



The following *draft* Minutes of the meeting of the Toronto Police Services Board held on February 12, 2009 are subject to adoption at its next regularly scheduled meeting.

The Minutes of the meeting held on January 22, 2009 and the special meeting held on January 15, 2009 previously circulated in draft form, were approved by the Toronto Police Service Board at its meeting held on February 12, 2009.

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **FEBRUARY 12, 2009** at 1:30 PM in Committee Room 2, Toronto City Hall, Toronto, Ontario.

PRESENT:

Dr. Alok Mukherjee, Chair
Ms. Pam McConnell, Councillor & Vice-Chair
Mr. Frank Di Giorgio, Councillor & Member
Mr. Hamlin Grange, Member
The Honourable Hugh Locke, Q.C., Member
Mr. Adam Vaughan, Councillor & Member

ABSENT:

Ms. Judi Cohen, Member

ALSO PRESENT:

Mr. William Blair, Chief of Police
Mr. Albert Cohen, City of Toronto - Legal Services Division
Ms. Deirdre Williams, Board Administrator

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

**#P27. SEMI-ANNUAL REPORT: NEW TRAINING FACILITY – PROJECT
STATUS REPORT: JUNE TO DECEMBER 2008**

The Board was in receipt of the following report January 26, 2009 from William Blair, Chief of Police:

Subject: SEMI-ANNUAL REPORT: NEW TRAINING FACILITY - PROJECT STATUS
REPORT: JUNE TO DECEMBER 2008

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

The New Training Facility is a capital project in the Service's approved Capital Program, budgeted in the amount of \$75.8M gross, and \$66.0M net of the Department of National Defence (DND) contribution.

At its meeting of July 10, 2006, the Board requested that it be provided with semi-annual status updates on the new training facility project with respect to necessary approvals, schedule and cost estimates (Min. No. P209/06 refers). This report provides the Board with a status update for the period June 30, 2008 to December 31, 2008. The previous status report was provided in August 2008 (Min. No. P232/08 refers).

Discussion:

The Board, at its meeting of June 13, 2005 (Min. No. P194/05 refers), awarded the architectural design and consulting services for the new training facility to Shore Tilbe Irwin Architects and Engineers (STIP). At its meeting of January 11, 2006, the Board awarded the provision of construction management services for the new training facility to Eastern Construction Company Limited (Eastern). Under this agreement, Eastern manages the construction component of the project (Min. No. P7/06 refers).

Subsequently, the Board at its meeting of July 10, 2006 awarded the provision of construction services for the new training facility to Eastern (Min. No. P209/06 refers). This agreement authorizes Eastern to award contracts to the recommended sub-contractors and pay for the

various construction services provided. Since the award of these two agreements, Eastern has been actively engaged in the construction of a new training facility for the Toronto Police Service (TPS).

A status update on key components of the project is provided below.

Construction Activities and Schedule:

- Construction of the new training facility started on February 19, 2007, with a scheduled substantial completion date of November 6, 2008. Due to labour disruptions in June 2007, the substantial completion date was extended to December 31, 2008. However, due to the harsh winter conditions, frequent freeze and thaw conditions on site, and structural steel manufacturing and delivery delays, the substantial completion date was extended to January 16, 2009. While this results in a nine (9) week extension from the originally planned substantial completion date, the planned move-in for the fourth quarter 2009 remains unchanged. As of January 15, 2009 documentation was submitted to STIP requesting review for substantial completion and it is expected that this will be obtained by January 26, 2009.
- As of December 31, 2008, interior finishing is proceeding throughout the facility including finish flooring, painting and millwork. All mechanical and electrical systems have been installed, tested and commissioned.
- The LEED Silver certification process is underway and proceeding smoothly. The project team with input from the LEED consultant determined that a target of 36 points would be used as a benchmark. The LEED Silver required point range is 33-38 points. The document gathering process is in the final stages. Application to the Canada Green Building Council (CGBC) for LEED Silver certification is targeted for the first week of February 2009. The review process by the CGBC is expected to take several months to complete. Although the project targeted points are within the range for obtaining the LEED Silver certification, the Service was recently advised by City Facilities & Real Estate (F&RE) that they would not be able to meet the requirements to obtain the point for the implementation of green cleaning at the new training facility. The Service notified City F&RE in December 2007 that green cleaning was one of the LEED points that was being pursued.

Non-Construction Components:

- As with any new facility project, there are non-construction components to the project (e.g., furniture, workstations, equipment, security, etc.). At the time of budget development, the amount required for these items was estimated. Now that a detailed design is available, TPS staff have evaluated the plans for these components to determine any revisions to the original requirements/assumptions and related cost implications. This evaluation indicates that the non-construction requirements can be accommodated within the overall approved project budget and this was presented to the project steering committee.

Project Management:

The project management framework for this project was outlined in the semi-annual report provided to the Board at its meeting of February 21, 2008 (Min. No. P31/08 refers).

Matters of Note:

- DND and City of Toronto have executed the lease agreement. DND has provided the maximum fund contribution of \$12M (excluding taxes), as per the agreement, to the City. These funds are being held in trust by the City and a minimum of \$9.8M will be released to the Service based on the work progress as certified by STIP. To the end of 2008, the Service has drawn funding in the amount of \$7.9M of the minimum \$9.8M. The remainder of the funding will be provided to the Service at the confirmation of substantial completion.
- DND has requested changes (totalling \$263,000) to their portion of the facility. The Service has notified DND that the cost of these changes would be in addition to the minimum recovery of \$9.8M and DND agreed to this. The Service has proceeded with the change requests on the basis that there would be no cost or schedule impact on the Service's portion of the facility. DND is in the process of providing City Real Estate with written confirmation to release funds in excess of the \$9.8M for their requested changes.
- DND has requested that TPS manage, procure and coordinate installation of furniture, fit-ups and equipment for their portion of the facility. This request is over and above the scope of the lease agreement. The Service will be managing and coordinating the above components for its portion of the facility and can accommodate DND's request on a total cost recovery basis (i.e. no cost to the Service). Given that this request from DND is outside the lease agreement and would require funding from the \$12M (excluding taxes) provided to the City, authorization from DND is required to enable the City to release funds above the minimum \$9.8M as per the lease agreement. TPS, City and DND are working on an agreement that will enable the City to authorize the release of additional funding, to the Service, above the minimum \$9.8M contribution to accommodate this additional request. TPS will not proceed with this request without written authorization from the City and DND confirming the release of additional funds. The Service has also advised DND that the cost recovery for this request will include an 8% management fee (estimated at \$65,000) and this request cannot impact on the Service's schedule for interior fit-up and equipment procurement.
- STIP submitted a claim for an increase in fees. This issue was addressed by TPS staff in consultation with City of Toronto Legal Department. A resolution to the STIP claim was reached and the Board approved an amendment to the STIP purchase order at its meeting of September 18, 2008 (Min. No. P262/08 refers).
- Eastern advised the Service that additional construction management services (e.g. staff time and site services), have been incurred due to the schedule delay and harsh weather conditions. TPS staff reviewed the additional services and concurred that they were reasonable. As a result, the Board approved an amendment to the Eastern purchase order at its meeting of September 18, 2008 (Min. No. P261/08 refers).

Budget:

The major construction tenders have come in under budget, and at this time work is for the most part proceeding as planned. The claim from STIP and additional construction management services from Eastern have been accommodated within the overall approved project budget. Change orders to date have utilized approximately 95% of the project contingency. The project's exposure to significant change orders is greater in the early stages of a project due to unknown site conditions. The facility is close to being completed and as a result, the risk of significant change orders is now reduced. The project steering committee will continue to review the remaining project components in order to remain within the overall project budget.

Conclusion:

The rate of progress on the new training facility project is satisfactory. Construction substantial completion is scheduled for January 26, 2009. The project is still expected to be completed on budget and within the scheduled move-in date of September 2009.

All issues that arise are being dealt with promptly during the weekly scheduled site project meetings and/or by the project's Steering Committee. The Board will be apprised if any significant issues arise before the next status report.

Mr. Angelo Cristofaro, Acting Chief Administrative Officer, Administrative Command, will be in attendance to respond to any questions from the Board.

Mr. Angelo Cristofaro, Acting Chief Administrative Officer, was in attendance and discussed this report with the Board.

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

THAT, with respect to the City's inability to meet the requirements to obtain the point for the implementation of green cleaning at the new facility, the Board communicate its concern on this matter to the Mayor and the City Manager, given how important each point is in achieving the LEED silver standard, and drawing attention to the fact that green building is the City's own policy and a priority for the Mayor.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

**#P28. 2009 OPERATING BUDGET REQUEST FOR THE TORONTO POLICE
SERVICE: REPSONSE TO THE CITY MANAGER'S
RECOMMENDATION TO THE BUDGET COMMITTEE**

The Board was in receipt of the following report February 10, 2009 from William Blair, Chief of Police:

Subject: 2009 OPERATING BUDGET REQUEST FOR THE TORONTO POLICE
SERVICE: RESPONSE TO CITY MANAGER'S RECOMMENDATION TO
BUDGET COMMITTEE

Recommendations:

It is recommended that:

- (1) the Board approve a revised 2009 net operating budget request of \$855.1 million (M), a 4.0% increase over the 2008 approved net operating budget;
- (2) the Board approve a revised uniform establishment of 5,548 (an increase of 38);
- (3) the Board forward a copy of this report to the City's Deputy City Manager and Chief Financial Officer for information; and
- (4) the Board forward a copy of this report to the City Budget Committee for approval.

Financial Implications:

The Toronto Police Service's (TPS) revised 2009 operating budget request is \$855.1M net (\$919.3M gross). This is an increase of \$33.1M (4.0%) over the approved 2008 net operating budget of \$822.0M. This revised budget request has been reduced by \$5.3M from the budget approved by the Board at its meeting on January 22, 2009 (Min. No. P18/09 refers).

Background/Purpose:

The Board approved a 2009 net operating budget request of \$860.4M at its January 22, 2009 meeting (Min. No. P18/09 refers). This budget request was provided to the City's Deputy City Manager and Chief Financial Officer for information, and to the City Budget Committee for approval.

The overall City of Toronto 2009 operating budget was introduced by the Mayor and the City Budget Committee Chair on February 10, 2009. This budget included the following recommendations from the City Manager with respect to the Service's 2009 operating budget request:

- “1. City Council approve the 2009 Recommended Operating Budget for the Toronto Police Service of \$920.661 million gross and \$855.127 million net ...;
2. the Toronto Police Services Board report to Budget Committee on March 3, 2009 with specific sustainable budget reductions to accommodate a \$5.315 million net reduction from the 2009 Budget Request approved by the Toronto Police Services Board on January 22, 2009 to achieve the Recommended Operating Budget of \$920.661 million gross and \$855.127 million net in 2009; and
3. the Toronto Police Services Board, following consultation with the Chief of Police and the final confirmation of outstanding details of the Police Officers Recruitment Fund, report to Budget Committee identifying adjustments required to include 38 additional Officers within the Police Service’s Recommended Operating Budget of \$920.661 million gross and \$855.127 million net in 2009.”

Discussion:

The current Board-approved budget request resulted from a thorough review process by the Command and Board Budget Sub-Committee. In order to achieve the \$5.3M reduction recommended by the City, the Service has conducted a further review of the current Board-approved budget, with the benefit of final year-end numbers, which are now available. Particular attention was given to those accounts where 2009 budget estimates are based on historical spending levels. The following summarizes the budget adjustments that can be made at this time.

Salaries:

Service salary budgets are developed based on actual staffing levels and salary rates at a point in time, adjusted for planned hires, separations and leaves. Full-year 2008 information is now available and has been used to revise the 2009 hiring and gapping analysis for Court Services. As a result, \$1.3M in reductions can be applied to the Court Services budget.

The Service has also reviewed its gapping assumptions with respect to civilian positions, and a \$0.5M reduction is being made in this regard.

Premium Pay Expenditures:

Premium pay expenditures arise from overtime, court and callback hours incurred by members, as well as cash payouts for accumulated lieu time. Premium pay cash expenditures can vary year to year depending on whether members choose to take accumulated lieu time as days off or as cash. Recent patterns indicate a slightly higher percentage of members requesting time off compared to cash. On an overall basis, this translates to a \$0.8M reduction in estimated requirements for premium pay. It should be noted, however, that this reduction is based on recently observed changes in long-term trends. If this change does not continue to be realized in 2009, this could create a pressure in the premium pay accounts.

Benefits:

Many of the significant fringe benefit accounts (e.g., medical, dental and Workers' Safety and Insurance Board) rely on historical experience to help determine future expenditure levels. Based on 2008 year-end spending, these accounts can be reduced by \$0.3M.

City Chargeback for Caretaking and Maintenance:

The 2008 year-end chargeback from City Facilities and Real Estate to the Toronto Police Service was below budget by \$0.6M. A portion of this \$18M budget is based on historical costs (e.g., utilities), and a portion is based on staffing allocations of cleaning and maintenance staff to our facilities. Based on 2008 and previous years' underspending in this account, the Service is recommending a \$0.3M reduction.

Police Officers Recruitment Fund (PORF):

On February 26, 2008, the Federal government announced its commitment to funding an additional 2,500 police officers in communities across Canada through the Police Officers Recruitment Fund (PORF). This program is being administered by the province. At the time of budget development in 2008, details for PORF were not known. Subsequently, the Service has learned that funds will be granted for the purposes of increasing the number of sworn officers of the TPS to enhance police presence within the municipality.

The Ministry will provide \$70,000 per officer for salaries, benefits and overtime, for total funding of \$2.66M per year for five years. There is no net cost to the Service for this program, as the revenue from the grant covers the cost of the program.

The province has allocated 38 positions to the Service. There is a legal obligation for the Board to maintain the complement numbers for the existing Community Policing Partnerships Program and the Safer Communities – 1,000 Officers Partnership Program, for which we receive partial funding for 251 and 250 officers, respectively. In order to ensure funding is obtained for the 38 officers allocated under PORF, the Service's uniform establishment must be increased by 38, from 5,510 to 5,548, and be maintained for the next five years. As a result of this change in establishment, the average deployed target will be 5,548 plus 30 School Resource Officers (SROs).

Unspecified Reduction:

The budget reductions outlined above total \$3.2M. Consequently, a further reduction of \$2.1M is still required to achieve the City's recommended funding level. The Service has gone through a very thorough budget development and review process to determine the level of funding required to provide effective policing services to the City. Any further reduction to the Service's budget request would be arbitrary in nature, and could not be achieved without adversely affecting operations. However, in view of the City's financial constraints, the Service will make every attempt to find budget savings to absorb this reduction, and will advise the Board and City Budget Committee by September 2009 on what adjustments have been made to achieve the

\$2.1M reduction. In the interim, the \$2.1M reduction will be accounted for by increasing miscellaneous revenue by this amount.

Conclusion:

The following summarizes the total impact of the budget changes outlined above. The revised budget of \$855.1M is equal to the budget being recommended by the City Manager.

(amounts are in thousands)	2009 Board- Approved Budget	Revised Budget
Total Gross Budget:	\$920,661.0	\$920,661.0
Salaries - Court Services		-\$1,300.0
Salaries - Civilian Salaries		-\$500.0
Premium Pay		-\$800.0
Benefits		-\$300.0
City Chargeback for Caretaking and Maintenance		-\$300.0
Police Officers Recruitment Fund (PORF) (salaries)		\$1,790.2
Revised Gross Budget	\$920,661.0	\$919,251.2
Total Revenue Budget:	-\$60,219.9	-\$60,219.9
Police Officers Recruitment Fund (PORF) (revenue)		-\$1,790.2
Unspecified Reduction (allocated to miscellaneous revenue)		-\$2,115.0
Revised Revenue Budget	-\$60,219.9	-\$64,125.1
Revised Net Budget Request	\$860,441.1	\$855,126.1

As a result of these adjustments, the Service is submitting a revised 2009 operating budget request of \$919.3M gross and \$855.1M net to the Board for approval. This is an increase of \$33.1M or 4.0% over the 2008 operating budget. In addition, an increase to the uniform establishment of 38 officers is being requested to address the requirements of the PORF grant. This will result in a revised uniform establishment of 5,548 officers, and a deployed target of 5,548 plus 30 School Resource Officers.

As the year progresses, the Service's financial situation will be carefully monitored and any areas that can be reduced will be identified to the Board through regular variance reporting.

Mr. Angelo Cristofaro, Acting Chief Administrative Officer, Administrative Command will be in attendance to answer any questions from the Board.

The Board approved the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

**#P29. MODIFICATION OF THE TORONTO POLICE SERVICES BOARD'S
POLICY REGARDING THE DISCLOSURE OF RECORDS RELATING
TO APPREHENSIONS UNDER THE *MENTAL HEALTH ACT*
PURSUANT TO THE POLICE REFERENCE CHECK PROGRAM**

The Board was in receipt of the following report January 29, 2009 from Albert Cohen, City of Toronto – Legal Services Division:

**Reference: Modification of the Toronto Police Services Board's Policy regarding the
Disclosure of Records Relating to Apprehensions Under the *Mental Health
Act* Pursuant to the Police Reference Check Program**

Recommendation:

It is recommended that:

1. The Board amend the existing Toronto Police Service's Criminal Reference Check Policy [Minute P212/95 refers] in the manner set out in Appendix A, attached, to reflect the following requirements:
 - a. Records disclosing that a person has had contact with the Toronto Police Service pursuant to the *Mental Health Act* will not be disclosed in reference checks performed as part of a Vulnerable Sector Screening Program – Police Reference Check unless a responsible person at the participating agency specifically requests such information and certifies that the information is necessary for the agency to properly evaluate the suitability of the applicant.
 - b. Agencies wishing to participate in the Vulnerable Sector Screening Program – Police Reference Check must execute an agreement with the Service and certify that they have participated in training delivered by the Ontario Human Rights Commission, or training equivalent thereto, on the agency's obligations under the *Human Rights Code* with respect to evaluating, hiring and training volunteers or employees.
 - c. Disclosure of any records requested under the Vulnerable Sector Screening Program – Police Reference Check will be provided only to the individual that has applied to receive the Police Reference Check.
2. The Board request that the Chief of Police develop such operational processes as are required to incorporate the foregoing criteria for the disclosure of records relating to the apprehension of individuals under the Mental Health Act.

Background: Reference Check Program

The Board originally approved a reference check program for the TPS on May 3, 1995. [Minute P212/95 refers]. This policy was approved after the Provincial Ministry of Community and Social Services (“MCSS”) adopted a policy, effective March 1, 1995, mandating police reference checks for all agencies funded or licensed by the Ministry that provide direct services to children and vulnerable adults.

The Vulnerable Sector Screening Program – Police Reference Check program is intended to assist participating agencies in determining the suitability of applicants for employment or volunteer positions which involve working with children and vulnerable adults.

Agencies wishing to participate in the Program must execute a Memorandum of Understanding with the Service. Approximately 1800 agencies participate in the Program. Last year there were approximately 33,000 requests for police reference checks. Approximately 2,000 of those requests yielded information on file.

The Program is not restricted to records of contacts with the police on *Criminal Code* matters, but also includes records of *Mental Health Act* contacts.

Concerns have been raised by some individuals with respect to the disclosure of records of *Mental Health Act* contacts. Specifically, the concerns raised are that, among other things:

1. individuals with a mental health history may not pursue a particular employment or volunteer opportunity in order to avoid having to discuss their mental health history with an agency; or
2. individuals may be denied the opportunity of pursuing careers or volunteer placements for which they have trained because a record of a *Mental Health Act* contact is disclosed.

The counter arguments are, among other things, that:

1. it is legitimate for the Board to weigh the safety concerns of vulnerable persons over the career aspirations of individuals applying for employment or volunteer opportunities; and
2. each agency must comply with the *Human Rights Code*. It is incumbent upon every agency to accommodate applicants with a mental health history, if that can be done in a manner that does not put vulnerable persons at risk.

In addition, some mental health advocates also argue that persons with a mental health history are no greater threat to commit criminal offences than the general population. While this may or may not be true, the real issue is not the population of persons with mental health issues at large, but rather those persons who have been apprehended by the police pursuant to the *Mental Health Act*. Persons may be apprehended because they have threatened or acted violently to themselves or others and because the officer or a physician or Justice of the Peace is of the opinion that they are suffering from a mental disorder which will likely result in severe bodily harm to themselves or others. Therefore, it is likely that individuals who have been apprehended pose a potential threat to vulnerable persons in certain circumstances and, accordingly, information about *Mental*

Health Act apprehensions may be relevant to an agency in assessing an individual's suitability to work with vulnerable persons.

The difficulty faced by the Service is, however, that it can not and does not evaluate the suitability of any individual for any position within an agency. The role of the police is merely to provide the results of the Vulnerable Sector Screening – Police Reference Check to the individual applicant. This disclosure is necessarily of limited value because it represents a snapshot taken at a particular moment in time. Therefore, it will be incumbent on any agency recruiting individuals to work with vulnerable people to put any information provided by the Service to the individual and disclosed to them in context given:

1. their knowledge of the position they are seeking to fill and the particular needs of and risks to the vulnerable people they serve;
2. the other information that they receive from the individual and from references provided by the individual, if any; and
3. any views about the individual's suitability for a position formulated by the agency's staff in the course of any interviews conducted.

The Vulnerable Sector Screening – Police Reference Check program is not a substitute for proper interview and assessment processes and appropriate follow up and monitoring carried out by the agency.

A draft Vulnerable Sector Screening Program – Police Reference Check Criminal Reference Check Policy is attached as Appendix A for the Board's consideration. This Policy, if adopted, will amend the policy originally approved on May 3, 1995. [Minute P212/95 refers]. A confidential report that dealt with the Vulnerable Sector Screening – Police Reference Check program was also before the Board on December 18, 2008. [Minute No. C351/08 refers.] Recommendations 1 and 2 above are consistent with the resolution of the Board passed during the confidential portion of its meeting on December 18, 2008.

The draft policy addresses the foregoing concerns in three respects.

1. First, the Board's policy would ensure that the Service requires agencies to confirm that they have obtained training regarding their obligations under the *Human Rights Code* before the Service will conduct reference checks on individuals who wish to work with vulnerable people within these agencies. Among other things, agencies will be required to attest that they are aware of their obligation not to discriminate against any applicant in evaluating any information provided to them by the applicant through the police reference check program or otherwise.

Rationale: Since potentially sensitive information about an individual may be disclosed through the reference check program, this confirmation is intended to ameliorate the risk of discrimination or the improper handling of information.

Human Rights Code training is also reasonably accessible. For example, Volunteer Toronto currently provides training to various agencies who want it and the Human Rights Commission participates in that training.

2. Second, the Board's policy would require agencies to consider the circumstances in which they require information on an applicant's contact with the TPS under the *Mental Health Act*, if they do. If an agency identifies this information as potentially relevant for the position it is seeking to fill, a responsible person at the agency would be required to specifically request that information and certify that the information is necessary for the agency to properly evaluate the suitability of the applicant.

Rationale: Unlike the agency, the police lack particular knowledge about the job/volunteer position to be filled. As such, the police lack the capacity to assess the position requirements, safety concerns, and resources available to accommodate disabilities. Therefore, it is appropriate for each agency to assess whether they require the disclosure of *Mental Health Act* information to complete their assessment of an individual's suitability for any particular position that they are seeking to fill.

3. Third, the Board's policy will require the Service to advise will only provide the results of any police reference check to the applicant and the only information disclosed to an agency will be the fact that the TPS has completed the reference check.

Rationale: The current procedure is for the TPS to notify the agency that there is "information on file" and that a synopsis has been sent to the applicant. The risk of summary rejection of an applicant by an agency will be reduced if each agency is required to contact the individual to discuss any disclosure provided under the reference check program. The individual also continues to have a choice about whether or not to disclose information about themselves to the agency.

Position of the Chief of Police

The Chief concurs with the Recommendations of this report.

Summary and Conclusions

The proposed changes to the Board's Vulnerable Sector Screening – Police Reference Check program are intended to weigh the need to protect the rights of applicants against the concomitant necessity of protecting vulnerable persons, and reflect the fact that the agencies are in a better position than the police to assess the potential risk to vulnerable persons posed by a particular applicant seeking a particular employment or volunteer position.

The proposed changes do, however, also emphasize that:

1. agencies seeking to recruit individuals to work with vulnerable persons must understand their responsibilities in assessing the suitability of applicants given the position being filled and the requirements of the *Human Rights Code*; and
2. the role of the Service is simply to provide access to such information as is available to permit agencies to better assess the risk to vulnerable persons if an individual volunteers or is employed by it.

The Board was also in receipt of the following correspondence:

- **February 09, 2009 from John Sewell, Toronto Police Accountability Coalition; and**
- **February 11, 2009 from Anna Willats, George Brown College.**

Copies of the correspondence are on file in the Board office.

Mr. Don Weitz was in attendance and delivered a deputation to the Board.

Mr. Cohen responded to questions about this report.

Chief Blair explained the differences between the procedure for disclosing information under the current policy compared to the new proposed procedure, if the amendments to the policy are approved. Chief Blair also said that he supports the proposed amendments.

The Board approved the following Motions:

- 1. THAT the Board receive Mr. Weitz's deputation;**
- 2. THAT the Board receive the correspondence from Mr. Sewell and Ms. Willats;**
- 3. THAT the Board approve the foregoing report; and**
- 4. THAT, with respect to the foregoing policy, the Chief prepare a communiqué using plain language; that it be made widely available to the public; and posted on the Service's website; and that a copy be provided to the Board.**

APPENDIX A

**TORONTO POLICE SERVICES BOARD
POLICY AND DIRECTIONS**

TPSB POL – XXX Disclosure of Information to Individuals Pursuant to the Vulnerable Sector Screening Program – Police Reference Check Program

<input type="checkbox"/>	New
<input checked="" type="checkbox"/>	Amended
<input type="checkbox"/>	Reviewed – No Amendments

Board Authority:

Board Authority:

BOARD POLICY

It is the policy of the Toronto Police Services Board that the Toronto Police Service (the “Service”) will undertake police reference checks for the purpose of assisting agencies providing services to children and vulnerable adults to determine the suitability of potential candidates for employment and/or volunteer duties where those individuals will have direct contact with children or vulnerable persons (the “Vulnerable Sector Screening Program – Police Reference Check”).

In accordance with the foregoing, the Chief of Police is directed to develop processes pursuant to which police reference checks under the Vulnerable Sector Screening Program may be made available to individuals who:

1. are seeking an employment or volunteer position with an agency that has executed an agreement with the Service agreeing to the terms established by the Chief upon which the Service will carry out a police reference check; and
2. execute a consent to disclosure form authorizing the reference check to be conducted for purposes consistent with the foregoing policy.

Furthermore, the Chief of Police is directed to develop processes used for carrying out police reference checks under the Vulnerable Sector Screening Program that incorporate the following criteria:

1. Agencies wishing to participate in the Vulnerable Sector Screening Program – Police Reference Check must certify that they have participated in training delivered by the Ontario Human Rights Commission, or training equivalent thereto, on the agency’s obligations under the *Human Rights Code* with respect to evaluating, hiring and training volunteers or employees.

2. The Service will only provide disclosure of any records requested under the Vulnerable Sector Screening Program – Police Reference Check to the individual who has applied to receive such records. The Service will not disclose the results of the reference check to the agency.
3. In response to a request for a reference check under the Vulnerable Sector Screening Program, the Service will search the CPIC Investigative, Intelligence and Identifications data banks and any Service data banks for available information about the applicant.
4. The Service will not disclose records to the applicant indicating that the applicant has had contact with the Service pursuant to the *Mental Health Act* as part of Vulnerable Sector Screening Program – Police Reference Check unless a person in authority at the participating agency with whom the applicant is seeking employment or a volunteer position specifically requests such information and certifies that the information is necessary for the agency to properly evaluate the suitability of the applicant.
5. The Service will adopt procedures to ensure that individuals may discuss the results of any police reference check completed regarding themselves with a member of the Records and Information Management unit; this is to ensure that individuals understand the information disclosed about themselves and have an opportunity to raise a concern regarding the appropriateness of specific disclosure relating to the individual’s contact with the Service under the *Mental Health Act*. The Service will adopt a process to provide for the consideration internally of any concerns raised by an individual relating to the disclosure of an individual’s contact with the Service under the *Mental Health Act*.

REPORTING:

LEGISLATIVE REFERENCE

Act	Regulation	Section
Police Services Act R.S.O. 1990 as amended		●
Mental Health Act, R.S.O. 1990, c. M.7		s. 16, 17, 28, 33.3

BOARD POLICIES:

Number	Name

BOARD OFFICE PROCEDURES:

Number	Name

SERVICE PROCEDURES: Refer to service procedures.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

**#P30. ABORIGINAL POLICING – STATEMENT OF COMMITMENT AND
GUIDING PRINCIPLES**

The Board was in receipt of the following report January 15, 2009 from Alok Mukherjee, Chair:

Subject: ABORIGINAL POLICING - STATEMENT OF COMMITMENT AND
GUIDING PRINCIPLES

Recommendation:

It is recommended that the Board approve the draft document entitled, “*Aboriginal Policing – Statement of Commitment and Guiding Principles.*”

Financial Implications:

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

Background/Purpose:

At its meeting of April 7, 2005, in considering the 2004 Annual Report – Race Relations Programs, the Board approved the creation of the Saving Lives Implementation Group (SLIG) (Min. No. 115/05 refers). Among the Motions approved by the Board at this time, are as follows:

5. THAT the Board affirm its commitment to implementing the recommendation of the “Saving Lives” report of June 2002 and that the Board establish a Saving Lives Implementation Working Group comprised of the following members:

- **three representatives of the Board: Chair McConnell, Vice-Chair Mukherjee and Mr. Grange;**
- **three representatives of the Service: Chief Designate Blair, Superintendent Keith Forde and Superintendent Gary Ellis;**
- **three community representatives on issues of race: Ms. Zanana Akande, Mr. Julian Falconer and Ms. Kim Murray;**
- **three community representatives on issues of mental health: Ms. Nicki Casseres, Ms. Pat Capponi and Ms. Suzan Fraser; and**
- **Ms. Sandy Adelson, Senior Advisor, Policy & Communications, Toronto Police Services Board.**

The Working Group meetings will be chaired, on a rotating basis, by Chief Designate Blair and Mr. Falconer.

- 6. THAT the Working Group noted in Motion No. 5 include additional community representatives, as necessary, to ensure that it is reflective of all interested community organizations;**

SLIG met for the first time in May of 2005 and has been meeting since this time. The membership of SLIG has also been expanded and some subject-matter experts have been engaged on an issue-specific basis.

As part of its work, SLIG created four sub-committees: Education and Training, Community Policing, Aboriginal Issues and Initiatives, and Mobile Crisis Intervention Teams (MCITs).

In early 2007, the Aboriginal Issues sub-committee completed its report, which included a recommendation for the Board to establish a policy in relation to Aboriginal policing. This report was subsequently approved by the membership of SLIG, as a whole, and was received by the Board at its meeting of March 22, 2007 (Min. No. P104/07 refers).

Discussion:

As a result, a draft document, *Aboriginal Policing - Statement of Commitment and Guiding Principles*, was developed by a working group comprised of members of the Aboriginal community that sit on the Toronto Police Service's Aboriginal Consultative Committee and/or the City of Toronto's Aboriginal Affairs Committee, and Board staff.

This document was created after extensive research and consultation. Members of the working group reviewed other similar documents as part of its work. In addition, the document has been reviewed by the Toronto Police Service's Aboriginal Consultative Committee and the City of Toronto's Aboriginal Affairs Committee. Members of these committees suggested changes to the document which have been incorporated into the version that is appended.

The members of the working group have spent a great deal of time and energy developing this document and I am grateful for their contribution. I believe that it was imperative that the community itself played an integral role in shaping the *Statement of Commitment and Guiding Principles*.

Conclusion:

As noted in the *Statement of Commitment and Guiding Principles*, the Board is committed to respecting and recognizing the unique position that the Aboriginal community holds in Toronto as the original peoples of this land. This document provides a framework for ensuring that this community is provided with adequate and effective police service in a culturally competent manner. It covers the following critical areas: Representation and Accountability, Training and Accountability: Participation, Consultation and Information Sharing.

The draft document entitled, “*Aboriginal Policing – Statement of Commitment and Guiding Principles*,” has been appended to this report.

It is, therefore, recommended that the Board approve the draft document entitled, “*Aboriginal Policing – Statement of Commitment and Guiding Principles*.”

The following persons were in attendance and made depositions to the Board:

- **Jonathan Rudin, Aboriginal Legal Services of Toronto;**
- **Paula Fletcher, Councillor and Chair, Aboriginal Affairs Committee, City of Toronto; and**
- **Monica McKay.**

The Board approved the following Motions:

- 1. THAT the depositions be received;**
- 2. THAT the foregoing report be approved;**
- 3. THAT the Board send copies of the foregoing report to: the City of Toronto – Executive Committee; the Ontario Association of Police Services Boards; the Canadian Association of Police Boards; and the Federation of Canadian Municipalities – Social Economic Development Committee for information; and**
- 4. THAT the Board request the Chief to deliver a presentation on the Aboriginal Peacekeeping Unit at a future meeting.**

Toronto Police Services Board
Aboriginal Policing – Statement of Commitment and Guiding Principles

Preamble

The Toronto Police Services Board is committed to respecting and recognizing the unique position that First Nations, Inuit and Métis peoples (“the Aboriginal community”) hold in Toronto as the original peoples of this land.

The Board acknowledges that:

- The Aboriginal community within Toronto is a diverse collective comprised of many Nations;
- The relationship between police and the Aboriginal community has experienced difficulties in the past. The Toronto Police Service and the Toronto Police Services Board are committed to working with the community towards a more equitable, mutually respectful, honest and trusting relationship.
- Members of the Aboriginal community are over-represented in the criminal justice system, as both victims of crime and accused persons.
- The use of principles of restorative justice as well as participation in diversion programs, including Aboriginal diversion programs, for members of the Aboriginal community should be supported to the fullest extent possible.

Guiding Principles

Having regard to the commitment stated in the Preamble, the Toronto Police Services Board adopts the following guiding principles in order to ensure the provision of adequate and effective police services to the members of Toronto’s Aboriginal community:

Representation and Accessibility

- The Board is committed to ensuring that the Service works continuously to build sustainable relationships with members of the Aboriginal community at both the corporate and the divisional levels.
 - In the development of the Service’s priorities and the allocation of staff and resources, it is beneficial to recognize the concerns of the Aboriginal community, and, in particular, to acknowledge the increasing youth population in the Aboriginal community.
 - An adequately resourced Aboriginal Peacekeeping Unit, that includes dedicated staff, is valuable in meeting the unique policing requirements of the Aboriginal community.

- Where possible, in Divisions with high Aboriginal populations, officers dedicated to working with the Aboriginal community are helpful in the provision of policing services to the community.
 - It would be beneficial for the responsibilities of such officers to include, among others: acting as a liaison between the Service and the community, regularly providing information to the community, connecting members of the community to other services, working with child welfare agencies and assisting members of the community through the court system.
- The Board is committed to ensuring that the Service is reflective of the population that it serves because this increases the ability of the Service to meet community needs and provides a foundation for relationships of trust with Toronto's diverse communities.
 - It is important to ensure that recruitment, selection, hiring and promotional practices continue to facilitate greater participation in, and greater access to, employment and promotion opportunities to members of the Aboriginal community at all levels of the Service.

Training

- The Board is committed to ensuring training programs that address issues of diversity and cultural competency are delivered to all Service members to enhance their ability to provide effective services to Toronto's diverse communities.
- Cultural competency means the ability to interact skilfully with people of different cultures and requires awareness of one's own cultural world view, knowledge of different cultural practices and world views, the possession of cross-cultural skills as well as a positive attitude towards cultural differences. Further, there needs to be a base understanding and respect for the lived histories and understanding of policies affecting Aboriginal people historically and currently.
 - The provision of relevant and regular training on cultural competencies specific to interacting with members of the Aboriginal community contributes to equitable and inclusive service delivery. Including members of the Aboriginal community in both the design and delivery of such training is extremely valuable.

Accountability: Participation, Consultation and Information Sharing

- The Board is committed to the community consultative process as a key component of community policing and an important mechanism for accountability. Consultation is the vehicle by which the community and the police exchange information specific to the community, identify issues and develop strategies for maintaining and enhancing community safety.

- It is important for the Service to encourage and provide ongoing and regular opportunities for meaningful and inclusive dialogue and consultation between members of the Service and members of the Aboriginal community.
- It is essential that such information-sharing and consultation processes provide for accessibility, accountability and transparency in the decision-making process.
- Efforts should be made to include youth members of the Aboriginal community in the consultation process.
- It would be useful for the Service to analyze information specific to the Aboriginal community, to obtain input on such information from members of the community, to identify trends and issues, and to circulate such information as appropriate.

Appendix Restorative Justice¹

The roots of restorative justice can be found in Aboriginal healing traditions and the non-retaliatory responses to violence endorsed by many faith communities.

It represents a return of the simple wisdom of viewing conflict as an opportunity for a community to learn and grow. It operates on the premise that conflict, even criminal conflict, inflicts harm, and therefore individuals must accept responsibility for repairing that harm. Communities are empowered to choose their response to conflict. Victims, offenders and communities actively participate in devising mutually beneficial solutions, and implementing those solutions. Conflicts are resolved in a way that restores harmony in the community members' relationships, and allows people to continue to live together in a safer, healthy environment.

¹ The Centre for Restorative Justice, Simon Fraser University, <http://www.sfu.ca/crj/>

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

**#P31. RESPONSE TO OMBUDSMAN REPORT: “OVERSIGHT UNSEEN” –
INVESTIGATION INTO THE SPECIAL INVESTIGATION UNIT’S (SIU)
OPERATIONAL EFFECTIVENESS AND CREDIBILITY**

The Board was in receipt of the following report January 09, 2009 from William Blair, Chief of Police:

Subject: RESPONSE TO OMBUDSMAN REPORT: "OVERSIGHT UNSEEN" -
INVESTIGATION INTO THE SPECIAL INVESTIGATION UNIT'S (SIU)
OPERATIONAL EFFECTIVENESS AND CREDIBILITY

Recommendation:

It is recommended that the Board receive the following report.

Financial Implications:

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

Background/Purpose:

At its meeting of October 18, 2008, the Board considered a report from Mr. Andre Marin, Ombudsman of Ontario, entitled “Oversight Unseen”. The report was released on September 29, 2008, and made 46 recommendations, including proposed amendments to current legislation, in order to address the Special Investigation Unit’s (SIU) operational deficiencies. The Board received the report and approved the following motion. (Min. No. P284/08 refers.)

That the Chief provide comments with respect to Mr. Andre Marin’s recommendations regarding broadening of the definition of “serious injury”, his various recommendations concerning delay, and any other issues that are of relevance to the Toronto Police Service in terms of its advocacy and policy making roles.

Discussion:

Staff Superintendent Richard Gauthier, the Chair of the Ontario Association of Chiefs of Police (OACP) Special Investigation Unit (SIU) Committee, was tasked by the President of the OACP to prepare a response to the recommendations in the Ombudsman report, “Oversight Unseen”. All of the recommendations were reviewed by the Committee, however only those that affected the Police were addressed in the report. In November 2008, he chaired a meeting with the OACP SIU Committee. The response was presented to the OACP Executive on December 8, 2008, and at that time the Executive adopted the report as the official response for all of the Chiefs of Police in the Province of Ontario.

Appended to this report is a copy of the response to the Ombudsman report: "Oversight Unseen".

Deputy Chief A.J. (Tony) Warr, Specialized Operations Command will be in attendance to answer any questions the Board may have.

The Board received the foregoing report approved the following Motion:

THAT the Board request the Chief to provide a further report addressing Mr. Marin's recommendations regarding broadening of the definition of "serious injury", his various recommendations concerning delay, and any other issues that are of relevance to the Toronto Police Service as noted in Minute No. P284/08.

OACP SIU Response to Ombudsman Report “Oversight Unseen”

Recommendation 1

The Special Investigations Unit should require its staff to routinely seek, record reasons for, and notify management of, police failure to promptly and fully comply with legislative and regulatory requirements, including:

- **Regarding notification of incidents engaging its mandate;**
- **Relating to segregation and requests for police notes; and**
- **Relating to witness officer interviews.**

Subsections 21(3) (b), 21(3) (g) Ombudsman Act

OACP SIU Response: The OACP should remind Chiefs of the need to contact SIU when the threshold for notification is recognized. It is understood that medical assessments sometimes take time before the standard is identified. Additionally, the police should be prepared to articulate what they did or did not do.

The legislation directs officers be segregated as practicable and notes be submitted within 24 hours of a request. The police should be prepared to articulate their actions.

The investigation itself should dictate the timing of police interviews, i.e. a complex scene or multiple witnesses could result in police interviews occurring days later. The 24 hour limit actually hinders the investigation. The interviews should occur once the lead investigator is properly prepared. We recommend the legislation be changed, eliminating the 24 hour rule, thus allowing the lead investigator to schedule interviews at the appropriate time for the investigation.

Recommendation 2

The Special Investigations Unit should ensure that its investigative staff inquire into and record relevant circumstances surrounding police witness segregation and note-taking.

Subsections 21(3)(b), 21(3)(g) Ombudsman Act

OACP SIU Response: Section 11 of the legislation covers discipline, policy and services. It is the Chief’s responsibility to deal with breaches of the legislation.

Recommendation 3

The Special Investigations Unit should ensure that all police delays or other failures in complying with legislative and regulatory requirements are properly analyzed and that rigorous action is taken to ensure compliance including publicizing incidents of noncompliance, and application to the courts for determinative settlement of disputed interpretation.

Subsections 21(3)(b), 21(3)(g) Ombudsman Act

OACP SIU Response: Section 11 of the legislation covers discipline, policy and services. It is the Chief's responsibility to deal with breaches of the legislation.

SIU Call-Out Practices and Response to Incidents

Recommendation 4

The Special Investigations Unit should ensure that it responds to incidents as quickly as possible through continuous-as opposed to intermittent-call-out of investigative and forensic staff.

Subsections 21(3)(b), 21(3)(g) Ombudsman Act

OACP SIU Response: No Comments.

Recommendation 5

The Special Investigations Unit should only delay responding to incidents in exceptional circumstances, and only after facts have been independently verified. When in doubt, the Unit should respond to police notification.

Subsections 21(3)(b), Subsections 21(3)(g) Ombudsman Act

OACP SIU Response: When the physical condition of the person is unknown, get a medical diagnosis to verify the extent of the injury.

Recommendation 6

The Special Investigations Unit should ensure that the closest investigators in the vicinity of an incident are contacted without consideration to whether they are full-or part-time investigators or in a position to incur overtime.

Subsections 21(3)(b), 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Recommendation 7

The Special Investigations Unit should revisit its motor vehicle policy coincident with the change in deployment practices recommended above.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Recommendation 8

The Special Investigations Unit should ensure that investigators with specialized sexual assault training are deployed to investigate sexual assault incidents, and that the First Nations Liaison receives intensive sexual assault training on a priority basis.

Subsections 21(3)(b), 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Enhancing the Special Investigations Unit's Credibility

Recommendation 9

The Special Investigations Unit should ensure that no former police officers, including the Executive Officer, are placed in a position in which they are dealing with cases involving their former force in any capacity.

Subsections 21(3)(b), 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Recommendation 10

The Special Investigations Unit should ensure that none of its investigative staff wear or otherwise display symbols suggesting that they identify with police or demonstrate their former police membership or status.

Subsections 21(3)(b), 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Recommendation 11

The Special Investigations Unit should take immediate steps towards ensuring civilian representation within investigative management.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: All investigative management personnel should have the knowledge, skills and abilities required to perform the function.

Recommendation 12

The Special Investigations Unit should ensure that it hires investigative staff through open competition and should seek to have police and community representation on hiring panels.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: We agree, and once again support the hiring of people with the necessary knowledge, skills and abilities.

Witness Interviews

Recommendation 13

The Special Investigations Unit should require, as a standard, that witness officers be interviewed immediately after a request for interview. Interview delays beyond 24 hours should only be permitted in extreme circumstances, such as substantiated medical incapacity, which should be documented. Delayed interviews should require approval of a supervisor or above.

Subsections 21(3)(b), 21(3)(g) Ombudsman Act

OACP SIU Response: Please refer to recommendations 1, 2, and 3. Medical or trauma issues can impact the timing of interviews.

Recommendation 14

Witness officer interviews should take place regardless of whether an officer is on or off duty. Special Investigations Unit investigators should attend at officer's homes, hospitals or other locations, in order to ensure timely interviews.

Subsections 21(3)(b), 21(3)(g) Ombudsman Act

OACP SIU Response: Police officers are professionals and should be treated as such. SIU incidents are as a result of employment; therefore the SIU has no right to access an officer's home. The interviews should occur

at police facilities or offices of counsel. Refer to recommendations 1, and 3.

Recommendation 15

The Special Investigations Unit should not delay interviews of witness officers on medical leave unless satisfactory evidence is provided confirming that it would be hazardous to an officer's health to proceed.

Subsections 21(3)(b), 21(3)(g) Ombudsman Act

OACP SIU Response: Medical records are confidential, and should only be released with the officer's consent.

Recommendation 16

The Director of the Special Investigations Unit should exercise the authority to suspend an officer's entitlement to legal representation at an interview, if the interview would otherwise be unreasonably delayed beyond 24 hours.

Subsections 21(3)(b), 21(3)(g) Ombudsman Act

OACP SIU Response: The timing of the interview should be appropriate to the pace of the investigation.

Recommendation 17

The Special Investigations Unit should require its investigators to immediately contact subject officers and determine if they are willing to be interviewed. Interviews of subject officers should take place as soon as possible.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: This request should be done through the Chief's designate or the officer's counsel. Individual working agreements may affect this issue.

Recommendation 18

The Special Investigations Unit should accord civilian witnesses the same courtesy as police witnesses of receiving a copy of their statements subject to any legitimate concerns about interfering with the integrity of the investigation.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Peer Review

Recommendation 19

The Special Investigations Unit should subject its practices and policies to peer review to ensure they reflect high standards in investigation of major crimes, including homicides, and seek to adopt best practices suited to its mandate.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Investigative Excellence

Recommendation 20

The Special Investigations Unit should refocus its attention from internal collaborative self-analysis towards investigative excellence and taking the necessary steps to ensure the co-operation of police services in carrying out its mandate.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Public Reporting

Recommendation 21

Until such time as there is a statutory provision requiring disclosure of Director's reports, the Special Investigations Unit should provide greater information to police officials, affected individuals and the public about the basis for decisions not to charge officers with criminal offences.

Subsections 21(3)(b), (g) Ombudsman Act

OACP SIU Response: The police want access to the SIU investigative file.

Recommendation 22

The SIU should make public significant concerns regarding policing practices and trends such as those relating to the use of Tasers and custodial practices, which it identifies during the course of its investigations.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: We disagree. This is a Section 11 issue. This also has the potential to reveal investigative and operational techniques or tactics which can hinder investigations, and risk officer safety.

Recommendation 23

The Director of the Special Investigations Unit should make information public concerning the practice of consulting Justice Prosecutions on the viability of prosecution.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Resources

Recommendation 24

If the Special Investigations Unit requires further resources in order to implement my recommendations, it should make the appropriate request to the Ministry of the Attorney General.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Reporting Back

Recommendation 25

The Special Investigations Unit should report back to me at six-month intervals regarding the progress it has made in implementing my recommendations, until such time as I am satisfied that adequate steps have been taken to address them.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

**Ministry of the Attorney General
Resourcing of the Special Investigations Unit**

Recommendation 26

The Ministry of the Attorney General should ensure that the Special Investigations Unit has adequate computer technology available to allow it to monitor trends and cross reference cases in order to increase the efficiency and effectiveness of the Unit's investigations.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Recommendation 27

The Ministry of the Attorney General should ensure that the Special Investigations Unit has the resources necessary to effectively and efficiently carry out its mandate of conducting criminal investigations of serious injuries and deaths of civilians involving police.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Recommendation 28

The Ministry of the Attorney General should immediately take steps to ensure that the Special Investigations Unit is provided with a classification system which enables it to recruit more civilian investigative staff.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: We agree, and once again support the hiring of people with the necessary knowledge, skills and abilities.

Independence of the Special Investigations Unit

Recommendation 29

The Ministry of the Attorney General should immediately cease its practice of performance-managing the Director of the Special Investigations Unit, and should take steps to ensure that the Director's compensation is objectively set.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Issues Identified by the Special Investigations Unit

Recommendation 30

The Ministry of the Attorney General should bring issues of concern regarding police practices or issues affecting investigations identified by the Special Investigations Unit to the attention of the Ministry of Community Safety and Correctional Services and other Ministries as appropriate, and actively pursue resolution of such issues.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: We disagree; this is a Section 11 issue under jurisdiction of Chief of Police.

Reporting Back

Recommendation 31

The Ministry of the Attorney General should report back to me at six-month intervals regarding the progress it has made in implementing my recommendations, until such time as I am satisfied that adequate steps have been taken to address them.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Government of Ontario New Legislative Structure

Recommendation 32

The Special Investigations Unit should be reconstituted under new legislation dealing specifically with its mandate and investigative authority.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: OACP should be part of the consultation process.

Recommendation 33

The Special Investigations Unit's mandate should be clearly outlined in its constituting legislation.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: OACP should be part of the consultation process.

Recommendation 34

The Special Investigations Unit’s constituting legislation should include a definition of serious injury that encompasses significant psychological injury, all gunshot wounds and serious soft tissue injuries.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: The definition of serious injury should remain as is. The OACP issued its own definition of serious injury, and this is being used by some police services.

Recommendation 35

The legislative requirement that police co-operate with the Special Investigations Unit should include a specific definition of police notes, and an obligation on police to disclose relevant personnel records, and police policies.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: It is our position that “notes” constitute all writings by an officer. Personnel files are employment records and rarely should be given to SIU. Police policies relevant to the issue at hand should be given to SIU.

Recommendation 36

The Director of the Special Investigations Unit should have the discretion to not lay criminal charges on public interest grounds, but should be required to make such decisions and the reasoning behind them public. The Director should have the discretion to refer such cases directly to the Ontario Civilian Commission on Police Services for consideration under the disciplinary process.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: We agree, the SIU direction should have the authority to not lay charges on public interest grounds. However, any conduct issues are under the jurisdiction of the Chief of Police, as per Section 11.

Recommendation 37

The Director of the Special Investigations Unit should have the discretion to refer incidents of police breach of legislative and regulatory requirements relating to cooperation with the Unit's investigations directly to the Ontario Civilian Commission on Police for consideration under the discipline process.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: We disagree; this is a Section 11 issue, under the jurisdiction of the Chief of Police.

Recommendation 38

Police failure to co-operate with or obstruction of the Special Investigations Unit should be made an offence punishable by fine or imprisonment consistent with similar provincial offences.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: The term "fail to co-operate" has no definition. Such a legislated penalty will cause significant discord, and legal challenges. Section 11 gives the Chief authority to deal with breaches of the Police Services Act.

Recommendation 39

The Special Investigations Unit should be legislatively required to publicly disclose Director's reports, in cases involving decisions not to charge, subject to the Director's discretion to withhold information on the basis that disclosure would involve a serious risk of harm.

Subsections 21(3)(e), 21(3)(g) Ombudsman Act

OACP SIU Response: The police want the Director's reports. However, to release this publicly using police officer identifiers is a breach of Section 80, Police Services Act.

Recommendation 40

There should be legislative provision for the Director to be appointed on a five-year renewable term, with compensation established on an objective basis and not dependent on performance.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Recommendation 41

There should be legislative provision for the appointment of a Deputy Director of the Special Investigations Unit through order in council.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

Recommendation 42

There should be a legislative prohibition against legal counsel representing police officers involved in the same incident under investigation by the Special Investigations Unit to ensure that the integrity of its investigations is maintained.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: No comments. This is an issue for police associations, and their counsel. It may effect some police services that pay legal fees as per their working agreement.

Recommendation 43

Civilian members of the Ontario Provincial Police should be subject to the requirement to co-operate with Special Investigations Unit investigations.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: This is an OPP issue.

Recommendation 44

The internal police investigative reports related to Special Investigations Unit investigations and any action taken as a result should be made public.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: Section 80 of the Police Services Act prohibits public release of information from the Section 11 investigation. If an officer is charged under the Act, then the charge papers become public documents.

Emergency Vehicle Status

Recommendation 45

The Government of Ontario should consider granting the Special Investigation Unit's vehicles emergency status under the Highway Traffic Act.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: SIU incidents are considered major occurrences. The police are mandated to protect the scene, secure evidence, and identify witnesses. There is no need for the SIU to endanger themselves or the public by proceeding to a scene exceeding the normal driving conditions.

Reporting Back

Recommendation 46

The Government of Ontario should report back to me at six-month intervals regarding the progress it has made in implementing my recommendations, until such time as I am satisfied that adequate steps have been taken to address them.

Subsection 21(3)(g) Ombudsman Act

OACP SIU Response: No comments.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

**#P32. BOARD COMMITTEE REVIEW OF A COMPLAINT ABOUT TORONTO
POLICE SERVICE POLICY (FILE NO. 2007-EXT-0466)**

The Board was in receipt of the following report January 28, 2009 from Alok Mukherjee, Chair:

Subject: BOARD COMMITTEE REVIEW OF A COMPLAINT ABOUT TORONTO
POLICE SERVICE POLICY (FILE NO. 2007-EXT-0466)

Recommendation:

It is recommended:

1. that the Board notify the complainant and the Chief of Police of the disposition of this complaint; and,
2. that the Chief review the issues identified by the three-member Committee of the Board (“Board Committee”) appointed to review the policy complaint and provide recommendations to the Board; and, that the Chief report back to the Board, proposing changes in procedures and training that would address these issues and discussing the feasibility of implementing such changes.
3. that the Board review its own policies to determine whether the issues identified in the complaint warrant amendments to current policy or the drafting of new policy.

Financial Implications:

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

Background/Purpose:

Section 61 of the *Police Services Act (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.

On June 23, 2005, the complainant contacted the Toronto Police Service (the Service) to report that she was a victim of sexual assault which occurred in Toronto in June of 1984. The matter was investigated by members of 14 Division resulting in a suspect being arrested and charged with 10 sexual assault and associated offences. On June 7, 2006 all charges surrounding the sexual assault investigation were withdrawn at the request of the Crown stating there was no reasonable prospect of conviction.

On December 13, 2006, the complainant filed a public complaint with the Ontario Civilian Commission on Police Services (OCCPS).

On December 28, 2007 the Chief advised the complainant that it was his decision that no further action would be taken in respect of the complaint.

On February 4, 2008, the Toronto Police Services Board received a request from the complainant to review the Chief's disposition of the complaint.

The Board, at its meeting of April 17, 2008, received the report from the Chief with respect to this matter (Min. No. P99/08 refers). This report is attached for your information and provides greater detail with respect to the chronology of this matter.

At that time, the Board also approved the following Motions:

- 2. THAT the Board not concur with the Chief's recommendation that no further action be taken with respect to this complaint;**
- 3. THAT the Board appoint a committee of at least three Board members to review the complaint and provide a recommendation to the Board; and**
- 4. THAT the complainant and the Chief be notified of the Board's decision with regard to the review of this complaint.**

Vice-Chair Pam McConnell and The Honourable Hugh Locke indicated that they would be interested in participating on the committee.

Complainant's Request for Review:

The Toronto Police Services Board received correspondence from the complainant dated February 4, 2008 which read *inter-alia*:

"I am requesting a review of the decision in which it was determined that no further action was necessary. In my opinion, the review conducted was one of impression management, without any serious critical review of existing policy and practice."

The complainant specifically outlined three areas of concern with the Report of Investigation:

- 1) "The report restates policy procedure and legislation verbatim, without any concrete examination of sexual assault and police procedure, practice and training. Most troubling, the investigation fails to situate policy within the context of the case at hand. In the absence of contextualization it is impossible to assess whether or not Toronto Police Services policies were/are indeed adequate in the investigation of sexual assault."*

- 2) *The investigating officer: “repeatedly asserts that Toronto Police policy and training stress the notion of sensitivity; however, he fails to provide any definition of what the Police feel constitutes as ‘sensitivity’. If sensitivity is such a key component in policy and training, it ought to be openly defined when referred.”*
- 3) *The investigating officer writes: “During the presentation on victim interviewing on the Sexual Assault Course, there is information given to the class about victim issues. I (sic) should be noted however that Post Traumatic Stress Disorder (PTSD) is not the topic of an entire class. Post Traumatic Stress is used as one of the examples of how an interview can be affected. Victim sensitivity is emphasized throughout the entire course but covering all mental possibilities would no (sic) be feasible” (6).*

Trauma, i.e. the sexual assault(s), brings about Post-Traumatic Stress Disorder in rape victims. By the officer’s own admission, when relating section 05-05 Sexual Assault in Toronto Police Service Procedures, “Sexual Assault is a very invasive crime with (sic) is highly traumatic to the victim” (my italics)(4). Therefore, the scant focus afforded post-traumatic stress in training and the coupling of the condition with more genetically-based mental illnesses, such as schizophrenia, is ignorant and offensive.

The investigating officer writes: “the complainant feels that the Toronto Police Service (TPS) has limited understanding of the impact of post traumatic stress on victims.” The fact, as the officer notes, that the topic is mentioned only in passing and is improperly coupled with organic mental health problems supports the essence of my complaint. If post-traumatic stress is recognized in section 05-05 Sexual Assault of the Toronto Police Service Procedure as an integral aspect of sexual assault victimization, how then do you justify relegating it to a mere side-note in the training of officers in the Child Abuse and Sexual Assault Course?

Nature of Board Committee’s Review:

The Board Committee (Chair Alok Mukherjee, Vice-Chair Pam McConnell and Judge Hugh Locke) has met on a number of occasions to review this matter. During these meetings the Board reviewed applicable policies and Service procedures. The Board Committee received a presentation from members of the Service pertinent to issues identified by the Committee. One of these meetings included a discussion with the complainant and her counsel, in which the complaint was comprehensively discussed and the complainant proposed recommendations for changes to procedures and training and made a comprehensive presentation to the Committee.

The Board Committee identified the following areas of concern and recommended changes:

- The issue of Post Traumatic Stress Disorder (PTSD) and trauma, in general, should receive greater emphasis in training and should be explicitly referenced in procedures.

- Police officers should acknowledge the high incidence of PTSD in individuals who have experienced sexual assault and be more extensively trained in how to deal with it as part of the investigative process.
- The Service's in-house resources, specifically the Corporate Psychologists, should be utilized more frequently in training and other areas, as applicable.
- The Service should ensure that it provides appropriate accommodation to individuals suffering from trauma.
- Police officers should clearly explain the investigative process to individuals who have experienced sexual assault, at the time the process begins.
- When determining which police facilities, including interview rooms, should be used in the course of an investigation, attention should be paid to the impact such facilities have on those who have experienced trauma.
- The difference between recent sexual assault and historical sexual assault should be explained more thoroughly to police officers during training, and included in relevant procedures.
- The Board review its own policies to determine whether the issues identified in the complaint warrant amendments to current policy or the drafting of new policy.

Conclusion:

It is, therefore, recommended that the Chief review the issues identified by the Board Committee and report back to the Board, proposing changes in procedures and training that would address these issues and discussing the feasibility of implementing such changes.

Ms. Alice Cranker, legal counsel for the complainant, was in attendance and introduced the complainant to the Board. The complainant made a deputation to the Board and provided a written submission in response to the foregoing report. A copy of the written submission is on file in the Board office.

The Board approved the following Motions:

- 1. THAT the Board approve the foregoing report; and**
- 2. THAT the Board receive the deputation and refer the written submission to the Chief of Police for consideration in conjunction with the report that he will provide to the Board.**

Attachment

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON APRIL 17, 2008

#P99. REVIEW OF A COMPLAINT ABOUT A TORONTO POLICE SERVICE POLICY (FILE NO. 2007-EXT-0466)

The Board was in receipt of the following report March 07, 2008 from William Blair, Chief of Police:

Subject: REQUEST FOR REVIEW OF A COMPLAINT ABOUT THE POLICIES
 PROVIDED BY THE TORONTO POLICE SERVICE (FILE 2007-EXT-0466)

Recommendations:

It is recommended that:

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

Financial Implications:

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

Background:

The Toronto Police Services Board has received a request to review my disposition of a policy complaint about the "services provided" by the Toronto Police Service.

Legislative Requirements:

Section 61 of the *Police Services Act (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 Complaint:

On June 23, 2005 the complainant contacted the Toronto Police Service (Service) to report that she was a victim of sexual assault which occurred in Toronto in June of 1984. The matter was investigated by members of 14 Division resulting in a suspect being arrested and charged with 10 sexual assault and associated offences. On June 7, 2006 all charges surrounding the sexual assault investigation were withdrawn at the request of the Crown stating there was no reasonable prospect of conviction.

On December 13, 2006, the complainant filed a public complaint with the Ontario Civilian Commission on Police Services (OCCPS). OCCPS forwarded the complaint to the Toronto Police Service on December 19, 2006 which read *inter-alia*:

“I am writing to you further to my experience with the Toronto Police. First and foremost, I am deeply concerned with the Toronto Police services (sic) limited understanding of the impact of post-traumatic stress on victims and their testimony.”

Professional Standards – Complaints Administration assigned File No: 2006-REF-0085 to the matter and reviewed the complaint. In a letter dated January 10, 2007, the complainant was advised *inter-alia*:

“It appears that your complaint rests with the judicial system and how you feel you were treated as a victim and I would recommend you make your complaint directly to them.

Please be assured that the Toronto Police Service strives to treat all victims with respect, dignity and the utmost sensitivity. We work in partnership with professional services in the care of victims and provide the best training and education available to our officers.”

The matter was closed with no further action taken.

The Service received a letter dated January 23, 2007 from the OCCPS. It advised *inter-alia*:

“...has requested on behalf of the complainant that the Ontario Civilian Commission on Police Services review the decision made by the Toronto Police Service in the above matter.”

The Service received a copy of a letter dated August 20, 2007 from OCCPS which was sent to the complainant. It advised *inter-alia*:

“We are writing in response to the complainant’s request for a review of the decision regarding her complaint against members of the Toronto Police Service.

Upon review, the Panel determined that while most of the complainant’s complaint does not involve members of the Toronto Police Service, however she does refer to two members of the Toronto Police Service. Consequently, we are remitting the matter back to the Toronto Police Service with the direction that they interview the complainant to find out what her concern exactly is. The Toronto Police Service will render a second decision and the complainant may request the Ontario Civilian Commission to review that decision”

On August 28, 2007 a member of Professional Standards – Complaint Administration spoke to the lawyer who represented the complainant. In a letter dated August 28, 2007 the lawyer advised *inter-alia*:

“I am writing to you further to our August 28, 2007 telephone conversation in which you indicated that you were seeking clarification as to the nature of my client’s complaint.

As agreed upon, we will attempt to provide clarification through written correspondence in order to avoid exposing my client to undue stress which would undoubtedly be experienced at an in person interview. Thank you in advance for your understanding and accommodation of this request.

I have therefore attached a copy of the complainant’s narrative, which was provided to the Ontario Human Rights Commission.”

Professional Standards – Complaint Administration reviewed the matter. A letter dated September 7, 2007 advised the complainant *inter-alia*:

“I have classified your concern as being about a policy of the Toronto Police Service and have assigned the review to Corporate Planning.

Please be advised that the Toronto Police Service provides continued training and education in regard to offences that are sensitive and serious nature. Be assured that your concerns are acknowledged and will be investigated.”

On October 30, 2007 Corporate Planning was advised by Professional Standards – Complaint Administration to suspend the policy investigation as an appeal of the classification of the complaint had been filed with the OCCPS.

The Service received a copy of a letter dated November 16, 2007 from OCCPS to the complainant. It advised *inter-alia*:

“Upon review, the Panel determined that while most of the complainant’s complaint did not involve members of the Toronto Police Service, however in her initial complaint and subsequent submissions to the Toronto Police Service, she has made reference to conduct...Therefore, we are remitting those portions of the complaint to the Toronto Police, to be dealt with as a conduct complaint pursuant to the Police Services Act.

The Panel was however satisfied with the decision of the Toronto Police Service classifying the remainder of the complaint as a policy concern. Accordingly, we are sending that portion of the complainant back to the Toronto Police Service to have the policy concerns reviewed by their Corporate Planning Division”

On November 21, 2007, Professional Standards – Complaints Administration sent a letter to the complainant. It advised *inter-alia*:

“A review panel of the Ontario Civilian Commission on Police Services recently reviewed and confirmed the classification of your policy complaint file 2007-Ext-0466. Accordingly, the Corporate Planning Division of the Service will resume reviewing the policy concerns of this file.

In addition, the Panel also directed this Service to investigate the conduct portion of your initial complaint. I would like to inform you that complaint file number 2007-EXT-0603, in respect to the conduct portion of your complaint, has been assigned to the Conduct Investigations section of Professional Standards.”

The Chief’s Decision and Reason:

The Policy Complaint was investigated by Corporate Planning and a Report of Investigation was forwarded to the complainant.

In a letter dated December 28, 2007, the complainant was advised *inter-alia*:

“After careful review of the facts of this case, I concur with the investigator’s findings. Toronto Police Procedure 05-05 Sexual Assault and the training provided by the Toronto Police Service Training and Education Unit are effective. They balance the needs of victims/complainants and the requirements of the Toronto Police Service. It is felt that no further action is required at this time on this policy complaint.”

Complainant’s Request for Review:

The Toronto Police Services Board received correspondence from the complainant dated February 4, 2008 which read *inter-alia*:

“I am requesting a review of the decision in which it was determined that no further action was necessary. In my opinion, the review conducted was one of impression management, without any serious critical review of existing policy and practice.”

The complainant specifically outlines three areas of concern with the Report of Investigation:

- 4) *“The report restates policy procedure and legislation verbatim, without any concrete examination of sexual assault and police procedure, practice and training. Most troubling, the investigation fails to situate policy within the context of the case at hand. In the absence of contextualization it is impossible to assess whether or not Toronto Police Services policies were/are indeed adequate in the investigation of sexual assault.”*

Response to item 1:

An extensive review of sexual assault and related procedures along with relevant training was conducted. Toronto Police Service procedures are predicated on Federal and Provincial statutes and case law. Subject matter experts were consulted from the Sex Crimes Unit and Training & Education to ensure thoroughness. It is the role of Corporate Planning to examine policy complaints at the macro level. Although consideration was given to various aspects of the case during the policy review, the conduct portion, which deals with contextualization, is not within the scope of this review.

- 5) *The investigating officer: “repeatedly asserts that Toronto Police policy and training stress the notion of sensitivity; however, he fails to provide any definition of what the Police feel constitutes as ‘sensitivity’. If sensitivity is such a key component in policy and training, it ought to be openly defined when referred.”*

Response to item 2:

The word ‘sensitivity’ or ‘sensitive’ was used to impart our desire as a Police Service to enhance officers’ awareness and promote empathy for the needs of the person who has experienced sexual assault.

- 6) *The investigating officer writes: “During the presentation on victim interviewing on the Sexual Assault Course, there is information given to the class about victim issues. I (sic) should be noted however that Post Traumatic Stress Disorder (PTSD) is not the topic of an entire class. Post Traumatic Stress is used as one of the examples of how an interview can be affected. Victim sensitivity is emphasized throughout the entire course but covering all mental possibilities would no (sic) be feasible” (6).*

Trauma, i.e. the sexual assault(s), brings about Post-Traumatic Stress Disorder in rape victims. By the officer’s own admission, when relating section 05-05 Sexual Assault in Toronto Police Service Procedures, “Sexual Assault is a very invasive crime with (sic) is highly traumatic to the victim” (my italics)(4). Therefore, the scant focus afforded post-traumatic stress in training and the coupling of the condition with more genetically-based mental illnesses, such as schizophrenia, is ignorant and offensive.

The investigating officer writes: “the complainant feels that the Toronto Police Service (TPS) has limited understanding of the impact of post traumatic stress on victims.” The fact, as the officer notes, that the topic is mentioned only in passing and is improperly coupled with organic mental health problems supports the essence of my complaint. If post-traumatic stress is recognized in section 05-05 Sexual Assault of the Toronto Police Service Procedure as an integral aspect of sexual assault victimization, how then do you justify relegating it to a mere side-note in the training of officers in the Child Abuse and Sexual Assault Course?

Response to item 3:

During training, Post Traumatic Stress Disorder (PTSD) is one of the various examples used to illustrate victim reaction to trauma. However, PTSD is not specifically mentioned in Procedure 05-05.

The Service Training and Education Unit provide officers with a learning environment that promotes awareness of the impact criminal behaviour has on a person who has experienced that behaviour.

The physical and emotional impact of the trauma, including PTSD, on the person who has experienced sexual assault is emphasized throughout the course. Some examples of course components that include victim sensitivity issues are:

- awareness and a discussion of “rape myths”;
- a review of the recommendations as outlined in the “City Auditor’s Review of Sexual Assault Investigations – Toronto Police”;
- a review of Procedure 05-05 (and associated procedures);
- a presentation about the Sexual Assault Evidence Kit;
- a presentation and discussion from a nurse and social worker from a Sexual Assault Care Centre;
- a presentation and discussion from a representative of Multilingual Community Interpreter Services;
- a presentation on interviewing persons who have experienced sexual assault including topics such as; victim reaction, PTSD, myriad of symptom(s) of crisis and dynamics of disclosure including historical;
- a presentation and discussion of legal issues;
- a presentation on offender typologies that includes a review of possible reaction by the victim to the offender behaviour;
- and a presentation about Major Case Management

Conclusion:

The policy review encompassed Procedures of the Service including associated governance and legislative requirements along with Service training surrounding sexual assault investigations and interviewing victims/complainants.

The following is an excerpt from the Report of Investigation:

The Ministry of the Solicitor General Ontario Policy Standards Manual (2000) section 12(1) (9) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into sexual assaults. Service Procedure 05-05 Sexual Assault has been developed and maintained surrounding all aspects of sexual assault investigations. Service Procedure 04-32 Taped Investigative Interviews and 04-31 Victim Services Program are associated Service Governance.

Procedure 05-05 Sexual Assault recognizes that sexual assault is a very invasive crime that is very traumatic to the victim. The procedure is very specific in outlining the steps necessary to balance the needs of the victim/complainant with the requirements of the investigation.

The Victims’ Bill of Rights, S.O. 1995, Chapter 6 section 2. (1) 1. states that victims should be treated with courtesy, compassion and respect for their personal dignity and privacy by justice system officials. Service Procedures 05-05, 04-31 and 04-32 are consistent and incorporate this view.

Safety of Vulnerable Groups is one of the Services 2006-2008 Service Priorities. Service Procedures 05-05, 04-31 and 04-32 are consistent and incorporate this priority.

The TPS Training & Education Unit Course Training Standards on both the Sexual Assault/Child Abuse Course and Interview Course have been reviewed. Throughout both courses, the instructors stress the need for sensitivity to the needs of a victim(s) during the process of a police investigation. The awareness of sensitivity is an ongoing feature during the training on interviewing. Post Traumatic Stress is used as one of the examples of how an interview can be affected. Issues taught such as victim vulnerability, conducting the interview and investigation in a manner that is sensitive to the needs of the victim, reminding officers on various levels throughout the training of the need to be cognizant of the victims' needs and to address them in an appropriate manner are all material contained in the topics delivered in the training. The Sexual Assault Course and the Interview Course currently address both the needs of the investigators and the victims, to ensure a balanced and insightful approach to sexual assault investigations.

At this time, I am satisfied that the Service Governance and training pertaining to sexual assault investigations sufficiently balance the needs of the public and the requirements of the Service.

In reviewing a policy or Service complaint, the Board may:

- Review the complaint and take action, or no action, in response to the complaint, as it considers appropriate; or
- Appoint a committee of at least three Board members who will review the complaint and provide recommendations to the Board; or
- Hold a public meeting with respect to the complaint.

To assist the Board in reviewing this matter, Board members will receive confidential information in a separate report.

Deputy Chief Jane Dick, Executive Command, will be in attendance to answer any questions that may arise.

Chair Mukherjee advised the Board that legal counsel for the complainant would like to deliver a deputation regarding the review of the complaint but was unable to attend today's meeting.

Chief Blair advised the Board that all the issues raised by the complainant in this case have already been addressed by the Sexual Assault Audit Steering Committee.

The Board approved the following Motions:

- 1. THAT the Board receive the foregoing report;**
- 2. THAT the Board not concur with the Chief's recommendation that no further action be taken with respect to this complaint;**
- 3. THAT the Board appoint a committee of at least three Board members to review the complaint and provide a recommendation to the Board; and**
- 4. THAT the complainant and the Chief be notified of the Board's decision with regard to the review of this complaint.**

Vice-Chair Pam McConnell and The Honourable Hugh Locke indicated that they would be interested in participating on the committee.

A copy of the Report of Investigation pertaining to this complaint was considered during the in-camera meeting (Min. No. C110/08 refers).

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

**#P33. ANNUAL REPORT: 2008 PARKING ENFORCEMENT UNIT TAG
ISSUANCE**

The Board was in receipt of the following report January 21, 2009 from William Blair, Chief of Police:

Subject: ANNUAL REPORT: 2008 PARKING ENFORCEMENT UNIT TAG
ISSUANCE

Recommendations:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward a copy of this report to the City of Toronto Executive Committee for its consideration.

Financial Implications:

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

Background/Purpose:

This report provides information on the Parking Enforcement Unit achievements, activities and annual parking tag issuance during the year 2008 (Appendix A refers).

Discussion:

The Parking Enforcement Unit analyzes historical parking tag data on an annual basis in order to forecast anticipated parking tag issuance for Parking Enforcement Officers (PEO's), Municipal Law Enforcement Officers (MLEO's) and police officers. The City of Toronto requests this information for use during the annual budget process.

Annual Parking Tag Issuance

Based on historical trends, the total parking tag issuance for the year 2008 was forecast to be 2,800,000 tags. Total parking tag issuance includes tags issued by PEO's, MLEO's, and police officers. The actual 2008 issuance is expected to be approximately 2,880,113 tags, which exceeds the anticipated parking tag issuance by approximately 80,000 tags. The final parking tag issuance numbers will be presented by the City of Toronto, Parking Tag Operations in its 2008 Year End Report.

The following is a breakdown of the actual parking tag issuance estimates by group.

Group	Tags Issued
Parking Enforcement Unit	2,593,279
Municipal Law Enforcement Officers	271,000
Police Officers	15,834

Other Information

In addition to parking tag issuance, the Parking Enforcement Unit provided operational support to the Toronto Police Service in the following manner.

During the 2008 calendar year, PEO's were instrumental in recovering 1,539 stolen vehicles. Of this total, 884 can be directly attributed to Project Street Sweeper. Members of the unit were also responsible for towing approximately 32,269 vehicles, including 820 that were without proper registration plates and 1,591 that were relocated due to snow removal operations, parades and special events. The unit also responded to 126,830 calls for service from members of the public. This figure represents an increase of 8.7% over the previous year.

Conclusion:

The Parking Enforcement Unit contributes positively to the achievement of the goals and priorities of the Toronto Police Service by:

- ensuring enforcement is fair and equitable to all;
- providing a visible uniform presence on the streets;
- ensuring positive outreach to the community through public awareness campaigns and education programs;
- ensuring interoperability with other TPS units and City of Toronto departments.

In 2008, the tag issuance projection was 2.8M tags. The final total for 2008 is estimated to be approximately 2,880,113 tags. This represents an increase of 80,000 over the projected number.

Deputy Chief, A.J. (Tony) Warr Specialized Operations Command, will be in attendance to answer any questions the Board may have concerning this report.

The Board received the foregoing report and agreed to forward a copy to the City of Toronto – Executive Committee for information.

Appendix "A"

Parking Enforcement Unit	2006	2007	2008
Parking Tag Issuance – PEO's	2,566,383	2,582,260	2,593,279
Parking Tag Issuance – PEO's, MLEO's, PC's	2,829,000	2,859,434	2,880,113*
Processable Tag Rate – PEO's	98.3%	99.8%	99.9%
Absenteeism (short term sick)	2.9%	3.2%	2.8%
Assaults	64	57	58
Total Stolen Autos Recovered	2,002	1,944	1,539
Stolen Autos Recovered – Street Sweeper	1,353	1,159	884
Stolen Autos Recovered – PEO's	649	785	655
Stolen Plates Recovered	N/A	N/A	46
Vehicles Towed	39,293	35,893	33,269
Calls for Service Received	109,325	116,677	126,830
<i>Assistance to TPS Units</i>			
Arrest Assists	69	65	54
Unplated Vehicles Towed	1,050	1,076	820
Vehicles Relocated	N/A	N/A	1,591
Language Interpretations	218	143	125
Hours Spent on Interpretations	446	385	259
Special Events	51	48	169
Hours Spent on Special Events	1,245	1,112	2,903
H.T.A Charges (Disabled Permits)	690	583	550
Disabled Permits Cautioned	N/A	N/A	180
Disabled Permits Seizures/HTA	1,066	865	931

* Estimates, PC's and MLEO's issue manual tags and all issued tags have not yet been processed at the time of this report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

#P34. ANNUAL REPORT: 2008 REVISED ORGANIZATIONAL CHART

The Board was in receipt of the following report January 27, 2009 from William Blair, Chief of Police:

Subject: REVISED ORGANIZATIONAL CHART

Recommendation:

It is recommended that the Board approve the new organizational chart for the Service.

Financial Implications:

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

Background/Purpose:

At its meeting on January 25, 2001, the Board requested that all organizational charts be submitted on an annual basis (Min. No. P5/01 refers).

At its meeting on February 21, 2008, the Board approved a new organizational chart (Min. No. P25/08 refers).

The purpose of this annual report is to request three amendments to the current organizational chart.

Discussion:

The amendments are requested for the following reasons:

1. Unit Separation – The Provincial Repeat Offender Parole Enforcement (ROPE) Squad is now shown as three separate units: Provincial ROPE, Fugitive Squad and Bail & Parole. This change is required for budgetary reasons. Provincial ROPE is funded by the province while the Fugitive Squad and Bail & Parole are not. In the past, having all three units listed as one has caused budgetary confusion. In order for the budget codes to be changed correctly, the three units must be shown separately on the organizational chart.
2. New Unit – The Analysis Support section of Corporate Planning became an independent unit named Crime Information Analysis Unit (CIAU) within Corporate Services on August 5, 2008.

Since 2005, the Senior Management Team of the Service has discussed the need to review the direction of crime analysis and to strengthen links between crime analysis and intelligence analysis.

In January 2006, the creation of the Toronto Anti-Violence Intervention Strategy brought crime analysis and intelligence analysis together to identify those areas of the city where street violence was a major concern.

In June 2008, the Chief and Command received a report entitled “Crime Analysis – Framework for the Service”, which specifically addressed a long term strategy to properly recruit, staff, train, deploy, and task the crime analyst function in the Service. A review of this report by the Chief and Command resulted in the creation of the CIAU.

3. Re-allocation of an Established Position – The Ethics & Equity Officer position has been relocated from the Office of the Chief to Legal Services (LSV). The Ethics & Equity Officer position has been vacant since August 18, 2007. Since then, the primary functions of the position have been performed by the Diversity Management Unit. As LSV is in need of a Junior Counsel, Command approved the relocation of the Ethics & Equity Officer position within LSV. LSV is currently in the process of having this position amended to Junior Counsel.

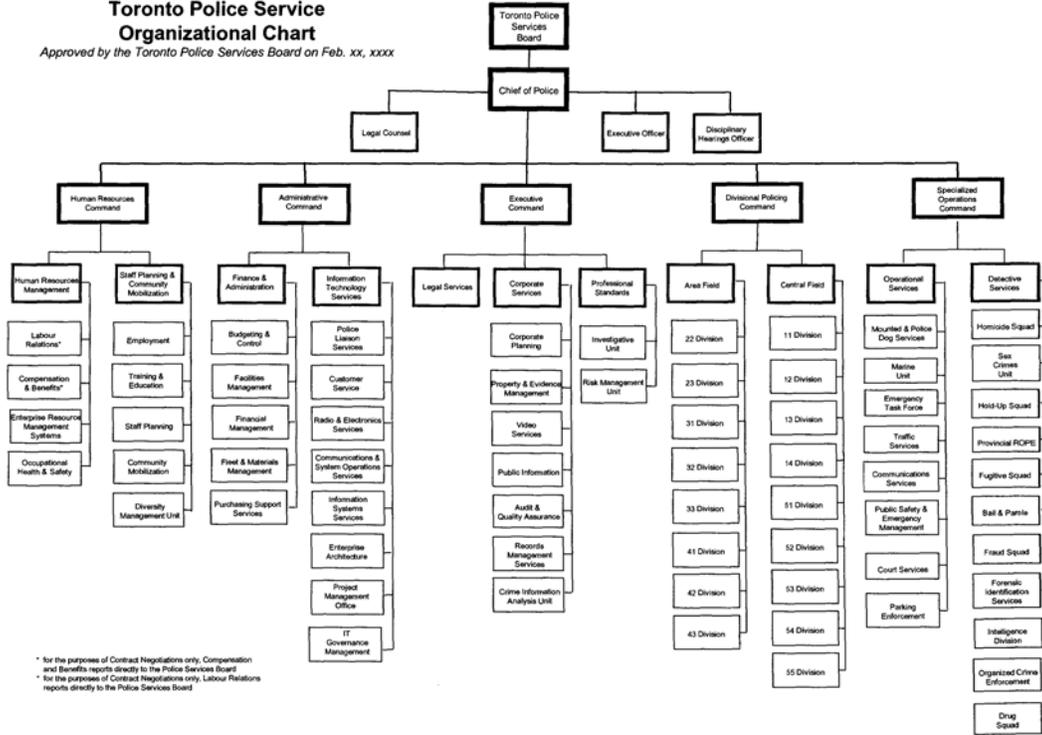
Conclusion:

Deputy Chief Jane Dick, Executive Command, will be in attendance to answer any questions that the Board may have regarding this report.

The Board approved the foregoing report.

Toronto Police Service Organizational Chart

Approved by the Toronto Police Services Board on Feb. xx, xxxx



* for the purposes of Contract Negotiations only, Compensation and Benefits reports directly to the Police Services Board
 * for the purposes of Contract Negotiations only, Labour Relations reports directly to the Police Services Board

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009

#P35. BARGAINING – TORONTO POLICE ASSOCIATION – UNIFORM AND CIVILIAN COLLECTIVE AGREEMENTS: 2008-2010

The Board was in receipt of the following report January 26, 2009 from Alok Mukherjee, Chair:

Subject: BARGAINING - TORONTO POLICE ASSOCIATION UNIFORM AND CIVILIAN COLLECTIVE AGREEMENTS: 2008-2010

Recommendation:

It is recommended that the Board receive the following report.

Financial Implications:

The incremental cost of the Toronto Police Association (TPA) arbitration award is \$23.4 million in 2008, \$16.6 million in 2009, \$26.6 million in 2010 and \$5.6 million in 2011. The 2008 operating budgets, and the 2009 operating budget submissions for the Toronto Police Service, the Toronto Police Parking Enforcement Unit and the Toronto Police Service's Board have been adjusted to reflect the impact of the increase.

Background/Purpose:

The collective agreements between the Toronto Police Services Board (the Board) and the Toronto Police Association (the Association) expired on December 31, 2007. The Board approved a comprehensive financial mandate for the Bargaining Committee in its endeavour to negotiate and settle a new three-year deal with the Association (Min. #C56/08 refers). The Board's bargaining committee met several times with the Association in attempts to fashion a new agreement. Those meetings were not successful and the parties went to mediation. Mediation sessions were held in May and July, 2008. These were unsuccessful as well. As a result, the matters in dispute were forwarded to a Board of Interest Arbitration, chaired by William Kaplan. The Association nominee to the Board of Interest Arbitration was Larry Steinberg and the Board nominee was Michael Riddell and this formed the panel (the panel).

Discussion:

The panel met and hearings were held on September 19, 26, 27, October 4 and 18, November 1 and 2, and December 13, 2008. After considering written and oral submissions of the Association and of the Board, the panel handed down an Award dated December 18, 2008.

Highlights include the following:

1. Three Year Term, expiring December 31, 2010;
2. The cumulative compounded percentage salary increase will be 10.309% over the life of the collective agreement;
3. A non-cumulative health care spending account to members retiring on an unreduced pension on or after January 1, 2009;
4. One Time Lieu Time Credit for Family Day 2008 - one time credit of 8 hours of paid lieu time if subject to a 40 hours per week schedule and one time credit of 7 hours of paid lieu time if subject to a 35 hours per week schedule;
5. A limited number of benefit improvements;
6. Other items awarded include a plainclothes committee allowance; Association access to the Intranet site of the Board and change to Coach Officer appointment and remuneration, among others.

The Award and the Schedule are attached as Appendix "A".

The Award is in line with other negotiated police awards in Peel, Ottawa and Sudbury, and results in slightly higher salary rates (ranging from approximately \$1.00 to \$200.00 over the term of the award) than Peel, the highest comparator.

Nothing in the Award is precedent-setting, and it appears to be a fair result for both parties to the collective agreement.

Conclusion:

It is hereby recommended that the interest arbitration award dated December 18, 2008 be received by the Board.

The Board received the foregoing report.

Appendix A

In the Matter of an Interest Arbitration pursuant to the *Police Services Act*

BETWEEN:

TORONTO POLICE SERVICES BOARD

the "Board"

- AND -

TORONTO POLICE ASSOCIATION

the "Association"

AWARD OF THE BOARD OF ARBITRATION

William Kaplan	Chair
Larry Steinberg	Association Nominee
Michael Riddell	Board Nominee

Appearances for the Board

Glenn P. Christie, Counsel

Alok Mukherjee, Chair of the Board, and others

Appearances for the Association

C. Michael Mitchell, Counsel

Dave Wilson, President of the Association, and others

1. This Board of Arbitration was convened on the request of the parties in order to determine the renewal of the parties' collective agreements for the Uniform and Civilian Bargaining Units A through E, which expired on December 31, 2007.
2. Hearings were conducted in this matter on September 19, 26, 27, October 4 and 18, November 1 and 2, and December 13, 2008.
3. The Board was provided with voluminous written submissions and additional oral submissions from both the Board and the Association regarding the issues in dispute. Unless expressly set forth in this Award, the proposals of the parties are not granted.
4. After having reviewed the parties' oral and written submissions, we hereby award as follows:

Term of Agreement

5. The parties have agreed that each of the collective agreements shall be renewed for a three (3) year term, expiring on December 31, 2010.

Wages

6. The base salary rates included in Schedule "A" to each of the predecessor collective agreements shall be increased by the following percentage increases on the following dates:
 - (a) January 1, 2008 – Increase of 3.0%, which was previously awarded in an interim award of this Board of Arbitration
 - (b) July 1, 2008 – Increase of 0.3%
 - (c) January 1, 2009 – Increase of 2.0%
 - (d) July 1, 2009 – Increase of 0.6%
 - (e) December 1, 2009 – Increase of 0.845%
 - (f) January 1, 2010 – Increase of 2.0%

- (g) July 1, 2010 – Increase of 0.91%
- (h) December 1, 2010 – Increase of 0.25%

Benefits for Retirees past Age 65

- 7. For members retiring on an unreduced pension on or after January 1, 2009, the benefits available under the current collective agreements shall not be available. In its place, the Board shall provide these members with a non-cumulative health care spending account of \$2,500.00 per year, provided that the Canada Revenue Agency's definitions regarding eligible expenses are met. The non-cumulative health care spending account shall run for ten (10) years, commencing on the date upon which a member reaches age 65.
- 8. Effective January 1, 2010, the annual amount shall be \$3,000.00 per year.
- 9. The health care spending account shall be per member regardless of single or family status. If the member dies, then the member's surviving spouse shall be able to access the health care spending account until when the member would have reached 75 or the surviving spouse remarries. No other dependent expenses would be eligible.

Special Increases for Communications Operators and Court Officers

- 10. The wage increases set out in paragraph 6 above shall apply to the special wage rates set out in Schedule "3" of the predecessor Civilian Bargaining Unit "C" collective agreement.
- 11. In addition, effective July 1, 2010, the hourly rates at the top step of the classifications listed in Unit "C", Schedule "3" shall be increased by \$0.50 per hour. This shall be implemented immediately prior to the across-the-board increase referenced in subparagraph 6(g) above.

Family Day

- 12. The Board shall provide a one-time credit of eight (8) hours of paid lieu time to each member who is subject to a weekly schedule of forty (40) hours per week,

provided that the member was actively employed by the Board on February 18, 2008 and has remained so employed up to the date of this Award.

13. The Board shall provide a one-time credit of seven (7) hours of paid lieu time to each member who is subject to a weekly schedule of thirty-five (35) hours per week, provided that the member was actively employed by the Board on February 18, 2008 and has remained so employed up to the date of this Award.
14. The Board shall provide a pro-rated one-time lieu time credit to each member who was employed on a part-time basis, to a maximum of seven (7) or eight (8) hours, in accordance with the member's weekly schedule, provided that the member was actively employed by the Board on February 18, 2008 and has remained so employed up to the date of this Award.

Psychological/ Family Counselling Coverage

15. Effective January 1, 2009, the Board shall increase the maximum amount of Psychological/ Family Counselling coverage provided under the comprehensive medical insurance plan from \$1,500.00 per year to \$1,750.00 per year.
16. Effective January 1, 2010, the Board shall further increase the maximum amount of Psychological Family Counselling coverage provided under the comprehensive medical insurance plan from \$1,750.00 per year to \$2,000.00 per year.

Eye Testing

17. Effective January 1, 2009, the Board shall increase the maximum amount of Eye Testing coverage provided under the comprehensive medical insurance plan from \$60.00 every twenty-four (24) consecutive months to \$70.00 every twenty-four (24) consecutive months.
18. Effective January 1, 2010, the Board shall further increase the maximum amount of Eye Testing coverage provided under the comprehensive medical insurance

plan from \$70.00 every twenty-four (24) consecutive months to \$80.00 every twenty-four (24) consecutive months.

Vision Care

19. Effective January 1, 2009, the Board shall increase the maximum amount of Vision Care coverage provided under the comprehensive medical plan from \$300.00 every twenty-four (24) consecutive months to \$325.00 every twenty-four (24) consecutive months.
20. Effective January 1, 2010, the Board shall further increase the maximum amount of Vision Care coverage provided under the comprehensive medical plan from \$325.00 every twenty-four (24) consecutive months to \$350.00 every twenty-four (24) consecutive months.
21. Effective January 1, 2010, the Board shall adjust the dispensing fee cap in the applicable drug benefit plans to \$9.00.

Plainclothes Allowance

22. The Board of Arbitration shall remain seized with respect to this issue. The parties are to resolve this matter within sixty (60) days, failing which the Board of Arbitration shall resolve this issue on an expedited basis at the request of either party.

Paid Duties

23. This Board of Arbitration shall remain seized of the Association proposal concerning paid duties until a new collective agreement is agreed upon or awarded. This Board of Arbitration shall also remain seized of the Board's preliminary objection regarding the Board of Arbitration's jurisdiction to award this proposal.
24. The Board shall reconvene to consider the Association's proposal and the Board's preliminary jurisdictional objection only if the Board has implemented a

material change. Any dispute shall be heard on an expedited basis by Arbitrator William Kaplan.

Association's Access to the Board's Intranet Site

- 25. The Board's proposal, attached hereto as Schedule "B" is hereby awarded.
- 26. The Association's in-house legal counsel may also have access on the same terms.

Legal Indemnification for Witness Officers interviewed in SIU Initial Investigations

- 27. The Board's proposal attached hereto as Schedule "C" is hereby awarded.

Joint Committee regarding Use of Temporary Employees and Part-Time Court Officers

- 28. The Joint Committee referred to in Memorandum of Understanding 17 attached to the Unit "A" Civilian Collective Agreement shall continue for the period of six (6) months commencing on the date of this award.

Coach Officers

- 29. Article 16:04 of the predecessor Uniform Collective Agreement is deleted and replaced with the following:

16:04 A constable who is assigned to coach a recruit during the first ten (10) weeks of the recruit's initial field assignment shall receive, in addition to his/her regular salary, four percent (4%) of the constable's salary during the time when the constable is coaching the recruit.

Awarded at Toronto, this 18th of December, 2008.

"William Kaplan"

William Kaplan, Chair

"Larry Steinberg"

Larry Steinberg, Association Nominee

I concur

"Michael Riddell"

Michael Riddell, Board Nominee

I concur

SCHEDULE "A"**THIS IS SCHEDULE "A" - REFERRED TO IN THE ANNEXED COLLECTIVE AGREEMENT****A. SALARIES**

Position	Hours per week	Per Cent	January 1 2005	January 1 2006	January 1 2007
Constable	40				
4th Class		70	\$48,552	\$50,057	\$51,558
3rd Class		80	\$55,490	\$57,211	\$58,927
2nd Class		90	\$62,429	\$64,364	\$66,296
1st Class		100	\$69,361	\$71,511	\$73,656
Sergeant/Detective	40	113.5	\$78,723	\$81,164	\$83,599
Staff Sergeant/ Detective Sergeant	40	125.5	\$87,046	\$89,744	\$92,436

THE ANNUAL RATES AS SHOWN IN THIS SCHEDULE ARE TAKEN TO THE NEAREST DOLLAR AND ARE FOR THE PURPOSE OF ANNUAL ESTIMATES ONLY.

B. RETENTION/SERVICE PAY

Each member shall be eligible for Retention/Service Pay in accordance with the following:

Upon attaining 8 years of service and until the completion of the 16 th year of service	3% of the 1 st Class Constable Rate
Upon attaining 17 years of service and until the completion of the 22 nd year of service	6% of the 1 st Class Constable Rate
Upon attaining 23 years of service and thereafter	9% of the 1 st Class Constable Rate

Retention/Service Pay forms part of basic salary and shall be paid bi-weekly. Thus, in calculating overtime, call-back pay, vacation pay, sick pay, statutory holiday pay, paid lieu time, sick pay gratuity, pension contributions, etc., and in calculating net pay under Article 13 or Central Sick Leave Bank benefits or entitlements under Article 11, Retention/Service Pay will be taken into account.

UNIT A - SCHEDULE 2 2005-2007 SALARIES										
Pay Class		2005 Jan 1			2006 Jan 1			2007 Jan 1		
		Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly
A1/35	1	24900.18	954.03	13.629	25671.18	983.57	14.051	26442.17	1013.11	14.473
A2/35	1	31587.00	1210.23	17.289	32566.28	1247.75	17.825	33543.72	1285.20	18.360
A2/40	1	36099.43	1383.12	17.289	37218.60	1426.00	17.825	38335.68	1468.80	18.360
A3/35	1	33255.05	1274.14	18.202	34285.48	1313.62	18.766	35314.08	1353.03	19.329
	2	34407.89	1318.31	18.833	35474.86	1359.19	19.417	36540.00	1400.00	20.000
	3	36602.12	1402.38	20.034	37736.69	1445.85	20.655	38869.43	1489.25	21.275
	4	38741.54	1484.35	21.205	39941.87	1530.34	21.862	41140.39	1576.26	22.518
A3/40	1	38005.78	1456.16	18.202	39183.41	1501.28	18.766	40358.95	1546.32	19.329
	2	39323.30	1506.64	18.833	40542.70	1553.36	19.417	41760.00	1600.00	20.000
	3	41830.99	1602.72	20.034	43127.64	1652.40	20.655	44422.20	1702.00	21.275
	4	44276.04	1696.40	21.205	45647.86	1748.96	21.862	47017.58	1801.44	22.518
A4/35	1	35138.69	1346.31	19.233	36227.58	1388.03	19.829	37314.65	1429.68	20.424
	2	37230.61	1426.46	20.378	38385.27	1470.70	21.010	39536.28	1514.80	21.640
	3	39267.71	1504.51	21.493	40484.49	1551.13	22.159	41699.45	1597.68	22.824
	4	41772.53	1600.48	22.864	43067.87	1650.11	23.573	44359.56	1699.60	24.280
A4/40	1	40158.50	1538.64	19.233	41402.95	1586.32	19.829	42645.31	1633.92	20.424
	2	42549.26	1630.24	20.378	43868.88	1680.80	21.010	45184.32	1731.20	21.640
	3	44877.38	1719.44	21.493	46267.99	1772.72	22.159	47656.51	1825.92	22.824
	4	47740.03	1829.12	22.864	49220.42	1885.84	23.573	50696.64	1942.40	24.280
A5/35	1	39267.71	1504.51	21.493	40484.49	1551.13	22.159	41699.45	1597.68	22.824
	2	40575.84	1554.63	22.209	41832.82	1602.79	22.897	43087.97	1650.88	23.584
	3	42612.95	1632.68	23.324	43933.87	1683.29	24.047	45251.14	1733.76	24.768
	4	44832.75	1717.73	24.539	46223.10	1771.00	25.300	47609.79	1824.13	26.059
A5/40	1	44877.38	1719.44	21.493	46267.99	1772.72	22.159	47656.51	1825.92	22.824
	2	46372.39	1776.72	22.209	47808.94	1831.76	22.897	49243.39	1886.72	23.584
	3	48700.51	1865.92	23.324	50210.14	1923.76	24.047	51715.58	1981.44	24.768
	4	51237.43	1963.12	24.539	52826.40	2024.00	25.300	54411.19	2084.72	26.059
A6/35	1	43002.10	1647.59	23.537	44335.81	1698.69	24.267	45665.87	1749.65	24.995
	2	44149.46	1691.55	24.165	45517.88	1743.98	24.914	46882.65	1796.27	25.661
	3	46296.18	1773.80	25.340	47732.20	1828.82	26.126	49164.57	1883.70	26.910
	4	48415.50	1855.00	26.500	49917.29	1912.54	27.322	51415.43	1969.94	28.142
A6/40	1	49145.26	1882.96	23.537	50669.50	1941.36	24.267	52189.56	1999.60	24.995
	2	50456.52	1933.20	24.165	52020.43	1993.12	24.914	53580.17	2052.88	25.661
	3	52909.92	2027.20	25.340	54551.09	2090.08	26.126	56188.08	2152.80	26.910
	4	55332.00	2120.00	26.500	57048.34	2185.76	27.322	58760.50	2251.36	28.142
A7/35	1	46740.14	1790.81	25.583	48188.95	1846.32	26.376	49634.11	1901.69	27.167
	2	47655.47	1825.88	26.084	49133.51	1882.51	26.893	50607.90	1939.00	27.700
	3	50191.34	1923.04	27.472	51747.95	1982.68	28.324	53300.90	2042.18	29.174
	4	52173.64	1998.99	28.557	53790.53	2060.94	29.442	55403.78	2122.75	30.325
A7/40	1	53417.30	2046.64	25.583	55073.09	2110.08	26.376	56724.70	2173.36	27.167
	2	54463.39	2086.72	26.084	56152.58	2151.44	26.893	57837.60	2216.00	27.700
	3	57361.54	2197.76	27.472	59140.51	2265.92	28.324	60915.31	2333.92	29.174
	4	59627.02	2284.56	28.557	61474.90	2355.36	29.442	63318.60	2426.00	30.325

UNIT A - SCHEDULE 2 (cont.) 2005-2007 SALARIES										
Pay Class		2005 Jan 1			2006 Jan 1			2007 Jan 1		
		Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly
A8/35	1	49508.05	1896.86	27.098	51042.73	1955.66	27.938	52573.75	2014.32	28.776
	2	51621.89	1977.85	28.255	53222.34	2039.17	29.131	54819.14	2100.35	30.005
	3	53666.30	2056.18	29.374	55330.70	2119.95	30.285	56991.44	2183.58	31.194
	4	56010.34	2145.99	30.657	57745.99	2212.49	31.607	59477.99	2278.85	32.555
A8/40	1	56580.62	2167.84	27.098	58334.54	2235.04	27.938	60084.29	2302.08	28.776
	2	58996.44	2260.40	28.255	60825.53	2330.48	29.131	62650.44	2400.40	30.005
	3	61332.91	2349.92	29.374	63235.08	2422.80	30.285	65133.07	2495.52	31.194
	4	64011.82	2452.56	30.657	65995.42	2528.56	31.607	67974.84	2604.40	32.555
A9/35	1	53666.30	2056.18	29.374	55330.70	2119.95	30.285	56991.44	2183.58	31.194
	2	55876.97	2140.88	30.584	57608.96	2207.24	31.532	59337.31	2273.46	32.478
	3	58471.31	2240.28	32.004	60283.69	2309.72	32.996	62092.42	2379.02	33.986
	4	60714.86	2326.24	33.232	62596.67	2398.34	34.262	64474.83	2470.30	35.290
A9/40	1	61332.91	2349.92	29.374	63235.08	2422.80	30.285	65133.07	2495.52	31.194
	2	63859.39	2446.72	30.584	65838.82	2522.56	31.532	67814.06	2598.24	32.478
	3	66824.35	2560.32	32.004	68895.65	2639.68	32.996	70962.77	2718.88	33.986
	4	69388.42	2658.56	33.232	71539.06	2740.96	34.262	73685.52	2823.20	35.290
A10/35	1	58023.69	2223.13	31.759	59823.29	2292.08	32.744	61617.40	2360.82	33.726
	2	60607.07	2322.11	33.173	62485.23	2394.07	34.201	64359.73	2465.89	35.227
	3	63934.04	2449.58	34.994	65916.33	2525.53	36.079	67893.15	2601.27	37.161
	4	67010.71	2567.46	36.678	69088.01	2647.05	37.815	71159.82	2726.43	38.949
A10/40	1	66312.79	2540.72	31.759	68369.47	2619.52	32.744	70419.89	2698.08	33.726
	2	69265.22	2653.84	33.173	71411.69	2736.08	34.201	73553.98	2818.16	35.227
	3	73067.47	2799.52	34.994	75332.95	2886.32	36.079	77592.17	2972.88	37.161
	4	76583.66	2934.24	36.678	78957.72	3025.20	37.815	81325.51	3115.92	38.949
A11/35	1	64997.35	2490.32	35.576	67012.53	2567.53	36.679	69022.23	2644.53	37.779
	2	68002.77	2605.47	37.221	70111.13	2686.25	38.375	72214.00	2766.82	39.526
	3	71636.67	2744.70	39.210	73858.30	2829.82	40.426	76074.45	2914.73	41.639
	4	75217.59	2881.90	41.170	77548.84	2971.22	42.446	79874.61	3060.33	43.719
A11/40	1	74282.69	2846.08	35.576	76585.75	2934.32	36.679	78882.55	3022.32	37.779
	2	77717.45	2977.68	37.221	80127.00	3070.00	38.375	82530.29	3162.08	39.526
	3	81870.48	3136.80	39.210	84409.49	3234.08	40.426	86942.23	3331.12	41.639
	4	85962.96	3293.60	41.170	88627.25	3395.68	42.446	91285.27	3497.52	43.719
A12/35	1	70410.75	2697.73	38.539	72594.02	2781.38	39.734	74771.80	2864.82	40.926
	2	74009.94	2835.63	40.509	76304.66	2923.55	41.765	78593.89	3011.26	43.018
	3	77645.67	2974.93	42.499	80051.83	3067.12	43.816	82452.51	3159.10	45.130
	4	81878.83	3137.12	44.816	84416.54	3234.35	46.205	86948.76	3331.37	47.591
A12/40	1	80469.43	3083.12	38.539	82964.59	3178.72	39.734	85453.49	3274.08	40.926
	2	84582.79	3240.72	40.509	87205.32	3341.20	41.765	89821.58	3441.44	43.018
	3	88737.91	3399.92	42.499	91487.81	3505.28	43.816	94231.44	3610.40	45.130
	4	93575.81	3585.28	44.816	96476.04	3696.40	46.205	99370.01	3807.28	47.591

UNIT A - SCHEDULE 2 (cont.) 2005-2007 SALARIES										
Pay Class		2005 Jan 1			2006 Jan 1			2007 Jan 1		
		Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly
A13/35	1	75816.85	2904.86	41.498	78166.37	2994.88	42.784	80512.24	3084.76	44.068
	2	79448.92	3044.02	43.486	81911.72	3138.38	44.834	84369.03	3232.53	46.179
	3	83678.43	3206.07	45.801	86272.77	3305.47	47.221	88861.63	3404.66	48.638
	4	88488.92	3390.38	48.434	91231.25	3495.45	49.935	93968.09	3600.31	51.433

Annual rates shown in the above schedule are for the purpose of annual estimates only. The bi-weekly rate is the official salary rate and is rounded to the nearest cent. Hourly rates, for use in calculating overtime, callbacks, etc., are shown to three decimal places.

The above schedule is without prejudice to any timely and arbitrable grievance or grievances now pending with respect to any of the classifications or rates which are or should be included therein.

A member commencing employment shall receive 4% less than the lowest hourly rate for his/her position during the probationary period as set out in clause 3:02 of the Agreement.

THE ABOVE RATES DO NOT INCLUDE MARKET ADJUSTMENTS FOR SELECTED CLASSIFICATIONS. FOR THESE ADJUSTMENTS, SEE SCHEDULE 3

UNIT "A" - SCHEDULE 3
2005-2007 MARKET ADJUSTMENTS

2002-2004 Collective Agreement. These rates are applicable while this collective agreement remains in full force and effect.

A10 (35) Co-ordinator, Voice Radio System
Co-ordinator, Emergency Voice
Services
Co-ordinator, CAD/IFS

Pay Class	2005 Jan 1			2006 Jan 1			2007 Jan 1			
	Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly	
ACO/35	1	62487.05	2394.14	34 202	64423.67	2468.34	35 262	66356.64	2542.40	36.320
	2	65269.58	2500.75	35 725	67292.06	2578.24	36.832	69310.90	2655.59	37.937
	3	68848.67	2637.88	37 684	70982.60	2719.64	38.852	73112.89	2801.26	40.018
	4	72164.67	2764.93	39.499	74400.92	2850.61	40.723	76633.52	2936.15	41.945

UNIT B - SCHEDULE 2 2005-2007 SALARIES										
Job Class	Step	2005 1-Jan			2006 1-Jan			2007 1-Jan		
		Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly
B2/40	1	45505.87	1743.52	21.794	46917.36	1797.60	22.470	48324.67	1851.52	23.144
B3/40	1	44140.32	1691.20	21.140	45507.96	1743.60	21.795	46873.51	1795.92	22.449
	2	45357.62	1737.84	21.723	46762.85	1791.68	22.396	48165.98	1845.44	23.068
	3	46670.98	1788.16	22.352	48117.96	1843.60	23.045	49560.77	1898.88	23.736
B4/40	1	47833.99	1832.72	22.909	49316.47	1889.52	23.619	50796.88	1946.24	24.328
B41/40	1	45240.70	1733.36	21.667	46643.83	1787.12	22.339	48042.79	1840.72	23.009
	2	46489.32	1781.20	22.265	47930.04	1836.40	22.955	49368.67	1891.52	23.644
	3	47833.99	1832.72	22.909	49316.47	1889.52	23.619	50796.86	1946.24	24.328
B51/40	1	48573.14	1861.04	23.263	50078.59	1918.72	23.984	51581.95	1976.32	24.704
B52/40	1	43478.42	1665.84	20.823	44827.27	1717.52	21.469	46171.94	1769.04	22.113
	2	45505.87	1743.52	21.794	46917.36	1797.60	22.470	48324.67	1851.52	23.144
	3	48573.14	1861.04	23.263	50078.59	1918.72	23.984	51581.95	1976.32	24.704
B6/40	1	57925.30	2219.36	27.742	59720.98	2288.16	28.602	61512.48	2356.80	29.460
B7/40	1	51164.35	1960.32	24.504	52751.23	2021.12	25.264	54333.94	2081.76	26.022
	2	53459.06	2048.24	25.603	55116.94	2111.76	26.397	56770.63	2175.12	27.189
	3	56225.66	2154.24	26.928	57969.14	2221.04	27.763	59708.45	2287.68	28.596
	4	59117.54	2265.04	28.313	60950.81	2335.28	29.191	62779.90	2405.36	30.067
B72/40	1	59117.54	2265.04	28.313	60950.81	2335.28	29.191	62779.90	2405.36	30.067
	2	53630.28	2054.80	25.685	55292.33	2118.48	26.481	56950.20	2182.00	27.275
	3	57326.04	2196.40	27.455	59102.93	2264.48	28.306	60875.64	2332.40	29.155
B8/40	1	61533.36	2357.60	29.470	63441.79	2430.72	30.384	65346.05	2503.68	31.296
	2	62999.14	2413.76	30.172	64951.42	2488.56	31.107	66899.52	2563.20	32.040
	3	65657.16	2515.60	31.445	67692.96	2593.60	32.420	69724.58	2671.44	33.393
B9/40	1	69657.77	2668.88	33.361	71816.76	2751.60	34.395	73971.58	2834.16	35.427

Annual rates shown in the above schedule are for the purposes of annual estimates only. The bi-weekly rate is the official salary rate and is rounded to the nearest cent. Hourly rates, for use in calculating overtime, callbacks, etc., are shown to three decimal places.

The above schedule is without prejudice to any timely and arbitrable grievance or grievances now pending with respect to any of the classifications or rates which are or should be included therein.

* A member commencing employment shall receive 4% less than the lowest hourly rate for his/her position during the probationary period as set out in clause 3.02 of the Agreement.

UNIT C - SCHEDULE 2 2005-2007 SALARIES										
Pay Class		2005 1-Jan			2006 1-Jan			2007 1-Jan		
		Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly
C2/40	1	37446.19	1434.72	17.934	38607.12	1479.20	18.490	39765.96	1523.60	19.045
	2	38696.90	1482.64	18.533	39897.50	1528.64	19.108	41093.93	1574.48	19.681
	3	40968.65	1569.68	19.621	42238.15	1618.32	20.229	43505.57	1666.88	20.836
	4	42968.95	1646.32	20.579	44301.10	1697.36	21.217	45631.15	1748.32	21.854
C4/40	1	42549.26	1630.24	20.378	43868.88	1680.80	21.010	45184.32	1731.20	21.640
	2	46372.39	1776.72	22.209	47808.94	1831.76	22.897	49243.39	1886.72	23.584
C41/40	1	40415.33	1548.48	19.356	41668.13	1596.48	19.956	42918.84	1644.40	20.555
	2	41764.18	1600.16	20.002	43058.74	1649.76	20.622	44351.21	1699.28	21.241
	3	44213.40	1694.00	21.175	45583.13	1746.48	21.831	46950.77	1798.88	22.486
	4	46372.39	1776.72	22.209	47808.94	1831.76	22.897	49243.39	1886.72	23.584
C5/35	1	37230.61	1426.46	20.378	38385.27	1470.70	21.010	39536.28	1514.80	21.640
	2	39267.71	1504.51	21.493	40484.49	1551.13	22.159	41699.45	1597.68	22.824
	3	41772.53	1600.48	22.864	43067.87	1650.11	23.573	44359.56	1699.60	24.280
	4	43603.18	1670.62	23.866	44955.16	1722.42	24.606	46303.49	1774.08	25.344
C5/40	1	42549.26	1630.24	20.378	43868.88	1680.80	21.010	45184.32	1731.20	21.640
	2	44877.38	1719.44	21.493	46267.99	1772.72	22.159	47656.51	1825.92	22.824
	3	47740.03	1829.12	22.864	49220.42	1885.84	23.573	50696.64	1942.40	24.280
	4	49832.21	1909.28	23.866	51377.33	1968.48	24.606	52918.27	2027.52	25.344
C51/40	1	45718.85	1751.68	21.896	47136.60	1806.00	22.575	48550.18	1860.16	23.252
	2	49832.21	1909.28	23.866	51377.33	1968.48	24.606	52918.27	2027.52	25.344
C61/40	1	47391.34	1815.76	22.697	48861.29	1872.08	23.401	50327.06	1928.24	24.103
	2	51648.77	1978.88	24.736	53250.26	2040.24	25.503	54847.58	2101.44	26.268
C7/40	1	45495.43	1743.12	21.789	46904.83	1797.12	22.464	48312.14	1851.04	23.138
	2	47852.78	1833.44	22.918	49335.26	1890.24	23.628	50815.66	1946.96	24.337
	3	50753.02	1944.56	24.307	52327.37	2004.88	25.061	53897.54	2065.04	25.813
	4	55768.39	2136.72	26.709	57497.26	2202.96	27.537	59221.94	2269.04	28.363
C8/40	1	54597.02	2091.84	26.148	56290.39	2156.72	26.959	57979.58	2221.44	27.768
	2	56948.11	2181.92	27.274	58712.47	2249.52	28.119	60474.74	2317.04	28.963
C9/40	1	58616.42	2245.84	28.073	60432.98	2315.44	28.943	62245.37	2384.88	29.811
	2	61124.11	2341.92	29.274	63017.93	2414.48	30.181	64907.57	2486.88	31.086

UNIT C - SCHEDULE 2 (cont.)										
2005-2007 SALARIES										
Pay Class		2005 1-Jan.			2006 1-Jan.			2007 1-Jan.		
		Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly
C10/40	1	60739.92	2327.20	29.090	62623.30	2399.36	29.992	64502.50	2471.36	30.892
	2	64310.40	2464.00	30.800	66304.44	2540.40	31.755	68294.30	2616.64	32.708
Cadet in Training		43687.22	1673.84	20.923	45042.34	1725.76	21.572	46393.27	1777.52	22.219

Annual rates shown in the above schedule are for the purposes of annual estimates only. The bi-weekly rate is the official salary rate and is rounded to the nearest cent. Hourly rates, for use in calculating overtime, callbacks, etc., are shown to three decimal places.

The above schedule is without prejudice to any timely and arbitrable grievance or grievances now pending with respect to any of the classifications or rates which are or should be included therein.

A member commencing employment as a Clerk, Station Duty shall receive 4% less than the lowest hourly rate for his/her position during the probationary period as set out in clause 3:02 of the Agreement.

A probationary Communications Operator shall receive 4% less than the lowest hourly rate only during the first six months of his/her probationary period.

THE ABOVE RATES DO NOT INCLUDE MARKET ADJUSTMENTS FOR SELECTED CLASSIFICATIONS. FOR THESE ADJUSTMENTS, SEE SCHEDULE 3

**UNIT "C" – SCHEDULE 3
2005-2007 SALARIES
MARKET ADJUSTMENTS**

Below are the salary scales for those classifications with market adjustments provided in the 2002-2004 Collective Agreement. These rates are applicable while this collective agreement remains in full force and effect.

C6003.4 Court Officer

Pay Class		2005			2006			2007		
		1-Jan			1-Jan			1-Jan		
		Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly
C62/40	1	50089.03	1919.12	23.989	51642.50	1978.64	24.733	53191.80	2038.00	25.475
	2	53258.62	2040.56	25.507	54910.22	2103.84	26.298	56557.66	2166.96	27.087
	3	55618.06	2130.96	26.637	57342.74	2197.04	27.463	59063.26	2262.96	28.287

C7003.4 Communications Operator

Pay Class		2005			2006			2007		
		1-Jan			1-Jan			1-Jan		
		Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly
C71/40	1	48992.83	1877.12	23.464	50510.81	1935.28	24.191	52026.70	1993.36	24.917
	2	51533.93	1974.48	24.681	53131.25	2035.68	25.446	54724.39	2096.72	26.209
	3	54653.40	2094.00	26.175	56346.77	2158.88	26.986	58038.05	2223.68	27.796
	4	60055.06	2300.96	28.762	61917.55	2372.32	29.654	63775.87	2443.52	30.544

C8002.4 Senior Court Officer

Pay Class		2005			2006			2007		
		1-Jan			1-Jan			1-Jan		
		Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly
C81/40	1	58795.99	2252.72	28.159	60618.82	2322.56	29.032	62437.46	2392.24	29.903
	2	61324.56	2349.60	29.370	63224.64	2422.40	30.280	65120.54	2495.04	31.188

C9005.4 Sr. Admin. Court Officer

Pay Class	2005			2006			2007			
	1-Jan			1-Jan			1-Jan			
	Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly	
91/40	1	63124.42	2418.56	30.232	65080.87	2493.52	31.169	67033.15	2568.32	32.104
	2	65822.11	2521.92	31.524	67862.09	2600.08	32.501	69897.89	2678.08	33.476

- C10004.4 Operations Supervisor, Communications
 C10005.4 Location Administrator, Court Services
 C10006.4 Location Administrator, Document Services

Pay Class	2005			2006			2007			
	1-Jan			1-Jan			1-Jan			
	Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly	Annual	Bi-wkly	Hrly	
CLD/40	1	65410.78	2506.16	31.327	67438.22	2583.84	32.298	69461.50	2661.36	33.267
	2	69256.87	2653.52	33.169	71403.34	2735.76	34.197	73545.62	2817.84	35.223

UNIT "D" - SCHEDULE 1
2005-2007 HOURLY SALARY RATES

POSITION NO.	CLASS		Jan.1/05	Jan 1/06	Jan 1/07
	D2				
		1 st	17.934	18.490	19.045
		2 nd	18.533	19.108	19.681
		3 rd	19.621	20.229	20.836
		4 th	20.579	21.217	21.854
	D41				
D4003.4	Telephone Console Operator	1 st	19.356	19.956	20.555
		2 nd	20.002	20.622	21.241
		3 rd	21.175	21.831	22.486
		4 th	22.209	22.897	23.584
	D51				
D5000.4	Custodial Officer	1 st	21.896	22.575	23.252
		2 nd	23.866	24.606	25.344
	D6*				
	Court Officer	1 st	22.276	22.967	23.656
		2 nd	23.686	24.420	25.153
		3 rd	24.736	25.503	26.268
	D7*				
	Communications Officer	1 st	21.789	22.464	23.138
		2 nd	22.918	23.628	24.337
		3 rd	24.307	25.061	25.813
		4 th	26.709	27.537	28.263

THE ABOVE SCHEDULE IS WITHOUT PREJUDICE TO ANY TIMELY AND ARBITRABLE GRIEVANCE OR GRIEVANCES NOW PENDING WITH RESPECT TO ANY OF THE CLASSIFICATIONS OR RATES WHICH ARE OR SHOULD BE INCLUDED THEREIN.

A probationary Communications Operator shall receive 4% less than the lowest hourly rate only during the first 1044 hours of his/her probationary period.

THE ABOVE RATES DO NOT INCLUDE MARKET ADJUSTMENTS FOR SELECTED CLASSIFICATIONS. FOR THESE ADJUSTMENTS, SEE SCHEDULE 2

UNIT "D" – SCHEDULE 2
2005-2007 HOURLY SALARY RATES
MARKET ADJUSTMENTS

Below are the hourly salary scales for those classifications with market adjustments provided in the 2002-2004 Collective Agreement. These rates are applicable while this collective agreement remains in full force and effect.

D61
Court Officer

POSITION NO.	CLASS		Jan.1/05	Jan 1/06	Jan 1/07
D6001.4	D61 Court Officer	1 st	23.989	24.733	25.475
		2 nd	25.507	26.298	27.087
		3 rd	26.637	27.463	28.287

D71
Communications Operator

POSITION NO.	CLASS		Jan.1/05	Jan 1/06	Jan 1/07
D7001.4	D71 Communications Operator	1 st	23.464	24.191	24.917
		2 nd	24.681	25.446	26.209
		3 rd	26.175	26.986	27.796
		4 th	28.762	29.654	30.544

**UNIT 'E' - SCHEDULE 1
2005 - 2007 HOURLY SALARY RATES**

Position	Class		Jan.1/05	Jan 1/06	Jan.1/07
	E2	1 st	17.289	17.825	18.360
	E3	1 st	18.202	18.766	19.329
		2 nd	18.833	19.417	20.000
		3 rd	20.034	20.655	21.275
		4 th	21.205	21.862	22.518
	E4	1 st	19.233	19.829	20.424
E4001.4	Monitor	2 nd	20.378	21.010	21.640
E4002.4	Monitor/Typist	3 rd	21.493	22.159	22.824
		4 th	22.864	23.573	24.280
	E5	1 st	21.493	22.159	22.824
E5000.4	Monitor /Typist	2 nd	22.209	22.897	23.584
	/Translator	3 rd	23.324	24.047	24.768
E5001.4	Monitor/Translator	4 th	24.539	25.300	26.059

THE ABOVE SCHEDULE IS WITHOUT PREJUDICE TO ANY TIMELY AND ARBITRABLE GRIEVANCE OR GRIEVANCES NOW PENDING WITH RESPECT TO ANY OF THE CLASSIFICATIONS OR RATES WHICH ARE OR SHOULD BE INCLUDED THEREIN.

A MEMBER COMMENCING EMPLOYMENT IN A CLASS 4 POSITION SHALL RECEIVE 4% LESS THAN THE LOWEST HOURLY RATE FOR HIS/HER POSITION DURING THE PROBATIONARY PERIOD AS SET OUT IN CLAUSE 3.02 OF THE AGREEMENT.

SCHEDULE 'B'

1. The terms of the Minutes of Settlement between the Board and the Association attached as Appendix "A" of the award of Arbitrator Owen Shime, Q.C. dated May 13, 2002 shall remain in full force and effect;
2. The Service will work with the Association to provide one intranet access terminal at the Association's headquarters. All costs associated with the installation and operation of this terminal will be paid by the Association. The terminal will only be accessible and accessed by the Association Directors and the Association's in-house legal counsel on an individual password basis. The timing for this installation will depend on security, access and technology issues being resolved to the satisfaction of the Board. It is hoped that installation of this terminal will occur by June 30, 2009.
3. The Association will use the Service email system in order to send messages to their members only for the purpose of advising members to view the Association's website. These email messages will not contain any text in the body of the message. The subject line for each e-mail shall be: "Please view the Association's website for Information", with no other text included therein.

SCHEDULE "C"

Amend Article 23:01(c) of the Uniform Collective Agreement and similar provisions in the Civilian Collective Agreements as follows:

(c) Paragraph (b) hereof also applies to officers who, although not the subject of a criminal investigation, have incurred legal costs for an initial interview within the first seven (7) days of an investigation by SIU. It is understood that the legal costs of one counsel for each officer identified as a subject officer will be indemnified. For witness officers, the legal costs of one counsel shall be indemnified. Furthermore, if there are more than eight (8) witness officers involved, the legal costs of a second counsel shall be indemnified.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

**#P36. BARGAINING – SENIOR OFFICERS’ ORGANIZATION – UNIFORM
AND CIVILIAN COLLECTIVE AGREEMENTS: 2008-2010 AND
EXTENSION OF APPLICABLE AND APPROPRIATE PROVISIONS TO
EXCLUDED STAFF, THE CHIEF OF POLICE AND COMMAND
OFFICERS**

The Board was in receipt of the following report January 28, 2009 from Alok Mukherjee, Chair:

Subject: BARGAINING - SENIOR OFFICERS` ORGANIZATION - UNIFORM AND
CIVILIAN COLLECTIVE AGREEMENTS: 2008-2010 AND EXTENSION OF
APPLICABLE AND APPROPRIATE PROVISIONS TO EXCLUDED STAFF,
TO THE CHIEF OF POLICE AND COMMAND OFFICERS

Recommendation:

It is recommended that the Board receive the following report.

Financial Implications:

The incremental cost of the negotiated settlement with the Senior Officers` Organization (SOO) and increases for the Command Officers and Excluded members is \$0.9 million in 2008, \$0.7 million in 2009, \$1.1 million in 2010 and \$0.2 million in 2011. The 2008 operating budget and the 2009 operating budget submission for the Toronto Police Service, the Toronto Police Parking Enforcement Unit and the Toronto Police Services Board have been adjusted to reflect the impact of the increase.

Background/Purpose:

The collective agreements between the Toronto Police Services Board (Board) and the SOO expired on December 31, 2007. The SOO typically awaits the results of the Toronto Police Association (TPA) bargaining process before beginning its bargaining process, despite serving in a timely manner the notice of intent to commence bargaining as required by the Police Services Act.

Discussion:

On December 18, 2008, the Board received an Interest Arbitration Award dated December 18, 2008, determining all matters in dispute between the Board and the TPA pertaining to the renewal of six (6) collective agreements for the uniform and civilian bargaining units. Typically, the SOO has received similar base salary increases as provided to the TPA, although other terms and conditions may vary.

Representatives from the SOO and Human Resources Management met on December 18, 2008, to discuss a proposal to expedite a resolution to the collective agreements. This proposal is attached to this report as Appendix "A" and closely resembles the TPA Interest Arbitration Award.

The Board, at its meeting January 22, 2009, (Min. No. C11/09 refers), approved renewals of the Senior Officers` Agreements which expired on December 31, 2007, based upon the proposal contained in Appendix "A". At that meeting, the Board also extended the salary increases and other appropriate and applicable provisions, as contained in Appendix "A" to excluded staff and, the Chief of Police and Command Officers.

On January 26, 2009, the members of the SOO ratified the proposal contained in Appendix "A" and Human Resources Management was notified accordingly.

Highlights of Appendix "A" include the following:

1. A three year term, expiring December 31, 2010;
2. A cumulative compounded percentage salary increase of 10.309% over the life of the collective agreements;
3. A non-cumulative health care spending account to members retiring on an unreduced pension on or after January 1, 2009;
4. A one time Lieu credit for those employed on February 18, 2008, and who remain employed as of the date of ratification in the amount of 8 hours or 7 hours, depending upon the number of hours worked per week; and
5. A limited number of benefit improvements.

Conclusion:

Given the above, it is recommended that the Board receive this report.

The Board received the foregoing report.

WITHOUT PREJUDICE
OFFER TO SETTLE

TORONTO POLICE SERVICES BOARD
"The Board"

-and-

SENIOR OFFICERS' ORGANIZATION

MEMORANDUM OF SETTLEMENT

In order to fully and finally resolve all matters with respect to the Uniform and Civilian Senior Officer Collective Agreements for the term January 1, 2008 to December 31, 2010:

1. The same base salary increases as awarded to the TPA in the arbitration award dated December 18, 2008 as follows:
 - (a) January 1, 2008 – Increase of 3.0%, which was previously agreed and paid
 - (b) July 1, 2008 – Increase of 0.3%
 - (c) January 1, 2009 – Increase of 2.0%
 - (d) July 1, 2009 – Increase of 0.6%
 - (e) December 1, 2009 – Increase of 0.845%
 - (f) January 1, 2010 – Increase of 2.0%
 - (g) July 1, 2010 – Increase of 0.91%
 - (h) December 1, 2010 – Increase of 0.25%
2. The same increases and effective dates shall apply to the Senior Officer Allowance in each collective agreement.
3. The same benefit improvements as awarded to the TPA shall apply, with the same effective dates:
 - a. Psychological / Family Counselling
 - b. Eye Testing
 - c. Vision Care
 - d. Dispensing Fee
4. The Senior Officers Organization members shall receive the same benefits for retirees past age 65 with the same effective dates as awarded to the TPA.
5. A one time seven or eight hour lieu credit for each senior officer employed on February 18, 2008 and who remains employed on the date of final ratification and as determined by his or her regularly scheduled weekly hours ie. 40 hour week equals eight hour credit ; 35 hour week equals seven hour credit.
6. The same legal indemnification language as awarded to the TPA shall apply except the word "officers" shall be replaced with "members";

7. RDO Exchange (Uniform Collective Agreement Article 5:02 (b), Civilian Collective Agreement Article 5:03)

Amend this provision to provide, "When a member is required to work on a regularly scheduled day off, statutory holiday, or while on annual leave, the member will work his/her regular 7 or 8 hour tour of duty as the case may be and shall be entitled to a 7 or 8 hour lieu time credit as non-cashable lieu time to be used within 6 months".

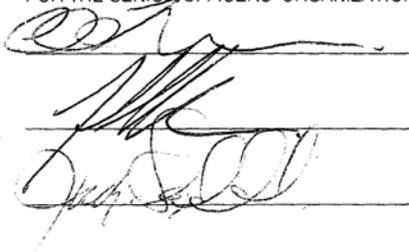
8. The parties further agree to exchange proposals to attempt to reach resolution on the matters included in Schedule "A" attached, failing which either party may refer some or all to binding expedited arbitration in the event such remain unresolved after 90 days.

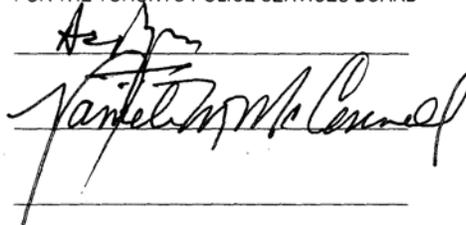
9. The foregoing is subject to ratification by both parties, and shall remain confidential between the parties until such time.

DATED AT TORONTO THIS 29 DAY OF DECEMBER, 2008

FOR THE SENIOR OFFICERS' ORGANIZATION

FOR THE TORONTO POLICE SERVICES BOARD





SCHEDULE "A"

1. 12 Times Average (Civilian Senior Officer Collective Agreement Article 13:10)
2. Central Sick Leave Bank/Long Term Disability;
3. Legal Indemnification/Protection for Senior Officers.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

#P37. NEW JOB DESCRIPTION – HUMAN RIGHTS CASE CO-ORDINATOR

The Board was in receipt of the following report January 27, 2009 from William Blair, Chief of Police:

Subject: NEW JOB DESCRIPTION - HUMAN RIGHTS CASE CO-ORDINATOR

Recommendation:

It is recommended that the Board approve the new civilian job description and classification for the position of Human Rights Case Co-ordinator (A07083) within Legal Services.

Financial Implications:

There are no financial implications related to the recommendation contained in this report as a vacant Human Rights Co-ordinator position (Z26) within the Diversity Management unit has been deleted.

Background/Purpose:

As a result of changes with the Human Rights Tribunal process, there is no longer a need for the Human Rights Co-ordinator position (Z26). However, a Human Rights Case Co-ordinator position is required to track and process human rights complaints.

Discussion:

For some time, external and internal human rights complaints have been managed by the Diversity Management unit. On June 30, 2008, a new Human Rights Tribunal process was implemented. This new process resulted in very strict and short deadlines, as well as the need for legal expertise when handling complaints as they are now quasi-judicial in nature. External Human Rights complaints filed with the Ontario Human Rights Commission (Commission) are still managed by the Diversity Management unit but this responsibility will be re-assigned to Legal Services once they acquire the services of a Human Rights Case Co-ordinator. Internal complaints are now managed by Labour Relations as members of that unit have experience with the grievance process which is quasi-judicial in nature. This will result in a shorter turnaround time, thereby reducing the possibility of the Service incurring fines from failing to meet the Tribunal's established timelines. Presently, there are approximately 100 human rights complaints filed with the Commission, 19 of which are internal complaints. The Diversity Management unit will continue to perform all the other functions outlined in Service Procedure 13-14 entitled "Human Rights", including proactive support and consultation on human rights

issues, providing assistance to members seeking alternative avenues of redress with regard to human rights issues, providing training and education to members and unit commanders, etc.

As administrative support duties related to the tracking and processing of human rights cases are still required, it was deemed necessary to develop a new position but at a lower job classification level within the Unit "A" Collective Agreement. To this end, the major responsibility of this position will be to co-ordinate and provide case administrative support for all human rights complaints against the Service. This will include investigations, mediations and conciliations under the direction of counsel in Legal Services and in conjunction with the Manager of Diversity Management. It is anticipated that this new position will effectively meet these administrative requirements.

Compensation and Benefits has developed a new job description for the Human Rights Case Co-ordinator and has evaluated the position as an A07 (35 hour) job within the Unit "A" Collective Agreement. This equates to a salary range of \$52,301 to \$58,383 per annum, effective January 1, 2009.

Conclusion:

It is hereby recommended, therefore, that the Board approve the attached new job description for the position of Human Rights Case Co-ordinator (A07083). Subject to Board approval, the Toronto Police Association will be notified accordingly, as required by the respective Collective Agreement, and the position will be staffed in accordance with the established procedure.

Deputy Chief Keith Forde, Human Resources Command, will be in attendance to respond to any questions the Board members may have in regard to this report.

Chief Blair responded to questions about the current administrative process for handling internal and external human rights complaints.

The Board approved the foregoing report.



TORONTO POLICE SERVICE
JOB DESCRIPTION

Date Approved:
Board Minute No.:
Total Points: 392.5
Pay Class A07

JOB TITLE:	Human Rights Case Coordinator	JOB NO.:	A07083
BRANCH:	Executive Command	SUPERSEDES:	New
UNIT:	Legal Services	HOURS OF WORK:	35 SHIFTS: 1
SECTION:		NO. OF INCUMBENTS IN THIS JOB:	1
REPORTS TO:	Director, Legal Services	DATE PREPARED:	06 November, 2008

SUMMARY OF FUNCTION: The prime objective of this position is to coordinate and provide case administrative support for all human rights complaints against the Service, including investigations, mediations and conciliations under the direction of counsel in Legal Services, and in conjunction with the Manager of Diversity Management Unit.

DIRECTION EXERCISED: None

MACHINES & EQUIPMENT USED: Micro-computers / standard TPS workstations, associated software /computer applications, database management and any other office related equipment that may be required.

DUTIES AND RESPONSIBILITIES:

1. Ensures timely processing of human rights claims through effective administration and compliance of human rights and legal case management procedures; prioritizes human rights cases to ensure cases are completed within established deadlines; provides legal counsel with timely notification of upcoming critical deadlines.
2. Receives human rights complaints, initiates case management files, and establishes time frames and legal deadlines to complete responses. Reviews all incoming documents for accuracy and completeness and meets with legal counsel to advise of any discrepancies, and, as directed, determines additional information that may be required.
3. Identifies, locates and secures all relevant information and material and any necessary additional documentation such as notes to file, memo books, statements, emails, video files, etc. and provides to counsel. Compiles material for inclusion in the Affidavits of Documents and swears to the affidavits.

gh:147483

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



TORONTO POLICE SERVICE
JOB DESCRIPTION

Date Approved:
Board Minute No.:
Total Points: 392.5
Pay Class A07

JOB TITLE:	Human Rights Case Coordinator	JOB NO.:	A07083
BRANCH:	Executive Command	SUPERSEDES:	New
UNIT:	Legal Services	HOURS OF WORK:	35 SHIFTS: 1
SECTION:		NO. OF INCUMBENTS IN THIS JOB:	1
REPORTS TO:	Director, Legal Services	DATE PREPARED:	06 November, 2008

DUTIES AND RESPONSIBILITIES: (cont'd)

4. Provides information and assistance to Service members on human rights matters and related processes.
5. Establishes and maintains appropriate files on internal and external human rights cases involving the Service.
6. Communicates with Legal Services' counsel, outside counsel retained by the City (as directed by legal counsel), unit commanders and various units, etc. with respect to human rights complaints. Responsible for preparing a reference summary and logging of all legal opinions with respect to human rights cases.
7. Prepares reports, summaries, statistics and correspondence related to human rights complaints for the Board.
8. May be required to appear at mediations or examinations for discovery to assist counsel. Communicates with Senior Officers /Command on proposed settlements.
9. Responsible for providing reviews of human rights files as part of background checks on members seeking promotion, re-hire, reclassification, awards, resignation and retirement.
10. May be required to deliver presentations to other members of the Service on human rights cases and related processes.
11. Performs typical duties inherent to the position.

gh:147483

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

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

#P38. LEGAL FEES – TORONTO POLICE ASSOCIATION AND OCCPS

The Board was in receipt of the following report January 26, 2009 from Alok Mukherjee, Chair:

Subject: LEGAL FEES - TORONTO POLICE ASSOCIATION AND OCCPS

Recommendation:

It is recommended that the Board approve payment of the legal fees charged by Lenczner Slaght Royce Smith Griffin LLP in the amount of \$264.95.

Financial Implications:

The funding required to cover the cost of these legal fees is available within the Board's 2008 operating budget.

Background/Purpose:

Attached is a statement of account from the legal firm of Lenczner Slaght Royce Smith Griffin LLP for professional services rendered in connection with the above-noted matter. The attached account is for the period December 01, 2008 to December 31, 2008, in the amount of \$264.95.

Conclusion:

It is, therefore, recommended that the Board approve payment of this account from the Board's operating budget.

This report corresponds with additional information provided on the in-camera agenda.

The Board approved the foregoing report. A detailed breakdown of the legal costs was considered during the in-camera meeting (Min. No. C38/09 refers).

**LENCZNER SLAGHT ROYCE
SMITH GRIFFIN LLP**
BARRISTERS

Direct Line: (416) 865-3096
E-mail: tcurry@litigate.com

January 15, 2009

Mr. Alok Mukherjee
Toronto Police Services Board
40 College Street
Toronto, Ontario M5G 2J3



Dear Mr. Mukherjee:

Re: Toronto Police Services Association

Enclosed herewith please find our account for services rendered with respect to the above-noted matter during the period December 1 to December 31, 2008 which I trust you will find satisfactory. Should you have any questions, please feel free to give me a call.

Yours very truly,

J. Thomas Curry

:dh
Enc.

**LENCZNER SLAGHT ROYCE
SMITH GRIFFIN LLP**
BARRISTERS

Toronto Police Services Board
40 College Street
Toronto ON M5G 2J3
Attention: Alok Mukherjee

Date: January 15, 2009

Our file #: 36298
INVOICE NO. 79778

Re: v. Toronto Police Services Association

TO PROFESSIONAL SERVICES RENDERED with respect to the above matter during the period from December 1 to December 31, 2008:

FEES:

TOTAL FEES	\$ 245.00
G.S.T. @ 5%	12.25

DISBURSEMENTS

TOTAL DISBURSEMENTS	\$ 7.33
G.S.T. @ 5%	.37
TOTAL FEES AND DISBURSEMENTS	\$252.33

TOTAL TAXES

G.S.T. (Registration #: R133780817)	<u>12.62</u>
TOTAL BILL	\$ 264.95
TOTAL DUE AND OWING UPON RECEIPT	<u>\$ 264.95</u>

SUITE 2600, 130 ADELAIDE STREET WEST, TORONTO, ONTARIO, CANADA M5H 3P5
TELEPHONE (416) 865-9500 FACSIMILE (416) 865-9010

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

#P39. REQUEST FOR FUNDS: MIXED COMPANY THEATRE

The Board was in receipt of the following report January 26, 2009 from Alok Mukherjee, Chair:

Subject: REQUEST FOR FUNDS – MIXED COMPANY THEATRE

Recommendation:

It is recommended that the Board approve one-time funding in the amount of \$40,000 from the Board's Special Fund to support the Mixed Company Theatre's Anti-Gang Violence Production.

Financial Implications:

If the Board approves this request, the Board's Special Fund will be reduced in the amount of \$40,000.00.

Background/Purpose:

Mixed Company Theatre is a nationally recognized theatre for its work in schools, the community and the workplace. Founded 25 years ago, the theatre continues to use many collaborative methods to engage, educate and empower its audiences to create solutions to challenges in their daily lives.

Mixed Company will link with partners and by using its techniques, will create discussions on gang violence within the Greater Toronto Area. Focus groups will be established to provide Mixed Company and its artists with the basic fundamentals to create an effective anti-gang violence production that will utilize the company's unique Forum Theatre style.

Mixed Company and the City of Toronto have identified a number of priority neighbourhoods to reach out to partner with.

Discussion:

I am in receipt of an Anti-Gang Violence project proposal from Mr. Simon Malbogot, Artistic Director, Mixed Company Theatre (copy attached), which outlines the need for funding as well as a breakdown of the project's anticipated budget requirements.

The Board's contribution to the Mixed Company Theatre's Anti-Gang Violence Production will assist in bringing the community together to create possible alternatives, options and solutions for youth to solve gang violence.

Conclusion:

Thus, it is recommended that the Board approve funding in the amount of \$40,000 from the Board's Special Fund to support the Mixed Company Theatre's Anti-Gang Violence Production.

Mr. Simon Malbogat, Co-Founder and Artistic Director, Mixed Company Theatre, was in attendance and responded to questions about this project.

The Board emphasized the importance of ensuring that the anti-gang violence project has, as much as possible, a direct partnership with the Toronto Police Service. Mr. Malbogat assured the Board that he would maintain contact with Staff Superintendent Mike Federico, Staff Planning and Community Mobilization, throughout the project.

The Board also requested that, where possible, the employment positions be filled by people from the priority neighbourhoods.

The Board approved the foregoing report. Mr. Malbogat agreed to provide the Board with a report on the results of the project and indicated that it would include the number of people from the priority neighbourhoods who were hired by Mixed Company Theatre.













**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

**#P40. REQUEST FOR FUNDS: MEETING OF THE BIG 12 POLICE
SERVICES BOARDS**

The Board was in receipt of the following report January 28, 2009 from Alok Mukherjee, Chair:

Subject: REQUEST FOR FUNDS: MEETING OF THE BIG 12 POLICE SERVICES
BOARDS

Recommendation:

It is recommended that the Board approve an expenditure from the Special Fund, in an amount not to exceed \$1,050.00, excluding taxes, to pay for the cost of a meal to be provided at the next meeting of the Big 12 Police Services Board Chairs.

Financial Implications:

If the Board approves the recommendation contained in this report, the Special Fund will be reduced by an amount not to exceed \$1,050.00, excluding taxes. The cost of each meal is \$35.00, excluding taxes and it is anticipated that there will be a maximum of 30 people in attendance.

Background/Purpose:

For many years, Ontario's largest Police Services Boards (PSB) in Ontario, who refer to themselves as the "Big 12", have held periodic meetings. The Big 12 PSB section of the OAPSB actively supports a number of key OAPSB initiatives.

In the past, the Chairs of the Big 12 would meet on a regular basis to discuss important and emerging issues in police governance. The Big 12 have not met for quite some time so I and a number of other Chairs have agreed to convene a meeting on February 18, 2009. The meeting will be held in the Police Services Board room and will be followed by a working dinner.

The Boards will discuss the importance and frequency of meetings, bargaining updates, and funding sustainability. I anticipate that the Big 12 will continue to meet on a more frequent basis and, therefore, funding for the meetings may be required again in coming years. It is likely that the Boards will agree to share the costs of hosting meetings on a rotating basis.

Conclusion:

I, therefore, recommend that the Board approve an expenditure from the Special Fund, in an amount not to exceed \$1,050.00, excluding taxes, to pay for the cost of a meal for the members of the Big 12 Police Services Boards.

The Board approved the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

**#P41. RECOMMENDATION TO REVIEW THE LEVEL OF SENTENCING
WITHIN ONTARIO'S COURTS**

The Board was in receipt of the attached copy of correspondence dated January 19, 2009 from June Demerling, Chair, Municipality of West Perth Police Services Board, to Chris Bentley, Attorney General, with respect to the level of sentencing in Ontario's courts.

The Board received the foregoing correspondence.







**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

**#P42. RESPONSE TO BOARD'S EARLIER RECOMMENDATION WITH
REGARD TO THE UPLOADING OF PRISONER TRANSPORTATION
AND COURT SECURITY COSTS**

The Board was in receipt of the attached correspondence dated January 13, 2009 from Dalton McGuinty, Premier, containing a response to the Board's earlier recommendation with respect to the uploading of prisoner transportation and court security costs.

The Board received the foregoing correspondence.



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

**#P43. CONSTRUCTION MANAGEMENT SERVICES FOR THE NEW NO. 11
DIVISION**

The Board was in receipt of the following report February 02, 2009 from William Blair, Chief of Police:

Subject: CONSTRUCTION MANAGEMENT SERVICES FOR THE NEW 11
DIVISION

Recommendations:

It is recommended that:

- (1) the Board award construction management services to Eastern Construction Company Limited for an estimated amount of \$2,234,446 (including all taxes) which includes a fixed management fee of \$315,000 and estimated disbursements of \$1,919,446; and
- (2) the Board authorize the Chair to execute the agreement for construction management services on behalf of the Board, subject to approval as to form by the City Solicitor.

Financial Implications:

There are no financial implications relating to the recommendations contained within this report. The approved capital budget for the new 11 Division facility is \$26.9M. The construction management services (estimated at \$2.2M) would be funded from within the approved capital budget for this project and includes a fixed management fee and estimated disbursements. The disbursements include costs for the operation of the site during construction such as trailer rental, temporary hydro, temporary heat (winter conditions), temporary fire protection, signage, washroom facilities, telephone, security, etc.

Background/Purpose:

In 1997, the replacement of the current 11 Division was identified as the Service's second facility priority. Due to funding constraints, other priorities and a lengthy process of identifying a suitable site, this project was continually deferred. A suitable site was identified in 2007 and the City acquired this site from the Toronto District School Board in October 2008. The Board, at its meeting of December 18, 2008 (Min. No. P338/08 refers), approved the selection of the project Architect. The next important step in moving forward with the design phase of the project is to select a Construction Manager (CM). The Architect and CM are critical members of the project design team.

Discussion:

On January 6, 2009, the TPS Purchasing Support Services Unit issued a Request for Proposal (RFP #1106451-09) for the provision of construction management services for the new 11

Division. The RFP was issued to the five prequalified construction management firms approved by the Board (Min. No. P230/04 refers). The Service received four submissions from the pre-qualified firms.

The appropriate Service and City staff reviewed the proposals submitted. The submissions were evaluated independently using a weighted matrix format, and based on the following criteria:

(1) Management fee and completeness of estimated disbursements	30%
(2) Quality and completeness of construction cost estimate	15%
(3) Qualifications and experience of proponent and personnel	30%
(4) Quality of construction plan, approach and schedule	25%

Based on the evaluation performed, Eastern Construction Company Limited received the highest overall score and is the recommended proponent for the construction management services.

The Service utilizes a limited risk method of construction management in the completion of the project. Under a limited – risk scenario the construction management firm will assume the role of the “Constructor” as defined by the Occupational Health & Safety Act. In order to accomplish this, the CM must retain the services of the various contractors required to complete the project. All tender documents will be reviewed by Service and City staff to ensure they adhere to the City’s various union agreements, fair wage policy and other requirements. In addition, no purchase order or other such agreement can be issued without the approval of the Service.

Actual construction work is scheduled to start in late third quarter 2009. Prior to the actual start of construction, the Service will seek Board approval for the expenditure of the project construction funding. The construction estimated expenditure will be based on the project final design and a more detailed estimate prepared by the CM.

Conclusion:

The Service utilizes a construction management approach for significant capital projects. The selection of a CM in the early stages of the project is critical to the success of the project. The CM will be part of the project design team and have input on issues that could impact on the actual construction. Eastern Construction Company Limited is recommended to be the CM for the new D11 facility based on the results of the RFP process conducted by the Service. The estimated cost for these services is \$2.2M (including all taxes) and this includes a fixed management fee of \$0.3M and estimated disbursements of \$1.9M.

Mr. Angelo Cristofaro, Acting Chief Administrative Officer, Administrative Command, will be in attendance to answer any questions from the Board.

Mr. Angelo Cristofaro, Acting Chief Administrative Officer, was in attendance and responded to questions about this report.

The Board approved the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

**#P44. APPOINTMENT – ACTING VICE CHAIR DURING THE PERIOD
BETWEEN MARCH 02, 2009 AND MARCH 22, 2009, INCLUSIVE**

The Board was in receipt of the following report February 05, 2009 from Alok Mukherjee, Chair:

Subject: APPOINTMENT – ACTING VICE CHAIR DURING THE PERIOD BETWEEN
MARCH 02, 2009 and MARCH 22, 2009, INCLUSIVE

Recommendation:

It is recommended that the Board appoint one member to act as Acting Vice-Chair during the period between March 02, 2009 and March 22, 2009, inclusive, for the purposes of execution of all documents that would normally be signed by the Vice-Chair on behalf of the Board.

Financial Implications:

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

Background/Purpose:

I have been advised by Councillor Pam McConnell, Vice-Chair, that she will not be available to perform the duties of Vice-Chair of the Toronto Police Services Board during the period between March 02, 2009 and March 22, 2009, inclusive.

It will, therefore, be necessary to appoint an Acting Vice-Chair for the purposes of the execution of all documents normally signed by the Vice-Chair on behalf of the Board, including legal contracts, personnel and labour relations documents.

Conclusion:

It is, therefore, recommended that the Board appoint one member who is available during that period of time to perform the duties of Acting Vice-Chair of the Board.

The Board received the foregoing report and agreed to appoint Ms. Judi Cohen to perform the duties of Acting Vice Chair during this time.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

#P45. REQUEST FOR FUNDS: CHANGE12 FUNDRAISER

The Board was in receipt of the following report January 30, 2009 from Alok Mukherjee, Chair:

Subject: REQUEST FOR FUNDS TO PURCHASE TICKETS – CHANGE 12

Recommendation:

It is recommended:

1. THAT the Board purchase two tables for Board members interested in attending Change12; and
2. THAT tickets not used by Board Members be returned to the organizers for distribution to youth who might otherwise not be able to afford to attend.

Financial Implications:

If the Board approves the recommendation contained in this report, the Special Fund will be reduced by \$1,800.00.

Background/Purpose:

Change12 is a youth-led non-profit organization that focuses on tackling the causes of apathy and injustice locally and internationally by creating opportunities through the delivery of innovative projects, campaigns and relief efforts.

In order to achieve its objective, Change12 deliver programs such as “ChangeItUp TV,” a biweekly web show profiling youth leaders and positive youth initiatives in priority neighbourhoods; “Project One Mic,” a biweekly public speaking training seminar which teaches youth to be effective and confident public speakers.

Discussion:

Mr. Saeed Selvam, Team Leader of Change12, has forwarded correspondence to the Board requesting that the Board consider the purchase of tickets to the Change12 fundraiser. Funds raised will enable organizers to expand Change12 current programs as well as the completion of its website and the development of a television pilot based on it ChangeItUp program. The event will be held on Thursday February 26, 2009 at The Great House, Hart House. Tickets are \$75.00 each.

Correspondence from the event organizers is appended for the information of Board Members.

Conclusion:

It is recommended that the Board purchase two tables for Board members interested in attending Change12 and that tickets not used by Board Members be returned to the organizers for distribution to youth who might otherwise not be able to afford to attend.

The Board approved the foregoing report.

















**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

#P46. IN-CAMERA MEETING – FEBRUARY 12, 2009

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

The following members attended the in-camera meeting:

Dr. Alok Mukherjee, Chair
Ms. Pam McConnell, Councillor & Vice-Chair
Mr. Frank Di Giorgio, Councillor & Member
Mr. Hamlin Grange, Member
The Honourable Hugh Locke, Q.C., Member
Mr. Adam Vaughan, Councillor & Member

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 12, 2009**

#P47. ADJOURNMENT

Alok Mukherjee
Chair