

**MINUTES OF THE PUBLIC MEETING** of the Toronto Police Services Board held on **JANUARY 24, 2002** at 1:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

**PRESENT:**

**Norman Gardner**, Chairman  
**Councillor Gloria Lindsay Luby**, Vice Chair  
**Councillor Bas Balkissoon**, Member  
**A. Milliken Heisey, Q.C.**, Member  
**Mayor Mel Lastman**, Member  
**Benson Lau, M.D.**, Member  
**Allan Leach**, Member

**ALSO PRESENT:**

**Julian Fantino**, Chief of Police  
**Albert Cohen**, Legal Services, City of Toronto  
**Deirdre Williams**, Board Administrator

**#P1.**

The Minutes of the Meeting held on DECEMBER 13, 2001 were approved with the exception of #P359/01, regarding the contract for the building renovation and expansion for the Bail & Parole project, which was deleted as it was replaced by Board Minute #P362/01.

The Board also approved the Minutes of the telephone poll that was conducted on DECEMBER 21, 2001.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P2. ELECTION OF THE CHAIRMAN AND VICE CHAIR**

In accordance with section 28 of the *Police Services Act*, which provides that the Board is required to elect a Chair at its first meeting in each year, the Board Administrator requested nominations for the position of Chair.

Councillor Gloria Lindsay Luby nominated Mr. Norman Gardner for the position of Chair which was seconded by Mr. A. Milliken Heisey, Q.C. There were no further nominations.

**There being only one nomination for the office of Chair, Toronto Police Services Board, Norman Gardner was declared elected by acclamation Chair of the Board for the year 2002 and until his successor is appointed.**

In accordance with section 5(4) of the Toronto Police Services Board Procedural By-Law No. 107, which provides that the Board is required to elect a Vice Chair at its first meeting in each year, Chairman Gardner requested nominations for the position of Vice Chair of the Board.

Mayor Mel Lastman nominated Councillor Gloria Lindsay Luby for the position of Vice Chair which was seconded by Mr. Allan Leach. There were no further nominations.

**There being only one nomination for the office of Vice Chair, Toronto Police Services Board, Councillor Gloria Lindsay Luby was declared elected by acclamation Vice Chair of the Board for the year 2002 and until her successor is appointed.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P3. OUTSTANDING REPORTS - PUBLIC**

The Board was in receipt of the following report JANUARY 10, 2002 from Norman Gardner, Chairman:

Subject: OUTSTANDING REPORTS - PUBLIC

Recommendations:

It is recommended that:

- (1) the Board request the Chief of Police to provide the Board with the reasons for the delay in submitting each report requested from the Service and that he also provide new submission dates for each report.

Background:

At its meeting held on March 27, 2000 the Board agreed to review the list of outstanding reports on a monthly basis (Min. No. 113/00 refers). In accordance with that decision, I have attached the most recent list of outstanding public reports that were previously requested by the Board.

**Chairman Gardner advised the Board that the report regarding the Supreme Court decision on strip searches was submitted for the walk-on agenda today and also indicated that the three remaining outstanding reports will be submitted for the February 28, 2002 meeting.**

**The Board received the foregoing.**

**Reports that were expected for the January 24, 2002 meeting:**

<b>Board Reference</b>	<b>Issue – Pending Reports</b>	<b>Report Status</b>	<b>Recommendation Action Required</b>
#P363/01	<p><b>Supreme Court of Canada Decision – Strip Searches</b></p> <ul style="list-style-type: none"> <li>• <u>Issue:</u> to review all TPS procedures pertaining to Searches of Persons and report back to the Board with respect to the TPS’s compliance with the Supreme Court decision</li> </ul>	<p>Report Due: Jan. 24/02            Extension Req’s’d:            Extension Granted:            Revised Due Date:  <b>Status:.....outstanding</b></p>	Chief of Police
#P106/00 #P156/00 #P211/00 #P486/00 #P61/01	<p><b>Annual Audit Work Plan – 2002</b></p> <ul style="list-style-type: none"> <li>• <u>Issue:</u> annual audit work plan to be approved by the Board.</li> <li>• note: 2002 Audit Workplan to include audits of the enhanced HRMS system and/or PSIS system</li> <li>• also include follow-up audit – review of the investigation of sexual assaults</li> </ul>	<p>Next Report Due: Jan. 24/02            Extension Req’s’d:            Extension Granted:            Revised Due Date  <b>Status:.....outstanding</b></p>	City Auditor
#P464/97 #P534/99	<p><b>Complaints – Board’s Policy Directive</b></p> <ul style="list-style-type: none"> <li>• <u>Issue:</u> review policy Directive every two years</li> <li>• policy approved – Dec. 1999</li> </ul>	<p>1st Report Due: Jan. 24/02            Extension Req’s’d:            Extension Granted:            Revised Due Date:  <b>Status:.....outstanding</b></p>	Chairman, Police Services Board
#P465/97 #P534/99	<p><b>Complaints – Against Chief/Deputy Chiefs</b></p> <ul style="list-style-type: none"> <li>• <u>Issue:</u> review Board policy Directive every two years</li> </ul>	<p>1st Report Due: Jan. 24/02            Extension Req’s’d:            Extension Granted:            Revised Due Date:  <b>Status:.....outstanding</b></p>	Chairman, Police Services Board

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P4. 2002 – 2004 BUSINESS PLAN – INFORMATION TECHNOLOGY**

At its meeting on November 15, 2001, the Board approved the Toronto Police Service 2002-2004 Business Plan and requested a presentation including detailed information of the Service's Information Technology Plan for the Board's January 2002 meeting (Min. No. P301/01 refers).

Mr. Larry Stinson was in attendance and presented details of the Service's Information Technology Plan which features the following four components:

- front line policing
- Service priorities
- organization performance improvement
- state of good repair (technology lifecycle)

**The Board received the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P5. 2002 ANNUAL REVIEW OF BOARD REPORTS - PUBLIC**

The Board was in receipt of the following report JANUARY 10, 2002 from Norman Gardner, Chairman:

Subject: 2002 ANNUAL REVIEW OF BOARD REPORTS - PUBLIC

Recommendation:

It is recommended that:

- (1) the New Organizational Design and Implementation of Management Review Report be deleted from the list of quarterly Board reports. The implementation was completed and the final report was received (BM 172/01).
- (2) the report on the testing and evaluation of lethal and less lethal weapons continue to be included in the Professional Standards semi annual report (BM 146/01). Within the report shall be an update on the ongoing M26 Advanced TASER Pilot Project.
- (3) the Use of Force report be deleted from the list of annual Board reports. The Board received the third and final update report in 2000 (BM 255/00).

Background:

It is the policy of the Board: That the Board review, on an annual basis and at its first meeting in January, the annual, semi-annual and quarterly reports it requires (BM156/00 refers).

The Board currently receives:

- 4 reports on a quarterly basis (Management Structure; CIPS; Special Fund; Enhanced Emergency Management Plan).
- 5 reports on a semi-annual basis (Professional Standards; Parking Enforcement Absenteeism, Legal Indemnification, Implementation Status of Board Directions and Audit - Sexual Assault Investigations).
- 26 reports on an annual basis (Annual Review of Reports, CPLC Committees and Divisional Activity, Community and Corporate Donations, Use of Police Image and Crest, Victim Services, Hate Crimes, Race Relations Plan, Secondary Activities, Environmental Scan, Rule Changes, Secondments, Training Programs, CIS Program Review, Special Constables Report (TTC, MTHA (now TCHC), U of T), Operating and Capital Budgets, Police Services Board Budget, Human Resources Strategy, Police

Cooperative Purchasing Group, Parking Tag Issuance, Annual Audit Workplan, Audited Financial Statements of the Board's Special Fund and Trust Fund, Parking Enforcement Unit Budget, Annual Report, and the Use of Force).

- 2 reports received every two years (Complaints – Board Policy Directive, and Complaints against the Chief/Deputy Chiefs).
- 2 reports received every three years (Business Plan and the Environmental Scan).

A list of all the current reports is appended as well as rationale for changes, if recommended, to the reporting requirements.

**The Board approved the foregoing.**



## QUARTERLY REPORTS

REPORT	BACKGROUND	CHANGES DURING THE YEAR	RECOMMENDATION
<i>New Organizational Design and Implementation of Management Review</i>	The Board asked for implementation reports on the financial and staffing details of the new structure.	Report was completed and final update was received. (BM 172/01)	Delete from the list of quarterly Board reports.
<i>Special Fund</i>	The Board has asked for quarterly budget forecast of potential revenues and expenses.	Staff of the Service and the Board has agreed that the reports will be submitted to the Board in May, August, November and April. The Board requested that outstanding commitments or obligations that would impact the balance of the Fund be included in future reports. (BM 99/01)	
<i>CIPS</i>	As a result of the searches of persons data collection discussions, the Board asked for quarterly reports on the implementation of CIPS enhancements.		
<i>Enhanced Emergency Management Plan</i>	A report to the Board with respect to the Service's role in the City's enhanced emergency management plan.	The Chief will provide quarterly reports, commencing April 2002, on the progress of the plan. (BM 356/01)	

## SEMI ANNUAL REPORTS

REPORT	BACKGROUND	CHANGES DURING THE YEAR	RECOMMENDATION
<i>Professional Standards</i>	The Board is required by legislation to review the Chief's administration of the complaints process. The Board receives statistical reports in May and November as well as monthly reports regarding allegations of serious misconduct.	Included in the report will be information regarding lethal and less lethal weapons. The evaluation of the M26 Advanced TASER and Bean Bag and Sock Round Kinetic Energy Impact Projectiles was requested by the Board to be included in the Professional Standards report. (BM 54/01) A preliminary evaluation report was submitted in May/01. (BM 146/01)	The report on the testing and evaluation of lethal and less lethal weapons continue to be included in the Professional Standards semi annual report. With in the report shall be an update on the M26 pilot project. (BM 146/01)
<i>Parking Enforcement Unit – Absenteeism</i>	Semi-annual statistics on absenteeism requested by the City of Toronto's Policy & Finance Committee.	The Board requested that the reports should include actual numbers in addition to percentages and absenteeism data providing comparison with other Service units and City outside workers. (BM 229/01) The Board requested that the next semi-annual absenteeism report include data on the average number of sick days per officer. (BM 334/01)	
<i>Legal Indemnification</i>	A report relating to the payment of all accounts for labour relations counsel, legal indemnification claims and accounts relating to inquests that are approved by Human Resources and Labour Relations.		
<i>Implementation Status of Board Directions</i>	The Board requested this as a result of the OCCPS fact-finding mission. The Chief is required to report on the implementation status of the Board's directions.		
<i>Audit - Sexual Assault Investigations</i>	The Chief is required to report on the implementation of the City Auditor's recommendations in his report – Review of the Investigation of Sexual Assaults.	The Auditor will be conducting a follow-up audit in 2002. Recommendation #29 is still outstanding and implementation is dependent on the development and implementation of the new HRMS system. (BM 121/01, 289/01)	

## ANNUAL REPORTS

REPORT	BACKGROUND	CHANGES DURING THE YEAR	RECOMMENDATION
<i>Annual Review of Reports to be submitted</i>	The Board has directed the Chairman to review all of the annual, semi-annual and quarterly reports the Board has requested.		
<i>CPLC Committees &amp; Divisional Activity</i>	The Board has requested the Chief to provide an annual report on the activities that were funded by the police divisions using Board grants.	The Board requested the Chief to bring forward all future funding requests for the CPLC annual conference. (BM 51/01)	
<i>Community &amp; Corporate Donations</i>	The report identifies all donations that were provided to the Service based upon approvals by the Board and Chief.	Report to be submitted annually. (BM 27/01)	
<i>Use of Police Image and Crest</i>	The report is a summary of the requests for use of the Toronto Police image that were approved and denied during the year.		
<i>Victim Services Program</i>	The Board's (adequacy) policy on victim services requires annual reporting.		
<i>Hate Crimes</i>	The Board's (adequacy) policy on hate crimes requires annual reporting.		
<i>Race Relations Plan</i>	To report annually on the status of the Service's multi-year race relations plan and adjustments where necessary.		
<i>Secondary Activities</i>	The <u>Police Service Act</u> requires the Board to receive reports from the Chief regarding secondary activities.	The report to include a preamble describing policy, reporting requirements and criteria. (BM 55/01)	
<i>Environmental Scan</i>	The Scan has been incorporated into the business planning process. The business planning process is based on a three-year cycle.	The full Environmental Scan is completed every 3 years effective 2002, with updates received annually. (BM27/01)	
<i>'Rule' Changes</i>	The Board has established rules for the effective management of the police service. The purpose of the report is to ensure that the rules are being regularly updated. Changes can be submitted on an as-needed basis if necessary.		

<i>Secondments</i>	A report of all secondments approved by the Chief and submitted in February each year.	The details regarding the number of Services members on secondments to RCMP-United Nations Peacekeeping Missions be included in the annual public report on secondments provided by the Chief. (BM C31/01)	
<i>Training Programs</i>	Annual reports that evaluate the effectiveness of internal Service training programs.	The report to include results of the review on the Advanced Patrol Training course. (BM 97/01)	
<i>Program Review - CIS</i>	The Board requested updates regarding the status of staffing changes and financial statement with savings-to-date.		
<i>Special Constables Annual Report</i> -TTC -MTHA (now TCHC) -U of T	The Board is the appointing body and has entered into legal agreements regarding special constables. The legal agreements require reporting.		
<i>Operating and Capital Budgets</i>	Annual operating and capital budgets are submitted for approval.	The City's Policy & Finance Committee requested that operating budget be submitted in alignment with business plan and include performance indicators. Operating budget to include opportunities for the Board to request funding support from the Provincial and federal governments and also at any time during the year as issues arise. (BM 46/01, 74/01)	
<i>Police Services Board Budget</i>	To review and approve the estimates for the Board's operations.		
<i>Human Resources Strategy</i>	Annual strategy coinciding with annual operating budget to be submitted to the Board for approval.		
<i>Police Cooperative Purchasing Group (PCPG)</i>	The report is a summary of specifications for police-related goods and services, what has been purchased and any savings identified.		
<i>Annual Audit Workplan</i>	It is the policy of the Board to develop an annual audit workplan in conjunction with the City Auditor.	2002 Audit Workplan to include audits of the enhanced HRMS system and/or PSIS system. Also included will be a follow-up audit on the review of the investigation of sexual assaults. (BM 61/01)	

<i>Parking Tag Issuance</i>	Annual parking tag issuance statistics.		
<i>Audited Financial Statements – Board’s Special &amp; Trust Funds</i>	Audited financial statements of the Board’s Special Fund and Trust Funds by Ernst & Young.		
<i>Parking Enforcement Unit Budget</i>	Annual budget for the Parking Enforcement Unit is submitted to the Board for approval.		
<i>Annual Report</i>	An annual report to the Board is required under the adequacy standards regulation.		
<i>Use of Force</i>	Status of the implementation of the internal use of force recommendations	The Board received the third and final update report in 2000. (BM 255/00)	Delete from the list of annual Board reports.

**REQUIRED EVERY 2 YEARS**

REPORT	BACKGROUND	CHANGES DURING THE YEAR	RECOMMENDATIONS
<i>Complaints - Board Policy Directive</i>	Review policy directive every two years. The policy was approved in December 1999. (BM 534/99 )		
<i>Complaints – Against Chief/Deputy Chiefs</i>	Review Board policy directive every two years.		

**REQUIRED EVERY 3 YEARS**

REPORT	BACKGROUND	CHANGES DURING THE YEAR	RECOMENDAITONS
<i>Business Plan</i>	The Board is required to approve a business plan every three years.		
<i>Environmental Scan</i>	A full Environmental Scan is completed every three years. (BM 27/01)		

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P6. BILL 46 – THE PUBLIC SECTOR ACCOUNTABILITY ACT, 2001**

The Board was in receipt of the following report DECEMBER 21, 2001 from Norman Gardner, Chairman:

Subject: BILL 46 - THE PUBLIC SECTOR ACCOUNTABILITY ACT, 2001

Recommendations:

It is recommended that:

- (1) the Board request the Province of Ontario to exempt the Toronto Police Services Board from The Public Sector Accountability Act, and further that
- (2) the Toronto Police Services Board forward this report to the Ontario Association of Police Services Boards and the Big 12 Police Boards for their information and any action they deem necessary.

Background:

On May 9th 2001, the Ontario Minister of Finance introduced Bill 46, The Public Sector Accountability Act. This Bill seeks to increase the accountability of public sector organizations. It has received first reading and is not yet law. If enacted, the Bill would require all public sector organizations, including the Toronto Police Services Board, to fulfil a number of requirements.

There are many definitions of *public sector organization* within the Act that identify the persons and entities to which the Act applies. The Toronto Police Services Board meets the following criteria;

*Every local board as defined in the Municipal Affairs Act and every authority, board, commission, corporation, office or organization of persons some or all of whose members, directors or officers are appointed or chosen by or under the authority of the council of the corporation of a municipality in Ontario.*

The purpose of the Act is for public sector organizations to initiate best practices by measuring their performance against their established goals, to improve program effectiveness and accountability to the public, to improve the delivery of service by preparing a business plan, to improve decision-making by ensuring that relevant information is made available to the public about its objectives and about the effectiveness and efficiency of its activities, and to improve fiscal responsibility by requiring them to prepare a balanced budget.

The proposed Act has the potential to add a layer of bureaucracy to the existing structures in place. Current legislation within the Police Services Act and existing practices of the Toronto Police Service provide a framework for the budgeting process, annual report and business plan. The proposed Act would add a separate governing body, the Minister of Finance, in addition to the Solicitor General. As proposed, the legislation is in conflict with the Police Services Act.

The following section contrasts the proposed legislation with existing legislation.

#### Proposed Legislation

Every public sector organization shall;

- prepare a business plan every year, and the contents of the plan are specified in the Bill.
- The governing body of the organization must approve the business plan.
- plan for a balanced budget every year.
- prepare an annual report, and shall do so within six months after the end of the applicable fiscal year.
- One or more persons licensed as auditors under the Public Accountancy Act must audit the financial statements.
- The governing body of the organization must approve the annual report.
- make available to the public each annual report it prepares under this Act and shall do so within six months after the end of the fiscal year to which it relates.

#### Current Legislation or Practice

- A business plan is prepared at least once every three years. The requirements of the plan are captured under the Police Services Act and its regulations.
- By virtue of the requirement to prepare a business plan, the Board approves the plan.
- The budget process and approvals are adequately covered under the Police Services Act.
- The Chief is required to prepare an annual report for the Board relating to the activities of the police service during the previous fiscal year.
- The audit of the Toronto Police Service's financial accounts is part of the overall annual audit of the City of Toronto's financial statements.
- The Chief is required to prepare an annual report for the Board's approval.
- Boards are required to enter into a protocol with municipal councils to make public a business plan and an annual report, the dates by which the report should be made public is determined by the protocol.

### Proposed Legislation

- Give a copy of its annual report to the Ministry of Finance and to every other ministry of the Crown from which the organization receives funding, directly or indirectly, during the year.
- The Minister of Finance may require the organization to review its financial management, business practices and operating practices if such a review is in the public interest.
- The Minister of Finance may review the organization's financial management, business practices and operating practices if such a review is in the public interest.

### Current Legislation or Practice

- By regulation, the Board must enter into a protocol with its municipal council that addresses the dates by which the business plan and annual report shall be provided to municipal council and to the public
- The Police Services Act currently (i) allows the Solicitor General to monitor police forces to ensure adequate and effective police service is provided and (2) gives OCCOPS authority to direct boards and police services.
- Same as above.

Within the proposed Act, Section 14 governs the collection, use and disclosure of personal information by the Minister of Finance. It provides for the Minister of Finance to collect the personal information of members of the public held by the Service. Although certain restrictions are set out, there are no provisions in the Bill that outline the circumstances under which the collection of this data would be necessary other than for the 'administering and enforcement of the Act'.

### Conclusion

As outlined above, Bill 46, The Public Sector Accountability Act, is in direct conflict with the legislation and existing practices followed by the Toronto Police Services Board. However, Section 3(2) of the proposed Act states, *This Act does not apply to such persons and entities as may be prescribed by regulation, despite section 2.* It is therefore recommended that the Board forward a copy of this report to the provincial legislature and request that The Toronto Police Services Board is granted an exemption from the Act.

A copy of Bill 46, The Public Sector Accountability Act, is on file in the Board office for review.

**The Board discussed this report and approved the following Motions:**

- 1. THAT consideration of the foregoing report be deferred to the February 28, 2002 meeting;**
- 2. THAT Mr. Albert Cohen, Toronto Legal Services, review the foregoing report and advise whether the proposed legislation, if enacted, would automatically replace the current legislation and practices governing the Board; and**
- 3. THAT the report noted in Motion No. 2 be provided for the February 28, 2002 meeting so that it can be considered in conjunction with Chairman Gardner's report.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P7. RECLASSIFICATION OF CONSTABLES**

The Board was in receipt of the following report DECEMBER 10, 2001 from Julian Fantino, Chief of Police:

Subject: RECLASSIFICATION OF POLICE CONSTABLES

Recommendation:

It is recommended that: the Board approve the reclassifications outlined below.

Background:

The following constables have served the required period in their current classification and are eligible for reclassification as indicated. They have been recommended by their Unit Commander as of the dates shown.

First Class Constable

ARSENAULT, Richard	5187	42 Division	2002.01.05
BOPARA, Gurmokh	5191	12 Division	2002.01.05
BRYANT, Alan	5203	12 Division	2002.01.05
BUTT, Celeste	5199	Traffic Services	2002.01.05
DEWAR, Marilyn	87601	54 Division	2002.01.05
GALLANT, Teresa	5197	12 Division	2002.01.05
HEWSON, Brooke	5195	12 Division	2002.01.05
HUBER, Simone	99649	55 Division	2002.01.05
MCLAUGHLIN, Junior	99384	13 Division	2002.01.05
NORTON, David	99564	12 Division	2002.01.05
SARDELLA, Glenn	99634	31 Division	2002.01.05
FIORINI, Elisa	7661	51 Division	2002.01.05
ALLEN, Dione	8341	53 Division	2002.01.26

Second Class Constable

CHANT, James	7646	42 Division	2002.01.08
MUNROE, Neil	5345	22 Division	2002.01.29
SHAIKH, Asif	5356	42 Division	2002.01.30

Third Class Constable

ALS, Anthony	99754	12 Division	2002.01.11
ANTOINE, Kevin	7880	23 Division	2002.01.11
BOND, Michele	7884	31 Division	2002.01.11
BOSWELL, Jennifer	7881	12 Division	2002.01.11
BOUDREAU, Blaine	7932	33 Division	2002.01.11
BOZZER, Andrew	7842	13 Division	2002.01.11
CAMPBELL, Clayton	7910	31 Division	2002.01.11
CARPINO, Roberto	99248	41 Division	2002.01.11
CHEUNG, Gadman	7849	54 Division	2002.01.11
CLARK, Preston	7887	33 Division	2002.01.11
CROZIER, Cheryl	7905	33 Division	2002.01.11
CUTHBERT, Kelly	7916	12 Division	2002.01.11
DAOUST, Michael-Lee	7878	54 Division	2002.01.11
DARNLEY, Steven	7909	41 Division	2002.01.11
DE COSTE, Lisa	7888	54 Division	2002.01.11
DESROCHERS, Jerome	7841	41 Division	2002.01.11
DYKE, Geoffrey	7848	31 Division	2002.01.11
DZELAJLIJA, George	7900	12 Division	2002.01.11
ELLIOTT, Sandra	7931	54 Division	2002.01.11
FALASCA, Linda	65265	13 Division	2002.01.11
FERRIS, Melissa	7928	23 Division	2002.01.11
FERGUSON, Laird	99780	23 Division	2002.01.11
FILLIER, Sean	65480	13 Division	2002.01.11
FINN, Neil	7933	41 Division	2002.01.11
GIESCHE, Chad	7879	23 Division	2002.01.11
GILBERT, Shawn	86793	13 Division	2002.01.11
GLASGOW, Justin	7901	13 Division	2002.01.11
HANDFORD, Gregory	7861	31 Division	2002.01.11
HARRISON, Shyann	7929	41 Division	2002.01.11
HARVEY, Robin	7896	23 Division	2002.01.11
HEROUX, Stephane	7925	54 Division	2002.01.11
HOANG, Quang	7883	31 Division	2002.01.11
HOGAN, Timothy	7882	54 Division	2002.01.11
HUNT, Ronald	7847	31 Division	2002.01.11
JAMES, Douglas	7845	33 Division	2002.01.11
JANSZ, Angelo	99707	41 Division	2002.01.11
JOHNSTON, Renee	7860	33 Division	2002.01.11
KAPACLIS, Georgios	7915	54 Division	2002.01.11
KELLY, Kenneth	7898	31 Division	2002.01.11
KENNEDY, Christopher	7877	23 Division	2002.01.11
KHERA, Milpreet	7917	23 Division	2002.01.11
KOVACS, Melissa	7870	41 Division	2002.01.11
KWONG, Victor	7899	13 Division	2002.01.11
LAMPIRIS, Chris	99764	54 Division	2002.01.11

LIVY, Corinne	7859	12 Division	2002.01.11
LYON, Richard	7903	33 Division	2002.01.11
MARTIN, Paul	99719	33 Division	2002.01.11
MCCUE, Todd	7891	11 Division	2002.01.11
MCMILLAN, Alexander	7912	33 Division	2002.01.11
MICHAUD, David	7863	12 Division	2002.01.11
MINOGUE, Michael	7924	12 Division	2002.01.11
MOODIE, Nicola	7930	13 Division	2002.01.11
NG, Yoi	7852	13 Division	2002.01.11
POLLOCK, Tige	7911	12 Division	2002.01.11
PRATT, Lori	99816	12 Division	2002.01.11
REYNOLDS, Jason	7856	31 Division	2002.01.11
RIBAROVIC, David	7937	12 Division	2002.01.11
ROBERTSON, William	7873	41 Division	2002.01.11
ROBISON, Victoria	7865	13 Division	2002.01.11
RODNEY, Dean	7851	13 Division	2002.01.11
ROURKE, Emerald	7797	51 Division	2002.01.11
SHANNON, Stephen	7850	13 Division	2002.01.11
STAPLETON, Bradley	7858	33 Division	2002.01.11
STOCKWELL, Sean	99778	32 Division	2002.01.11
STREIT, Jeffrey	99880	14 Division	2002.01.11
TAYLOR, Waveney	7927	12 Division	2002.01.11
THOMAS, Damian	7913	13 Division	2002.01.11
THOMAS, Rhonda	7875	13 Division	2002.01.11
TOVELL, Michael	7874	13 Division	2002.01.11
TSERING, Tenzin	7938	12 Division	2002.01.11
VALLEDOR, Alvin	7843	31 Division	2002.01.11
VO, Thao	7897	31 Division	2002.01.11
YOUNG, Paul	7869	13 Division	2002.01.11

As requested by the Board, the Service's files have been reviewed for the required period of service to ascertain whether the members recommended for reclassification have a history of misconduct, or any outstanding allegations of misconduct/*Police Services Act* charges. The review has revealed that these officers do not have a history of misconduct, nor any outstanding allegations of misconduct on file.

It is presumed that the officers recommended for reclassification shall continue to perform with good conduct between the date of this correspondence and the actual date of Board approval. Any deviation from this will be brought to the Board's attention forthwith.

The Chief Administrative Officer has confirmed that funds to support these recommendations are included in the Service's 2002 Operating Budget submission. The Service is obligated by its Rules to implement these reclassifications.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command, will be in attendance to respond to any questions the Board may have in regard to this matter.

**The Board approved the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P8. COMMUNITY DONATION: FUNDS FOR THE PURCHASE OF A  
POLICE SERVICE HORSE**

The Board was in receipt of the following report DECEMBER 28, 2001 from Julian Fantino, Chief of Police:

Subject: COMMUNITY DONATION: FUNDS FOR THE PURCHASE OF A POLICE  
SERVICE HORSE

Recommendation:

It is recommended that: the Board approve the receipt of a community donation in the total amount of \$5,350.00 (including taxes) for the purchase of one Police Service horse.

Background:

Ms. Dorothy Keith is a strong supporter of the Toronto Police Service and has previously made a donation for the purchase of a horse (Board Minute #219/00 refers).

Members of the Mounted Unit currently have a number of horses available for purchase and will select a horse that meets the Service standards and has been checked and approved by the Service veterinarian. The cost of the horse will be \$5,000.00 plus \$350.00 GST. Ms. Keith is aware of this.

There will be no additional costs to the Service although the horse must undergo the normal training requirements. This donation would help the Service meet the need to replace retiring horses that are no longer serviceable.

Checks have been made and there is nothing to indicate that the donation should not be accepted. The recommendation is consistent with the Service Donation Policy 18-08 governing corporate community donations. A corporate tax receipt will be issued.

Staff Inspector K. Davis of Mounted & Police Dog Services and Deputy Chief Michael Boyd, Policing Support Command, will be in attendance to answer questions that the Board may have regarding this donation.

**The Board approved the foregoing and asked Chief Fantino to invite Ms. Keith to the February meeting so the Board can publicly express its appreciation to Ms. Keith for her most recent donation to the Service.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P9. 2001 AUDIT WORK PLAN – OPPORTUNITIES FOR CIVILIANIZATION**

The Board was in receipt of the attached correspondence DECEMBER 6, 2001 from David Shiner, City Councillor & Chair, Budget Advisory Committee, with respect to the issue of civilianization contained in the City of Toronto Audit Services 2001 Audit Work Plan for the Toronto Police Service. The 2001 Audit Work Plan had been approved by the Board at its May 24, 2001 meeting (Min. No. P139/01 refers).

The Board approved the correspondence from Councillor Shiner.

# TORONTO

**David Shiner**  
Councillor, City of Toronto

Tel: (416) 395-6413  
Fax: (416) 397-9290  
e-mail: councillor\_shiner@city.toronto.on.ca

December 6, 2001

Norm Gardner, Chair  
Toronto Police Services Board  
40 College Street  
Toronto, ON M5G 2J3

Dear Mr. Gardner.



Re: 2001 Audit Work Plan – Toronto Police Services

I am writing to you on behalf of the Budget Advisory Committee and refer to your correspondence dated June 26, 2001, in connection with the 2001 Audit Work Plan of the City Auditor and recent conversations between Councillor Soknacki and some members of the Police Services Staff and Board. Your correspondence indicates that:

"The 'Opportunities for Civilianization' request be referred back to the City of Toronto Budget Advisory Committee to clarify the reasons for this request and that the Budget Advisory Committee identify and fund an external source, other than the City Auditor, to meet this request."

We have discussed this particular issue with the City Auditor as well as senior staff from the Toronto Police Service. We appreciate the significant work conducted by your staff in addressing the issue of civilianization, particularly the review of this matter as part of the Chief's Ninety-Day Review. However, we continue to hold the view that an independent review of this particular area by the City Auditor does have some merit. Consequently, we would suggest the following:

The City Auditor, in consultation with your CAO, be requested to review the work conducted by the Toronto Police Services on the issue of civilianization and report back to the Budget Advisory Committee through the Toronto Police Services Board, as to whether or not there may be additional areas, which would be subject to civilianization.

... 2

The City Auditor, in consultation with the CAO, be requested to compare with other police services the extent of civilianization and report back to the Budget Advisory Committee through the Toronto Police Services Board on such comparatives.

We do appreciate that senior staff at the Toronto Police Services continue to review this matter on an ongoing basis and, where appropriate, recommend positions for civilianization.

Thank you for your consideration.

Yours very truly,

A handwritten signature in cursive script that reads "David". The signature is written in black ink and is positioned to the left of the printed name and title.

Councillor David Shiner  
Chair, Budget Advisory Committee

DS:j

c.c.- Members of Police Services Board  
- Members of the Budget Advisory Committee

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P10. POLICE MONITORED VIDEO CAMERAS**

The Board was in receipt of the following report JANUARY 04, 2002 from Julian Fantino, Chief of Police:

Subject: POLICE MONITORED VIDEO CAMERAS IN DUNDAS SQUARE

Recommendation:

It is recommended that: the Board receive the following report for information.

Background:

At its meeting on October 18, 2001, the Board received the original report on "Police Monitored Video Cameras in Dundas Square" (Board Minute 287/01 refers). As a result, the Board requested that a report be prepared that included the following issues:

- **whether the TPS Working Group will consider the use of wireless cameras in an effort to reduce costs associated with CCTV**
- **an assessment of the City's legal ability to charge a levy to merchants under the Omnibus Act; and**
- **further information on civil liberties issues**

The Toronto Police Service Working Group, comprised of individuals from various internal departments, has been established. The purpose of this Working Group is to ensure that all closed circuit television (CCTV) issues that relate to the Service are thoroughly examined as this project is developed. The Group held its inaugural meeting on Friday, November 30, 2001.

The Working Group's next meeting was held on Monday, December 17, 2001. At that time, the Group heard a presentation given by members of the London, Ontario CCTV Project Team and Steering Committee. London's CCTV program, known as London Downtown CCTV, went live on November 7, 2001. They are currently operating sixteen monitored cameras throughout their city. Community/business representatives from Toronto were invited to attend this presentation, which gave the group the opportunity to hear, first hand, how the project was developed and learn how it is progressing to date.

The issue regarding whether the Service's Working Group will consider the use of wireless cameras in an effort to reduce costs associated with CCTV will be addressed as the Working Group further identifies equipment needs. The developing business case will speak to the pros and cons of both applications.

In regards to providing an assessment of the City's legal ability to charge a levy to merchants under the Omnibus Act, Mister Albert Cohen, Director of Litigation for the City of Toronto, was consulted on this issue. Mr. Cohen advises that the City Solicitor's office will prepare a reply to the Board flowing from their inquiry.

The main civil liberties issue is privacy and a person's expectation of it. One must remember that the key purpose of a CCTV program is to enhance and promote public safety and security in the area in which it is installed. The Working Group is very aware that video monitoring for safety and security purposes must be conducted professionally and ethically and in a manner consistent with law. Equally as important, the Working Group realizes that in order to maintain the public's confidence, any monitoring of activity of the public in the public domain will be subject to strict, specific program objectives and approved monitoring protocols. Additionally, the release of information collected through this process should be used exclusively for security and law enforcement purposes and released according to the standards set by the Municipal Freedom of Information and Protection of Privacy Act.

Taking into consideration the Freedom of Information and Protection of Privacy Act (the provincial Act) and the Municipal Freedom of Information and Protection of Privacy Act (the municipal Act), as well as information from the Information and Privacy Commissioner of Ontario, and in consultation with Legal Services, the Working Group will strive to ensure that stringent objectives, standards, and protocols are developed.

Deputy Chief Michael Boyd, Policing Support Command, will be in attendance to answer any questions that the Board members may have.

**Mr. Ian Thomson, Toronto Police Accountability Coalition, was in attendance and made a deputation to the Board. Mr. Thomson also provided a written submission which is appended to this Minute for information.**

**The Board was also in receipt of correspondence, dated January 24, 2002, from Councillor Sandra Bussin, City of Toronto. A copy of Councillor Bussin's correspondence is also appended to this Minute for information.**

**The Board discussed this report and approved the following Motions:**

- 1. THAT the Board receive the foregoing report from Chief Fantino;**
- 2. THAT the Board receive Mr. Thomson's deputation and refer the recommendations contained in his written submission to the Working Group for consideration;**
- 3. THAT Councillor Bussin's correspondence be received;**

**cont...d**

4. **THAT the use of any police monitored video cameras by the Toronto Police Service in the City of Toronto be consistent with the *Guidelines for Using Video Surveillance Cameras in Public Places* established by Dr. Ann Cavoukian, Information and Privacy Commissioner/Ontario;**
5. **THAT the Service contact Mayor Lastman and all City Councillors and schedule a series of meetings for Councillors, members of the public and local BIA's to learn more about the video cameras project; and**
6. **THAT Chief Fantino provide a report for the March 27, 2002 meeting which should include copies of the guidelines, procedures and evaluation criteria developed by other police services which have established police monitored video cameras and include at least one police service in a jurisdiction outside Ontario.**

**January 17, 2001**

**To: Toronto Police Services Board**  
**From: Toronto Police Accountability Coalition**  
**Subject: Video Surveillance**

As noted in his report of January 4, Chief Fantino has established a working group on video surveillance particularly as it might be established in Dundas Square. His report sets out some of the issues being reviewed by the working group, and indicates the working group will continue to pursue how video surveillance might proceed.

Toronto Police Accountability Coalition feels that the establishment of the first structured police video surveillance system in Toronto raises very important questions that deserve serious consideration. We believe the Board should set down the general parameters within which the working group should continue its deliberations.

Citizens and public officials must balance the benefits of video surveillance systems against an individual's right to privacy and freedom from unwarranted intrusion into his or her life. In this brief, we will examine the effectiveness of the technology and review two new documents: *Guidelines for Using Video Surveillance Cameras in Public Places* published by Ontario Information and Privacy Commissioner Ann Cavoukian, and a letter of finding on video surveillance from the Federal Privacy Commissioner George Radwanski. The brief ends with a recommendation to the Toronto Police Services Board on developing a fair and effective policy on the use of video surveillance techniques.

### **Debunking the myths of video surveillance**

**How effective?** The effectiveness of video surveillance cameras in deterring street crime has not been shown conclusively. In many cases, street crime is not deterred but simply displaced to areas where there are no cameras. Since police cameras are often purchased with the financial backing of banks, retailers and other businesses, this often results in criminal activity being pushed off Main Street and into residential neighbourhoods. Businesses might have the means to "buy" better protection but the overall level of public safety remains the same or may even drop when street crime is shifted from one area to another.

**At what cost?** Public officials and police chiefs often promote video surveillance as a cost-cutting measure. To view cameras as an effective replacement to a moderate police presence in the community is misguided. A camera has never helped a lost child, assisted someone in a medical emergency or responded in another time of crisis.

The public and the police benefit when they interact as human beings. When cost-cutting involves pulling officers off the streets and into video surveillance booths, the community no longer gets the policing it deserves. Effective law enforcement will only succeed when police gain the trust and respect of citizens. This requires police to engage with community organizations and business, not to retreat behind advanced surveillance technology.

**What about our rights?** A common argument in favour of video surveillance goes something like, “if you have nothing to hide, you have nothing to fear.” Unfortunately this assumes that our governments and police forces are entitled to monitor us at random. On the contrary, agents of the state have no right to record and archive our whereabouts and actions. The onus rests squarely on the police to justify any invasion of our privacy in the name of law enforcement.

**Who’s under surveillance?** Video surveillance doesn’t lead to better policing. It tends to target those who make use of streets and parks more often: youths, sex trade workers and the poor and homeless.

That’s not all. According to Jeffrey Rosen in the *New York Times* magazine of October 7, 2001, “when you put a group of bored unsupervised men in front of live video screens and allow them to zoom in on whatever happens to catch their eyes, they tend to spend a fair amount of time leering at women.” Criminologist Clive Norris, Britain’s leading authority on video surveillance, concurs that what catches the eyes is “attractive, young women.” There are endless reports of video voyeurism: operators taking close-up shots of women’s breasts and taping them up on the wall.

Norris also found that operators tend to focus their attention on young men, especially those with dark skin. Rather than eliminating racial profiling, video surveillance tends to amplify it.

**Combating terrorism?** It is clear that even if New York City was equipped with ten million video cameras, the attacks of September 11 would not have been prevented. Additional airport cameras would have done little either. No database of known suspects could have picked out the culprits. Video surveillance systems cannot deter people from hijacking airplanes, conducting suicide bombing or other acts of terror. To justify the technology in light of the September 11 tragedy is at best misleading and at worst, opportunistic.

## Provincial guidelines on the use of video surveillance

In October 2001, Ontario Privacy Commissioner Anne Cavoukian published a report titled, *Guidelines for Using Video Surveillance Cameras in Public Places*. The guidelines were drafted to assist institutions like the Toronto Police Services Board, which is governed by the *Municipal Freedom of Information and Privacy Act*, in making policy decisions on the use of video surveillance.<sup>1</sup>

The Considerations listed in Section 4 of the Guidelines clearly set out the criteria upon which such decisions should be based:

- A video surveillance system should only be considered after other measures of deterrence or detection have been considered and rejected as unworkable.

Video surveillance should only be used where conventional means (i.e., foot patrols) for achieving the same law enforcement or public safety objectives are substantially less effective than surveillance or are not feasible, and the benefits of surveillance substantially outweigh the reduction of privacy inherent in collecting personal information using a video surveillance system.

- The use of *each* video surveillance camera should be justified on the basis of verifiable, specific reports of incidents of crime or significant safety concerns.
- An assessment should be conducted of the effects that the proposed video surveillance system may have on personal privacy, and the ways in which any adverse effects can be mitigated. Institutions may wish to refer to the Ontario Government's Privacy Impact Assessment tool.
- Consultations should be conducted with relevant stakeholders as to the necessity of the proposed video surveillance program and its acceptability to the public. Extensive public consultation should take place.
- Institutions should ensure that the proposed design and operation of the video surveillance system minimizes privacy intrusion to that which is absolutely necessary to achieve its required, lawful goals.

These guidelines clearly place the onus on law enforcement officials not only to make a case for every surveillance camera they wish to mount, but also to win over broad-based public support in any neighbourhood where a system is proposed. Video surveillance systems should only be proposed after all other methods have been tried and have failed. Citizens' groups must be vigilant and challenge attempts to use video surveillance without public approval.

---

<sup>1</sup> It should be noted that the Guidelines "do not apply to surveillance when used as a *case-specific investigation tool* for law enforcement purposes where there is a statutory authority and/or authority of a search warrant to conduct the surveillance." (Section 1)

## **Federal findings on the use of video surveillance**

On October 4, 2001, Federal Privacy Commissioner George Radwanski released a letter critical of a video surveillance system in downtown Kelowna, B.C. The Commissioner found that the random electronic recording of people's faces, whereabouts and actions is a violation of their right to privacy and in contravention of the federal *Privacy Act*.

Radwanski argued that even if video surveillance did deter some types of crime, it is not justified as a law enforcement technique. Furthermore video surveillance is inappropriate as it involves the collection of a great deal of personal information with no relevance to law enforcement or public safety:

In the normal course of law enforcement, cause (reasonable grounds) is a basic pre-condition for the collection and retention of personal information. In the case of video surveillance, information is recorded regardless of the existence of specific cause. By recording continuously, as opposed to recording only selective incidents related to law enforcement activities, the RCMP was unnecessarily collecting information on thousands of innocent citizens engaged in activities irrelevant to the mandate of the RCMP.

Radwanski also refers to similar findings by the Quebec Privacy Commissioner in a case involving video surveillance in Sherbrooke in 1992. The cameras were found to be in contravention of Quebec's privacy legislation.

It is clear that the systematic video recording of citizens' movements and actions is in violation of our right to privacy as enshrined under federal and provincial acts. Only on a very limited, case-specific basis should video surveillance be used in law enforcement. For example, if several women have been attacked and assaulted in a particular park late at night, police might consider mounting a temporary video surveillance camera. This would first have to be approved by the affected community, be implemented using public funds, be restricted as to the locations and times during which recording could take place, and be conducted under clearly established guidelines regarding the appropriate use of and access to information collected.

## **Recommendation**

We, the Toronto Police Accountability Coalition, recommend that the Toronto Police Services Board adopt a policy on the use of video surveillance technology by the Toronto Police Force, and that the Working Group continue its deliberations in accordance with this policy. The policy should:

- Require any use of video surveillance in public places to be done in accordance with the *Privacy Act* and the Guidelines of the Ontario Information and Privacy Commissioner.

- Require the Chief to submit a formal application and seek the approval of the Board for any use of video surveillance, in accordance with the Guidelines of the Ontario Information and Privacy Commissioner.
- Require the Chief, in his or her application, to provide proof that conventional surveillance methods are unworkable; to justify the surveillance based on specific reports of crime; to perform extensive public consultation; and to minimize privacy intrusion as much as possible.
- Prohibit any continuous or long-term police surveillance or recording of public spaces; and
- Prohibit any covert surveillance of a public space by a fixed camera. All areas under surveillance must be clearly signed and indicate what personal information is being collected and for what purpose, in accordance with the *Privacy Act*.

Thank you,

Ian Thomson, on behalf of  
Toronto Police Accountability Coalition  
50 Baldwin Street, Toronto M5T 1L4,  
Telephone 416 977 7947.  
[www.tpac.ca](http://www.tpac.ca)



**SANDRA BUSSIN**



City Councillor  
Ward 32  
Beaches - East York  
(South)

City Hall  
100 Queen Street W.  
Suite B28  
Toronto ON M5H 2N2  
Tel: 416-392-1376  
Fax: 416-392-7444  
Email: sbussin@city.toronto.on.ca

David McCully  
Executive Assistant

Trish Nember  
Administrative Assistant

Harold Becker  
Constituency Assistant  
Email: hbecker@city.toronto.on.ca

January 24, 2002

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



RE: **January 24, 2002 Public Meeting Agenda Item 10  
Police Monitored Video Cameras in Dundas Square**

Dear Chair and Members of the Toronto Police Services Board,

I am writing to reiterate my concerns over report item 10 to be received by the Board today regarding the proposed installation of police video surveillance cameras in Dundas Square. I would like to be at the today's meeting to participate in the discussion. However, I am Chair of the City's Nomination Committee and must attend a previously schedule meeting of the committee.

As stated in my motion to Council on November 6, 2001, I am concerned that the adoption of this proposal threatens the public right to privacy and is an ineffective and potentially costly way to provide police services. I firmly believe that this proposal requires broader public discussion and should be debated by the full City Council. I am also requesting that I be given the opportunity to participate in the sub-committee deliberations on the surveillance camera proposal.

I sincerely hope the Toronto Police Services Board will embrace Ontario Privacy Commissioner Anne Cavoukian's, *Guidelines for Using Video Cameras in Public Places, October 2001*. Clearly, the guidelines call for great caution in the use of video surveillance, stating in its first point: "A video surveillance system should only be considered after other measures of deterrence and detection have be considered and rejected as unworkable."

I do not believe that the methods of deterrence and detection that the Toronto Police Services currently have at its disposal to prevent crime and ensure community safety are in any way unworkable.

Sincerely,

**Councillor Sandra Bussin  
Beaches-East York (South)  
Ward 32**

11a



**NOTICE OF MOTION**

**Proposed Toronto Police Service Video Surveillance on Toronto Streets**

**Moved by: Councillor Bussin**

**Seconded by: Councillor Miller**

**"WHEREAS** Toronto City Council and the Toronto Police Services Board must ensure that the right to privacy of Toronto residents is protected from unwarranted police video surveillance of our streets and other public places; and

**WHEREAS** the proposed video camera monitoring by the Toronto Police Service of areas of the City perceived as having high rates of crime, such as Dundas Square, poses a threat to our right to privacy and civil liberties; and

**WHEREAS** this concern for citizens' right to privacy has been confirmed by a recent ruling of the federal Privacy Commissioner that cameras monitoring a street corner in a British Columbia municipality violates the right to privacy; and

**WHEREAS** it is abundantly evident that community policing works – that when police officers patrol downtown areas on foot or bicycle, they become part of the community and crime rates fall; and

**WHEREAS** the cost of installing, maintaining and manning the video surveillance equipment will undoubtedly deplete police budgets which would be better used in supporting proven and effective methods of controlling street crime, such as community policing;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council direct the Toronto Police Services Board to not proceed with the proposed use of video surveillance of public places by the Toronto Police Service in the City of Toronto;

**AND BE IT FURTHER RESOLVED THAT** the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of this Notice of Motion at the meeting of Council to be held on November 6, 7 and 8, 2001."

November 6, 2001

According to Chapter 27 of the Municipal Code, the foregoing Notice of Motion:

Notice was previously given	
Meets Municipal Code provisions and only requires a simple majority to introduce and debate	
Requires two-thirds to waive notice	(√)
Requires two-thirds to re-open	
Should be referred to Administration Committee	(√)
Requires two-thirds to waive referral if Council wishes to debate	
Recommendations are time sensitive	

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P11. STRATEGIC DEPLOYMENT OF PERSONNEL**

The Board was in receipt of the following report JANUARY 03, 2002 from Julian Fantino, Chief of Police:

Subject: TORONTO CITY COUNCIL MOTION - STRATEGIC DEPLOYMENT OF POLICE PERSONNEL

Recommendation:

It is recommended that:

- (1) the Board receive this report for information,
- (2) the Board forward a copy of this report to the Community Services Committee.

Background:

Toronto City Council, at its meeting on November 6, 7 and 8, 2001 received the Toronto Police Service 2000 Annual Report and adopted the following motion:

“... the Toronto Police Services Board and the Chief of Police be requested to reconsider the strategic decision to deploy officers away from community response foot and bike patrol on to primary response, thus leading to a deterioration in police presence on the street and an erosion of preventive community policing, and to submit a report to the Community Services Committee by January 2002 in response to this request.”

The following information is provided in response to the Council’s motion.

90 Day Review

In March 2000 the Service embarked on a 90-day review of all police operations. The review was intended to be very comprehensive, and in total, 18 separate areas of concern within the Service were examined, including staffing, human resource procedures, enforcement strategies and priorities, budget issues, organizational and supervisory structures, police uniforms, and the relationship between the Service and the community. The largest of these reports was Report #1, known as the Chief’s Organizational Review Task Force (CORTF), whose main task was to review the provision of policing services at the front line (Divisional) level.

During the process of the review, hundreds of officers were consulted. The Service also conducted twenty-three (23) Community Town Hall meetings to look at the issues of most concern to the community. The number one issue identified at all community meetings was the lack of visible frontline officers.

As a result of the consultations, staffing of frontline policing operations was identified as a primary concern. There is a necessity to ensure the frontline has sufficient officers to allow an acceptable response to emergencies within the community. It was never the intention of any aspect of the 90-day review to take police officers from the communities as indicated in the Council Motion, nor has this happened. Quite to the contrary, the Chief's Organizational Review Task Force (CORTF) was mandated to inquire into all aspects of the organization, including structure, staffing, deployment and supervision. It was directed to identify any problems affecting the delivery of efficient and effective front-line service delivery, and to make recommendations for improvement.

The recommendations received from the CORTF team included a deployment model for divisional operations. The model recommended was created by the London Police Service and provides a method by which a police service can ensure sufficient staffing to allow both reactive (response to calls for service) and proactive (community oriented initiatives) response in all divisions.

#### 60/40 Deployment Model

The 60/40 deployment model was established to ensure a police service would have sufficient frontline police officers to provide reactive and proactive policing. The model is based on officers devoting 60% of their time to calls for service response and 40% of their time to proactive initiatives within the communities. This formula allows officers assigned to the Primary Response function to become actively involved in their communities. It is designed to get officers out of their cars and to give them opportunities to build partnerships with members of the community.

#### Staffing Issues

Due to the increase in retirements and resignations of officers, the Service is currently experiencing staffing pressures resulting in staffing shortages throughout all areas of the Service.

After deployment of the current recruit class, Policing Operations Command will have only 84.5% of the staffing recommended by the 60/40 deployment model. As such, all aspects of divisional operations have been affected.

The Command is actively pursuing the recruitment of new police officers to fill these shortages. The Service ensures that all positions allotted for training at the Ontario Police College are filled. Discussions are also ongoing with the Province with regard to allowing our Service the opportunity to train its own police officers. This would allow for the hiring of many more recruits on a yearly basis, and would alleviate some of the staffing issues.

## Community Response

CORTF recommended that constables assigned to the Community Response function should be no more than 12% of the total constables assigned to primary response. In November 2000, the recommendation was implemented. This resulted in reductions to the staffing of Community Response functions in some of the divisions. Any redeployment of personnel from this function was directly to frontline operations to ensure adequate response to emergencies within all areas of the community.

## Community Action Policing (CAP) initiative

During 1999 and 2000 the City of Toronto provided over one million dollars for CAP initiatives. The CAP initiatives allowed an increase in uniform presence, both through foot and bike patrols, within identified areas of a division. In 2001 the City did not provide funding for the CAP program, and as such, visible uniform presence, especially in problem areas of some divisions, had somewhat decreased. The loss of CAP funding came at the same time as the implementation of the 90-day review recommendations. It is not known how much of the community perception may have been directly impacted by the loss of the CAP funded officers.

## One Year Review

Recommendations were implemented in Policing Operations Command in November 2000. A period of one year has passed and a one-year review has been commenced. Part of that review includes the issues associated with the reduction of constables in the Community Response function. Community concerns, including those indicated in the Council motion, will be reviewed. The 12% Community Response staffing level may require alteration in some of the divisions. This review will look at each division individually and will recommend any changes required.

## Conclusion

The Toronto Police Service is committed to its mission statement that states, "We are dedicated to delivering police service in partnership with our communities to keep Toronto the best and safest place to be". Community Patrol and Community-Based Crime Prevention will continue to be Service priorities in 2002.

The Service, by necessity, routinely makes deployment decisions that are in keeping with the realities we face each day. Over 92% of our budget is allocated toward paying the salaries and benefits of our members. At the end of the day, the Service must be able to work within the budget provided.

It was not the intention of the 90-day review to deploy officers away from community response, but rather to increase the visible presence of police on the streets. The Service mandate has always been to provide adequate and effective policing services to the citizens of Toronto and the Service will continue to do so to the best of its ability.

It is therefore recommended that the Board receive this report for information, and that the Board forward a copy of this report to the Community Services Committee.

Deputy Chief Steven Reesor, Policing Operations Command, will be in attendance to respond to any questions if required.

**The Board received the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P12. SEMI-ANNUAL REPORT – IMPLEMENTATION OF OCCPS FACT-FINDING RECOMMENDATIONS**

The Board was in receipt of the following report DECEMBER 12, 2001 from Julian Fantino, Chief of Police:

Subject: RESPONSE TO OCCPS FACT FINDING REPORT SEMI-ANNUAL REPORT

Recommendation:

It is recommended that: the Board receive this report.

Background:

In July 1999, the Ontario Civilian Commission on Police Services (OCCPS) issued a report containing a total of 28 recommendations, directed to the Board and the Chief of Police, which required a detailed response to each of its recommendations. In response, a report was submitted in May 2000, containing the 28 recommendations and 11 Board priorities (BM 156/00 refers). Since many of the recommendations were in the process of being implemented, OCCPS requested that the Board provide periodic updates on results achieved (BM 290/00 refers). Professional Standards - Quality Assurance was tasked with tracking the 28 recommendations and the Board with tracking the 11 Board priorities.

At the July 26, 2001 Board meeting, Professional Standards - Quality Assurance provided an update on the status of ongoing OCCPS recommendations. In the update, Recommendations 7 and 21 were reported as fully implemented (BM P187 refers). The purpose of this report is to provide the Board with a status update on the implementation of the remaining 10 recommendations.

**Implemented Recommendations**

**Recommendation 15**

**That the Board direct the Chief to hold middle managers accountable for regular verification that staff have read the materials.**

*Response: Mr. Charles Lawrence, Manager, Training and Education unit, reported that all training sergeants attended training sessions from November 12-14, 2001 and were oriented to their role, with emphasis added on the above direction. This recommendation has therefore been implemented.*

## **Recommendation 16**

**That the Chief of Police provide the Board with an annual report that tracks the implementation status of internal and external audit recommendations.**

*Response: The Quality Assurance unit has commenced tracking recommendations. A report on the status of recommendations from the Ontario Civilian Commission on Police Services report and a report on recommendations resulting from Chief's Administrative Investigations, Coroner's Jury reports and City Auditor's recommendations were presented at the July 26, 2001 Board meeting. Quality Assurance will continue to submit these reports annually. This recommendation has been implemented.*

## **Recommendation 18**

**That the Chief of Police update the Board semi-annually on the implementation status of the Board's directions.**

*Response: A semi-annual report was provided to the Board at its July 26 Board meeting. The next report is due January 2002 and reports will continue to be submitted semi-annually. This recommendation has been implemented.*

## **Ongoing Recommendations**

### **Recommendation 2**

**That the Chief of Police be directed to develop a single system that captures all employment/personal data. This objective can be achieved either through an enhanced HRMS or the development of a PSIS system that fully interfaces with HRMS.**

*Response: All studies have been completed and the consultation process is complete. The request for proposal (RFP) has been forwarded to the City and the three week response period ended December 14<sup>th</sup>, 2001. A portion of the requirement section had to be re-written which delayed the RFP. This in turn will delay implementation until the 2nd quarter of 2002.*

### **Recommendation 3**

**That the Chief of Police implement this recommendation and provide a report confirming implementation to the Board at its December 14, 2000 meeting.**

*Response: This recommendation is directly linked to Recommendation 2 above. Once the system is fully operational, a report will be forwarded to the Board.*

#### **Recommendation 4**

**That the Chief include, in the senior officers' performance appraisal system, confirmation that Unit Commanders are forwarding relevant documents (e.g. TPS 545) to Professional Standards.**

*Response: The data required to complete this task is planned to be incorporated into PSIS. The compliance part of the process will be monitored by Human Resources through the review and appraisal system. The ability to report on compliance by Human Resources is directly linked to Recommendations 2 and 3 and can only be implemented once PSIS is operational.*

#### **Recommendation 6**

**That the enhanced HRMS system and/or PSIS system be audited once in the year 2001 and once in the year 2002.**

*Response: Recommendation 6 cannot be implemented until PSIS has been developed and is operational.*

#### **Recommendation 9**

**That the Chief of Police develop guidelines for Unit Commanders to use when they impose discipline.**

*Response: Several guides have been obtained from other police services in North America. Work on the TPS guide has been moved to a committee and the guide should be available in early 2002.*

#### **Recommendation 10**

**That the Chief of Police be directed to deploy resources, from the existing budget, to ensure PSIS is developed, maintained and made fully operational.**

*Response: The job call for the position of analyst is currently under review and is expected to be filled by the second quarter of 2002.*

### **Recommendation 13**

**That the Chief of Police revise the Professional Standards report to include:**

- a) a report on the issues raised by OCCPS, and**
- b) comparative statistics on internal discipline in other police organizations.**

*Response: Part (a) of this recommendation has been addressed and the related reports have been combined. The Board was advised and approved the concept in January 2001. The first amalgamated report was submitted to the Board at the May 24, 2001 Board meeting (Board Minute P146/01 refers). Part (b) has not yet been addressed pending implementation of PSIS and an analysis of required data necessary for comparative statistical analysis.*

Of the 28 original recommendations, 21 recommendations have been fully implemented. Seven recommendations are ongoing and will continue to be tracked quarterly by Professional Standards - Quality Assurance.

Staff Superintendent David Dicks of Professional Standards will be in attendance to answer any questions the Board may have in regard to this matter.

**The Board received the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P13. SEMI-ANNUAL REPORT – IMPLEMENTATION OF BOARD  
DIRECTIONS**

The Board was in receipt of the following report JANUARY 03, 2002 from Julian Fantino, Chief of Police:

Subject: SEMI-ANNUAL REPORT ON THE IMPLEMENTATION STATUS OF THE  
BOARD'S INSTRUCTIONS

Recommendation:

It is recommended that: the Board receive the following report for information.

Background:

In July 1999, the Ontario Civilian Commission on Police Services (OCCPS) issued a report containing a total of twenty-eight (28) recommendations, directed to the Board and the Chief of Police, each of which required a response. At its meeting of January 25, 2001 the Board was in receipt of a report, which provided a status update to the twenty-eight (28) recommendations. (Board Minute #P4/01 refers).

To comply with Recommendation #18, from the OCCPS report, a semi-annual report is a required from the Chief of Police to update the Board on the implementation status of the Board's directions that otherwise would not require a report to the Board. (Board Minute #156/00 refers).

A review of the Board's public and confidential minutes for the period of May 1, 2001 to December 31, 2001 has identified a total of three (3) items to which this recommendation applies.

**Item #1:**

At its meeting of May 24, 2001, the Board was in receipt of a report entitled "Community Action Policing Results of the 2000 Capital Program". (Board Minute #P136/01 refers).

Deputy Chief Michael Boyd, Policing Support Command, and Staff Inspector Randal Munroe, Operational Commander of the 2000 CAP Program, were in attendance and discussed the results of the 2000 CAP Program with the Board.

The Board inquired about the feasibility of developing a CAP Program to be operated by the Metro Toronto Housing Authority (MTHA) Special Constables under the supervision of the Toronto Police Service.

Chief Fantino advised the Board, that following co-operative efforts by the Service and the MTHA, a program similar to CAP has been developed for the MTHA Special Constables and he will keep the Board informed of the results, as they become available.

**Response Item #1:**

The CAP Program was funded for a period of two years – 1999 and 2000. Since then, no additional funding has been given to the Service to operate the CAP Program, and there is no indication of funding being given for this initiative in the future.

Central Field and 51 Division have worked together with the MTHA to establish joint patrols in 51 Division. Ongoing meetings have been held with Senior Management of MTHA Security, Staff Superintendent William Blair, Central Field and Superintendent Ron Taverner, of No. 51 Division to examine the areas of concern such as; officer safety, contractual agreements and the various roles within the community that are directly related to the concept of joint patrols. Special Constables of the MTHA and police officers perform very different functions within the housing complexes.

Staff Superintendent Blair has assigned two additional officers in No. 51 Division to deal with the problems in the Regent Park area. The MTHA has also committed to placing two security officers in the building complexes on similar shifts. Although our officers do not actually patrol with the MTHA Special Constables, a close working partnership has been established.

**Item #2**

At its meeting of July 20, 2001, the Board was in receipt of a report entitled “Response to Request for Increased Levels of Street-Level Drug Enforcement”. (Board Minute #P197/01 refers).

Councillor Kyle Rae, Toronto Centre-Rosedale, City of Toronto was in attendance and made a deputation to the Board in response to the foregoing report. In addition, Councillor Rae emphasized the need for dedicated local drug enforcement squads in No. 51 and No. 52 Divisions. Councillor Rae also provided the Board with copies of the Minutes from a number of meetings of the Law Enforcement Committee, which operated during the period of March 1996 to April 1998, and recommended to the Board that this committee, which was originally co-ordinated by Mayor be re-established. Chief Fantino agreed to establish a new committee similar to the Law Enforcement Committee.



### **Item #3**

At its meeting of September 25, 2001, the Board was in receipt of a report entitled "Police Services in Kiev, Ukraine" from City Councillor and Vice Chair, Gloria Lindsay Luby.

Vice Chair Lindsay Luby was in attendance and discussed this report with the Board.

The Board received the foregoing report and referred it to Chief Fantino for any comments he may have about how the Toronto Police Service can liaise with police in Kiev and requested that he provide those comments directly to Vice Chair Lindsay Luby.

Under the direction of Deputy Chief Michael Boyd of Policing Support Command, Staff Superintendent Emory Gilbert of Operational Support was requested to review Vice Chair Lindsay Luby's report and respond to her directly.

On November 19, 2001, Staff Superintendent Gilbert wrote to Councillor Lindsay Luby and indicated that the Service would be more than happy to assist the Police Commissioner of the Kiev, City Council in developing their local law enforcement activities.

Staff Superintendent Gilbert also requested the name of a contact person in the Ukraine to provide additional information and to initiate the process. On November 28, 2001, Staff Superintendent Gilbert received a response to his correspondence and the name of a contact person in the Ukraine.

This matter is currently ongoing.

Superintendent Wayne Cotgreave of the Chief's Office will be in attendance at the Board meeting to respond to any questions, if required.

**The Board noted that the reference under "Item #1", on page one of this report, to "... Results of the 2000 Capital Program" should be 2000 *CAP* Program rather than 2000 *Capital* Program.**

**The Board received the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P14. BOARD MEMBER TRAINING – DR. BENSON LAU**

The Board was in receipt of the following report DECEMBER 21, 2001 from Norman Gardner, Chairman:

Subject: BOARD MEMBER TRAINING

Recommendation:

It is recommended that: The Board receive this report for information.

Background:

The Board adopted a requirement that all newly appointed members receive training within two months of being appointed (BM 156/00 refers). For the information of the Board, Dr. Benson Lau has completed this training.

**The Board received the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P15.           RESPONSE REGARDING RELEASE OF HIGH-RISK OFFENDERS –  
FEDERAL GOVERNMENT**

The Board was in receipt of the attached correspondence, dated December 17, 2001, from The Honourable A. Anne McLellan, Minister of Justice and Attorney General of Canada, in response to recommendations the Board sent to the federal government regarding the release of high risk offenders.

**The Board received the foregoing and requested that a copy of the original correspondence and recommendations that were sent to the Minister of Justice and the Minister's response be sent to members of Toronto City Council for information.**

Minister of Justice  
and Attorney General of Canada



Ministre de la Justice  
et Procureure générale du Canada

The Honourable/L'honorable A. Anne McLellan

Ottawa, Canada K1A 0H8

DEC 17 2001

Mr. Norman Gardner  
Chairman  
Toronto Police Services Board  
40 College Street  
Toronto, Ontario M5G 2J3



Dear Mr. Gardner:

Thank you for your correspondence of June 18, 2001, regarding your concerns and proposals for high-risk offenders released into the community. I apologize for the delay in responding.

I have received the same proposals from Chief Julian Fantino, Toronto Police Chief. I agree with you and Chief Fantino that the management of high-risk offenders in the community is a serious issue and that we must remain vigilant and continue to work together to ensure public protection.

I have reviewed each of the proposals and have responded in detail to Chief Fantino's letter, a copy of which is enclosed. I also appreciate the offer of your members' expertise in any further deliberation of these issues. I trust that we will continue our dialogue in order that we may fully explore the feasibility of new methods to ensure public safety in our communities.

Thank you again for making me aware of your concerns and proposals regarding high-risk offenders.

Yours sincerely,

A. Anne McLellan

Enclosure: (1)

Canada

Minister of Justice  
and Attorney General of Canada



Ministre de la Justice  
et Procureure générale du Canada

The Honourable/L'honorable A. Anne McLellan

Ottawa, Canada K1A 0H8

DEC 13 2001

Chief Julian Fantino  
Toronto Police Service  
40 College Street  
Toronto, Ontario M5G 2J3

Dear Chief Fantino:

Thank you for your correspondence of May 25, 2001, regarding high-risk offenders released into the community and your suggestions with respect to recognizance orders. I apologize for the delay in responding.

I fully agree with you that public safety is a fundamental goal of our criminal justice system and that recognizance orders have a role to play in achieving public protection. It is important to keep in mind the necessary limits of recognizances, or peace bonds, as instruments for controlling offenders. As a basic principle, the type of recognizance set out in sections 810.1 and 810.2 of the *Criminal Code* must not be used for punishment since they are not being applied to individuals who are being charged with an offence. These orders must be structured as instruments of crime prevention, rather than of punishment, and it is this perspective that informs my commentary on your proposals.

The merits of allowing recognizances longer than one year, perhaps four years as you have suggested, must be measured against the fact that these individuals have not been convicted of an offence. Peace bonds are preventative in character and the core of these measures is the requirement that the individual keep the peace. If the person does not commit an offence after a full year, then it may be appropriate to revisit the risk posed by the individual and require the police and the Crown to bring the matter back to court for a reassessment of the circumstances.

I realize that you perceive an inconvenience for police and prosecutors, but there is a need for balance. In the Ontario Court of Appeal decision in *R. v. Budreo*, a leading case on section 810.1 orders, the Court pointed to the one-year period as one of the procedural safeguards that creates a reasonable balance between the defendant's interest in liberty and the community's interest in protecting children. To date, I believe the application of section 810 recognizances has been effective in achieving this balance, and they are being imposed frequently and successfully across the country.

Canada

I note your suggestions regarding electronic monitoring. You may recall that such a provision was originally included in Bill C-55, the 1996 legislation that introduced section 810.2, to make electronic monitoring available as a discretionary condition. This proposed measure aroused considerable public controversy and expressions of concern from all political parties in Parliament. In the context of a section 810.2 order, many perceived electronic monitoring as too intrusive on the movements of individuals who have not been convicted of an offence and it was deleted from the bill at the Committee stage in the House of Commons.

When used in sentencing upon a conviction for an offence, electronic monitoring typically involves the confinement of the offender to his or her house with severe restrictions on leaving the residence. The offender must check in with correctional authorities and spot checks are applied to monitor the offender's actions. Such confinement may not be reasonable in the context of a recognizance order and the attachment of an electronic bracelet is itself an intrusive measure.

The tracking of an individual in the community raises similar legal considerations. In addition, there is the practical question of cost and the availability of technology. Newly developed global positioning systems may allow constant monitoring of movements but they are very costly, particularly when undertaken twenty-four hours a day.

I will continue to look at the role of treatment in the context of sections 810.1 and 810.2 orders. It is true that treatment conditions may be attached to probation, conditional sentences, and long-term offender supervision orders. These are all forms of sentences consequent to a conviction. As a condition attached to a conditional sentence, a court may require an offender to attend a treatment program approved by the province. As an optional condition attached to a probation order, a court may order the offender to participate actively in a treatment program approved by the province, but only if the offender agrees. Again, there may be particular *Charter of Rights and Freedoms* concerns regarding recognizances where the question may arise as to what is a reasonable restraint on the liberty and security of the individual when measured against the need to protect the community. I will examine the matter further.

The imposition of polygraphs in relation to peace bonds would be inconsistent with the purpose of these orders. Peace bonds are preventative in nature while polygraphs are primarily an investigative tool used to assist in determining charges and conducting prosecutions of specific criminal acts. Imposition of such testing for the purpose of monitoring compliance with recognizance order conditions would be a highly intrusive step and would invite close scrutiny in terms of the Charter protection against self-incrimination. I am not prepared to proceed with such a measure.

Polygraph testing for long-term offenders serving their long-term supervision period is unnecessary given the intensive supervision regimes provided for in the *Criminal Code* and the *Corrections and Conditional Release Act*, and carried out by the Correctional Service of Canada and the National Parole Board. The Board has the authority to establish conditions and to revoke the supervision where there has been a breach.

I recognize that police authorities who may intend to apply for a recognizance order under section 810.1 or section 810.2 may be frustrated in not having the address of an offender after release. However, it is a fundamental principle of our justice system, reinforced by the *Charter of Rights and Freedoms*, that an offender who has completed his or her sentence is not subject to further controls by the state unless charged with a new offence or otherwise brought before the courts with due process, as in the case of an application for a recognizance order. Such persons are under no obligation to stay at a particular address, even when under a recognizance order. I note that police and correctional authorities in some jurisdictions prepare the paperwork for peace bond applications well in advance of the release date of high-risk offenders.

Work is continuing with provincial Ministers of Justice, Attorneys General, and Solicitors General and in Parliament on a range of public protection initiatives including child pornography, violence against women, and high-risk offenders. I appreciate receiving your views on public safety and I look forward to discussing these matters with you further.

Yours sincerely,

ORIGINAL SIGNED BY:  
ORIGINAL SIGNÉ PAR:  
A. Anne McLellan

A. Anne McLellan

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P16.           RESPONSE REGARDING RELEASE OF HIGH-RISK OFFENDERS –  
PROVINCIAL GOVERNMENT**

The Board was in receipt of the attached correspondence, dated December 13, 2001, from The Honourable David Young, Attorney General, in response to recommendations the Board sent to the provincial government regarding the release of high risk offenders.

**The Board received the foregoing and requested that a copy of the original correspondence and recommendations that were sent to the province and the Attorney General's response be sent to members of Toronto City Council for information.**

**Attorney General  
Minister Responsible for Native Affairs**

**The Hon. David S. Young**

**Procureur général  
ministre délégué aux Affaires autochtones**

**L'hon. David S. Young**



Ministry of the Attorney General  
11th Floor  
720 Bay Street  
Toronto ON M5G 2K1  
Telephone: (416) 326-4000  
Facsimile: (416) 326-4016

Ministère du Procureur général  
11<sup>e</sup> étage  
720, rue Bay  
Toronto ON M5G 2K1  
Téléphone : (416) 326-4000  
Télécopieur : (416) 326-4016

Our Reference: M01-08285

**DEC 13 2001**

Mr. Norman Gardner  
Chairman  
Toronto Police Services Board  
40 College Street  
Toronto, ON  
M5G 2J3



Dear Mr. Gardner:

Thank you for your letter dated June 18, 2001, addressed to the Honourable Michael D. Harris, Premier of Ontario. A copy of your letter was forwarded to me by the Honourable David Turnbull, Solicitor General, for follow up on the development of guidelines for Crown attorneys on judicial restraint orders.

I appreciate your recommendation regarding a standard protocol for Crown attorneys to follow in carrying out procedures set out in Section 810 of the *Criminal Code*. Mr. Howard Leibovich, Crown Counsel, Crown Law Office - Criminal would be pleased to meet with you or your representatives to discuss your specific concerns and suggestions for improvement. Mr. Leibovich may be reached at (416) 326-2002.

Thank you again for your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Young".

David Young  
Attorney General  
Minister Responsible for Native Affairs

c: The Honourable Michael D. Harris, Premier of Ontario  
The Honourable David Turnbull, Solicitor General

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P17. CORRESPONDENCE**

The Board was in receipt of a summary of the public correspondence received in the Board office between November 27, 2001 and January 07, 2002. A copy of the summary is on file in the Board office.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P18. REVIEW OF CHIEF'S DECISION ABOUT A POLICY COMPLAINT  
(TPS FILE 2000-0751) – RECEIPT OF ADDITIONAL INFORMATION**

The Board was in receipt of the following report JANUARY 14, 2002 from Norman Gardner, Chairman:

Subject: REQUEST FOR REVIEW OF A COMPLAINT ABOUT SERVICE POLICY  
(TPS FILE 2000-0751) - RECEIPT OF ADDITIONAL INFORMATION

Recommendation:

It is recommended that:

- 1) the Board receive the letter from Mr. Sheldon Prior, Ontario Civilian Commission on Police Services, dated December 4, 2001 and appended to this report; and,
- 2) the Board complete its review of the policy complaint.

Background:

At its meeting on August 30, 2001 the Board was requested to conduct a review of the Chief's decision with respect to a policy complaint.

The complaint arose from the attendance of a number of Toronto Police officers at Old City Hall courts at the time of the bail hearing for four Toronto officers charged in the death of Mr. Otto Vass. The complainant questioned whether the Service had adequate policies to define what is an appropriate versus and inappropriate way for officers to express their displeasure at court proceedings involving their colleagues.

The Chief's investigation concluded that the Board's Rules and the Service's procedures provide sufficient guidance to members and that they clearly define what is, and what is not, acceptable conduct. For this reason, the Chief's decision was to take no further action in respect to the complaint.

When the Board commenced its review on August 30, 2001 (Min. P238/01 refers) the Board inquired of the Chief, whether the officers who were at the Old City Hall courts in uniform, on the day the four accused officers attended a bail hearing, were on-duty or off-duty. Chief Fantino advised the Board that all officers in uniform that day were on-duty.

The Board, being aware that a conduct complaint had also been laid in this matter, approved the following motion:

THAT consideration of the foregoing report be deferred until OCCPS has made a decision on the conduct complaint.

### Conclusion

The Ontario Civilian Commission on Police Services has concluded its review of the conduct complaint and a copy of that decision is appended to this report for the Board's information. The Commission has confirmed the decision of the Service and expressed the view that there are not sufficient grounds to support specific allegations of individual misconduct.

I recommend that the Board receive the decision of OCCPS in the conduct matter and that the Board proceed to complete its review of the policy complaint in accordance with the report on the public agenda.

**Ontario Civilian Commission  
on Police Services**

1st Floor  
25 Grosvenor Street  
Toronto ON M7A 1Y6

Telephone/Téléphone:  
Fax/Télécopieur:

**Commission civile des services  
policiers de l'Ontario**

1<sup>er</sup> étage  
25, rue Grosvenor  
Toronto ON M7A 1Y6

(416) 326-1189      Toll Free/Sans frais:  
(416) 314-2036      Toll Free/Sans frais:

1-888-515-5005  
1-888-311-7555



December 4, 2001

Mr. Norman Gardner  
Chairman  
Toronto Police Services Board  
40 College Street  
Toronto ON M5G 2J3



Dear Mr. Gardner:

Re: Toronto Police Service File # 2000-0751  
Ontario Civilian Commission on Police Services File 01-COM-0252

---

Per your request, please find enclosed the Commission's decision with respect to the above-noted complaint.

Sincerely,

A handwritten signature in cursive script that reads "Sheldon Prior".

Sheldon Prior  
Case Manager

**Ontario Civilian Commission  
on Police Services**

1st Floor  
25 Grosvenor Street  
Toronto ON M7A 1Y6

Telephone/Téléphone:  
Fax/Télécopieur:

**Commission civile des services  
policiers de l'Ontario**

1<sup>er</sup> étage  
25, rue Grosvenor  
Toronto ON M7A 1Y6

(416) 325-1189  
(416) 314-2036

Toll Free/Sans frais: 1-888-515-5005  
Toll Free/Sans frais: 1-888-311-7555



December 4, 2001

Dear

Re: Toronto Police Service File # 2000-0751  
Ontario Civilian Commission on Police Services File 01-COM-0252

---

We are writing in response to your request for a review of the decision by Staff Superintendent Keith Cowling of the Toronto Police Service regarding the above-noted complaint.

The Ontario Civilian Commission on Police Services is a civilian agency which is independent of and autonomous from the police services of this Province. Your file was presented to a Review Panel.

The panel reviewed the contents of the file including the initial complaint, the correspondence your lawyer sent to our office for review, the investigation file provided by the Toronto Police Service and the decision by Staff Superintendent Cowling.

Upon review, the Ontario Civilian Commission on Police Services is of the view that while the number of officers at court on that particular day caused a perception of improper behaviour, on the basis of the investigation report, it appears that the uniformed officers were either sent or had permission to be at court. The Commission is of the view that there may have been a lack of planning and coordination by the parties involved, however, the Commission does not feel there are sufficient grounds to support specific allegations of individual misconduct, or reasons to change the decision of the Toronto Police Service dated June 4, 2001. Accordingly, The Commission confirms the decision of Superintendent Cowling.

Please be advised that under Part V of the Police Services Act, s.72(12), the Commission's decision is final and binding and there is no appeal therefrom. Accordingly, our file is now closed.

Sincerely,  
ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES

Per:

A handwritten signature in cursive script that reads "Sheldon Prior".

Sheldon Prior

cc: Julian Fantino, Chief of Police, Toronto Police Service  
Subject Officers

**The Board was also in receipt of the following report AUGUST 02, 2001 from Julian Fantino, Chief of Police:**

Subject: REQUEST FOR REVIEW OF A COMPLAINT ABOUT POLICE SERVICE POLICY (TPS FILE # 2000-0751)

Recommendations :

It is recommended that:

- (1) The Board review the policy complaint summarized in this report.
- (2) The Board determine whether it will concur with the decision that no further action be taken with respect to the complaint.
- (3) The complainant be notified of the outcome of the Board's review.

Background:

Legislative Requirements:

Section 61 of the PSA deals specifically with complaints about the policies of, or services provided by a municipal police force. Subsection 61(7) allows for a complainant to request a review of the investigation into the policy complaint by the Board.

Nature of the Complaint

On Wednesday, October 25, 2000, four Toronto Police officers assigned to 14 Division attended the Old City Hall courthouse for the purpose of their Bail Hearing on charges of Manslaughter resulting from the death of Otto VASS. Their scheduled Bail Hearing was set for 10:00 a.m. in courtroom 101, Old City Hall courts, 60 Queen Street West in Toronto.

A number of uniform police officers attended the courthouse for the Bail Hearing involving the four police officers. While waiting to gain access to the courtroom, the complainant sat amongst the police officers, outside the courtroom, and felt intimidated by the police presence.

During this time, the complainant alleges that some officers were overheard making comments that the complainant viewed as inappropriate. At the conclusion of the court proceedings, the complainant alleges that officers in uniform acted as a barricade around the sally port area with the intention of ensuring the accused officers were shielded from public view during their departure from the courthouse. As a result of the comments and the police presence, a complaint was laid. The Chief classified a portion of the complaint as concerning the conduct of the officers and a portion as concerning the policies of the Toronto Police Service.

The policy complaint was investigated and the Report of Investigation was forwarded to Mr. Julian Falconer, counsel for the complainant. In a letter dated July 5<sup>th</sup>, 2001, Mr. Falconer requested that the Toronto Police Services Board review the Chief's decision that "no further action will be taken in this matter", pursuant to Section 61 of the Police Services Act (PSA).

The complainant identified the following three issues pertaining to the policies and procedures of the Service:

- 1) What is the Policy of the Toronto Police Service with respect to the so-called "plugging" of courtrooms?
- 2) What policies are in place to train police officers on what are appropriate versus inappropriate expressions of displeasure at court proceedings involving their colleagues?
- 3) Are police officers in any way subject to discipline for this kind of conduct and, if so, please advise what steps are going to be taken to address this matter.

#### Nature of the Chief's Decision:

The policy complaint was investigated by the Corporate Planning Unit, and the findings were reported to the Chief and the complainant. This investigation concluded that the Service Rules and Procedures provide sufficient guidance to our members, and clearly define acceptable conduct for both on and off duty police officers of the Toronto Police Service. Furthermore, a clear set of guidelines exists to deal with police officers where misconduct is identified.

The following information summarizes my decision:

#### Issue #1:

*What is the Policy of the Toronto Police Service with respect to the so called plugging of courtrooms?*

Mr. Falconer, in appealing the investigation's findings states that the issue is not one of equal access to the courts for police officers, but of officers acting in such a manner as to effectively limit available courtroom space while providing an intimidating presence which may interfere with the fair administration of justice.

I must disagree with Mr. Falconer on this issue. There is an issue of equal access by all, including police officers. The rest of his submission alleging discreditable acts by police officers relate to conduct issues. These conduct issues were investigated separately and reported upon by the Service. Specific conduct issues are beyond the scope of a policy investigation.

Issue #2:

*What Policies are in place to train police officers on what are appropriate versus inappropriate expressions of displeasure at court proceedings involving their colleagues?*

Police Officers are governed by a Code of Conduct set out in the PSA (Ontario Regulation 123/98). Additionally, our members must adhere to the Service Rules that govern their conduct. Any breach of the legislation or Service Rules would be considered misconduct, and dealt with accordingly. The code of conduct legislated in the PSA and our Service Rules adequately deal with an officer's conduct at all times, whether on or off duty, including when an officer attends court, and there is no need for a separate code of conduct for court attendance.

Issue #3:

*Are police officers in any way subject to discipline for this kind of conduct and, if so, please advise what steps are being taken to address this matter.*

The response clearly stated the definition of misconduct as defined in the PSA, and explained the investigation and resolution alternatives available to deal with identified misconduct issues. Officers are held accountable and subject to discipline when misconduct is identified. However, the purpose of this investigation was to review the policies and procedures of this Service to ensure they were adequate to deal with the alleged misconduct. The specific behaviour issues Mr. Falconer is referring to were investigated during the conduct investigation, and the results were reported to him.

To assist the board in reviewing this matter, Board members will receive confidential information about this investigation at its confidential session.

#### Conclusion:

It is recommended that the Board review the policy complaint summarized in this report and determine whether it will concur the decision that no further action be taken with respect to the complaint. It is further recommended that the complainant be notified of the outcome of the Board's review.

Mr. Frank Chen, Chief Administrative Officer – Policing, Corporate Support Command, will be in attendance to answer any questions concerning this report.

**The Board agreed to defer consideration of the policy complaint until all legal proceedings related to the death of Otto Vass are completed.**

**Copies of the Chief's Report of Investigation and the complainant's request for a review of the Chief's decision were considered during the in-camera meeting (Min. No. C24/02 refers).**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P19. COMMUNITY DONATION: MOTHERS AGAINST DRUNK DRIVING &  
AMENDMENT TO PREVIOUS BOARD MINUTE**

The Board was in receipt of the following report JANUARY 10, 2002 from Julian Fantino, Chief of Police:

Subject: COMMUNITY DONATION: \$5000.00 FROM MOTHERS AGAINST DRUNK  
DRIVING

Recommendation:

It is recommended:

(1) That the Board approve a donation in the amount of \$5,000.00 from Mothers Against Drunk Driving (M.A.D.D.), to support the Toronto Police Service's R.I.D.E. program; and

(2) That Board amend Minute No. #P429/00 by providing the Chair, Toronto Police Services Board, with standing authority to approve the receipt of cash donations of amounts up to \$5,000.00 from M.A.D.D. on a *semi-annual basis* for 2002 and 2003, rather than an *annual basis* with the understanding that the individual donations will not exceed \$5,000.00 and the donations will be used solely for the purpose of R.I.D.E spot checks within the City of Toronto.

Background:

The Toronto Chapter of M.A.D.D. is very active in it's efforts to create awareness about the issue of drinking and driving. The chapter recently raised five thousand dollars and has donated it to Toronto Police Service to be used for officer's salaries on R.I.D.E. spot checks within Toronto.

The R.I.D.E. spot check program is conducted across the city throughout the year and is administered by the Unit Commander of Traffic Services. A typical spot check is five hours in duration and consists of four or five Constables and one Sergeant. The officers are utilized on an overtime callback basis, with the cost of the spot check being approximately one thousand, two hundred dollars. This donation will enable Traffic Services to organize an additional four R.I.D.E. spot checks.

M.A.D.D. has been a long time supporter of Toronto's R.I.D.E. program and their volunteers regularly attend our spot check locations. The Board accepted M.A.D.D.'s donation of five thousand dollars in the year 2000 (refer to minute 429/00). That donation enabled Traffic Services to dedicate nineteen officers to R.I.D.E. These officers arrested five drivers for drinking and driving offences and issued 12-hour licence suspensions to another nineteen drivers.

The Service is committed to eliminating impaired driving on Toronto's roadways and the additional spot checks M.A.D.D.'s donation will create will allow Traffic Services to further demonstrate our resolve. This donation is one more example of the valuable partnership that has developed between our two organizations and I request the Board approve the donation as offered.

I further request the Board give standing authority to the Chair, to accept donations from M.A.D.D. in the amount of five thousand dollars on a semi-annual basis for 2002 and 2003, providing that individual donations do not exceed five thousand dollars, and the donations be used solely for the purpose of R.I.D.E spot checks within Toronto.

This request meets the criteria as outlined in the Policy Directive 18-08, "Donation" and it creates positive interaction between the community and our Service. A corporate tax receipt is not required to be issued.

In the event that the Board approves this community donation, the Unit Commander of Traffic Services in conjunction with the Director of Finance and Administration will administer the distribution of the funds.

Deputy Chief Michael Boyd of Policing Support Command will be in attendance to respond to any questions, if required.

**The Board approved the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P20.           HIRING OF FORMER SERVICE MEMBER FOR THE POSITION OF  
POLICE HISTORIAN**

The Board was in receipt of the following report JANUARY 10, 2002 from Julian Fantino, Chief of Police:

Subject:       HIRING OF FORMER SERVICE MEMBER FOR THE POSITION OF POLICE  
                  HISTORIAN

Recommendation:

It is recommended that: the Board approve, pursuant to Service Procedure 14-30 regarding the re-employment of former members, the appointment of Mr. Wayne Oldham for the position of Police Historian.

Background:

In 1990, the position of Police Historian was established to assist with the development of the Museum and to respond to the growing number of inquiries for historical information about the Service. Mr. Jack Webster, a retired Staff Superintendent, staffed this position on a contract basis until the end of 1999 (Board Minute 539/98, refers).

The Police Historian enhances the public relations of the Service. The responsibilities of this position include providing advice, guidance and information for the Police Museum, responding to requests for information about the Toronto Police Service, and assisting with the compilation and maintenance of the Archives. The main focus of this position, however, is to provide expert response to the hundreds requests per year from teachers, students, researchers, authors, journalists, professors, scholars and media representatives seeking assistance regarding the history of policing in Toronto.

The Service advertised externally through Mr. Bruce Priestman, President, Toronto Police Pensioners' Association, and Ms. Kristina Kijewski, President, Senior Officers' Organization, for a candidate to fill this vacant position in 2001. There were three-(3) external applications for the position. A panel comprised of three senior members of the Service interviewed the three external candidates. Following the interview process, it was determined that Mr. Wayne Oldham, who retired as a Superintendent from the Service on February 1, 2001, possessed the skills, knowledge and abilities to perform the duties and responsibilities of the position.

Mr. Oldham has met all of the criteria required by Service Procedure 14-30 ("Re-Employment of Former Members and Lateral Entries").

Mr. Oldham will work under contract, two days per week, at an hourly rate of \$25.00 per hour to a maximum yearly salary of \$20,800.00. The contract will be for the period between February 1, 2002, up to and including December 31, 2002. A contract drafted by Legal Services and satisfactory to the City Solicitor, will be entered into by myself and Mr. Oldham, pursuant to By-Law No. 100 (purchase of goods and services).

The contract will include a clause that Mr. Oldham seek independent advice regarding any possible implications for his financial and taxation situation that may arise as a result of the contract.

Mr. Frank Chen, Chief Administrative Officer, has certified that funds are available in the Service's 2002 Operating Budget.

In conclusion, it is recommended that the Board approve, pursuant to Service Procedure 14-30 regarding the re-employment of former members, the appointment of Mr. Wayne Oldham for the position of Police Historian.

Deputy Chief Michael Boyd, Policing Support Command, will be in attendance to respond to questions from Board members.

**The Board approved the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P21. REVIEW OF THE SUPREME COURT OF CANADA DECISION ON  
STRIP SEARCHES**

The Board was in receipt of the following report JANUARY 18, 2002 from Julian Fantino, Chief of Police:

Subject: REVIEW OF THE SUPREME COURT RULING IN THE MATTER OF R. V.  
GOLDEN

Recommendation:

It is recommended that:

- (1) the Board receive the following report; and
- (2) the Board request legislative changes to provide clear and unambiguous rules governing strip searches.

Background:

At its meeting on December 13, 2001, the Board requested that I review all Service procedures pertaining to searches of the person, and report back to the Board with respect to the Service's compliance with the December 6, 2001 Supreme Court of Canada decision of R. V. Golden (Board Minute # P363/2001 refers).

On January 18, 1997, Mr. Golden was arrested in a sandwich shop for drug trafficking by the Toronto Police Service. Subsequent to his arrest, the police conducted a search of his person, which included a visual inspection of the accused's underwear and buttocks by pulling back his pants. During this time the officer observed a clear plastic wrap protruding from between his buttocks. The accused was subsequently strip searched, and while being restrained, the item was retrieved and found to contain a quantity of crack cocaine. He was subsequently charged with several offences including Trafficking in a Narcotic.

The accused attempted to have the evidence against him excluded under section 8 of the Charter, on the grounds of an unreasonable search. The trial judge rejected his argument and convicted the accused at trial. The Court of Appeal dismissed the appeal and upheld the conviction.

The accused appealed to the Supreme Court of Canada where, in a 5-4 decision, the appeal was allowed and the conviction overturned.

In their decision, the Court ruled that the common law authority to search an individual incident to a lawful arrest includes the power to strip search, subject to a number of limitations.

The Court also held that a set of guidelines in the form of legislation would greatly assist both the police and the courts in determining where, when and how strip searches should be conducted.

The Toronto Police Service Procedure 01 – 02, entitled Search of Persons, deals with strip search, and is compliant with the majority of this ruling. Our procedure already sets out guidelines that officers must follow when conducting strip searches to ensure that the dignity and privacy rights of an individual are protected.

The decision will, however, have an affect in two areas. The first is the practice of conducting strip searches of those who are detained in police facilities. While acknowledging that there is a greater need to ensure that persons entering the prison population are not concealing weapons or drugs on their person, the Supreme Court goes on to say that this does not justify routine strip searches of individuals who are detained briefly in police cells. It would appear therefore, that the practice of routinely strip searching prisoners before lodging them in police cells, or perhaps even interview rooms, can no longer be condoned.

The second area that the decision will affect is the strip search incident to arrest. The Court has ruled that in order to conduct a strip search incident to arrest not only must the officers have reasonable grounds to make the arrest, they must also have reasonable “and probable” grounds for concluding that a strip search is necessary. A Routine Order (attached) has been issued to reflect this change.

The Supreme Court in its ruling specifically urged that legislation be enacted to give police clear guidelines regarding strip searches. It is, therefore, recommended that the Board urge the Government of Canada to make the necessary amendments to the Criminal Code to provide police with clear and unambiguous rules to govern police in conducting strip searches.

With respect to routine strip searches of persons being detained in police facilities, it can be demonstrated that it is impossible to predict which prisoners may have something secreted on their person which could be a danger to themselves, other prisoners, police officers or other persons. The liability for injury or death caused by an unsearched prisoner is obvious. This reality is recognized in the Corrections field. As a result, specific search powers are given to correctional workers by virtue of Regulation 778 of the Ministry of Correctional Services Act (attached).

It is, therefore, recommended that the Board request that the Government of Ontario amend the Police Services Act to provide police officers and Court Services officers with the same power to search prisoners as those given to Correctional Services officers. Given the potential risks to police and court officers, prisoners and other members of the public, this issue should be given the highest priority.

Conclusion:

It is recommended that the Board receive this report and that the Board request the legislative changes described above.

Staff Superintendent David Dicks of Professional Standards will be in attendance to answer any questions that the Board members may have.

**The Board agreed to defer consideration of the foregoing report to its February 28, 2002 meeting.**

**Chairman Gardner advised that, when this report is considered in February, he will recommend that the Board approve the following Motion :**

**“THAT recommendation no. 2 be replaced with the following recommendations:**

- 1. THAT the Board write to the Federal Minister of Justice requesting that, in light of the suggestion by the Supreme Court of Canada that Parliament should enact legislation which would provide clear and unequivocal rules to police officers with respect to when, where and how “strip searches” incident to arrest should be conducted, the Minister enact such legislation; and**
- 2. THAT the Board, because of the ambiguous state of the law and potential liability regarding “strip searches” of persons being detained in police facilities, write to the Solicitor General of Ontario requesting that police officers, court officers and custodial officers (matrons) be given the same powers of search when detaining a person as have been given to correctional service officers when detaining a prisoner.”**

**A copy of Regulation 778 of the *Ministry of Correctional Services Act* is on file in the Board office.**

## **SEARCH OF PERSONS**

On 2001 December 6, the Supreme Court of Canada released their decision in the case of R. v. Golden, a case involving the strip search in the field of a person who had been arrested by Toronto police officers for the offence of Drug Trafficking.

In Golden, the Supreme Court ruled that strip searches are only valid where they are conducted incident to a lawful arrest for the purpose of; firstly, discovering and seizing weapons to ensure the safety of the police or the detainee or other persons, or, secondly, for the purpose of discovering and preserving evidence. In order to justify such a search, the police must be able to articulate the reasonable and probable grounds for conducting the search.

In addition, the court held that strip searches should normally be conducted at a police station. Strip searches in the field may only be conducted where there are exigent circumstances which require the detainee be searched prior to being transported to a police station. The person conducting the search must be able to articulate the nature of the exigent circumstances.

The Court also held that there is no authority for the proposition that persons being detained by police in police facilities may be automatically or routinely strip searched. Again, the person conducting the search must be able to articulate the reasonable and probable grounds for the necessity of the search.

Unit commanders shall ensure that all members under their command are aware of this decision and are able to articulate their grounds for conducting strip searches where applicable.

Per: Professional Standards - Legal Services

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P22. TORONTO POLICE SERVICE 2002 OPERATING AND CAPITAL  
BUDGETS PRESENTED TO THE CITY OF TORONTO BUDGET  
ADVISORY COMMITTEE**

The Board was in receipt of the following report JANUARY 18, 2002 from Julian Fantino, Chief of Police:

Subject: PRESENTATION OF TORONTO POLICE SERVICE 2002 OPERATING AND CAPITAL BUDGETS TO CITY BUDGET AND ADVISORY COMMITTEE

Recommendation:

It is recommended that: the Board receive this report.

Background:

On December 13, 2001 the Board approved the following reports:

P333/01	TPS 2002 Operating Budget Request
P334/01	TPS 2002 Parking Enforcement Unit Budget Request
P335/01	TPS 2002-2006 Human Resources Strategy
P360/01	TPSB's 2002 Operating Budget Request
P361/01	TPS 2002-2006 Capital Program Submission – Revised

These reports were forwarded to the City Budget Division for review and consideration by the City Budget Advisory Committee (BAC). The BAC invited the Service, to attend a BAC meeting, to present the budget submissions and to answer any questions.

On January 11, 2002 Chairman Gardner, Mr. Frank Chen, Chief Administrative Officer, staff and I attended the BAC meeting. We reviewed the highlights of the Board's operating, TPS operating and TPS Capital submissions. A synopsis of the meeting follows.

Synopsis of the BAC meeting:

The Councillors' questions and concerns focused on staffing issues, Woodbine Slots and the service changes. The members appreciated the efforts made by TPS to reduce our request before submission to the Committee. We understand the financial pressures faced by the City and have within our submissions taken into consideration maximising savings by reducing or deferring costs and included all potential revenue.

The Budget Advisory Committee minutes reflect the following:

- (1) *received the overview presentation from the Chair of the Toronto Police Services Board, the Police Chief and the Chief Administrative Officer, Toronto Police Service, of the 2002 Capital and Operating Budgets of the Toronto Police Service and the 2002 Operating Budget of the Toronto Police Services Board.*
- (2) *requested the Chairs of the Toronto Police Services Board, Toronto Transit Commission and Toronto Public Health, together with the Toronto Ambulance and Toronto Fire Service, to advise the Budget Advisory Committee on the present and future pressures on their budgets due to the opening of the New Woodbine Racetrack.*
- (3) *requested the Acting Chief Financial Officer to advise the Budget Advisory Committee on the following:*
  - (a) *diverting the present and future revenue from Woodbine Racetrack against departments identified pressures;*
  - (b) *whether any increased revenue over the budgeted amount from the Woodbine slots can be directed to the Toronto Police Service for special enforcement purposes;*
  - (c) *the impact of the overall budget when considering these requests; and*
  - (d) *where the revenue from the sale of surplus Toronto Police Service lands is applied to and whether said surplus should go to the Toronto Police Service; and further how the disposal and acquisition of lands for other departments and ABCs are accounted for; and*
- (4) *requested the Chair, Toronto Police Services Board, in consultation with the Police Chief, to advise the Budget Advisory Committee on the following:*
  - (a) *Capital and other costs of obtaining and operating a helicopter, projection on the replacement value of same and whether funding for personnel can be found within the existing budget;*
  - (b) *fleet replacement costs, with special emphasis on the marine unit;*
  - (c) *number of police officers projected to be leaving the force in 2002 and why; and*
  - (d) *the cost of training a police officer and the projected training costs for 2002.*

Responses to the information requested will be provided, informally at our next meeting with BAC, tentatively scheduled for February 7th, 2002. Prior to the next BAC meeting, Councillors Chow and Soknacki have been tasked by BAC to review the budgets in more detail. A meeting with Councillors Chow and Soknacki has been set for January 21, 2002.

The discussions and review of the Anti-terrorism Unit will be conducted separately as part of the City Emergency Management Plan.

BAC has deferred approval of our budget requests until the next budget review of the Agencies, Boards and Commissions.

Summary:

TPS has presented a budget which includes essential funding for maintaining services to 2001 levels plus service changes reflective of the changing community and world issues. These service changes have been included within our submission as they represent important services for the safety and protection of our citizens.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command will be in attendance to answer any questions.

**The Board received the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P23. MAINFRAME LEASE WITH MFP TECHNOLOGY SERVICES**

The Board was in receipt of the following report JANUARY 22, 2002 from Julian Fantino, Chief of Police:

Subject: Mainframe Lease with MFP Technology Services

Recommendation:

It is recommended that: the Board receive this report on the mainframe lease with MFP Technology Services for information purposes.

Background:

In light of the discussions which are taking place at the City regarding the MFP leases, the Service's CAO requested that Pivotal Technologies Inc. (Mr. G.R. Dorbeck) review the Service's current lease with MFP for mainframe computers. Below is the background information related to this lease and attached is Mr. Dorbeck's assessment.

Prior to 2001, the Service had two Unisys mainframe computers. The primary mainframe (A16-42L) was located at Police Headquarters and a smaller mainframe (NX4602-52) was located at the Service's backup centre. The lease and maintenance contracts for this equipment were due to expire at the end of 2000. In 2000, the Service re-negotiated its lease with MFP Technology Services Inc. and its maintenance contract with Unisys Canada Ltd. and the proposal was approved by the Board at its September 28, 2000 meeting (Minute #418/00 refers).

In 2000, the Information Technology Services Unit (ITS) projected the elimination of the mainframe computers by the end of 2003, at which point all the applications would be migrated to the Service's standard computing platform. Unisys was asked to provide a proposal to cover the cost of these services from 2001 to 2003. Their proposal, received in May of 2000, identified the following problems:

- Unisys support for A16-42L mainframe model would expire in 2002;
- Due to support expiry, software licensing costs increased significantly, and only a two year license was available;
- Due to the age of the mainframe the maintenance costs had also increased significantly.

This proposal was not acceptable because the known costs were well above the 2000 operating budget and the Service required a vendor supported and maintained system until the end of 2003.

The ITS Unit then considered other alternatives which would reduce costs and ensure the mainframe could be supported for the required timeframe. Unisys was asked to provide a three-year proposal for the replacement of the A16-42L with a new NX5622-62 model with corresponding three year license and maintenance costs. The ITS cost projections, which included ITS' own leasing projections, were still over the 2000 budget.

At this point, ITS brought MFP Technology Services into the negotiation with Unisys. MFP held the existing leases on the mainframes, including the buyouts on the existing leases and MFP is also a major re-seller of Unisys mainframe equipment which allows for greater flexibility in lease structure and costs.

In August 2000, Unisys informed the Service that there was an overall cost increase planned for October 1, 2000 and that this negotiation must be completed by the end of September or the cost increases would have to be applied. For this reason, the Board letter was prepared and submitted in August 2000 prior to final negotiation. The Board letter planned to maintain the existing 2000 budget stream over the next three years. Unisys and MFP were told to bring the costs down to these levels.

The end result of negotiation (excluding taxes) was as follows:

NX5622-62	
Purchase	984,562
3 Year Software License	1,578,957
Disk Subsystem Purchase	98,130
NX4602-52	
3 Year Software License	470,427
Lease Buyout	272,911
3 Year LINC Software License	158,638
Total to be Leased	3,563,625

The end result Operating Costs (excluding taxes) were:

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>Total</u>
MFP Lease	1,211.4	1,211.4	1,211.4	3,634.1
Unisys Maintenance	529.1	603.2	633.3	1,765.7
Total	1,740.5	1,814.5	1,844.7	5,399.8
With Taxes	2,001.6	2,086.7	2,121.4	6,209.7

As expressed in the original Board letter, the Service plans to retire this equipment at the end of this term. At the end of this term, the NX5622-62 will be returned to MFP and the NX5602-52 will belong to the Service. This should accommodate any possible slippage in the final migration away from the Unisys mainframes.

This negotiation was not tendered for several reasons:

- The Service's own calculations indicated that the costs were well above its current budget;
- MFP held the existing leases, as well as, being a major Unisys re-seller which the Service believed it could leverage to bring the costs down;
- There was insufficient time for a tender to meet the September 2000 deadline for an official tender.

Overall, Service staff believed that costs would escalate if this deal was not completed in the required timeframe.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command, will be in attendance at the Board meeting to respond to any questions in this respect.

**The Board received the foregoing.**

**The Toronto Police Services****Regarding MFP Financial Services Lease Contract 546-7****January 22, 2002**

To: Mr. Frank Chen, Chief Administrative Officer

cc. Mr. L. Stinson, Director, ITS  
Mr. J. Macchiusi, Manager Technical Services

Dear Mr. Chen,

On January 18, 2002 you requested an opinion from Pivotal Technologies Inc. regarding the current lease financing arrangements between the TPS and MFP Financial Services.

Given the brief period of time to assemble the necessary information to conduct such a review, we can report the following to you based on the information we have at this time.

MFP Lease number	546-7
Lease Execution Date	October 2, 2000
City Legal Approval to Form	H.W. O. Doyle, City Solicitor
Signed by	Mr. N. Gardner, TPSB Chair
Lease Effective date	January 1, 2001
Lease Term	Three (3) years
Expiry Date	December 31, 2003
Specified End of Lease Options	NEW Equipment - Fair Market Value Equipment Carried Over - \$1.00
Mainframe Hardware Value Leased	\$1,355,603 (inclusive of \$272,911 Buyout of carry over equipment from lease 546-6)
Mainframe Software Licenses	\$2,208,022
Total Principal Value for Lease	\$3,563,625
Lease Rentals due	3 x \$ 1,211,367 Annually in Advance + Taxes beginning January 1, 2001
Effective Interest Yield on Rentals	1.99%
Effective Interest Yield with FMV Est.	7.03% (based on FMV estimate at \$200,000 Should TPS purchase the Equipment)
Present Value of Lease Rents	\$3,416,813 @ 6.5%



This Lease appears to be within commercially reasonable terms that may have been available to the TPS via other financing sources. This is measured against similar term Government of Canada Bond Yields at the time, which were 5.95%. Should the TPS follow through on its management plan to return this equipment to MFP at expiry, and incur no other costs, the economic outcome is entirely in favor of the TPS. The final choice of the TPS at expiration of this lease will affect the financial outcome dramatically. Should the lease be extended beyond December 31, 2003, or should the equipment be purchased by TPS, we recommend the TPS conduct a thorough independent review of the business proposal from the Lessor to accommodate this requirement.

It should be noted that the cost for the equipment carried over to this lease from the previous lease, 546-6, was done at the stipulated maximum purchase value in the contract. We could not verify or confirm that this value was negotiated and or represented a true reflection of Market Value conditions at the time. In the case of carry over equipment it is common practice in the industry to use this full value in the new principal cost for the new lease.

We now understand that the Lessor invested a residual value in the equipment and that they intend to recoup this value either through the TPS or by reselling/re-leasing to another party if the TPS returns the equipment. The low effective interest rate reveals this clearly. We have estimated the FMV to be \$200,000. This could be far less at the time of lease expiration.

The principal cost in the Lease is mostly software licensing cost at 63%. The balance consists of new and carry over hardware at 37%. Since software costs are strictly financed under the lease (i.e. NO residual value) we estimate that the lessor invested at least 16% to 20% of the original principal value into the lease.

This summary is provided to the TPS based upon the best available information at this time. Should relevant information be provided subsequent to this opinion that materially alters the outcome, Pivotal Technologies reserves the right to change the information provided to the TPS.

Please contact me should you require further assistance in this matter.

Yours truly  
**PIVOTAL TECHNOLOGIES INC.**

Greg Dorbeck  
Principal

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P24. DISPOSITION REPORT – REVIEW OF BOARD MEMBER MAYOR  
MEL LASTMAN’S CONDUCT**

The Board was in receipt of the following report JANUARY 24, 2002 from Norman Gardner, Chairman:

Subject: DISPOSITION REPORT - REVIEW OF BOARD MEMBER MAYOR MEL  
LASTMAN’S CONDUCT

Recommendation:

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

Background:

The Board, at its in camera meeting held earlier today, reviewed complaints pertaining to Mayor Lastman’s conduct with the Hell’s Angels on Friday January 11, 2002.

Mayor Lastman has provided the Board with a letter of explanation with respect to this issue (attached). The Board has accepted Mayor Lastman’s statement. On behalf of the Board, I will communicate the Board’s decision and a copy of Mayor Lastman’s letter of explanation to both the complainants and to the Ontario Civilian Commission on Police Services.

**The Board received the foregoing.**



Mel Lastman,  
Mayor

2<sup>nd</sup> Floor, Toronto City Hall,  
100 Queen Street West  
Toronto, Ontario M5H 2N2

## Memorandum

Tel: (416) 395-6464  
Fax: (416) 395-6440  
mayor\_lastman@city.toronto.on.ca

**Date:** January 24, 2002  
**To:** Toronto Police Board Members  
**From:** Mayor Mel Lastman  
**Re:** Friday, January 11, 2002

I have spoken with Chief Fantino and some Quebec elected officials, including Mayor Tremblay of Montreal to clearly indicate that the hell's Angels are not welcome here. I told them that on the night of Friday, January 11, 2001 I went by the Holiday Inn on King Street as I was driving home from a different event downtown. I decided to stop in and see first hand what was happening in the hotel lobby.

It is my job as Mayor to make sure we have a safe city. I have a strong track record of doing everything I can to fight crime in Toronto. As such, I did not interfere with any of the police activities that were taking place that evening at the hotel.

I am proud of the job that our police did that weekend in our entertainment district. They kept our city safe. Their presence ensured we didn't have any trouble. The Toronto Police continue to do a great job.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P25. CONFIDENCE IN THE LEADERSHIP OF CHIEF FANTINO**

Chairman Gardner moved the following Motion which was unanimously approved by the Board:

I would like to move a motion on behalf of the Toronto Police Services Board to confirm the Board's confidence in the leadership of Chief Fantino, and to recognize that the Chief has worked vigorously and in a professional manner on behalf of the members of the Toronto Police Service and the citizens of the City of Toronto in matters of public safety and security.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 24, 2002**

**#P26. ADJOURNMENT**

---

Norman Gardner  
Chairman