



Public Meeting

**Tuesday,
October 8, 2024**



PUBLIC MEETING MINUTES

Tuesday, October 8, 2024, at 12:00PM

Livestreamed at: <https://www.youtube.com/live/DifOgV813cU>

The following *draft* Minutes of the hybrid public meeting of the Toronto Police Service Board that was held on October 8, 2024, are subject to approval at its next regularly scheduled meeting.

Attendance:

The following Members were present:

Ann Morgan, Chair
Chris Brillinger, Member
Lily Cheng, Councillor and Member (virtual)
Nick Migliore, Member
Shelley Carroll, Councillor and Member

The following individuals were also present:

Myron Demkiw, Chief of Police, Toronto Police Service
Dubi Kanengisser, Executive Director, Toronto Police Service Board
Diana Achim, Board Administrator, Toronto Police Service Board
Allyson Amster, Solicitor, City of Toronto – Legal Services Division

Declarations:

There were no declarations of interest under the Code of Conduct for Members of a Police Service Board Regulation and the *Municipal Conflict of Interest Act*.

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Service Board that was held on October 8, 2024

P2024-1008-0.1. Motion

Chair Morgan moved the following Motion, which was seconded by Board Member Brillinger.

THAT the Board to move item 8 to the top of the agenda as the City Manager is present to answer any questions on this correspondence.

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Service Board that was held on October 8, 2024

P2024-1008-0.2. Chief's Monthly Verbal Update

Chief Demkiw, Deputy Chief Pogue and Deputy Chief Johnson provided updates to the Board.

For a more detailed account of these updates, see the YouTube recording starting at minute 4:36:09 here:

<https://www.youtube.com/live/DifOgV813cU?si=Zidl3xNDaWXH7Dcz&t=16567>

The Board received the updates.

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Service Board that was held on October 8, 2024

P2024-1008-1.0. Board Minutes

Confirmation of the Minutes from the regular public meeting held on September 12, 2024 and the Minutes from the Board's Budget Committee meeting held on October 2, 2024.

Deputation: Kris Langenfeld (virtual)

The Board received the deputation and approved the Minutes.

Moved by: S. Carroll
Seconded by: N. Migliore

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Service Board that was held on October 8, 2024

P2024-1008-2.0. Victim Services Presentation

The Board was in receipt of a presentation provided by Carly Kalish, Executive Director, Victim Services Toronto. A copy of the presentation is attached to this Minute.

Board Members discussed this report. For a detailed account of the discussion, see the YouTube recording starting at minute 5:07:04 here:

<https://www.youtube.com/live/DifOgV813cU?si=jdSQK1LqYru1ueOb&t=18421>

The Board received the presentation.

Moved by: N. Migliore
Seconded by: C. Brillinger

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P2024-1008-3.0. Analytics Presentation

The Board was in receipt of a presentation provided by Ian Williams, Director, Information Management and Staff Superintendent Brett Nichols. A copy of the presentation is attached to this Minute.

Deputation: Kris Langenfeld (virtual)

Board Members discussed this report. For a detailed account of the discussion, see the YouTube recording starting at minute 5:27:47 here:

<https://www.youtube.com/live/DifOgV813cU?si=4MKddm6oo8dXs4-M&t=19664>

The Board received the deputation and the presentation.

Moved by: N. Migliore
Seconded by: A. Morgan

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Service Board that was held on October 8, 2024

P2024-1008-4.0. Digital Platforms Presentation

The Board was in receipt of a presentation provided by Information Officer, Colin Stairs. A copy of the presentation is attached to this Minute.

Deputation: Kris Langenfeld (virtual)

Board Members discussed this report. For a detailed account of the discussion, see the YouTube recording starting at minute 6:12:33 here:

<https://www.youtube.com/live/DifOgV813cU?si=IYgTcU4x0vhnoeqC&t=22350>

The Board received the deputation and the presentation.

Moved by: C. Brillinger
Seconded by: A. Morgan

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Service Board that was held on October 8, 2024

P2024-1008-5.0. [Update from the Board's Anti-Racism Advisory Panel \(ARAP\)](#)

The Board was in receipt of a report dated September 20, 2024, from Councillor Lily Cheng, Co-Chair.

Recommendations:

1. Receive this update from its Anti-Racism Advisory Panel (ARAP); and
2. Appoint Asante Haughton to the role of ARAP Co-Chair

The Board approved the foregoing report as amended.

Moved by: N. Migliore
Seconded by: C. Brillinger

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Service Board that was held on October 8, 2024

P2024-1008-6.0 [Appointment of Members to the Board's Human Resources Committee](#)

The Board was in receipt of a report dated September 18, 2024 from Ann Morgan, Chair of the Board.

Recommendation:

This report recommends that the Board appoint a Member to the Human Resources Committee.

Chair Morgan moved the following motion which was seconded by Councillor Cheng:

THAT the Board:

Appoint Member Chris Brillinger and Member Shelley Carroll to the Human Resources Committee.

The Board received the presentation and the deputations, and approved the foregoing report, as amended.

Moved by: A. Morgan
Seconded by: L. Cheng

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Service Board that was held on October 8, 2024

P2024-1008-7.0. Chief's Administrative Investigation Reports

P2024-1008-7.1. [Chief's Administrative Investigation into the Alleged Sexual Assault Complainant 2023.88](#)

The Board was in receipt of a report dated August 30, 2024 from Myron Demkiw, Chief of Police.

Recommendation:

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

P2024-1008-7.2. [Chief's Administrative Investigation into the Alleged Sexual Assault Complainant 2024.02](#)

The Board was in receipt of a report dated August 30, 2024 from Myron Demkiw, Chief of Police.

Recommendation:

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

P2024-1008-7.3. [Chief's Administrative Investigation into the Custody Injury of Complainant 2024.03](#)

The Board was in receipt of a report dated August 30, 2024 from Myron Demkiw, Chief of Police.

Recommendation:

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

P2024-1008-7.4. Chief's Administrative Investigation into the Custody Injury of Complainant 2024.17

The Board was in receipt of a report dated August 30, 2024 from Myron Demkiw, Chief of Police.

Recommendation:

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

P2024-1008-7.5. Chief's Administrative Investigation into the Custody Injury of Complainant 2024.18

The Board was in receipt of a report dated August 30, 2024 from Myron Demkiw, Chief of Police.

Recommendation:

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

Deputation: Kris Langenfeld

The Board received the deputation and the foregoing reports.

Moved by: N. Migliore
Seconded by: S. Carroll

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on October 8, 2024

P2024-1008-8.0. Keeping Toronto Safe from Hate Action Plan – Request to Receive for Information at the October 8th, 2024, Toronto Police Service Board Meeting

The Board was in receipt correspondence dated September 23, 2024 from Paul Johnson, City Manager.

Deputations: Giuseppe Scoleri (virtual)
Kris Langenfeld (virtual)
Miguel Avila (in person)
Robert Walker (in person)
Stephanie Michelle (in person)
Matthew Taub (in person)

Alexandra Smith (in person)
Mark Sandler (in person)
Daniel Tate (in person)
Daniel Hochman (written only)
Dovid Morris (written only)
Derek Moran (written submission only)

The Board received the deputations and the correspondence.

Moved by: S. Carroll
Seconded by: C. Brillinger

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Service Board that was held on October 8, 2024

P2024-1008-9.0. Confidential

At the beginning of the meeting Councillor Carroll moved the following Motion, which was seconded by Board Member Brillinger.

MOTION

THAT the Toronto Police Service Board adjourn the public portion of its meeting to move *in camera* to discuss the following subject matters in accordance with Section 44(2) of the *Community Safety and Policing Act, 2019*:

- 1. Chief's Verbal Updates - Confidential operational updates**
- 2. Investigative Matters**
- 3. Operational Needs**
- 4. Board Updates on Matters under Litigation**

The Board adjourned the public portion of the meeting and reconvened *in camera* for consideration of confidential matters pursuant to Section 44 (1) of the *Community Safety and Policing Act, 2019* (CSPA) until 1:30PM when they returned to the public portion of the meeting.

The following Members attended the confidential meeting:

Ann Morgan, Chair
Chris Brillinger, Member
Lily Cheng, Member and Councillor (virtual)
Nick Migliore, Member
Shelley Carroll, Member and Councillor

Next Board Meeting

Regular Public Meeting

Date: Tuesday, November 12, 2024

Location: 40 College Street, Auditorium

Minutes Approved by:

-original signed-

Ann Morgan
Chair

Members of the Toronto Police Service Board

Ann Morgan, Chair
Amber Morley, Deputy Mayor & Member
Lily Cheng, Member & Councillor
Nick Migliore, Member

Lisa Kostakis, Vice-Chair
Chris Brillinger, Member
Shelley Carroll, Member & Councillor



Victim Services Toronto: 2024 Highlights

by Carly Kalish, Executive Director,
Victim Services Toronto





Victim Services Toronto

Victim Services Toronto provides immediate, confidential support for any person who has experienced crime or sudden tragedy 24/7.

OUR YEAR IN NUMBERS

- **18,032 TOTAL VICTIMS SERVED.**
- **3,557 TOTAL YOUTH & CHILDREN VICTIMS SERVED.**
- **Now Co-located in 9 Divisions and Specialized Units with TPS**

The Crisis Response Program responds immediately to support individuals and families in the aftermath of crime and/or sudden tragedy.

Operating 24 hours a day, seven days a week, 365 days a year.



Ask for Angela

In response to the success of the UK "Ask Angela" campaign, which empowers women to seek help in pubs around the UK, VST adapted this initiative for the Canadian context. VST consulted with survivors who told us they often feel most likely to seek out safety interventions while shopping for essentials alone. VST partnered with Loblaws and Shoppers Drug Mart to implement the campaign across 238 stores in Toronto. Thousands of staff members have been trained to respond to the coded question, "Is Angela Here?" Posters promoting the initiative are displayed throughout the stores, and a QR code offers shoppers in distress a discreet way to access help.

ASK FOR ANGELA!

#ASKFORANGELA
GET THE WORD OUT

DO YOU NEED HELP?
DO YOU FEEL LIKE YOU ARE NOT IN A SAFE SITUATION?

AT PARTICIPATING LOCATIONS, APPROACH A MEMBER OF STAFF AND **ASK FOR ANGELA**. STAFF WILL IMMEDIATELY KNOW YOU NEED HELP AND WILL BE ABLE TO GET YOU OUT OF THE SITUATION SAFELY AND DISCREETLY.

ASK FOR ANGELA



22k +

TOTAL YOUTH PARTICIPANTS IN 2023.

Annual Youth Symposium

VST's annual Youth Symposium brings 22,000 youth together for an online experience designed to address how young people process information differently at different developmental stages and address topics of safety, mental health, and resilience



2/3rds

OF STUDENTS FEEL MORE EMPOWERED TO TALK ABOUT THESE ISSUES WITH OTHERS.

Exit Route Program Results

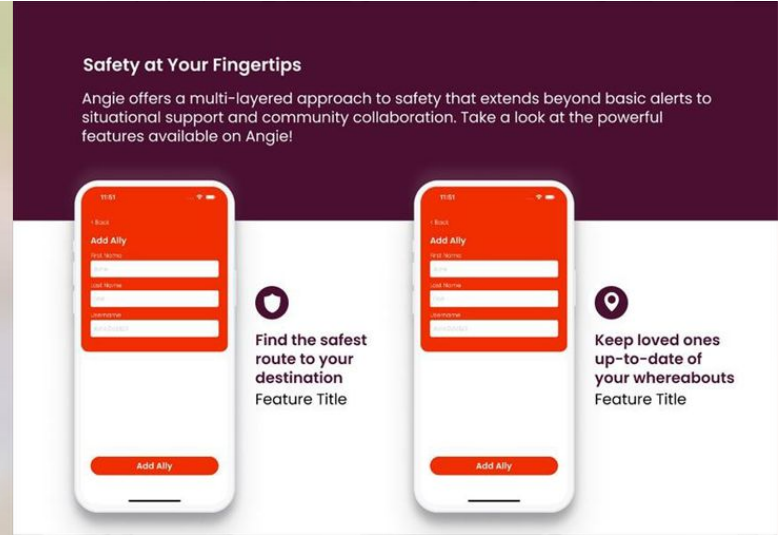
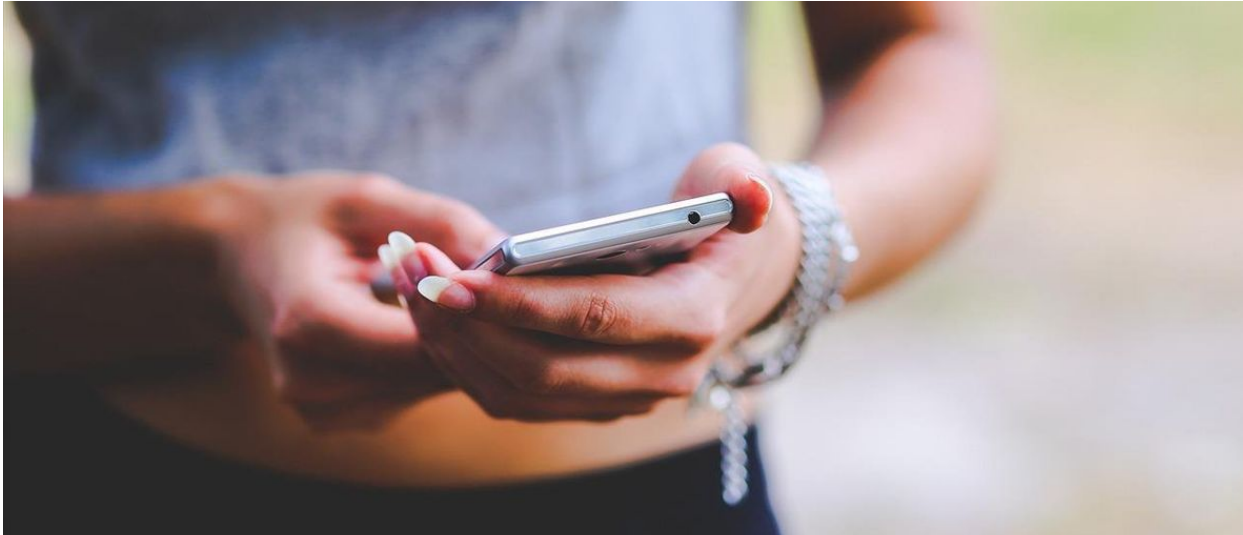


Divisions: 14, 23, 31, 43, 51

Specialized Units: Human Trafficking, ICE, Hold-up Squad, Missing Persons and Homicide.

VST Neighbourhood Advocates operate within police units experiencing high rates of exploitation and violence, providing survivors and their families with emotional and practical support to address trauma and connect with local agencies for ongoing assistance.

- Increased openness of victims to receiving support**
- Improved communication between Victim Services Toronto and TPS**
- Enhanced safety for victims and survivors**
- Enabled faster, more proactive victim support**
- Allowed victims to stay connected to the investigation**



Angie App

A mobile app providing users with immediate access to resources, support, and emergency contacts.

Over 10,000 downloads since launch.

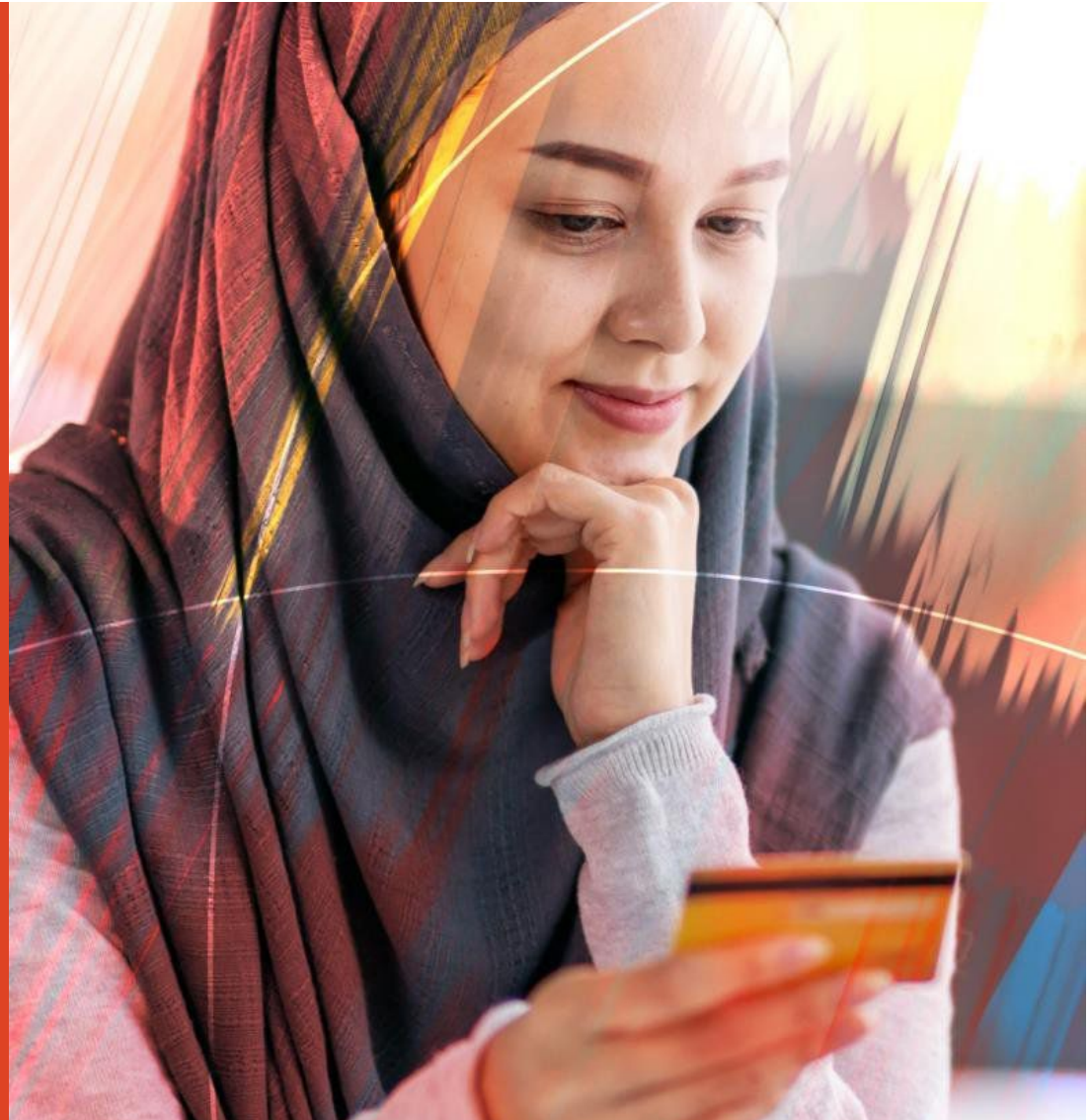
Integrated with local law enforcement for real-time assistance.

User-friendly interface with multilingual support.

Reclaim Initiative

Collaboration with the financial sector to address the nexus of creditors and human trafficking.

Acquired by VST in 2022, Reclaim supports Canadian survivors of human trafficking by removing coercive debt from their names and records.



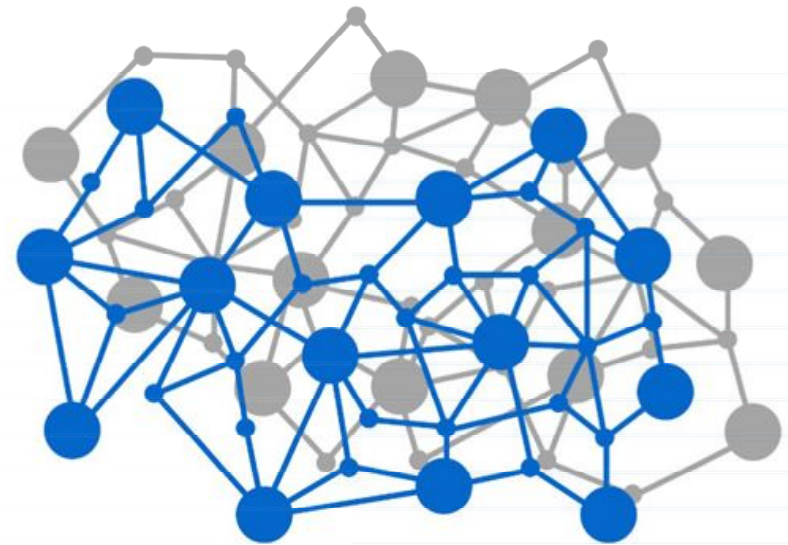


Thank you!

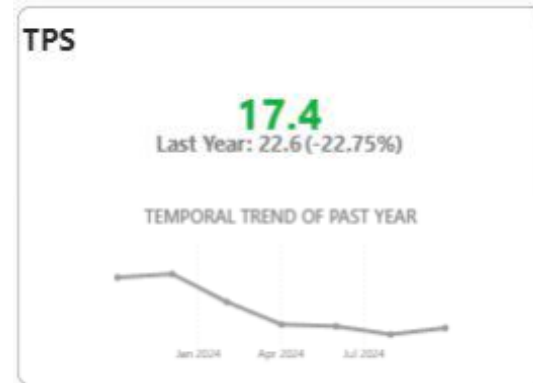
We're excited for the future of Victim Services Toronto and the positive changes it will continue to bring as we support even more survivors in our communities!

Toronto Police Service

October 2024



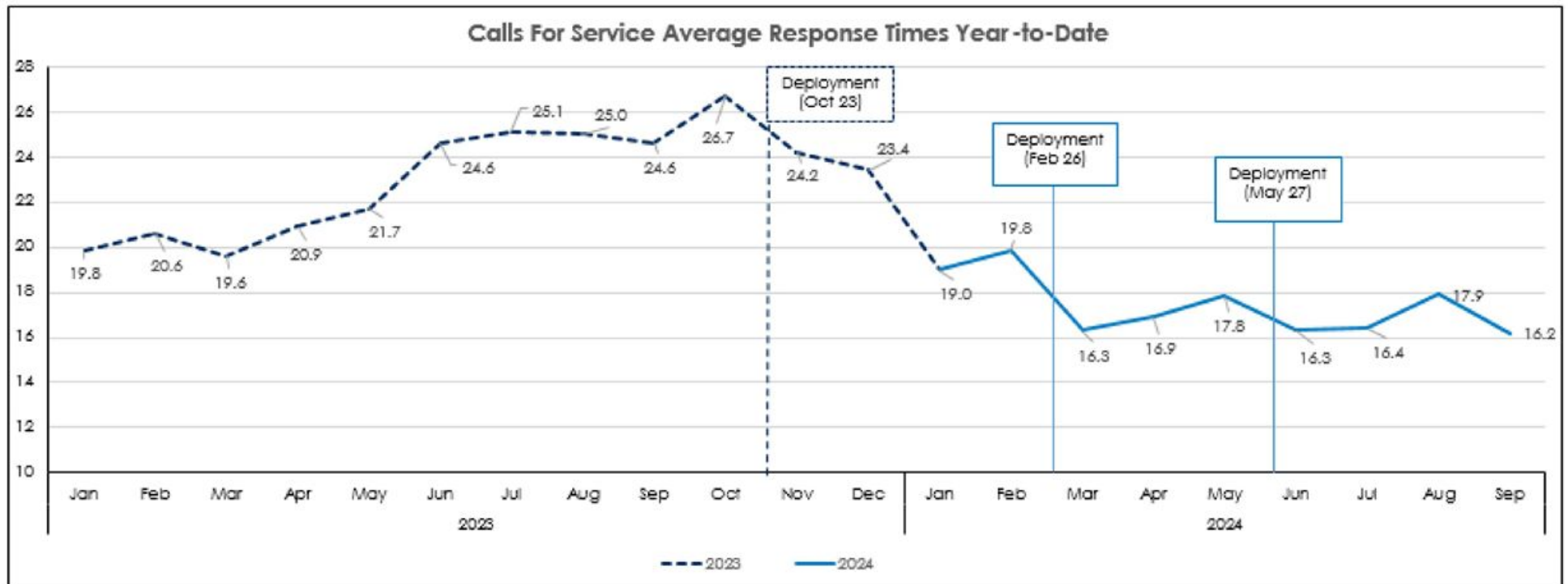
Calls Attended (P1)



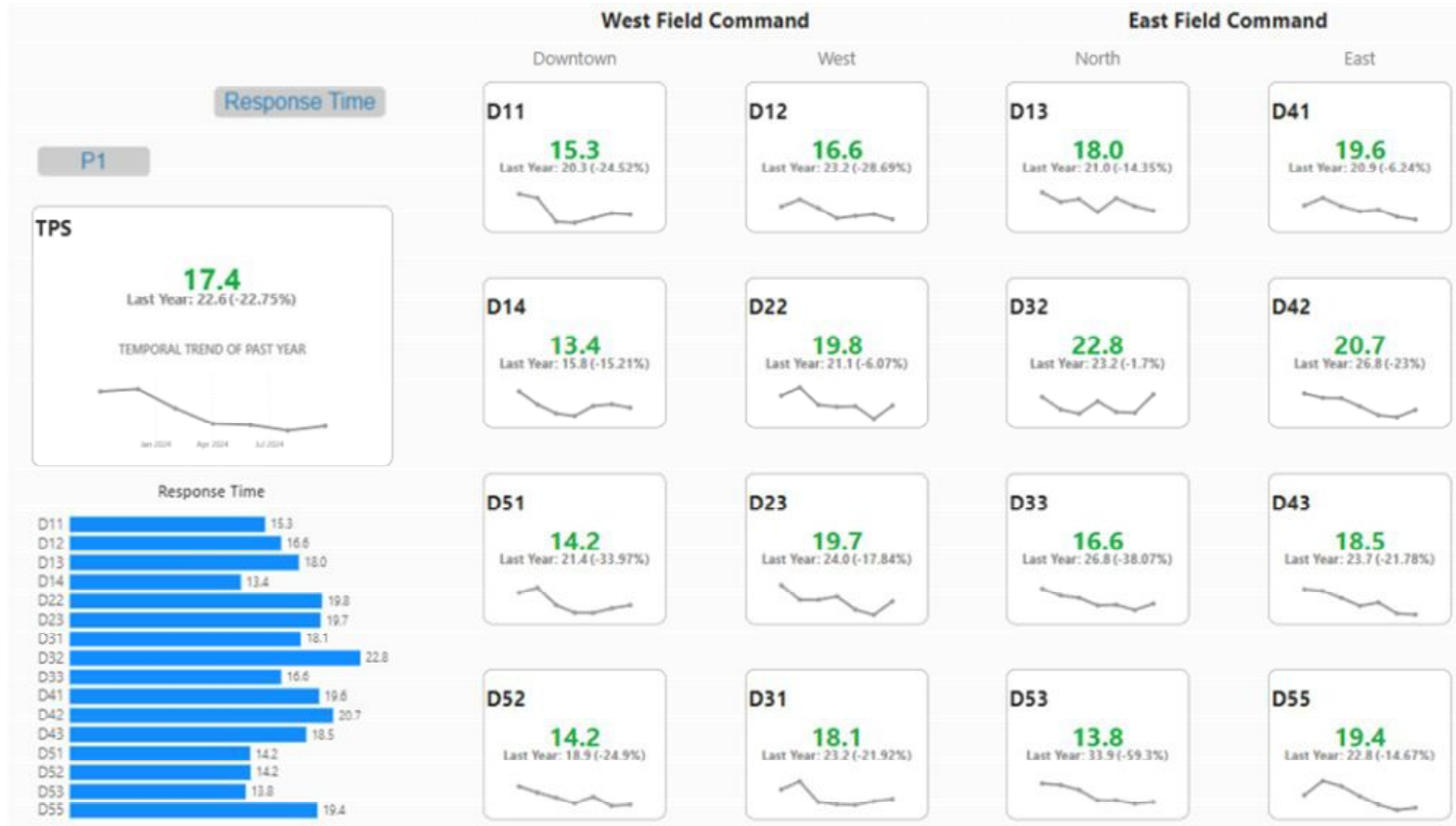
Calls for Service Attended	Units Dispatched	Avg Pending Time (Minutes)	Avg Response Time (Minutes)	Avg Total Time on Call (Minutes)
39,395	120,579	8.4	17.4	89.0
2.9%	6.4%	-28.9%	-22.8%	-1.1%
Previous Year % Change				
1,120	7,261	-3.4	-5.1	-1.0
Previous Year Absolute Change				



Calls Attended Response Times (P1) Trend

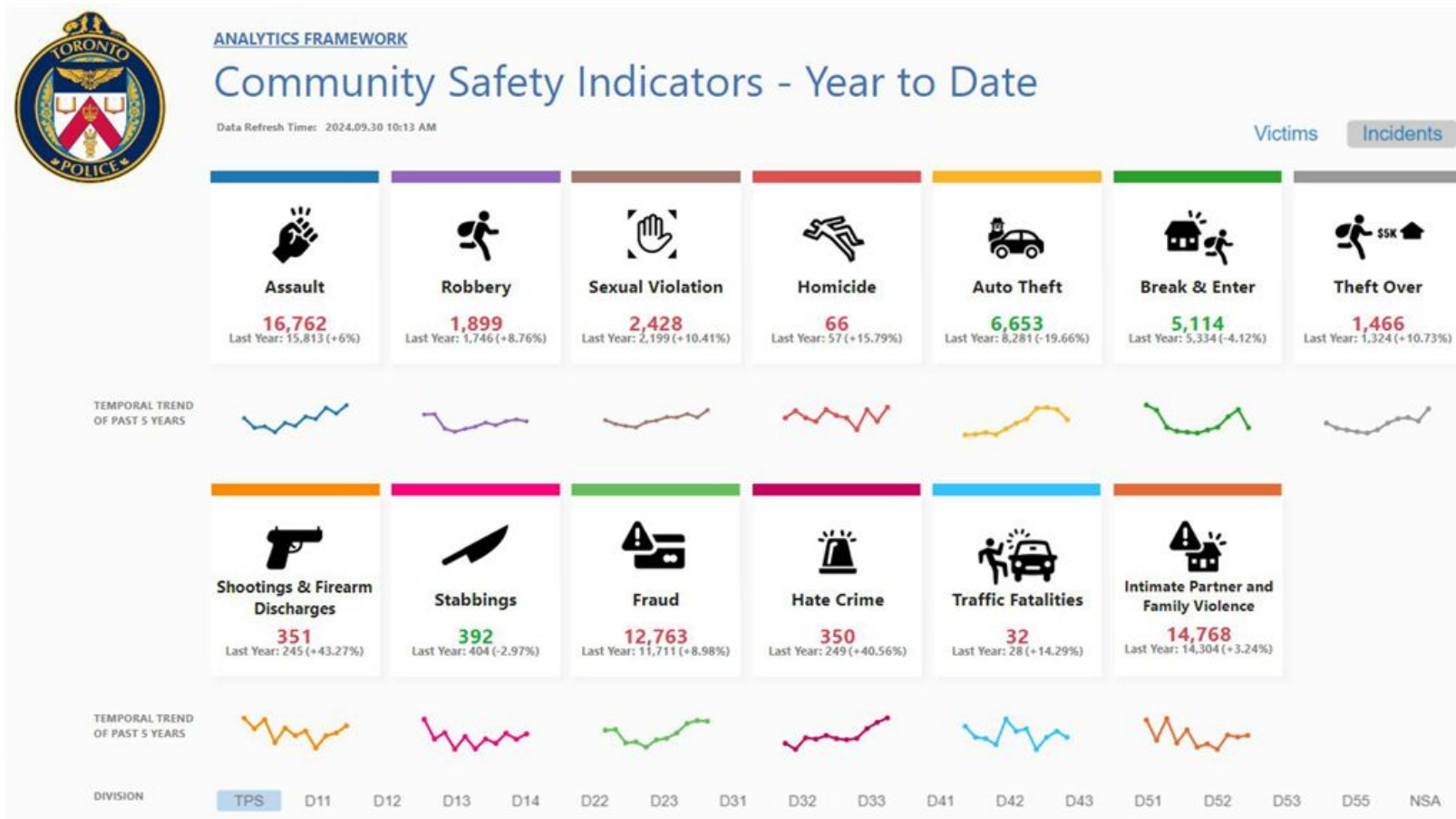


Calls Attended (P1)



TPS 360: Analytics Framework

INVESTIGATIONS & VICTIM SUPPORT





Digital Program

Platforms & Transformation Re-Brand

October 2024



The **digital program** improves the delivery of **policing services** through building **accessible, secure, and easy to use** digital experiences.

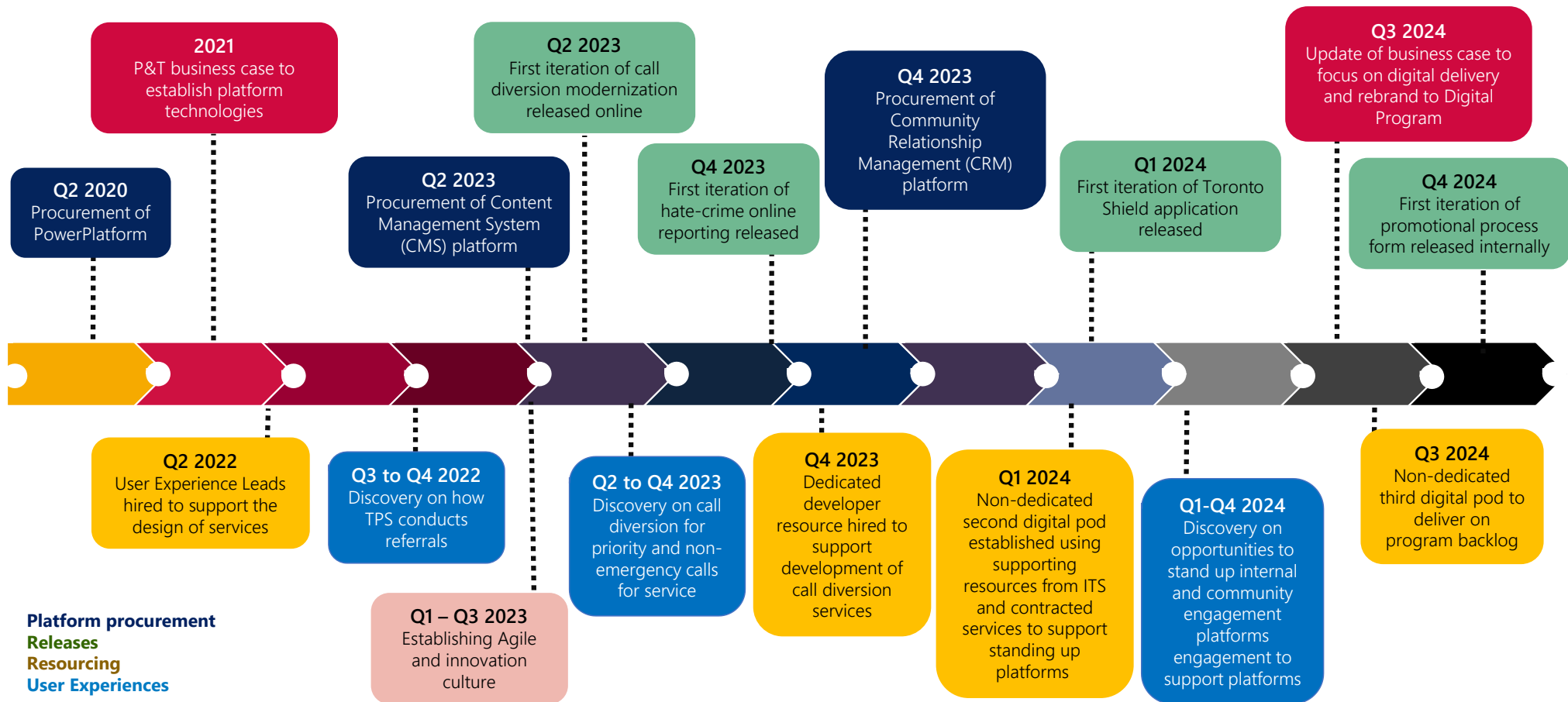
Our mission is to **co-design** and **co-develop** experiences to **co-deliver** services for **communities, front-line officers & TPS members** to keep us accountable, efficient, and effective.

Improving Trust in and within TPS
Accelerating Police Reform &
Professionalization
Supporting Safer Communities



Photo Credit: Brent Smyth, Toronto Police Service

History of Platform & Transformation



Re-Brand

Platform & Transformation

- Roadmap Technology Architecture
- Implement Platform Technologies
 - CRM, CMS, Power Platform
- Build capacity in IT/IM
 - User Experience Design
 - DevOps
 - Code Reuse
- Move from Waterfall to Agile

Digital Program

- Focus on improving the delivery of Policing Services
- Cross-disciplinary teams
- Push pace, capacity and impact
- Align to Service Line Strategy

Policing Service Delivery

Digital Transformation will enable the development of Service Line Roadmaps which deliver on Transformational Change

911 Response & Patrol



Investigations



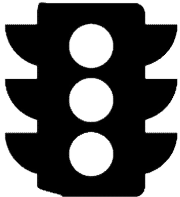
Crime Prevention



Events and Protest Security



Traffic and Parking Enforcement



Courts and Prisoner Management



Alignment to Benefits Framework

Administrative Burden

1. Improved policing notes with less time and effort
2. Make learning the tech easy, fail-safe, and progressive
3. Standardized processes and interfaces for efficiency and internal mobility
4. Bring all the data around a case into one place to tell the story and guide investigation

Streamlined Information Flow

1. Deliver quality data which creates value in automation, decision making and oversight
2. Identify trends and patterns in real time at the systems and case level
3. **Enable officers' judgement with timely information**
4. Present cases to courts in a more timely and cohesive manner

Community Engagement

1. Level inequality through user-centred design, transparency and engagement
2. Capture and preserve records of events with high fidelity and neutrality
3. Increase access to the story our analytics and open data tell
4. Include the community as part of crime and order management
5. **Design experiences around stakeholders**

Leverage and Agility

1. Secure the individual officer and the Service (physical and cyber)
2. Protect the information holdings of the Service from internal and external abuse
3. Eliminate waste with simultaneous increase in capability through design
4. Maximize value from expenditures.
5. **Accelerate the tempo at which the organization can change**

Supporting Our People

1. Improve member health and well-being by identifying and addressing wellness risks
2. Create opportunities to contribute for members impacted by work-related illness or injury
3. **Develop leaders within TPS through career paths, performance measurement, feedback**
4. **Attract, select and onboard the best people**
5. **Maintain relationships of mutual value with TPS alumni**

In 2023, TPS began its online reporting and platform transformation to **divert** the number of non-emergency calls for service online, **improve services** of reporting online, and **streamline information**.

Photo Credit: Brent Smyth, Toronto Police Service



Call Diversion

Figure: Parking Complaints by Intake Type – June 6, 2023 to June 6, 2024

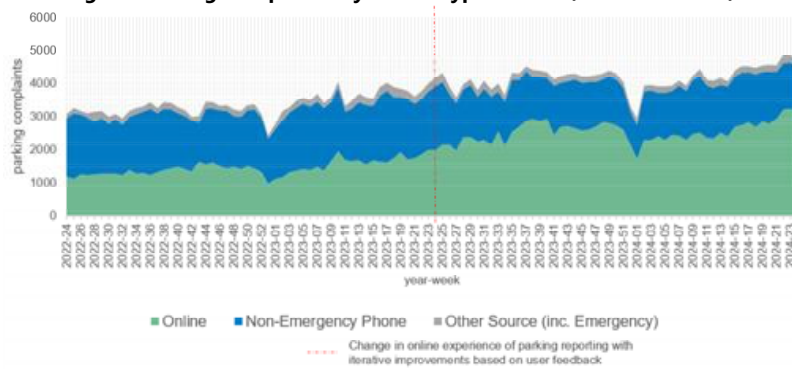
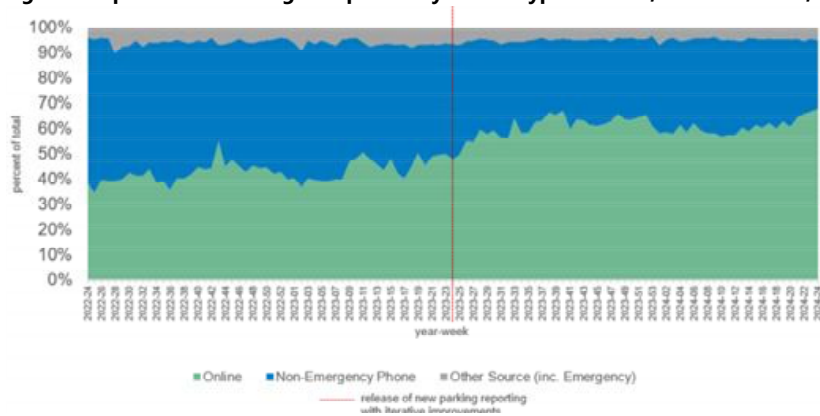


Figure: Proportion of Parking Complaints by Intake Type – June 6, 2023 to June 6, 2024



Now:

- Mobile-responsive entry
- Intuitive location / address entry
- Status updates and report tracking
- Addition of hate-motivated graffiti reporting

Next:

- Reporting in different languages
- Remove financial limit on reporting
- Letting a user know what they can expect
- Consistent report numbers

Later

- More incident types for online reporting
- Consent driven secure log-in portal
- Alternate response for officers

Rationalization

The Digital Program works with the Service's Rationalization Program to streamline operations within Information Technology Command

Digital supports Rationalization through:

- the elimination of legacy systems
- integration of our core systems (RMS, CAD, Evidence.com, etc.)
- improving access to information through standardizing databases and infrastructure

Upcoming Opportunities

Video Call Response

Online Reporting

Neighbourhood Watch Initiatives

Public Alerts and Notifications

Community and Member Engagement Tools

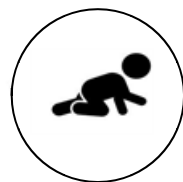
Post-Interaction Surveys

Partner Management



Program Acceleration

Program is currently between the **crawl** and **walk** phase due to non-dedicated resourcing to support the delivery on the program's use cases



Crawl



Walk



Run



Fly

Run and **fly** phases allow for delivery of features and use cases through the program backlog

Current Staffing Levels

Full Time Dedicated:

Program Lead

Dedicated Contract Position until 2025

User Experience Lead (2)

Developer (1)

Side of Desk:

Project Leader

Developer (4)

Solution Architect (3)

Data Manager

Data Architect

Information Privacy & Security Analyst

Communications Lead

Change Manager

Lead/Enterprise Architect

SME Leads (i.e. Communications Services, Operational)

Finances / Budget

Digital delivery investment over previous 2 years:

- Reference Technology Architecture (~\$200k)
- Delivery of Online Parking Complaint portal (~\$1.1M)



Accelerating Delivery - estimated \$8.7M over the next 3 years - scalable

People – combination of contracting, fulltime hiring and reskilling internal resources

Licenses – subscriptions and new software purchases scale with Solutions

The Digital Program is a journey of transformation that hinges on active participation and engagement.

Thank you to...

- Community members who have provided feedback to help inform our services
- TPS members who have trusted us and embraced the journey





PUBLIC REPORT

September 20, 2024

To: Chair and Members
Toronto Police Service Board

From: Councillor Lily Cheng,
Board member, ARAP Co-Chair

Subject: Update from the Board's Anti-Racism Advisory Panel (ARAP)

Purpose: Information Purposes Only Seeking Decision

Recommendation(s):

It is recommended that the Board:

1. Receive this update from its Anti-Racism Advisory Panel (ARAP); and
2. Appoint Asante Haughton to the role of ARAP Co-Chair

Financial Implications:

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

Summary:

The purpose of this report is to inform the Toronto Police Service Board (the Board) of the direction of ARAP with regards to its status, leadership, and upcoming projects and initiatives.

Discussion:

Establishment of ARAP

In April 2018, as a result of a recommendation made by the jury at the Inquest into the Death of Andrew Loku, the Board established an Anti-Racism Advisory Panel (ARAP). ARAP has since been involved in a number of important issues, including providing advice in the development of Board's policies and engagement strategies.

Toronto Police Service Board

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2023-2024 Activities Recap and Leadership Updates

Over the past year, ARAP has had to navigate through the challenges of multiple changes to its leadership, which impacted its overall effectiveness. 2023 began with the departure of former Board Chair and ARAP Co-chair Ainsworth Morgan, whose provincially-appointed term concluded in January 2023. Chair Morgan's end of tenure coincided with two Board vacancies, and the departure of the Board's Executive Director. In May 2023, Board Members Councillor Lily Cheng and Nadine Spencer were appointed Co-Chairs of ARAP, joining Community Co-Chair of ARAP Anthony Morgan, who had served in the role since February 2021. In September 2023, Mr. Morgan stepped down as ARAP Co-Chair, followed by Nadine Spencer in June 2024. This left Councillor Cheng as the sole Co-Chair for ARAP until September 2024. At a recent ARAP meeting, Member Asante Haughton was nominated as Community Co-Chair for ARAP.

Mr. Haughton has been a member of ARAP since 2022. He is a seasoned mental health and social justice advocate, specializing in illuminating the impacts of racism, poverty and community violence on wellbeing. With experience as a front-lines case manager with Pathways to Education, and as a peer support specialist, trainer and program manager with Stella's Place, Mr. Haughton seeks to foster justice and equity for the underserved and marginalized. He is a 2x TEDx speaker, was named as one Canada's top 150 mental health difference makers by the Centre for Addiction and Mental Health, is a contributing editor to Inspire Magazine, a working group member of the Government of Canada's Mental Health of Black Canadians fund, and co-founded the Reach Out Response Network, an organization whose advocacy led to the creation of the Toronto Community Crisis Service.

ARAP Membership

At the beginning of 2024, in order to mitigate the challenges of the ARAP leadership changes, and to preserve continuity, a decision was made to retain the current members of the ARAP, whose terms were to conclude in February 2024. With the departure of a few ARAP members, due to a variety of personal reasons, in the coming months, ARAP will assess any current gaps in representation and/or expertise and will commence a targeted recruitment drive to identify potential members.

Projects and Initiatives

At its March 2024 Board meeting, the Board passed a motion (Min. No. P2024-0318-14.1. refers) to:

1. Operationalize the inclusion of ARAP feedback in priority issues as identified by ARAP, and
2. Determine if further resources are required to support this work, with a report back by June 2024.

Since the passing of this motion, ARAP Members have been meeting to discuss a variety of initiatives they would like to undertake and the way they would like to formally communicate with the Board. These initiatives include:

- The development of a robust mandate review and work plan
- The steering of an ARAP-led community engagement process for the Board's Strategic Plan
- Focused opportunities to consult on Board projects
- More frequent and direct meetings with Board Members, along with the submission of a Board report following every ARAP meeting to formally update the Board on ARAP's activities

With ARAP leadership now firmly in place, ARAP looks forward to its continued work with the Board.

Equity Analysis

ARAP is mandated to advise and support the Board in relation to policing and addressing racism, anti-Black racism and anti-Indigenous racism. The feedback, input, and advice that ARAP continues to give the Board is immeasurable in value. ARAP members represent a cross-section of sectors, expertise, experience and perspectives, ensuring that their voices and the advice that they provide reflect a variety of community sentiment.

Conclusion:

We are thankful for the ongoing commitment of ARAP members and for the important feedback they provide. We will continue to update the Board on the progress of ARAP's upcoming projects and initiatives.

Respectfully submitted,

Councillor Lily Cheng
Board Member, ARAP Co-Chair

Contact

Danielle Dowdy
Senior Advisory, Strategic Policy and Stakeholder Relations
Email: Danielle.Dowdy@tpsb.ca



PUBLIC REPORT

September 18, 2024

To: Members
Toronto Police Service Board

From: Ann Morgan
Chair

Subject: Appointment of Members to the Board's Human Resources Committee

Purpose: Information Purposes Only Seeking Decision

Recommendation:

This report recommends that the Board appoint a Member to the Human Resources Committee.

Financial Implications:

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

Discussion:

Background

At its meeting held on July 31, 2024, the Board approved an amendment to the Board's By-law number 162 (the Committees By-law) to establish a Human Resources Committee (Min. No. P2024-0731-18.0. refers). The Committees By-law stipulates that the Human Resources Committee be comprised of the Chair (or their delegate), and a minimum of one additional Board Member.

Designation of Chair's Delegate

I have designated Board Member, Nick Migliore, as my delegate on the Committee.

Toronto Police Service Board

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Conclusion:

The Board's Committees By-law requires that the Board appoint a minimum of one Board Member, in addition to the Chair's delegate, to the Human Resources Committee.

Respectfully submitted,

A handwritten signature in black ink that reads "Ann Morgan". The signature is written in a cursive, slightly slanted style.

Ann Morgan
Chair



PUBLIC REPORT

August 30, 2024

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Chief Administrative Investigation of the Alleged Sexual Assault Complainant 2023.88

Purpose: Information Purposes Only Seeking Decision

Recommendation:

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

Financial Implications:

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

Summary:

The Professional Standards – Special Investigations Unit Liaison (P.R.S. – S.I.U. Liaison) investigation determined the conduct of the designated officials was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable Toronto Police Service (T.P.S.) procedures.

Discussion:

Background

Whenever the Special Investigations Unit (S.I.U.) investigates an incident involving death, serious injury, the discharge of a firearm at a person, or the allegation of a sexual

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assault, provincial legislation requires the chief of police of the relevant police service to conduct an administrative investigation. This is the Chief's report in respect of this incident.

Relevant Board Policies and Compliance

- Toronto Police Service (T.P.S.) procedures
- Special Investigations Unit Act (S.I.U.A.), 2019

S.I.U. Investigative Conclusion:

In a letter to the Chief of Police dated April 25, 2024, Director Joseph Martino of the S.I.U. advised, *"The file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges in this case."*

The S.I.U. has not made the Director's Report public stating in part, *"pursuant to section 34(6) of the Special Investigations Unit Act, 2019, the SIU Director may exercise a discretion, subject to prior consultation with the complainant, to not publish the report if the Director is of the opinion that the complainant's privacy interest in not having the report published clearly outweighs the public interest in having the report published."*

Incident Narrative

On November 18, 2023, at approximately 2230 hours, a uniformed Police Constable from Traffic Services (T.S.V.) was operating a marked Service vehicle in the area of King Street West and Blue Jays Way.

His attention was drawn to a Corvette vehicle being operated on the roadway with no front licence plate attached. Furthermore, the rear plate was obstructed from a clear view. The driver of the Corvette entered a laneway north of King Street West and stopped. He was exiting his vehicle with a female passenger when the officer activated his emergency lights and engaged the driver for investigation of the two Highway Traffic Act (H.T.A.) offences.

The driver failed to surrender his driver licence when demanded by the officer. The driver immediately became vehemently and verbally abusive toward the officer. He attempted to control the engagement by shouting at the officer and complaining about both his lawful and human rights being violated. During his tirade toward the officer, the female passenger, identified as Alleged Sexual Assault Complainant 2023.88 (2023.88) produced a cellular phone and began to video the engagement.

The officer called for other units to attend the location for support. Upon hearing this request, the driver demanded the presence of a supervisory officer at the scene. The

officer requested a Sergeant attend the scene and a uniformed Sergeant from T.S.V. responded to the request.

While waiting for the Sergeant to attend, other T.S.V. officers arrived on scene. The driver was told to identify himself because he had failed to surrender his driver's licence. The driver was placed under arrest after several attempts were made without success. He was handcuffed without incident and placed into the left rear of the officer's vehicle.

The driver continued his verbal tirade and 2023.88 maintained her videoing of the events by moving around the area. Officers cautioned her that while she could lawfully video the events, she was not to physical intercede in their actions.

When the Sergeant arrived on scene, the officer briefed him as to the stages of the investigation. The Sergeant then spoke to the driver at the left rear of the police vehicle. While he was speaking to driver, 2023.88 attempted to move toward the Sergeant and the driver.

The officer, who was standing behind the Sergeant, turned and with an open hand toward her upper body, lightly pushed 2023.88. She immediately yelled at the officers that she had the right to video these events. The officer cautioned her that she could video the events but again, not to physically intercede in the officers' investigation.

After speaking with the driver, the Sergeant spoke briefly with the officer directing him to complete his investigation and call for an ambulance to attend to the driver. The driver had complained of suffering a throat injury as a result of the arrest.

After a search of the driver, incident to arrest and a search of his vehicle, a driver's licence was located with other documents related to the Corvette and his ownership. The driver was released from custody. He was issued with Provincial Offences 104 Notices for several H.T.A. offences arising from the events.

On December 27, 2023, Professional Standards (P.R.S.) received an Office of the Independent Police Review Director (O.I.P.R.D.) complaint.

The complaint outlined events that occurred on November 18, 2023, in the laneway near King Street West and Blue Jays Way at about 2230 hours. In the complaint, the affected person, 2023.88, alleged a sequence of events in which uniformed officers from T.S.V. investigated her and her companion.

2023.88, in her complaint, alleged that during the event, one of the officers, sexually assaulted her.

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

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

The entire sequence of events was recorded on all of the engaged officers' Body-Worn Cameras (B.W.C.s) and In-Car Camera Systems (I.C.C.S.) and were disclosed to the S.I.U.

Summary of the Toronto Police Service's Investigation

The P.R.S. – S.I.U. Liaison conducted an administrative investigation as is required by provincial legislation.

This investigation was reviewed by Specialized Criminal Investigations – Sex Crimes Unit in accordance to T.P.S. Procedure 13-16 (Special Investigations Unit).

This investigation examined the circumstances of the alleged sexual assault in relation to the applicable legislation, policing services provided, procedures, and the conduct of the involved officers.

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

- Procedure 01-01 (Arrest);
- Procedure 01-02 (Search of Persons);
- Procedure 05-05 (Sexual Assault);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports); and
- Procedure 15-20 (Body-Worn Camera)

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

- Special Investigations Unit Act (S.I.U.A.) 2019;
- Special Investigations Unit Act (S.I.U.A.), 2019, s. 16(1) (Notification of Incident);
- Special Investigations Unit Act (S.I.U.A.), 2019, s. 31(1) (Duty to Comply);
- Highway Traffic Act (H.T.A.), s. 33(1) (Fail to Surrender Licence);
- Highway Traffic Act (H.T.A.), s.33(3) (Fail to Give Identification); and
- Highway Traffic Act (H.T.A.), s. 217(2) (Arrest without Warrant)

Conclusion:

The P.R.S – S.I.U. Liaison investigation determined that the T.P.S.'s policies and procedures associated with this alleged sexual assault were lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The P.R.S – S.I.U. Liaison investigation determined the conduct of the designated officials was in compliance with applicable provincial legislation regarding the Standards

of Conduct and applicable T.P.S. procedures. The following additional comments are provided.

The S.I.U.'s investigation into this allegation, which was aided by the recordings provided to them by the Service, resulted with the conclusion that there is no evidence the officer comported himself other than lawfully in his dealing with 2023.88.

Staff Superintendent Shannon Dawson, Professionalism and Accountability, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

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



PUBLIC REPORT

August 30, 2024

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Chief Administrative Investigation of the Alleged Sexual Assault Complainant 2024.02

Purpose: Information Purposes Only Seeking Decision

Recommendation:

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

Financial Implications:

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

Summary:

The Professional Standards – Special Investigations Unit Liaison (P.R.S. – S.I.U. Liaison) investigation determined the conduct of the designated official was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable Toronto Police Service (T.P.S.) procedures.

Discussion:

Background

Whenever the Special Investigations Unit (S.I.U.) investigates an incident involving death, serious injury, the discharge of a firearm at a person, or the allegation of a sexual

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assault, provincial legislation requires the chief of police of the relevant police service to conduct an administrative investigation. This is the Chief's report in respect of this incident.

Relevant Board Policies and Compliance

- Toronto Police Service (T.P.S.) procedures
- Special Investigations Unit Act (S.I.U.A.), 2019

S.I.U. Investigative Conclusion:

In a letter to the Chief of Police dated May 15, 2024, Director Joseph Martino of the S.I.U. advised, *“The file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges in this case.”*

The S.I.U. has not made the Director's Report public stating in part, *“pursuant to section 34(6) of the Special Investigations Unit Act, 2019, the SIU Director may exercise a discretion, subject to prior consultation with the complainant, to not publish the report if the Director is of the opinion that the complainant's privacy interest in not having the report published clearly outweighs the public interest in having the report published.”*

Incident Narrative

On August 28, 2023, at approximately 1000 hours, the Toronto Police Communications Services received a 'see ambulance' call at an address on Broadview Avenue. Two uniformed Police Constables from 55 Division responded to the call.

Upon their arrival, the officers learned that a female party, identified as Alleged Sexual Assault Complainant 2024.02 (2024.02) had been walking in and out of traffic, was not wearing any pants and had been yelling incoherently. The officers located her in the rear of an ambulance that had also responded to the call. The officers observed that she was exhibiting signs of being in crisis. The officers apprehended her under the authority of the Mental Health Act (M.H.A.).

She was transported by ambulance to Mount Sinai Hospital for assessment. One of the officers stayed with 2024.02 along with a Paramedic during the trip to the Mount Sinai Hospital.

2024.02 was examined by a physician and admitted to hospital on the strength of a Form 1 pursuant to the M.H.A.

On January 16, 2024, 2024.02 attended 52 Division to report a series of physical assaults and sexual assaults perpetrated on her by members of the Mount Sinai Hospital staff. Members of the 52 Division Criminal Investigative Bureau conducted an

interview with 2024.02 who reported that several hospital staff and a Toronto Police Officer had sexually assaulted her when she was apprehended on August 28, 2023.

The interview was halted and the investigators notified their supervisor of the allegation of sexual assault made by 2024.02.

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

The S.I.U. designated two officers as the subject officials; no other members were designated as witness officials.

The entire sequence of events of August 28, 2023 was recorded on all of the engaged officers' Body-Worn Cameras (B.W.C.s) and In-Car Camera Systems (I.C.C.S.) and were disclosed to the S.I.U.

Summary of the Toronto Police Service's Investigation

The P.R.S. – S.I.U. Liaison conducted an administrative investigation as is required by provincial legislation.

This investigation was reviewed by Specialized Criminal Investigations – Sex Crimes Unit in accordance to T.P.S. Procedure 13-16 (Special Investigations Unit).

This investigation examined the circumstances of the alleged sexual assault in relation to the applicable legislation, policing services provided, procedures, and the conduct of the involved officers.

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

- Procedure 05-05 (Sexual Assault);
- Procedure 06-04 (Persons In Crisis);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports);
- Procedure 15-17 (In-Car Camera System); and
- Procedure 15-20 (Body-Worn Camera)

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

- Special Investigations Unit Act (S.I.U.A.) 2019;
- Special Investigations Unit Act (S.I.U.A.) 2019, s.16(1) (Notification of Incident);
- Special Investigations Unit Act (S.I.U.A.) 2019, s. 31(1) (Duty to Comply);

Conclusion:

The P.R.S – S.I.U. Liaison investigation determined that the T.P.S.'s policies and procedures associated with this alleged sexual assault were lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The P.R.S – S.I.U. Liaison investigation determined the conduct of the designated officials was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures. The following additional comments are provided.

The S.I.U.'s investigation into this allegation which was aided by recordings provided to them by the Service resulted with the conclusion that there is no evidence that either officer comported themselves other than lawfully in their dealings with 2024.02.

Staff Superintendent Shannon Dawson, Professionalism and Accountability, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

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



PUBLIC REPORT

August 30, 2024

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury of Complainant 2024.03

Purpose: Information Purposes Only Seeking Decision

Recommendation:

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

Financial Implications:

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

Summary:

The Professional Standards – S.I.U. Liaison (P.R.S. – S.I.U. Liaison) investigation determined the conduct of the designated officials was in compliance with applicable provincial legislation regarding the Standards of Conduct, the applicable Toronto Police Service (T.P.S.) procedures.

Discussion:

Background

Whenever the Special Investigations Unit (S.I.U.) investigates an incident involving death, serious injury, the discharge of a firearm at a person or the allegation of a sexual

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assault, provincial legislation requires the chief of police, of the relevant police service, to conduct an administrative investigation. This is the Chief's report in respect of this incident.

Relevant Board Policies and Compliance

- Toronto Police Service (T.P.S.) procedures
- Special Investigations Unit Act (S.I.U.A.) 2019

S.I.U. Terminology

Complainant – Refers to the Affected Person(s)

SO – Subject Official

WO – Witness Official

S.I.U. Investigative Conclusion

In a letter to the Chief of Police dated May 15, 2024, Director Joseph Martino of the S.I.U. advised, *“The file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the two subject officials.”*

The following *S.I.U. Incident Narrative and Analysis and Director's Decision* has been reprinted from the S.I.U. Director's report, number 24-TCI-022, which can be found via the following link:

https://www.siu.on.ca/en/directors_report_details.php?drid=3844

S.I.U. Incident Narrative

“The evidence collected by the SIU, including interviews with the Complainant and SO #1, gives rise to the following scenario. As was his legal right, SO #2 chose not to interview with the SIU or authorize the release of his notes.

In the morning of January 16, 2024, the Complainant exited a residence near Caledonia Road and Rogers Road, Toronto, and started to walk on the roadway – the sidewalks were snow-covered. He had travelled a short distance when he was confronted by a male asking him to stop. The Complainant reversed course and ran towards a pathway that separated two homes. He continued along the pathway until a laneway, at which point he turned right and continued his flight.

The male who had confronted the Complainant was SO #1. SO #1 was in plainclothes at the time, as were other officers with the TPS Fugitive Squad (including SO #2) who

had convened in the area to arrest the Complainant. They had information that the Complainant, wanted on a bench warrant and an immigration warrant, was associated with the residence. SO #1 was in an unmarked police vehicle north of the Complainant's location when he exited and approached the Complainant. The officer chased after the Complainant onto the laneway and watched as he slipped and fell on the ground.

The Complainant was still on the ground when the officers, first SO #1 and then, within moments, SO #2, caught up with him. He was subjected to several strikes by the officers before he was handcuffed.

Following his arrest, the Complainant was taken to a PRP station before being transported to hospital where he was diagnosed with a broken nose, fractures of the back and a bruised liver.”

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

“The Complainant was seriously injured in the course of his arrest by TPS officers on January 16, 2024. The SIU was notified of the incident and initiated an investigation naming SO #1 and SO #2 subject officials. The investigation is now concluded. On my assessment of the evidence, there are no reasonable grounds to believe that either subject official committed a criminal offence in connection with the Complainant's arrest and injuries.

Pursuant to section 25(1) of the Criminal Code, police officers are immune from criminal liability for force used in the course of their duties provided such force was reasonably necessary in the execution of an act that they were required or authorized to do by law.

SO #1 and SO #2 were within their rights in seeking to take the Complainant into custody. There were warrants in effect authorizing his arrest.

With respect to the force brought to bear by the subject officials during the Complainant's arrest, I am unable to reasonably conclude that it was unjustified. There is some evidence that the Complainant was immediately set upon by the first officer – SO #1 – who punched him about the head a half-dozen times or so, and that the second officer – SO #2 – kicked him several times to the right side before he was handcuffed. There is no suggestion of resistance by the Complainant in this account. On the other hand, SO #1 admits he punched the Complainant four to five times, but explains he did so while the Complainant was refusing to release his hands to be handcuffed. SO #2, says SO #1, punched the Complainant once in the face, again, as the Complainant clenched his fists and kept his arms tight to his body. The former account suggests excessive force. The latter, in my opinion, can be reconciled with a view that suggests the force used was proportionate to the exigencies of the moment. Given this stalemate in the evidence, I am unable to reasonably conclude that the more incriminating rendition of events is sufficiently cogent to warrant being put to the test by a court. This is particularly true when one considers that the Complainant's injuries are

as consistent with the more incriminating evidence as they are with the circumstances described by SO #1, including the fact of the Complainant's fall.

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

Summary of the Toronto Police Service's Investigation

The P.R.S. – S.I.U. Liaison conducted an administrative investigation as is required by provincial legislation.

This investigation examined the circumstances of the custody injury in relation to the applicable legislation, policing services provided, procedures, and the conduct of the involved officers.

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

- Procedure 01-01 (Arrest);
- Procedure 01-02 (Search of Persons);
- Procedure 01-03 (Persons in Custody);
- Procedure 02-01 (Arrest Warrants);
- Procedure 05-14 (Immigration Violations);
- Procedure 10-06 (Medical Emergencies);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports);
- Procedure 15-01 (Incident Response (Use of Force/De-Escalation)); and
- Procedure 15-02 (Injury/Illness Reporting);

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

- Special Investigations Unit Act, 2019, s 31(1) (Duty to Comply);
- Special Investigations Unit Act, 2019, s 20 (Securing the Scene); and
- Special Investigations Unit Act, 2019, s 16(1) (Notification of Incident)

Conclusion:

The P.R.S. – S.I.U. Liaison investigation determined that the T.P.S.'s policies and procedures associated with this custody injury were lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

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

Staff Superintendent Shannon Dawson, Professionalism and Accountability, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

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



PUBLIC REPORT

August 30, 2024

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury of Complainant 2024.17

Purpose: Information Purposes Only Seeking Decision

Recommendation:

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

Financial Implications:

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

Summary:

The Professional Standards – S.I.U. Liaison (P.R.S. – S.I.U. Liaison) investigation determined the conduct of one of the designated witness officials was not in compliance with applicable provincial legislation regarding the Standards of Conduct, the applicable Toronto Police Service (T.P.S.) procedures.

Discussion:

Background

Whenever the Special Investigations Unit (S.I.U.) investigates an incident involving death, serious injury, the discharge of a firearm at a person or the allegation of a sexual

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assault, provincial legislation requires the chief of police, of the relevant police service, to conduct an administrative investigation. This is the Chief's report in respect of this incident.

Relevant Board Policies and Compliance

- Toronto Police Service (T.P.S.) procedures
- Special Investigations Unit Act (S.I.U.A.) 2019

S.I.U. Terminology

Complainant – Refers to the Affected Person(s)

SO – Subject Officials

WO – Witness Official

MCU – Major Crime Unit

STC – Scarborough Town Centre

S.I.U. Investigative Conclusion

In a letter to the Chief of Police dated July 18, 2024, Director Joseph Martino of the S.I.U. advised, *“The file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the two subject officials.”*

The following *S.I.U. Incident Narrative and Analysis and Director's Decision* has been reprinted from the S.I.U. Director's report, number 24-TCI-126, which can be found via the following link:

https://www.siu.on.ca/en/directors_report_details.php?drid=3937

S.I.U. Incident Narrative

“The evidence collected by the SIU, including interviews with officers who participated in the Complainant's arrest and video footage that captured the incident in parts, gives rise to the following scenario. As was their legal right, neither subject official agreed an interview with the SIU. SO #1 did authorize the release of his notes.

In the evening of March 19, 2024, members of the TPS MCU, including SO #1 and SO #2, gathered in unmarked vehicles and plainclothes at the STC. They were there to arrest the Complainant and an associate of his in relation to an extortion investigation. The pair had reportedly extorted money from an individual and believed they were meeting with the victim again at the mall to extort even more money. In fact, the victim had gone to police and the police had set up a sting operation. Officers, pretending to be the victim, had agreed to meet with the pair at the mall.

The Complainant and his companion arrived at the mall's movie theatre and texted the "victim" directing him to their location. They were just outside the front doors of the theatre when they were approached by plainclothes officers indicating they were under arrest. The Complainant immediately fled. He jumped down the flight of steps leading up to the theatre's entrance and ran across a walkway towards the parking lot. Reaching the end of the walkway, the Complainant jumped onto the hood of a white sedan, lost his footing, and fell onto the ground on the other side of the hood.

SO #1 and SO #2 had parked their vehicles in front of the theatre behind the white sedan. The former was the first to reach the Complainant following his fall. The Complainant was attempting to right himself when the officer pulled him back to the ground. Other officers soon arrived, and the Complainant was handcuffed behind the back.

The Complainant immediately complained of pain. He was transported to the station in a marked cruiser and subsequently taken to hospital he was diagnosed with a fractured right elbow."

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

"The Complainant was seriously injured in and around the time of his arrest by TPS officers on March 19, 2024. The SIU was notified of the incident and initiated an investigation naming SO #1 and SO #2 subject officials. The investigation is now concluded. On my assessment of the evidence, there are no reasonable grounds to believe that either subject official committed a criminal offence in connection with the Complainant's arrest and injury.

The officers appear to have been within their rights in moving to arrest the Complainant for extortion. The MCU had been briefed about the ongoing extortion investigation prior to the operation in which the Complainant and his associate were identified as the suspects.

As for the force brought to bear by the officers in aid of the Complainant's arrest, there is no reason to believe it was unlawful. The evidence indicates that the Complainant did not readily surrender himself to arrest following his fall, and that SO #2 and SO #1 used a measure of force to wrestle control of his arms. They neither resorted to weapons nor delivered strikes of any kind. While it is conceivable that the Complainant's fracture was incurred in the manipulation of his arms behind his back, it is more likely attributable to his fall off the sedan's hood onto the ground. The video footage depicts WO #4 kneeling the Complainant's right side on the ground, but this would appear to have been a legitimate tactic to overcome a resistant subject who had yet to be handcuffed at the time. On this record, I am unable to reasonably conclude that the Complainant was on the receiving end of excessive force.

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

Summary of the Toronto Police Service’s Investigation

The P.R.S. – S.I.U. Liaison conducted an administrative investigation as is required by provincial legislation.

This investigation examined the circumstances of the custody injury in relation to the applicable legislation, policing services provided, procedures, and the conduct of the involved officers.

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

- Procedure 01-01 (Arrest);
- Procedure 01-02 (Search of Persons);
- Procedure 01-03 (Persons in Custody);
- Procedure 10-06 (Medical Emergencies);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports);
- Procedure 15-01 (Incident Response (Use of Force/De-Escalation));
- Procedure 15-02 (Injury/Illness Reporting);
- Procedure 15-17 (In-Car Camera System); and
- Procedure 15-20 (Body-Worn Camera)

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

- Special Investigations Unit Act, 2019

Conclusion:

The P.R.S. – S.I.U. Liaison investigation determined that the T.P.S.’s policies and procedures associated with this custody injury were lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The P.R.S. – S.I.U. Liaison investigation determined the conduct of one of the designated witness officials was not in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures and officers’ training.

Specifically, it was substantiated that this officer failed to activate his Body-Worn Camera as is required by T.P.S. Procedure 15-20 (Body-Worn Camera).

This misconduct was adjudicated at the unit level.

The conduct of all the other designated officials was in compliance with T.P.S. Procedures and their training.

Staff Superintendent Shannon Dawson, Professionalism and Accountability, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

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



PUBLIC REPORT

August 30, 2024

To: Chair and Members
Toronto Police Service Board

From: Myron Demkiw
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury of Complainant 2024.18

Purpose: Information Purposes Only Seeking Decision

Recommendation:

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

Financial Implications:

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

Summary:

The Professional Standards – S.I.U. Liaison (P.R.S. – S.I.U. Liaison) investigation determined the conduct of the designated officials was in compliance with applicable provincial legislation regarding the Standards of Conduct, the applicable Toronto Police Service (T.P.S.) procedures.

Discussion:

Background

Whenever the Special Investigations Unit (S.I.U.) investigates an incident involving death, serious injury, the discharge of a firearm at a person or the allegation of a sexual

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assault, provincial legislation requires the chief of police, of the relevant police service, to conduct an administrative investigation. This is the Chief's report in respect of this incident.

Relevant Board Policies and Compliance

- Toronto Police Service (T.P.S.) procedures
- Special Investigations Unit Act (S.I.U.A.) 2019

S.I.U. Terminology

Complainant – Refers to the Affected Person

SO – Subject Official(s)

WO – Witness Official

S.I.U. Investigative Conclusion

In a letter to the Chief of Police dated July 22, 2024, Director Joseph Martino of the S.I.U. advised, *“The file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the two subject officials.”*

The following *S.I.U. Incident Narrative and Analysis and Director's Decision* has been reprinted from the S.I.U. Director's report, number 24-TCI-133, which can be found via the following link:

https://www.siu.on.ca/en/directors_report_details.php?drid=3944

S.I.U. Incident Narrative

“The evidence collected by the SIU, including interviews with the Complainant and one of the subject officials, SO #1, and video footage that captured the incident, gives rise to the following scenario. As was his legal right, SO #2 did not agree an interview with the SIU. Both subject officials did authorize the release of their notes.

In the evening of March 23, 2024, SO #2, in the company of his partner, the WO, arrived at a home in the area of Islington Avenue and Rexdale Boulevard. They understood that the Complainant, whom they had reason to believe had just assaulted Witness #1, was at the address – Residence #2. The officers located the Complainant in a room at the back of the house and asked him to step outside. The Complainant did so and was taken into custody without incident.

The Complainant was handcuffed behind the back and escorted down the side of the house towards the officers' cruiser. He was standing by the driver's side of the vehicle when he attempted to break free of SO #2, who had a hold of him from the back. The officer reacted quickly and took the Complainant to the ground.

The Complainant was assisted to his feet and sat in the rear compartment of the cruiser with his feet out. He complained of discomfort and asked to be handcuffed with the use of two sets of handcuffs. The officers removed him from the cruiser and placed him up against the side of the cruiser, intending to restrain him as requested. They had released one of the cuffs when the Complainant started to resist. He refused to place his arms behind his back and jostled with the officers as they attempted to secure him in cuffs.

SO #1 arrived on scene as the struggle by the cruiser's driver's side was unfolding. He intervened and eventually forced the Complainant to the ground with or without the aid of SO #2.

The Complainant was transported to hospital after his arrest with a fractured right left foot."

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

"The Complainant was seriously injured in the course his arrest by TPS officers on March 23, 2024. The SIU was notified of the incident and initiated an investigation naming two subject officials – SO #1 and SO #2. The investigation is now concluded. On my assessment of the evidence, there are no reasonable grounds to believe that either subject official committed a criminal offence in connection with the Complainant's arrest and injury.

Pursuant to section 25(1) of the Criminal Code, police officers are immune from criminal liability for force used in the course of their duties provided such force was reasonably necessary in the execution of an act that they were required or authorized to do by law.

Having met and spoken with the victim of the Complainant's reported assault earlier in the evening, the WO and SO #2 had grounds to take and keep him in custody.

With respect to the force used by the officers, namely, two takedowns, I am satisfied it was lawful. Each occasion was preceded by an active effort on the part of the Complainant to free himself from the officers' hold. The first one occurred quickly as a reaction on the part of SO #2 to prevent the Complainant breaking free of his grasp. The second followed a protracted struggle by the cruiser during which the Complainant had made clear he was not inclined to have his arms brought behind the back. Bringing the Complainant to ground in these circumstances made sense as it would assist in overcoming his resistance and ensuring his custody. As for the manner in which the takedowns were executed, the video footage does not depict excessive or reckless force being brought to bear.

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

Summary of the Toronto Police Service's Investigation

The P.R.S. – S.I.U. Liaison conducted an administrative investigation as is required by provincial legislation.

This investigation examined the circumstances of the custody injury in relation to the applicable legislation, policing services provided, procedures, and the conduct of the involved officers.

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

- Procedure 01-01 (Arrest);
- Procedure 01-02 (Search of Persons);
- Procedure 01-03 (Persons in Custody);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports);
- Procedure 15-01 (Incident Response (Use of Force/De-Escalation));
- Procedure 15-02 (Injury/Illness Reporting);
- Procedure 15-17 (In-Car Camera System); and
- Procedure 15-20 (Body-Worn Camera)

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

- Special Investigations Unit Act, 2019

Conclusion:

The P.R.S. – S.I.U. Liaison investigation determined that the T.P.S.'s policies and procedures associated with this custody injury were lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The P.R.S. – S.I.U. Liaison investigation determined the conduct of the designated officials was in compliance with applicable provincial legislation regarding the Standards of Conduct, applicable T.P.S. procedures and the officers' training.

Staff Superintendent Shannon Dawson, Professionalism and Accountability, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

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

September 23, 2024

Ann Morgan
Chair
Toronto Police Service Board
Ann.Morgan@tpsb.ca

RE: Keeping Toronto Safe from Hate Action Plan – Request to Receive for Information at the October 8th, 2024, Toronto Police Service Board Meeting

Dear Chair Morgan:

On May 22, 2024 ([MM18.16](#)), City Council adopted the following recommendation:

1. City Council request the City Manager, in consultation with the City Solicitor, to develop an action plan to recognize that Torontonians are able to practice their faith and access their place of worship free of intimidation and harassment; and are able to freely exercise their protected Charter rights to freedom of assembly, religion and expression and convey the action plan directly to relevant participating bodies including Municipal Licensing and Standards and the Toronto Police Service Board.

Please find enclosed the action plan requested by City Council. I kindly request the Toronto Police Service Board (TPSB) receive the action plan for information at the October 8th board meeting.

To support the well-being and safety of all, the City is taking proactive actions and leveraging tools within the City's jurisdiction, capacity and resources to keep Toronto safe from hate. The action plan outlines key actions and responses the City is advancing under six pillars of activity:

1. Infrastructure
2. Legislation
3. Community Safety and Funding
4. Public Education and Awareness
5. Incident Management and Response
6. City-Toronto Police Service Collaboration

The action plan reinforces existing actions and commitments being undertaken through established City strategies to advance reconciliation, equity, diversity, inclusion and community

safety, which all contribute to keeping Toronto safe from hate. The action plan is also aligned with established City policies and procedures, which articulate the City's commitment to promoting respectful conduct, inclusion and an environment free from hate.

Everyone who calls Toronto home needs to be safe from hate – every race, religion, national and ethnic origin, colour, sex, gender, sexual orientation, age and ability. The City appreciates the continued collaboration and ongoing engagement with the Toronto Police Service, in recognition of our shared commitment to promoting a safe Toronto.

City staff will be available at the October 8th board meeting should TPSB members require further information about the action plan. In the meantime, please feel free to contact Kate Bassil, Chief of Staff at Kate.Bassil@toronto.ca should you have any questions.

Sincerely,



Paul Johnson
City Manager
City of Toronto

Copy: Myron Demkiw, Chief of Police, Toronto Police Service
Steven Campbell, Staff Sergeant, Toronto Police Service
Dr. Dubi Kanengisser, Executive Director, Toronto Police Service Board
Diana Achim, Board Administrator, Toronto Police Service Board
Kate Bassil, Chief of Staff, City Manager's Office, City of Toronto
Vanessa Ferrone, Director (A), Governance and Corporate Strategy, City of Toronto

City of Toronto

Keeping Toronto Safe from Hate Action Plan

Everyone who calls Toronto home needs to be safe from hate – every race, religion, national and ethnic origin, colour, sex, gender, sexual orientation, age and ability. To ensure the well-being and safety of all, the City is taking proactive actions and leveraging tools within the City's jurisdiction, capacity and resources to keep Toronto safe from hate.

The action plan outlines key actions and responses the City is advancing under six pillars of activity:

1. Infrastructure
2. Legislation
3. Community Safety and Funding
4. Public Education and Awareness
5. Incident Management and Response
6. City-Toronto Police Service Collaboration

ALIGNMENT WITH CITY STRATEGIES, POLICIES AND PROCEDURES

The action plan reinforces existing actions and commitments being undertaken through established City strategies to advance reconciliation, equity, diversity, inclusion and community safety, which all contribute to keeping Toronto safe from hate. These City strategies include:

- [2022-2032 Reconciliation Action Plan](#)
- [SafeTO: A Community Safety & Well-Being Plan](#)
- [Toronto Action Plan to Confront Anti-Black Racism](#)
- [Toronto Newcomer Strategy](#)
- [Toronto Youth Equity Strategy](#)

The action plan is also aligned with established City policies and procedures, which articulate the City's commitment to promoting respectful conduct, inclusion and an environment free from hate. These policies and procedures include:

- [Declaration of Compliance with Anti-Harassment/Discrimination Legislation and City Policy Form](#)
- [Graffiti Management Plan](#)
- [Hate Activity Policy](#)
- [Human Rights and Anti-Harassment/Discrimination Policy](#)
- [Toronto Corporate Security, Planned and Unplanned Hate Rally Response Plan](#)

PILLAR #1: INFRASTRUCTURE

The City is engaging partners to support and promote structural interventions and enhancements to improve safety and security in the physical environment, including the City's critical infrastructure and public spaces.

Hostile Vehicle Mitigation Working Group

The Hostile Vehicle Mitigation Working Group (HVMWG) is coordinated by Toronto Emergency Management and is represented by City divisions and partners, including

the Toronto Police Service (TPS). The HVMWG is responding to concerns related to potential hostile vehicle attacks.

KEY ACTIONS:

- Through the HVMWG, the City is overseeing and advancing work to support the development of:
 - a risk-based assessment process for City of Toronto critical infrastructure, public institutions, cultural assets and gathering spaces;
 - an overview of potential protective/mitigation measures; and
 - a public facing document on hostile vehicle mitigation and a kit to support private property owners who wish to implement hostile vehicle mitigation.

City Streets/Bollards/Street Furniture

Transportation Services is initiating work to develop guidelines and a kit of parts for Hostile Vehicle Mitigation (HVM) interventions on City streets, such as street furniture and bollards. This work will also establish a formal process through which private property owners may seek approval to install HVM measures on City streets, including guidance on application requirements, service standards, evaluation criteria, and staff responsibilities throughout the internal review process.

KEY ACTIONS:

- Guidelines and a kit of parts will be developed that will provide property owners with information on performance standards, design and placement requirements, and encroachment agreement processes. The document will also provide general information about HVM best practices, benefits and limitations.

PILLAR #2: LEGISLATION

The City's legislative powers and available tools to address hate activity need to balance the City's jurisdiction and legal obligation to respect Charter-protected rights and freedoms.

Trespass to Property Act

The Trespass to Property Act allows owners or occupiers of lands an enforcement mechanism to prevent unauthorized people from entering on their premises, prohibit certain activities while on their property, or remove those individuals from the premises. The Trespass to Property Act may be used by private property owners and by various levels of governments for lands under their control.

KEY ACTIONS:

- As owners and occupiers of municipal properties, the City can elect to use the trespass to property powers to prohibit a person from engaging in certain activities on its properties, or to prohibit the entry on a portion of the land. Where a factual basis supports such utilization, the municipality's use of a trespass authorization can work in conjunction with an existing private property one. The use of Trespass to Property Act on public properties may be subject to review by the courts.

By-Laws

The City can assess various tools for municipalities to respond to hate-motivated activity and potentially unsafe conditions.

KEY ACTIONS:

- The City has conducted a jurisdictional scan of municipalities in Canada and the US to identify tools other cities have implemented, such as the [Safe and Inclusive Access By-law](#) adopted by the City of Calgary to ensure safe and inclusive access to public services, and the [Protecting Vulnerable Social Infrastructure By-law](#) adopted by the City of Vaughan that prohibits “nuisance demonstrations” within 100 metres of the property line of any vulnerable social infrastructure.
- City staff continue to review and assess tools available for municipalities to respond to hate activity.

PILLAR #3: COMMUNITY SAFETY AND FUNDING

The City is moving forward with efforts to advance community safety, hate prevention and funding opportunities to promote a safe Toronto.

Community Crisis Response Program

Through the [Community Crisis Response Program](#) (CCRP), the City provides supports to individuals and communities who have been impacted by violent and traumatic incidents.

KEY ACTIONS:

- As the CCRP is designed to address immediate community needs, the City is positioned to mobilize resources to respond to violent and traumatic incidents as they occur, including supporting individuals and communities impacted by hate activity.

Furthering Our Community by Uniting Services (FOCUS)

[FOCUS](#) is an innovative, collaborative risk driven approach to community safety and well-being co-led by the City of Toronto, United Way Toronto and the Toronto Police Service that aims to reduce risk, harm, crime, victimization, and improve community resiliency and well-being.

The model brings together the most appropriate community agencies at a weekly situation table to provide a targeted, wrap-around approach to the most vulnerable individuals, families and places that are experiencing heightened levels of risk in a specific geographic location.

KEY ACTIONS:

- As situation tables have a Confronting Violent Extremism (CVE) and Ideologically Motivated Violent Extremism (IMVE) lens and capacity built into the assessment

of individual cases, the City is positioned to respond to hate-motivated cases as required.

SafeTO BIA

The Downtown Yonge Business Improvement Area (BIA) and SafeTO have partnered on a year long [pilot project](#) to address the growing challenges of community safety and well-being in BIAs across Toronto.

KEY ACTIONS:

- The City's BIA office provides de-escalation training to BIAs and businesses.

Access to Funding

Provincial and Federal Funding

Community organizations are eligible for provincial and federal funding established to address hate (i.e. [Ontario Anti-Hate Security and Prevention Grant](#)) and improve security infrastructure (i.e. [Security Infrastructure Program](#)).

City Funding – Community Safety

The City's [Community Crisis Response Fund](#) provides one-time financial assistance of up to \$5,000 to support communities impacted by traumatic incidents and community violence, including hate-motivated incidents.

City Funding – Business Improvement Areas (BIAs)

The [Streetscape Improvement Program](#) allows BIAs to undertake enhancements to the public realm (e.g. street furniture, lighting, sidewalk treatments), which often incorporate Crime-Prevention through Environmental Design (CPTED) principles.

City Funding – Cultural Grants

Cultural grants administered by Economic Development and Culture promote equity and inclusion across the city, including the [Indigenous Arts and Culture Partnerships Fund](#), the [Cultural Hotspot Program](#), the Toronto Arts Council's [Black Arts Program](#), and [ArtReach Toronto](#) (delivered by Toronto Arts Council to support vulnerable youth to access arts programming).

KEY ACTIONS:

- The City is reviewing opportunities to improve community awareness of and access to funding, including provincial and federal funding opportunities to address hate-motivated safety and security concerns.
- The City continues to assess City funding opportunities in response to community safety and security concerns, and will explore the development of a granting program specific to supporting community safety measures (such as hostile vehicle mitigation interventions).

PILLAR #4: PUBLIC EDUCATION AND AWARENESS

The City is providing resources and initiating various campaigns to promote public education, awareness and dialogue on the issues of discrimination, racism and anti-hate.

Toronto For All

[Toronto For All](#) is a public education initiative to generate dialogue among Toronto residents. The campaign helps create a city that says “no” to all forms of discrimination and racism, including systemic racism.

KEY ACTIONS:

- Building on the [2024 campaign on allyship](#), the City will be focusing the 2025 campaign on the theme of anti-hate. Developed in collaboration with community members, the campaign will include bus shelter ads, online educational resources and tools, a social media campaign, posters and digital ads in the city and partner venues, a grassroots deployment, and an internal staff campaign.

Confront the Past, Change the Future

The [Confront the Past, Change the Future](#) campaign focuses on the legacies of the trans-Atlantic slave trade and slavery to advance the human rights of peoples of African descent in alignment with the United Nations International Decade for People of African Descent.

KEY ACTIONS:

- The City launched the public education campaign on August 1, 2024. The campaign will end on December 31, 2025.

Keeping Toronto Safe from Hate – Online Package of Information

Anti-hate resources are available on the City’s webpage [Keeping Toronto Safe from Hate](#). The online package includes information on how to report hate crimes and activities, support resources for communities, hate prevention and community safety funding, City policies related to hate, and best practices that promote community safety.

KEY ACTIONS:

- To ensure community awareness and access, the City supported circulation of the online package of information to faith leaders, places of worship and other key community stakeholders. The City will continue to update and circulate these resources to community stakeholders.

PILLAR #5: INCIDENT MANAGEMENT AND RESPONSE

The City works with the TPS to respond to incidents and major events as they occur, leveraging City resources and support as needed.

Toronto Emergency Management (TEM)

TEM serves as the City’s central coordinating point of contact with the TPS in response to major events (e.g. public safety incidents, large-scale demonstrations). TEM serves

as a liaison with the TPS, responds to TPS requests, and supports the coordination of the City's response across City divisions.

KEY ACTIONS:

The City is positioned to mobilize City resources to support TPS' response to major events as they occur by:

- assigning an Incident Management Team (IMT);
- assigning TEM staff liaisons to TPS' Major Incident Command Centre (MICC);
- mobilizing City resources and coordinating across divisions; and
- activating the City's Emergency Operations Centre if required.

PILLAR #6: CITY-TORONTO POLICE SERVICE COLLABORATION

The City and the TPS have established communication channels and are in regular contact to respond to issues as they occur.

The City's ongoing communication with the TPS enables:

- regular communication and contact;
- collaboration on community safety and anti-hate matters;
- response to planned and unplanned events; and
- referral of criminal activity and law enforcement matters to police as required.

KEY ACTIONS:

The City continues to build upon existing communication channels and opportunities to engage with the TPS, including:

- TEM, TPS and other City divisions, agencies and corporations have established weekly and monthly meetings to review and discuss both planned and unplanned events;
- regular meetings with Corporate Security and TPS to share intelligence and create security plans for events and demonstrations held on or near City property;
- coordinated response to rallies and protests to proactively address City bylaw violations; and
- response to, and removal of, posters and graffiti that contain hate-related content.

The City and the TPS have identified opportunities for greater integration at events to promote public safety and respond to issues as they arise.

KEY ACTIONS:

- The City's Bylaw Enforcement team and the TPS will continue a coordinated response to rallies and protests "on the ground" to proactively address City bylaw violations.
- TPS and the City are exploring ways to involve the City's Bylaw Enforcement team more alongside the TPS for specific events.

**Toronto Police Service Board
Public Meeting
October 8, 2024**

**** Speakers' List ****

- 1. Confirmation of the Minutes from the regular public meeting held on September 12, 2024 and the Minutes from the Board's Budget Committee meeting held on October 2, 2024**

Deputation: Kris Langenfeld (virtual)

- 3. Analytics Presentation**

Deputation: Kris Langenfeld (virtual)

- 4. Digital Platforms Presentation**

Deputation: Kris Langenfeld (virtual)

- 5. Update from the Board's Anti-Racism Advisory Panel (ARAP)**

Deputation: Derek Moran (in person)

- 7. Chief's Administrative Investigation Reports**

Deputation: Kris Langenfeld (virtual)

8. Keeping Toronto Safe from Hate Action Plan – Request to Receive for Information at the October 8th, 2024, Toronto Police Service Board Meeting

Deputations: Giuseppe Scoleri (virtual)
Kris Langenfeld (virtual)
Miguel Avila (in person)
Robert Walker (in person)
Stephanie Michelle (in person)
Derek Moran (in person) (written submission included)
Matthew Taub (in person)
Alexandra Smith (in person)

Daniel Hochman (written only)
Dovid Morris (written only)

In this report it says - "As owners and occupiers of municipal properties, the City can elect to use the trespass to property powers to prohibit a person from engaging in certain activities on its properties, or to prohibit the entry on a portion of the land."

THIS IS A NOTICE ON CASE LAW ABOUT FREEDOM OF EXPRESSION AND THE TRESPASS TO PROPERTY ACT

Animal Justice et al. v A.G of Ontario, 2024 ONSC 1753 (CanLII)

Superior Court of Justice — Ontario

2024-04-02 | 73 pages

Charter of Rights — Animal rights — Legislation saved under s. 1 of Charter

Charter of Rights — Freedom of expression — Animal rights

Charter of Rights — Section 2(b) — Section 1 of Charter

Rights and freedoms

[...] [79] Ontario submits that the purpose of the Act is **not** to limit freedom of expression but, as set out in s. 1 of the Act to **prevent trespass**; protect farm animals and the food supply chain from the risks of trespass; protect the safety of agricultural

Bracken v. Niagara Parks Police, 2018 ONCA 261 (CanLII)

Court of Appeal for Ontario — Ontario

2018-03-19 | 34 pages | cited by 15 documents

Charter of Rights and Freedoms — Freedom of expression — Reasonable limits — Canadian Charter of Rights and Freedoms, ss. 1, 2(b) —

Niagara Parks Act, R.S.O. 1990, c. N.3, s. 2(9)(a).

Rights and freedoms

[...] The **trespass notice violated** the applicant's rights under s. 2(b) of the Charter . [...] [15] A defining feature of a free society is the right to speak openly and publicly **without fear** of government censure. Freedom of expression is deeply ingrained in democratic, egalitarian cultures, and **reinforces** all of the other fundamental freedoms. [...] In Canada, it receives legal **protection** through common law, statute and s. 2(b) of the Charter . [...]

R. v. Layton, 1986 CanLII 4717 (ON CJ)

Ontario Court of Justice — Ontario

1986-05-26 | 32 pages | cited by 5 documents

Employment — Labour relations — Labour Relations Act, R.S.O. 1980, c. 228 — Trespass to Property Act, R.S.O. 1980, c. 511, s. 2(1)(b).

Criminal or statutory infractions

[...] This appeal therefore succeeds on the second ground. To the extent to which the **Trespass to Property Act infringes** the appellant's freedom of expression guaranteed by s. 2(b) of the Charter , it is of **no force or effect** pursuant to s. 52(1) of the **Constitution Act, 1982** . [...]

R. v. Marcocchio, 2002 NSPC 7 (CanLII)

Provincial Court of Nova Scotia — Nova Scotia

2002-04-11 | 49 pages | cited by 8 documents

ban — government — police — freedom of expression — public

[...] [90] However, on the facts of this case, the Court had a difficulty with "an **indefinite ban placed on individuals to be in public areas on state owned property**". While granting that a reasonable restriction on the behavior of individuals on public property is allowed, it concluded that the ban must yield to the Charter [...] Hence, **s. 2(b) would override any charge under the Trespass to Property Act in spite of a ban imposed by the Speaker as long as the trespassers are non-violent and non-destructive** in their expressive activities. [...]

R. v. Morgentaler, [1988] 1 SCR 30, 1988 CanLII 90 (SCC) — 1988-01-28

Supreme Court of Canada — Canada (Federal)

pregnant woman — foetus — security of the person — hospitals — women

[...] Thus, the **rights guaranteed in the Charter erect around each individual, metaphorically speaking, an invisible fence over which the state will not** be allowed to trespass. [...]

Gammie v. Town of South Bruce Peninsula, 2014 ONSC 6209 (CanLII)

Superior Court of Justice — Ontario

2014-10-29 | 33 pages | cited by 6 documents

Municipal law — Councillors — Conflict of interest — Limitation periods — Remedies — Municipal Act, 2001, s. 273

Municipalities

[...] [104] In *R. v. Semple and Héroux*, Knazan J. held that a notice that the City of Toronto issued under the Trespass to Property Act against two protesters, members of an organization that had been disruptive and violent at a previous demonstration, which prohibited them, absolutely, from entering Nathan Phillips Square where [...]

City Hall was located, was overbroad and infringed the defendant's right to free expression under s. 2 of the Charter and could not be justified under s. 1 of the Charter. [35] I find Justice Knazan's reasoning persuasive and apt in the present case. [...]

Bracken v. Fort Erie (Town), 2017 ONCA 668 (CanLII)

Court of Appeal for Ontario — Ontario

2017-08-25 | 33 pages | cited by 24 documents

Charter of Rights and Freedoms — Freedom of expression — Protests — Canadian Charter of Rights and Freedoms, ss. 1, 2(b).

Rights and freedoms

[...] [84] The limits placed on Mr. Bracken's s. 2(b) rights by the Town were not justified under s. 1 of the Charter. [...] [85] I would allow the appeal, quash the trespass notice and issue a declaration that the issuance of the trespass notice by the Town constituted a violation of the appellant's rights under s. 2(b) of the Charter. [...]

Weisfeld v. Canada (C.A.), 1994 CanLII 9276 (FCA)

Federal Court of Appeal — Canada (Federal)

1994-06-30 | 42 pages

Constitutional law — Charter of Rights — Fundamental Freedoms — Freedom of expression

Constitutional law — Charter of Rights — Limitation clause

Public works

Constitution

Practice and procedure

Rights and freedoms

[...] Therefore, I find that the actions of the Government, whether exercising its common law right against trespass and public nuisance, or under the Regulations, prima facie, infringed the appellant's freedom of expression as guaranteed by paragraph 2(b) of the Charter. [...]

Committee for the Commonwealth of Canada v. Canada, 1991 CanLII 119 (SCC), [1991] 1 SCR 139

Supreme Court of Canada — Canada (Federal)

1991-01-25 | 126 pages | cited by 385 documents

Constitutional law — Charter of Rights — Freedom of expression

Constitutional law — Charter of Rights — Reasonable limits — Canadian Charter of Rights and Freedoms, s. 1

Transportation — Airports

Commerce and industry

Constitution

Rights and freedoms

[...] He has intervened because of the implications this case could have on the management of provincially owned property in the government of Ontario and for provincial civil trespass law. [...] A.G.O. maintains that s. 2(b) is infringed only where a restriction on expressive activity in a public arena is: (i) content-based in purpose; (ii) content-based in effect; or (iii) content-neutral, but not a reasonable restriction on the time, place or manner of expression. [...]

Harrison v. Carswell, 1975 CanLII 160 (SCC), [1976] 2 SCR 200

Supreme Court of Canada — Canada (Federal)

1975-06-26 | 23 pages | cited by 157 documents

Trespass — Labour relations — The Petty Trespasses Act, R.S.M. 1970, c. P-50.

Criminal or statutory infractions

Labour and employment

[...] Trespass in its civil law sense, and in its penal sense too, connotes unjustified invasion of another's possession.

Name: Daniel Hochman

Agenda item: Keeping Toronto Safe from Hate Action Plan – Request to Receive for Information at the October 8th, 2024, Toronto Police Service Board Meeting

Format: Written only

Plain text: On Oct 7 of last year I woke up to horrible news. Canadians, Jews and Muslims, woke up to a new reality. This is not a reality any good person wants for the world but it is our reality. To my shock, while still trying to process the news and footage of innocent Israelis being murdered, someone I thought was a friend posted an invite on social media to "Glorify our Martyrs". This was not a protest of the Israeli government. This was not a rally in support of Palestinian statehood. This was a march to show support for the terrorists who died murdering and kidnapping Israelis. This was clear support for terrorism and this pro terror rally was allowed to be carried out by the TPS and local government. I went to witness what was carried out and I have footage of the participants calling for genocide and the murder of all the Jews. I thought maybe the strategy of the powers that be was to allow the emotions to fizzle out and hope the worst subsides. Somehow, a year later, this first rally for their martyrs has mutated into a year of open support for terror and discrimination against Jews. I used to feel safe as a minority in Toronto but I no longer do. When I walk around and see random individuals with their faces covered in kaffiyas, I wonder what they would do if they knew I was Jewish. Would they try to attack me? Would they pull down their masks to spit on me like they have done so many times before? What I did know is that I had zero trust in the public around me or the TPS or the local government to ensure my rights and safety are protected. Illegal gatherings, terror support, genocidal messaging etc. All of these are commonplace now in our city. Encampments, traffic disruption barely halted and with no help from the institutions and organizations set up to safeguard my rights. I keep hearing that the police are handicapped by politics but why is my safety a political discussion? Why has anti Jewish hate been allowed to be cultivated and blossom into an ugly flower that undermines the equality that is the basis of our democracy. Jews are told they need permits to protest and gather, the "other side" are not. Why do we always follow the rules but "they" do not. Seemingly without any repercussions. I do not know if new proposed changes are going to "Keep Toronto Safe from Hate", maybe we should start with actually upholding the existing standards. Stop allowing the glorification of terror and terrorist states. Properly allow for the protected support of allied countries. Help Jews feel safe in public spaces. Maybe start there.

Name: Dovid Morris

Agenda item: Keeping Toronto Safe from Hate Action Plan – Request to Receive for Information at the October 8th, 2024, Toronto Police Service Board Meeting

Format: Written only

Plain text: I am a Canadian citizen. I was born here in Canada and have lived basically my entire life here in Canada. I've always been one to support my country, and all her agencies, from the Federal level through to the Municipal level. I have never felt afraid that I would be harmed in any way because I am Jewish. That has changed now. While I still do not feel at risk of physical assault, I am worried about non-physical assault. Yesterday, I put up my sukkah in preparation for the Succos holiday which starts on October 16th. This is something I do every year. However this year, I actually am worried that it is going to be vandalized or damaged. My concern is at such a level that although I put up the actual structure, I have held back on putting up the lights or other accoutrements for fear of theft. I have never felt this way before in Canada. I do feel that Toronto Police has done an exemplary job overall during the past year, despite the extraordinary cost they have incurred both in terms of budget dollars as well as officer morale and/or stamina. I implore the TPSB to both continue and increase their efforts in keeping us safe from those that wish us harm, be it physical or non-physical. Our country simply could not exist without your efforts in maintaining a basic standard of rules and decorum. Thank you very much for all you do! Dovid Morris

[John Gregory on Technology](#), 2019 CanLIIDocs 2754 (update)

John D Gregory – Slaw.ca

476 pages

electronic — authentication — technology — blockchain — s

Evidence and procedure

Legal theory

Technology

[...] **The Trespass to Property Act applies to persons,**