



The following *draft* Minutes of the meeting of the Toronto Police Services Board held on June 18, 2015 are subject to adoption at its next regularly scheduled meeting.

The Minutes of the meeting held on May 14, 2015, previously circulated in draft form, were approved by the Toronto Police Services Board at its meeting held on June 18, 2015.

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **JUNE 18, 2015** at 9:00 AM in the Auditorium, 40 College Street, Toronto, Ontario.

PRESENT:

Dr. Alok Mukherjee, Chair
Mr. Andrew Pringle, Vice-Chair
Ms. Shelley Carroll, Councillor & Member
Mr. Chin Lee, Councillor & Member
Ms. Marie Moliner, Member
Dr. Dhun Noria, Member
Mr. John Tory, Mayor & Member

ALSO PRESENT:

Mr. Mark Saunders, Chief of Police
Mr. Karl Druckman, City of Toronto - Legal Services Division
Ms. Deirdre Williams, Board Administrator

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

#P146. MOMENT OF SILENCE

The Board observed a moment of silence in memory of Police Constable Daniel Woodall of the Edmonton Police Service who was killed while on duty on Monday, June 8, 2015.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

#P147. CHAIR ALOK MUKHERJEE – NOTICE OF RESIGNATION

Chair Alok Mukherjee delivered a statement announcing his intention to resign as chair and provincially-appointed member of the Board effective August 01, 2015. A copy of the Chair's statement is appended to this Minute for information.

The Board extended its appreciation to Chair Mukherjee for his work with the Toronto Police Service and community, particularly during the past 10 years as Chair of the Board.

Statement by Chair Alok Mukherjee
Thursday, June 18, 2015

Earlier this year, in January, I had said that this will be my last year as chair of the Toronto Police Services Board. Today, I am announcing that I will step down as chair and member of this board on August 1, that is, July 31 will be my last date. On Monday, June 14, I have written to Ontario's Minister of Community Safety and Correctional Services, Honourable Yasir Naqvi, advising him of my intention.

I joined this board in September 2004 and since July 2005 I have served as chair. With this meeting, I complete ten years in this position. Only our very first chair, Judge C. O. Bick, served a longer term. The time has come to move on.

There are other projects that I have shelved in order to dedicate my full time and attention to the task of chairing this board. It is time to turn my attention to those unfinished or pending projects.

It has been a privilege and an honour to serve as chair of this board. I want to thank the City of Toronto and the Province of Ontario for their confidence in me. In all these years of dealing with the challenges that face the governance of the largest municipal police service in Canada, I have received valuable advice, counsel and support. For that I am very grateful.

It has been a pleasure to have served with many board members, including Mayors, City Councillors and citizen members, who brought to this board a wealth of experience, skills and commitment to the public good. I have enjoyed many years of collegial relationship with them. I will treasure our partnership in making sure that we had a police service that truly reflected the needs and expectations of the community it serves.

These ten years have seen some of the most difficult challenges this board and this police service have faced. I believe that, on balance, we met those challenges well, learnt from them, and made good changes in the public interest.

I am most grateful to the staff of the board, who, led by our Executive Director, Joanne Campbell, were always there for me, and responded to my demands with grace, professionalism and amazing loyalty.

In our police service, at all ranks from the Command to the front lines and including uniform members and civilian members, we have women and men who understand the importance of the public service they provide. Many of them have extended their support to me, encouraged me and assured me that the direction in which we were moving was the right one. I will always have the highest respect for them.

Perhaps the most important ally I have had as chair is the community. I have the highest respect for all those concerned individuals and organizations, who have watched over our actions, showed up regularly at our meetings, offered advice, assessed our performance and held us accountable. Their presence and their voice have meant a great deal to me.

We provide oversight as stewards of the community's interest and in the public interest. Civilian oversight of policing is one of the key features of our system of democracy. We are fortunate to have people in our community who insist on making sure that we discharge our responsibility in a way that is transparent and accountable. I am personally grateful for their vigilance and persistence.

Looking back, I believe we have accomplished much and the police service today is very different from what it was a decade ago, both in terms of the way in which it serves the community and the way it conducts business. Yet, there is much that remains to be done. We must continue to work with the community and the police service to make sure that we provide the best possible service to people experiencing mental illness. Full and prompt implementation of the recommendations by Justice Iacobucci is essential, and the board must make sure that this happens. We must do all we can to support the mental health and wellness of those who work for us. Adoption of the National Standard on Mental Health and Wellness in the Workplace will be a worthy goal for us to set. Importantly, there remains the work of transforming this organization. In 2014, we retained the highly experienced professionals of the consulting firm, KPMG, to provide us with a roadmap for transformation. They have completed their work. It must now see the light of day along with a strategic plan to implement their recommendations fully and in a timely manner.

The model of policing we have today is largely the one that was established by the first chair, Judge C. O. Bick, and his board half a century ago. It has served us well; it is time now to make the transformation that policing in the 21st century requires.

And finally, we have to come to terms with the troubling issue of carding. We have dedicated significant time and resources to this issue. And while we now await the direction that the province has promised to provide, we must set out in no uncertain terms our expectation of the kind of policing we want to see in this community.

In each of these areas I have noted, the preliminary work has been done, a baseline has been set and the action that must be taken has been identified. It now remains for this board to move forward with implementation. I believe that the board will benefit from new leadership as it moves to this next phase.

As it does so, it is important that the board has a full complement of members and fresh energy. Therefore, I have requested Minister Naqvi that the government move quickly to fill the vacancy created by my decision to step down on August 1.

Thank you.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P148. RESPONSE TO REQUEST FROM THE CITY OF TORONTO –
ESTABLISHMENT OF A TASK FORCE RESPONSIBLE FOR
INVESTIGATING INSTANCES OF FRAUDS COMMITTED AGAINST
SENIOR CITIZENS**

The Board was in receipt of the following report May 25, 2015 from Mark Saunders, Chief of Police:

Subject: REQUEST FOR THE ESTABLISHMENT OF A TASK FORCE
RESPONSIBLE FOR INVESTIGATING INSTANCES OF FRAUDS
COMMITTED AGAINST SENIOR CITIZENS

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

The City of Toronto, at a City Council meeting on August 25, 26 and 27, 2014, adopted the following:

1. City Council direct the Executive Director, Municipal Licensing and Standards, to review Chapter 545, Licensing and all regulations governing building renovators, contractors and trades, and report in the next term of Council on any by-law amendments necessary to address issues related to home improvement contractors.
2. City Council directs the Executive Director, Municipal Licensing and Standards, to work with the Toronto Police Service to educate and promote awareness on home improvement contractors or companies.
3. City Council request the Toronto Police Services Board to ask the Chief of the Toronto Police Service to establish a task force responsible for investigating instances of fraud committed against senior citizens and to work with Municipal Licensing and Standards, where appropriate, to address issues that arise.

The City of Toronto Municipal Licensing and Standards has received an increased number of complaints regarding some home improvement contractors, including paving companies, taking advantage of senior citizens to conduct fraudulent and costly home repairs.

Senior citizens are among the most vulnerable members of our society and are particularly susceptible to such schemes. The City of Toronto has the authority to implement regulations on businesses for the purpose of consumer protection.

This report provides a response to the City of Toronto’s request for information as it pertains to assessing the need for the City’s proposed Task Force on senior frauds. Additionally, this report will outline the Service’s current programs, practices and initiatives to address victimization of senior citizens.

Discussion:

The Service continues to work with community partners and government agencies to educate seniors to report fraud scams. Senior citizens are among the most vulnerable members of our society and are particularly susceptible to such schemes. For those living on fixed incomes, the costs for fraudulent repairs risk depleting their hard-earned life savings. The City of Toronto has the authority to implement regulations on businesses for the purpose of consumer protection, and as a society, we have a responsibility to ensure that our most vulnerable residents are protected.

Within the Divisional Policing Support Unit (DPSU), an officer is specifically assigned to vulnerable person’s issues, which encompasses the seniors’ portfolio. This officer engages with the broader community and proactively works at increasing awareness, educating and understanding of wide-ranging issues of concern, including senior frauds and scams.

An analysis of the Ecrime database returned a total of 190 occurrences over a 4 year period (2010 – 2013), where persons over 65 years of age (at the time of the occurrence) were involved in fraud related incidents with the keyword “contractor” noted within the narrative of the report. The breakdown by year is represented in the table below.

	2010	2011	2012	2013	Total
D11	3		3	1	7
D12		2	2	2	6
D13	5	2	2	1	10
D14	6		3	2	11
D22	4	5	2	2	13
D23	1	3	1		5
D31	1	4	1	3	9
D32	12	7	1	3	23
D33	1	4	2	10	17
D41	2	5	5	1	13
D42	3	10	3	5	21
D43	1	5	2		8
D51	3		1	1	5
D52		3	1	2	6
D53	1	6	4	5	16
D54	1	4		2	7
D55	4	3		1	8
FRD	3	1	1		5
Total	51	64	34	41	190

The preliminary analysis did not identify an increasing trend in fraud related incidents which are specifically contractor perpetrated against senior citizens of Toronto.

The table identified higher risk divisions (D22, D32, D33, D42 and D53). This is due in part to the number of senior residents living in these divisions. The Service will enhance its response to seniors' fraud through education, by encouraging heightened vigilance and primary reporting options.

Service Response to Senior Victims of Fraud

Correspondence was sent by DPSU to all divisions within Community Safety Command, and to the Financial Crimes Unit (FCU), requesting information on initiatives and programs currently in place specific to fraud scams involving seniors. A wide-range of divisional initiatives and programs were identified, a sampling is listed below:

- The FCU conducts weekly analysis of all frauds committed, including those against seniors to identify any trends, correlations and / or concerns that extend beyond divisional boundaries and require additional resources. The FCU will coordinate, assist and / or assume carriage of such instances dependent upon the individual criteria of each situation.
- In 2014, Community Relation, Crime Prevention, and Fraud officers delivered a total of 432 community presentations and lectures that incorporated senior fraud awareness issues;
- Divisions reported that senior fraud presentations were delivered in numerous locales throughout the City including: retirement homes, long-term care facilities, community centres, Toronto housing, senior apartments, condominiums, Newcomers or English-as-a-second-language (ESL) programs, cultural centres, places of worship, senior centres, social service agencies, drop-in-programs, shopping malls, recreational facilities, service clubs, social clubs, and governmental offices;
- A number of divisions produce Social Media and Twitter senior fraud prevention messages, this also includes YouTube and Crimestoppers messages;
- Each March, divisions incorporate senior fraud educational material as part of Fraud Prevention Month;
- In 2014, the FCU, DPSU, and a number of Community Relation and Crime Prevention Officers participated in a Fraud Awareness Campaign; the theme was "Fraud, Know It Before It Knows You." Elements of this campaign incorporated senior fraud messaging;
- Officers attend numerous locales throughout the City including retirement homes, long-term care facilities and community centres;
- The majority of divisions reported that fraudulent crimes against seniors, specifically home renovation or contractor type scams, were not identified as significant or trending issue; and

Examples of Outreach and Education by the Service

- DPSU hosts bi-monthly meetings with Community Relation and Crime Prevention officers;
- The Service has seniors fraud literature to educate and inform the public;
- DPSU is incorporating seniors fraud scams into crime prevention training as part of the Auxiliary training;

- The Toronto Police College integrates senior fraud information into courses delivered to front-line officers and supervisors; and
- The Service is currently working with Seneca College Graphic Art students regarding a marketing campaign towards senior fraud issues that will include Public Service Announcements.

City of Toronto Seniors Strategy

Since 2011, the Service has actively been involved in the development of the City of Toronto's Seniors Strategy. Of the 91 recommendations, the Service has been tasked with 11. A key element of the strategy is the education of Service's Community Police Liaison Committees (CPLC) and Community Consultative Committees (CCC). The Service continues to educate these committees through members of the FCU, DPSU, and the Community Relation and Crime Prevention Officers.

Conclusion:

The Service, through DPSU, will continue to promote seniors education, safety and crime prevention messaging to support front-line and investigative officers in all aspects of crimes against seniors.

DPSU currently does not see the requirement to establish a task force to investigate instances of fraud committed against seniors; however DPSU will enhance its coordination, communication and interaction with the City of Toronto Municipal Licencing and Standards Division, and our Crime Prevention and Community Relation Officers, Fraud Detectives and the FCU.

Deputy Chief Peter Sloly, Community Safety Command, will be in attendance to answer any questions that the Board may have regarding this report.

Chief Saunders responded to questions about this matter.

The Board noted that in addition to senior citizens, newcomers to Canada are also vulnerable members of our community and have been the victims of similar fraudulent schemes. The Board inquired as to whether the TPS has any data on the number of fraud occurrences involving victims who are newcomers to Canada. Chief Saunders said that the TPS does not currently record that information.

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

THAT the Board forward a copy of this report to the City of Toronto – Licensing & Standards Committee for information.

Moved by: S. Carroll

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P149. MONTHLY REPORT: TORONTO 2015 PAN AMERICAN/PARAPAN
AMERICAN GAMES – JUNE 2015**

The Board was in receipt of the following report May 13, 2015 from Mark Saunders, Acting Chief of Police:

Subject: TORONTO 2015 PAN AMERICAN/PARAPAN AMERICAN GAMES –
MONTHLY STATUS REPORT

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

At its January 2015 meeting, the Board accepted the Cost Contribution Agreement (CCA) negotiated between the Ministry of Community Safety and Correctional Services and the police service agencies comprising the Integrated Security Unit (ISU) for the 2015 Toronto Pan American/Parapan American Games (Min. No. C22/15 refers). The CCA will provide for reimbursement of all Games'-related salary and non-salary incremental expenditures through to October 31, 2015.

Execution of this Agreement continues to be pending, as the Ministry is reviewing the budget in detail, and the Service's budget (due to the number of venues) is quite complex. The Ministry has advised that the review is in its final stages, and anticipates that the Agreement will be provided to the Board for execution in May 2015.

Monthly invoices have begun to be forwarded to the Province for costs incurred by the Toronto Police Service (Service) in planning for the Games. These monthly invoices will be provided to the Province for cost recovery purposes for the remainder of the planning stage and throughout the operational and demobilization phases. It must be noted, however, that the Province will not reimburse the Service for these expenses until the Agreement has been executed (Min. No. P28/15 refers).

Background/Purpose:

The Toronto 2015 Pan American/Parapan American Games will be held in the City of Toronto and surrounding municipalities in July and August 2015. Members of the Service's Pan Am Games Planning Team continue to liaise with external stakeholders to finalize preparations for the Games' operational phase, including training and competition schedules, transportation plans, staffing, and equipment supply.

Discussion:

This report provides a progress update with respect to planning for the Toronto 2015 Pan American/Parapan American Games, which commence July 10, 2015, and continue through to August 21, 2015. The demobilization phase will follow the Parapan American Games and is anticipated to conclude October 31, 2015.

Business Continuity and Staffing for the Games

The final round of the Pan Am Scheduling System (PASS) was extended to April 24, 2015, to allow members additional opportunity to select from the remaining work details. Since the closure of PASS, Business Continuity planning team members have begun to review the particulars of unfilled assignments in the various zones and have initiated discussions regarding viable options to address the outstanding vacant positions. The scheduling of auxiliary members to assist with the Games is underway.

Consultations with Emergency Management and Public Order subject matter experts regarding command post staffing and scheduling are ongoing, and efforts are underway to finalize command post dates, hours of operation, and personnel assignments so that this information can be captured in PASS. Identified individuals who will be embedded in the Command and Control structure are actively engaged with the Planning Team.

Discussions regarding the roles and responsibilities of private security continue, particularly with respect to the flow of information from private security personnel to police.

The internal transfer of members within the Service is resulting in numerous requests for the cancellation and reassignment of PASS work details. Business Continuity team members have begun tracking assignment cancellations and strategizing response plans to cancellations that occur during the operational period. Units whose members have special training or skills sets (such as motorcycle officers) will assume responsibility for filling an assignment when a member is unable to complete the work detail.

Business Continuity planning team members and the Service's Pan Am Games project leads continue to liaise with the Service's Labour Relations unit with respect to the submission of an application to the Ministry of Labour to amend the hours of work for civilian members to meet the Games' staffing demands.

Logistics

Procurement of goods and services for the Games is ongoing as additional equipment requirements continue to come forward from specialized units. Delivery of items for the staging locations is progressing.

Members are liaising with the Toronto Transit Commission regarding bus rentals. They are also working with Communications Services regarding the uploading of call signs, venue maps, and deployment maps for the operational phase. Draft maps of all venues have been completed for distribution to officers at staging areas. Maps have also been created for Games Route Network (GRN) Command Post teams and towing boundaries for traffic operational plans.

The accreditation numbers required by the Accreditation Screening Verification Team have been compiled for review by the project leads.

Details are being compiled with respect to logistic support worker duties and responsibilities. Training material and workflow charts will be utilized to assist logistics support staff in preparing for their assigned roles. Meetings with these identified personnel have taken place to review and rehearse logistics hub and staging processes.

The Logistics team lead is pursuing optional parking space for Command staff. Parking capacity at staging locations is also being evaluated to determine if additional spots will be required to accommodate personnel who must report to these locations.

Training

The Material for the Command Centre Training is complete and training dates have been scheduled. Command post staff at the Major Incident Command Centre will be utilizing the RCMP's Event Management System (EMS) for information sharing and situational awareness during the Games.

Pan Am Athletes' Village training will be held at the Toronto Police College, followed by a tour of the facility for members assigned to security at this venue.

The Integrated Security Unit (ISU) mandatory on-line Canadian Police Knowledge Network (CPKN) modules are complete. Internal communications have been disseminated with instruction for Service members (uniform and civilian) who are required to complete the training modules. A Service-specific Games' training component has been incorporated into CPKN.

The ISU handbook has been forwarded for artwork preparation and subsequent printing. The handbook will be distributed to personnel at the staging areas.

A member of the planning team has been designated to coordinate security sweep training dates for the many officers who have selected security sweep assignments in PASS.

Traffic/Transportation

The Pan Am/Parapan Am Transportation Team (PATT) has engaged in a series of Pulse Checks designed to measure and determine the state of transportation planning readiness. The Ministry of Transportation coordinates these Pulse Checks, inviting a number of transportation stakeholders and experts who have been involved in similar events in the past. These individuals are able to provide a reference point and feedback with respect to the progress of transportation

planning for the Games. A retired member of the West Vancouver Police Department will provide an information session to ISU transportation partners, including an overview of his experiences and insight gained from his role as the Road Based Transportation Unit Lead for the 2010 Vancouver Olympics.

Cycling familiarization events have been confirmed and will require full road closures on two separate dates. Assignments for the familiarization events have been entered into PASS. Discussions will take place with emergency services providers to ensure access on road race routes in the event of emergent situations.

There will be a Common Operating Picture (COP) networked program utilized to provide situational awareness for road events, the Torch Relay, and opening and closing ceremony routes. The COP program is able to display real-time relevant operational information that can be shared by more than one command to assist with collaborative planning.

The Service's Traffic/transportation planning team members have been participating in readiness exercises with transportation stakeholders. Operational plans are progressing with amendments made as information is received from external organizations.

Conclusion:

The Toronto Police Service – Pan Am Games Planning Team and identified key operational Service members are working cooperatively to prepare for the commencement of the Games early July 2015.

Meetings with internal and external stakeholders are ongoing to finalize schedules and work assignments, logistical requirements and transportation plans, and the procurement of required equipment and services. Training of Service members is ongoing via CPKN on-line content, instructor delivery, and training exercises.

Acting Deputy Chief James Ramer, Specialized Operations Command, will be in attendance to answer any questions from the Board.

Chief Saunders provided the Board with an update on the progress of the planning for the Games. He said that the Games continue to be considered as a sporting event as opposed to a security event and the threat assessment remains at “medium”.

The Board was advised that the Climate Summit of the Americas will be held in Toronto from July 7, 2015 to July 9, 2015 and the International Economic Forum of the Americas will host the 2015 Toronto Global Forum: Pan American Edition from July 8, 2015 to July 10, 2015. Chief Saunders said that both of these events involve multi-agency policing services and that considerable information-sharing is taking place among all of the agencies.

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

THAT the Board authorize the Chair and the Mayor to jointly write to the Premier of Ontario and the Minister of Community Safety and Correctional Services to request that any additional costs of policing incurred as a result of the Climate Summit and Economic Forum of the Americas be included in the Cost Contribution agreement.

Moved by: S. Carroll

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

#P150. 2014 ANNUAL REPORT – ENHANCED EMERGENCY MANAGEMENT

The Board was in receipt of the following report May 20, 2015 from Mark Saunders, Chief of Police:

Subject: 2014 ANNUAL REPORT - ENHANCED EMERGENCY MANAGEMENT

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

At its meeting of May 18, 2006, the Board agreed to receive Enhanced Emergency Management Initiative reports on an annual basis (Min. No. P163/06 refers). This report will provide an overview on the progress of the Toronto Police Service and in particular Emergency Management and Public Order (EM&PO) and its components for the period March 1, 2014 to February 28, 2015.

Discussion:

The primary emergency management function of EM&PO is to deliver effective and appropriate incident management capabilities for the Toronto Police Service (TPS). These capabilities include the planning, mitigation, response, and recovery phases of emergency incidents. In 2014, pursuant to the Chief's Internal Organizational Review (CIOR), the Special Events Planning section was integrated into EM&PO, thereby streamlining incident management and event planning processes.

Also pursuant to the CIOR, the primary responsibility for explosives response and clandestine drug lab responder safety, were assumed from respectively, the Emergency Task Force (ETF) and the Toronto Drug Squad (TDS).

The Enhanced Emergency Management Initiative (EEMI) commenced shortly after September 11, 2001, and includes partnerships with the City of Toronto Office of Emergency Management (OEM); Toronto Fire Services (TFS); Toronto Paramedic Services (PS); and a group of external agencies and community stakeholders at the municipal, provincial and federal levels.

The primary focus of this initiative is to concentrate on the following components:

- Critical infrastructure protection
- Emergency management training, planning, response and recovery
- Chemical, biological, radiological, nuclear and explosives (CBRNE) joint team
- Heavy Urban Search and Rescue (HUSAR) joint team
- Public health emergencies

The following is an overview of some of the major developments in the Enhanced Emergency Management Program in 2014.

Emergency Management Planning, Training, Exercising and Response

The TPS Emergency Preparedness Committee was established in 2008 and has since expanded its membership to be representative of all command pillars. The committee focuses a large part of its efforts on strategic oversight, reviewing, analysing and supporting the implementation of after-action report recommendations.

The EM&PO Emergency Management section provides 24/7 support to frontline personnel; responding to emergency incidents and working in co-operation with other emergency services to facilitate a unified response. The EM&PO Emergency Management and Special Events Planning sections support incident response and major event planning by working closely with individual police divisions and units.

The following list represents some of the activities undertaken since the last reporting period:

- Five Incident Management Teams (IMT) are available for deployment for either planned events or spontaneous incidents. Teams are comprised of a designated Incident Commander(s) and dedicated general and support staff, all of whom are trained in accordance with Incident Management System principles to assume command and control functions. Ongoing refinements to the program include integration of the Special Events Planning unit into EM&PO. Since the last reporting period, IMT's have planned and managed many significant events including: Scotiabank Caribbean Carnival; Nuit Blanche; Exercises 'Gold' and 'Canadian Shield'; and, New Year's Eve Festivities;
- Two members trained in Business Continuity Management (BCM), and commencement of a review of TPS business continuity practices;
- Development of the 'Threats to Police Facilities Personnel Response Guideline', to facilitate systematic security reviews of TPS facilities;
- Co-ordination, development, reviews and revision of all TPS component plans for the Toronto Nuclear Emergency Response Plan (TNERP). Ongoing development of interagency partnerships to ensure improved interoperability between all TNERP stakeholders;
- The implementation of a corporate operational planning process began in April 2013. It was completed in January 2014, however ongoing refinements based upon best practices continues. The standardization of this process features enhanced

comprehensiveness, the output of which is based upon the widely-used 'SMEAC' Five Point Operation Order. It includes an After-Action Report (AAR) process as well as provisions for greater staffing efficiencies and risk assessment tools;

- The 7th annual Toronto Emergency Management Symposium was held at the Toronto Police College in November 2014. Over 350 Service members and external emergency management partners attended the event. Planning for the 8th annual Symposium is underway;
- EM&PO facilitated IMT training throughout the year. In addition, ongoing development of Pan Am 2015-focused training and exercises continued;
- EM&PO planned and/or participated in the following:
 - Enhanced Major Incident Mobilization Plan;
 - Extensive Pan/Para Pan Am planning, including exercise development and design with Integrated Security Unit partners;
 - Development and conduct of terrorism focused joint services exercises 'Gold' and 'Canadian Shield' with federal, provincial and municipal partners in October;
 - Continued refinement of operational planning processes;
 - Public Order Commander Course design and delivery of table top and functional exercises;
 - City of Toronto EOC exercises to test and validate responses and procedures;
 - Planning workshops for IMT Section Chiefs and various TPS members, including unit planners, Crime Analysts and Field Intelligence Officers;
 - Continued integration and deployment of Incident Management System practices during Level-3 Missing Person Searches;
 - Provincial Nuclear Planning Workshop exploring response interoperability between municipal and provincial partners;
 - Continued development of aircraft accident protocols;
 - Development of risk-based emergency planning in conjunction with OEM for the Billy Bishop Toronto City Airport (BBTCA);
 - Toronto Emergency Management Symposium, planning and event delivery.
- Ongoing monitoring of Toronto-York Region Spadina Subway extension/Enbridge Pipelines de-confliction;
- Major Incident Command Centre (MICC) Activation
 - Toronto Waterfront Marathon;
 - Canada Day festivities;
 - Pride festivities;
 - Scotiabank Caribbean Carnival;
 - Nuit Blanche;
 - Santa Claus Parade;
 - New Year's Eve.

Operational Continuity

To ensure that the TPS can continue to deliver core policing services in emergencies, EM&PO maintains responsibility for overseeing the maintenance of Operational Continuity Plans (OCP) for each TPS unit. It is the responsibility of each unit commander to develop the unit specific portion of the OCP and to review and revise it annually. The OCP provides a framework to assist with facility evacuations, maintain operational continuity and facilitate an orderly return to a state of normalcy.

EM&PO maintains the central inventory of all OCP's. To further enhance TPS operational continuity preparedness, random weekly unit checks are conducted by EM&PO personnel. This exercise identifies operational and facility deficiencies while also emphasizing the operational importance of the OCP.

During 2014, 270 OCP phone consultations were conducted with various units across the Service.

Operational Responses

Throughout 2014, EM&PO was involved in numerous operational responses ranging from hazardous material situations, gas leaks, fires, protests, missing person searches, etc. The Emergency Management (EM) section of EM&PO attended scenes in order to provide on-site incident management support and guidance to frontline supervisors, ensuring the implementation of IMS principles as required.

In addition, EM on-call members conducted over 100 telephone consultations with respect to ongoing emergency events, again providing support and guidance to frontline personnel.

Emergency Management Training

The EM&PO Emergency Management Training Section consists of one sergeant and one Constable who are responsible for delivery of all emergency management training to internal members and external partners, including GTA City Managers and Emergency Management Co-Ordinators. The EM Training Section also facilitates Federal and Provincial level training for the Service's Senior Officers and Incident Commanders.

In 2014, the EM Training Section continued to work with the Office of the Fire Marshal and Emergency Management (OFMEM), to develop and implement a standardized incident management system (IMS) throughout the province. The EM Training Section was instrumental in the development of the IMS 300 course and has assumed a leadership role in delivering the program to both the public and private sectors. The EM Training Section has also been engaged in the development of the IMS 400 program.

2014 key deliverables included:

- Three (3) Basic Emergency Management Courses (BEM) delivered to Service members as well as external partners;
- Four-hundred and ninety-five (495) IMS 100 courses delivered to TPS members online;
- Eighteen (18) IMS 200 courses delivered to Service members as well as external partners;
- Twelve (13) IMS 300 courses delivered to Service members and external partners;
- Total number of participants to receive IMS training was 2285.

Chemical, Biological, Radiological, Nuclear and Explosives (CBRNE)

The three emergency services components (TPS, TFS and TP) of the Joint CBRNE Team operate from the EM&PO base at 4610 Finch Avenue East. This arrangement allows for greater communication and a consistent level of inter-operability amongst the three agencies. The Toronto Joint Team is one of three Level 3 CBRNE response teams in Ontario, and is capable of mounting a robust, integrated CBRNE response within the City of Toronto. In 2014, section members continued to provide on-call response and advisory services in support of Primary Response Unit (PRU) officers in CBRNE related calls for service.

In June, 2014, pursuant to the CIOR, the EM&PO CBRNE Team assumed operational response to explosives calls between the peak demand hours of 6 AM and 12 AM. Outside of these hours, the ETF will provide initial response, with the CBRNE Team available on an on-call basis. A further expansion of tasks was also commenced as the CBRNE Team also assumed responsibility for operational response at clandestine drug labs (Clan Lab), working with the Clan Lab team from the Toronto Drug squad as required.

The Team now consists of 10 members: 2 Sergeants and 8 Police Constables, all of whom are fully trained Police Explosive Technicians and Advanced CBRNE technicians. The Team is divided into 2 components, with 1 Sergeant and 4 Police Constables per team.

The TPS CBRNE composite team components also include specialists from Forensic Identification Services, the Emergency Task Force, and the Marine Unit. In addition, a trained cadre of generalist officers drawn from Community Safety Command and the Transit Patrol Unit supports these specialists.

Throughout 2014, members of the CBRNE section developed and delivered multiple training presentations to TPS members and external emergency response partners. These included:

- CBRNE Incident Commanders Course (TPS/TFS/PS);
- Hazardous Material Operations Course with TFS;
- CBRNE Generalist Responder Courses;
- CBRNE awareness for Public Order Units.

CBRNE response protocol briefing sessions were presented to a number of audiences throughout the year, including:

- Frontline officers;
- Public Order Unit (POU) Incident Commanders;
- POU Basic Training course participants;
- Recruit training course for TPS Communications Services;
- Public and private partner members of the Toronto Operational Response Information System (TORIS) initiative;
- RCMP-Marine Security Emergency Response Team (MSERT);
- Toronto Fire Services and Paramedic recruits.

In 2014, the CBRNE Team continued to refine its mandate, developing newly defined relationships with the ETF and the Toronto Drug Squad. As preparations for Pan Am 2015 continue, capacity building and interoperability between municipal emergency services continued to develop.

In October, the Joint CBRNE Team undertook a significant role in Exercise 'GOLD' in the downtown core, which involved a multi-level response to a terrorist chemical agent attack.

Heavy Urban Search and Rescue (HUSAR) – Joint Team

The Heavy Urban Search and Rescue Team – Canada Task Force 3 (CANTF3) is a Toronto Fire Services led initiative that is comprised of representatives from all emergency services. It is one of only four 'Heavy' capability teams in Canada. The HUSAR team is trained to respond to, search for, and rescue victims from collapsed structures.

Team members participated in a one-day exercise as well as completing all mandatory training. Team members also assisted in the design of a provincial exercise in Windsor which took place in February 2015.

Critical Infrastructure (CI)

EM&PO and Intelligence Services work in conjunction to identify, document and analyse critical infrastructure sites across the city. Once identified, the appropriate action can be taken to ensure that risks to these sites are minimized through education, information sharing, resiliency measures and, if appropriate, target-hardening activities. The goal is to help ensure that critical services are maintained or restored as quickly as possible in the event of an emergency or disaster.

In conjunction with this imperative, EM&PO and Communications Services have continued enhancements to TORIS (Toronto Operational Response Information System). TORIS is a web-based application that stores detailed site information for the purpose of enabling time-critical decision making by frontline officers and dispatch personnel during the response to emergencies

or large-scale events. TORIS also promotes interoperability, joint training, and information exchange between the TPS and its public and private sector partners.

Through these partnerships, as well as those developed with Intelligence Services and the RCMP Integrated National Security Enforcement Team ('O' INSET), the CI Section has become the conduit for the dissemination of appropriate, timely CI material to our external partners.

Emergency Management Symposium

The 7th annual Toronto Emergency Management Symposium was held at the Toronto Police College in November 2014. Over 350 Service members and external emergency management partners attended the event. Planning for the 8th annual Symposium has commenced.

External Partnerships

The TPS maintains executive standing on external emergency preparedness entities at the local, provincial and national levels. These entities include:

- The Joint Operations Steering Committee (JOSC), which is comprised of Deputy Chief level representation from the TPS, TFS, Paramedics, and the Director of the City Office of Emergency Management. This group meets to facilitate and harmonize emergency operations which include: CBRNE, HUSAR, Pandemic Planning, Provincial Nuclear Emergency Response Plan, and the Provincial Liquid Emergency Response Plan;
- The Provincial Incident Management System (IMS) Committee-Police Sector Working Group;
- The City of Toronto Emergency Management Program Committee (TEMPC) which consists of executive level members of all city boards, agencies and commissions to enhance city-wide emergency preparedness, while also being able to provide strategic level emergency management response;
- The Ontario Association of Chiefs of Police Emergency Preparedness Committee which supports an integrated Ontario police service approach to preparing for large scale events;
- The Canadian Association of Chiefs of Police Emergency Management Committee, which promotes an integrated national framework for emergency management;
- The Canadian Association of Chiefs of Police Counter Terrorism Committee, whose mandate is to harmonize the work of Canadian law enforcement agencies in identifying, preventing, deterring, and responding to terrorism and other national security threats;
- The Toronto Association of Police and Private Security (TAPPS). EM&PO assumed the TPS relationship management with TAPPS in January 2015. The extensive network of private security entities within Toronto will be leveraged to facilitate information exchange and messaging during emergency incidents.

Conclusion:

The Toronto Police Service recognizes the value of effective emergency management practices and partnerships in order to ensure the resiliency of the Service, which in turn safeguards the capability to protect our communities. The TPS continues to strive to develop new and innovative methods that engage and mobilize the resources necessary to appropriately plan, mitigate, respond and recover from emergency incidents.

Acting Deputy Chief James Ramer, Specialized Operations Command, will be in attendance to answer any questions that the Board may have regarding this report.

Insp. Frank Barredo, Emergency Management and Public Order, was in attendance and responded to questions about this report.

The Board received the foregoing report.

Moved by: C. Lee

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

#P151. 2014 ANNUAL REPORT – TRAINING PROGRAMS

The Board was in receipt of the following report June 02, 2015 from Mark Saunders, Chief of Police:

Subject: ANNUAL REPORT: 2014 TRAINING PROGRAMS

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

At the meetings of August 24, 1995 and January 20, 1999, the Board requested that the Chief of Police provide annual reports that assess the effectiveness of training programs (Min. Nos. P333/95 and P66/99 refer). This report describes the training delivered by the Toronto Police College during the year 2014.

Discussion:

The Toronto Police Service (Service) continues to meet the training needs of its police officers and civilian members by providing quality learning both internally and externally. Members of the Service receive training through a number of different means, including training offered by the Toronto Police College (TPC) through traditional in-class courses, unit-specific training offered to members of a particular unit, courses offered on line in an e-learning format, and course tuition reimbursement for training offered through external learning institutions.

Attached is a detailed report entitled “The Effectiveness of Police Training”, which provides an overview of TPC operations and services, and describes the results of an effectiveness study, conducted on four courses delivered or sponsored by members of the TPC. This study focused on the transfer of classroom knowledge to field units and the impact of that knowledge on the Service and the community.

The courses studied were:

1. 2014 In-Service Training Program (ISTP)
2. Fair and Impartial Policing (FIP) Course

3. Frontline Supervisors (FLS) Course
4. Impaired Driving Investigation Course

The Executive Summary for The Effectiveness of Police Training report is appended to this report as Appendix A.

Conclusion:

This report will provide the Board with an overview of the training provided by the TPC during 2014.

Deputy Chief Mike Federico, Operational Support Command, will be in attendance to answer any questions the Board may have regarding this report.

Ms. D!ONNE Renée was in attendance and delivered a deputation to the Board about the effectiveness of police training.

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

- 1. THAT the Board receive Ms. Renée's deputation; and**
- 2. THAT the Board schedule a one-day session at the Toronto Police College during which presentations will be delivered by members of the TPS on the police training programs, including a presentation on how the training programs are audited to ensure that the standards are being achieved.**

Moved by: M Moliner

A copy of the Executive Summary to the 2014 Annual Report on Training Programs is appended to this Minute for information. A copy of the complete report is on file in the Board office.

Appendix A

EXECUTIVE SUMMARY

The Toronto Police Service (Service) continues to meet the training needs of its members by providing quality learning opportunities from within our Service, through partner organizations such as the Ontario Police College (OPC), and through outreach initiatives. Measuring the effectiveness of training is a difficult undertaking due to the numerous demands placed on our organization. While it may be presumed that performance improvement is due to training, this is difficult to verify. In order to address the evaluation of Service training effectively, members at the Toronto Police College (TPC) apply the four-level Kirkpatrick Hierarchy of Evaluation, which includes the following criteria:

1. Reaction,
2. Learning,
3. Transfer, and
4. Impact.

Every course has a specific evaluation strategy. All courses are evaluated for reaction and learning at the time of delivery. Transfer and impact evaluations are much more labour intensive and are part of a long-term in-depth analysis. This long-term in-depth analysis was conducted on selected programs. Specifically, four training courses or programs delivered in 2014 were reviewed based on the above criteria. These courses were as follows:

1. 2014 In-Service Training Program (ISTP)
2. Fair and Impartial Policing (FIP) Course
3. Frontline Supervisors (FLS) Course
4. Impaired Driving Investigation Course

Service training is an operational activity that supports identified needs, policies and statutes. The positive results measured by the transfer and synthesis of learning, as reported by members, is evidence that the teaching strategies employed by the TPC have had a positive impact on learners. With a reported transfer of learning ranging from **61% to 92%**, this analysis revealed that the training members received throughout 2014 made a difference in their abilities to perform their duties.

The TPC is continuing its efforts to meet and exceed the recommendations contained within the 2006 Auditor General's report entitled "Review of Police Training, Opportunities for Improvement". To this effect, the report attached to this Board Report highlights areas where courses offered at the TPC have continued to evolve in order to address Service and community needs, as well as to incorporate academic adult education best practices. Finally, course delivery strategies have continued to expand and liaisons with federal, provincial, and private partners have continued to grow throughout 2014, all of which have enhanced the ability of the TPC to deliver high-quality and relevant training to members of the Service in a timely and effective manner.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P152. LEVEL 3 AND 4 SEARCHES OF PERSONS – REQUEST TO AUDITOR
GENERAL**

The Board was in receipt of the following report June 03, 2015 from Alok Mukherjee, Chair:

Subject: LEVEL 3 AND 4 SEARCHES OF PERSONS – REQUEST TO AUDITOR
GENERAL

Recommendation:

1. It is recommended that the Board request the Auditor General, City of Toronto, to conduct an audit of Level 3 and 4 searches carried out by members of the Toronto Police Service (“the Service”) within a 3-5 year period to determine whether:
 - (a) There was consistency across the Service in the authorization of the searches by supervisors;
 - (b) The grounds on which searches were authorized met the definition of a “reasonable ground”;
 - (c) The results of the searches in terms of items found, public and officer safety, and/or impact on investigations validate the magnitude of the searches Service-wide; and
 - (d) The number of searches year-over-year is in compliance with the Supreme Court of Canada’s decision in *R v Golden* taking into account the findings in relation to issues (a), (b) and (c).

Financial Implications:

There is no known financial impact for the Board if this recommendation is approved.

Background/Purpose:

The issue of searches of persons is one that has generated considerable debate over the years. This report concerns both Level 3 searches, which means searches that include the removal of some or all of a person’s clothing and a visual inspection of the body and are commonly referred to as “strip searches” and Level 4 searches, which are body cavity searches.

In December 2001, the Supreme Court of Canada released its decision in the case of *R. v. Golden*, which imposed limitations on the right of police officers to search individuals. Over the last several years, in response to concerns raised by both the community and the Board, the Board and the Service have, on several occasions, reviewed and amended both the Service procedure and the Board policy governing searches of persons (Toronto Police Service Policy and Procedure Directive 01-02, *Search of Persons*).

The Board has paid a great deal of attention to ensuring that the Service procedure is consistent with the decision in *R. v. Golden*. At its meeting of March 8, 2005, following a comprehensive review by both Board staff and City of Toronto – Legal Services Division, which included a consideration of deputations and submissions made by the community, the existing procedure was amended to “...remove the automatic Level 3 search for persons held in custody pending a Show Cause hearing and insert, instead, a requirement that officers engage in a case-by-case analysis prior to a person being subject to a Level 3 search as a consequence of being introduced into the prison population.” (Min. No. 75/05 refers) The revised procedure is now in use.

Since this time, the Board has repeatedly reviewed the issue of searches of persons. In the past several years, the Board has sought reports from the Service on the number of Level 3 and 4 searches carried out each year, the grounds for these searches and the results of the searches in terms of articles and objects found.

The Board was particularly concerned about the most recent data it has available, the 2013 Annual Report on Level 3 and 4 searches, which shows that of 60,076 arrests generated by the Service in 2013 (YTD 2013.11.04), 20,152 or 34% resulted in Level 3 searches and 4 (0.01%) resulted in a Level 4 search conducted by a qualified medical practitioner. (Min. No. P25/14 refers). Further, a cursory analysis of this report reveals that objects which could possibly be considered a safety risk to the public and to officers or deemed to be evidence for criminal prosecution were found in only approximately 6.5% of searches.

Based on these reports, there have been discussions between the Board and the Service regarding the justification for this magnitude of Level 3 searches as well as whether it rendered the practice “routine” contrary to the intent and spirit of the Supreme Court decision in *Golden*. The Service has maintained that every individual search had to be authorized by a supervisor on its own merit and, therefore, no such search was routine. The Board has wondered, by contrast, whether the totality of these searches, which amount to approximately 30% of all arrests, did not make these searches “routine” from an organizational perspective.

The Board has heard numerous deputations on this issue, and has met with members of the community to discuss concerns. I have recommended policy changes that, in my view, balance the concerns raised members of the community with the legal and operational issues that must be borne in mind in dealing with this issue.

In my opinion, both the Service and the Board have developed robust and comprehensive procedures and policies, respectively. Yet, there continue to be concerns associated with the searches of persons and whether there is compliance with the intent and spirit of its policy in practice.

As a result, at its meeting on May 13, 2014, the Board approved a report in relation to searches of persons which contained three recommendations, as follows: (Min. No. P116/14 refers)

1. Undertake an examination of the practice of searches of persons in order to determine specifically, whether the Board's policy and the Service's procedure are being operationalized appropriately with the examination to include a focus on the training of officers and supervisors, the rigour exercised by supervisors in authorizing level three and four searches, and the quality of the articulation of reasonable and probable grounds to conduct a search;
2. Conduct a two month process of random "spot checks" of how searches of persons are being carried out in the field; and
3. Provide a complete report to the Board containing the results of the examination and the "spot checks," including the data collected and findings made, for its October 9, 2014 meeting.

Such an audit was carried out and the results, reported to the Board at its meeting on January 21, 2015 (Min. No. P/15 refers) showed that while all searches were found by the Audit and Quality Assurance Unit to have been justified and lawful and no misconduct found, the audit revealed a degree of non-compliance with the procedures. The Service assured the Board that these had been rectified.

The audit, however, did not resolve the question as to whether Level 3, or strip searches, constituted a routine practice for the Service.

It is my view that the question needs to be addressed in light of the persistent level of Level 3 searches carried out by members of the Service year after year. I believe, further, that only such an external audit, conducted by an independent auditor, can answer the unresolved question. The result of this audit will provide the Board with an objective basis to decide whether its policy on searches requires any change.

Conclusion:

1. It is, therefore, recommended that the Board request the Auditor General, City of Toronto, to conduct an audit of Level 3 and 4 searches carried out by members of the Toronto Police Service ("the Service") within a 3-5 year period to determine whether:
 - (a) There was consistency across the Service in the authorization of the searches by supervisors;
 - (b) The grounds on which searches were authorized met the definition of a "reasonable ground";

- (c) The results of the searches in terms of items found, public and officer safety, and/or impact on investigations validate the magnitude of the searches Service-wide; and
- (d) The number of searches year-over-year is in compliance with the Supreme Court of Canada's decision in *R v Golden* taking into account the findings in relation to issues (a), (b) and (c).

Mr. John Sewell, Toronto Police Accountability, was in attendance and delivered a deputation to the Board. A copy of Mr. Sewell's deputation is on file in the Board office.

The Board approved the following Motions:

- 1. THAT the Board approve the foregoing report with the following amendments:**
 - (a) that (c) in the recommendation be amended by indicating that, in addition, whether the items found could have been discovered by a level 2 search which would have resulted in the level 3 search not having to be required; and**
 - (b) that the following points be added to the recommendation:**
 - (e) The impact of a new policy stating that a level 3 search may not be carried out unless the individual is being charged with a crime involving drugs, other than cannabis, or a crime involving a weapon, or unless there are other factors documented in writing by a supervisor to believe that the person's safety or the safety of others requires a level 3 search;**
 - (f) The Auditor General has any comments on the search of transgendered persons and its application; and**
 - (g) The searches led to any complaints and/or civil claims and, if so, the Auditor General provide the results of those complaints and/or civil claims.**
- 2. THAT the Board receive Mr. Sewell's deputation.**

Moved by: S. Carroll

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

#P153. YOUTH PRE-CHARGE DIVERSION PROGRAM

The Board was in receipt of the following report June 02, 2015 from Alok Mukherjee, Chair:

Subject: Youth Pre-charge Diversion Program

Recommendation:

It is recommended that:

1. the Board agree that rehabilitation of young people through pre-charge diversion is a better option than laying of criminal charges for minor offences,
2. the Chief of Police take appropriate action to implement a City-wide pre-charge diversion program and direct Toronto police officers to apply their discretion with respect to the *Extra Judicial Measures* provisions as set out in Sub-Section 6(1) of the *Youth Criminal Justice Act (YCJA)*ⁱ, in accordance with the principles set out in Section 4, the objectives set out in Section 6 of the *YCJA*, and in accordance with the *City of Toronto Youth Equity Strategy (TYES)*, in order to refer young people to appropriate, supportive interventions and programming as an alternative to criminal charges; and,
3. the Chief of Police report back to the Board's October 2015 public meeting on the action taken by the Service to implement this direction.

Financial Implications:

There is no financial impact for the Toronto Police Services Board.

There are potentially significant financial savings to the TPS if police officers refer young people to Extra Judicial Measures further to the provisions of the *Youth Criminal Justice Act* as it will reduce the number of hours spent by police officers attending at youth court hearings scheduled by the Ontario Court of Justice to deal with cases involving young people who should otherwise have been referred pre-charge to Extra Judicial Measures programs by Toronto police officers.

Background/Purpose:

Young Canadians are imprisoned at a higher rate than young people in any other western country; moreover, youths are incarcerated at a higher rate than adults charged with the same offenses. Studies show that harsh criminal sanctions do not deter future wrongdoing, while severely damaging the life chances of young people.

The purpose of this report is to recommend that the Board direct the TPS to make enhanced use of Extra Judicial Measures in accordance with provisions of the *Youth Criminal Justice Act (YCJA)* as well as City of Toronto's *Youth Equity Strategy (TYES)* when dealing with young people accused of committing minor offences.

Police officers not only have the authority to make this choice in the use of their discretion but also are mandated by the *YCJA* to do so. Consistent with the policy goals and objectives of a number of authorities referenced below, such a practice would strengthen our model of community based policing through partnership with community agencies providing diversion programs, contribute to increased trust between young people and the police, and result in potential financial savings by reducing court attendance by police officers.

Part I, "*Responsibilities for Police Services*" of the *Police Services Act*, RSO 1990, Chapter P.15, specifies, under Section 4(2) "*Core police Services*", as follows:

"(2) Adequate and effective police services must include at a minimum The following police services: 1. Crime prevention".

The Toronto Police Services Board's *2014-2016 Business Plan (the 'Business Plan')* provides as follows:

In its *Vision* statement:

- a commitment to "deliver police services which are sensitive to the needs of our communities, involving collaborative partnerships and teamwork to overcome all challenges
- measure ...success by the satisfaction of our members and our communities

In its *Mission* statement:

- a commitment to delivering police services in partnership with our communities to keep Toronto the best and safest place to be

Further to the section in the Toronto Police Services Board's *2014-2016 Business Plan* entitled "*Scanning the Toronto Environment*", the "*Implications for Policing*" are set out as follows:

- " Juvenile delinquency and youth crime have a complicated network of root causes, and it is clear that no one agency alone can effectively deal with the problem. A multi-disciplinary approach is required, with the police, schools, government departments and community agencies working in partnership to each deliver service in their area of specialization that matches the needs of young offenders at different stages of delinquency. It is essential that the infrastructure of such partnerships be maintained and enhanced..."

- "... the diverse population of the City presents both opportunities and challenges for the Toronto Police Service. The Service must take advantage of opportunities such as the potential for.....volunteers and community partnerships..."
- "To maintain and enhance community-oriented policing efforts, support should be given to the infrastructure for local problem solving, crime prevention, community mobilization, and community partnerships."

The *Business Plan* also lists "*Safe Communities and Neighbourhoods*" as the first of three *Service Priorities*. The 4th goal within this service priority is listed as follows:

"To contribute to and foster neighbourhood-initiated efforts to strengthen a sense of community, address signs of physical disorder, and engage more proactively with community members"

The following *Performance Objectives/Indicators* are listed under this goal:

- increase in.... community members who say they believe people in their neighbourhood look out for each other
- increase in.... community members who say they believe that relations between police and the people in their neighbourhoods have improved
- decrease in proportion of community members concerned with signs of physical disorder in their neighbourhood (vandalism, graffiti, garbage/litter)

Discussion:

Canada's *Youth Criminal Justice Act (YCJA)* is the federal legislation that replaced the *Young Offenders Act (YOA)* in April 2003.

Section 6(1) of the *YCJA* mandates police officers to consider each of four options before

laying a charge against a young person:

- Take no further action
- Warn the young person
- Administer a caution
- Refer the young person, upon the young person's consent, to a program or agency in the community that may assist the young person not to commit offences

The *Youth Criminal Justice Act* R.S.C. 2002, c.1, (*YCJA*) thus requires police officers to exercise their discretion and consider referring young people to community-based programs instead of charging them with a criminal offence. The applicable section reads as follows:

6. (1) A police officer shall, before starting judicial proceedings or taking any other measures under this Act against a young person alleged to have committed an offence, consider whether it would be sufficient, having regard to the

principles set out in section 4.... with the consent of the young person, refer the young person to a program or agency in the community that may assist the young person not to commit offences.

The applicable and operative sections of the *YCJA* are appended to this report as Appendix “A”.

The *YCJA* thus mandates police to exercise their discretion and divert youth on an Extra Judicial Measures basis to a program wherever possible and appropriate instead of laying criminal charges against them.

The above provisions of the *YCJA* are variously implemented through a wide range of programs across the country. Despite the mandatory nature of Section 6(1) of the *YCJA*, to date, in Toronto, Canada’s largest city, there is very little implementation of the *EJM* option. Moreover, I have been advised by an expert in this area that the Toronto Police Service has not established procedures or practices in this regard.

However, it is well established that the earlier an intervention is allowed to occur, the higher the likelihood of long-lasting positive impact. Moving interventions upstream from the courthouse door, (which is many months down the road from an incident), up to the threshold of a criminal charge, often almost immediate upon an incident, is a most desirable public policy goal.

In the words of former Chief Justice, former Attorney General and co-author of the 2008 *Ontario Roots of Youth Violence Report*ⁱⁱ, R. Roy McMurtry, OC, O.Ont, QC, LSM,:

“Alternative and early intervention is vitally important for the rehabilitation of our youth. Because of their developing mental, emotional and physical capacities, involvement with the justice system represents a critical crossroad in their lives and has an important impact on their futures.....”

The same *Roots of Youth Violence Report* raised concerns about excessive reliance on the justice system for minor matters that do not involve violence. According to the Report, generally referred to as the *McMurtry report*,

“Criminalization can cause youth to see themselves as having no other future and can change for the worse the way they are seen by their peers, families, schools and communities. It can severely restrict both their opportunities and their own sense of those opportunities. It can lead directly to criminal associates. It can destroy hope and feed alienation.”

An early intervention approach is not only mandated by the *YCJA*, but it is also greatly needed. When only half (54%) of Toronto’s youth believe that the justice systems treats them fairly, something needs to change.

Moreover, the implementation of an Extra Judicial Measures initiative by the Toronto Police Service would not only help reduce the number of youth formally charged with a crime, but would help mend the relationships between police and the community. By encouraging a holistic program such as this, the reputation of the Toronto Police Service would be enhanced.

It should also be noted that the *City of Toronto Youth Equity Strategy (TYES)* seeks to ensure that

“...all youth can equally pursue their hopes dreams and aspirations free of barriers based on race, gender, economic status and geography, and that all youth have the opportunity to meaningfully contribute to Toronto’s strength, vitality and governance.”

The strategy is based upon the idea that those youth who are most vulnerable to involvement in serious violence and crime do not have equitable access to the comprehensive supports they need to change their lives for the better.”

One of the specific actions recommended by the *Toronto Youth Equity Strategy* is that:

“Social Development, Finance and Administration, in partnership with the Toronto Police Service, will investigate the resources needed to deliver, and then implement a City-wide pre-charge diversion program to provide supportive interventions and programming as an alternative to criminal charges. Supportive interventions and programming assist young persons in accepting responsibility and addressing the impact of their actions on themselves, their family, their victims, and the community.”

The goals of these recommendation are to:

- reduce the number of youth entering and re-entering the criminal justice system
- increase the effectiveness of pre-charge diversion through designing a program that learns from previous research to make an impactful reduction to the numbers of youth entering the criminal justice system
- increase the resiliency of youth through a pre-charge diversion program that works within an anti-oppression framework
- leverage City of Toronto resources to increase positive interactions with youth
- increase the number of positive 'sparks' in a young person's life – through turning what may have been a negative 'spark' (being arrested, entering the criminal justice system), into a positive 'spark' – accessing mentorship and referral to youth programs.

Conclusion:

The recommendations in this report seek to bring the current practices of the Toronto Police Service in conformity with long-standing and pre-existing Federal legislation, with the City of Toronto’s Youth Equity Strategy and in support of the Toronto Police Service’s existing legislative, policy and governance framework.

Mr. John Sewell, Toronto Police Accountability, was in attendance and delivered a deputation to the Board. A copy of Mr. Sewell's deputation is on file in the Board office.

The Board approved the following Motions:

- 1. THAT the Board approve the foregoing report and request Chief Saunders to consult with youth and criminal justice agencies during the development of the pre-charge diversion program and to consider the feasibility of establishing specific goals for the first four years of the program; and**
- 2. THAT the Board receive Mr. Sewell's deputation.**

Moved by: A. Pringle

APPENDIX “A”

Sections 4 and 5 set out the principles to be considered under Section 6 and the overall objectives of *EJM*:

4. The following principles apply in this Part in addition to the principles set out in section 3:

(a) extrajudicial measures are often the most appropriate and effective way to address youth crime;

(b) extrajudicial measures allow for effective and timely interventions focused on correcting offending behaviour;

(c) extrajudicial measures are presumed to be adequate to hold a young person accountable for his or her offending behaviour if the young person has committed a non-violent offence and has not previously been found guilty of an offence; and

(d) extrajudicial measures should be used if they are adequate to hold a young person accountable for his or her offending behaviour and, if the use of extrajudicial measures is consistent with the principles set out in this section, nothing in this Act precludes their use in respect of a young person who

(i) has previously been dealt with by the use of extrajudicial measures, or

(ii) has previously been found guilty of an offence.

5. Extrajudicial measures should be designed to

(a) provide an effective and timely response to offending behaviour outside the bounds of judicial measures;

(b) encourage young persons to acknowledge and repair the harm caused to the victim and the community;

(c) encourage families of young persons — including extended families where appropriate — and the community to become involved in the design and implementation of those measures;

(d) provide an opportunity for victims to participate in decisions related to the measures selected and to receive reparation; and

(e) respect the rights and freedoms of young persons and be proportionate to the seriousness of the offence.

Section 3 of the YCJA sets out Canada's "Declaration of Principle", establishing the policy underlying Canada's approach with respect to young persons involved in the criminal justice system as follows:

3. (1) The following principles apply in this Act:

(a) the youth criminal justice system is intended to protect the public by

(i) holding young persons accountable through measures that are proportionate to the seriousness of the offence and the degree of responsibility of the young person,

(ii) promoting the rehabilitation and reintegration of young persons who have committed offences, and

(iii) supporting the prevention of crime by referring young persons to programs or agencies in the community to address the circumstances underlying their offending behaviour;

(b) the criminal justice system for young persons must be separate from that of adults, must be based on the principle of diminished moral blameworthiness or culpability and must emphasize the following:

(i) rehabilitation and reintegration,

(ii) fair and proportionate accountability that is consistent with the greater dependency of young persons and their reduced level of maturity,

(iii) enhanced procedural protection to ensure that young persons are treated fairly and that their rights, including their right to privacy, are protected,

(iv) timely intervention that reinforces the link between the offending behaviour and its consequences, and

(v) the promptness and speed with which persons responsible for enforcing this Act must act, given young persons' perception of time;

(c) within the limits of fair and proportionate accountability, the measures taken against young persons who commit offences should

(i) reinforce respect for societal values,

(ii) encourage the repair of harm done to victims and the community,

(iii) be meaningful for the individual young person given his or her needs and level of development and, where appropriate, involve the parents, the extended family, the community and social or other agencies in the young person's rehabilitation and reintegration, and

(iv) respect gender, ethnic, cultural and linguistic differences and respond to the needs of aboriginal young persons and of young persons with special requirements; and

(d) special considerations apply in respect of proceedings against young persons and, in particular,

(i) young persons have rights and freedoms in their own right, such as a right to be heard in the course of and to participate in the processes, other than the decision to prosecute, that lead to decisions that affect them, and young persons have special guarantees of their rights and freedoms,

(ii) victims should be treated with courtesy, compassion and respect for their dignity and privacy and should suffer the minimum degree of inconvenience as a result of their involvement with the youth criminal justice system,

(iii) victims should be provided with information about the proceedings and given an opportunity to participate and be heard, and

(iv) parents should be informed of measures or proceedings involving their children and encouraged to support them in addressing their offending behaviour.

(2) This Act shall be liberally construed so as to ensure that young persons are dealt with in accordance with the principles set out in subsection (1).

¹ Youth Criminal Justice Act, S.C. 2002, c.1, (<http://laws-lois.justice.gc.ca/PDF/Y-1.5.pdf>)

¹ McMurtry, Roy, and Alvin Curling. "Review of the Roots of Youth Violence." *Ontario Ministry of Children and Youth Services*, 2008. www.rootsof youthviolence.on.ca.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P154. BOARD POLICY – RECOMMENDED CHANGES TO BOARD POLICY
ON VULNERABLE SECTOR SCREENING PROGRAM – POLICE
REFERENCE CHECK TO EXCLUDE REFERENCE TO ANY *MENTAL
HEALTH ACT* INFORMATION**

The Board was in receipt of the following report May 01, 2015 from Mark Saunders, Acting Chief of Police:

Subject: RECOMMENDED CHANGES TO THE BOARD POLICY ON VULNERABLE SECTOR SCREENING PROGRAM – POLICE REFERENCE CHECK TO EXCLUDE REFERENCE TO ANY MENTAL HEALTH ACT INFORMATION

Recommendations:

It is recommended that the Board:

- (1) amend the Toronto Police Services Board Policy on Vulnerable Sector Screening Program - Police Reference Check Program (Min. No. P292/10 refers) to revise bullet 6 and remove bullet 7 from the Policy; and
- (2) include a new wording for bullet 6 that states “The Service will not disclose records to the applicant indicating that the applicant has contact with the Service pursuant to the Mental Health Act as part of a Vulnerable Sector Screening – Police Reference Check Program under any circumstances.

Financial Implications:

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

Background/Purpose:

In June 2014, the Law Enforcement and Record (Managers) Network (LEARN), a committee of the Ontario Association of Chiefs of Police (OACP), issued an updated version of the Guidelines for Police Reference Checks program. The LEARN Guidelines now recommend against disclosing mental health records to applicants seeking vulnerable sector screening (VSS). The revised LEARN Guideline is a result of emerging research that questions the value of police mental health records as a risk indicator for employers or volunteer agencies in the vulnerable sector.

Since then, the Ministry of Community Safety and Correctional Services (the Ministry) has been studying the Police Reference Check Program (PRCP) and the LEARN Guidelines with a view to introducing legislation to standardize the police response to PRCP requests across Ontario. While it is not known when it will be introduced, it is expected that the legislation will exclude mental health records from police reference checks.

Discussion:

In light of these developments, the Service surveyed a sampling of the employers and volunteer agencies registered with it to perform VSS checks to assess their reaction to the proposed changes. None expressed significant concerns. Then in May the Service notified the over 3500 registered employers and volunteer agencies that it would cease disclosing mental health records as part of its PRPC. None objected.

The Service also canvassed surrounding police services to determine their position. The chart below indicates the responses received.

POLICE AGENCIES	Advised LEARN GUIDELINES will be Implemented		
	YES	NO	PARTIAL (mainly disagrees)
Barrie Police Service	X		
Durham Regional Police Service	X		
Halton Regional Police Service	X		
Hamilton Police Service	X		
London Police Service	X		
Niagara Regional Police Service	X		
Ontario Provincial Police - Security Enquiries Unit			X
Peel Regional Police Service	X		
York Regional Police Service	X		

Conclusion:

The Service reviewed its Police Record Check Program in light of the changes to the Ontario Association of Chiefs of Police Law Enforcement and Record (Managers) Network Guidelines and the Ministry of Community Safety and Correctional Services' legislative research. As a result, the Service recommends that the Board change its policy to cease disclosing police mental health records as part of Service's PRCP.

Deputy Chief Mike Federico, Operational Support Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board approved the foregoing report.

Moved by: C. Lee

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P155. BOARD POLICY – RECOMMENDED CHANGES TO BOARD POLICY
ON AWARDS TO RECOGNIZE LONG SERVING VOLUNTEERS**

The Board was in receipt of the following report June 02, 2015 from Alok Mukherjee, Chair:

Subject: RECOGNITION OF LONG SERVING VOLUNTEERS

Recommendation:

It is recommended that the Board amend its awards policy to establish a recognition program for members of the community who have rendered 20, 30 and 40 years of volunteer service to the Toronto Police Service (“the Service”) and that the event follow the model of the civilian long service event and include the presentation of a framed certificate of achievement.

Financial Implications:

There will be a financial impact on the Special Fund on an annual basis if this recommendation is approved. The actual impact is not known at this time and will depend on the number of individuals to be honoured in each year.

Background/Purpose:

In our community based model of providing policing services, volunteers perform a very important role. There are many individuals who have provided significant hours of volunteer service for many years, selflessly, out of caring for the wellbeing of the community and due to a desire to support members of our police service in ensuring that wellbeing. Some categories of volunteers are recognized, such as the Victim Services annual recognition event and the Auxiliary long-service program. There is, however, no special recognition by the Board for other categories of volunteers who have contributed many years of valuable service.

Whether as chaplains or as volunteers in the Chief’s advisory and consultative committees and divisional/unit level Community Police Liaison Committees, a large group of ordinary individuals drawn from all walks of life contribute significant time, skills, knowledge and support to the many activities of the Service. They do so willingly and add significant value. Their role is critical to the success of our model of community based policing.

It is important to note that the Service has an enviable track record of retaining these volunteers for many years. While this speaks well of the Service, it is also a tribute to the loyalty and commitment of the volunteers themselves. I have come across volunteers who have given selflessly of themselves for long periods of time, extending in some cases to 40 years and more.

Some of these volunteers have spoken to me from time to time and expressed their hope that the Board will put in place a special way to show its appreciation of volunteers who have served for a long time. In their view, this will be a great source of satisfaction to volunteers like them and play a significant role in encouraging volunteerism with the Service.

I agree with this suggestion. I propose that the Board establish and host an annual long service volunteer recognition ceremony to recognize and honour volunteers drawn from all categories of volunteers who have served 20, 30 and 40 years. The ceremony can be modelled after the one hosted by the Board for long service civilian employees and involve the presentation of a certificate of achievement. I am hopeful that it could be launched in 2016.

Conclusion:

It is, therefore, recommended that the Board amend its awards policy and establish an annual event to recognize and honour members of the community who have rendered 20, 30 and 40 years of volunteer service to the Toronto Police Service (“the Service”).

The Board approved the foregoing report.

Moved by: S. Carroll

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P156. RESPONSE TO THE JURY RECOMMENDATIONS FROM THE
CORONER'S INQUEST INTO THE DEATH OF MALCOLM DEAN
WALKER**

The Board was in receipt of the following report May 20, 2015 from Mark Saunders, Chief of Police:

Subject: RESPONSE TO THE JURY RECOMMENDATIONS FROM THE CORONER'S
INQUEST INTO THE DEATH OF MR. MALCOLM DEAN WALKER

Recommendations:

It is recommended that:

- (1) the Board receive this report for information; and
- (2) the Board forward a copy of this report to the Chief Coroner for the Province of Ontario

Financial Implications:

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

Background:

At its meeting on March 19, 2015, the Toronto Police Services Board (Board) received a report entitled "Inquest into the Death of Malcolm Dean Walker – Verdict and Recommendations of the Jury" (Min. No. P61/15 refers). This report summarized the outcome of the inquest into the death of Mr. Malcolm Dean Walker.

The purpose of this report is to update the Board on the Toronto Police Service (Service) response to the jury's recommendations from the Coroner's inquest into the death of Mr. Malcolm Dean Walker [See attached – Appendix A "Jury Verdict & Recommendations (Walker Inquest)"].

The Coroner's inquest into the death of Mr. Malcolm Dean Walker was conducted in the City of Toronto during the period of February 9, 2015 to February 17, 2015. As a result of the inquest, the jury directed 3 recommendations to the Service.

The following is a summary of the circumstances of the death of Mr. Malcolm Dean Walker and issues addressed at the inquest, as delivered by Dr. John Carlisle, Presiding Coroner.

Summary of the Circumstances of the Death

On Saturday June 8, 2013 Toronto Police and EMS went to 140 Adanac Drive in Scarborough in response to a call that a resident of the building was in mental health crisis and wished to be transported to hospital. On arrival police and EMS staff were conferring outside the building lobby when a citizen approached them and stated that he had been menaced with a knife by a man at a nearby bus stop. EMS staff stated that they had seen a man matching the citizen's description of the assailant walk past their ambulance and enter the building just before the police arrived.

Police and EMS entered the building and proceeded to the second floor to attend to their original call.

While there they became aware of a person, possibly the man reported to have a knife, being in the adjacent stairwell. On investigating they found the man in the stairwell and confirmed that he was the man seen by EMS.

Police approached the man, later determined to be Mr. Walker, and asked him to show his hands. Instead he produced a knife and menaced the officers with it all the while shouting to them that they should shoot him.

One of the officers discharged her OC spray at the man and he fled from the stairwell out the ground floor exit door. Officers followed and, upon exiting the stairwell, noted the man holding another male hostage from behind with his arm around the male's neck and the knife held to the body of the hostage.

When Mr. Walker refused to release the hostage and menaced the hostage with the knife a police officer shot him, he collapsed to the ground and the hostage escaped unharmed.

EMS arrived promptly and transported Mr. Walker to hospital where he succumbed to his injuries.

The jury heard from 11 witnesses over 5 days, considered 16 exhibits and deliberated approximately 2 hours before reaching a verdict.

Discussion:

Professional Standards Support – Governance was tasked with preparing responses for the jury recommendations directed to the Service from the Coroner's inquest into the death of Mr. Malcolm Dean Walker.

Service subject matter experts from the Toronto Police College (TPC), Labour Relations, and Communications Services contributed to the responses contained in this report.

Response to the Jury Recommendations:

Recommendation #1

Emphasize in training the importance of officers regularly broadcasting their status, especially in the face of evolving and emergent circumstances, so that dispatch and other units are properly informed and can commit additional resources as deemed necessary. To that end, the Toronto Police Service and/or the Toronto Police College should implement the use of actual or dummy radios in all dynamic/simulation training.

Response:

The Service concurs with and is in compliance with this recommendation.

The In-Service Training Program (ISTP) delivered by the TPC is a mandatory use of force requalification course for all front-line officers and officers in identified high-risk plainclothes units. The Recruit Training Program (RTP) is delivered to all new police officers. Both the ISTP and RTP emphasize the importance of officers regularly broadcasting their status.

The principles related to broadcasting status updates are highlighted throughout both training syllabuses by way of lecture and practical judgement based scenario components. The importance of radio communication for the purpose of officer and citizen safety is discussed in training as the officers' 'life line'. For this reason, officers are trained to provide status updates as often as possible and to provide sufficient details when broadcasting their status. Broadcast details may include information related to the incident, suspect description, whether the suspect is outstanding, and the need for additional resources. However instances occur, such as in the case at hand, whereby a dynamic situation may limit an officer's ability to broadcast timely updates. In those instances, officers are trained to provide a status update at the earliest possible opportunity.

This training includes a simulation component in which communication between officers and dispatch is replicated. Fully functioning training radios are utilized to enhance the re-creation of a live scenario. Training incorporates a multitude of dynamic and static scenarios that enable the transfer of knowledge to the natural work environment. To successfully complete this component, officers are required to respond to communications when prompted and when feasible, depending on the nature of the scenario. At the conclusion of each scenario, the officer engages in a debriefing process that involves assessing the quality and quantity of information broadcast over the radio.

In addition to officers regularly broadcasting their status, Communications Services has developed directives to check unit statuses at frequent intervals. The Communications Services Directives detail the course of action for dispatchers when making attempts to contact a unit that has been on a detail for an unusual length of time and the reason is either unknown or is inconsistent with the nature of the event. In such a situation, the dispatcher will escalate their response and will engage in the following actions, as needed:

- attempt to contact the unit at frequent intervals by a variety of Service communication tools;
- log notes in the event report to record the unit's failure to respond;
- advise a communications supervisor and field supervisor; and
- dispatch a unit to the last known location of the unresponsive unit.

The Service will continue to emphasize the importance of officers regularly broadcasting their status and will continue to utilize radios in both the ISTP and RTP training.

Recommendation #2

Extend the time that new constables spend with a coach officer beyond 10 weeks.

Response:

The Service concurs in part and is partially in compliance with this recommendation.

Currently, probationary constables are provided with 10 weeks of field training with a coach officer during the period immediately following their appointment to a 4th Class Constable and subsequent deployment to primary response duties. This training assists new constables with the transfer of knowledge from a controlled school setting to the natural work environment in a manner that is consistent with performance standards. This training consists of at least 2 complete compressed work week (CWW) cycles (each cycle is 5 weeks in duration), with the availability of additional cycles if needed. Currently, the option to extend the field training program past 10 weeks is available on an individual basis for the purpose of assisting new constables who may require further support in meeting performance standards.

Coach officers engage in specialized mandatory training delivered by the TPC prior to participating in the field training program. The Uniform Coach Officer course reinforces performance standards for prospective coach officers and ensures the most current training skills are transferred to the probationary constable over the period of their field training. This course syllabus reinforces Service Procedure 14-03 'Probationary Constable/Field Training' and covers a variety of investigative, technical, tactical, engagement, leadership, and wellness issues over a period of 5 days.

Performance appraisals are utilized to track the performance of a probationary constable during the 1-year probation period. Performance appraisals are conducted upon the completion of the 1st, 2nd, 3rd, 5th, 7th, and 9th CWW cycle. To this end, the supervisor completes a Service Form TPS 504 'Performance Appraisal for Probationary/4th Class Constables' at the designated intervals, and the new constable completes a TPS 505 'Probationary Constable Field Training Activity Report' at the end of each CWW cycle. The purpose of the performance appraisal is to determine if the officer is meeting Service standards and, if not, to devise an appropriate response that may involve extending the time with a coach officer, providing specialized training, or dispensing of services. The decision to retain or dispense the services of a new constable must be recorded on the TPS 504 by the 7th CWW cycle to accommodate resulting processes.

An extension of the field training program past 10 weeks requires consideration of its impact on the ability to conduct proper evaluations of new constables. To properly monitor and evaluate work performance, it is integral to provide the new constable with ample opportunity to function individually and become knowledgeable enough to seek answers from their own resources during the first 7 CWW cycles. Extending the duration of the field training program may impact opportunities to work independently and, in turn, may limit the supervisor's ability to properly evaluate the new constable's capacity for fulfilling the job requirements by the 7th CWW cycle.

Additional consideration of the associated financial cost to the Service, as it relates to an extension of the field training program past 10 weeks, is necessary. Currently, coach officers are compensated financially, in addition to their regular salary, for performing coach officer functions. Budgeting for additional compensation past the 10 week period would need to be considered and explored when determining if extending the program is a viable option.

The Service will continue to ensure that all coach officers are fully qualified through the Uniform Coach Officer course and that appraisals are completed and reviewed throughout the probationary period. The Service will continue to offer additional support to any new constable that requires it, by way of extending the 10 week field training period with a coach officer, for the purpose of achieving performance standards.

Recommendation #3

The Toronto Police Services Board should take steps to ensure that a Conducted Energy Weapon be available on scene as a less lethal use of force option when there is a report of an individual who appears to be prepared to use a potentially dangerous weapon. Simultaneously, further studies should be conducted to assess the risks and benefits of deploying additional Conducted Energy Weapons (CEWs) to frontline police constables.

Response:

The Service concurs with and is in partial compliance with this recommendation.

Prior to 2013, the Ministry of Community Safety and Correctional Services (Ministry) permitted only frontline supervisors and officers assigned to tactical units, hostage rescue teams, and containment teams to carry Conducted Energy Weapons (CEWs). In 2013, the Ministry lifted that restriction to allow police services to determine which officers should be permitted to carry CEWs, based on local needs and circumstances.

At its meeting of September 12, 2013, and in response to the legislative changes, the Board requested a report containing all the steps that the Service was undertaking with respect to the potential deployment expansion of CEWs (Min. No. P224/13 refers). In response, the Board received the report entitled 'Expanded Deployment of Conducted Energy Weapons' at its meeting of November 07, 2013. The Board gave the direction not to proceed with the expanded deployment of CEWs. (Min. #P259/13 refers).

Currently, CEWs are issued to members of the Emergency Task Force, uniform frontline supervisors, and supervisors of high-risk units. Efforts are made to ensure CEW equipped officers are deployed to events that require a less lethal use of force option. In that regard, Communications Services is governed by unit specific policies (USPs) that direct field supervisors be dispatched to a range of high priority events and, as a result of the review conducted by the Honourable Frank Iacobucci, implemented a USP that specifically directs dispatchers to locate and send a CEW equipped supervisor to all events involving emotionally disturbed persons armed with a weapon.

The Service is continuing to review the most up-to-date research published by independent external academic bodies regarding CEWs. There have been extensive reports written on the health effects of CEWs, including a thorough study entitled 'The Health Effects of Conducted Energy Weapons' produced by the Canadian Academy of Health Sciences and the Council of Canadian Academies. This report was used as an information piece to provide understanding to the parties involved in the independent review conducted by the Honourable Frank Iacobucci.

The Service acknowledges the Board's role in the consideration to pursue the expanded deployment of CEWs. In that regard and until further directed, the Service will continue to engage in current practices for ensuring the availability of CEWs on scene as a less lethal use of force option when there is a report of an individual who appears to be prepared to use a potentially dangerous weapon.

Conclusion:

As a result of the Coroner's inquest into the death of Mr. Malcolm Dean Walker, and the subsequent jury recommendations, the Service has conducted a review of Service governance, training and current practices.

In summary, the Service concurs with the recommendations contained in this report and is either currently in compliance or taking steps to ensure compliance with these recommendations.

Deputy Chief Mike Federico, Operational Support Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board approved the foregoing report.

Moved by: C. Lee

Appendix - A



Office of the
Chief Coroner
Bureau du
coroner en chef

Verdict of Coroner's Jury Verdict du jury du coroner

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

We the undersigned / Nous soussignés,

Leonor Lopes of / de Toronto
 Barbara Cunferi of / de Toronto
 Jinbo Zhang of / de Toronto
 Allison Ang-Sun-Cruz of / de Toronto
 Pepito Granil of / de Toronto

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

Surname / Nom de famille: Walker Given Names / Prénoms: Malcolm Dean

aged / à l'âge de 39 years held at / tenue à 25 Morton Shulman Ave., Ontario

from the / du February 9th to the / au February 17th 20 15

By / Par Dr. J. Carlsle Coroner for Ontario / coroner pour l'Ontario

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

Name of Deceased / Nom du défunt: Malcolm Dean WALKER

Date and Time of Death / Date et heure du décès: June 8, 2013 @ 18:40 hours

Place of Death / Lieu du décès: Sunnybrook Health Science Centre, Toronto

Cause of Death / Cause du décès: Gunshot wound to the abdomen

By what means / Circonstances du décès: Homicide

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

Original signed by jurors / Original signé par les jurés

The verdict was received on the / Ce verdict a été reçu le 17th day of / (Day / Jour) February / (Month / Mois) 20 15

Coroner's Name (Please print) / Nom du coroner (en lettres moullées): Dr. J. Carlsle Date Signed (yyyy/mm/dd) / Date de la signature (assainné): 2015/02/17

Coroner's Signature / Signature du coroner

We, the jury, wish to make the following recommendations: (see page 2)
 Nous, membres du jury, formulons les recommandations suivantes: (voir page 2)

Appendix - A



Office of the
Chief Coroner
Bureau du
coroner en chef

Verdict of Coroner's Jury Verdict du jury du coroner

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

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

Malcolm Dean WALKER
JURY RECOMMENDATIONS
RECOMMANDATIONS DU JURY

Recommendations to Toronto Police Service and Toronto Police College:

1. Emphasize in training the importance of officers regularly broadcasting their status, especially in the face of evolving and emergent circumstances, so that dispatch and other units are properly informed and can commit additional resources as deemed necessary. To that end, the Toronto Police Service and/or the Toronto Police College should implement the use of actual or dummy radios in all dynamic/simulation training.

To the Toronto Police Services Board and to the Chief of Police:

2. Extend the time that new constables spend with a coach officer beyond 10 weeks.

3. The Toronto Police Services Board should take steps to ensure that a Conducted Energy Weapon be available on scene as a less lethal use of force option when there is a report of an individual who appears to be prepared to use a potentially dangerous weapon. Simultaneously, further studies should be conducted to assess the risks and benefits of deploying additional Conducted Energy Weapons (CEWs) to frontline police constables.

Personal information contained on this form is collected under the authority of the Coroners Act, R.S.O. 1990, c. C.37, as amended. Questions about this collection should be directed to the Chief Coroner, 28 Martin Street, Toronto, ON M5M 3B1, Tel: 416 314-4000 or Toll-Free 1 877 911-0854.
Les renseignements personnels contenus dans cette formule sont recueillis en vertu de la Loi sur les coroners, L.R.O. 1990, chap. C.37, telle que modifiée. Si vous avez des questions sur la collecte de ces renseignements, veuillez les adresser au coroner en chef, 28, avenue Martin Street, Toronto, ON M5M 3B1, tel. : 416 314-4000 ou, sans frais : 1 877 911-0854.

Verdict Explanation

Inquest Into The Death Of Malcolm Dean Walker
Coroner's Courts
25 Morton Shulman Ave
Toronto, Ontario
Feb. 9, 2015 to Feb. 17, 2015

I intend to give a brief synopsis of the issues presented at this inquest. I would like to stress that much of this explanation will be my interpretation of both the evidence presented and of the jury's reasoning in making recommendations. The sole purpose of this explanation is to assist the reader in understanding the verdict and recommendations made by the jury. This explanation is not to be considered as actual evidence presented at the inquest and is in no way intended to replace the jury's verdict.

Participants:

Coroner's Counsel	Michael Blain Chief Counsel Office of the Chief Coroner 25 Morton Shulman Ave. Toronto, Ont. 647 329 1850
Coroner's Investigator	Les Young Provincial Constable Coroner's Inquest Investigation Unit Criminal Investigation Branch Ontario Provincial Police 647-515-0045
Coroner's Constable	Walter Kalynowys Provincial Constable Coroner's Constable Ontario Provincial Police 647-329-1732
Reporter	Devon Lockett Network Reporting Services 100 King St. W., Suite 900 Toronto, Ont., M5X 1E3 416 359 0305

Appendix - A

Fax: 416 359 1611

Parties With Standing:

Represented By:

Family of Mr. Walker

Family

Chief of the Toronto Police Service

Sharon Wilmot, D/Sgt. Shane Branton
40 College St. Suite 805E
Toronto, Ont. M5G 2J3 416-808-7804

Toronto Police Services Board

Fred Fischer ,
Metro Hall, 55 John St.
Toronto, Ont. M5V 3C6 416-392-7224

Constable Dowding

Jimmy Lee, 170 Bloor St. W. Suite 702
Toronto, Ont. M5S 1T9 647-999-8912

Constable Poole

Gary Clewley, 357 Bay St. Suite 400
Toronto, Ont. M5H 2T7 647-999-8910

Summary of the Circumstances of the Death:

On Saturday June 8, 2013 Toronto Police and EMS went to 140 Adanac Drive in Scarborough in response to a call that a resident of the building was in mental health crisis and wished to be transported to hospital. On arrival police and EMS staff were conferring outside the building lobby when a citizen approached them and stated that he had been menaced with a knife by a man at a nearby bus stop. EMS staff stated that they had seen a man matching the citizen's description of the assailant walk past their ambulance and enter the building just before the police arrived.

Police and EMS entered the building and proceeded to the second floor to attend to their original call.

While there they became aware of a person, possibly the man reported to have a knife, being in the adjacent stairwell. On investigating they found the man in the stairwell and confirmed that he was the man seen by EMS.

Appendix - A

Police approached the man, later determined to be Mr. Walker, and asked him to show his hands. Instead he produced a knife and menaced the officers with it all the while shouting to them that they should shoot him.

One of the officers discharged her OC spray at the man and he fled from the stairwell out the ground floor exit door. Officers followed and, upon exiting the stairwell, noted the man holding another male hostage from behind with his arm around the male's neck and the knife held to the body of the hostage.

When Mr. Walker refused to release the hostage and menaced the hostage with the knife a police officer shot him, he collapsed to the ground and the hostage escaped unharmed. EMS arrived promptly and transported Mr. Walker to hospital where he succumbed to his injuries.

The jury heard from 11 witnesses over 5 days, considered 16 exhibits and deliberated approximately 2 hours before reaching a verdict.

Verdict:

Name of the Deceased: Malcolm Dean Walker

Date and Time of Death: June 8, 2013, 18:40 H

Place of Death: Sunnybrook Health Sciences Centre, Toronto

Cause of Death: Gunshot Wound to the Abdomen

By What Means : Homicide

Recommendations:

To The Toronto Police Service and Toronto Police College:

1. Emphasize in training the importance of officers regularly broadcasting their status, especially in the face of evolving and emergent circumstances, so that dispatch and other units are properly informed and can commit additional resources as deemed necessary. To that end, the Toronto Police Service and/or the Toronto Police College should implement the use of actual or dummy radios in all dynamic/simulation training.

Coroners Comments:

The jury heard that, upon receiving the complaint of the citizen that he had been menaced with a knife and upon learning that the man with the knife had entered a residential building,

Appendix - A

the officers did not notify dispatch or other officers on their radio band of these events. The jury thought that the importance of doing this should be emphasized in training. The jury also heard that, during scenario training, officers have and are taught to use all their normal equipment except their police portable radio. The jury thought that training to use the radio to broadcast information about dangerous situations might be more effective if training scenarios included the use of the radio for this purpose and if this could be practiced with an actual radio during the training.

To the Toronto Police Services Board and to the Chief of Police:

2. Extend the time that new constables spend with a coach officer beyond 10 weeks.
3. The Toronto Police Services Board should take steps to ensure that a Conducted Energy Weapon be available on scene as a less lethal use of force option when there is a report of an individual who appears to be prepared to use a potentially dangerous weapon. Simultaneously, further studies should be conducted to assess the risks and benefits of deploying additional Conducted Energy Weapons (CEWs) to frontline police constables.

Coroner's Comment:

The Jury heard that new officers spent a total of 10 weeks with a coach officer. They felt that further such training was needed.

The jury also heard that front line officers (with the exception of some special units) are not issued conducted energy weapons (CEW often called Tasers).

One officer expressed the opinion that CEW's should be issued to officers like himself on front line patrol. The jury felt that CEW's should be available for use when a suspect appears prepared to use a potentially dangerous weapon and felt that further studies should be conducted to determine how best to accomplish this.

Closing Comments

In closing, I would like to stress once again that this document was prepared solely for the purpose of assisting interested parties in understanding the jury's verdict. It is worth repeating that this is not the verdict. Likewise, many of the comments regarding the evidence are my personal recollection of the same and are not put forth as actual evidence. If any party feels

Appendix - A

that I made a gross error in my recollection of the evidence, it would be greatly appreciated if it could be brought to my attention so that any error can be corrected.



John R. Carlisle M.D., LL.B., FCLM

Coroner



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

#P157. POUND OPERATIONS ON PORT LANDS PROPERTY

The Board was in receipt of the following report May 20, 2015 from Mark Saunders, Chief of Police:

Subject: POUND OPERATIONS ON PORT LANDS PROPERTY

Recommendations:

It is recommended that:

- (1) The Board enter into an agreement with A Towing Service Ltd ("A Towing") for the provision of pound services on a property owned by the Toronto Port Lands Company ("TPLC") located at 105 Villiers Street, Toronto; and
- (2) The Board authorize the Chair to execute all documents required to allow the operation of a pound at that site, subject to approval as to form by the City Solicitor.

Financial Implications:

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

Background/Purpose:

Until 2011, the property commonly referred to as 10 York Street in the City of Toronto (the "York Pound") had been operated as a towing pound on behalf of the Toronto Police Service ("Service") for more than 25 years. The property was owned by the City of Toronto. Its use by the Service had been authorized under an informal agreement with the City during this span of time at no cost to the Service.

The Service used this property as a convenient location for impounding vehicles in the downtown core as part of its rush hour route tow away program (the "Program"). The proximity of the property to the core area of the City improved service delivery by Parking Enforcement Unit members and the contracted towing company and assisted in reducing congestion on highly travelled roadways. Additionally, the location was readily accessible to those members of the public that needed to retrieve vehicles that had been impounded in the downtown core.

The York Pound was operated on behalf of the Service by the towing operator who had the contract for what was then Towing District No. 6. That towing operator's operation of the pound on this property was at no cost to the operator, aside from its responsibilities for maintenance, utilities and property taxes.

On May 27, 2009, the City advised the Service of the City's intent to develop the land on which the York Pound stood and the City offered assistance in finding an alternative location for the operator of the pound.

At its meeting of February 3, 2011, the Board was informed that the York Pound would be closing and that the Service would continue to work with the City to develop strategies and identify potential properties for a towing pound to support the Program (Min. No. P26/2011 refers).

Formal written notice of the City's intent to take vacant possession was received by the Service on March 3, 2011. At its meeting held on April 7, 2011, the Board adopted a recommendation to terminate the arrangement for the York Pound effective May 31, 2011 (Min. No. P85/2011 refers). Consequently, for the past four years there has not been a conveniently located pound for use as part of the Program. Vehicles towed as part of the Program have been towed further away to the operators' own pounds, which means slower turn-around times for tow trucks and less convenience for members of the public retrieving their vehicles.

Discussion:

Subsequent to the election of Mayor John Tory, as part of an effort to improve traffic conditions in the City, staff in the Mayor's office contacted staff of both the TPLC, a City owned independent agency, and the Service's Traffic Services Unit. The Mayor's staff was attempting to facilitate discussion between the Service and the TPLC to assess if it would be feasible for the Service to use some property owned by TPLC as a pound for the purposes of the Program (the "TPLC Pound").

Discussions on the matter ensued between the Service, the TPLC and the two towing companies operating in the police towing districts located in the downtown core. Only one of the towing companies ultimately expressed interest in operating the TPLC Pound. Subject to Board approval, the TPLC, Traffic Services and "A" Towing have tentatively agreed to allow A Towing to license the TPLC Pound, to assist with towing and storage of vehicles towed from the downtown core, for the remaining term of the current police towing contracts, which are set to expire on May 31, 2016. A Towing would be required to enter into an additional agreement to provide pound services on the TPLC pound similar to the previous agreement that governed the York Pound. This arrangement would enable all parties to assess whether the additional pound space is worth operating on an ongoing basis and contributes to improved towing in the core with a positive effect on traffic flow. If successful, and with the agreement of TPLC, the obligation to operate the TPLC Pound could be incorporated into the next procurement process for towing and pound services currently scheduled to take place in late 2015 or early 2016. This would enable an arrangement similar in effect to the former York Pound as part of the next towing contracts, scheduled to begin in June 2016.

The Board should note that there is one key difference between the York Pound arrangement and the proposed arrangement for the TPLC Pound. In the former case, as noted above, the City owned the property and authorized the Service to utilize the property. In turn, the Service contracted with one of its towing contractors to operate the pound on its behalf. In the present case, the arrangement in respect to the property would be directly between the TPLC and the towing operator although the Service would maintain its ongoing role in supervising the towing operator. This structure is designed to ensure that liabilities for the property remain with the TPLC rather than being inadvertently transferred to the Service by virtue of its occupation of the property, while simultaneously allowing for the operation of the pound by the towing operator that the Service is contractually obliged to use as the towing contractor for vehicles towed in the downtown core.

Conclusion:

The longstanding use of the property at 10 York Street as a towing pound to support the Program was helpful to the efficiency and effectiveness of the towing program. Without a suitable location in reasonable proximity to the core, the effectiveness of this program and the benefit it has to the improvement of traffic congestion, safety and service delivery has been affected.

The use of the TPLC owned land at 105 Villiers Street will enable the re-establishment of a more effective Program at no additional cost to the Service or the Board.

The foregoing report has been reviewed by staff in the City of Toronto Legal Division.

Acting Deputy Chief James Ramer, Specialized Operations Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board approved the foregoing report.

Moved by: C. Lee

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P158. SERVICE-LEVEL AGREEMENT BETWEEN CITY OF TORONTO
INTERNAL AUDIT SERVICES AND TORONTO POLICE SERVICES
BOARD**

The Board was in receipt of the following report June 02, 2015 from Alok Mukherjee, Chair:

Subject: SERVICE-LEVEL AGREEMENT BETWEEN CITY OF TORONTO
INTERNAL AUDIT SERVICES AND TORONTO POLICE SERVICES
BOARD

Recommendation:

It is recommended that the Board:

- 1) approve the attached Service-Level Agreement between the City of Toronto Internal Audit Services and the Toronto Police Services Board; and
- 2) request the Chief to update the Board on the steps that have been taken with respect to the implementation of the Board's Audit Policy.

Financial Implications:

The financial implications associated with the recommendations contained in this report are not known at this time. As the proposed Service-Level Agreement states: "Charges for Division services will be levied based on actual salary and benefits costs of Division staff engaged in the audit in proportion to the amount of time spent providing services to the Board. Alternatively, if mutually agreeable, a flat fee can be negotiated for each engagement. "

Background/Purpose:

The *Adequacy and Effectiveness of Police Services*, O. Reg. 3/99, stipulates that the Board and Chief of Police are responsible for implementing a quality assurance process relating to the delivery of adequate and effective police services and compliance with the *Police Services Act* ("the Act") and its regulations.

In 2006, the Board identified the lack of a structured audit process to assist the Board with assessing the adequacy and effectiveness of Toronto Police Service ("the Service") procedures and compliance with the *Act* and expressed concerns that it had no independent audit resource available to address audit concerns it may identify. At that time the Board approved a number of motions regarding audit issues, including the following:

THAT the Board request the City of Toronto Auditor General to provide a report on the feasibility of dedicating an auditor from the Auditor General's office to provide permanent and independent audit services directly to the Board (Min. No. P247/06 and P278/06 refers).

The City's Auditor General's (AG) review of the Board's request identified a number of significant concerns, including the issue of the AG's independence, as well as a lack of staff resources. The AG's review determined that it was not feasible for the AG's office to provide permanent independent audit services to the Board. However, the AG made several suggestions for the Board's consideration which included i) that "the Board may, once the Auditor General's by-law was amended, request the City's Auditor General to include in his annual work plan any specific audits identified by the Board;" and ii) that "the Board may request a private sector external audit group to conduct audit work at its request," (Min. No. P34/07 refers).

At its meeting held on September 12, 2013, the Board approved a recommendation that the Chair draft an audit policy reflecting a new collaborative relationship with the City of Toronto Internal Audit Division and also reflecting the Board's existing relationship with the AG. At that time, the Board also approved that should the Board approve a policy which would contemplate the engagement of the services of the City's Internal Audit Division, such services would be charged back to the Board through an inter-departmental chargeback (Min. No. P222/13 refers).

Discussion:

In 2014, an Audit Policy was developed by the Chair, in consultation with the Service, the City's Audit Division, the AG and City Legal. This policy, which sets out the Board's audit processes is intended to assist the Board in assessing the adequacy and effectiveness of police services and compliance with the *Act*, through the establishment of a structured program for the review of Board policies and resulting Service procedures, processes, practices and programs. The Audit Policy was approved by the Board at its meeting of December 15, 2014 and is attached for your information as Appendix A (Min. No. P272/14 refers).

Paragraph 7 of the Board's Audit Policy states:

The Board may request that the City of Toronto Auditor General conduct audits that typically address systemic organizational issues or issues of an emergent nature that are of significant public interest. In addition, the Auditor General may independently recommend to the Board, audits to be conducted by the Auditor General. The Board, in consultation with the Chief, through a service-level agreement, may engage the City of Toronto Internal Audit Division to conduct audits respecting adherence by the Board and Service to specific Board policies and relevant legislation. The Board may include, in its annual operating budget request, sufficient funds to procure external auditing services;

Board staff and City Legal have worked with City staff from the Internal Audit Division to develop a Service-Level Agreement, which "...sets out the basis on which the City of Toronto Internal Audit Division will provide internal audit services to the Toronto Police Services Board" and articulates the roles and responsibilities of the two parties. The draft Service-Level Agreement is attached as Appendix B, for the Board's approval.

In addition, the Board's Audit Policy outlines a number of responsibilities for the Chief, including the following:

1. The Chief of Police will ensure that the Service's financial statements are verified by an annual audit conducted by the City of Toronto's external Auditor as identified in section 139 of the *City of Toronto Act, 2006*;
2. The Chief of Police will establish an internal quality assurance process to ensure that operational, management, training and financial controls are established and maintained to ensure compliance with Service procedures and with Board policies and to ensure that they remain consistent with case law, inquest findings, inquiry findings, legislation and Ministry of Community Safety and Correctional Services' guidelines;
3. The Chief of Police will prepare, using appropriate risk-based methodology, an annual quality assurance work plan which will identify and prioritize audits to be conducted. The plan will identify inherent risks, resource requirements and the overall objectives for each audit and the workplan will be reported to the Board at a public or a confidential meeting as deemed appropriate;
4. The Chief of Police will ensure that members of the Service engaged in audit processes have the knowledge, skills, abilities and accreditations, as may be required, to perform their duties;
5. The Chief of Police will provide an annual report to the Board with the results of all audits and will highlight any issues that in accordance with this policy will assist the Board in determining whether the Service is in compliance with related statutory requirements, and issues that have potential risk or liability to the Board and/or to the Service.

At this time, the Board has not yet received any information regarding the implementation of these provisions, such as a workplan or annual report. As a result, I am recommending that the Board request the Chief to update the Board on the steps that have been taken with respect to the implementation of the Board's Audit policy.

Conclusion:

Therefore, it is recommended that the Board:

- 1) approve the attached Service-Level Agreement between the City of Toronto Internal Audit Services and the Toronto Police Services Board; and
- 2) request the Chief to update the Board on the steps that have been taken with respect to the implementation of the Board's Audit policy.

Ms. D!ONNE Renée was in attendance and delivered a deputation to the Board with respect to this matter.

Ms. Beverly Romeo-Beehler, Auditor General, was also in attendance and was introduced to the Board.

The Board approved the foregoing report and the following Motions:

- 1. THAT the Board invite the City of Toronto Auditor General to make a presentation at the July 16, 2015 meeting of the Toronto Police Services Board with respect to the role of the Auditor General within the City of Toronto and with respect to the roles that the Board could consider inviting the Auditor General to perform, in future, consistent with section 31 (1) of the *Police Services Act* and the Board's Audit Policy; and**
- 2. THAT the Board receive Ms. Renée's deputation.**

Moved by: A. Pringle

TORONTO POLICE SERVICES BOARD



AUDT POLICY

DATE APPROVED	November 15, 2010	Minute No: P292/10
DATE(S) AMENDED	December 15, 2014* October 9, 2014	Minute No: P272/14 Minute No: P219/14
DATE REVIEWED		
REPORTING REQUIREMENT	Toronto Police Service audit work plan – annually Toronto Police Services Board audit work plan - annually	
LEGISLATION	<i>Police Services Act</i> , R.S.O. 1990, c.P.15, as amended, s. 31(1)(c). <i>Adequacy and Effectiveness of Police Services</i> , O. Reg. 3/99, s. 35	
DERIVATION		
CROSS REFERENCE	Adequacy Standards Regulation - LE-020	

The *Adequacy and Effectiveness of Police Services*, O. Reg. 3/99, stipulates that the Board and Chief of Police are responsible for implementing a quality assurance process relating to the delivery of adequate and effective police services and compliance with the *Police Services Act* and its regulations.

The Board adopts a multifaceted approach to fulfill its responsibility relating to quality assurance. It includes:

- regular reports from the Chief of Police on compliance with Board policies and directions;
- annual financial audits conducted by the City of Toronto's external auditors;
- audits requested of, and conducted by, the City of Toronto's Internal Audit Division;
- audits requested of, and conducted by, the City of Toronto's Auditor General; and
- inspections conducted by the Ontario Ministry of Community Safety and Correctional Services; or
- other audits as determined by the Board.

The purpose of this policy is to assist the Board in assessing the adequacy and effectiveness of police services and compliance with the *Police Services Act*. This would be achieved through establishing a structured program for the review of Board policies, and resulting Toronto Police Service ("Service") procedures, processes, practices and programs.

The reviews, included in the Board's audit workplan, will assist the Board in determining whether the Service is in compliance with related statutory requirements, Board policies and directions. Further, these reviews may assist in determining whether risk management activity, financial controls and Service and Board governance efforts are adequate and effective, and

functioning in a manner that complies with legislation, case law, inquest findings, inquiry findings, and Ministry of Community Safety and Correctional Services' guidelines.

Therefore, it is the policy of the Toronto Police Services Board that:

1. The Chief of Police will ensure that the Service's financial statements are verified by an annual audit conducted by the City of Toronto's external Auditor as identified in section 139 of the *City of Toronto Act, 2006*;
2. The Chief of Police will establish an internal quality assurance process to ensure that operational, management, training and financial controls are established and maintained to ensure compliance with Service procedures and with Board policies and to ensure that they remain consistent with case law, inquest findings, inquiry findings, legislation and Ministry of Community Safety and Correctional Services' guidelines;
3. The Chief of Police will prepare, using appropriate risk-based methodology, an annual quality assurance work plan which will identify and prioritize audits to be conducted. The plan will identify inherent risks, resource requirements and the overall objectives for each audit and the work plan will be reported to the Board at a public or a confidential meeting as deemed appropriate
4. The Chief of Police will ensure that members of the Service engaged in audit processes have the knowledge, skills, abilities and accreditations, as may be required, to perform their duties;
5. The Chief of Police will provide an annual report to the Board with the results of all audits and will highlight any issues that in accordance with this policy will assist the Board in determining whether the Service is in compliance with related statutory requirements, and issues that have potential risk or liability to the Board and/or to the Service.

It is also the policy of the Toronto Police Services Board that:

6. In addition to the annual quality assurance workplan prepared by the Chief, the Board may, in consultation with the City of Toronto Internal Audit Division or the Auditor General, as may be appropriate, and in consultation with the Chief of Police, request external audits to be conducted on matters of concern to the Board;
7. The Board may request that the City of Toronto Auditor General conduct audits that typically address systemic organizational issues or issues of an emergent nature that are of significant public interest. In addition, the Auditor General may independently recommend to the Board, audits to be conducted by the Auditor General. The Board, in consultation with the Chief, through a service-level agreement, may engage the City of Toronto Internal Audit Division to conduct audits respecting adherence by the Board and Service to specific Board policies and relevant legislation. The Board may include, in its annual operating budget request, sufficient funds to procure external auditing services;
8. The Board will provide a public report containing its annual audit work plan; and

9. Upon the conclusion of each of its audits, the Board will provide a report which will address the following:
- assessment of the adequacy and effectiveness of the Service's or Board's processes in the areas stated in the audit plan;
 - identification of significant issues related to the processes of the Service or the Board, including recommended improvements to those processes; and
 - updates where necessary on the status and results of the audit plan and the sufficiency of the Board's audit resources.
10. Reports with respect to audits conducted on behalf of the Board, will consider, but not be limited to, whether:
- Operational and financial risks are appropriately identified and managed;
 - The appropriate levels of internal control exist within the Service;
 - Financial, management, and operational information provided to the Board is accurate, reliable, and timely;
 - Staff and management actions are in compliance with policies, procedures, contracts, laws, and regulations;
 - Resources are acquired economically, used efficiently, and adequately protected;
 - Programs and their objectives are achieved;
 - Quality and continuous improvement are encouraged in the Service's control processes; and
 - Significant legislative or regulatory issues affecting the Service are recognized and addressed appropriately.

**This policy supersedes any Audit Policy prior to December 15, 2014.*



Joseph P. Pennachetti, City Manager

Internal Audit Division
City Hall
100 Queen Street West
West Tower, 14th Floor
Toronto, Ontario M5H 2N2

Tel: 416-397-0173
Fax: 416-338-2167

Provision of Internal Audit Services Service-Level Agreement

1. Purpose of this agreement

This agreement sets out the basis on which the City of Toronto Internal Audit Division (the "Division") will provide internal audit services to the Toronto Police Services Board (the "Board").

2. Scope of Services

The Board is a seven-member civilian body that oversees the Toronto Police Service (the "Service").

The Board and Chief of Police are responsible for implementing a quality assurance process relating to the delivery of adequate and effective police services and compliance with the *Police Services Act* and its regulations.

At its meeting on December 15, 2014, the Toronto Police Services Board approved its Audit Policy. Section 7 of the Audit Policy states:

The Board, in consultation with the Chief, through a service-level agreement, may engage the City of Toronto Internal Audit Division to conduct audits respecting adherence by the Board and Service to specific Board policies and relevant legislation. The Board may include, in its annual operating budget request, sufficient funds to procure external auditing services.

3. Commencement date and duration

The provision of services will begin upon execution of this agreement and will continue until either party terminates this agreement by giving six (6) months written notice to the other party.

4. Confidentiality

Subject to the following two paragraphs, the Division and all its employees and representatives shall maintain strict confidentiality of all records, documents and materials and other information obtained in carrying out an audit on behalf of the Board or the Service, including any reports prepared by the Division and submitted to the Board or the Service. No such records, documents, materials and information will be disclosed to any persons outside the Board and the Service without the express permission of the Board, unless expressly required by law.

If the Division receives a request under the *Municipal Freedom of Information and Protection of Privacy Act*, or any other form of request, for access to any of the materials and information identified in the preceding paragraph, the Division shall promptly notify the Board and, if legally permissible, refer the request for access to the Board.

The Division may identify the subject matter of any audits undertaken on behalf of the Board for the purpose of its annual report to the City of Toronto's Audit Committee.

5. Roles and responsibilities

5.1 Summary

The Board and the Chief of Police are responsible for implementing a quality assurance process relating to the delivery of adequate and effective police services and compliance with the *Police Services Act* and its regulations. Internal Audit provides assurance to the Board on the effectiveness and reliability of its control system.

5.2 The Toronto Police Services Board is responsible for:

- (a) Establishing an annual quality assurance work plan identifying audits to be conducted.
- (b) Advising the Division by December 15th in each year of requests for audits for the upcoming year and forecasted funding and potential audit requests for the following year.
- (c) Providing for funding in its annual budget for the Division's services.
- (d) Providing access to all necessary information including records, documents and correspondence relating to the agreed audit activity.

- (e) Allowing access to any premises or member of staff of the Service and the Board.
- (f) Facilitating the security clearance of Division staff.
- (g) Providing comments on report content, findings and recommendations within 30days of receipt of a draft report.
- (h) Advising the Division of any action plan developed in response to recommendations in a report.

5.3 The City of Toronto Internal Audit Division is responsible for:

- (a) Meeting with the Board and the Chief of Police in advance of each engagement to discuss and agree on formal terms of reference outlining the objectives, scope and timing of the audit.
- (b) Meeting with the Service and the Board at the end of the fieldwork to confirm factual accuracy of the audit findings.
- (c) Providing a draft report for review and comment to the Service and the Board prior to finalization of the report.
- (d) Attending Board meetings to discuss the results of the audit.
- (e) If requested by the Board, conducting annual follow up of recommendations to ensure implementation.

6. Fees / charges

- 6.1 Charges for Division services will be levied based on actual salary and benefits costs of Division staff engaged in the audit in proportion to the amount of time spent providing services to the Board. Alternatively, if mutually agreeable, a flat fee can be negotiated for each engagement.
- 6.2 Fees to be charged for each engagement will be confirmed with the Board upon agreement and finalization of the terms of reference for the audit. No services shall be provided, or any fees charged, until the Board and the Division have agreed in writing on the fees to be charged. The Division will promptly advise the Board of any increase in the fees to be charged for an audit as soon as it becomes aware of that possibility.

7. AGREEMENT

This agreement sets out the basis on which the Division will provide services to the Board.

Chair, Toronto Police Services Board

Date

Director Internal Audit, City of Toronto

Date 
toronto at your service

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P159. INDEMNIFICATION RELEASE FOR USE OF ONTARIO POWER
GENERATION TRAINING FACILITY AT 2655 LAKESHORE ROAD,
PORT HOPE**

The Board was in receipt of the following report May 25, 2015 from Mark Saunders, Chief of Police:

Subject: INDEMNIFICATION RELEASE FOR USE OF ONTARIO POWER
GENERATION TRAINING FACILITY LOCATED AT 2655 LAKESHORE
ROAD, PORT HOPE

Recommendation:

It is recommended that the Board authorize the Chair to execute a Protection and Enforcement Training Facility Use Permit (the "Permit") containing an indemnification and release clause on behalf of the Board in relation to Emergency Management & Public Order training exercises to be conducted at the Ontario Power Generation training facility located at 2655 Lakeshore Road, Port Hope, Ontario.

Financial Implications:

There are no financial implications related to the recommendation contained within this report, unless indemnification under the Permit is required.

Background/Purpose:

Emergency Management & Public Order (EMPO) is mandated by Ontario Regulation 3/99, Adequacy and Effectiveness of Police Services, made under the *Police Services Act*, which directs police forces to have a public order unit. Members assigned to public order policing functions must have completed required training accredited by the Ministry of Community Safety and Correctional Services or possess specified competencies.

An important component of a public order unit involves the ability to respond to disorderly crowds and riot situations. Members of public order units are equipped with unique, non-lethal, use of force options that require specialized training. Public order training for this type of response involves the use of tear gas, smoke grenades, flash bangs, loud acoustic devices and the "Anti-Riot Weapon Enfield" (ARWEN). An important resource available for EMPO is its Mounted Unit, which also trains frequently with public order officers.

Public order units require scenario-based training situations in as many possible environments in which officers may be required to respond.

The Ontario Power Generation (OPG) owns and operates the Wesleyville G.S. – Protection & Enforcement Training Facility (PETF), municipally referred to as 2655 Lakeshore Road, Port Hope, Ontario. This facility was particularly designed to accommodate the specific type of training scenarios that EMPO requires. The PETF is being made available to the Toronto Police Service at no cost. However, EMPO would like to formalize the attached Permit (Appendix “A”).

Discussion:

In order to have access to their property, OPG requires the Service to complete the Permit. Section 9 of the Permit contains stipulations for the release of claims, and an indemnity for claims, regarding the use of the property.

The Permit and this report have been reviewed and/or approved as to form by the City of Toronto Solicitor. These documents have also been reviewed and approved by TPS Legal Services to ensure that the legal and operational requirements of the Service are adequately protected.

Conclusion:

There are enormous benefits to the type of training scenarios that can be carried out by EMPO at the Wesleyville G.S. – Protection & Enforcement Training Facility. These complex situations and scenarios allow members to experience training opportunities that cannot be duplicated in a classroom environment or at existing TPS facilities. This facility is also being made available to the Service at no cost, which is an important consideration.

Acting Deputy Chief James Ramer, Specialized Operations Command, will be in attendance to answer any questions that the Board may have.

The Board approved the foregoing report.

Moved by: S. Carroll

Protection & Enforcement Training Facility Use Permit

Box A	<i>Site</i>	Wesleyville G.S. – Protection & Enforcement Training Facility (the "PETF"); municipally referred to as 2655 Lakeshore Road, Port Hope Ontario			
	<i>Designated Area</i>	Such Training Rooms and Training Areas, as further set out in a reservation, in accordance with the Reservation Form attached hereto as Schedule "A"			
C	<i>Licensee</i>	Toronto Police Services Board			
	<i>(full legal name)</i>				
D	<i>Licensee Mailing Address</i> <i>(not a PO Box)</i>	40 College Street, Toronto, Ontario, M5G 2J3			
E	<i>Licensee Tel / Fax No</i>	416-808-8082			
F	<i>Permitted Use</i>	To perform training exercises, in accordance with the Protection and Enforcement Training Facility Use Requirements attached hereto as Schedule "B" (the "Use Requirements")			
G	<i>Term</i>	Commencement (Date and Time)	Month []	Day []	Year []
		Termination (Date and Time)	Month []	Day []	Year []
H	<i>Permit Fee</i>	As set out in Schedule "C" attached hereto			

1. **Grant of License.** Subject to Section 2, for value received, Ontario Power Generation Inc. ("OPG") hereby grants to the Licensee (including its employees, servants, agents and invitees), a non-exclusive license to enter onto and to pass and repass over the Designated Areas, including necessary access on the Site, and, subject to the terms herein, the right to bring such equipment, vehicles and supplies onto the Designated Areas as may be necessary for the Permitted Use only for the duration of any Use Period (as defined below).
2. **Reservation and Fee.** Upon execution of this Permit, Licensee may reserve Designated Areas for specified periods throughout the Term (each a "Use Period") in accordance with OPG's PETF booking process. All bookings must be made at least one (1) week prior to the intended Use Period and the Licensee acknowledges and agrees that no access rights are hereby granted nor shall be permitted unless OPG has issued a booking confirmation confirming the Designated Areas and Use Period. Licensee shall pay the applicable fees for each Use Period, determined in accordance with Schedule "C" attached hereto based on the Designated Areas that will be used during such Use Period, prior to the commencement of any Use Period. OPG retains the right to refuse any request to reserve access to Licensee for any reason.
3. **USE OF THE DESIGNATED AREAS.** The Licensee shall ensure that its activities, during any Use Period, are restricted to the Designated Areas. The Licensee shall ensure that the Permitted Use is performed in accordance with the Use Requirements. The Licensee shall ensure that only those persons, vehicles and supplies and that equipment that are required for the purposes of the Permitted Use shall be brought onto the Site. The Licensee shall ensure that all equipment, vehicles and supplies that are brought onto the Site are secured from public access at all times. The Licensee shall ensure the safe and secure storage of all such equipment, vehicles and supplies at all times. The Licensee shall not alter or remove any lands or existing structures, or remove or cover any sign, without the prior written approval of OPG.
4. **SUPERVISION.** The Licensee shall ensure that its employees, servants, contractors, agents and all other persons or entities permitted to enter the Designated Area are aware of the Licensee's liabilities and obligations under this Permit and of the risks associated with the activities taking place on the Designated Areas. The Licensee shall assume full responsibility for:
 - (a) the acts or omissions of its employees, servants, contractors, agents and all other persons or entities permitted by the Licensee to enter the Designated Area in their use and occupation of the Designated Areas and the Site; and
 - (b) the safety of its employees, servants, contractors, agents and all other persons or entities permitted by the Licensee to enter the Designated Areas. The Licensee shall ensure that its employees, servants, contractors, agents and all other persons or entities permitted to enter the Designated Areas are knowledgeable with respect to all hazards associated with the Designated Area and all aspects of the Permitted Use.
5. **COMPLIANCE.** At all times throughout a Use Period, the Licensee shall use and maintain the Designated Areas and Site in a reasonable and careful manner as a prudent owner would do and at all times shall use the Site and the Designated Areas strictly in accordance with all applicable federal, provincial and municipal laws, codes, by-laws, rules and regulations and all instructions and orders of OPG, as well as orders, directives and instructions of every governmental or other competent authority having jurisdiction with respect to the use or occupation of the Designated Areas, including without limitation all applicable environmental, health, safety and natural resource laws, and upon request, proof of such compliance shall be provided to OPG.
6. **INSURANCE.** The Licensee shall at its own cost and expense at all times, maintain adequate commercial general liability insurance in an amount not less than \$10 Million (\$10,000,000.00) Dollars on a per occurrence basis, for the duration of a Use Period, with OPG as an additional insured, and provide proof of insurance to OPG, prior to the commencement such Use Period. A certified copy of such policy or a satisfactory certificate in lieu thereof shall be provided to OPG at the time of execution of this Permit or in any event prior to the commencement of the first Use Period in accordance with this Permit.
7. **RISK AND DAMAGE.** The Licensee hereby acknowledges that its use of the Designated Areas and/or the Site shall be at its own risk. OPG makes no representations or warranties with respect to the suitability or condition of the Designated Areas and OPG shall not, in any circumstances, be liable for any loss, damage, theft, or otherwise.
8. **TERMINATION.** OPG may at any time, for whatever reason at its sole discretion and without any compensation, forthwith revoke or cancel this Permit upon giving the Licensee verbal or written notice. Upon termination or expiry of this Permit, OPG shall have the right to remove any temporary structures, vehicles, equipment, machinery, objects, supplies and other materials and to restore the Site/Designated Areas to its original condition and to recover all costs associated therewith from the Licensee.

9. **RELEASE AND INDEMNITY.** The Licensee shall assume all liability and obligation for any and all loss, damage or injury (including death), by reason of fire, accident or otherwise, to all persons and property, howsoever arising, as a result of or connected in any way with the Licensee's (including its employees, servants, agents and invitees) use and occupation of the Designated Area and/or the Site; and the Licensee does hereby release and forever discharge OPG, its shareholder, representatives, officers, directors, employees, contractors, agents, successors, assigns and any and all related or affiliated entities (collectively the "OPG Group") from all claims, actions, demands or other proceedings in respect thereof whether arising at common law, by statute, tort or otherwise, by reason of or in any way arising out of or relating to the use of occupancy of the Designated Area and/or the Site by the Licensee (including its employees, servants, agents and invitees) or anything which would not have occurred but for this Permit and the grant of the rights herein, and the Licensee hereby agrees to indemnify each member of the OPG Group from and against all such claims, actions, demands or other proceedings and all expenses and costs (including legal costs) occasioned thereby. This indemnity and release obligation of the Licensee will survive the expiration or earlier termination of the Term.
10. **ENTIRE PERMIT.** This Permit, together with the Schedules appended hereto, comprises the entire agreement between the two parties. Any amendments or alterations hereto must be agreed to by both parties and must be executed in writing.
11. **ASSIGNMENT.** This Permit shall not be assigned or transferred by the Licensee, in whole or in part, without the prior written consent of OPG, acting at its sole discretion. This Permit shall enure to the benefit of the parties hereto and be binding on their respective successors and permitted assigns.
12. **ACKNOWLEDGMENT OF OWNERSHIP AND CONDITION OF THE DESIGNATED AREA.** The Licensee acknowledges that this Permit does not create an interest in the Designated Areas nor does the Licensee claim any past or present interest, howsoever arising, as a result of or connected in any way with the use and occupation of the Designated Areas; and in consideration of the rights and privileges granted herein, the Licensee does hereby release and revoke any claim against the Designated Areas against OPG, its subsidiary corporations, successors and assigns.
13. **INSPECTION.** OPG reserves the right to inspect the Designated Area at any time during any Use Period to ensure that the Designated Area is being used in accordance with the terms and conditions herein. OPG may, in its sole and absolute discretion, deny or restrict access to the Designated Area if any individual is in breach of the terms and conditions of this Permit.
14. **NOTICE.** Except as otherwise provided in this Agreement, every notice required or permitted under this Agreement must be in writing and may be delivered in person, by courier or by fax to the applicable party as follows:
- To OPG at: Don Seedman, Director Facilities and Projects
700 University Avenue
Toronto, Ontario M5G 1X6
- To Licensee at: Executive Director
Toronto Police Services Board
40 College Street
Toronto, Ontario, M5G 2J3
15. **GENERAL TERMS.** The division of this Agreement into sections and the insertion of headings are for convenience of reference only and are not to affect the construction or interpretation of this Agreement. This Agreement is governed by, and is to be construed and interpreted in accordance with, the laws of Ontario and the laws of Canada applicable in Ontario. The parties irrevocably submit to the non-exclusive jurisdiction of the courts of Ontario in respect of any matter relating to this Agreement. If any term of this Agreement is or becomes illegal, invalid or unenforceable, the illegality, invalidity or unenforceability will be deemed severable and will not affect any other term of this Agreement. This Agreement constitutes the entire agreement between the parties with respect to the subject matter and supersedes all prior agreements, negotiations, discussions, representations, warranties and understandings, whether written or verbal. No failure to exercise, and no delay in exercising, any right or remedy under this Agreement will be deemed to be a waiver of that right or remedy. No waiver of any breach of any term of this Agreement will be deemed to be a waiver of any subsequent breach of that term.
16. **SPECIFIC RESTRICTIONS TO USES AND ACTIVITIES.** The Licensee shall use the Designated Area solely for the purpose of the Permitted Use and for no other use, subject to the following conditions:
- Immediately cleanup, at its own expense, any material, garbage, refuse etc. dumped on the Designated Area during the term of the Permit. Such clean-up work to be completed to the sole satisfaction of OPG, acting reasonably.
 - Not erect any structures, signs, fencing, and/or other works on the Designated Areas.
 - Keep the Designated Areas in a good state of repair and restore the Designated Area to its original condition subject to the satisfaction of OPG.
 - Not use any of OPG's adjoining Site not included within the Designated Areas.

I hereby acknowledge that I have been made aware of, and have read, the terms and conditions of this Permit.

Dated this _____ day of _____, 2014

TORONTO POLICE SERVICES BOARD

ONTARIO POWER GENERATION INC.

By:

By:

Name: Alok Mukherjee

Name: _____

Title: Chair

Title: _____

I have the authority to bind the corporation/agency

I have the authority to bind the corporation/agency

SCHEDULE "A"



PETF DESIGNATED AREAS RESERVATION FORM

Box A	<i>Site</i>	Wesleyville G.S. – Protection & Enforcement Training Facility (the "PETF"); municipally referred to as 2655 Lakeshore Road, Port Hope Ontario								
B	<i>Use Period Designated Area</i>									
C	<i>Licensee</i> <i>(full legal name)</i>	Toronto Police Services Board								
D	<i>Licensee Mailing Address</i> <i>(not a PO Box)</i>	40 College Street, Toronto, Ontario, M5G 2j3								
E	<i>Licensee Tel / Fax No</i>	416-808-8082								
F	<i>Permit Date/No.</i>	Issued on								
G	<i>Permit Term</i>									
H	<i>Permitted Use</i>	To perform training exercises, in accordance with the Protection and Enforcement Training Facility Use Requirements attached to the Permit								
I	<i>Use Period</i>	<i>Commencement (Date and Time)</i>	Mo	[]	Da	[]	Ye	[]	Ti	[]
		<i>Termination (Date and Time)</i>	Mo	[]	Da	[]	Ye	[]	Ti	[]
J	<i>Use Period Fee</i>									

The undersigned acknowledges and agrees that the terms and conditions of the Permit shall apply to throughout the Use Period and shall abide by all obligations of the Licensee thereunder.

Requested by: Sgt. Avelino Carvalho

Name: Toronto Police Service

Date: _____

PLEASE PROVIDE A FULLY COMPLETED RESERVATION REQUEST FORM TO:

Don Seedman, Director Facilities and Projects
 Real Estate and Services Group
 2655 Lakeshore Road, Building #6
 Port Hope, Ontario

OPG hereby acknowledges the foregoing reservation and confirms the Licensee may access the Designated Areas set out above for the Use Period, in accordance with the permit.

Acknowledged by: _____

Name: Don Seedman
 Title: Director, Facilities and Projects
 Ontario Power Generation Inc.

Date: _____

Schedule "B"

Protection and Enforcement Training Facility Use Requirements

Protection and Enforcement Training Facility ("PETF") Use Requirements

1. Definitions

- 1.1. "**Adapted Firearm**" means a Firearm designed to have: (a) muzzle velocity of 152.4 meters per second or less and/or (b) a muzzle energy of 5.7 joules or less;
- 1.2. "**Ammunition**" means a cartridge containing a projectile designed to be discharged from a firearm and, without restricting the generality of the foregoing, includes a caseless cartridge and a shot shell;
- 1.3. "**Designated Training Area**" or "**DTA**" means training areas 1 through 9 as described within the publication entitled: Welcome to the Wesleyville Site – Protection & Enforcement Training Facility, dated December 6, 2012.
- 1.4. "**Firearm**" means any barreled weapon from which any shot, bullet or other projective can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm, and includes a device that propels a projectile by means of an explosion, compressed gas or spring and includes rifle, shotgun, handgun or spring gun.
- 1.5. "**Licensee**" has the meaning set out in the attached Use Permit.
- 1.6. "**NFDDs**" means Noise Flash Diversionary Devices;
- 1.7. "**Non-Lethal Ammunition**" means Ammunition that requires the installation of a drop-in conversion kit that alters a Firearm into an Adapted Firearm and ensures that only non-lethal training Ammunition may be used in such Adapted Firearm for the purposes of performing tactical training scenarios, such as Simunition or other marking systems.
- 1.8. "**PETF**" means the Protection & Enforcement Training Facility located at 2655 Lakeshore Road, Port Hope Ontario;
- 1.9. "**PETF Booking Representative**" means the Ontario Power Generation Inc Real Estate and Services Administrative Assistant located in Building #6 (Fire Academy);
- 1.10. "**Weapon**" means anything used or intended for use in causing death or injury to persons whether designed for that purpose or not, including any Firearm.

2. Responsibility

- 2.1. The Licensee (including its employees, servants, agents and invitees) shall comply with these Use Requirements. Any failure to comply with these requirements shall result in the immediate termination of the Use Permit.
- 2.2. Safety must be the highest priority when using the PETF. All training and other exercises shall be conducted safely and in a controlled environment.
- 2.3. Except as expressly permitted herein, Firearms and Ammunition are strictly prohibited from the PETF. Any Firearm discharge using Ammunition, other than by an Adapted Firearm, anywhere on the PETF shall be reported immediately to the PETF Booking Representative and the Use Permit will thereupon be terminated.

3. Reporting upon Arrival:

Upon arrival at the PETF, the Licensee's lead instructor or his/her designate shall report to the PETF Booking Representative located in Building #6 (Fire Academy). A site specific orientation and safety briefing will be provided by the PETF Booking Representative.

4. Driving on Site:

The Licensee shall comply with posted speed limits and signs and ensure that all vehicles stay on the roadways as there are many hidden dangers that exist off the roadways.

5. Arrival on Site with Firearms loaded with Ammunition

5.1. **All persons arriving on site with Firearms loaded with Ammunition, other than Non-Lethal Ammunition, must immediately go to the Approved Loading and Unloading Station (“ALUS”), located within the men’s and ladies change room on the ground floor level of the PETF, and unload such Ammunition.**

5.2. All Firearms and Ammunition, other than Adapted Firearms and Non-Lethal Ammunition, and specialized equipment must be secured and stored in accordance with the *Firearms Act (Canada), S.C. 1995, c. 39* and under the control of the Licensee’s lead instructor or safety officer. Licensee is solely responsible for compliance with all applicable laws relating to the storage of such Firearms and Ammunition.

5.3. **All persons loading Firearms with Ammunition, other than Non-Lethal Ammunition will use the ALUS in conducting their loading procedures.**

6. Training Area Restrictions

6.1. Use of Training Area #1 (Classroom)

- **All Firearms, including Adapted Firearms, and all Ammunition, including Non-Lethal Ammunition, are strictly prohibited from this DTA. The firing of any Firearms, including Adapted Firearms, is strictly prohibited in this DTA.**
- The Licensee shall ensure that the DTA has been sanitized by at least two safety officers to make certain that no Firearms or Ammunition is in this DTA.
- Any person wishing to enter this DTA must be searched by at least two safety officers to ensure that no Weapons, Firearms or Ammunition are brought into the sanitized area.
- The use of any smoke devices in this DTA is strictly prohibited.
- The use of any NFDDs or any other incendiary devices in this DTA is strictly prohibited.
- The use of non-lethal training agents indoors is strictly prohibited.
- The Licensee shall ensure that the DTA is left clean and tidy.
- Any problems with the Audio/Visual equipment shall be reported to PETF Booking Representative as soon as possible.

6.2. Use of Training Area #2 (Defensive Tactics Room / Mat Room)

- **All Firearms, including Adapted Firearms, and all Ammunition, including Non-Lethal Ammunition, are strictly prohibited from this DTA. The firing of any Firearms, including Adapted Firearms, is strictly prohibited in this DTA.**
- The Licensee shall ensure that the DTA has been sanitized by at least two safety officers to make certain that no Firearms or Ammunition is in this DTA.
- Any person wishing to enter this DTA must be searched by at least two safety officers to ensure that no Weapons, Firearms or Ammunition are brought into the sanitized area.
- No outdoor shoes are allowed on the matted surface. Mat shoes and sock feet only.
- No collapsing or expanding batons or similar Weapons are permitted on the mats.
- No equipment may be placed upon the mats, such as Weapons on bi-pods, which could potentially damage the mats.
- Please make any special requests for equipment when booking through the PETF Booking Representative. Special request may include the use of: Punching Bags, striking shields and the Redman gear.

- The use of any smoke devices indoors is strictly prohibited.
- The use of any NFDDs or any other incendiary devices in this area is strictly prohibited.
- The use of non-lethal training agents indoors is strictly prohibited.
- Ensure that the mat surface is cleaned, with the products provided, after each use.
- If using Redman gear and striking shields, ensure that they are cleaned with the products provided.
- The Licensee shall ensure that the DTA is left clean and tidy.

6.3. Use of Training Area #3 (CQB with video recording)

- The Licensee shall ensure that the DTA has been sanitized by at least two safety officers to make certain that no Ammunition, other than Non-Lethal Ammunition, is in this area.
- Only Adapted Firearms are permitted in this DTA. Any Firearms brought into this area must be sanitized by at least two safety officers to make certain that any Firearm contains only Non-Lethal Ammunition.
- Any person wishing to enter this DTA must be searched by at least two safety officers to ensure that no Firearms or Ammunition, other than Adapted Firearms and Non-Lethal Ammunition, are brought into the sanitized area.
- The use of any smoke devices indoors is strictly prohibited.
- The use of training NFDDs are permitted in this DTA only once permission has been granted by the PETF Booking Representative through the booking process. The use of training NFDDs must be requested when booking this DTA.
- **Absolutely no use of training NFDDs, Adapted Firearms and Non-Lethal Ammunition is permitted until the red range light has been activated.**
- When using training NFDDs, Adapted Firearms and Non-Lethal Ammunition, pick up all spent Non-Lethal Ammunition including safety levers and pins. Any waste material shall be collected and brought back to Building #8 for disposal.
- Licensee is responsible to ensure that any person using the PETF under the Use Permit is aware of the dangers of the use of training NFDDs, Adapted Firearms and Non-Lethal Ammunition and is using all required personal protective equipment related to such activities. Licensee shall alert the PETF Booking Representative prior to the commencement of any activity using training NFDDs, Adapted Firearms and Non-Lethal Ammunition.
- The Licensee shall ensure that the DTA is left clean and tidy.

6.4. Use of Training Area #4 and #5 (CQB house and office layout)

- The Licensee shall ensure that the DTA has been sanitized by at least two safety officers to make certain that no Ammunition, other than Non-Lethal Ammunition, is in this area.
- Only Adapted Firearms are permitted in this DTA. Any Firearms brought into this area must be sanitized by at least two safety officers to make certain that any Firearm contains only Non-Lethal Ammunition.
- Any person wishing to enter this DTA must be searched by at least two safety officers to ensure that no Firearms or Ammunition, other than Adapted Firearms and Non-Lethal Ammunition, are brought into the sanitized area.
- The use of any smoke devices indoors is strictly prohibited.
- The use of training NFDDs are permitted in this DTA only once permission has been granted by the PETF Booking Representative through the booking process. The use of training NFDDs must be requested when booking this DTA.

- **Absolutely no use of training NFDDs, Adapted Firearms and Non-Lethal Ammunition is permitted until the red range light has been activated.**
- When using training NFDDs, Adapted Firearms and Non-Lethal Ammunition, pick up all spent Non-Lethal Ammunition including safety levers, pins, casings and marking projectiles. Any waste material shall be collected and brought back to Building #8 for disposal.
- Licensee is responsible to ensure that any person using the PETF under the Use Permit is aware of the dangers of the use of training NFDDs, Adapted Firearms and Non-Lethal Ammunition and is using all required personal protective equipment related to such activities. Licensee shall alert the PETF Booking Representative prior to the commencement of any activity using training NFDDs, Adapted Firearms and Non-Lethal Ammunition.
- The Licensee shall ensure that the DTA is left clean and tidy.

6.5. Use of Training Area #6, 7 and 8 Rural Search Area & Fighting in Built Up Area ("FIBUA") and Vehicle Use Area

- The Licensee shall ensure that the DTA has been sanitized by at least two safety officers to make certain that no Ammunition, other than Non-Lethal Ammunition, is in this area.
- Only Adapted Firearms are permitted in this DTA. Any Firearms brought into this area must be sanitized by at least two safety officers to make certain that any Firearm contains only Non-Lethal Ammunition.
- Any person wishing to enter this DTA must be searched by at least two safety officers to ensure that no Firearms or Ammunition, other than Adapted Firearms and Non-Lethal Ammunition, are brought into the sanitized area.
- The use of any smoke devices indoors is strictly prohibited.
- The use of smoke devices and/or training NFDDs are permitted in this DTA only once permission has been granted by the PETF Booking Representative through the booking process. The use of smoke devices and/or training NFDDs must be requested when booking this DTA. If it is determined that the risk of causing a fire is high, the use of such smoke, NFDDs and other incendiary devices will not be permitted.
- The use of non-lethal training agents such as pepper, OC (Oleoresin Capsicum) and CS (2-Chlorobenzalmalononitrile) are permitted in this DTA only once permission has been granted by the PETF Booking Representatives through the booking process. The use of non-lethal agents must be requested when booking this DTA. All doors and windows will be closed in the FIBUA once training is complete.
- **Absolutely no use of training NFDDs, Adapted Firearms and Non-Lethal Ammunition is permitted until the red range light has been activated.**
- When using training smoke devices, NFDDs, Adapted Firearms and Non-Lethal Ammunition, pick up all spent Non-Lethal Ammunition including safety levers, pins, casings and marking projectiles. Any waste material shall be collected and brought back to Building #8 for disposal.
- Licensee is responsible to ensure that any person using the PETF under the Use Permit is aware of the dangers of the use of training NFDDs, Adapted Firearms and Non-Lethal Ammunition and is using all required personal protective equipment related to such activities. Licensee shall alert the PETF Booking Representative prior to the commencement of any activity using training NFDDs, Adapted Firearms and Non-Lethal Ammunition.
- Perimeter fencing shall not be cut or altered in anyway.
- The Licensee shall ensure that the DTA is left clean and tidy.

6.6. Use of Training Area #9 open area and classroom (Elevation 120)

- **All Firearms, including Adapted Firearms, and all Ammunition, including Non-Lethal Ammunition, is strictly prohibited from this DTA. The firing of any Firearms, including Adapted Firearms, is strictly prohibited in this DTA.**
- The Licensee shall ensure that the DTA has been sanitized by at least two safety officers to make certain that no Ammunition is in this area.
- Any person wishing to enter this DTA must be searched by at least two safety officers to ensure that no Weapons, Firearms or Ammunition are brought into the sanitized area.
- The use of smoke devices indoors is strictly prohibited.
- The use of any NFDD's or any other incendiary devices in this area is strictly prohibited.
- The use of non-lethal training agents indoors is strictly prohibited.
- The Licensee shall ensure that the area is left clean and tidy.

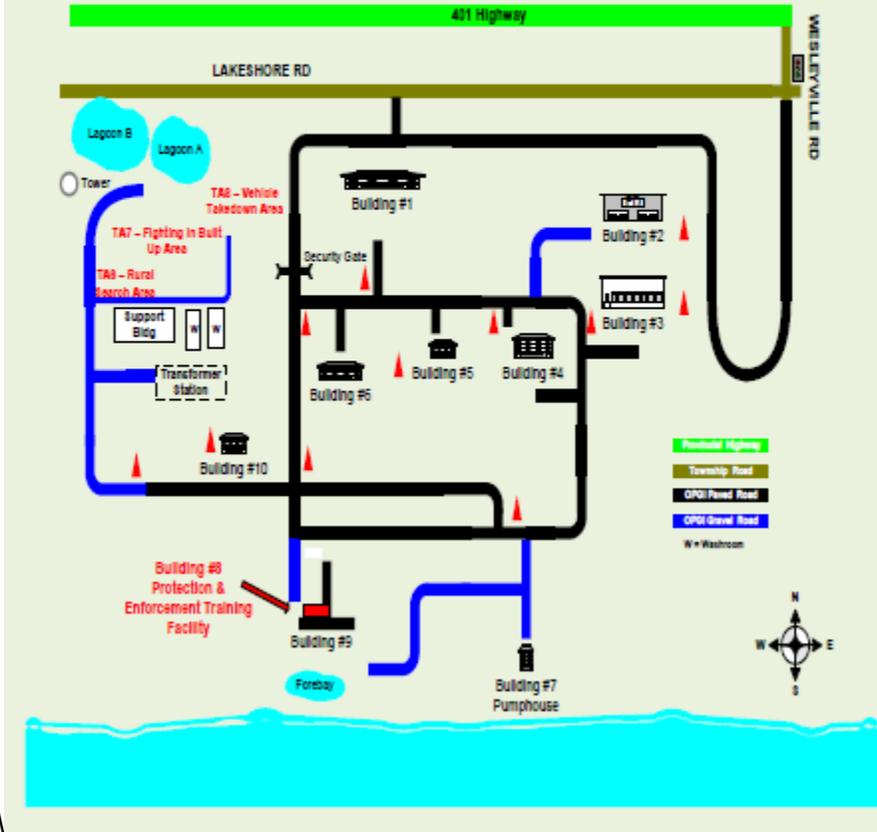
Schedule "C"

Fee Schedule

Area	Size	Daily Rental Fee
Training Room #1	650 sq. ft.	\$250/day
Training Room #2	750 sq. ft.	\$250/day
Training Area #3	2500 sq. ft.	\$650/day
Training Area #4	2000 sq. ft.	\$650/day
Training Area #5	3000 sq. ft.	\$650/day
Training Area #6	N/A	\$150/day
Training Area #7	N/A	\$500/day
Training Area #8	N/A	N/A
Training Area #9	N/A	\$250/day

Site Layout

WESLEYVILLE SITE
ONTARIO POWER GENERATION
2655 LAKESHORE RD PORT HOPE ONTARIO



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

#P160. POLICE SERVICES BOARD BUDGET SUB-COMMITTEE

The Board was in receipt of the following report May 27, 2015 from Alok Mukherjee, Chair:

Subject: POLICE SERVICES BOARD BUDGET SUB-COMMITTEE (BSC)

Recommendation:

It is recommended:

1. that the Board establish an ad hoc Budget Sub-Committee (BSC) to conduct a review of the proposed 2016 capital and operating budgets,
2. that the BSC be comprised of the Chair and Vice Chair, or their designates, and any other interested member of the Board,
3. that the BSC quorum be considered to be the attendance of 2 members of the Board; and,
4. that Service and City budget staff and the Councillor(s) assigned by Council to monitor the Board's budgets be invited to attend BSC meetings.

Financial Implications:

There are no financial implications arising from these recommendations.

Background/Purpose:

In most years, the Board has established an ad hoc Budget Sub-committee to review the capital and operating budgets prior to submission to the Board for approval. The BSC establishes the scope of its review and identifies, as the review progresses, issues and questions that should be addressed by the Chief and Service staff prior to the submission of the budget to the Board. As part of its review, the BSC may make recommendations to the Board.

Discussion:

I recommend that the Board establish its Budget Sub-committee as set out in the recommendations in this report.

Although subject to change, it is anticipated that the timing of the BSC and Board deliberations will be as follows:

- Late July/Early August 2015 – BSC to review the proposed capital program – 1 meeting
- Late August/First week of September 2015 – BSC to review the proposed operating budget – 2 meetings
- October 15, 2015 – Board to consider proposed operating and capital budgets

Conclusion:

It is recommended that the Board establish the budget review process set out in the foregoing report.

The Board approved the foregoing report.

Moved by: A. Pringle

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P161. PROPERTY EVIDENCE LOCKERS – REQUEST FOR ONE YEAR
EXTENSION**

The Board was in receipt of the following report June 03, 2015 from Mark Saunders, Chief of Police:

Subject: PROPERTY EVIDENCE LOCKERS – REQUEST FOR ONE YEAR
EXTENSION

Recommendation:

It is recommended that the Board approve a one-year extension, under the same terms and conditions as the current contract, with Pech Consulting Incorporated (Pech), for the supply and installation of property evidence lockers commencing September 1, 2015 and ending August 31, 2016.

Financial Implications:

The estimated annual expenditure for the lifecycle replacements is approximately \$330,000 and will be funded from the Vehicle and Equipment Reserve. The purchase of any additional property evidence lockers will be funded from the respective approved capital or operating budget.

The property evidence lockers are customized and are not an off the shelf item due to the fact they are specialized with electronic locking mechanisms, that come in a variety of sizes to contain various pieces of evidence.

The vendor's response to the Request for Proposal (RFP) included a 6% price increase in each of the two extension years. However, at the Toronto Police Service's (Service) request, the vendor has agreed to hold his current pricing (no increase) for the first one-year extension being recommended to the Board.

Background/Purpose:

The current property evidence lockers are over fifteen years old and due for a lifecycle replacement. This report provides information on the Service's recommendation to exercise the first option year extension, under the same terms and conditions, with Pech.

Discussion:

A request for proposal (RFP #1127960-12) was issued by Purchasing Services, for the supply and installation of property evidence lockers. At its meeting of August 15, 2012, the Board approved Pech for the supply and installation of property evidence lockers for a three-year period commencing on September 1, 2012 and expiring on August 31, 2015. The award included an option for two one-year extensions at the discretion of the Board (Min. No. P200/12 refers).

Conclusion:

The Service has been satisfied with the quality of lockers received from Pech and with the overall service provided. The Service is therefore recommending that the Board approve the first one-year extension option.

Mr. Tony Veneziano, Chief Administrative Officer, Corporate Services Command will be in attendance to answer any questions from the Board.

The Board approved the foregoing report.

Moved by: C. Lee

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P162. RECOMMENDATION FOR PAYMENT OF LEGAL
INDEMNIFICATION – CASE NO. 1791/14**

The Board was in receipt of the following report May 29, 2015 from Mark Saunders, Chief of Police:

Subject: RECOMMENDATION FOR PAYMENT OF LEGAL INDEMNIFICATION
CASE NO. 1791/14

Recommendation:

It is recommended that the Board approve payment of the legal account from Mr. Gary Clewley, in the amount of \$333,846.21, for the representation of two officers who were granted standing in a Coroner's Inquest.

Financial Implications:

If approved, the legal indemnification claim in the amount of \$333,846.21 will be paid out of the Service's Legal Reserve, which is funded from the Service's operating budget.

Background/Purpose:

Two police constables have requested payment of their legal fees for \$333,846.21, as provided for in Article 23 of the Uniform Collective Agreement. The purpose of this report is to recommend payment of the claim.

Discussion:

This report corresponds with additional information provided to the Board on the confidential agenda.

Article 23:04 of the Uniform Collective Agreement states:

“A member whose conduct is called into question in the course of an inquiry under the Coroners Act or as an alleged offender in a hearing before the Criminal Injuries Compensation Board because of acts done in the attempted performance in good faith of his/her duties as a police officer shall be indemnified for the necessary and reasonable legal costs incurred in representing his/her interests in any such inquest in the following circumstances only:

- (a) *Where the Chief of Police and/or the Board does not provide counsel to represent the member at the inquest or hearing at the Board's expense; or*
- (b) *Where the counsel provided by the Chief of Police or the Board to represent either or both of them along with the member is of the opinion that it would be improper for him/her to act for both the Chief of Police or the Board and the member in that action.”*

Conclusion:

City Legal has deemed the costs billed as “necessary and reasonable legal costs”. Accordingly, it is recommended that the Board approve payment of Mr. Clewley’s account.

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

The Board approved the foregoing report.

Moved by: D. Noria

Additional information was also considered during the *in camera* meeting (Min. No. C141/05 refers).

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P163. APPROVAL OF EXPENSES: CANADIAN ASSOCIATION OF POLICE
GOVERNANCE 2015 ANNUAL CONFERENCE AND ANNUAL
GENERAL MEETING: AUGUST 27 – 29, 2015**

The Board was in receipt of the following report June 01, 2015 from Alok Mukherjee, Chair:

Subject: APPROVAL OF EXPENSES: CANADIAN ASSOCIATION OF POLICE
GOVERNANCE (CAPG) 2015 ANNUAL CONFERENCE AND THE
ANNUAL GENERAL MEETING (AUGUST 27 – 29, 2015)

Recommendation:

It is recommended that the Board approve my attendance and of any interested board members/staff (up to a maximum of 4 attendees) to the 26th Annual CAPG Conference and estimated cost-related expenditures not to exceed \$1,000.00 each attendee. The conference and the Annual General Meeting will be held in Markham, Ontario on August 27 – 29, 2015.

Financial Implications:

Funds are available in the business travel and conference accounts of the Board's 2015 operating budget not to exceed \$4,000.00 in total costs.

Background/Purpose:

The "Board Member Expense and Travel Reimbursement Policy" approved by the Board in 2006 establishes that the Board's approval must be sought for the attendance of Board Members at conferences.

Discussion:

The Canadian Association of Police Governance (CAPG) is the only national organization dedicated to excellence in police governance in Canada. Since 1989, the CAPG has worked diligently to achieve the highest standards as the national voice of civilian oversight of municipal police. The Association has grown to represent 75% of municipal police services throughout Canada.

Each year CAPG hosts an annual conference which is one of only two annual opportunities for professional development for Board members and staff and provides an opportunity for networking with Boards from across Canada.

In addition, this is when the association will also hold its annual general meeting at this time.

Now entering its 26th year, the Annual CAPG Conference and the Annual General Meeting will be held in Markham, Ontario from August 27 - 29, 2015. The conference sessions will cover a broad range of topics relevant to the Board. The conference program is attached for information.

I am a member of the Board of Directors and the Executive Committee of the CAPG as Past President. In this capacity, I chair the Nominations Committee and co-chair the Policing and Justice Committee. In these roles, I will be required to present relevant reports at the conference and the Annual General Meeting.

The following expense is the breakdown for each attendee for the three-day conference:

Registration	\$680.00
Incidentals (taxi fare/parking)	\$300.00
Total	\$980.00

Conclusion:

It is recommended that the Board approve my attendance and of any interested board members/staff (up to a maximum of 4 attendees) to the 26th Annual CAPG Conference and estimated cost-related expenditures not to exceed \$1,000.00 each attendee. The conference and Annual General Meeting will be held in Markham, Ontario on August 27 – 29, 2015.

The Board approved the foregoing report.

Moved by: A. Pringle

2015

The 26th Annual Canadian Association of Police Governance Conference.
Dedicated to Excellence in Police Governance in Canada since 1989.

www.capg.ca/event/conference-2015

PRELIMINARY PROGRAM



HILTON SUITES CONFERENCE CENTRE

AUGUST 26 - 29, 2015

MARKHAM, ON

Canadian Association
of Police Governance
157 Gilpin Street, Suite 302
Ottawa, ON K2P 0N8
www.capg.ca

facebook 

LinkedIn 

CONFERENCE CENTRE & ACCOMMODATION



**HILTON TORONTO/MARKHAM SUITES
CONFERENCE CENTRE & SPA**
8500 WARDEN AVENUE
MARKHAM, ONTARIO L6G 1A5

Donald Cousens Conference Centre



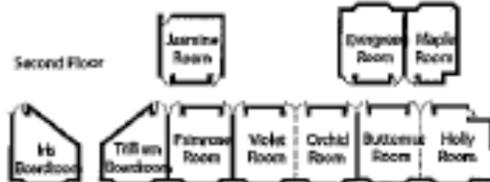
First Floor



Lower Level



Second Floor



WEDNESDAY, AUGUST 26

*Registration/Info desk will open Tuesday, August 25 at 12p.m. to 8p.m.
in the Main Lobby*

Registration/Info desk open at 8:00 a.m. to 8:00 p.m. - Main Lobby

8 a.m. – 12 p.m. | Violet/Orchid Room

PRE-CONFERENCE SESSION: FIRST NATIONS POLICE GOVERNANCE AUTHORITIES

In response to feedback we received from our First Nations delegates at our 2014 Conference, the CAPG has organized a morning session dedicated exclusively to First Nations Police Governance authorities. This will provide First Nations Police Governance authorities an opportunity to meet and discuss issues unique to their communities.

This session is geared towards delegates who are members of a First Nations community, police service, and/or First Nations Police Governance authority.

Time: TBD | Location TBD

PLACES OF WORSHIP TOUR

For companions and delegates who are not participating in the CAPG Golf Tournament, join us for an exploration of the various places of worship throughout the York Region.

Come celebrate the cultural diversity and learn about the various religions and traditions that make up the rich cultural tapestry of the York Region. The tour will include visits to:

- *A Coptic Christian Church*
- *Synagogue*
- *Buddhist Temple*
- *Sikh Gurdwara*





WEDNESDAY, AUGUST 26, 2015

26TH ANNUAL CAPG GOLF TOURNAMENT

The CAPG Golf Tournament is proudly supporting local groups that provide support for Post-Traumatic Stress Disorder and Victims Services by donating a portion of the proceeds of golf ticket sales.

LOCATION: COPPER CREEK GOLF CLUB

11191 Highway #27 | Kleinburg, ON | 905.893.3370

www.coppercreek.ca

Come experience the breathtaking views of one of the top public courses in Canada. Home of the 4 1/2 hour round guarantee, Copper Creek offers you spectacular play conveniently located just north of Toronto, in the town of Kleinburg.

COST: (price to be confirmed) - Includes green fees, cart, lunch & BBQ dinner.

\$XX.00 OF THE GOLF REGISTRATION WILL BE DONATED TO SUPPORT POST-TRAUMATIC STRESS DISORDER AND VICTIMS SERVICES

TEE TIME: TBD

JOIN US AFTER THE TOURNAMENT FOR DINNER AT COPPER CREEK. DELEGATES AND COMPANIONS NOT PARTICIPATING IN THE TOURNAMENT ARE WELCOME TO JOIN US FOR DINNER. THE COST IS \$50.00 HST INCLUDED.

BBQ TICKETS: \$50.00 (HST included)



DAY 1 - THURSDAY, AUGUST 27

Registration/Info desk open at 7 a.m. to 5 p.m. - Conference Centre Foyer

7 a.m. – 8 a.m. | Conference Centre 1 & 2

BREAKFAST

8 a.m. – 8 a.m. | Conference Centre 3

OPENING CEREMONIES

**Mayor Frank Scarpitti, Chair, YRPSB
Chief Eric Jolliffe, YRP
Cathryn Palmer, CAPG President**

Introduction of Andrew Graham, Conference Facilitator

8:30 a.m. – 9:30 a.m. | Conference Centre 3

KEYNOTE SPEECH

Stephen Lewis

Stephen Lewis' work with the United Nations has spanned more than two decades. He was the UN Secretary-General's Special Envoy for HIV/AIDS in Africa from June 2001 until the end of 2006. From 1995 to 1999, Mr. Lewis was Deputy Executive Director for UNICEF at the organization's global headquarters in New York. From 1984 to 1988, he was Canada's Ambassador to the United Nations.

His keynote speeches provide a global perspective and emphasize the ripple effects of attacks on diversity. He has also spoken about the abuse of people with intellectual and physical disabilities, as well as the issues of gender inequality and the struggles faced by those from LGBTQQ communities worldwide.

Stephen Lewis is the board chair of the Stephen Lewis Foundation. He is a Distinguished Visiting Professor at Ryerson University in Toronto, and he is co-founder and co-director of AIDS-Free World in the US.

9:30 a.m. – 10 a.m. | Conference Centre Foyer

NETWORKING BREAK

10 a.m. – 11 a.m. | Conference Centre 3

YORK REGIONAL POLICE CELEBRATES DIVERSITY

**Chief Eric Jolliffe
Inspector Ricky Veerappan
Michael Bowe, , Supervisor, Diversity and Outreach, York Region Children's Aid Society manager**

York Region is the fastest growing region in Ontario and the third fastest in Canada. In 2011, 43% of York Region's residents were of a visible minority. By 2031,



York Region's population is projected to reach 1.5 million people with 62% of the population comprised of visible minorities. This workshop will highlight the strategic partnerships that York Regional Police has built with its minority communities. The goal is to develop positive relationships, obtain a better understanding of the policing needs of these communities and to move our crime prevention programs into communities that have been historically less accepting as a result of their past experiences. Our innovative programs focus on community engagement, education and awareness, organizational culture and building trust and confidence.

11 a.m. – 12:15 p.m. | Conference Centre 3

PANEL DISCUSSION: POLICING IN A DIVERSE COMMUNITY

Pat Capponi, Author

Constable Danielle Bottineau, Toronto Police Services LGBT Liaison Officer

Pat Capponi is a Canadian author and an advocate for mental health issues and poverty issues in Canada. She is the co-facilitator of the *From Surviving to Advising* initiative undertaken by the Centre for Addiction and Mental Health. This effort brings together consumer-survivors with psychiatry residents to allow those with lived experience to work with residents to understand new perspectives of recovery.

Danielle Bottineau is a 16 year veteran police officer with the Toronto Police Service. Danielle has served in

various areas of the Service including Primary Response, Community Response, Family Violence Unit and the Employment unit. In her current position, as Lesbian, Gay, Bisexual, and Transgender (LGBT) Liaison Officer, she focuses on ongoing outreach with community members throughout Toronto and continues to build and establish new partnerships with community organizations, schools, including Non-Government Organizations.

12:15 p.m. – 1 p.m. | Conference Centre 1 & 2

LUNCH

1 p.m. – 2:15 p.m. | Conference Centre 3

KEYNOTE SPEAKER

Dr. Dave Williams

Canadian astronaut and physician Dr. Dave Williams is the President and CEO of Southlake Regional Health Centre and Assistant Professor of Surgery at the University of Toronto.

Dr. Williams joined the Canadian Space Agency in 1992 and made two flights on the Space Shuttle, in 1998 and 2007. He logged more than 687 hours in space during his career, with a record-setting 17 hours and 47 minutes performing spacewalks, including installation work at the International Space Station. Having also lived and worked in the world's only underwater ocean laboratory, he became Canada's first dual astronaut and aquanaut in 2001.



Dr. Williams brings to his role at Southlake an innovative and unique perspective on how to improve the overall patient experience. Applying processes learned through his time at NASA, Dr. Williams believes strongly that the development and marketing of commercialized, innovative solutions – whether it be process solutions, software development or medical device creation – is the key to redefining the healthcare sector and enhancing our economy.

2:15p.m. – 2:30 p.m. | Conference Centre Foyer

NETWORKING BREAK

2:30pm – 4:00pm

ROUNDTABLE DISCUSSIONS

Large Services (force size 400+)

Location: Conference Centre 5

Medium Services (force size 100 – 400)

Location: Conference Centre 4

Small Services (force size – up to 100)

Location: Violet/Orchid

First Nations Services

Location: Evergreen Room

Discussion topics to be determined in advance. A survey will be sent to delegates and the session will be shaped around two or three identified topics.



EVENING ACTIVITIES - THURSDAY, AUGUST 27

Taste of the World: Evening at the Community Safety Village

5:30 p.m. - Buses depart from Hilton Suites

6:00 p.m. - Evening at the Community Safety Village – Come visit the state of the art Community Safety Village and experience this phenomenal educational facility. This evening will include the “Tastes of the World,” a collection of food from our many diverse communities, served in a unique style throughout the mini buildings. York Regional Police will also showcase some of their operational equipment including Air2, Emergency Response vehicles, and Canine Unit demonstrations. Community Services staff will also be available to explain and demonstrate the hands on learning that happens for children from kindergarten through to Grade 5 in traffic safety, pedestrian safety, fire safety, bicycle safety, water safety, internet safety, emergency preparedness and healthy lifestyle choices.



Located within Bruce's Mill Conservation Area in the Town of Whitchurch-Stouffville, the Community Safety Village is an interactive, educational facility where 500,000 students have received safety awareness training over the past 10 years. This facility was created through the hard work of a dedicated group of volunteers and YRP staff who successfully fundraised over \$4.5 million dollars, all without impacting the tax payer. The Community Safety Village has been recognized with numerous awards and is the envy of police services all over North America for its innovative design, educational programs and events related to engaging the public with the police in a positive and interactive way.

The Village features a 10,000 square foot learning centre with classrooms, 36 buildings, working traffic lights and signals and a fully equipped apartment where students learn to plan and execute a safe escape in case of an emergency. The Village also includes a park, accessible playgrounds, a Peace Tree Garden and a pool. Walking tours will be available to learn everything the Village has to offer for people of all ages.

8:30 p.m. - Buses depart from the Community Safety Village

Dress Code: Casual



DAY 2 - FRIDAY, AUGUST 28

Registration/Info desk open at 7 a.m. to 5 p.m. - Conference Centre Foyer

7 a.m. – 8 a.m. | Conference Centre 1 & 2

BREAKFAST

7 a.m. – 1 p.m. | Conference Centre Foyer

BOOTHS

Visit three Booths highlighting various cultural groups from York Region.

8 a.m. – 9:30 a.m. | Conference Centre 3

Joint Session: Raising the Voice of the Victim

Discussing the National Victims Bill of Rights and Violence against Aboriginal Women

Sue O'Sullivan, Federal Ombudsman for Victims of Crime

Dr. Dawn Harvard, President, Native Women's Association of Canada

First Nations communities across Canada have suffered a tremendous loss of women and girls with close to 1200 murdered and missing since 1980. How do we begin to address this national crisis? Dr. Dawn Harvard, President of the Native Women's Association of Canada, will discuss the broader pattern of violence and discrimination and how we can confront the issue.

On April 3 2014, Canada passed the Canadian Victims Bill of Rights. For the first time Canada has a victims'

legislation. How can the legislation be strengthened around implementation and enforcement? Sue O'Sullivan, Federal Ombudsman for Victims of Crime, will provide an update on the Victims Bill of Rights.

In this Joint Session, Dr. Harvard and Ms. O'Sullivan will discuss how they can work together to address the needs of the victims especially the families of the murdered and missing aboriginal women.

9:30 a.m. – 10:45 a.m. | Conference Centre 3

ON THE CUSP OF RADICALIZATION: RECOGNIZING THE SIGNS AND COMMUNITY MOBILIZATION

Inspector Ricky Veerappan, York Regional Police

Dr. Abbee Corb, Executive Director, International Institute for Radicalization and Security Studies (IIRSS)

The workshop will examine the pre incident indicators which may be present in those on the cusp of radicalization, ultimately leading to violent extremist acts. The workshop will cover the importance of empowering and mobilizing a community to support and prevent its citizens from becoming involved in violent extremism.

10:45 a.m. – 11 a.m. | Conference Centre Foyer

NETWORKING BREAK



11 a.m. – 12 p.m. | Conference Centre 3

ANNUAL GENERAL MEETING

12 p.m. – 12:30 p.m. | Conference Centre Foyer

NETWORKING BREAK

12:30 p.m. – 1:30 p.m. | Conference Centre 1 & 2

LUNCH WITH UPDATE BY HON. STEVEN BLANEY, MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS (TBC)

1:30pm – 3pm | Various Locations

BREAKOUT SESSIONS:
(FULL SESSION DETAILS BELOW)

PROJECT ARIEL
Location: Violet/Orchid

PEER SUPPORT TEAM
Location: Butternut/Holly

MANAGING SOCIAL MEDIA RISK THROUGH STRATEGY, POLICY AND TRAINING
Location: Conference Centre 5

ONTARIO HUMAN RIGHTS COMMISSION:
WORK WITH POLICING AND THE IMPORTANCE
OF HUMAN RIGHTS FOR POLICE WORK

Location: Conference Centre 4

3 p.m. – 3:15 p.m. | Conference Centre Foyer
NETWORKING BREAK

3:15pm – 4:45pm

BREAKOUT SESSIONS CONTINUED:
(FULL SESSION DETAILS BELOW)

PROJECT ARIEL
Location: Violet/Orchid

PEER SUPPORT TEAM
Location: Butternut/Holly

MANAGING SOCIAL MEDIA RISK THROUGH STRATEGY, POLICY AND TRAINING
Location: Conference Centre 5

ONTARIO HUMAN RIGHTS COMMISSION:
WORK WITH POLICING AND THE IMPORTANCE
OF HUMAN RIGHTS FOR POLICE WORK
Location: Conference Centre 4



BREAKOUT SESSION DETAILS



PROJECT ARIEL

PANELIST:

Detective Shane Mackenzie, York Regional Police

Project Ariel was a ministry funded initiative to assist at-risk youths susceptible to sexual exploitation and human trafficking as well as identifying and offering assistance to juvenile and exploited young women who were working in the sex trade. Some participants were the Ministry of Community and Correctional Services, Victim Services, York Children's Aid Society (CAS), 360 Kids, Ministry of Children and Youth Services, Canada Border Services Agency (CBSA), youth shelters, hospitals. This workshop will provide an overview of the initiative, discuss successes of the program as well as the training of officers and partnerships that were developed.

PEER SUPPORT TEAM

PANELISTS:

Sergeant Beth Milliard, Peer Support Unit, York Regional Police

Jennifer Thompson, Peer Support Unit, York Regional Police

As a result of the Ombudsman Report, In the Line of Duty released in 2012, York Regional Police created a Peer Support Unit. The Unit is dedicated to providing supports, training and education to members and their families regarding psychological wellness. In addition, the Peer Support Unit has put measures in place to be proactive as opposed to reactive when dealing with operational and/or personal issues. This includes deploying members of the Peer Support Team to follow-up with members, implementing Project Safeguard for members in high-risk units, initiating mandatory mental health training for all senior officers and managers and developing a Canadian Police Knowledge Network Suicide Prevention & Awareness module (completion fall of 2015), which will be the first of its



kind in Canada.

MANAGING SOCIAL MEDIA RISK THROUGH STRATEGY, POLICY AND TRAINING

PANELISTS:

Stephanie Mackenzie-Smith, Corporate Communications Supervisor, York Regional Police

Joe Couto, Director of Government Relations and Communications, Ontario Association of Chiefs of Police

Leslie Hughes, Professor of Social Media, University of Ontario, Institute of Technology, PUNCHmedia

The world of social media, especially as it relates to policing, can seem like a minefield filled with risk and potential for disaster. But in this digital age, social media can't be ignored and embracing it as a two-way engagement and communication tool can open the door to transparency and citizen involvement in preventing and solving crime. But how do you know what strategy is right for your police service? Do you need one social media account or many? Should you be on Facebook, Twitter and YouTube? What resources and policies need to be in place before entering the world of social media? How can you succeed in social media while maximizing taxpayer dollars? In this session we'll address the components of a good social media strategy, the policies that you need to have in place to ensure a professional and effective social media presence and discuss compliance through training and education. Following a 45-minute presentation, experts in social media and policing will answer questions from attendees on the challenges of managing social media risk.

ONTARIO HUMAN RIGHTS COMMISSION: WORK WITH POLICING AND THE IMPORTANCE OF HUMAN RIGHTS FOR POLICE WORK

PANELIST:

Shaheen Azmi, Director of Police, Outreach and Education of the Ontario Human Rights Commission

This presentation will review the human rights obligations that police have under human rights legislation and how the Ontario Human Rights Commission (OHRC) has partnered with police organizations in Ontario to support fulfillment of this obligation. Concrete examples of major Commission and police collaborations and partnerships including needs assessments, training, and human rights organizational change partnerships will be reviewed.

EVENING ACTIVITIES - FRIDAY, AUGUST 28

Enjoy a relaxing, laid back atmosphere at the Hilton Toronto/Marham Suites Zen Garden. We will begin the evening activities with a cocktail reception in the Zen Garden, followed by dinner in the Ballroom. Join us after dinner for a beverage at the CAPG Hospitality suite!



6 p.m. – 7 p.m. | Zen Garden, Hilton
Cocktail Reception

7 p.m. – 9 p.m. | Ballroom, Hilton
Dinner

9 p.m. – 12 a.m. | Willow 4
Hospitality Suite

Dress Code: Business Attire/Cocktail



DAY 3 - SATURDAY, AUGUST 29

7 a.m. – 8 a.m. | Conference Centre 1 & 2

BREAKFAST SPONSORED BY OTTAWA POLICE SERVICES BOARD

8 a.m. – 8:30 a.m. | Conference Centre 1 & 2

2016 KICK-OFF - PRESENTATION BY THE OTTAWA POLICE SERVICES BOARD

8:30 a.m. – 10 a.m. | Conference Centre 3

PANEL DISCUSSION: PERSPECTIVES ON LAWSUITS AND COMPLAINTS

**Gerry McNeilly, Independent
Police Review Director**

**Kevin McGivney, Partner,
Borden Ladner Gervais LLP**

Jason Fraser, Counsel, York Regional Police

This panel will discuss some of the issues that arise and the lessons that may be learned from police related lawsuits and public complaints. From a risk management perspective, we will examine issues surrounding the handling of lawsuits and complaints as well as some of the underlying reasons why people file lawsuits and complaints.

10 a.m. – 10:15 a.m. | Conference Centre 1 & 2

NETWORKING BREAK

10:15 a.m. – 11:45 a.m. | Conference Centre 3

PANEL DISCUSSION: INTELLIGENCE OVERVIEW – EXTREMISM TODAY

Inspector D. Boenheim, York Regional Police
Inspector S. Irwin, Toronto Police Services, seconded to RCMP Integrated National Security Enforcement Team
Chief Clive Weighill, Chief of Saskatoon Police, President, Canadian Association of Chiefs of Police

This presentation will provide an overview on the global situation related to extremism and how that has an impact on a community at the local level. The radicalization process will be discussed include an overview of foreign fighters and high risk travelers. Panelists will provide an overview on terrorism enforcement and the mandate of Integrated National Security Enforcement Teams (INSET). Investigations related to terrorism and enforcement will be discussed including how this has an impact on resources at a local level. Current and future trends related to extremism will also be discussed.

11:45 a.m. – 12 a.m. | Conference Centre 3

CONFERENCE WRAP UP

Mayor Frank Scarpitti, Chair, YRPSB
Chief Eric Jolliffe, YRP
Cathryn Palmer, CAPG President





CONTACT US

VISIT THE CONFERENCE PAGE

Canadian Association of Police Governance
157 Gilmour Street, Suite 302
Ottawa, Ontario K2P 0N8

Phone: 613-235-2272
Fax: 613-235-2275

conference@capg.ca

REGISTER NOW

facebook 

Twitter 

LinkedIn 

Google+ 

**The CAPG will take photographs and some video at the 2015 Conference and may use them in the CAPG news or promotional materials. By participating in the CAPG Conference, you grant CAPG the right to use your name and photograph for such purposes.*



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P164. NEW JOB DESCRIPTION – HEALTH & SAFETY ANALYST,
OCCUPATIONAL HEALTH & SAFETY**

The Board was in receipt of the following report June 02, 2015 from Mark Saunders, Chief of Police:

Subject: NEW JOB DESCRIPTION – HEALTH & SAFETY ANALYST,
OCCUPATIONAL HEALTH & SAFETY

Recommendation:

It is recommended that the Board approve the attached new civilian job description and classification for the position of Health & Safety Analyst, Occupational Health & Safety (OHS) (Z23003).

Financial Implications:

The Toronto Police Service's (Service) approved 2015 operating budget includes the civilianization of 43 uniform positions. As a result, the Service's uniform establishment was decreased by 43 positions and the civilian establishment increased by the same number of positions. This civilianization was one of the initiatives in the Chief's Internal Organizational Review (CIOR), and the estimated financial impact (\$800,000 saving) is included in the Service's approved 2015 operating budget.

One of the positions in this initiative was the civilianization of a Staff Sergeant position within OHS. The recommended Health & Safety Analyst, OHS position is classified as a Z23 (35 hour) within the Civilian Senior Officer salary scales, with an annual salary of \$71,830.33 to \$83,351.39 (effective January 1, 2014). An equivalent reduction of one uniform position to the Service's approved establishment is also included in the 2015 operating budget. Therefore, the cost of the civilian position is approximately \$39,000 (including benefits) lower per annum than a uniform staff sergeant position doing this job.

Background/Purpose:

The OHS unit currently has an establishment of three positions in its Safety Section – one Civilian Senior Officer (Z26) position, one Police Constable and one Staff Sergeant. The Safety Section is overseen by the Civilian Senior Officer position which in turn reports to the Manager.

To date, one of the two positions for sworn members within OHS has been held by a Staff Sergeant. The Staff Sergeant is responsible for providing support and guidance to members of the Service's local Joint Health & Safety Committees, responding to members' concerns and requests for assistance, in addition to being responsible for the critical injury reporting and

incident management process. The Staff Sergeant also liaises with the Ministry of Labour in relation to critical incidents and compliance issues.

The member who previously held the OHS Staff Sergeant position has recently been transferred and the position is currently vacant. As a result, the Service reviewed whether this position would be a candidate for civilianization.

Discussion:

OHS is a specialized field requiring specific education, training and experience. Placing a Staff Sergeant without prior OHS experience into this role is not an ideal solution, as they will unlikely have the requisite skills necessary to meet the requirements of the position. This limits the degree of effectiveness of the role, imposes a significant time and training commitment, and creates a steep learning curve for an inexperienced person.

The civilianization of this role will enable the OHS unit to generate a wider and more diverse pool of qualified applicants who have the necessary education and experience. The Health & Safety Analyst position will require a broader set of skills, and this consequently will enable the successful candidate to contribute in a more significant way to the accomplishment of unit and Service objectives.

Conclusion:

The civilianization of the Staff Sergeant position in OHS will have a positive financial impact on the unit's operating budget. It will also improve the overall level of expertise and service that OHS will be able to provide to other units within the Service. Furthermore, the elimination of the need for a sworn member within the OHS unit will provide the opportunity for the Service to reassign a Staff Sergeant to another role within the Service, which is more closely aligned with the core policing function, consistent with the principles of the CIOR. The civilianization of this position, is part of the civilianization of the 43 uniform positions identified in the Service's 2015 approved operating budget.

The job description for the Health & Safety Analyst, OHS is attached. This position has been evaluated through the Service's job evaluation plan and has been determined to be a Z23 (35 hour) position within the Civilian Senior Officer salary scales. The current salary range for a Z23 position is \$71,830.33 to \$83,351.39 per annum, effective January 1, 2014.

As this is a new position, Board approval is required. Subject to Board approval, this position will be staffed in accordance with established procedure.

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

The Board approved the foregoing report.

Moved by: D. Noria



TORONTO POLICE SERVICE
JOB DESCRIPTION

Date Approved:
Board Minute No.:
Total Points: 428
Pay Class: Z23

JOB TITLE:	Health & Safety Analyst	JOB NO.:	NEW
BRANCH:	Corporate Services Command – Human Resources	SUPERSEDES:	
UNIT:	Occupational Health & Safety	HOURS OF WORK:	35 SHIFTS: 1
SECTION:	Safety Section	NO. OF INCUMBENTS IN THIS JOB:	1
REPORTS TO:	Safety Planner & Program Co-ordinator	DATE PREPARED:	2015.02.24

SUMMARY OF FUNCTION:

Assists with the implementation and evaluation of new Service safety programs and initiatives and ensures the ongoing successful maintenance of existing programs under the direction of the Safety Planner & Program Co-ordinator. Provides evidence-based data and information regarding existing and future Safety Section initiatives and ensures a high level of service is provided to units on a daily basis.

DIRECTION EXERCISED:

Provides guidance and consultation to senior management and all employees on issues of occupational health and safety in the workplace.

MACHINES AND EQUIPMENT USED:

TPS workstation with associated software and other office equipment as required. Occupational hygiene equipment such as: noise dosimeter, indoor air quality monitor, respiratory fit testing equipment, etc.

DUTIES AND RESPONSIBILITIES:

1. Responsible for the administration of safety programs such as X-rays, Automated External Defibrillators (AED), respiratory protection, etc.; schedules inspections and training as required; ensures that regulatory and Service procedure requirements are being met through audits and site inspections.
2. Assists in the research and development of future Service safety initiatives; conducts research into legislative requirements, best practices and industry standards to provide recommendations for program development.
3. Supports the ongoing effectiveness of the Internal Responsibility System through liaising with local Joint Health & Safety Committees and providing consultation as required.
4. Evaluates requests for assistance, complaints and concerns from units; investigates complaints and concerns and recommends a course of action; produces regular reports summarizing section activity and identifies opportunities for improvement.
5. Liaises with the Toronto Police College to ensure that training materials are up to date and applicable.
6. Plans and implements Safety Section communication initiatives.

The above statements reflect the principal functions and duties as required for proper evaluation of the job and shall not be construed as a detailed description of all the work requirements that may be inherent in the job or incidental to it.



TORONTO POLICE SERVICE
JOB DESCRIPTION

Date Approved:
Board Minute No.:
Total Points: 428
Pay Class: Z23

JOB TITLE:	Health & Safety Analyst	JOB NO.:	NEW
BRANCH:	Corporate Services Command – Human Resources	SUPERSEDES:	
UNIT:	Occupational Health & Safety	HOURS OF WORK:	35 SHIFTS: 1
SECTION:	Safety Section	NO. OF INCUMBENTS IN THIS JOB:	1
REPORTS TO:	Safety Planner & Program Co-ordinator	DATE PREPARED:	2015.02.24

DUTIES AND RESPONSIBILITIES: (cont'd)

7. Assists with the completion of Board reports and other Service reporting as required; collects and analyzes data and statistical information and compiles reports identifying areas of success and potential gaps.
8. Ensures that reports of critical injuries are promptly reported and documented and that all follow-up requirements are met in a timely manner.
9. Ensures that the unit website is current and up to date; develops and maintains the section SharePoint site.
10. Performs other related duties, as required.

The above statements reflect the principal functions and duties as required for proper evaluation of the job and shall not be construed as a detailed description of all the work requirements that may be inherent in the job or incidental to it.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

#P165. NEW JOB DESCRIPTION – BOOKING OFFICER, DIVISIONS

The Board was in receipt of the following report June 03, 2015 from Mark Saunders, Chief of Police:

Subject: NEW JOB DESCRIPTION – BOOKING OFFICER, DIVISIONS

Recommendation:

It is recommended that the Board approve the attached new civilian job description and classification for the position of Booking Officer, Divisions (C06004).

Financial Implications:

The civilianization of 85 booking officer positions in the Toronto Police Service's (Service) 17 divisions was included in the Service's 2014 operating budget. These positions have been determined to be Class C06 (40 hour week) with an annual salary of \$61,992.72 to \$68,830.92 (effective January 1, 2015). An equivalent reduction of 85 uniform positions in the Service's approved establishment was also included in the 2014 operating budget. The cost of the civilian position is approximately \$32,000 (including benefits) lower than a uniform position doing this job. The total annualized savings, through reduced uniform hiring is therefore, approximately \$2,900,000.

Background/Purpose:

In June of 2012, the Chief's Internal Organization Review (CIOR) team that was assigned to review divisional prisoner management, submitted their final report to the Steering Committee.

One of the recommendations of the review team was that the Service civilianize the uniform booking officer positions in all of the divisions. While this function has traditionally been performed by a police officer, a review of the position indicated that the booker position does not require a police officer for the management of the prisoners or the completion of paperwork.

It was also recommended that the booking officer positions be permanent assignments to divisions, with their supervision, discipline, salaries and backfill, assigned to the respective unit commanders.

In addition to achieving a lower cost for the prisoner management function, some of the other benefits of civilianizing these positions included:

- the redeployment of sworn officers to other core policing areas of the Service;
- enhancing the working relationship between our uniform members and our civilian members; and
- providing another job opportunity for civilian members currently employed by the Service.

A job description for a new “Booking Officer, Divisions” position has been recommended. As this is a new position, Board approval is required.

Discussion:

It was the recommendation of the review team that the Service move directly to implementation of the civilianization of the booking officer positions. These recommendations were based on a “phased in” approach where Court Services would hire replacements for Court Officers who were temporarily assigned to the divisions.

Between September and December of 2012, a total of 65 Court Officers were assigned to divisions. The strain of reduced personnel in court locations has put the remaining implementation on hold. Since that time, Court Services has also experienced challenges with the management of Court Officers assigned to the divisions. These challenges include: the scheduling and availability of Court Officers for weekend and statutory holiday court and use of force training; and Court Officers’ requests for transfer back to Court Services, being refused due to there being no replacements at divisions.

As a result, the Service has decided that the management of the booking officer positions would be transferred to the divisions along with the hiring and training of 85 civilian employees in the newly created position of Booking Officer C06 (40 hour). This title provides a clear indication of the employee’s responsibilities for prisoner management which includes booking, lodging, feeding, security, safety and movement of persons brought into police custody. During the hiring process, a transitional plan will be negotiated with the Toronto Police Association which will allow Court Officers currently in the position to be given the opportunity to transfer back to Court Services or be reclassified into a Booking Officer position. The incumbents in the Booking Officer C06 (40 hour) position will be assigned to the compressed work week (CWW) platoons at the divisions and report to the officer in charge.

Conclusion:

The civilianization of this position is an opportunity to integrate another level of civilians into the divisional setting which will contribute positively to the Service’s organizational culture. Civilianization will also provide members with the opportunity to develop new job skills and understanding related to divisional policing. More importantly, the civilianization of the booker function will allow uniformed officers to focus on core public safety responsibilities, where the authority of a sworn officer is required. In addition, having civilian bookers performing the

prisoner booking function instead of uniform officers, will result in a significantly lower cost to provide that service.

The new job description for the “Booking Officer, Divisions” position is attached. The position has been evaluated using the Service’s job evaluation plan and has been determined to be a Class C06 (40 hour) position within the Unit “C” Collective Agreement, with a salary range of \$61,992.72 to \$68,830.92 per annum, effective January 1, 2015. Subject to Board approval, the Toronto Police Association will be notified accordingly, as required by the collective agreement. This position will be staffed in accordance with established procedure.

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

The Board approved the foregoing report.

Moved by: D. Noria



TORONTO POLICE SERVICE

JOB DESCRIPTION

Date Approved:

Board Minute No.:

Total Points: 443

Pay Class: C06

JOB TITLE: Booking Officer

JOB NO.: NEW

BRANCH: Community Safety Command – Area/Central Field

SUPERSEDES:

UNIT: Divisions

HOURS OF WORK: 40 **SHIFTS:** 3

SECTION: Primary Response

NO. OF INCUMBENTS IN THIS JOB: Multiple

REPORTS TO: Officer in charge

DATE PREPARED: 2015.05.15

SUMMARY OF FUNCTION:

Responsible for prisoner management which includes booking, lodging, feeding, security, safety and movement of persons brought into police custody in accordance with Service procedures.

DIRECTION EXERCISED:

None.

MACHINES AND EQUIPMENT USED:

Handcuffs, leg irons, baton and other security-related devices; TPS workstation with associated software including, Versadex, UCMR, CPIC, DVAMS, CIPS; IntelliBook and associated equipment; Video monitors, recording and other office equipment as required.

DUTIES AND RESPONSIBILITIES:

1. Maintains the security of the cell area and prisoners in custody; escorts prisoners within the division.
2. Manages the booking of prisoners, including searching and placing prisoners in cells; fingerprints and photographs persons in custody and those attending pursuant to an order to attend.
3. Receives, verifies, records and updates information regarding prisoners; submits computer entries related to the booking of persons in custody into a police facility.
4. Orders and distributes meals and medication to prisoners.
5. Facilitates and assists prisoners with telephone calls; ensures telephone calls are properly entered into Versadex in a timely manner.
6. Responsible for the safety, monitoring, recording and reporting on the condition of persons in custody; operates and monitors video recording equipment in the cell area and booking hall (designated operator).
7. Manages persons in emotional crisis and physical distress; uses available resources such as MCIT, Emergency Medical Services or arranges transport to hospital, as appropriate.
8. Regularly communicates with the Officer in Charge regarding all aspects of prisoner status and management including reporting deficiencies in the cell area and with the video recording equipment.
9. Updates and confirms that Crown briefs related to prisoners are accurately compiled for release to the court; ensures paperwork accompanies prisoners.
10. Maintains the Unit Commander's Morning Report and Versadex in relation to prisoner management.
11. Liaises with personnel from prisoner transportation, Court Services and other divisions; coordinates prisoner transportation.

The above statements reflect the principal functions and duties as required for proper evaluation of the job and shall not be construed as a detailed description of all the work requirements that may be inherent in the job or incidental to it.



TORONTO POLICE SERVICE
JOB DESCRIPTION

Date Approved:
Board Minute No.:
Total Points: 443
Pay Class: C06

JOB TITLE:	Booking Officer	JOB NO.:	NEW
BRANCH:	Community Safety Command – Area/Central Field	SUPERSEDES:	
UNIT:	Divisions	HOURS OF WORK:	40 SHIFTS: 3
SECTION:	Primary Response	NO. OF INCUMBENTS IN THIS JOB:	Multiple
REPORTS TO:	Officer in charge	DATE PREPARED:	2015.05.15

DUTIES AND RESPONSIBILITIES: (cont'd)

12. Answers telephone inquiries regarding prisoners.
13. Ensures the safekeeping and lodging of prisoners' personal effects.
14. Ensures evidence identified is recorded and properly stored.
15. Attends court and testifies, as required.
16. Maintains thorough and accurate notes in memorandum book with respect to the handling and care of prisoners including, feedings, searches, medication and cell checks.
17. Performs all other duties, functions and assignments inherent to the position.

.../2

The above statements reflect the principal functions and duties as required for proper evaluation of the job and shall not be construed as a detailed description of all the work requirements that may be inherent in the job or incidental to it.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P166. SPECIAL CONSTABLES – TORONTO TRANSIT COMMISSION -
APPOINTMENTS**

The Board was in receipt of the following report May 20, 2015 from Mark Saunders, Chief of Police:

Subject: APPOINTMENT OF SPECIAL CONSTABLES FOR THE TORONTO
TRANSIT COMMISSION

Recommendation:

It is recommended that the Board approve the appointments of the individuals listed in this report as special constables for the Toronto Transit Commission, subject to the approval of the Minister of Community Safety and Correctional Services.

Financial Implications:

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

Background/Purpose

Under Section 53 of the *Police Services Act of Ontario* (the PSA), the Board is authorized to appoint and re-appoint special constables, subject to the approval of the Minister of Community Safety and Correctional Services (the Minister). Pursuant to this authority, the Board entered into an agreement with the Toronto Transit Commission (TTC) for the administration of special constables (Min. No. P154/14 refers).

At its meeting on January 29, 1998, the Board approved a recommendation that requests for appointment and re-appointment of special constables, who are not members of the Toronto Police Service, be forwarded to the Board with the Chief's recommendation, for the Board's consideration (Min. No. P41/98 refers).

The Service received a request from the TTC to appoint the following individuals as special constables:

**Michelle Love
Joshua Hamon
Donnavan Belle
David Axmith
Jose Costa
Trevor Timbrell**

Discussion:

The TTC special constables are appointed to enforce the *Criminal Code of Canada, Controlled Drugs and Substances Act, Trespass to Property Act, Liquor Licence Act* and *Mental Health Act* on TTC property within the City of Toronto.

The agreement between the Board and the TTC requires that background investigations be conducted on all individuals recommended for appointment and re-appointment as special constables. The Service's Employment Unit completed background investigations on these individuals and there is nothing on file to preclude them from being appointed as special constables for a five year term.

The TTC has advised that the above individuals satisfy all of the appointment criteria as set out in the agreement between the Board and the TTC for special constable appointment. The TTC's current approved complement is 35.

Conclusion:

The Toronto Police Service and the TTC work together in partnership to identify individuals for the position of special constable who will contribute positively to the safety and well-being of persons engaged in activities on TTC property. The individuals currently before the Board for consideration have satisfied the criteria contained in the agreement between the Board and the Toronto Transit Commission.

Acting Deputy Chief of Police, James Ramer, Specialized Operations Command, will be in attendance to answer any questions that the Board may have.

The Board approved the foregoing report.

Moved by: C. Lee

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P167. SPECIAL CONSTABLES – TORONTO COMMUNITY HOUSING
CORPORATION - APPOINTMENTS**

The Board was in receipt of the following report May 20, 2015 from Mark Saunders, Chief of Police:

Subject: APPOINTMENT OF SPECIAL CONSTABLES FOR THE TORONTO
COMMUNITY HOUSING CORPORATION

Recommendation:

It is recommended that the Board approve the appointment of the individuals listed in this report as special constables for the Toronto Community Housing Corporation, subject to the approval of the Minister of Community Safety and Correctional Services.

Financial Implications:

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

Background/Purpose

Under Section 53 of the *Police Services Act of Ontario* (the PSA), the Board is authorized to appoint and re-appoint special constables, subject to the approval of the Minister of Community Safety and Correctional Services (the Minister). Pursuant to this authority, the Board entered into an agreement with the Toronto Community Housing Corporation (TCHC) for the administration of special constables (Min. No. P414/99 refers).

At its meeting on January 29, 1998, the Board approved a recommendation that requests for appointment and re-appointment of special constables, who are not members of the Toronto Police Service, be forwarded to the Board with the Chief's recommendation, for the Board's consideration (Min. No. P41/98 refers).

The Service received a request from the TCHC to appoint the following individuals as special constables:

**Douglas Campbell
Mariusz Swiatek**

Discussion:

The TCHC special constables are appointed to enforce the *Criminal Code of Canada, Controlled Drugs and Substances Act, Trespass to Property Act, Liquor Licence Act* and *Mental Health Act* on TCHC property within the City of Toronto.

The agreement between the Board and the TCHC requires that background investigations be conducted on all individuals recommended for appointment and re-appointment as special constables. The Service's Employment Unit completed background investigations on the two individuals and there is nothing on file to preclude them from being appointed as a special constable for a five year term.

The TCHC has advised that the individuals satisfy all of the appointment criteria as set out in the agreement between the Board and the TCHC for special constable appointment. The TCHC's approved strength of special constables is 83; the current complement is 79.

Conclusion:

The Toronto Police Service and the TCHC work together in partnership to identify individuals for the position of special constable who will contribute positively to the safety and well-being of persons engaged in activities on TCHC property. The individuals currently before the Board for consideration have satisfied the criteria contained in the agreement between the Board and the Toronto Community Housing Corporation.

Acting Deputy Chief of Police, James Ramer, Specialized Operations Command, will be in attendance to answer any questions that the Board may have.

The Board approved the foregoing report.

Moved by: D. Noria

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P168. SPECIAL FUND REQUEST: CANADIAN ASSOCIATION OF POLICE
GOVERNANCE 2015 ANNUAL CONFERENCE**

The Board was in receipt of the following report June 02, 2015 from Alok Mukherjee, Chair:

Subject: SPECIAL FUND REQUEST: CANADIAN ASSOCIATION OF POLICE
GOVERNANCE 2015 ANNUAL CONFERENCE

Recommendation:

It is recommended that, as an exception to the Special Fund policy, the Board approve \$7,500.00 from the Board's Special Fund to support the Canadian Association of Police Governance ("CAPG") 2015 Annual Conference.

Financial Implications:

If the Board approves the recommendation contained in this report, the Special Fund will be reduced by \$7,500.00. As at May 31, 2015, the Special Fund balance is \$1.958M.

Background/Purpose:

CAPG will be holding its annual conference, in York Region, from August 27 – 29, 2015. This year's conference marks the 26th Anniversary of CAPG.

The CAPG conference is one of only two annual opportunities for professional development for Board members and staff and will cover a broad range of topics relevant to police services boards.

A letter from Cathryn Palmer, CAPG President, requesting that we consider providing financial support to the conference, is attached for your consideration. It is customary for the association to seek sponsorship from member boards. TPSB has historically been a supporter of this important national conference, along with its fellow large boards and commissions.

Conclusion:

It is, therefore, recommended that as an exception to the Special Fund policy, the Board approve \$7,500.00 from the Board's Special Fund to support the Canadian Association of Police Governance ("CAPG") 2015 Annual Conference.

The Board approved the foregoing report.

Moved by: J. Tory



157 Gilmour St., Suite 302
Ottawa, Ontario K2P 0N8
Phone: 613.235.2272
Fax: 613.235.2275
www.capg.ca

SENT ELECTRONICALLY

Toronto Police Services Board
40 College Street
7th Floor
Toronto, Ontario M5G 2J3

April 24, 2015

Re: The 26th Annual CAPG Conference

Dear Mr. Mukherjee,

I am writing today to invite your support for the 26th Annual Conference of the Canadian Association of Police Governance (CAPG). The conference, hosted by the York Regional Police Services Board (YRPSB), with support from York Region and the York Regional Police Service, will take place in York Region, Ontario, August 26 – 29, 2015.

Last August in Halifax, Nova Scotia we celebrated a milestone of 25 years of achieving high standards as the national voice of civilian governance for policing excellence in Canada. Our delegates touted the Halifax conference as one of the best and we will be even better in 2015. The CAPG Board and staff have been working with the YRPSB to build the ultimate conference experience. The overarching objective is to provide expert training in areas of police governance, oversight and accountability while also showcasing some leading edge police practices. We have a very exciting program this year, including keynote addresses from Stephen Lewis and Dr. Dave Williams, panels on diversity and radicalization and workshops on everything from social media to human trafficking.

For a quarter of a century, we have delivered a sector leading conference that is affordable, provides rich dialogue and education, and give delegates a chance to experience the host city. With costs increasing each year, and as an unfunded Association, we look to our membership to assist us in delivering our premier conference through financial support. Members have shown their generosity and commitment to the program by sponsoring coffee breaks, hospitality suites, lunches or simply contributing whatever their budget can manage. Your contribution helps the CAPG in covering the costs of putting together a first rate conference program and, more importantly, will keep the registration fees for our delegates to a level that even the smallest of police boards are able to afford.

The CAPG annual conference is considered essential attendance for police board members for both educational and networking opportunities and for bringing a strong grassroots and civilian perspective to critical policing issues.

So, please take up our offer to sponsor CAPG's 26th Annual Conference. Your support will publicly demonstrate that you value the contributions police boards make across the country, in our own communities, and for the work the CAPG does in presenting a united voice on national issues.

I hope to see you in York Region!

Sincerely,

Cathryn Palmer, President

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P169. REQUEST TO RECONSIDER THE CRITERIA FOR SCHOOL
CROSSING GUARDS**

The Board was in receipt of correspondence dated March 23, 2015 from Shaun Chen, Chair, Toronto District School Board, containing a request to reconsider the criteria for allocating school crossing guards in order to permit additional crossing guards in areas where there is increased traffic. A copy of Mr. Chen's correspondence is appended to this Minute for information.

The Board approved the following Motion:

THAT the Board receive the correspondence and forward it to the Chief for review and report back to the Board on the results of the review and include any legislation, bylaws or policies that may affect intersections.

Moved by: S. Carroll



Shaun Chen

Chair, Toronto District School Board
Trustee, Ward 21, Scarborough–Rouge River

5050 Yonge Street Tel: (416) 397-2572 E-mail: shaun.chen@tdsb.on.ca
Toronto, Ontario M2N 5N8 Fax: (416) 396-2029 Website: www.shaunchen.com

March 23, 2015

Alok Mukherjee
Chair, Toronto Police Services Board
40 College St
Toronto ON M5G 2J3

Dear Mr. Mukherjee:

At the March 11, 2015 meeting of the Toronto District School Board (TDSB), the following motion was approved:

Whereas, the recent City of Toronto Student Health Survey indicated a need for students to be more physically active;

Whereas, the Toronto District School Board encourages students to walk to school when possible;

Whereas, the traffic in Toronto has grown exponentially in the last few years;

Therefore, be it resolved: That the Chair send a letter to the Toronto Police Services Board, with a copy to the Mayor and Council of the City of Toronto, requesting that the criteria used for allocating crossing guards be revised in order to increase the allocation of crossing guards.

The TDSB requests that the Toronto Police Services Board reconsider its criteria for allocating crossing guards to permit additional crossing guards in areas where children cross our increasingly busy streets to attend school.

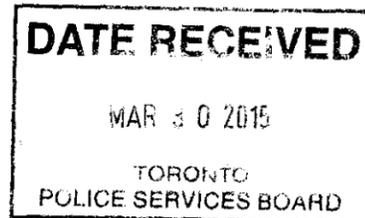
I look forward to your favourable reply.

Sincerely,

A handwritten signature in black ink that reads 'Shaun Chen'.

Shaun Chen

Copy: Mayor and Councillors, City of Toronto
Trustees, Toronto District School Board



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P170. TORONTO POLICE SERVICE COMPLIANCE RATE IN RELATION TO
INFORMATION AND PRIVACY REQUESTS**

The Board was in receipt of the following report June 16, 2015 from Mark Saunders, Chief of Police:

Subject: RESPONSE TO THE CHAIR'S REQUEST FOR A BOARD REPORT
REGARDING THE SERVICE'S COMPLIANCE RATE IN RELATION TO
INFORMATION AND PRIVACY REQUESTS

Recommendations:

It is recommended that:

1. the Board receive this report for its information; and
2. the Board forward a copy of this report to the Ontario Information Privacy Commission for information.

Financial Implications

There are no financial implications relating to this report.

Background/Purpose

The Board received the 2014 Statistical Report - Municipal Freedom of Information and Protection of Privacy Act (the Act) at its meeting on February 19th, 2015 and, as recommended, forwarded it on to the Ontario Information Privacy Commission (IPC) (Minute #P32/2015 refers).

On May 22nd, 2015, a letter from Mr. Brian Beamish, Commissioner, IPC was sent to the attention of Chief Mark Saunders, with a copy to the Chair of the Police Services Board, Dr. Alok Mukherjee. In his letter, Mr. Beamish expressed concern about the low compliance rate by the Toronto Police Service (TPS) in response to submitted Freedom of Information (FOI) access requests. Mr. Beamish also offered assistance to help improve the current system and address any issues that our Service may have, that led to the low compliance numbers. On June 2, 2015, the Chair sent an email to the Chief requesting that the Service provide a public report to the Board for the June 18 meeting clarifying reasons for the decline and describing steps contemplated to address the concern. This report is in response to that request.

Discussion

The Toronto Police Services Board is designated as the head of the organization for the purposes of the Act. The Board has delegated this responsibility to the Chief of Police; therefore, the Toronto Police Service is responsible for receiving, responded to and processing requests from members of the public for information.

The Act requires institutions to respond to requests within 30 calendar days, except in limited circumstances where the legislation permits an extension. All institutions must report to the IPC annually on its ability to meet this response rate standard. In 2004, in response to another letter from the then Commissioner, Ann Cavoukian, the Board set the objective of an 80% compliance rate in 2005 for the Service (P284/04 refers). In addition, the Board approved the hiring of two temporary clerks, but no increase to the Analyst compliment, in an effort to bolster the compliance rate.

Compliance

The Service has aspired to achieve the set target for compliancy each year. Table 1 below highlights the APS compliance rates between the years 2003 to 2014. The chart indicates that the only time the compliance rate of 80% or better was achieved was in the year 2006.

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
<i>Compliance Rate (%)</i>	32.5	32	71.6	82.1	79.4	75.5	76.9	77.5	75.94	58.3	64.7	51.69

Table 1: TPS Compliance rate 2003 – 2014

In each annual report submitted to the Board, an explanation is provided regarding any changes in the compliance rate. As explained in previous Board reports, staffing pressures along with the constant increase in requests are the two main variables affecting the Service's ability to achieve and maintain the recommended compliance rate.

The drastic increase in compliance within two years (2006/2007) was directly attributed to the temporary increase in support staff. The dates and Board Minute numbers have been included for reference purposes (Min. Nos. P32/15, P24/14, P36/13, P23/12, P23/11, P6/10, P4/09 and P6/08 refers).

With the yearly increase in requests received, comparatively, in 2014, the number of new requests received increased by 425 (from 5246 in 2013 to 5671 in 2014). This is an 8.10% increase.

Additionally, through the FOI process, a requester also has the right to appeal the decision on access to records, made by the government institution, to the IPC. This process involves mediation between the assigned Analyst and a Mediator. Mediation can consume an immense amount of time for not only the Access & Privacy (APS) Analyst, but also for any stakeholder or subject-matter expert within the Service. Should mediation not succeed, the Analyst is required to produce written representations to the Adjudicator before a final Order is publicized, either upholding or not upholding the Service's decision.

The Service received 48 appeals in 2014, which is down from 76 appeals in 2013. Though the numbers have decreased, the appeal process continues to take time away from the administering and closing of active files. The progression of mediating closed files with an IPC Mediator and then preparing ‘Notice of Inquiries’ can sometimes go on for months. Representations are written arguments, supported by relevant IPC orders, case law or statutory materials to support the institution’s access decision. This process while legislated continues to negatively impact the unit’s efficiency and contribute heavily to our overall low compliance rate.

Volume

As reported in past Statistical Reports to the IPC, the on-going increase in requests has become a trend since 2003. The Toronto Police Services continues to have the highest volume of requests of any municipal police service. Amongst all government institutions, the only institutions that face comparable numbers of requests would be found in the Provincial sector with only two Ministries carrying a heavier caseload. The two top Ministries – Ministry of the Environment and Climate Change (7,683) and Ministry of Community Safety and Correctional Services (MCSCS) received (5,678) FOI requests with an annual compliance of 81.% and 83.2% respectively in 2014. MCSCS, who had fifteen requests more than TPS, by comparison has two offices handling their requests, located in North Bay and in Toronto. The MCSCS currently has 21 staff members ranging from 1 Coordinator, 2 Deputy Coordinators, part-time Analysts and full-time Analysts, and 4 Administrative positions.

When comparing the volume of requests with other Police Services and government institutions, Table 2 shows the top 10 Municipal Institutes as highlighted by the 2014 IPC Annual Report, with the addition of the staffing numbers in each APS unit.

Organization	2014		Within 30 Days		Staffing	
	Requests Received	Requests Completed	No.	%	Coordinator	Analysts / Clerks
Toronto Police Service	5663	5325	2891	54.3%	1	9 / 1
City of Toronto	2822	2732	1870	68.4%	1	9 / 1
The Corporation of the City of Brampton	1195	1599	1592	99.6%	1	
Niagara Regional Police Service	1598	1337	669	50.0%		2 / 1
York Regional Police Service	1277	1231	991	80.5%	1	4
Durham Regional Police Service	1289	1214	283	23.3%	1	2
Hamilton Waterloo Police Service	1298	1198	1019	85.1%	1	1
Peel Regional Police Service	1186	1195	1195	100.0%	1	2 / 1
Halton Regional Police Service	1162	1096	680	62.0%	1	2
Waterloo Regional Police Service	1018	1046	602	57.6%	1	3

Table 2: Top 10 Municipal Institutions

The amount of requests received by the TPS each year has more than doubled in the last ten years, without any notable staffing increase. Table 3 below demonstrates the 124.9% increase in requests received by TPS from 2003 to 2014.

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Total Submissions	2776	2591	2521	3087	3205	3445	3797	4433	4867	5172	5253	5672
Yearly Rate of Change (%)	8.23	-6.66	-2.70	22.45	3.85	7.49	10.22	16.75	9.79	6.27	1.57	7.98

Table 3: Yearly Rate for Change in requests

In 2014, each Analyst in APS was assigned on average of 621 new files while closing 595 files, which is more than several policing agencies that made the IPC's list (Barrie Police Service, Town of Richmond Hill, Region of Peel, Sarnia Police Service). It is important to note that the closed files include the new 2014 files but also any carryover files from previous years.

Staffing

APS has an established strength of 1 Coordinator, 9 Disclosure Analysts and 1 Clerk. While the established strength for Analysts is 9, APS has been functioning with 8 Disclosure Analysts for the last seven months due to the promotion of the former Coordinator, and the use of an existing Analyst to act in the Coordinator position until a competition has been completed. Due to the number of civilian vacancies in Records Management Services (RMS) as a whole, and with the process for choosing a new APS Coordinator expected to be less than one year, backfilling was not a feasible option due to training requirements.

The authorized staffing strength assigned to APS has changed minimally since 2003 as illustrated in Table 4 below.

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Coordinator	1	1	1	1	1	1	1	1	1	1	1	1
Analysts	7	7	7	7	7	9	9	9	9	9	9	9
Clerks	1	1	1	1	1	1	1	1	1	1	1	1
Temps	0	0	2	2	2	2	2	2	2	2	2	2

Table 4: APS Staffing Breakdown for 2003 - 2014

Clerks

An internal Audit Recommendation in 2005 (1.6 – QA #1891) addressed the need to “*establish a dedicated group of clerical staff to handle the administrative duties related to FOI requests in order to attain efficiencies with respect to specialized responsibilities.*” As previously noted, implementation of this recommendation resulted in the hiring of two temporary clerical staff to augment the role of the permanent clerk. In order to increase compliance expeditiously, between 2005 and 2006, 5 support staff were assigned temporarily to APS.

The hiring of temporary clerical staff members, while a quick measure of relief, did not address the long term needs of this section. Temporary staff within APS, and throughout the Service, continue to actively seek permanent positions within the Service. Since the initial recommendation in 2005, APS has trained over 29 temporary staff, 27 of whom have left APS for full time positions in other areas of the Service. APS continues to lose staff just at the point where they are trained and are actively assisting in streamlining the FOI process.

In 2014 alone, APS had 6 different temporary clerks, all whom are no longer assigned to work in the APS office. During these periods when trained temporary clerks are not available the necessary administrative work is absorbed by the Analysts, which further prolongs the completion time of a file for compliancy.

The importance of the clerks cannot be overstated. With each of the Analysts submitting between 4-7 files daily, ranging anywhere from 1 page to 1000's of pages, the assigned clerk has to electronically redact all highlighted information from each page of every file submitted. When we lose a trained redaction clerk, the work bottle necks as the Analysts continue to submit their files. These clerks also handle the ordering and logging of all memorandum book notes and other records requested by the Analysts.

In order for the Unit to achieve the 80% compliance, we believe the solution is to hire a minimum of 4 permanent clerks. Each clerk would be assigned to and be responsible for all of the redacting/ordering/stamping of records on behalf of the Analysts they are assigned to. The use of clerks to complete these tasks would allow the Analysts to focus on the more complicated aspects of the files assigned to them.

Analysts

Despite two Analysts being hired in 2008, the approximate 125% increase in requests received has proven to be overwhelming. Since 2013 an increased demand, combined with the files becoming more complex, has lengthened the amount of time an analyst must allocate to processing each file. Files that may appear benign on the surface have proven to be more complicated as the Analyst searches throughout the Service's units to retrieve the responsive materials, in a timely fashion.

Further, the 30 calendar day legislated response time does not take into account delays in the Service's ability to process such request(s). This includes days that staff are generally not at work (weekends, vacation), the seniority of the staff regarding the amount of vacation time accrued, the number of files allocated to each Analyst or time required for internal consultations with subject matter experts (e.g.: Business Intelligence and Analytics Unit).

In 2014, the media gave much attention to all levels of government with respect to transparency, filing Freedom of Information requests and their lack of access to records. This additional focus has assisted in educating the public and putting the spotlight on access and privacy options throughout the province.

With APS receiving an average of 21 new requests daily, each Analyst will continue to see their caseloads grow exponentially, if not provided with any staffing relief. In order to meet the compliance rate recommended, we believe the solution is to hire a total of seven additional Analysts.

Assistant Coordinator

The office of the Coordinator is the primary access point of contact for members of the public. In order to comply with the 30 day response time, the efficient processing of requests/appeals and ensuring quality customer service, the Coordinator requires additional staffing support. The Coordinator is tasked daily with a myriad of responsibilities that include training, reviewing of all submitted files, making the final decision on access/disclosure, staff supervision, and consulting on privacy issues throughout the Service. As many of these duties take the Coordinator away from the office, it is necessary to have someone to assist in handling the day to day running of the office to ensure operations continue to run smoothly. We believe that the creation of an Assistant Coordinator position and hiring an individual for that position will assist in improving the low compliance rate.

The role of the APS Assistant Coordinator would alleviate some of the pressures imposed upon the Coordinator, particularly in the areas of file review and training. This position would assist the Coordinator in managing some of the essential administrative duties such as supervising contentious issue files as they are being processed, training new staff members, assisting in the review of files and provide awareness training to current members of the Unit on privacy matters as they develop. This second level of review will provide assistance in expediting the closure of all files submitted to the Coordinator. It is a further safeguard to ensure the Service does not breach anyone's privacy by erroneously releasing personal information. Without the Assistant Coordinator position, this review would become an even more onerous task with the hiring of new Analysts, as all of their work product must go through this process.

Also during 2014, the Coordinator received 69 consultations from external agencies which are not part of the statistical report. Such agencies include the Canada Border Services Agency, the Royal Canadian Mounted Police, the Department of Justice, Transport Canada and the Ministry of Community Safety and Correctional Services. These consultations, sought of the Service, demand the Coordinator's time in preparation and response which takes away from the responsibilities of the position in meeting the Board's compliance rate.

It should be noted that when APS was originally established, the Unit did have a class A10 FOI Supervisor position that was removed as an Audit recommendation from the Unit's overall strength in the early 2000's.

Alternatives Considered

In both February and September 2014, the business processes within APS, were reviewed and found to be satisfactory. The main factors hindering APS's ability to meet the set compliance rate was determined to be volume and lack of staffing. Prior to concluding additional staff members were necessary other alternatives were considered.

Clerks:

It was recognized that the temporary clerk positions should be made permanent positions for reasons outlined earlier in this report. The option of converting two existing permanent class

A05 vacancies to permanent A04 positions for re-deployment to the APS was considered and rejected. The re-deployment of positions from another area of RMS would further exacerbate backlogs currently experienced within RMS due to continual vacancies. The negative impact of a reduction of establishment in another section of RMS outweighed the relief to the APS in this re-deployment or the initial financial gain of the differential in salaries.

Analysts:

Re-deployment of existing vacant positions to the APS was considered with regard to the need for additional Analysts. The option of moving vacant class A05 positions to the APS was reviewed and determined not to be viable as it would have a negative impact on the sections where the staff positions have been moved from to accommodate this re-deployment.

Another alternative considered was to use career development opportunities to fill the requested seven Analyst positions sought. This would entail offering civilian Service members an opportunity to gain work experience in the APS. Career development opportunities are usually set as a 6 month or 1 year timeframe during which time the member is paid at his/her current salary level. Therefore, there would be no financial implications to this alternative.

Due to the intense training for the Analyst position, a one year turn-around is necessary to see any reasonable productivity. Unfortunately, the learning curve of the section would mean a career development member would just start to get to a point where he/she would be comfortable in the role and responsibilities of the analyst when he/she would be returned to their home unit. This alternative would provide a very short period of temporary relief at the expense of training and guidance that would be better invested in a permanent member of the unit. For these reasons it was concluded that only the hiring and filling of the 7 Analyst positions would result in any measurable difference in the yearly compliance.

Assistant Coordinator:

An alternative option considered in lieu of the addition of a new establishment to create the new position of Assistant Coordinator was the reduction of two vacant A05 positions elsewhere in the RMS. Again, this option simply shifts the pressures within the RMS unit as it meets the daily challenges of vacancies and consequent backlog. Therefore, this alternative was rejected.

Staffing Solution

Upon reviewing all of the alternatives, it was recognized that they provide at best a short term solution that cannot be sustained without significant impacts on other critical areas of the unit. We believe the solution that would best address the low compliance rate is hiring additional, permanent staff.

In 2014, the Analysts had to deal with an increased individual caseload of approximately 150 files per member, whereas the optimum level in order to successfully complete files in the mandated timeline is estimated to be closer to 75 files. Maintaining a compliance rate of 80% or greater with a caseload of 75 active files per member would be a requirement for seven additional Analysts in the section. (Note: This is based on the current Analysts' caseload of

approximately 150 files [1,200 total] divided by the caseload of 75 files estimated to be needed to maintain compliance). If the established number of Analysts were to increase by seven (7) to sixteen, this would significantly decrease the workload of each, allowing for greater attention to detail, faster processing of the files, and improved customer service.

Hiring four additional clerical support staff in conjunction with hiring additional Analysts would be necessary as they provide vital support in keeping the workflow running smoothly. In having a permanent clerical staffing compliment, the Analysts would have consistent support in addressing the administrative portions of a request, at a reduced financial cost to the Service.

The addition of an Assistant Coordinator role within the office would alleviate the pressures and demands on the Coordinator, which will assist the APS process by allowing for a smoother transition from receipt of a request to the closure of a file. This position will also provide stability within the office and secondary oversight regarding information released by the Service. Therefore it is recommended that the Class 10 Assistant Coordinator position be reinstated.

Overall Financial Impact

The overall financial impact of adding 4 permanent clerks, 7 Analysts and one Assistant Coordinator would be \$2,301,799.91 to \$2,700,634.42, depending on the salary step of the Clerks, Analysts and Assistant Coordinator.

The financial impact of adding an Assistant Coordinator to the APS strength would be the increase to the annual salary range (including benefits) of \$98,981.88 to \$114,301.79 (assuming the position is assessed to be at the previous level of class A10), while the Disclosure Analyst's annual salary range (including benefits) would be from \$84,452.41 to \$95,546.54 per position added. If the additional four Class 4 Clerks sought are added to this Unit strength, the yearly salary range including benefits would be \$57,558.97 to \$71,255.92.

Consequences if not adopted

APS has maintained a reasonable compliance number through the first two quarters of 2015 without increases to staffing, however this has been due to the use of premium pay hours. This expenditure of premium pay dollars has enabled the section to maintain compliance between the high 60s to low 70s per cent for most months. While this was a successful temporary solution, the overdue files (341) that have been moved aside have suffered, thus creating increased complaints from the public. This has been demonstrated through an escalation of telephone calls, letters and in person attendance by the public.

If staffing numbers are not adjusted to match the increasing number of files received yearly, and overtime is not spent, the compliance rate will continue to decline or will remain well below the 80% set by the Board. The ramifications of this will be decreased public confidence in the Service's ability to provide access and transparency to their records in a timely manner.

Conclusion

Although APS continues to seek, and where possible implement, alternative measures to augment the current business processes, to date, this has not proven successful in reaching the desired 80% compliance rate. However, to move forward and improve the Service's ability to respond in a timely fashion to information requests, we believe a more permanent solution would be an increase in the APS establishment that is commensurate with the volume of requests the Service receives.

Deputy Chief Mike Federico, Operational Support Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board approved the foregoing report.

Moved by: C. Lee

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P171. AUTHORIZATION TO ACT IN RELATION TO THE BOARD'S COURT
SECURITY RESPONSIBILITIES**

The Board was in receipt of the following report June 16, 2015 from Mark Saunders, Chief of Police:

Subject: AUTHORIZATION TO ACT IN RELATION TO THE BOARD'S COURT
SECURITY RESPONSIBILITIES

Recommendation:

It is recommended that

- (1) That the Board authorize all police officers and special constables authorized by the Chief of Police to act in relation to the Board's responsibilities under subsection 137(1) of the *Police Services Act* upon the proclamation of the *Security for Courts, Electricity Generating Facilities and Nuclear Facilities Act, 2014*, S.O. 2014, c. 15 Sched. 2, s. 1 and the corresponding amendments to Part X of the *Police Services Act*.

Financial Implications:

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

Background/Purpose:

On June 24, 2015, the *Public Work Protection Act (PWPA)* will be repealed and, as it concerns court security, replaced by amendments to Part X of the *Police Services Act (PSA)*. In accordance with the new subsection 138(1) of the *PSA*, persons who are authorized by the Board to act in relation to the Board's court security responsibilities under subsection 137(1) of the *PSA*, may exercise certain prescribed powers for the purpose of fulfilling those responsibilities.

In 1939, the Province of Ontario enacted the *PWPA* in an emergency session of the Legislature after Canada's entry into the Second World War. Enacted to protect hydroelectric facilities and other critical infrastructure, the *PWPA* empowers peace officers and persons appointed as "guards" to require people to identify themselves and state their business before being granted

entry to a public work, search those people and their vehicles and, where necessary, refuse entry and forcibly remove those who have been denied entry.

In the absence of court security specific legislation, police services in Ontario rely upon the powers conferred under the *PWPA* to maintain court security.

On June 14, 2010, Ontario Regulation 233/10 was enacted and the site of the G20 Summit was designated a “public work” for the purpose of the *PWPA*. The G20 Summit was held on June 26 and 27, 2010 and the regulation was revoked on June 28, 2010. Unfortunately, this new regulation was poorly publicized and widely misinterpreted. Ontario’s Ombudsman would later conclude that this regulation “appears to be contrary to law and not in accordance with the provisions of any Act. It was also unreasonable to support the adoption of that regulation, given that it conferred unnecessary and constitutionally suspect police powers in the volatile and confrontational context of inevitable public protest.” *

The Honourable Roy McMurtry was retained by the provincial government to review the *PWPA* and, in April of 2011, he released his report recommending that it be repealed and replaced with tailored statutes for court security and electricity generating facility security.

Bill 35, *Security for Courts, Electricity Generating Facilities and Nuclear Facilities Act, 2014* was introduced on October 30, 2014 and received royal assent on December 11, 2014. On June 24, 2015, the day to be named by proclamation of the Lieutenant Governor, the *PWPA* will be repealed and Part X of the *PSA* will be amended to add sections 138 to 142 and the following court security powers:

- Requiring any person seeking entry to a courthouse to produce identification and provide information for the purpose of assessing the security risk, if any, posed by the person;
- Searching any person who wishes to enter a courthouse as well as their vehicle;
- Refusing to allow a person to enter or bring property into a courthouse and using reasonable force if necessary;
- Demanding that a person leave a courthouse or remove property from the courthouse and using reasonable force if necessary; and
- Arresting a person with respect to new offences under Part X of the *PSA*.

Conclusion:

While the *PWPA* automatically confers its powers upon peace officers, the new subsection 138(1) of the *PSA* indicates that a person who is authorized by the Board to act in relation to the Board’s court security responsibilities may exercise the above noted powers. There is some ambiguity as to whether Board authorization is again required as a consequence of this amendment. Therefore, out of an abundance of caution, I am recommending that the Board authorize all police officers and special constables authorized by me to act in relation to the Board’s court security responsibilities under subsection 137(1) of the *PSA*.

Deputy Chief Mike Federico, Operational Support Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board approved the foregoing report.

Moved by: S. Carroll



1ST SESSION, 41ST LEGISLATURE, ONTARIO
63 ELIZABETH II, 2014

1^{RE} SESSION, 41^E LÉGISLATURE, ONTARIO
63 ELIZABETH II, 2014

Bill 35

*(Chapter 15
Statutes of Ontario, 2014)*

**An Act to repeal
the Public Works Protection Act,
amend the Police Services Act
with respect to court security
and enact the Security for
Electricity Generating Facilities and
Nuclear Facilities Act, 2014**

The Hon. Y. Naqvi
Minister of Community Safety
and Correctional Services

1st Reading	October 30, 2014
2nd Reading	December 4, 2014
3rd Reading	December 11, 2014
Royal Assent	December 11, 2014

Printed by the Legislative Assembly
of Ontario

Projet de loi 35

*(Chapitre 15
Lois de l'Ontario de 2014)*

**Loi abrogeant la Loi sur
la protection des ouvrages publics,
modifiant la Loi sur les services
policiers en ce qui concerne la sécurité
des tribunaux et édictant
la Loi de 2014 sur la sécurité
des centrales électriques et
des installations nucléaires**

L'honorable Y. Naqvi
Ministre de la Sécurité communautaire
et des Services correctionnels

1 ^{re} lecture	30 octobre 2014
2 ^e lecture	4 décembre 2014
3 ^e lecture	11 décembre 2014
Sanction royale	11 décembre 2014

Imprimé par l'Assemblée législative
de l'Ontario



EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 35 and does not form part of the law. Bill 35 has been enacted as Chapter 15 of the Statutes of Ontario, 2014.

The Bill repeals the *Public Works Protection Act*, amends the *Police Services Act* in relation to court security, and enacts the *Security for Electricity Generating Facilities and Nuclear Facilities Act, 2014*.

SCHEDULE 1 REPEAL OF PUBLIC WORKS PROTECTION ACT

Schedule 1 repeals the *Public Works Protection Act*.

SCHEDULE 2 AMENDMENTS TO POLICE SERVICES ACT

Schedule 2 amends the *Police Services Act*.

The new subsection 138 (1) sets out powers that may be exercised by a person who is authorized by a municipal police services board or who is authorized by the Commissioner of the Ontario Provincial Police to act in relation to court security under section 137 of the Act. The powers include:

- (a) requiring a person who is entering or attempting to enter premises where court proceedings are conducted, or who is on such premises, to identify himself or herself and to provide information related to assessing whether the person poses a security risk;
- (b) searching a person who is entering or attempting to enter premises where court proceedings are conducted, or who is on such premises, as well as the vehicle in which the person is driving and any property in the person's custody or care;
- (c) searching, using reasonable force if necessary, a person in custody who is on premises where court proceedings are conducted or is being transported to or from such premises and any property in the person's custody or care;
- (d) refusing to allow a person to enter premises where court proceedings are conducted, and using reasonable force if necessary to prevent the person's entry; and
- (e) demanding that a person immediately leave premises where court proceedings are conducted, and using reasonable force if necessary to remove the person.

The new section 142 confers on the Lieutenant Governor in Council the power to make regulations governing the exercise of the section 138 powers.

The new section 139 sets out offences and the new subsection 138 (2) provides a power to arrest a person committing any of the offences, without warrant and using reasonable force if necessary. A person who is convicted of any of the offences is liable to a fine not exceeding \$2,000, imprisonment for not more than 60 days, or both.

The new section 140 provides that nothing in Part X affects the power of a judge or judicial officer to control court proceedings or the right of a judge or judicial officer to have access to premises where court proceedings are conducted. It also provides

NOTE EXPLICATIVE

La note explicative, rédigée à titre de service aux lecteurs du projet de loi 35, ne fait pas partie de la loi. Le projet de loi 35 a été édicté et constitue maintenant le chapitre 15 des Lois de l'Ontario de 2014.

Le projet de loi abroge la *Loi sur la protection des ouvrages publics*, modifie la *Loi sur les services policiers* en ce qui concerne la sécurité des tribunaux et édicte la *Loi de 2014 sur la sécurité des centrales électriques et des installations nucléaires*.

ANNEXE 1 ABROGATION DE LA LOI SUR LA PROTECTION DES OUVRAGES PUBLICS

L'annexe 1 abroge la *Loi sur la protection des ouvrages publics*.

ANNEXE 2 MODIFICATION DE LA LOI SUR LES SERVICES POLICIERS

L'annexe 2 modifie la *Loi sur les services policiers*.

Le nouveau paragraphe 138 (1) énonce les pouvoirs que peut exercer la personne qu'une commission municipale de services policiers ou le commissaire de la Police provinciale de l'Ontario autorise à agir à l'égard de la sécurité des tribunaux aux termes de l'article 137 de la Loi. Ces pouvoirs comprennent ce qui suit :

- a) exiger qu'une personne qui pénètre ou tente de pénétrer dans des lieux où se déroulent des instances judiciaires ou qui s'y trouve donne son identité et fournisse des renseignements afin d'évaluer si elle représente un risque pour la sécurité;
- b) procéder à la fouille d'une personne qui pénètre ou tente de pénétrer dans des lieux où se déroulent des instances judiciaires ou qui s'y trouve, ainsi qu'à la fouille du véhicule qu'elle conduit et des biens dont elle a la garde ou le soin;
- c) procéder, en employant au besoin la force raisonnable, à la fouille d'un détenu qui se trouve sur les lieux où se déroulent des instances judiciaires ou qui est transporté à destination ou en provenance de ces lieux et à la fouille des biens dont il a la garde ou le soin;
- d) refuser de permettre à une personne de pénétrer dans des lieux où se déroulent des instances judiciaires et employer au besoin la force raisonnable pour l'empêcher d'y pénétrer;
- e) ordonner qu'une personne quitte immédiatement des lieux où se déroulent des instances judiciaires et employer au besoin la force raisonnable pour la faire partir.

Le nouvel article 142 confère au lieutenant-gouverneur en conseil le pouvoir de régir, par règlement, l'exercice des pouvoirs prévus à l'article 138.

Le nouvel article 139 établit des infractions et le nouveau paragraphe 138 (2) prévoit un pouvoir permettant d'arrêter, sans mandat et en employant au besoin la force raisonnable, toute personne qui commet l'une ou l'autre de ces infractions. La personne qui est déclarée coupable de l'une ou l'autre de ces infractions est passible d'une amende maximale de 2 000 \$ et d'un emprisonnement maximal de 60 jours, ou d'une seule de ces peines.

Le nouvel article 140 prévoit que la partie X n'a pas pour effet de porter atteinte au pouvoir d'un juge ou d'un fonctionnaire judiciaire d'assurer le déroulement des instances judiciaires ni à son droit d'avoir accès aux lieux où se déroulent des instances

that nothing in Part X affects the powers that a person who is granted section 138 powers otherwise has at law. The new section 141 provides that nothing in Part X requires the disclosure of information that is subject to solicitor-client privilege, litigation privilege or settlement privilege.

SCHEDULE 3 SECURITY FOR ELECTRICITY GENERATING FACILITIES AND NUCLEAR FACILITIES ACT, 2014

Schedule 3 enacts the *Security for Electricity Generating Facilities and Nuclear Facilities Act, 2014*.

“Restricted access facility” is defined by subsection 1 (1) as meaning electricity generating facilities to be prescribed by regulation and nuclear facilities to be prescribed by regulation. “Nuclear facility” is defined by subsection 1 (1) as a facility referred to in the definition of that term in the *Nuclear Safety and Control Act* (Canada).

“Premises where a restricted access facility is located” is defined by subsection 1 (1) as meaning any real property relating to the restricted access facility that is under the direct control of its operator, including buildings and structures.

Section 2 authorizes the appointment of persons to provide security services in relation to premises where a restricted access facility is located. Subsection 7 (1) empowers the Lieutenant Governor in Council to make regulations governing these appointments and the qualifications and training of the appointees, imposing additional duties on the appointees, and providing for oversight of the appointees.

Section 3 states that the appointees are peace officers while engaged in providing security services in relation to premises where a restricted access facility is located.

Section 4 sets out powers that may be exercised by the appointees and any other peace officers. The powers include:

- (a) requiring a person who wishes to enter premises where a restricted access facility is located, or who is on such premises, to produce identification and to provide information related to assessing whether the person poses a security risk;
- (b) searching a person who wishes to enter premises where a restricted access facility is located, or who is on such premises, as well as the vehicle in which the person is driving and any property in the person’s custody or care;
- (c) refusing to allow a person to enter, or bring property into, premises where a restricted access facility is located, and using reasonable force if necessary to prevent the person from doing so; and
- (d) demanding that a person immediately leave, or immediately remove property from, premises where a restricted access facility is located, and using reasonable force if necessary to remove the person or the property.

Subsection 7 (1) confers on the Lieutenant Governor in Council the power to make regulations governing the exercise of the section 4 powers.

Section 6 sets out offences and section 5 provides a power to arrest a person committing any of the offences, without warrant and using reasonable force if necessary. A person who is con-

judiciaires. Il prévoit aussi que la partie X n’a pas pour effet de porter atteinte aux pouvoirs qu’a par ailleurs en droit la personne autorisée à exercer les pouvoirs prévus à l’article 138. Le nouvel article 141 prévoit que la partie X n’a pas pour effet d’exiger la divulgation de renseignements protégés par le privilège du secret professionnel de l’avocat, le privilège lié au litige ou le privilège à l’égard des négociations en vue d’un règlement.

ANNEXE 3 LOI DE 2014 SUR LA SÉCURITÉ DES CENTRALES ÉLECTRIQUES ET DES INSTALLATIONS NUCLÉAIRES

L’annexe 3 édicte la *Loi de 2014 sur la sécurité des centrales électriques et des installations nucléaires*.

Le terme «installation à accès restreint» est défini au paragraphe 1 (1) pour désigner à la fois des centrales électriques et des installations nucléaires qui doivent être prescrites par règlement. Le terme «installation nucléaire» est défini au paragraphe 1 (1) comme étant une installation visée dans la définition de ce terme figurant dans la *Loi sur la sûreté et la réglementation nucléaires* (Canada).

Le terme «lieux où est située une installation à accès restreint» est défini par le paragraphe 1 (1) pour s’entendre de tous les biens immeubles qui se rapportent à l’installation à accès restreint et dont l’exploitant a le contrôle direct, y compris les bâtiments et les constructions.

L’article 2 autorise la nomination de personnes pour fournir des services de sécurité relativement à des lieux où est située une installation à accès restreint. Le paragraphe 7 (1) habilite le lieutenant-gouverneur en conseil à prendre des règlements régissant ces nominations et les qualités requises et la formation des personnes nommées, imposant des obligations supplémentaires à celles-ci et prévoyant leur surveillance.

L’article 3 énonce que les personnes nommées sont des agents de la paix lorsqu’elles fournissent de tels services de sécurité.

L’article 4 énonce les pouvoirs que peuvent exercer ces personnes et tout autre agent de la paix. Ces pouvoirs comprennent ce qui suit :

- a) exiger qu’une personne qui souhaite pénétrer dans des lieux où est située une installation à accès restreint ou qui s’y trouve présente une pièce d’identité et fournisse des renseignements afin d’évaluer si elle représente un risque pour la sécurité;
- b) procéder à la fouille d’une personne qui souhaite pénétrer dans des lieux où est située une installation à accès restreint ou qui s’y trouve, ainsi qu’à la fouille du véhicule qu’elle conduit et des biens dont elle a la garde ou le soin;
- c) refuser de permettre à une personne de pénétrer dans des lieux où est située une installation à accès restreint ou d’y apporter des biens et employer au besoin la force raisonnable pour l’en empêcher;
- d) ordonner qu’une personne quitte immédiatement des lieux où est située une installation à accès restreint ou en enlève des biens immédiatement et employer au besoin la force raisonnable pour faire partir la personne ou enlever les biens.

Le paragraphe 7 (1) confère au lieutenant-gouverneur en conseil le pouvoir de régir, par règlement, l’exercice des pouvoirs prévus à l’article 4.

L’article 6 établit des infractions et l’article 5 prévoit un pouvoir permettant d’arrêter, sans mandat et en employant au besoin la force raisonnable, toute personne qui commet l’une ou l’autre de

victed of any of the offences is liable to a fine not exceeding \$2,000, imprisonment for not more than 60 days, or both.

ces infractions. La personne qui est déclarée coupable de l'une ou l'autre de ces infractions est passible d'une amende maximale de 2 000 \$ et d'un emprisonnement maximal de 60 jours, ou d'une seule de ces peines.

**An Act to repeal
the Public Works Protection Act,
amend the Police Services Act
with respect to court security
and enact the Security for
Electricity Generating Facilities and
Nuclear Facilities Act, 2014**

**Loi abrogeant la Loi sur
la protection des ouvrages publics,
modifiant la Loi sur les services
policiers en ce qui concerne la sécurité
des tribunaux et édictant
la Loi de 2014 sur la sécurité
des centrales électriques et
des installations nucléaires**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1. This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2. (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

Schedules

(2) The Schedules to this Act come into force as provided in each Schedule.

Same

(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3. The short title of this Act is the *Security for Courts, Electricity Generating Facilities and Nuclear Facilities Act, 2014*.

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

Contenu de la présente loi

1. La présente loi est constituée du présent article, des articles 2 et 3 et de ses annexes.

Entrée en vigueur

2. (1) Sous réserve des paragraphes (2) et (3), la présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Idem

(2) Les annexes de la présente loi entrent en vigueur comme le prévoit chacune d'elles.

Idem

(3) Si une annexe de la présente loi prévoit que l'une ou l'autre de ses dispositions entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation, la proclamation peut s'appliquer à une ou à plusieurs d'entre elles. En outre, des proclamations peuvent être prises à des dates différentes en ce qui concerne n'importe lesquelles de ces dispositions.

Titre abrégé

3. Le titre abrégé de la présente loi est *Loi de 2014 sur la sécurité des tribunaux, des centrales électriques et des installations nucléaires*.

SCHEDULE 1
REPEAL OF PUBLIC WORKS PROTECTION ACT

Repeal

1. The *Public Works Protection Act* is repealed.

Commencement

2. This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

ANNEXE 1
ABROGATION DE LA LOI SUR LA PROTECTION
DES OUVRAGES PUBLICS

Abrogation

1. La *Loi sur la protection des ouvrages publics* est abrogée.

Entrée en vigueur

2. La présente annexe entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation.

**SCHEDULE 2
AMENDMENTS TO POLICE SERVICES ACT**

1. Part X of the *Police Services Act* is amended by adding the following sections:

Powers of person providing court security

138. (1) A person who is authorized by a board to act in relation to the board's responsibilities under subsection 137 (1) or who is authorized by the Commissioner to act in relation to the Ontario Provincial Police's responsibilities under subsection 137 (2) may exercise the following powers if it is reasonable to do so for the purpose of fulfilling those responsibilities:

1. Require a person who is entering or attempting to enter premises where court proceedings are conducted or who is on such premises,
 - i. to identify himself or herself, and
 - ii. to provide information for the purpose of assessing whether the person poses a security risk.
2. Search, without warrant,
 - i. a person who is entering or attempting to enter premises where court proceedings are conducted or who is on such premises,
 - ii. any vehicle that the person is driving, or in which the person is a passenger, while the person is on, entering or attempting to enter premises where court proceedings are conducted, and
 - iii. any property in the custody or care of the person.
3. Search, without warrant, using reasonable force if necessary,
 - i. a person in custody who is on premises where court proceedings are conducted or is being transported to or from such premises, and
 - ii. any property in the custody or care of the person.
4. Refuse to allow a person to enter premises where court proceedings are conducted, and use reasonable force if necessary to prevent the person's entry,
 - i. if the person refuses to identify himself or herself or provide information under paragraph 1 or refuses to submit to a search under paragraph 2,
 - ii. if there is reason to believe that the person poses a security risk, or

**ANNEXE 2
MODIFICATION DE LA
LOI SUR LES SERVICES POLICIERS**

1. La partie X de la *Loi sur les services policiers* est modifiée par adjonction des articles suivants :

Pouvoirs d'une personne assurant la sécurité des tribunaux

138. (1) La personne qui est autorisée par une commission de police à agir relativement aux responsabilités qu'impose à celle-ci le paragraphe 137 (1) ou qui est autorisée par le commissaire à agir relativement aux responsabilités qu'impose à la Police provinciale de l'Ontario le paragraphe 137 (2) peut exercer les pouvoirs suivants si cet exercice est raisonnable afin de s'acquitter de ces responsabilités :

1. Exiger qu'une personne qui pénètre ou tente de pénétrer dans des lieux où se déroulent des instances judiciaires ou qui s'y trouve :
 - i. d'une part, donne son identité,
 - ii. d'autre part, fournisse des renseignements afin d'évaluer si elle représente un risque pour la sécurité.
2. Procéder, sans mandat, à la fouille :
 - i. d'une personne qui pénètre ou tente de pénétrer dans des lieux où se déroulent des instances judiciaires ou qui s'y trouve,
 - ii. de tout véhicule que la personne conduit ou à bord duquel elle est un passager pendant qu'elle se trouve sur des lieux où se déroulent des instances judiciaires, y pénètre ou tente d'y pénétrer,
 - iii. de tout bien dont la personne a la garde ou le soin.
3. Procéder, sans mandat et en employant au besoin la force raisonnable, à la fouille :
 - i. d'un détenu qui se trouve sur les lieux où se déroulent des instances judiciaires ou qui est transporté à destination ou en provenance de ces lieux,
 - ii. de tout bien dont le détenu a la garde ou le soin.
4. Refuser de permettre à une personne de pénétrer dans des lieux où se déroulent des instances judiciaires et employer au besoin la force raisonnable afin de l'empêcher d'y pénétrer dans les cas suivants :
 - i. si la personne refuse de donner son identité ou de fournir des renseignements conformément à la disposition 1 ou refuse de se soumettre à une fouille conformément à la disposition 2,
 - ii. s'il existe des motifs de croire que la personne représente un risque pour la sécurité,

- iii. for any other reason relating to the fulfilment of the board's responsibilities under subsection 137 (1) or the Ontario Provincial Police's responsibilities under subsection 137 (2).
5. Demand that a person immediately leave premises where court proceedings are conducted, and use reasonable force if necessary to remove the person,
- i. if the person refuses to identify himself or herself or provide information under paragraph 1 or refuses to submit to a search under paragraph 2,
 - ii. if there is reason to believe that the person poses a security risk, or
 - iii. for any other reason relating to the fulfilment of the board's responsibilities under subsection 137 (1) or the Ontario Provincial Police's responsibilities under subsection 137 (2).

Arrest

(2) A person who is authorized by a board or by the Commissioner as described in subsection (1) may arrest, without warrant, any person who,

- (a) after being required to identify himself or herself or provide information under paragraph 1 of subsection (1), enters or attempts to enter premises where court proceedings are conducted without identifying himself or herself or providing the information;
- (b) after being directed to submit to a search under paragraph 2 of subsection (1), enters or attempts to enter premises where court proceedings are conducted without submitting to the search;
- (c) enters or attempts to enter premises where court proceedings are conducted, after a refusal under paragraph 4 of subsection (1); or
- (d) does not immediately leave premises where court proceedings are conducted, after being demanded to do so under paragraph 5 of subsection (1).

Reasonable force

(3) Reasonable force may be used if necessary to make the arrest.

Delivery to police officer

(4) If the person who makes the arrest is not a police officer, he or she shall promptly call for the assistance of a police officer and give the person arrested into the custody of the police officer.

Deemed arrest

- (5) A police officer to whom the custody of a person is

- iii. pour tout autre motif se rapportant à l'acquittement des responsabilités de la commission de police prévues au paragraphe 137 (1) ou des responsabilités de la Police provinciale de l'Ontario prévues au paragraphe 137 (2).

5. Ordonner qu'une personne quitte immédiatement des lieux où se déroulent des instances judiciaires et employer au besoin la force raisonnable pour faire partir la personne dans les cas suivants :

- i. si la personne refuse de donner son identité ou de fournir des renseignements conformément à la disposition 1 ou refuse de se soumettre à une fouille conformément à la disposition 2,
- ii. s'il existe des motifs de croire que la personne représente un risque pour la sécurité,
- iii. pour tout autre motif se rapportant à l'acquittement des responsabilités de la commission de police prévues au paragraphe 137 (1) ou des responsabilités de la Police provinciale de l'Ontario prévues au paragraphe 137 (2).

Arrestation

(2) La personne qui est autorisée par une commission de police ou par le commissaire conformément au paragraphe (1) peut arrêter, sans mandat, quiconque, selon le cas :

- a) pénètre ou tente de pénétrer dans des lieux où se déroulent des instances judiciaires sans donner son identité ni fournir des renseignements après qu'il a été requis de donner son identité ou de les fournir en vertu de la disposition 1 du paragraphe (1);
- b) pénètre ou tente de pénétrer dans des lieux où se déroulent des instances judiciaires sans se soumettre à une fouille après qu'il lui a été ordonné de s'y soumettre en vertu de la disposition 2 du paragraphe (1);
- c) pénètre ou tente de pénétrer dans des lieux où se déroulent des instances judiciaires après qu'un refus lui a été donné en vertu de la disposition 4 du paragraphe (1);
- d) ne quitte pas immédiatement des lieux où se déroulent des instances judiciaires après qu'il lui a été ordonné de le faire en vertu de la disposition 5 du paragraphe (1).

Force raisonnable

(3) La force raisonnable peut être employée au besoin pour procéder à l'arrestation.

Garde de la personne arrêtée confiée à un agent de police

(4) Si la personne qui procède à l'arrestation n'est pas un agent de police, elle demande l'aide d'un agent de police et lui confie la garde de la personne arrêtée dans les plus brefs délais.

Arrestation

- (5) L'agent de police qui se voit confier la garde d'une

Amendments to Police Services Act

given under subsection (4) shall be deemed to have arrested the person for the purposes of the provisions of the *Provincial Offences Act* applying to his or her release or continued detention and his or her bail.

Accommodation

(6) When a person who is authorized by a board or by the Commissioner as described in subsection (1) exercises powers under this section with respect to other persons, he or she shall ensure that those persons are accommodated in accordance with the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*, and this includes accommodation in connection with creed or disability.

Offences

139. (1) A person is guilty of an offence if,

- (a) after being required to identify himself or herself or provide information under paragraph 1 of subsection 138 (1), the person enters or attempts to enter premises where court proceedings are conducted without identifying himself or herself or providing the information;
- (b) after being directed to submit to a search under paragraph 2 of subsection 138 (1), the person enters or attempts to enter premises where court proceedings are conducted without submitting to the search;
- (c) the person enters or attempts to enter premises where court proceedings are conducted, after a refusal under paragraph 4 of subsection 138 (1); or
- (d) the person does not immediately leave premises where court proceedings are conducted, after being demanded to do so under paragraph 5 of subsection 138 (1).

Penalty

(2) A person who is convicted of an offence under this section is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than 60 days, or to both.

Powers not affected**Judicial powers**

140. (1) Nothing in this Part derogates from or replaces the power of a judge or judicial officer to control court proceedings.

Same

(2) Nothing in this Part affects the right of a judge or judicial officer to have access to premises where court proceedings are conducted.

Powers of persons providing court security

(3) Nothing in this Part derogates from or replaces any powers that a person authorized by a board or by the

Modification de la Loi sur les services policiers

personne aux termes du paragraphe (4) est réputé avoir procédé à l'arrestation de la personne dans le cadre des dispositions de la *Loi sur les infractions provinciales* qui s'appliquent à sa mise en liberté ou au maintien de sa détention et à sa caution.

Adaptation

(6) Lorsqu'elle exerce des pouvoirs en vertu du présent article à l'égard d'autres personnes, la personne autorisée par une commission de police ou le commissaire conformément au paragraphe (1) veille à ce qu'il soit tenu compte des besoins de ces personnes conformément à la *Charte canadienne des droits et libertés* et au *Code des droits de la personne*, ce qui inclut la prise de mesures d'adaptation relatives à leur croyance ou handicap.

Infractions

139. (1) Est coupable d'une infraction quiconque, selon le cas :

- a) pénètre ou tente de pénétrer dans des lieux où se déroulent des instances judiciaires sans donner son identité ni fournir des renseignements après qu'il a été requis de donner son identité ou de les fournir en vertu de la disposition 1 du paragraphe 138 (1);
- b) pénètre ou tente de pénétrer dans des lieux où se déroulent des instances judiciaires sans se soumettre à une fouille après qu'il lui a été ordonné de s'y soumettre en vertu de la disposition 2 du paragraphe 138 (1);
- c) pénètre ou tente de pénétrer dans des lieux où se déroulent des instances judiciaires après qu'un refus lui a été donné en vertu de la disposition 4 du paragraphe 138 (1);
- d) ne quitte pas immédiatement des lieux où se déroulent des instances judiciaires après qu'il lui a été ordonné de le faire en vertu de la disposition 5 du paragraphe 138 (1).

Peine

(2) Quiconque est déclaré coupable d'une infraction prévue au présent article est passible d'une amende maximale de 2 000 \$ et d'un emprisonnement maximal de 60 jours, ou d'une seule de ces peines.

Intégrité des pouvoirs**Pouvoirs judiciaires**

140. (1) La présente partie n'a pas pour effet de porter atteinte au pouvoir d'un juge ou d'un fonctionnaire judiciaire d'assurer le déroulement des instances judiciaires, ou de remplacer ce pouvoir.

Idem

(2) La présente partie n'a pas pour effet de porter atteinte au droit qu'a un juge ou un fonctionnaire judiciaire d'avoir accès aux lieux où se déroulent des instances judiciaires.

Pouvoirs des personnes assurant la sécurité des tribunaux

(3) La présente partie n'a pas pour effet de porter atteinte aux pouvoirs qu'une personne autorisée par une

Commissioner as described in subsection 138 (1) otherwise has under the law.

Privilege preserved

141. Nothing in this Part shall operate so as to require the disclosure of information that is subject to solicitor-client privilege, litigation privilege or settlement privilege, or permit the review of documents containing such information.

Regulations, court security powers

142. (1) The Lieutenant Governor in Council may make regulations governing the exercise of the powers conferred by section 138, including,

- (a) regulations imposing restrictions, limitations and conditions on the exercise of those powers;
- (b) regulations for the purpose of safeguarding the rights and freedoms guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*, including regulations that provide for the accommodation of persons in connection with creed or disability.

General or particular

(2) A regulation made under subsection (1) may be general or particular in its application.

Commencement

2. This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

commission de police ou par le commissaire conformément au paragraphe 138 (1) a par ailleurs en droit, ou de remplacer ces pouvoirs.

Maintien du privilège

141. La présente partie n'a pas pour effet d'exiger la divulgation de renseignements protégés par le privilège du secret professionnel de l'avocat, le privilège lié au litige ou le privilège à l'égard des négociations en vue d'un règlement, ni d'autoriser l'examen de documents contenant de tels renseignements.

Règlements : pouvoirs en matière de sécurité des tribunaux

142. (1) Le lieutenant-gouverneur en conseil peut, par règlement, régir l'exercice des pouvoirs conférés par l'article 138, notamment :

- a) assortir cet exercice de restrictions, de limites et de conditions;
- b) viser à préserver les droits et libertés garantis par la *Charte canadienne des droits et libertés* et le *Code des droits de la personne*, y compris prévoir qu'il soit tenu compte des besoins des personnes relativement à leur croyance ou handicap.

Portée

(2) Tout règlement pris en vertu du paragraphe (1) peut être d'application générale ou particulière.

Entrée en vigueur

2. La présente annexe entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation.

**SCHEDULE 3
SECURITY FOR ELECTRICITY
GENERATING FACILITIES AND
NUCLEAR FACILITIES ACT, 2014**

Interpretation

1. (1) In this Act,

“nuclear facility” means a facility referred to in the definition of “nuclear facility” in the *Nuclear Safety and Control Act* (Canada); (“installation nucléaire”)

“premises where a restricted access facility is located” means, with respect to a particular restricted access facility, any real property relating to the restricted access facility that is under the direct control of its operator, including any buildings and structures on that property; (“lieux où est située une installation à accès restreint”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“règlements”)

“restricted access facility” means,

- (a) a prescribed electricity generating facility, and
- (b) a prescribed nuclear facility; (“installation à accès restreint”)

“security services” includes, without limitation, guarding or patrolling for the purpose of protecting persons or property. (“services de sécurité”)

Same

(2) A reference in this Act to premises includes a portion of the premises.

Appointment to provide security services

2. A person may be appointed in accordance with the regulations to provide security services in relation to premises where a restricted access facility is located.

Appointee is peace officer

3. Subject to the regulations, a person appointed under section 2 to provide security services in relation to premises where a restricted access facility is located is a peace officer while engaged in providing those services.

Powers relating to security services for restricted access facilities

4. A peace officer may exercise the following powers if it is reasonable to do so for the purpose of providing security services in relation to premises where a restricted access facility is located:

- 1. Require a person who wishes to enter the premises or who is on the premises,
 - i. to produce identification, and

**ANNEXE 3
LOI DE 2014 SUR LA SÉCURITÉ
DES CENTRALES ÉLECTRIQUES ET
DES INSTALLATIONS NUCLÉAIRES**

Interprétation

1. (1) Les définitions qui suivent s'appliquent à la présente loi.

«installation à accès restreint» S'entend de ce qui suit :

- a) une centrale électrique prescrite;
- b) une installation nucléaire prescrite. («restricted access facility»)

«installation nucléaire» Installation visée dans la définition de «installation nucléaire» de la *Loi sur la sûreté et la réglementation nucléaires* (Canada). («nuclear facility»)

«lieux où est située une installation à accès restreint» Relativement à une installation à accès restreint particulière, s'entend de tous les biens immeubles qui s'y rapportent et dont l'exploitant a le contrôle direct, y compris les bâtiments et les constructions qui s'y trouvent. («premises where a restricted access facility is located»)

«prescrit» Prescrit par les règlements. («prescribed»)

«règlements» Les règlements pris en vertu de la présente loi. («regulations»)

«services de sécurité» S'entend notamment de la garde et des rondes de surveillance effectuées afin de protéger des personnes ou des biens. («security services»)

Idem

(2) La mention, dans la présente loi, de lieux s'entend en outre d'une partie de ceux-ci.

Personne nommée pour fournir des services de sécurité

2. Toute personne peut être nommée conformément aux règlements pour fournir des services de sécurité relativement à des lieux où est située une installation à accès restreint.

Personne nommée : agent de la paix

3. Sous réserve des règlements, la personne nommée en vertu de l'article 2 pour fournir des services de sécurité relativement à des lieux où est située une installation à accès restreint est un agent de la paix lorsqu'elle fournit ces services.

Pouvoirs relatifs aux services de sécurité visant les installations à accès restreint

4. Tout agent de la paix peut exercer les pouvoirs suivants si cet exercice est raisonnable afin de fournir des services de sécurité relativement à des lieux où est située une installation à accès restreint :

- 1. Exiger qu'une personne qui souhaite pénétrer dans les lieux ou qui s'y trouve :
 - i. d'une part, présente une pièce d'identité,

- ii. to provide information for the purpose of assessing whether the person poses a security risk.
2. Search, without warrant,
 - i. a person who wishes to enter the premises or who is on the premises,
 - ii. any vehicle that the person is driving, or in which the person is a passenger, while the person is on, entering or attempting to enter the premises, and
 - iii. any property in the custody or care of the person.
 3. Refuse to allow a person to enter the premises or bring property onto the premises, and use reasonable force if necessary to prevent the person from doing so.
 4. Demand that a person immediately leave the premises or immediately remove property in the custody or care of the person from the premises, and use reasonable force if necessary to remove the person or the property.

Arrest

5. (1) A peace officer may arrest, without warrant, any person who,
 - (a) after being required to produce identification or provide information under paragraph 1 of section 4, enters or attempts to enter premises where a restricted access facility is located without producing the identification or providing the information;
 - (b) after being directed to submit to a search under paragraph 2 of section 4, enters or attempts to enter premises where a restricted access facility is located without submitting to the search;
 - (c) enters or attempts to enter premises where a restricted access facility is located, or brings or attempts to bring property onto such premises, after a refusal under paragraph 3 of section 4;
 - (d) enters, attempts to enter or is found on premises where a restricted access facility is located even though he or she knows, or ought to know, that entry to the premises is prohibited;
 - (e) does not immediately leave premises where a restricted access facility is located, or does not immediately remove property from such premises, after being demanded to do so under paragraph 4 of section 4; or
 - (f) in any other way obstructs or interferes with a peace officer in the exercise of the powers conferred by section 4.

Reasonable force

- (2) Reasonable force may be used if necessary to make the arrest.

- ii. d'autre part, fournisse des renseignements afin d'évaluer si elle représente un risque pour la sécurité.
2. Procéder, sans mandat, à la fouille :
 - i. d'une personne qui souhaite pénétrer dans les lieux ou qui s'y trouve,
 - ii. de tout véhicule que la personne conduit ou à bord duquel elle est un passager pendant qu'elle se trouve sur les lieux, y pénètre ou tente d'y pénétrer,
 - iii. de tout bien dont la personne a la garde ou le soin.
 3. Refuser de permettre à une personne de pénétrer dans les lieux ou d'y apporter des biens et employer au besoin la force raisonnable pour l'en empêcher.
 4. Ordonner qu'une personne quitte les lieux immédiatement ou en enlève immédiatement les biens dont elle a la garde ou le soin et employer au besoin la force raisonnable pour faire partir la personne ou enlever les biens.

Arrestation

5. (1) Tout agent de la paix peut arrêter, sans mandat, quiconque, selon le cas :
 - a) pénètre ou tente de pénétrer dans des lieux où est située une installation à accès restreint sans présenter de pièce d'identité ni fournir des renseignements après qu'il a été requis de la présenter ou de les fournir en vertu de la disposition 1 de l'article 4;
 - b) pénètre ou tente de pénétrer dans des lieux où est située une installation à accès restreint sans se soumettre à une fouille après qu'il lui a été ordonné de s'y soumettre en vertu de la disposition 2 de l'article 4;
 - c) pénètre ou tente de pénétrer dans des lieux où est située une installation à accès restreint ou y apporte ou tente d'y apporter des biens après qu'un refus lui a été donné en vertu de la disposition 3 de l'article 4;
 - d) pénètre, tente de pénétrer ou se trouve dans des lieux où est située une installation à accès restreint même si elle sait ou devrait savoir que l'entrée dans ces lieux est interdite;
 - e) ne quitte pas immédiatement des lieux où est située une installation à accès restreint, ou n'en enlève pas immédiatement des biens, après qu'il lui a été ordonné de le faire en vertu de la disposition 4 de l'article 4;
 - f) entrave ou gêne de toute autre façon l'action d'un agent de la paix dans l'exercice des pouvoirs qui lui sont conférés par l'article 4.

Force raisonnable

- (2) La force raisonnable peut être employée au besoin pour procéder à l'arrestation.

Delivery to police officer

(3) If the person who makes the arrest is not a police officer, he or she shall promptly call for the assistance of a police officer and give the person arrested into the custody of the police officer.

Deemed arrest

(4) A police officer to whom the custody of a person is given under subsection (3) shall be deemed to have arrested the person for the purposes of the provisions of the *Provincial Offences Act* applying to his or her release or continued detention and his or her bail.

Offences

6. (1) A person is guilty of an offence if,

- (a) after being required to produce identification or provide information under paragraph 1 of section 4, the person enters or attempts to enter premises where a restricted access facility is located without producing the identification or providing the information;
- (b) after being directed to submit to a search under paragraph 2 of section 4, the person enters or attempts to enter premises where a restricted access facility is located without submitting to the search;
- (c) the person enters or attempts to enter premises where a restricted access facility is located, or brings or attempts to bring property onto such premises, after a refusal under paragraph 3 of section 4;
- (d) the person enters, attempts to enter or is found on premises where a restricted access facility is located even though he or she knows, or ought to know, that entry to the premises is prohibited;
- (e) the person does not immediately leave premises where a restricted access facility is located, or does not immediately remove property from such premises, after being demanded to do so under paragraph 4 of section 4; or
- (f) the person in any other way obstructs or interferes with a peace officer in the exercise of the powers conferred by section 4.

Penalty

(2) A person who is convicted of an offence under this section is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than 60 days, or to both.

Regulations

7. (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing electricity generating facilities for the purposes of clause (a) of the definition of "restricted access facility" in subsection 1 (1);

Garde de la personne arrêtée confiée à un agent de police

(3) Si la personne qui procède à l'arrestation n'est pas un agent de police, elle demande l'aide d'un agent de police et lui confie la garde de la personne arrêtée dans les plus brefs délais.

Arrestation

(4) L'agent de police qui se voit confier la garde d'une personne aux termes du paragraphe (3) est réputé avoir procédé à l'arrestation de la personne dans le cadre des dispositions de la *Loi sur les infractions provinciales* qui s'appliquent à sa mise en liberté ou au maintien de sa détention et à sa caution.

Infractions

6. (1) Est coupable d'une infraction quiconque, selon le cas :

- a) pénètre ou tente de pénétrer dans des lieux où est située une installation à accès restreint sans présenter de pièce d'identité ni fournir des renseignements après qu'il a été requis de la présenter ou de les fournir en vertu de la disposition 1 de l'article 4;
- b) pénètre ou tente de pénétrer dans des lieux où est située une installation à accès restreint sans se soumettre à une fouille après qu'il lui a été ordonné de s'y soumettre en vertu de la disposition 2 de l'article 4;
- c) pénètre ou tente de pénétrer dans des lieux où est située une installation à accès restreint ou y apporte ou tente d'y apporter des biens après qu'un refus lui a été donné en vertu de la disposition 3 de l'article 4;
- d) pénètre, tente de pénétrer ou se trouve dans des lieux où est située une installation à accès restreint même si elle sait ou devrait savoir que l'entrée dans ces lieux est interdite;
- e) ne quitte pas immédiatement des lieux où est située une installation à accès restreint ou n'en enlève pas immédiatement des biens après qu'il lui a été ordonné de le faire en vertu de la disposition 4 de l'article 4;
- f) entrave ou gêne de toute autre façon l'action d'un agent de la paix dans l'exercice des pouvoirs qui lui sont conférés par l'article 4.

Peine

(2) Quiconque est déclaré coupable d'une infraction prévue au présent article est passible d'une amende maximale de 2 000 \$ et d'un emprisonnement maximal de 60 jours, ou d'une seule de ces peines.

Règlements

7. (1) Le lieutenant-gouverneur en conseil peut, par règlement :

- a) prescrire des centrales électriques pour l'application de l'alinéa a) de la définition de « installation à accès restreint » au paragraphe 1 (1);

- | | |
|--|---|
| <ul style="list-style-type: none"> (b) prescribing nuclear facilities for the purposes of clause (b) of the definition of “restricted access facility” in subsection 1 (1); (c) governing the appointment of persons under section 2, including providing different appointment processes for different classes of persons, different restricted access facilities or different circumstances, and governing the revocation of appointments; (d) governing the qualifications and training of persons appointed under section 2; (e) governing the exercise by persons appointed under section 2 of the powers of a peace officer; (f) imposing duties on persons appointed under section 2 and governing those duties; (g) providing for oversight of persons appointed under section 2, including, for example, providing processes for making and addressing complaints, reviewing actions and decisions, and conducting inspections and investigations; (h) imposing on operators of restricted access facilities duties that relate to the security services to be provided by persons appointed under section 2, and governing those duties; (i) governing the exercise of the powers conferred by section 4, including imposing restrictions, limitations and conditions on the exercise of those powers. | <ul style="list-style-type: none"> b) prescrire des installations nucléaires pour l'application de l'alinéa b) de la définition de «installation à accès restreint» au paragraphe 1 (1); c) régir la nomination de personnes en vertu de l'article 2, notamment prévoir différentes procédures de nomination pour différentes catégories de personnes, différentes installations à accès restreint ou différentes circonstances et régir la révocation des nominations; d) régir les qualités requises et la formation des personnes nommées en vertu de l'article 2; e) régir l'exercice, par les personnes nommées en vertu de l'article 2, des pouvoirs d'un agent de la paix; f) imposer des obligations aux personnes nommées en vertu de l'article 2 et régir ces obligations; g) prévoir la surveillance des personnes nommées en vertu de l'article 2, notamment prévoir une marche à suivre pour déposer et traiter les plaintes, examiner les mesures et les décisions prises, et effectuer des inspections et des enquêtes; h) imposer aux exploitants d'installations à accès restreint des obligations relatives aux services de sécurité que doivent fournir les personnes nommées en vertu de l'article 2 et régir ces obligations; i) régir l'exercice des pouvoirs conférés par l'article 4, y compris assortir cet exercice de restrictions, de limites et de conditions. |
|--|---|

Rolling incorporation by reference

(2) A regulation made under clause (1) (d), (e) or (i) that incorporates another document by reference may provide that the reference to the document includes amendments made to the document from time to time after the regulation is made.

Commencement

8. The Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

9. The short title of the Act set out in this Schedule is the *Security for Electricity Generating Facilities and Nuclear Facilities Act, 2014*.

Incorporation continue par renvoi

(2) Tout règlement pris en vertu de l'alinéa (1) d), e) ou i) qui incorpore un autre document par renvoi peut prévoir que le renvoi à celui-ci vise également les modifications qui y sont apportées après la prise du règlement.

Entrée en vigueur

8. La loi figurant à la présente annexe entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation.

Titre abrégé

9. Le titre abrégé de la loi figurant à la présente annexe est *Loi de 2014 sur la sécurité des centrales électriques et des installations nucléaires*.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

#P172. ONTARIO RETIREMENT PENSION PLAN

The Board was in receipt of the following report June 17, 2015 from Alok Mukherjee, Chair:

Subject: ONTARIO RETIREMENT PENSION PLAN

Recommendation:

It is recommended that the Board authorize the Chair to write to The Honourable Yasir Naqvi, Minister of Community Safety and Correctional Services to request that the proposed Ontario Retirement Pension Plan (ORPP) be implemented as per the original design set out by the Ontario government and that it not be extended to individuals already enrolled in a Defined Benefit or Defined Contribution pension plan.

Financial Implications:

The financial implications have not been calculated but, if the Province applies the ORPP to OMERS members and employers, the cost to the Toronto Police Services Board is likely to be very significant.

Background/Purpose:

This matter is presented to the Board with a recommendation that the Board direct the Chair to write to the Province echoing the concerns expressed by OMERS, and to seek assurances that the ORPP will not apply to the municipal police sector.

Discussion:

Attached are a letter and a briefing note from the Ontario Municipal Employees Retirement System (OMERS) dated 29 May 2015 to the Honourable M. Hunter, Associate Minister of Finance for the Government of Ontario, expressing concern about the possibility of the Ontario Retirement Pension Plan (ORPP) being applied “universally” with no exemption for comparable existing pension plans, such as OMERS.

The Ontario Association of Police Services Boards (OAPSB) Board of Directors has also been alerted to this concern and is currently seeking clarification.

The concerns have arisen due to recent statements from Government officials that seem to run contrary to previous indications about which categories of Ontarians would be paying into the ORPP. The government’s website currently states: *“Those already participating in a comparable workplace pension plan would not be enrolled in the ORPP.”* Despite this,

Associate Minister Hunter stated in May at a conference that large Defined Benefit (DB) plans such as OMERS, would be among the first groups expected to comply with the ORPP legislation, effective January 1, 2017.

In light of the conflicting messages from the Province, OMERS wrote the attached letter to Associate Minister Hunter expressing strong opposition to any move to have the ORPP applied to the municipal sector. Pension contributions in municipal police budgets are already the second largest expenditure in regard to wages and benefits. Based on calculations prepared by another police employer, if the ORPP is '*stacked*' on top of the existing pension structure now in place, it would equate to the equivalent of an approximately 1.5 per cent increase in wages on an annual basis effective January 1, 2017 (*to be matched by employee contributions*). That would represent an unexpected, unwanted and unnecessary increase in every municipal police budget in this province; an increase that would have to be funded from the municipal property tax. Other concerns are set out in the attached OMERS letter.

Conclusion:

It is recommended that the Board authorize the Chair to write to the Province to request that the proposed Ontario Retirement Pension Plan (ORPP) be implemented as per the original design set out by the Ontario government and that it not be extended to individuals already enrolled in a Defined Benefit or Defined Contribution pension plan.

The Board approved the foregoing report.

Moved by: C. Lee



One University Ave, Suite 400
Toronto, ON M5J 2P1

E-mail/ mlatimer@omers.com
www.omers.com

T/ 416-369-2411
C/ 416-369-1847

May 29, 2015

Hon. Mitzie Hunter
Associate Minister of Finance (Ontario Retirement Pension Plan)
Frost Building South, 6th floor
7 Queen's Park Crescent
Toronto, ON M7A 1Y7

Dear Minister:

We are writing to share our deep concern about the possibility of the ORPP being applied "universally" with no exemption for comparable plans.

At OMERS, we share your conviction that all Ontarians deserve a secure retirement. Every day, we live by our commitment to provide retirement security for the 450,000 members of our Plan. Our members and their employers already contribute a significant portion of each pay towards retirement savings to replace up to 70% of their income. As a result, the ORPP will not necessarily add to the retirement security of our members, and it could disrupt a very successful retirement savings model that has evolved over decades of progress and hard work.

Our concern about "universality" includes potentially serious impacts for Plan members, employers and taxpayers:

- **Impairs the value for Plan members:** We expect contributions to the ORPP would likely drive an offsetting reduction in OMERS contribution rates and benefits; or, it could result in a more expensive approach to retirement savings for members and employers. Either way, Plan members would likely see less value for their contribution dollars and it is likely to be more expensive for employers.
- **Risks lower retirement security for workers who are less than 'full-time':** Part-time employees of our 900+ employers may be less inclined to join the OMERS plan if they are also required to participate in the ORPP, resulting in lower benefits upon retirement for the very people you are intending to assist.
- **May drive uncertainty for municipal budgeting:** The OMERS Plan would mature at an accelerated rate, raising the potential for volatility in contribution rates of members and employers, which then extends to municipal taxpayers.

OMERS offers exactly what you are striving to provide for Ontarians. We are also a committed, long-term partner of the government in many ways, including our important role in the retirement system, and through our investments in the province. We support and create thousands of meaningful jobs, and bring significant value to the economy.

We appreciate the complexity of implementing a program as substantial as the ORPP. It is our view that, regardless of the specific design, you will need a process to manage movements into and out of the Ontario workforce for a variety of reasons. We believe that exempting defined benefit plans, an easily identifiable group with a relatively stable membership base, can follow a similar process. We would be happy to work with you to help make such a process as efficient as possible.

Strengthening retirement security is an important priority. It is so important that we have seconded staff to assist in delivering on this work with you. However, we are concerned about unintended consequences of universality and ask that you follow the original intent of exempting those who already have a secure retirement pension. We would welcome the opportunity to meet with you and to discuss this further.

Yours truly,

Michael Latimer
President and CEO
OMERS Administration Corporation

Deb Preston
Chief Executive Officer
OMERS Sponsors Corporation

c.c. Hon. Charles Sousa, Minister of Finance

Ontario Retirement Pension Plan (ORPP) – Implications of Universality**Context**

- The Ontario government has passed legislation indicating it will implement the ORPP effective January 1, 2017 with a phase in period over two years. Key components of the ORPP are:
 - Employees and employers will contribute an equal amount, capped at 1.9% each (3.8% combined) on an employee's annual earnings up to \$90,000.
 - Earnings above \$90,000 (in 2014 dollars) will be exempt from ORPP contributions.
 - Contributions would be invested by the Ontario Retirement Pension Plan Administration Corporation, an independent pension organization at arm's length from the government.
 - The ORPP contributions and investment funds would be held in trust for ORPP beneficiaries and would not form part of general government revenues.
 - The retirement benefit depends upon how many years members contribute to the pension plan and their salary throughout those years.
 - ORPP benefits will be indexed to inflation.
- While the ORPP is intended to generate an annual retirement income of about 15% of the members' pre-retirement income, it is unlikely these benefits will be guaranteed (like the OMERS benefit).
- The government originally announced that any member in a "comparable workplace pension plan" would be exempt from required participation in the ORPP.
- Comparable pension plans were initially defined as defined benefit and target benefit plans – including OMERS (although it is not clear whether part-time employees not yet in OMERS would be required to participate in the ORPP, as noted in the February joint Board letter in response to the consultation).
- Throughout a consultation process, the Province heard many divergent objections to the comparable pension plan approach. The Budget papers noted that some stakeholders believe DC plans should also be considered comparable, while other stakeholders prefer mandatory membership for all Ontario workers ("universality").
- In addition to input through the consultation process, we understand the ORPP implementation team believes that universality will make operational processes more straightforward. However, nothing about launching ORPP will be easy. For example, even if the ORPP is universal, the government will have to develop processes to accommodate workers who move in and out of the Ontario workforce (and hence the ORPP). As such, we believe that the same or a similar process could be applied when workers move in and out of exempted plans.
- An ORPP with universal application would impact OMERS on three fronts: cash flows into the plan, benefit levels, and part-time membership levels. It was also reported that Associate Minister Hunter had stated in a recent conference that employers with DB plans like OMERS would be the first expected to comply with the ORPP on Jan 1, 2017. This timing could create additional administrative challenges relating to re-tooling existing systems and processes to be able to comply with ORPP administration and the associated communications and costs for OMERS employers.

Cash Flows – Contributions and Benefits

- Contributions to the ORPP would likely drive an offsetting reduction in OMERS contribution rates and benefits which would shift our cash-flow to a negative position. We anticipate that this could require changes to our investment strategy. It could also impact our ability to recover from market downturns.
 - If OMERS members and employers are required to contribute 3.8% of payroll (1.9% per side is the current government commitment) to the ORPP, it is highly likely that there would be pressure to reduce contributions to OMERS to offset those contributions that will be paid to the ORPP.
 - *For illustration purposes, if OMERS contribution rates are correspondingly reduced, the reduction in annual contributions is estimated to be \$650 million. This would immediately put OMERS in a negative cash flow position (when pension and benefit payments are higher than contributions).*
 - Such a change in contributions could drive a reduction in benefits that would be provided by OMERS in the future.
 - However, the benefits accrued to date must still be funded and the cash flow mismatch would create additional challenges. It could necessitate a change in the Primary Plan investment mix and could ultimately increase the cost of benefits earned to date, as well as future benefits.
 - In addition, being cash flow negative creates a situation where it could be more difficult to recover from market downturns.

Benefit Levels

- Mandatory ORPP enrollment may reduce the overall value of benefits delivered to our members for the same contribution dollars.
 - While the ORPP design is not yet clear, it is unlikely that the ORPP will provide benefits that are designed to best satisfy the needs of OMERS members (e.g., specific ancillary services we offer).
 - This would reduce the overall value of the benefits our members receive for each dollar they and their employers contribute toward their retirement. The impact would vary by individual and membership class.

Part-Time Member Levels

- Mandatory ORPP enrollment could divert potential members, such as part-time employees, away from OMERS, which in turn could lead to decreased pension coverage for these individuals and detract from the government's objective to promote retirement security.
 - Eligible part-time employees who are not yet in OMERS would likely be less inclined to elect to join OMERS if forced into the ORPP. Since part-timers are a large part of how OMERS grows every year, an ORPP which draws in OMERS potential part-timers will likely increase our plan maturity faster than currently projected potentially increasing the cost of benefits under OMERS.
 - Those part-time employees who choose not to join OMERS as a result of having to join ORPP will most likely end up with a less generous benefit.

Contact for further information: Roberta Hague

Date: May 29, 2015
Prepared by: OAC & SC Management
Distributed to: Sponsors Corporation Board, Administration Corporation Board

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

#P173. NEW POLICY ON POLICE - COMMUNITY ENGAGEMENTS POLICY

The Board was in receipt of the following report June 17, 2015 from John Tory, Mayor and Board Member:

Subject: NEW POLICY ON POLICE-COMMUNITY ENGAGEMENTS

Recommendation:

It is recommended:

1. that the Board support a permanent cancellation of “carding” as defined herein;
2. that the Chief’s decision to continue the suspension of “carding” be extended indefinitely or until such time as a new policy is approved and operationalized;
3. that the Board work closely with the Province as it develops new regulations regarding police-community engagements and submit a set of guiding principles for consideration;
4. that the Chair report back to the Board with a draft policy no later than two months after legislative approval of any regulatory changes that aligns with those regulatory changes;
5. that the Board work with the Chief, PACER Advisory Committee, community representatives, the Toronto Police Association, the Senior Officers’ Association, and other relevant stakeholders to establish this new policy; and
6. that on an expedited basis, the Chief provide the Board information on the historical data questions outlined in this report, which include:
 - a. What are the legal and practical implications for purging historical data?
 - b. What are the legal and practical implications for purging data that is in no way related to any past or pending criminal investigation?
 - c. What was the rationale for purging the Master Names Index system on a monthly basis of all “carding” information older than one year and one month prior to 2008?
 - d. What is the legal and technical process of transferring all historical information to an independent third-party agency, such as the Office of the Information & Privacy Commissioner of Ontario (IPC) to keep secure but not purge?
 - e. What would be the legal, financial and technical implications of developing an application system for Service members to apply to search the database if it was held by an independent third-party agency based on the public safety purpose definition?

Financial Implications:

There are no financial implications from this report.

Background/Purpose:

On June 7, 2015, I made a public statement as Mayor of the City of Toronto and as a Member of the Toronto Police Services Board of my intention to seek the cancellation of the practice of "carding" and to begin the process of developing a new policy for police-community engagements. I will also seek to further the work already begun by Chief Saunders of establishing strict measures to deal with existing data previously collected as part of "carding."

Discussion:

The practice of "carding" is the subject of profound concern in our community and that concern has been growing. Despite the good-faith intentions of TPS members in their encounters with the public, the degree to which "carding" had a discriminatory impact on minority groups has led to an unacceptable erosion of public trust and confidence in the TPS.

While I was part of a process in recent months intended to reform "carding", it became clear to me that incremental, mediated change was not achieving adequate, timely progress on a practice that has become seen as illegitimate, discriminatory and hurtful. Accordingly, I came to the conclusion that a preferred approach would be to cancel "carding" permanently and start with a clean slate.

On June 17, 2015, Yasir Naqvi, Ontario's Minister of Community Safety & Correctional Services, announced that the provincial government would consult and implement regulatory changes on police-community engagements. As I understand it, their intention is to unify the manner in which encounters, often referred to as "street checks" in other municipal jurisdictions, is governed and practiced. Any regulatory changes would not be introduced until the fall of 2015. This underlines the need for this Board to proceed with its own work outlined herein and to be an active part of the provincial process at the same time.

I am therefore requesting my fellow Board members to approve the recommendations and endorse the guiding principles in this report. Using any Provincial regulatory changes as a foundation, the Board must establish a policy that will provide for better policing that is both protective of the fundamental rights of citizens and effective in maintaining safe communities.

What is "Carding"?

There needs to be clarity around the definition of "carding" and how it relates to police-community engagements more broadly. I've called for a cancellation of "carding" for reasons already outlined in this document. However, I don't believe we can have a situation where there is no policy regarding police-community engagements. First, we want police officers engaging with the public. Second, there must be oversight of police-community engagements to ensure accountability.

To me “carding” is defined as follows:

1. the random stopping of citizens not engaged in or suspected of criminal activity for the purposes of gathering information; and
2. the recording by Service members of those engagements and the retention of that information.

Both the random stopping of otherwise innocent citizens and the recording and retention of that data has eroded public trust without seeming to contribute to greater public safety.

My belief is the Board must eliminate “carding” and, using any Provincial regulatory changes as a foundation, craft a new policy that governs police-community engagements. In doing so, we must provide the TPS with intelligence-based tools that allow Service members to do their jobs and keep Toronto safe, but do not infringe on citizens’ fundamental rights protected under both the *Canadian Charter of Rights and Freedoms (Charter)* and the *Ontario Human Rights Code (Code)*. Finding this balance will take patience and commitment, but this is a task we all must undertake together, working with the Ontario government, Chief Saunders, the PACER Advisory Committee, community representatives, the TPA, and the Senior Officers’ Association.

Guiding Principles

Both the Community Contacts and Community Engagements policies, approved by the Board in 2014 and 2015 respectively, outlined similar principles – ensuring bias-free policing; ensuring the protection of individual rights and freedoms; and outlining when a stop and/or recording is appropriate. The principles are relevant for establishing a new policy that will eliminate arbitrary stops and ensure that fundamental rights are protected while at the same time enabling intelligence-led policing.

The principles that the Board should forward to the Province for consideration are:

- improve police-community interactions and eliminate the collection, retention, use and disclosure of irrelevant personal information;
- identify the much more limited circumstances in which it is appropriate to initiate an engagement or create a record of said engagement;
- improve community confidence in the Service’s ability to provide bias-free policing;
- enhance awareness of human rights and civil liberties under the *Charter*, the *Code* and Board policies;
- ensure provision of more frequent and more effective training on how to conduct community engagements in a way that promotes community trust;
- ensure effective oversight of community engagements by the Board through periodic, independent evaluation and public reporting of contact-related data; and
- achieve this within the context of continued effective policing and the maintenance of safe communities.

Record Management: Data Collection & Retention

There are serious legal and practical implications in either purging or maintaining historical data collected as part of past practices. The Board cannot wade into a proper discussion or make a decision on how to deal with this data until these legal and practical questions are answered. What I am recommending is that the Chief consult with legal staff and relevant stakeholders on the following questions and report back to the August 2015 public Board meeting so the Board can make an informed decision on what should be done:

1. What are the legal and practical implications for purging historical data?
2. What are the legal and practical implications for purging data that in no way relate to any past or pending criminal investigation?
3. What was the rationale of purging the Master Names Index system on a monthly basis of all “carding” information older than one year and one month prior to 2008?
4. What is the legal and technical process of transferring all historical information to an independent third-party agency, such as the Office of the Information & Privacy Commissioner of Ontario (IPC) to keep secure but not purge?
5. What would be the legal, financial and technical implications of developing an application system for Service members to apply to search the database if it was held by an independent third-party agency based on the public safety purpose definition?

Conclusion:

We can start with a clean slate and implement a policy that affirms Toronto as a leader when it comes to diversity, inclusion and respect, as well as excellent, effective and respectful policing. I hope that you, my fellow Board members, support these recommendations as I believe they will lead to a new policy that will help keep crime low in every neighbourhood in this city, protect the fundamental rights of every citizen, and ensure the police continue to have the confidence and support of the communities they serve.

The following persons were in attendance and delivered deputations to the Board about this matter:

- **Bryant Greenbaum**
- **Howard Morton, Law Union of Ontario ***
- **Ruth Goba, Interim Chief Commissioner, Ontario Human Rights Commission ***
- **Noa Mendelsohn Aviv, Canadian Civil Liberties Association**
- **Bev Salmon ***
- **Gordon Cressy and Donna Harrow, Concerned Citizens to End Carding ****
- **Melanie Bobrowski**
- **Anthony Morgan, African Canadian Legal Clinic**
- **Joy Bullen**

- **Desmond Cole**
- **John Sewell, Toronto Police Accountability Coalition**
- **D!ONNE Renée**
- **Chaitanya Kalevar**
- **Knia Singh**

*** written submission also provided; copy on file in the Board office.**

****written submission and petition also provided; copies on file in the Board office.**

Following the deputations, the Board agreed to recess the public meeting for the purpose of moving *in camera* to seek legal advice from its counsel, Karl Druckman, City of Toronto – Legal Services Division (Min. No. C151/15 refers).

Following an *in camera* discussion, the public meeting resumed.

Mayor Tory presented several Motions to the Board for consideration. The Board subsequently approved the following Motions:

- 1. THAT the Board rescind its Community Engagements Policy dated April 16, 2015;**
- 2. THAT, with respect to the Mayor’s report, recommendation no. 1 be replaced with “THAT the Board approve for implementation the Community Contacts Policy dated April 24, 2014”;**
- 3. THAT recommendation no. 2 in the Mayor’s report be deleted;**
- 4. THAT recommendation no. 4 in the Mayor’s report be amended to require the Chair to report back to the Board with recommended changes to the policy approved in Motion No. 2 above as a consequence of regulatory changes implemented by the Government of Ontario, such report to be made to the Board no later than two months after legislative approval of any such regulatory changes;**
- 5. THAT recommendation nos. 3, 5 & 6 in the Mayor’s report be approved; and**
- 6. THAT the deputations and written submissions be received.**

Moved by: J. Tory

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P174. TORONTO 2015 PAN AMERICAN/PARAPAN AMERICAN GAMES –
PROCUREMENT OF TEMPORARY VEHICLE BARRIERS**

The Board was in receipt of the following report June 12, 2015 from Mark Saunders, Chief of Police:

Subject: TORONTO 2015 PAN AMERICAN/PARAPAN AMERICAN GAMES –
PROCUREMENT OF TEMPORARY VEHICLE BARRIERS

Recommendation:

It is recommended that the Board approve Powell Contracting Limited as the supplier of temporary vehicle barriers, for a one-month lease term beginning July 15, 2015 and ending August 15, 2015, to support security measures for Road Events in the Pan American/Parapan American Games (Games).

Financial Implications:

The cost of supplying the barriers for the Games' requirements is \$1,694,300, inclusive of all taxes. The Cost Contribution Agreement (Agreement) negotiated between the Ministry of Community Safety and Correctional Services and the Toronto Police Services Board (Board) provides for reimbursement of all Games-related salary and non-salary incremental expenditures through to October 31, 2015. Prior to knowing the results of the Request for Quotations for the provision of vehicle barriers, a \$1,000,000 cost estimate for the barriers was included in the most recent budget update to the Province, and has been included in the Agreement. Ministry staff have now been advised of the higher cost, and that this puts pressure on the budget cost to be reimbursed by the Province. It is anticipated that savings will be found in other areas of the budget to compensate for this higher-than-anticipated cost.

It should also be noted that the cost indicated above (\$1.69M) is based on current requirements as identified by the Games' planning team. Some flexibility has been included in the RFQ to allow for changes if dictated by changes in Games routing and operational requirements.

Background/Purpose:

Toronto is the host city for the 2015 Pan American/Parapan American Games. The province has designated the OPP as the lead coordinator for the Games with an established Integrated Security Unit comprised of representation from a number of police services in the Greater Golden Horseshoe Region, including: OPP, Toronto Police Service, Niagara Regional Police Service, Halton Regional Police Service, Hamilton Police Service, Peel Regional Police Service, York Regional Police Service, Durham Regional Police Service, and South Simcoe Police Service. There are numerous venues spread across several municipalities in the Greater Golden Horseshoe Region. Many of these venues (in excess of 40) are located in clusters within the boundaries of the City of Toronto.

The responsibility for the security of the Games within the boundaries of the City of Toronto falls to the Toronto Police Service (Service). A number of sporting events (e.g. marathons, triathlons, road cycling and race walks) will occur on Toronto streets. Unlike most other venues, the road events have neither perimeter security (fencing) nor access control (ticketing and accreditation), making security a significant challenge.

Discussion:

Commensurate with the current threat level for the Games, and in accordance with the ISU's mandate to provide a safe environment for the Games and to provide the best possible security to the public and the athletes participating, the Service has identified a requirement for vehicle barriers to enhance the security of Games' athletes and participants. These barriers will provide a rigid defence to vehicular intrusion onto the road event "field of play" at any location where non-Games-related vehicular traffic flows up to, or alongside, the road race course.

A Request for Quotation (RFQ) #1154304-15-2 was issued by the Service's Purchasing Unit, for the supply and delivery of vehicle barriers. The Service advertised the RFQ to interested vendors using MERX, an electronic tendering service designed to facilitate the procurement of goods and services through an open and competitive environment.

The RFQ closed on June 12, 2015 and two responses (Powell Contracting Limited and Ontario Barrier Wall Ltd) were received. The responses were reviewed against the detailed specifications as outlined in the RFQ document and for price. Both respondents met the criteria outlined in the detailed specifications of the RFQ. Powell Contracting Limited provided the lower bid.

The barriers supplied by Powell Contracting Limited meet the requirements of the Ontario Provincial Standard Specifications for vehicle barriers and will be placed in accordance with the Ontario Road Safety manual. They will protect the athlete/participant area by preventing or reducing vehicle penetration and are capable of a controlled redirection of the intruding vehicle. The barriers will be deployed within the portion of the City of Toronto bounded by Windermere Avenue to the west, Bathurst Street to the east, Bloor Street to the north and Lake Ontario to the south.

Conclusion:

As a result of a competitive purchasing process conducted by the Service, Powell Contracting Limited is the recommended vendor for the provision and supply of vehicle barriers for the duration of the Games. The contract award is for \$1,694,300 including taxes based on current traffic plans.

Acting Deputy Chief James Ramer, specialized Operations Command, will be in attendance to answer any questions the Board members may have regarding this report.

The Board approved the foregoing report.

Moved by: C. Lee

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

**#P175. CENTRAL JOINT HEALTH & SAFETY COMMITTEE – BARN
SWALLOWS AT THE MARINE UNIT**

Chair Alok Mukherjee proposed the following Motion arising from his attendance at a Central Joint Health and Safety Committee meeting that was held on June 12, 2015:

THAT the Board authorize the Chair to sign, jointly with Co-Chair Keith Bryan, a letter to a representative at the City of Toronto indicating that the CJHSC is disappointed at the length of time it has taken the City to effectively and permanently address the concerns that have been raised by members at the Marine Unit with regard to the infestation of barn swallows.

Chair Mukherjee said that that it is the position of the CJHSC that this issue has serious health and safety implications and, therefore, requires prompt attention.

The Board approved the foregoing Motion.

Moved by: A. Pringle

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

#P176. *IN CAMERA MEETING* – JUNE 18, 2015

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

The following members attended the *in camera* meeting:

Dr. Alok Mukherjee, Chair
Mr. Andrew Pringle, Vice-Chair
Ms. Shelley Carroll, Councillor & Member
Mr. Chin Lee, Councillor & Member
Ms. Marie Moliner, Member

Absent: Dr. Dhun Noria, Member
 Mr. John Tory, Mayor & Member

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JUNE 18, 2015**

#P177. ADJOURNMENT

Alok Mukherjee
Chair
