 2019 capital and operating budget estimates and designate two Board members as members of the Budget Committee, one of whom will act as Budget Committee Chair;
2. that the Board adopt the schedule outlined in this report for its review of the capital and operating budget estimates, and;
3. that the Board forward a copy of this report to the Interim City Manager and to the Interim CFO

Financial Implications:

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

Background / Purpose:

In reviewing the proposed 2018 operating and capital budgets, the Board's Budget Committee (Councillor Carroll, Chair and Ms Moliner, Member) held a public information session and one Budget Committee meeting at which time the Budget Committee reviewed and formulated recommendations which were considered by the Board at its meeting on October 26, 2017.

I am in receipt of a memorandum dated June 4, 2018 from the City's Interim City Manager and Interim Chief Financial Officer advising that, given the municipal election, City Council will not be approving budget directions for the 2019 process, rather; the City will be guided by its Long Term Financial Plan which was considered by Executive Committee on March 19, 2018. This Plan provides a framework for financial decision-making, including strategies and key actions to facilitate multi-year, integrated, strategic decision-making aimed at improving the long-term financial stability of the City.

The City has requested that agencies such as the Board adhere to its directions and strategies in order to "achieve the budget target that requires all City Programs, Agencies and Accountability Offices absorb program costs and pressures so that the 2019 Net Operating Budget equals the 2018 Net Operating Budget." The City's directions are intended to address the City's projected operating budget shortfall, estimated at \$308.3 million.

In terms of the capital program, "...all capital plan submissions must adhere to the 2018-2017 Capital Plan approved by City Council as part of the 2018 Budget process, with any new spending being added in 2028, only if spending can be accommodated with the Debt Affordability Targets established by the City."

Details of City Council's decision with respect to financial planning can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX32.1>

Discussion:

In terms of timing, the City anticipates completing the various staff-level reviews prior to the October 22, 2018 election, completing the preliminary budget by November 12, 2018, launching the budget in January 2019 with Council approval anticipated in mid-March 2019. I have been advised that the City requires a Board-approved budget by the end of November.

It is recognized that the schedule proposed in this report will not adhere precisely to the City's schedule; however, unlike many City programs and agencies, in addition to the internal budget development process, the Board has a formal committee process in place leading up to the required approval by the full Board. Additional time is required in order to work through that process in a way that facilitates adherence to the Board's procedures, particularly those procedures which require the posting of agendas one week prior to meetings.

The Budget Committee's meeting(s) will be convened in accordance with the Board's Procedural Bylaw and, consequently, will meet in public, as appropriate.

I recommend that the Board approve the following schedule:

Week of October 29, 2018

Building upon the interactive format adopted and well received by the Board and the community in 2017, the Chief and Chair to post budget information to TPS and TPSB websites

Budget Committee agenda to be posted to TPSB website one week prior to the Budget Committee meeting

Week of November 5, 2018

Budget Committee meeting to consider both operating and capital budgets

December 11, 2018

Budget Committee recommendations are posted as part of the Board's agenda for its meeting on December 18, 2018

December 18, 2018

Board to consider Budget Committee recommendations with respect the TPS operating and capital budgets, Parking Enforcement budget and TPSB operating budget

Conclusion:

It is recommended that the Board convene its Budget Committee in accordance with this report.

Respectfully submitted,

Andy Pringle
Chair

December 16, 2018

Hello,

Toronto Police Services is ostensibly a service organization. It's right there in the motto. As an organization supposedly dedicated to serving the public, TPS and the TPSB's policies should serve that same public. Instead, over the last few months, we've watched them be used to shut down D!ONNE Renee and dodge all attempts at accountability for what happened to her when she requested an accommodation. How could [redacted] be cleared without properly interviewing D!ONNE? Why was it acceptable for this board to walk out when she tried to hold you accountable? Why did you hide behind the excuse a five minute speaking rule? Why is it okay to impose that policy on her, when you face no consequences for the policies you didn't follow when you didn't properly close the meeting, or for trying to pass minutes that, at the time this was written, less than forty eight hours from this meeting, had not yet been posted publicly?

The customer service requirements of the AODA have been in force for four years. Activists have been trying to work with you for even longer. TPS has repeatedly said it wants to mend fences with marginalized communities, including disabled people. That also includes dealing with this organization's anti-Black track record, which is now a matter of public record. What's unfolded here over the last few weeks isn't mending fences. It can't be, without accountability. I hope that when the Anti-Racism Advisory Panel publishes its report that the TPSB will take its recommendations seriously, but I'm also asking, what will you do here, now in this room today, to address the ableism and anti-Black racism you say you care about ending, because if you can't be accountable now, when can you be.

Thank you.

Kit Matte

DIONNE Renée

-----Original Message-----

From: My City [mailto:mycity@torontomail.com]

Sent: Friday December 14, 2018 10:01 AM

To: Karlene Bennett

Subject: A message from DIONNE Renée - re Toronto Police Services Board meeting scheduled for Tuesday, December 18, 2018...

Good day to you Karlene, I trust that my email finds you well!

Please ensure that this email is included in the hand outs, documentation, record distributed for the Tuesday, December 18, Police Services Board meeting. Please do not redact my what I wrote. These are my own words. There is nothing that isn't public information included in what I have written.

Accommodation requests: a long couch within the space where the Board meeting will be held.
A Sign Interpreter.

Please include me to speak to Agenda items 1, 3, 5, 9, 11, 12, 13, 14, 15, 16.

Please forward this email to the Board Members. Thank you.

Dear Chair Pringle and Toronto Police Services Board Members,

A. The Public has repeatedly requested and required that TPSB meetings be held in an accessible, inclusive location not associated with Police Services, at times/days when members of the Public can reasonably participate; suggestions included evenings starting at 6:30pm or 7:00pm, on weeknights or starting at 1:00pm or 2:00pm on the weekend. These requests have been ignored.

B. On numerous occasions a Sign Interpreter has been requested and required to be present for Board meetings to ensure an inclusive meeting. This provision has not been provided.

C. Accommodation requests have been repeatedly made and required to ensure participation. Accommodation has not been provided.

D. The Board is aware and Police Services are aware that elevator use to access the 2nd floor meeting at Toronto Police HQ should not be impeded or denied when requested yet there are still actions by TPS that challenge one's use (including my own access) of the elevators. Challenging someone's disabilities by 'suggesting' that someone "can take the stairs" when a direct request was made for the use of the elevator is discriminatory.

The TPS has been made aware in at least 2014, 2015, 2016, 2017, 2018 that accessibility is a right- not an option. Providing accessibility and inclusion is not optional; it's a mandatory requirement under the law. Suggestions were made by me to install an elevator that was easily accessible to the Public without having to 'request' use of the elevator or to interact with any Police Officers to ensure one's independence yet no changes have been made to date to ensure individuals' independence and autonomy when using elevators to attend public meetings at Police HQ.

Both [REDACTED] and [REDACTED] were at or in the reception desk area AGAIN at my last attendance of the TPSB meeting (November 22, 2018) which was AGAIN held at TPSB HQ. It is triggering and re-traumatizing to see the very Police Officers involved in the attack and lies against me still at or in the front reception area. This lack of consideration and care is demonstrative of the disrespect the TPS has for acting humanely even when it can easily choose to be humane. A basic consideration, even if you're denying their actions, would be to remove these Officers from the front reception areas. I am not the only member of the Public who is offended that these Officers are still permitted to work at the front reception desk and interact with the Public, other members of the Public are outraged that these two Officers are still at the front reception desk. Why are members of the Public paying these two Police Officers [REDACTED] [REDACTED] approx. \$133,000, [REDACTED] approx. \$107,000) to stand at the front reception desk? In fact, why are there so many Police Officers working at the front reception desk doing what can easily be done by Civilians? Why are members of the Public paying Police Officers to press a button for entry into the elevator area or to hand over an envelope of documents?

E. You continue to disregard and disrespect the Public's needs to have meetings held in spaces where they feel safe. While the Toronto Police HQ is a publicly owned building, it has been the site and environment of racism, discrimination, sexual assault, assault, abuses, intimidation, harassment, bullying, misconduct, misinformation, lies and hostility- and especially within the last four years! While some Police Officers act professionally, the environment at Police HQ is an unpredictable one should any member of the Public come across an erratic/hostile Police Officer. Members of the Public should not feel like we are under constant threat of attack at any given time nor should the Board use Police to instill fear, to intimidate, to bully, to quell dissent, to quell opposition to the Board's stance and/or to subvert peaceful protest- the Charter protects the Public from such egregious acts. Members of the Public do not want our tax dollars used to militarize public meetings.

F. As a result of our collective negative historical experience with being ignored by the TPSB over at least the past four years, we, the Public, again request that the Toronto Police Services Board Members resign immediately. Additional reasons are as follows:

1. The TPSB fails to inspire confidence in its abilities and integrity;
2. the TPSB fails to uphold the Human Rights Code (Code);
3. the TPSB fails to uphold the Charter of Rights and Freedoms (Charter);

4. the TPSB fails to uphold the Accessibility for Ontarians with Disabilities Act (AODA);
5. the TPSB fails to require that the TPS be accountable and act humanely and in accordance with the Code, Charter, AODA, Police Services Act (PSA);
6. the TPSB fails to hold the TPS accountable for discrimination against individuals with disabilities;
7. the TPSB fails to hold the TPS accountable for discriminatory acts and practices;
8. the TPSB fails to hold the TPS accountable for racist conduct of the TPS;
9. the TPSB fails to hold the TPS accountable for homophobic and/or transphobic conduct of the TPS;
10. the TPSB fails to hold the TPS accountable for sexual assaults;
11. the TPSB fails to hold the TPS accountable for assaults and abusive conduct by the TPS;
12. the TPSB fails to hold the TPS accountable for behaviour that is indicative of misogynoir, misogyny, gender based violence;
13. the TPSB fails to ensure that race and gender based data is collected and produced to assess Policing trends;
14. the TPSB fails to ensure the informed accuracy, and validity of Police Reports and/or investigations;
15. the TPSB fails to ensure the Public's safety against harassment, bullying, intimidation and the like by TPS;
16. the TPSB fails to ensure the appearance and demonstration of its independence as an oversight body of the TPS;
17. the TPSB fails to ensure that its Public meetings are held in a neutral facility independent of TPS;
18. the TPSB fails to ensure inclusive, accessible meetings that allow members of the Public to freely participate without duress, intimidation, harm or threat of arrest for exercising one's freedom of expression, for exercising one's right to peacefully protest and/or for exercising one's democratic rights;
19. the TPSB fails to ensure that the Public's input, requests and feedback is adopted into its policies;
20. the TPSB fails to ensure the TPS' cooperation in investigations;
21. the TPSB fails to ensure hiring practices that ensure that psychopaths, bullies, misogynists, racists and the like are not recruited and hired to work within the TPS;
22. the TPSB fails to ensure firing practices, swift or otherwise, within the TPS;
23. the TPSB fails to ensure that it provides adequate and effective police services in Toronto;
24. the TPSB fails to ensure that TPS complies with the AODA;
25. the TPSB fails to ensure that it complies with the AODA;
26. the TPSB fails to establish policies for the effective management of the TPS;

27. the TPSB fails to ensure that complaints against the TPS are taken seriously and properly addressed and are transparent and publicly reported;
28. the TPSB fails to demonstrate how it independently, effectively and actively directs the Chief of TPS and monitors the Chief's performance;
29. the TPSB fails to ensure that the Public is properly informed, notified and receives readily accessible, accurate, clear, informative information and updates;
30. the TPSB fails to communicate with the Public;
31. the TPSB fails to answer queries from the Public;
32. the TPSB fails to ensure that TPS is properly trained;
33. the TPSB fails to ensure that TPS training is effective;
34. the TPSB fails to ensure that TPS mitigates against its purchase and use of weapons;
35. the TPSB fails to ensure zero deaths, zero sexual assaults, zero serious injuries at the hand or cause of the Police;
36. the TPSB fails to ensure that its spending practices are necessary given the Public's opposition to its budget;
37. the TPSB fails to ensure that TPS actively reduce its litigation risks and activities that increase litigation risks;
38. in addition, the TPSB fails to act as the Public would expect an independent oversight body to act. As a result of these failures we, the Public, demand that the TPSB resign.

Please accept this request as a formal request for the Toronto Police Services Board to resign immediately.

G. It is troubling that the TPSB did not publicly formally conclude its November 22, 2018 scheduled meeting. The Board did not adjourn it's incomplete meeting- it simply just walked out
<<https://www.youtube.com/watch?v=lcdYIV9Nkio>>

H. The Board has failed to respond to any of my emails including my last email dated November 21, 2018 sent at 6:30am. Why?

Pronouns: She/Her

{Express your voice through your actions! We can ALL help each other to live & thrive in Toronto and in the world!}

Be well & enjoy your blessings!♥

DIONNE Renée ·
Bless & Be Blessed
Love & Be Loved

**Ontario
Human Rights
Commission**

Office of the Chief Commissioner

180 Dundas Street West, Suite 900
Toronto ON M7A 2G5

Tel.: (416) 314-4537
Fax: (416) 314-7752

**Commission
Ontarienne des
Droits de la Personne**

Bureau du Commissaire en Chef

180, rue Dundas ouest, suite 900
Toronto (Ontario) M7A 2G5

Tél. : (416) 314-4537
Télééc. : (416) 314-7752



December 14, 2018

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

Dear Chair Pringle:

Please find attached a written deputation to the Toronto Police Services Board for its meeting on December 18, 2018. Despite several attempts we were unable to submit this deputation via the online form on the [TPSB website](#).

Please let us know if you require anything further.

Sincerely,

A handwritten signature in cursive script that reads "Renu Mandhane".

Renu Mandhane, B.A., J.D., LL.M.
Chief Commissioner
Ontario Human Rights Commission

cc: Hon. Caroline Mulroney, Attorney General
Mark Saunders, Chief of the Toronto Police Service
Mayor John Tory, Member, Toronto Police Services Board
Councillor Michael Ford, Member, Toronto Police Services Board
Councillor Frances Nunziata, Member, Toronto Police Services Board
Uppala Chandrasekera, Member, Toronto Police Services Board
Marie Moliner, Member, Toronto Police Services Board
Ken Jeffers, Member, Toronto Police Services Board
Notisha Massaquoi, Co-Chair, Anti-Racism Advisory Panel
OHRC Commissioners

Ontario Human Rights Commission
Written Deputation to the Toronto Police Services Board

**Regarding the Toronto Police Services Board's
Anti-Racism Advisory Panel – Quarterly Update**

December 14, 2018

The Ontario Human Rights Commission (OHRC) makes the following deputation to the Toronto Police Services Board (TPSB) in response to its Anti-Racism Advisory Panel (ARAP) Quarterly Update.

The OHRC requests that the TPSB pass the following two motions:

1. The TPS shall collect race-based data on all stops, searches, and use of force incidents by January 2020 and publicly-release data on an ongoing basis.
2. The ARAP shall limit the scope of its study to providing advice to the TPSB on *how* to collect race-based data on all stops, searches, and use of force incidents in a manner consistent with the Ontario *Human Rights Code* and the expectations of Indigenous, Black and other racialized communities.

Background and context

On International Human Rights Day, December 10, the OHRC launched [*A Collective Impact*](#), the interim report on its inquiry into racial profiling and discrimination of Black persons by the TPS. *A Collective Impact* describes the OHRC's inquiry work to date, provides findings relating to Special Investigations Unit investigations of police use of force resulting in serious injury or death, describes the lived experiences Black communities have shared during the OHRC's community engagement, and highlights certain legal decisions.

In response to the release of *A Collective Impact*, the TPS and TPSB released a joint statement on December 10 which acknowledges that:

- The job of police is a hard one
- Black communities' concerns about differential police treatment, including in use of force, have resulted in a lack of trust that has lasted generations



**Ontario
Human Rights Commission**
**Commission ontarienne des
droits de la personne**

- Black communities' lived experiences must be recognized to achieve meaningful change
- The TPS and TPSB are not immune from overt and implicit bias
- The TPS and TPSB have a unique obligation to uphold the law and protect all the city's people
- The TPS and TPSB are committed to doing better, including exploring the overall approach to police use of force and critically examining specific cases where it has been employed.

The OHRC is pleased that the TPS and TPSB have accepted the interim recommendations in *A Collective Impact*, specifically that:

- The TPS and TPSB acknowledge that the racial disparities and community experiences outlined in *A Collective Impact* raise serious concerns
- The TPS and TPSB continue to support the OHRC's inquiry into racial profiling and discrimination of Black persons
- The TPSB require the TPS to collect and publicly-report on race-based data on all stops, searches, and use of force incidents.

The TPSB must require race-based data collection by January 2020 and publicly-release data on an ongoing basis

While we welcome the TPS and TPSB's acceptance of the OHRC's interim recommendations, based on the December 10 statement, there is some confusion about the extent of the commitment in relation to data collection. To clarify this commitment, the TPSB must require race-based data collection to identify, monitor and address potential systemic discrimination and racism with respect to service delivery by January 2020 and publicly-release data on an ongoing basis.

The TPSB has clear, positive obligations under the *Police Services Act* to address concerns about systemic racism including being "alert to events, trends and issues within their community."

In the Ontario Civilian Police Commission's *Thunder Bay Police Services Board Investigation Final Report*, released December 14, Senator Murray Sinclair confirms that police services boards "have a positive obligation to address allegations of systemic discrimination." This obligation is grounded in boards' responsibilities under the *Police Services Act*. In particular, boards are responsible for the manner in which policing is carried out and the actions of members of the police service. Senator Sinclair's

conclusions are supported by the Supreme Court of Canada's decision in *Odhavji Estate v Woodhouse*, 2003 SCC 69.

Police boards must take positive steps to make themselves aware of systemic racism. Senator Sinclair found that one of the key roles of police boards is to "be alert to events, trends and issues within their community and the impact on the effectiveness of police services." As a representative of the community, a police board has the responsibility to "assess the presence of systemic discrimination and racism within its own operations and governance practices, particularly where allegations have been made against them."

Failing to act in the face of evidence of systemic racism can amount to "wilful blindness." Indeed, in ultimately recommending that an Administrator be appointed to take over the powers of the Thunder Bay Police Service Board, Senator Sinclair found that that Board was "aware of concerns regarding policing and Indigenous peoples in Thunder Bay but chose to passively tolerate, refute or ignore these issues, rather than obtain proper information about them; that action can be characterized as wilful blindness in the discharge of their duties."

In light of the obligations of police services boards and the OHRC's findings in *A Collective Impact*, race-based data collection is urgent and imperative.

To build trust with Black communities, the TPS and TPSB must move quickly and with clear resolve. The December 10 joint statement highlights the TPS and TPSB's willingness to "do the hard work." As such, the OHRC expects the ARAP to prioritize its study of race-based data collection and be in a position to present recommendations to the TPSB by August 2019, with a view to the TPS collecting race-based data by January 2020.

We encourage the TPSB to pass the following motion:

The TPS shall collect race-based data on all stops, searches, and use of force incidents by January 2020 and publicly-release data on an ongoing basis.

The TPSB should clearly define the scope of the ARAP study on race-based data collection

Further to the December 10 joint statement and the ARAP's Quarterly Update dated December 5, the TPS and TPSB have asked the ARAP to further study the OHRC's

recommendation about race-based data collection. Specifically, the ARAP will make recommendations on how to improve the existing [Policy on the collection, use and reporting of demographic statistics](#).

The OHRC encourages the TPSB to retain an expert to assist the ARAP in the review and development of a practical plan for race-based data collection. The OHRC would be pleased to offer advice on selection of an expert.

The OHRC cautions against a study that considers whether or not race-based data collection is valuable and appropriate for the TPS. Over the past 30 years, there have been numerous reports, oversight bodies and independent reviews calling for the collection of race-based data in policing. Data collection is the foundation to combat systemic racial discrimination, including anti-Black racism. Race-based data collection is particularly urgent and imperative in light of the OHRC's findings in *A Collective Impact*.

In approaching its task, the OHRC encourages the ARAP to draw on experiences from past, similar data collection projects. For example, [Ottawa Police Service's Traffic Stop Race Data Collection Project](#) and Rob Tillyer et al., "Best practices in vehicle stop data collection and analysis" (2009) 33(1) PIJPSM 69 provide practical guidance on how to collect and analyze race-based data in traffic stops.

In addition, the OHRC's [written submission](#) to Justice Michael Tulloch as part of his Independent Street Checks Review provides practical guidance on data collection in other areas of policing, including stops and use of force incidents. It highlights the value of officer perception data in combatting racial discrimination and provides extensive guidance on the selection of racial categories. The OHRC encourages the ARAP to look to comparable jurisdictions that have already implemented race-based data collection, including the Los Angeles and New York police departments.

For broader advice on collecting race-based data, the OHRC recommends the ARAP review [Count me in](#), the OHRC's guide on collecting human rights-based data, and Ontario's [Data Standards for the Identification and Monitoring of Systemic Racism](#). The OHRC assisted the government's Anti-Racism Directorate with the development of these standards.

The ARAP must also receive input from communities most impacted by racial discrimination in policing, including Indigenous, Black and other communities. The OHRC is also available to provide the ARAP with expert advice.

We encourage the TPSB to pass a second motion as follows:

The ARAP shall limit the scope of its study to providing advice to the TPSB on how to collect race-based data on all stops, searches, and use of force incidents in a manner consistent with the Ontario *Human Rights Code* and the expectations of Indigenous, Black and other racialized communities.

Thank you for the opportunity to provide this deputation.

This is a deputation regarding Item 2: the report by the anti racism advisory panel.

My name is Johanna Lewis, and I am deeply concerned by the Board's actions and inactions in the past year.

Shame on this Board. Research has already been done, and it has been disregarded. Recommendations have already been made, and they have been ignored. Communities have already spoken, again and again, about the racism and violence of the Toronto Police — and they have been silenced, shut out, arrested, assaulted, and delegitimized.

It is insincere and hypocritical to move forward with this process while, just last week, the Ontario Human Rights Commission released an evidence based report finding systemic anti-Black racism in the Toronto Police Service. This report has shown that Black people in Toronto are 20 times more likely to experience use of force by police officers, among many other alarming confirmations of what Black community activists have been saying for years.

This Board, supposedly providing oversight, has responded to this news by releasing a joint statement with the police placating concerns and stalling urgently needed action. What is the Board's commitment to anti-racism when the board continues to sign off of the TPS' anti-Black racism? I demand accountability.

Thank you.