



The following *draft* Minutes of the meeting of the Toronto Police Services Board held on July 21, 2011 are subject to adoption at its next regularly scheduled meeting.

The Minutes of the meeting held on June 9, 2011, previously circulated in draft form, were approved by the Toronto Police Services Board at its meeting held on July 21, 2011

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **JULY 21, 2011** at 1:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

PRESENT:

Dr. Alok Mukherjee, Chair
Mr. Michael Thompson, Councillor & Vice-Chair
Ms. Judi Cohen, Member
Mr. Chin Lee, Councillor & Member
Dr. Dhun Noria, Member
Ms. Frances Nunziata, Councillor & 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 JULY 21, 2011**

#P170. MOMENT OF SILENCE

The Board observed a moment of silence in memory of Police Constable Garrett Styles of the York Regional Police Service who was killed while on duty on June 28, 2011.

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TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

#P171. INTRODUCTIONS

The following members of the Service were introduced to the Board and congratulated on their recent promotions:

To the rank of Superintendent:
Francis Bergen

To the rank of Inspector:
Myron Demkiw

To the rank of Staff Sergeant:
Winston Bennett
Leah Gilfoy
Kenny Ho
Anne MacDonald

To the rank of Detective Sergeant:
Norman Brinn
Joshua Jamshidi
Sean Lenfesty
Ken Reimer
Domenic Sinopoli

To the rank of Sergeant:
Maher Abdel-Malik
Rodcliff Chung
Neville Channer
Todd Gowan
Richard Harris
Gawain Jansz
Michelle Little
Yoshio McCausland
Robert McDougall
Ryan Miller
Michael Streng
Donald White

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#P172. CITY OF TORONTO - CORE SERVICE REVIEW

The Board was in receipt of a copy of a report dated July 21, 2011 from Joseph Pennachetti, City Manager, City of Toronto, to the City of Toronto – Executive Committee. Mr. Pennachetti's report included a copy of the City of Toronto Core Service Review Project conducted for the City by KPMG LLP. A copy of Mr. Pennachetti's report is attached to this Minute for information.

Chair Mukherjee noted that, at its meeting on April 07, 2011, the Board agreed to participate in the City's Service Review Program, which includes a Core Service Review, Service Efficiency Studies, a User Fee Review, a Multi-Year Financial Planning and Budgeting Process and the 2012 Financial Planning and Budgeting Process, and that all such reviews would include a consideration of the work and services provided by both the Toronto Police Services Board and the Toronto Police Service (Min. No. P75/11 refers).

Mr. Pennachetti was in attendance and delivered a presentation to the Board on the City of Toronto Service Review Program and the Core Service Review conducted by KPMG which were developed for the Toronto Police Services Board and the Toronto Police Service. A paper copy of Mr. Pennachetti's presentation is on file in the Board office.

Following his presentation, Mr. Pennachetti responded to questions by the Board about the options and opportunities for potential cost savings and efficiencies for the Board and the Service.

The Board noted that KPMG had identified the City of Chicago's independent police board and the City of Boston's Community Ombudsman Oversight Panel as examples of jurisdictional organizations that are similar to the Board (reference: TPSB Profile, page 117). The Board said that these were not appropriate examples given that the structure, mandate, membership, legislative scheme and responsibilities of these two organizations were not comparable to the Board.

The Board noted that the option/opportunity to consider removing the requirement for police officers at construction sites (reference: TPS Profile, page 123) identified by KPMG was not applicable to the Service as this matter falls under the jurisdiction of the City of Toronto. The Board said that this option/opportunity for savings should be re-directed to the City.

The Board also noted that the option/opportunity to explore cost reductions in areas such as one-officer patrols, reduced salary, benefits, etc, (reference: TPS Profile, page 123) was not applicable to the Service as these matters fall under the jurisdiction of the Board.

In response to questions by the Board, Chair Mukherjee and Chief Blair described the level of direct interaction that they and/or members of the Service have had with representatives of KPMG with regard to the preparation of the Board and Service Profiles.

The Board approved the following Motions:

- 1. THAT the Board receive Mr. Pennachetti's presentation;**
- 2. THAT Mr. Pennachetti's report be received and that the Board advise the City's Executive Committee that it will assess the options/opportunities contained in the Core Service Review prepared by KPMG;**
- 3. THAT copies of Mr. Pennachetti's report be forwarded to the Board's Budget Sub-Committee and the Chief of Police for consideration;**
- 4. THAT the Chief of Police provide his assessment of the options/opportunities identified in the Core Service Review prepared by KPMG and that this assessment be submitted to the Board's Budget Sub-Committee;**
- 5. THAT, following a review by the Budget Sub-Committee, the Chair submit a report, with any appropriate recommendations, to the Board's September 14, 2011 meeting; and**
- 6. THAT the suggestion that consideration be given to removing the requirement for police officers at construction sites be referred to City of Toronto – Transportation Services.**

An electronic copy of Mr. Pennachetti's report is not available.

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#P173. BLACK HISTORY MONTH

The Board was in receipt of the following report June 23, 2011 from William Blair, Chief of Police:

Subject: PRESENTATION - BLACK HISTORY MONTH

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:

On February 1, 2011, Deputy Chief Peter Sloly delivered the keynote presentation at a Black History Month event hosted by the Royal Bank of Canada. The major themes he discussed during this presentation included: professional standards; public trust and community partnership.

Discussion:

In response to a request by the Board, Deputy Chief Sloly will deliver a similar presentation to the Board at the July 21, 2011 meeting.

Conclusion:

Following the presentation, Deputy Chief Sloly will be available to answer any questions the Board may have.

Deputy Chief Peter Sloly, Executive Support Command, delivered a presentation to the Board.

The Board expressed its appreciation to Deputy Chief Sloly for the presentation and received the foregoing report.

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**#P174. REPORTS DEFERRED PENDING NEW ORGANIZATIONAL
STRUCTURE**

The Board was in receipt of the following:

- report dated June 24, 2011 from Chief William Blair on the reorganization of the Human Resources Management Unit; and
- report dated June 24, 2011 from Chief William Blair containing job descriptions for the following new positions:
 - Manager, Human Resources Support Services
 - Assistant Manager, Human Resources Information Systems Administration
 - Assistant Manager, Compensation and Benefits
 - Return to Work Transition Specialist
 - EFAP Liaison/Critical Incident Response Team Coordinator

Copies of the foregoing reports are on file in the Board office.

The Board noted that, during its in-camera meeting, it had deferred consideration of a report from Chief Blair containing a recommendation for a new Service organizational chart until the Board has had more time to review the proposed changes (Min. No. C231/11 refers).

As a result of the deferral of the confidential report, the Board deferred consideration of the foregoing two reports until after the Board has made a decision about the new organizational chart.

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**#P175. ANNUAL REPORT: 2010 SERVICE PERFORMANCE YEAR END
REPORT**

The Board was in receipt of the following report May 09, 2011 from William Blair, Chief of Police:

Subject: 2010 SERVICE PERFORMANCE YEAR END REPORT

Recommendation:

It is recommended that the Board receive the 2010 Service Performance Year End Report.

Financial Implications:

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

Background/Purpose:

Each year, as part of the strategic planning process, the Service prepares an annual report on the activities of the previous year. The first section of the report provides the results of the measurement of the Service Priorities, using the performance indicators set out in the Business Plan. The second section of the report provides information on the two additional areas required by Section 31 of Ontario Regulation 3/99 (Adequacy and Effectiveness of Police Services).

The Board has requested that the Service Performance Year End Report be provided in June of each year (Min. No. P75/06 refers).

Discussion:

In the 2009-2011 Business Plan, approved by the Board in December 2008, seven priorities were stated. Within these priorities there were 18 individual goals; for each of the goals, a number of performance objectives/indicators were identified (Min. No. P328/08 refers). The priorities, the goals, the strategies used to work toward the achievement of each goal, and the information relevant to each of the indicators for the second year of the current Business Plan are presented in the 2010 Service Performance Year End Report.

In summarizing Service achievements for 2010, a goal was considered to have been achieved if **all** of the performance objectives were accomplished. If **none** of the performance indicators were accomplished, the goal was considered as not achieved.

In 2010, most goals (13 of 18) were considered partially achieved. Four of the goals were achieved, while only one goal was not achieved at this time. It should be emphasized that the priorities and goals are set as part of a longer term, three year plan. It should also be emphasized that while one goal was considered not achieved in terms of the performance objectives specified in the Business Plan, this does not mean that no effort was put forth by the Service in this area. On the contrary, much work has been done and is ongoing in efforts to achieve all the Service goals.

Conclusion:

Again, the current results represent an interim report on progress made during the second year of implementation. The Service continues to work on the strategies intended to bring us closer to achieving our goals; we will continue to monitor our progress toward that end.

At this time, the 2010 Service Performance Year End Report is provided for the Board's information, consistent with the requirements for an annual report in Section 31 of the Adequacy Standards Regulation (Ontario Regulation 3/99).

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

Ms. Carrol Whynot, Senior Planner, was in attendance and delivered a presentation to the Board. A paper copy of the presentation is on file in the Board office.

Chair Mukherjee drew attention to the *Priority: Focusing on Child & Youth Safety* and, specifically, the changes in the indicators measuring the level of success that were reported in percentages, and he noted that there was no context to explain the reasons for the changes.

The Board received the foregoing report and Ms. Whynot's presentation and approved the following Motion:

THAT future Service Performance reports contain an explanation and analysis of the statistical information.

A copy of the 2010 Service Performance Year End Report is on file in the Board office.

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**#P176. ANNUAL REPORTS: 2009 AND 2010 ANNUAL AND STATISTICAL
REPORTS OF THE TORONTO POLICE SERVICE**

The Board was in receipt of the following report May 12, 2011 from William Blair, Chief of Police:

Subject: ANNUAL REPORTS: 2009 AND 2010 ANNUAL AND STATISTICAL
REPORTS OF THE TORONTO POLICE SERVICE

Recommendations:

It is recommended that:

- (1) the Board receive the 2009 and 2010 Annual Reports and Annual Statistical Reports and;
- (2) that a copy of this report be forwarded to Toronto City Council through the City of Toronto Executive Committee for information.

Financial Implications:

There are no financial implications relating to the recommendations contained within these reports.

Background/Purpose:

Each year, the Toronto Police Service (Service) prepares an annual report on activities during the previous year. The report focuses on the individual and collective accomplishments of frontline members, sworn and civilian; it highlights innovation and achievement. In addition, the Toronto Police Service also produces an annual statistical report that provides data and analysis on crime trends and activities of the Toronto Police Service.

Discussion:

The annual reports for 2009 and 2010 provide highlights relating to Service Priorities, major Service initiatives and community events for each calendar year. This year, complete copies of both reports will be available on the Service's internet site, <http://www.torontopolice.on.ca>. Many organizations, including other police services, are doing away with hard copy versions of annual reports. By moving to an electronic version only, the Service will achieve a cost savings of approximately \$15,000 annually.

The Annual Statistical Report for 2009 is currently available on the Service's internet site. This report is produced on a yearly basis and provides an overview of operational, crime, traffic and other policing data. It should be noted that, the Annual Statistical Report for 2010 is still being finalized and will be posted on the Service's internet site in the near future.

Conclusion:

The Service is comprised of men and women who are committed to improving the quality of life in our city. The annual reports highlight accomplishments of the past year and illustrate ways in which the Service effectively moves towards the accomplishment of its goals.

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

The Board received the foregoing report and agreed to forward a copy to Toronto City Council for information.

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#P177. TORONTO POLICE SERVICE AFTER-ACTION REVIEW: JUNE 2011

The Board was in receipt of the following report June 22, 2011 from William Blair, Chief of Police:

Subject: TORONTO POLICE SERVICE AFTER-ACTION REVIEW: JUNE 2011

Recommendation:

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

Financial Implications:

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

Background/Purpose:

The purpose of this report is to provide the Board with the results of a comprehensive review that was undertaken by the Toronto Police Service (TPS) on the G20 Summit that was held in the City of Toronto during the period of June 25 to June 27, 2010.

Discussion:

The report focuses on the key issues that arose during the planning, operational, and post-event phases of the Summit and concludes with recommendations that will assist the Toronto Police Service in policing future large scale events. A complete copy of the After-Action Review will be available on the Service's internet site, <http://www.torontopolice.on.ca>.

Conclusion:

In summary, this report provides the Board with the results of the operational review undertaken by the Toronto Police Service in relation to the G20 Summit.

I will be in attendance to respond to any question that the Board may have in regards to this report.

The following persons were in attendance and delivered deputations to the Board:

- **John Sewell, Toronto Police Accountability Coalition ***
- **Vikram Mulligan ***

- **Harvey Simmons**
- **Graeme Norton, Canadian Civil Liberties Association ***
- **written submission also provided; copy on file in the Board office.**

The Board was also in receipt of written submissions from the following:

- **Randy Schmidt**
- **Miguel Avila**

Copies of the foregoing written submissions are on file in the Board office.

In response to comments made by some of the deputants about police officers who were observed by the deputants not to be wearing name badges during the G20 Summit and on other occasions, Chief Blair said that the requirement to wear name identification is set out in a Service Procedure and that members can be disciplined if they do not comply with the Procedure.

In response to a recommendation made by a deputant, the Board noted that several reviews are being conducted on various issues related to the G20 Summit, and it discussed the feasibility of holding a special meeting to consider the reports arising from those reviews once they have all been released.

The Board approved the following Motions:

- 1. THAT the Board receive the deputations and the written submissions;**
- 2. THAT the Board receive the foregoing report;**
- 3. THAT the Board schedule a special meeting when the reports from Justice Morden, the Office of the Independent Review Director and other G20 Summit reviews are available; and**
- 4. THAT the Chief of Police provide a report to the Board on whether or not Service members are complying with the requirement to wear name identification, the number of members who have been disciplined for not complying with the requirement to wear name identification, and an explanation of any exceptions to the Procedure.**

A copy of the Toronto Police Service After-Action Review June 2011 is on file in the Board office.

FOREWORD

In June of 2008, Prime Minister Harper announced that Canada would host the 2010 G8 Summit in Huntsville, Ontario, on June 25 and June 26, allowing policing authorities in that region two years to plan the event. In December 2009, the Prime Minister announced that Toronto would host the 2010 G20 Summit on June 26 and June 27. This gave the Toronto Police Service (TPS) six months to plan for the largest security event in Canadian history. The Metro Toronto Convention Centre (MTCC) was identified as the location for the G20 Summit in February 2010, which added significant logistical and security considerations.

The Summit Management Office (SMO), part of Canada's Department of Foreign Affairs and International Trade, was responsible for the logistical arrangements of the G8/G20 Summits.

As the annual G20 Summits are very high profile gatherings of international leaders, they are subject both to extensive lobbying by advocacy groups and to public demonstrations. Given this history, it was anticipated that similar challenges would present themselves to the organizers of the G20 Summit in Toronto.

The central coordinating body for the G8/G20 Summits security planning, operations and demobilization activities was the Royal Canadian Mounted Police (RCMP)-led Integrated Security Unit (ISU). Key partners within the ISU included TPS, Ontario Provincial Police (OPP), Peel Regional Police (PRP), and the Canadian Forces (CF).

Operating under the ISU was a Steering Committee, the Unified Command Centre (UCC), the GTA Area Command Centre (ACC), and the Major Incident Command Centre (MICC). Command and control was delivered through these interconnected centers at strategic, operational and tactical levels.

The TPS was responsible for the safety and security of the public in all areas of Toronto outside of the RCMP-protected zones, as well as for supporting the RCMP in protecting Internationally Protected Persons (IPPs).

The TPS MICC was responsible for managing all TPS specific G8/G20 Summits responsibilities. The MICC was primarily focused on G20 Summit security responsibilities in Toronto but also provided secondary and indirect security support to the G8 Summit in Huntsville.

The TPS' mission for the 2010 G8/G20 Summits (Toronto events) was to develop, deliver, and implement integrated security plans which:

- Support the RCMP and their mandate ensuring the safety and security of the G8/G20 Summits delegations
- Provide security commensurate to the threat level and the public nature of events involved with this visit
- Ensure the safety and security of the public and law enforcement personnel

- Respect the democratic right of individuals to demonstrate and create the right conditions for peaceful protest; and freedoms of thought, belief, opinion, expression and peaceful assembly, and
- Minimize disruption and inconvenience for Toronto residents and businesses

While host cities of previous G20 summits had two years to prepare, the TPS met the security demands required to facilitate this global economic summit in just six months. The TPS was successful in fulfilling its mission to support the RCMP and their mandate of ensuring the safety and security of G20 Summit delegations. At no time was security breached at the G20 Summit sites nor was the safety of IPPs ever compromised.

Securing the MTCC and surrounding G20 Summit venues required innovation and cooperation on the part of the TPS and its partner agencies. The MTCC is located in the downtown core of Toronto and is surrounded by densely packed residential and commercial buildings and major transportation infrastructure. The TPS worked closely with the RCMP, the City of Toronto, provincial and federal governments, local business owners, and residents to ensure the proper securing of the G20 Summit while respecting the rights of citizens who lived and worked in the immediate area.

Ensuring the safety and security of the public and law enforcement personnel was a high priority for the TPS in planning for the G20 Summit. As detailed in Appendix B, previous summits and similar gatherings have resulted in significant protests and extensive police action. Accordingly, the TPS developed training and operational plans to handle potentially disruptive crowds.

While it was anticipated that violent protest might occur during the G20 Summit in Toronto, it was also expected that the majority of protests would be peaceful. During the planning phase, TPS members worked with individuals and organizations to ensure they were able to exercise their democratic right to peaceful protest in a safe and effective manner. In the weeks leading up to and during the G20 Summit, the TPS facilitated many protests – the vast majority of which were uneventful.

Despite the many steps taken to minimize the occurrence of serious public disorder, violence and property damage was experienced in the downtown core during the G20 Summit. In total, 1118 people were arrested during the Summit, 39 of who reported being injured during their arrest. Ninety-seven police officers were injured in the course of carrying out their duties. No critical injuries or deaths occurred during the G20 Summit.

The violence experienced on June 26 and June 27 created unprecedented challenges for the TPS in balancing the responsibility to facilitate peaceful protest with the responsibility to prevent criminal activity and maintain public safety. Subsequent to the Summit, the TPS has diligently pursued those responsible for the worst of the violence, arresting 48 people and laying 257 *Criminal Code* charges to date. The protest activities that occurred and the valuable lessons learned therefrom are detailed in the Operational Chronology section of this report.

In addition to being responsible for the safety and security of participants at the G20 Summit, the TPS was also responsible for ensuring that regular police services continued to be delivered to the City of Toronto. On June 26 and June 27, 2010 over 4050 TPS officers were assigned to various duties relating to the G20 Summit.¹ Divisional Primary Response Unit (PRU) officers not assigned to the G20 continued with their customary duties. Shifts were increased to 12 hours to accommodate the temporary decrease in staff at the divisions. Despite the drain of resources, Divisional Unit Commanders designed continuity plans that maintained the delivery of policing services without compromising public or officer safety. Divisional PRU officers maintained an effective police presence, kept up with the demand for calls for service, and staffed other special events occurring around the city, including the Toronto Jazz Festival and local World Cup soccer celebrations.

The G20 Summit was an event unprecedented in Toronto in terms of the size and scope of its security demands and policing requirements. It was also the first time that many TPS officers had experienced widespread criminality and mass public disorder. The TPS recognizes and appreciates that as a world class city Toronto will continue to host large-scale, international events. This report focuses on key issues that arose during the planning, operational, and post-event phases of the Summit. The identified findings will enable the TPS to benefit from the experiences of the G20 Summit and provide recommendations for improved performance in future operations.

¹ The number of officers assigned to the G20 Summit was 4,050.

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**#P178. NEW REGULATION REGARDING SPECIAL INVESTIGATIONS UNIT
(SIU)**

The Board was in receipt of the following report June 29, 2011 from Alok Mukherjee, Chair:

Subject: NEW REGULATION REGARDING SPECIAL INVESTIGATIONS UNIT
(SIU)

Recommendation:

It is recommended that the Board request the Chief to report on any changes to Toronto Police Service procedures or processes required due to the new amending Regulation regarding the Special Investigations Unit (SIU).

Financial Implications:

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

Background/Purpose:

The Special Investigations Unit (SIU) is mandated under the *Police Services Act* to conduct investigations into the circumstances of serious injuries and deaths that may have resulted from criminal offences committed by police officers. Over the last several years, a number of issues have arisen with respect to issues between the SIU and the police.

As a result, in December 2009, the Attorney General, the Honourable Chris Bentley, requested that the Honourable Patrick LeSage, Q.C., review these issues and provide recommendations in this area. It was hoped that this would improve communications between the parties and strengthen their working relationship.

Mr. LeSage has now completed his review and his report is attached for your information. This report was published publicly on April 7, 2011.

Discussion:

As Mr. LeSage notes, in developing the recommendations, he was mindful of the importance of “each participant in the system of civilian oversight of police conduct,” the challenges that exist in managing these relationships and the importance of working cooperatively in this critical area. The recommendations are intended to clarify the roles and responsibilities of the participants in this process. He also recommended that, within two years, there be a review of these and other SIU/police-related issues.

The recommendations made by Mr. LeSage cover the following areas:

- **Definition of “Serious Injuries”**
- **Right to Counsel**
- **Officer’s Notes**
- **Attorney General Directive**
- **Report of Investigation by Chief of Police**
- **Press Release/Public Statement**

The recommendations will have a legislative impact. Ontario Regulation 267/10, made under the *Police Services Act*, deals with the conduct and duties of police officers respecting SIU investigations. On June 20, 2011, a regulation was made under the *Act*, amending Regulation 267/10 and will:

- Prohibit witness officers from being represented by the same legal counsel as subject officers;
- Require that a police officer’s notes be completed by the end of the officer’s tour of duty, except where excused by the Chief of Police; and
- Explicitly provide that a police officer involved in an incident shall not communicate directly or indirectly with any other police officer involved in the same incident concerning their involvement in the incident until after the SIU has completed its interviews.

The new amending Regulation, Ontario Regulation 283/11, will come into affect on August 1, 2011 and is attached for your information.

As this will have an impact on Service procedures and processes, I am recommending that the Board request the Chief to report on the steps that will be taken arising from the changes necessitated by the new Regulation.

Conclusion:

Therefore, it is recommended that the Board request the Chief to report on any changes to Toronto Police Service procedures or processes required due to the new amending Regulation regarding the Special Investigations Unit (SIU).

The Board approved the foregoing report.

Attorney General
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June 23, 2011

Our Reference #: M11-03001

Dr. Alok Mukherjee
President
Ontario Association of Police Services Boards
10 Peel Centre Drive
Suite A, 1st Floor
Brampton, ON
L6T 4B9

Dear Mr. Mukherjee:

In December 2009, I asked the Honourable Patrick LeSage, former Chief Justice of the Superior Court of Justice, to work with the Special Investigations Unit (SIU) and police to improve communications and strengthen their professional operating relationship. Mr. LeSage's recommendations were publicly released on April 7, 2011.

Ontario is acting on Mr. LeSage's recommendations.

Ontario Regulation 267/10, made under the *Police Services Act*, deals with the conduct and duties of police officers respecting investigations by the SIU.

On June 20, 2011, a regulation was made under the *Police Services Act* that will amend Ontario Regulation 267/10 to:

- Prohibit witness officers from being represented by the same legal counsel as subject officers;
- Require that a police officer's notes be completed by the end of the officer's tour of duty, except where excused by the Chief of Police;
- Explicitly provide that a police officer involved in an incident shall not communicate directly or indirectly with any other police officer involved in the same incident concerning their involvement in the incident until after the SIU has completed its interviews.

The new amending regulation—Ontario Regulation 283/11—will come into force on August 1, 2011. I have attached electronic copies of Mr. LeSage's report and the new regulation, as filed, for your information. The new regulation will be posted to the e-laws website within two business days.

I would ask that you distribute this information as you consider appropriate.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in cursive script that reads "Chris Bentley".

Hon. Chris Bentley
Attorney General



montréal • ottawa • toronto • hamilton • waterloo region • calgary • vancouver • moscow • london

The Hon. Patrick J. LeSage, CM, OOnt, QC
Direct 416-862-3569
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April 4, 2011

The Honourable Chris Bentley
Attorney General of Ontario
Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, Ontario
M7A 2S9

Dear Mr. Attorney:

Re: SIU Issues

Enclosed is my report regarding some SIU issues.

Sincerely,

Patrick J. LeSage, Q.C.

PJL:sn

Encl.

Report regarding SIU Issues

I was asked to review some issues that have arisen over the last few years in matters involving the Special Investigations Unit and the police and provide some recommendations.

In developing these recommendations I am mindful of the vital importance of each participant in the system of civilian oversight of police conduct: the Director and the investigators, the police, the lawyers and the public. It is critical that all maintain solid operational relationships if these important public institutions are to maintain continued public confidence.

The relationship between the various participants in this process is inherently challenging. Nevertheless it is important they each continue to work to improve their relations. The following recommendations I hope will be the beginning of this process of moving forward in a cooperative spirit.

These recommendations will, I believe, help clarify some of the roles and responsibilities of the participants in this process.

I recommend that within 2 years there be a review of these, and other SIU/Police related issues.

Definition of “Serious Injuries”

Section 113.(5) of the *Police Services Act*, R.S.O. 1990, c.P.15 limits the SIU to investigations “into the circumstances of serious injuries and deaths that may have resulted from criminal offences committed by police officers.”

I recommend that the definition of “serious injuries” referred to as the “Osler definition” be codified through legislation as follows:

“Serious injuries” shall include those that are likely to interfere with the health or comfort of the victim and are more than merely transient or trifling in nature and will include serious injury resulting from sexual assault.



“Serious injury” shall initially be presumed when the victim is admitted to hospital, suffers a fracture to a limb, rib or vertebrae or to the skull, suffers burns to a major portion of the body or loses any portion of the body or suffers loss of vision or hearing, or alleges sexual assault. Where a prolonged delay is likely before the seriousness of the injury can be assessed, the Unit should be notified so that it can monitor the situation and decide on the extent of its involvement.

Right to Counsel

Section 7 of O. Reg. 267/10 is clear. All officers have the right to counsel.

My recommendation is that Regulation 267/10 be amended to provide as follows:

S.7.(1) Subject to subsection (2), every police officer is entitled to consult with legal counsel or a representative of a police association and to have legal counsel or a representative of a police association present during his or her interview with the SIU.

- (i) Witness officers may not be represented by the same legal counsel as subject officers.

Officer's Notes

I recommend that section 9 of O. Reg. 267/10 be amended to add the following subsection:

9.(5) The notes made pursuant to subsections (1) and (3) shall be completed by the end of the officer's tour of duty, except where excused by the chief of police.

I also recommend that section 6 of O. Reg. 267/10 be amended to read as follows:

6.(2) A police officer involved in the incident shall not communicate directly or indirectly with any other police officer involved in the incident concerning their involvement in the incident until after the SIU has completed its interviews.

In addition, it is my recommendation that steps be taken to request the Law Society of Upper Canada add the following clarification to the Commentaries to the Rules of Professional Conduct:



Lawyers representing more than one officer in an investigation by the Special Investigations Unit are reminded of their duty not to undermine section 6 of O. Reg 267/10 (Segregation of Officers) by disclosing to one police officer involved in the incident anything said to the lawyer by the other officer regarding his or her involvement in the incident.

Attorney General Directive

I recommend that the Attorney General make clear to Crowns that the 23 December, 1998 Directive (the "Harnick Directive") was, and is, intended to apply not only to an officer originally designated as a 'subject officer' but also to an officer originally designated a "witness officer" but subsequently becomes a 'subject officer'.

Report of Investigation by Chief of Police

Section 11 of O. Reg 267/10 is clear. The chief of police shall investigate any incident for which the SIU has been notified. The chief of police of a municipal police force reports his or her findings to the Police Services Board. The OPP Commissioner is obliged to prepare a report of his or her findings and any action taken. The SIU director's authority does not extend to requiring the chief of police or OPP commissioner to investigate or report to him and should not be part of the SIU director's communication with the chief of police or OPP commissioner.

Press Release/ Public Statement

I recommend that the SIU director ensure its press release and /or public statement be confined solely to issues required to preserve the integrity of the investigation as proscribed by section 13 of O. Reg. 267/10.

REGISTRAR OF REGULATIONS	
Filed as O. Reg.	283/11
On	JUN 23 2011
Proposed source law publication dates:	
O-LAWS	June 27/11
Ontario Gazette	July 9/11

ONTARIO REGULATION

made under the

POLICE SERVICES ACT

Amending O. Reg. 267/10

(Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)

Note: Ontario Regulation 267/10 has not previously been amended.

1. Subsection 6 (2) of Ontario Regulation 267/10 is amended by striking out “shall not communicate with any other police officer” and substituting “shall not communicate directly or indirectly with any other police officer”.

2. Section 7 of the Regulation is amended by adding the following subsection:

(3) Witness officers may not be represented by the same legal counsel as subject officers.

3. Section 9 of the Regulation is amended by adding the following subsection:

(5) The notes made pursuant to subsections (1) and (3) shall be completed by the end of the officer's tour of duty, except where excused by the chief of police.

Commencement

4. This Regulation comes into force on August 1, 2011.

RÈGLEMENT DE L'ONTARIO

pris en vertu de la

LOI SUR LES SERVICES POLICIERS

modifiant le Règl. de l'Ont. 267/10

(Conduite et obligations des agents de police en ce qui concerne les enquêtes de l'unité des enquêtes spéciales)

Remarque : Le Règlement de l'Ontario 267/10 n'a pas été modifié antérieurement.

1. Le paragraphe 6 (2) du Règlement de l'Ontario 267/10 est modifié par substitution de «ne doit pas communiquer, directement ou indirectement, avec un autre agent de police» à «ne doit pas communiquer avec un autre agent de police».

2. L'article 7 du Règlement est modifié par adjonction du paragraphe suivant :

(3) Les agents témoins ne peuvent pas être représentés par le même avocat que les agents qui font l'objet d'une enquête.

3. L'article 9 du Règlement est modifié par adjonction du paragraphe suivant :

(5) Les notes prises en vertu des paragraphes (1) et (3) doivent être terminées à la fin de la période de service de l'agent, sous réserve d'une autorisation contraire du chef de police.

Entrée en vigueur

4. Le présent règlement entre en vigueur le 1^{er} août 2011.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

**#P179. STATEMENT OF COMMITMENT AND GUIDING PRINCIPLES FOR
ABORIGINAL POLICING**

The Board was in receipt of the following report June 28, 2011 from Alok Mukherjee, Chair:

Subject: STATEMENT OF COMMITMENT AND GUIDING PRINCIPLES FOR
ABORIGINAL POLICING

Recommendation:

It is recommended that the Board request the Chief to report to the Board as to how the *Statement of Commitment and Guiding Principles* for Aboriginal policing is being fulfilled by the Service, including a description as to how the principles are being reflected in both recruit and in-service training.

Financial Implications:

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

Background/Purpose:

In February of 2009, the Board approved a *Statement of Commitment and Guiding Principles* for Aboriginal policing after extensive research and consultation, which included critical input from the Aboriginal community. The document has been heralded as the first of its kind in Canada. The Statement was developed by a working group comprised of members of the Toronto Police Service's Aboriginal Consultative Committee and the City of Toronto's Aboriginal Affairs Committee, and Board staff.

As noted in this Statement, 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.

The Statement provides a framework for ensuring that this community is provided with adequate and effective police service in a culturally appropriate and competent manner. It covers the following critical areas: Representation and Accountability, Training: Participation, Consultation and Information Sharing.

Discussion:

It has now been over two years since the Board approved the *Statement of Commitment and Guiding Principles* for Aboriginal policing. The Board views this area as one of priority and is committed to monitoring the implementation of the principles in the noted areas – including human resources, training and consultation.

Conclusion:

It is recommended that the Board request the Chief to report to the Board as to how the *Statement of Commitment and Guiding Principles* for Aboriginal policing is being fulfilled by the Service, including a description as to how the principles are being reflected in both recruit and in-service training.

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 JULY 21, 2011**

**#P180. FEASIBILITY OF GRADUATED AND INCREASED FINES FOR
STOPPING OR PARKING IN BICYCLE LANES**

The Board was in receipt of the following report June 14, 2011 from Alok Mukherjee, Chair:

Subject: FEASIBILITY OF GRADUATED AND INCREASED FINES FOR STOPPING
OR PARKING IN BICYCLE LANES

Recommendation:

It is recommended that the Board authorize the Chair to write to the appropriate authorities at the Province and the City of Toronto recommending the institution of graduated and increased fines for repeated parking, standing and stopping offenses in bicycles lanes by private automobiles, taxis, courier and delivery vehicles.

Financial Implications:

There are no financial implications with regard to the recommendation contained in this report.

Background/Purpose:

At its meeting of November 19, 2009, the Board was in receipt of correspondence dated October 30, 2009, from former Board Chair. A. Milliken Heisey with regard to the need for an increase in the enforcement of parking regulations on the bicycle lanes in Toronto. The Board was also in receipt of correspondence dated November 18, 2009, from Pam McConnell, Councillor and former Vice-Chair of the Board.

At the same meeting, the Board received deputations from Mr. Heisey, Ms. Yvonne Bambrick, Executive Director, Toronto Cyclists Union and Smokey Dymny. The Board noted that significant improvements would be required to the city's infrastructure in order to facilitate an efficient cycling system in Toronto. The Board also indicated its support for a more effective strategy to support cycling in the City of Toronto, including enhanced enforcement of dedicated bicycle lanes and a review of the fines. The Board requested that the Chief work with the City Manager to collaboratively address the issues raised, develop a comprehensive strategy in partnership and provide a report back to the Board in six months (Minute No. P301/09 refers).

As a result, at its meeting held on May 20, 2010, the Board was in receipt of a report from the Chief of Police, which provided an update on the initiatives, specifically related to bicycle lanes, that had been discussed with staff at the City of Toronto. These initiatives included current parking enforcement practices, creation of a specific bicycle lane parking offence, drive away tickets and exemptions for police vehicles in bicycle lanes.

Ms. Yvonne Bambrick was again in attendance and delivered a deputation to the Board containing a number of recommendations that the Toronto Cyclists Union wanted the Board to consider (Minute No. P134/10 refers).

Recommendation number 6 from Ms. Bambrick's submission suggested that "...the Chair of the Board write to the appropriate authorities at the Province and City Council recommending the institution of graduated and increased fines for repeated parking, standing and stopping offenses in bicycles lanes by private automobiles, taxis, courier and delivery vehicles..."

The Board discussed each of the Toronto Cyclists Union's recommendations and approved the following motions:

1. *THAT the Board approve the Chief's report;*
2. *THAT the Board indicate its support for the deputant's recommendation that there be a fine for stopping or parking in a bicycle lane, set at an amount such that it acts as a deterrent;*
3. *THAT, subsequent to Toronto City Council's decision regarding an appropriate amount for the fine, the Board authorize the Chair to write to the Ontario Senior Regional Justice recommending that the Senior Regional Justice approve the set fine application by Toronto City Council;*
4. *THAT the Board refer recommendation no. 6 in the deputant's written submission to the Chair for review to determine whether or not the institution of graduated and increased fines is feasible and to report back to the Board following the review;*
5. *THAT the Board authorize the Chair to send a communication to Toronto City Council indicating that the Board supports a timely resolution for this important initiative;*
6. *THAT the Board receive Ms. Bambrick's deputation and her written submission.*

Discussion:

Pursuant to the Board's direction, I consulted with the staff in the City of Toronto Legal Division in regard to motion no. 4, as set out above.

Preliminary discussions with staff in the Legal Division suggests that it is unlikely that graduated and increased fines for repeat offenders would be possible under current legislation. However, Legal Division staff have not been asked to review the matter in greater detail.

The establishment of graduated or increased fines is ultimately not within the Board's jurisdiction, and, therefore, rather than further investigate the issue, it seems most suitable to adopt Recommendation No. 6 made by the deputant and write to the appropriate provincial and municipal authorities requesting a thorough examination of the concept and the legal means required to achieve it.

Should the Board agree with this approach, I will write to the Minister of Transportation as well as the General Manager, Transportation Services, City of Toronto, requesting an examination of this matter.

I will ensure that copies of the responses are provided to Board Members.

Conclusion:

It is, therefore, recommended that the Board authorize the Chair to write to the appropriate authorities at the Province and the City of Toronto recommending the institution of graduated and increased fines for repeated parking, standing and stopping offenses in bicycles lanes by private automobiles, taxis, courier and delivery vehicles.

Following a discussion, the Board received the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

#P181. BOARD POLICY – BOARD MEMBERS APPOINTMENT CRITERIA

The Board was in receipt of the following report June 07, 2011 from Alok Mukherjee, Chair:

Subject: BOARD POLICY - BOARD MEMBERS APPOINTMENT CRITERIA

Recommendation:

It is recommended that the Board delete the policy entitled “Board Members – Appointment Criteria.”

Financial Implications:

There are no financial implications with regard to the recommendation contained in this report.

Background/Purpose:

At its meeting on November 10, 2010, a report was submitted to the Board seeking the Board’s approval of the review of all Board policies (Minute No. P292/10 refers).

This review was conducted with the objective of ensuring that all policies are consistent, accurate, user-friendly, that they reflect the guiding principles of the Board. Another component of the review was to ensure that Board policies are made accessible to members of the public and members of the Service.

On November 10, 2010, the Board approved a package of updated policies and, at that time, was advised that a number of policies were undergoing further review. One of these is the policy entitled “Board Members – Appointment Criteria.” It was determined that the essence of this policy would be more appropriately reflected in a different format such as information contained on the Board’s website in the Board Members section.

Publishing this information on the website will provide members of the public with a broader understanding of the roles and responsibilities of Board Members and, in addition, will provide interested individuals with useful information to take into consideration when deciding whether to apply to become a member of the Board.

Conclusion:

It is, therefore, recommended that the Board delete the policy entitled “Board Members – Appointment Criteria.”

The Board approved the foregoing report and requested that the information included in the report not be placed on the Board’s website.

TORONTO POLICE SERVICES BOARD

POLICY AND DIRECTIONS

TPSB POL - 007

Board Members - Appointment Criteria

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

Board Authority: BM #156/00, 183/02, 331/02, 79/03

Board Authority: BM###-yyyy.mm.dd

BOARD POLICY

The Ontario Civilian Commission on Police Services (OCCPS) has outlined their expectations of the members of the Toronto Police Services Board:

"Membership on the board is a significant responsibility and requires commitment of considerable time. Clearly, with a force the size and complexity of Toronto's, Board members must have a high level of vision, business skills, decision-making abilities and specialised training to fulfil their role. It is a given that in addition to the competencies members might bring to the Board, regular board-specific professional development is essential if the governance role is to be adequately discharged."

The Board has recommend that the Province and the City adopt the following Board appointment criteria policy to assist them in selecting new Board members.

It is the policy of the Toronto Police Services Board that all citizens and Councillors interested in becoming a member of the Toronto Police Services Board understand the pressures of being a member of the Board, the time commitments as well as meet the desired competencies listed below.

Pressures of being a member of the Board

A 1998 consultants study found that Board members find work on other Boards does not adequately prepare them for their duties at the Toronto Police Board due to the intense media scrutiny, complexity of the organization and the legislative requirements governing their duties.

Workload

The Board has a significant workload and prospective appointees are advised that the workload is approximately 10 hours per week. Board members are expected to attend and participate in the following:

- Monthly all day regular meetings of the TPSB in addition to special Board meetings
- Community meetings
- Ceremonial functions
- Police related media events and meetings

Competencies for Board members

Candidates should understand that appointments are made on the basis of competencies and interest. That means selecting representatives who demonstrate:

- a. an interest in and commitment to public safety and responsible police governance;
- b. an understanding of the police community, its values and its needs;
- c. superior skills in leadership and management;
- d. administrative and budgetary experience;
- e. dedication to public service and the community;
- f. skills in conflict management, negotiation and mediation;
- g. an ability to set organizational goals and priorities; and
- h. an ability to meet the time commitments of the position.

REPORTING: Not required

LEGISLATIVE REFERENCE

Act	Regulation	Section
	Ontario Regulation 421/97, Members of Police Services Boards – Code of Conduct	

BOARD POLICIES:

Number	Name
POL 002	Agenda, Minutes and Meetings
POL 008	Board Member – Training Required
POL 019	Corporate Recognition
POL 033	Protocol
POL 040	Board – Community and Public Meetings
POL 041	Board Member – Media Relations

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 JULY 21, 2011**

**#P182. HARMONIZATION AND ENFORCEMENT OF SIDEWALK CYCLING
BY-LAWS IN THE CITY OF TORONTO**

The Board was in receipt of the following report June 23, 2011 from William Blair, Chief of Police:

Subject: HARMONIZATION AND ENFORCEMENT OF SIDEWALK CYCLING BY-
LAWS IN THE CITY OF TORONTO

Recommendations:

It is recommended that:

- (1) the Board receive the following report; and
- (2) the Board forward a copy of this report to the Public Works and Infrastructure Committee.

Financial Implications:

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

Background/Purpose:

At its meetings on February 7 and 8, 2011, City Council adopted the following motions:

- (1) City Council request the Toronto Police Services Board to request the Chief, Toronto Police Service, to create a strategy to enforce sidewalk cycling related by-laws in the City of Toronto.
- (2) City Council request the Toronto Police Services Board to request the Chief, Toronto Police Service, to review, in consultation with Transportation Services, ticketing procedures for sidewalk cycling infractions.
- (3) City Council request the Toronto Police Services Board to request the Chief, Toronto Police Service, to investigate options to step up enforcement of illegal parking and stopping in designated bike lanes.

Discussion:

The combination of pedestrians and cyclists on sidewalks can be hazardous, particularly for senior citizens and pedestrians with visual, hearing or mobility impairments.

At present there are seven (7) by-laws covering the City with fines for riding a bicycle on a sidewalk ranging from \$3.75 in some areas to \$85.00 in others. These fines are based on pre-amalgamation by-laws of the former cities and boroughs. As such, these bylaws and associated fines regulating sidewalk cycling across the City need to be updated, clarified and harmonized to permit effective enforcement to improve pedestrian and cycling safety.

Presently, the predominant by-law provision restricts sidewalk cycling according to wheel size. Bicycles with wheel sizes less than 61 cm are permitted to ride on the sidewalk with the intention of allowing young children to cycle on the sidewalk while learning to ride.

This is inherently problematic, as there are far too many bicycle styles and types with wheels under the 61 cm limit which are not being utilized by young children. Further, power assisted (E-bikes), folding bikes and a number of BMX bikes, have smaller wheel sizes, by design, thus rendering the bylaw under the stated limit of 61 cm as virtually unenforceable.

A number of Canadian jurisdictions including Vancouver, Montreal, London, and Niagara, have regulated bicycles on sidewalks by banning the practice outright, unless signed otherwise.

It is unreasonable to consider further reducing the wheel size of bicycles within the by-law. This would restrict adult bikes with smaller wheels on sidewalks but not make provisions for children learning to ride when on sidewalks. It should be noted that there are a number of commercially available adult folding bicycles with tire sizes as small as 20 cm.

City Council Motion (1):

- (1) City Council request the Toronto Police Services Board to request the Chief, Toronto Police Service, to create a strategy to enforce sidewalk cycling related by-laws in the City of Toronto.

In ongoing meetings on by-law harmonization, fines and enforcement (see response to City Council Motion (2) below), the Toronto Police Service has discussed a change to the exemption for riding on City sidewalks, allowing cyclists of a younger age (under 14 years) to ride, over the present by-law exemption of a wheel size under 61cm. This would streamline enforcement by allowing police officers to readily identify an adult rider and enforce the by-law based solely on rider identification and the prohibited activity. Further discussions center on there being one set fine across the City which would assist police officers with a clear and uniform application when educating the public and enforcing the by-law.

City Council Motion (2):

- (2) City Council request the Toronto Police Services Board to request the Chief, Toronto Police Service, to review, in consultation with Transportation Services, ticketing procedures for sidewalk cycling infractions.

On Friday, November 20, 2009, a meeting to discuss by-law harmonization, fines and enforcement was held. This involved members of the City of Toronto Transportation Services and the Toronto Police Service. A second meeting was held on December 20, 2009, which included members of the Toronto Police Service, City of Toronto Transportation Services, Toronto Cycling Infrastructure and the Toronto Parking Enforcement Unit.

Recommendations were made to update and adjust fines for cars parked in bike lanes, power assist bicycles and electric scooter use in City bike lanes and were implemented on April 18, 2011. Further, ticketing procedures were reviewed for clarification and the implementation of a uniform City wide by-law was recommended, as fines vary dramatically across the City.

Future meetings for finalizing fines regarding sidewalk riding by-laws and enforcement proposals are being scheduled.

City Council Motion (3):

- (3) City Council request the Toronto Police Services Board to request the Chief, Toronto Police Service, to investigate options to step up enforcement of illegal parking and stopping in designated bike lanes.

There is presently no specific by-law offence for vehicles illegally parked or stopped in designated cycling lanes.

At a previous by-law harmonization, fines and enforcement meeting, a recommendation was made that similar wording and charge for no stopping in a bicycle lane be added to the City of Toronto parking infractions.

Recently, the City's Transportation Operations Managers and City Legal have come to a consensus on proposed set fines for the Toronto Municipal Code Chapter 886 (footpaths, pedestrian ways, bicycle paths and bicycle lanes). This by-law is awaiting approval by City Council. Once the by-law is in place and becomes enforceable, it will further assist the Toronto Police Service with its enforcement strategies.

Conclusion:

The Toronto Police Service continues to be an active partner in consultation with the City, and other cycling stakeholders on the development of new or amended cycling related by-laws that are clear, uniform and enforceable across the City.

This continued partnership will also allow for expanded awareness and education campaigns as well as the creation of future enforcement strategies that involve all road users.

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

The Board approved the following Motions:

- 1. THAT the Board receive the foregoing report and forward a copy to the City's Public Works and Infrastructure Committee for information; and**
- 2. THAT the Chief of Police provide a report to the Board outlining the laws that apply to cyclists in Toronto and that this report include statistics with respect to TPS's enforcement of these laws over the past two years.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

#P183. SEARCH OF PERSONS PROCEDURE

The Board was in receipt of the following report June 13, 2011 from William Blair, Chief of Police:

Subject: SEARCH OF PERSONS PROCEDURE

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

At the Board meeting held on April 7, 2011, Mr. John Sewell delivered a deputation with respect to the Toronto Police Service (Service) Search of Persons Procedure.

At that same meeting, the Board requested that the Chief:

1. “review the Search of Persons Procedure that is posted on the TPS website to determine whether or not it should be modified in light of the comments raised by the deputant; and”
2. “provide a report on the annual number of searches that are conducted, including level 3 and level 4 searches, and that the report also include the procedure that must be followed by police officers prior to authorizing a search to be conducted” (Minute No. P74/11 refers).

Discussion:

Review of Search of Persons Information Sheet Posted on the Internet

For clarification, it should be noted that the Service website contains the Search of Persons Procedure Information Sheet and not the Search of Persons Procedure.

As requested, a review of the Search of Persons Procedure Information Sheet contained on the Service’s website has been conducted.

While the Service's Search of Persons Procedure addresses and complies with the direction provided by the Supreme Court of Canada in the matter of *R. v. Golden*, this was not reflected in the Procedure Information Sheet.

In light of Mr. Sewell's comments, the Procedure Information Sheet has been amended to include the following paragraph:

Supreme Court of Canada's Decision in the Matter of *R. v. Golden*

In December 2001, the Supreme Court of Canada made a ruling in the case of *R. v. Golden*, which directly impacted on the search of persons incident to arrest. While upholding the common law right to search a person who had been lawfully arrested, the Supreme Court of Canada placed restrictions on police officers contemplating Level 3 searches. The Service's Search of Persons Procedure reflects the direction provided by the Supreme Court of Canada.

Annual Number of Level 3 and Level 4 Searches Conducted

The following chart highlights the number of Level 3 and Level 4 searches conducted during 2009 and 2010.

Number of Searches		2009			2010		
		Level 3	Level 4	Total 2009	Level 3	Level 4	Total 2010
Female	Item Found	1497	1	1498	1484	2	1486
	Nothing Found	2997	5	3002	2912	2	2914
	Total Female	4494	6	4500	4396	4	4400
Male	Item Found	7784	4	7788	7895	11	7906
	Nothing Found	17338	22	17360	18575	22	18597
	Total Male	25122	26	25148	26470	33	26503
Other or Unknown	Item Found	46		46	56	1	57
	Nothing Found	127		127	150		150
	Total Other or Unknown	173		173	206	1	207
Overall Totals		29789	32	29821	31072	38	31110

Data extracted from TPS database on June 23, 2011.

For the information of the Board, the definitions of a Level 3 and Level 4 search have been included below.

Level 3 Search: means a search that includes the removal of some or all of a person's clothing and a visual inspection of the body. More specifically, a Level 3 search involves the removal of clothing that fully exposes the undergarments or an area of the body normally covered by undergarments (genitalia, buttocks, women's breasts).

NOTE: *The mere fact that portions of a person's body normally covered by undergarments are exposed because of the way the person was dressed when taken into custody does not constitute a Level 3 search, if the removal of such clothing was not caused by the police (i.e. the arrest of a naked person does not in itself constitute a Level 3 search).*

Level 4 Search: means a body cavity search. For the purposes of the Search of Persons Procedure, a Level 4 search means a search of the rectum and/or vagina. This type of search is conducted by a qualified medical practitioner.

Procedure Followed Prior to a Level 3 or Level 4 Search Being Authorized

Prior to searching a person, a police officer must make an assessment on a case-by-case basis as to the level of search required. There is an onus on the officer conducting the search to demonstrate that the search is justified in law, reasonable and necessary.

The officer must advise the person being searched of the reasons for the search. In addition, every effort must be made to provide persons who do not speak English or by reason of disability have difficulty communicating, with the services of an interpreter or other person who can assist the person in understanding the process.

When an officer deems that a Level 3 or Level 4 search is necessary, the officer must consult with the officer in charge and advise them of the grounds for the search and the circumstances.

The officer in charge is then required to ensure that the decision to search the person has been properly evaluated based on the risk factors identified in the Search of Persons Procedure.

Police officers must ensure that Level 3 searches are conducted in a private area and that they are not videotaped. In addition, the searches are to be conducted by only two (2) officers of the same sex as the person being searched, except in exigent circumstances.

When there are reasonable grounds to believe that a person under arrest has secreted weapons or evidence in a body cavity and a Level 4 search is required, the officer would notify the officer in charge and escort the person to a hospital. The officer would then ask the person to remove the item in a controlled area, if possible. Where the person is unable or unwilling to remove the item and consents to a search, the officer must ensure the search is conducted by a qualified medical practitioner.

Where the person refuses a Level 4 search by a medical practitioner, and the item has not been removed, the officer would advise the officer in charge and then restrain the person and hold them in isolation pending a Show Cause Hearing. The person would then be continuously monitored to ensure their safety and the safety of members of the Service until recovery of the item or substance is made.

Officers are required to make a record of all searches in their memorandum book, including the grounds for the level of search conducted. In addition, a Search of Person Template must be completed for all Level 3 and Level 4 searches.

Conclusion:

In summary, as noted above, the Service's Search of Persons Procedure reflects the direction provided by the Supreme Court of Canada in the matter of *R. v. Golden*. However, in light of Mr. Sewell's deputation to the Board on April 7, 2011, an addition has been made to the Search of Persons Procedure Information Sheet to articulate this information.

Deputy Chief Peter Sloly, Executive Command, will be in attendance to answer any questions concerning this report.

Mr. John Sewell, Toronto Police Accountability Coalition, was in attendance and delivered a deputation to the Board. Mr. Sewell also provided a written submission in support of his deputation; copy on file in the Board office.

The Board approved the following Motions:

- 1. THAT the foregoing report be received;**
- 2. THAT Mr. Sewell's deputation and written submission be received;**
- 3. THAT the Chief of Police provide a report to the Board on:**
 - whether or not there is an opportunity to use videotape when individuals are advised of the reasons for conducting a search**
 - the number of complaints that are filed about searches compared to the number of searches that are conducted**
- 4. THAT the Board's policy and the Service Procedure regarding searches of persons be reviewed.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

#P184. CITY OF TORONTO – NEW GRAFFITI INITIATIVE

The Board was in receipt of a report dated June 20, 2011 from William Blair, Chief of Police, containing a response to the City of Toronto's new graffiti initiative. A copy of the report is on file in the Board office.

The Board deferred consideration of the foregoing report to its September 2011 meeting.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

**#P185. RESPONSE TO TORONTO CITY COUNCIL – TORONTO POLICE
SERVICE – DOWNLOADED POLICING COSTS BY THE FEDERAL
GOVERNMENT**

The Board was in receipt of the following report July 07, 2011 from Alok Mukherjee, Chair:

Subject: RESPONSE TO TORONTO CITY COUNCIL - TORONTO POLICE SERVICE
- DOWNLOADED POLICING COSTS BY THE FEDERAL GOVERNMENT

Recommendation:

It is recommended that:

1. The Board receive this report; and
2. The Board forward a copy of this report to the City's Executive Committee for information and appropriate action.

Financial Implications:

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

Background/Purpose:

At its meeting held on April 14, 2010, City Council requested that the Board, with assistance from the Chief Financial Officer and Deputy City Manager, report back to the Executive Committee on August 16, 2010, with an updated report on downloaded policing costs by the federal government. The Board also directed that the Chair review services provided by the Toronto Police Service and make recommendations to the City on opportunities for savings through uploading.

According to a study prepared by the Federation of Canadian Municipalities (FCM) in 2008 entitled, Towards Equity and Efficiency in Policing a Report on Policing Roles, Responsibilities and Resources in Canada, fire and police protection is the fastest growing area of municipal spending in Canada with security, including policing, accounting for nearly 20 % of municipal operating budgets. FCM argues that police roles, responsibilities and resources have to be aligned and clarified so that each order of government is better able to ensure the performance of those duties that are mandated within its jurisdiction. This is particularly true, it notes, with respect to organized crime, drug-related operations, national security (including surveillance of possible terrorist targets), forensic identification, cyber crime, and border and port security, all areas in which municipalities appear to be underwriting federal policing costs. FCM estimates that municipalities perform close to \$600 million worth of downloaded federal policing duties in these areas.

Additionally, the FCM reports that in 2006, municipalities paid 56.6% of Canada's total \$9.9 billion policing expenditures, for a total municipal contribution of over \$5 billion, and were the predominant funding provider for 65.7% of Canada's police officers. Municipal stand-alone policing expenditures totalled \$4.988 billion, with the remainder allocated to municipal contract policing with the RCMP, Sûreté du Québec and Ontario Provincial Police.

As a result of this trend, municipalities are assuming a growing burden of the cost and execution of policing duties that should fall under federal or provincial jurisdictions. The federal share of the cost of provincial and municipal RCMP contract services has declined steadily over time, from 50% as recently as 1976, to 10-30% by 1990, and down to zero for all municipal contracts signed after 1992.

The delivery of policing services is very complex. Increasingly, federal and provincial security needs are intermingled with local policing. Indeed, FCM, the Canadian Association of Police Boards (CAPB) and the Canadian Association of Chiefs of Police (CACP) have agreed that an integrated model of policing is the reality whereby local police services participate in policing that crosses jurisdictions. What is absent is a funding arrangement through which different orders of government bear their share of the cost of policing.

As such, it is necessary to identify those services being delivered by the Toronto Police Service (TPS) which can be said to belong to the jurisdiction of federal or provincial governments in order to identify opportunities for savings through uploading.

Discussion:

The following information is extracted from a report dated November 30, 2010, provided to the Toronto Police Services Board (Board) by Chief of Police William Blair and considered at the February 3, 2011 Board meeting.

In addition to its local policing responsibilities, the TPS performs a number of services for and with provincial and federal agencies in support of various policing initiatives. The Chief provides an overview of the services provided to those agencies by the TPS, as well as ongoing funding and "in kind" support received by the TPS from those agencies. The information provided focuses on service provision in the areas of Intelligence/National Security, Emergency Planning, Coast Guard Responsibilities, and Consulate Protection.

Intelligence/National Security

Downtown Toronto is the financial hub of Canada, where the Toronto Stock Exchange, major banks, numerous financial firms, high-powered legal firms and insurance companies are headquartered. Thus, it is critical that sufficient resources are available to monitor, detect, investigate and disrupt terrorist activities, and related criminal acts which affect the safety and security of the public. The TPS takes a proactive approach to investigative work and intelligence gathering with respect to any real or perceived threats

and in addition has partnered with other municipal services and agencies in response to issues of national security, in an effort to enhance its intelligence gathering capabilities, as well as its response within these areas.

Terrorism investigations and managing and investigating information with respect to security threat within the City is the responsibility of the TPS Intelligence Services. TPS Intelligence Services work in conjunction with other agencies at the municipal, provincial and federal levels, to exchange and act on information.

The nature and scope of intelligence-related duties encompass a wide range of criminal, organized crime and national security issues in a single multifaceted investigation. Because the role of Intelligence Services, and of the various intelligence gathering/sharing processes within the Service are intertwined with the day-to-day policing of Toronto, for the purposes of cost recovery it is impossible to quantify the specific costs incurred by the TPS for policing services dealing with “Intelligence and National Security”. Although the TPS does not receive direct federal or provincial funding for intelligence gathering or for conducting investigations on terrorist based activity, it does receive indirect and in-kind support from the Federal and Provincial governments in support of policing activities within the areas of Intelligence, National Security and Emergency Planning. Some initiatives funded by the federal and provincial governments include:

- The Criminal Intelligence Service of Canada (CISC), which is responsible for managing the criminal intelligence operation in Canada. CISC also pays the cost of managing the Automated Criminal Intelligence Information System (ACIIS), a computer system that stores and shares intelligence information on a national basis. The TPS has access to the system and is a major contributor of intelligence information.
- Royal Canadian Mounted Police (RCMP) operations centre built in Toronto following the September 11, 2001 terrorist attacks is staffed by the RCMP and GTA police services. The centre serves Ontario and responds in the event of a serious incident, whether a terrorist attack, a natural disaster or any other major incident. The facility was constructed using federal funds and supports in part TPS policing operations in the event of a major incident.
- Also located in Toronto, the RCMP-led Integrated National Security Enforcement Team (INSET) office consists of members of the RCMP, Canada Border Services Agency (Customs and Immigration), Canadian Security Intelligence Service (CSIS) as well as members from various provincial and municipal police services. TPS has three members assigned full-time to INSET that ensure that any national security information that flows to or from TPS is acted upon. The RCMP fully funds two of the three secondments, along with the associated costs. With respect to the third position, the Service receives grant funding of \$90,000.

- The National Police Service which is managed by the RCMP supplies the TPS with access to the Canadian Police Information Centre (CPIC) at no cost other than the hardware necessary to access it from patrol vehicles and offices. The cost of the National Police Service is funded entirely by the Federal government. TPS has been a partner in CPIC since the 1970s and is consulted by RCMP regularly with respect to changes to the system. Likewise, the Federal government manages the International Criminal Police Organization (INTERPOL) system and assists TPS, at no charge, when making queries outside of Canada.
- Training of TPS uniform and civilian members provided by the Canadian Police College, which is located in Ottawa at minimal cost.
- The Provincial government pays for the purchase and upkeep of a computer system called PowerCase. This system, which was developed in the aftermath of the Paul Bernardo case, allows the Service to connect with every other police agency in Ontario, and thereby supports major investigations within the TPS.

Emergency Planning

Ensuring that the TPS is able to adequately respond to, plan and prepare for, mitigate and facilitate recovery from any emergency or disaster that may impact Toronto, is a core business issue. It is a municipal responsibility to provide emergency planning regardless of whether the potential threat and/or cause of an incident may also be of provincial or federal interest. The TPS has an obligation to provide emergency response and by extension planning for that eventuality. The TPS currently participates in a number of initiatives in preparation to responding/planning for emergencies and/or disasters that may affect Toronto. TPS receives a number of grants that assist with the cost of the provision of this service as follows:

- The Joint Chemical, Biological, Radiological and Nuclear (CBRN) Team is a City funded project, staffed by the TPS, the Toronto Fire Services (TFS), and the Toronto Emergency Medical Service (EMS). The primary objective of the team is to create a specialized, unified response by all three emergency services to identify, intervene in and mitigate the consequences of a CBRN incident. A secondary objective is to provide training to all Service members on CBRN response and CBRN awareness training to the general public with the goal of improving both officer and public safety. The TPS component of the Joint CBRN Team currently has one full time and thirty part time members, fourteen of whom are members of Forensic Identification Services (FIS), and seventeen are Emergency Task Force (ETF) Explosives Technicians. All team members have received extensive training. All equipment is owned by the City of Toronto and is administered by the Office of Emergency Management, City Works and Emergency Services. Equipment has been purchased for the policing component of the team to support Forensic Identification Services (FIS) and the ETF.

- The Heavy Urban Search and Rescue (HUSAR) initiative is a TFS-led enhanced emergency management initiative. The HUSAR team provides response capability to the structural collapse of buildings, searching for survivors, stabilizing buildings to prevent further collapse and plays an important role in planning the response to such disasters within Toronto. The HUSAR budget is administered by the TFS and the City of Toronto's Office of Emergency Management. Two TPS Public Safety Unit members have received HUSAR training and could function as search/incident managers during this type of incident.
- The Federal government, through the TFS, provided \$35,000 in funding for 2001/2002, and \$50,000 in funding for 2005/2006 in support of HUSAR. The funding was used to purchase and train search and rescue dogs and their handlers.
- Purchase of specialized equipment required to respond to HUSAR incidents. TPS has submitted several Joint Emergency Preparedness Program (JEPP) grant applications for funding in support of emergency management initiatives. JEPP is a joint federal/provincial program that provides partial funding (up to 45%) for projects that enhance the national emergency response capability. JEPP has contributed \$30,000 toward the construction of the TPS Police Command Centre, \$40,000 for the TPS Emergency Logistics Equipment truck, and has committed \$16,000 to fund the Telephone Autodialer System for emergency response.

Coast Guard Responsibilities

Established in 1912, the Toronto Harbour Police Force was a paid police agency that was jointly funded by the Dominion Government, the City and the Harbour Commission and carried out traditional coast guard duties in the Toronto area. After amalgamation with the TPS in 1982, all previous Toronto Harbour Police responsibilities were assumed by the TPS Marine Unit, including those that are typically regarded as coast guard type functions.

In July of 2004, Canada, through its acceptance of the *Maritime Security Regulations of the Maritime Transportation Security*, adopted the *International Ships and Port Facility Security Code* (ISPS code). The ISPS code requires airport-style security for port facilities. Compliance with this Code requires the Toronto Police Marine Unit to increase its resources, both in terms of the types and quantity of vessels maintained and the number of personnel on staff. The Federal government has committed to funding 75% of the changes required to ensure compliance with this legislation.

In 2002, the Marine Unit received \$110,000 from the Federal government NIF (New Initiative Fund), specifically from the Search and Rescue Secretariat, which supported the purchase of dive and river rescue equipment. In 2006, the Marine Unit received confirmation that the Search and Rescue Secretariat has committed \$550,000 to the TPS Marine Unit in support of the purchase of search and rescue equipment and training.

In addition, the TPS currently has three officers assigned to the Marine Security Enforcement Response Team (MSERT). These positions are fully funded by the RCMP.

The 2011 approved operating budget request for the TPS Marine Unit is \$6.6 million. However, the provision of coast guard related services is so intertwined with the day to day policing operations of the TPS Marine Unit that it is not possible to quantify the cost of such activities.

Consulate Protection

The RCMP has the primary responsibility for ensuring the security of internationally protected persons from threats of murder, assault, kidnapping and hostage-taking. However, the Federal and Provincial Solicitor Generals have agreed, through a Memorandum of Understanding (MOU) established in 1986 that this primary responsibility can be specifically given to local authorities.

In 1993, the TPS entered into an MOU with the RCMP and the Ontario Provincial Police (OPP) to ensure an orderly and cooperative atmosphere under which federal, provincial, and municipal services respond to a possible threat to the security of Canada and/or an internationally protected person. The MOU outlined that the Service will exercise “lead responsibility” whenever an emergency arises to which the Service is the first to respond. In non-emergency situations, the Chief of Police shall designate a senior officer who shall form a management team with the RCMP and determine the responsibilities under which each police agency shall act. It should be noted that while the TPS responds to calls for service at these locations, just as it would at any commercial premise situated within the city, members follow the appropriate protocol as established through the MOU.

Therefore, the responsibility for providing policing services to and protecting consulates within Toronto, by virtue of agreements with the provincial and federal levels of government, is a municipal responsibility and thereby lies with the TPS. As demonstrations and protests generally take place on City of Toronto property, they are, by virtue of their location, the responsibility of the Service.

On a day to day basis, the TPS does not provide a higher level of policing services to these consulates. The TPS does not guard or provide static security at these sites, and no resources are specifically dedicated to providing protection or responding to incidents at these sites. Consequently, it is difficult to quantify, for the purposes of cost recovery, what portion of TPS day to day responsibilities is attributed to the “protection” of consulates. While the TPS receives no funding from the Federal government in support of this responsibility, the RCMP does provide protection to consulates and other locations through the use of confidential protective services, which includes a mobile patrol and response component.

Drug Money Seizures

The federal legislation that allows for the seizure of proceeds of crime has been in effect since 1989. In 1993, federal legislation created the Seized Property Management Directorate (SPMD). If the seized goods are to be used as evidence, the police agency constrains the goods. However, if the assets are derived from the proceeds of crime, legislation requires that the proceeds seized be turned over to the SPMD, which maintains the property until the court case is concluded.

Once the case is concluded with a successful prosecution in court, the monies realized from the asset sale are shared between the various levels of government as follows:

- For an offence relating to a federal statute other than the Criminal Code, and which was investigated by a provincial or municipal agency, 90% of the funds flow back to the Province.
- For a Criminal Code offence, 100% flows back to the Province.
- For cases where agencies such as the OPP or TPS commence an investigation with RCMP assistance, 50% of the funds flow back to the Province.
- For cases where the RCMP is the lead agency and there is OPP or municipal assistance, 10% flows back to the Province.

At the present time, the position of the Federal government is that the proceeds seized do not flow directly back to the municipal governments. Rather, these proceeds are sent to the Provincial government to disburse through grants to the municipalities.

The funds received by the Province are divided between the Ministry of the Attorney General (MAG) (25%) and the Ministry of Community Safety and Correctional Services (MCSCS) (75%). If the matter was a Criminal Code offence, 100% flows back, with MAG getting 40% and MCSCS getting 60%. Regardless of the source, the MCSCS divides the money equally between crime prevention grants and the Criminal Intelligence Service of Ontario (CISO).

This distribution of proceeds has been a recurring subject of debate, and has been repeatedly challenged by various municipal police services, as well as by the Ontario Association of Chiefs of Police (OACP) and the Canadian Association of Chiefs of Police (CACCP).

Although funds do not flow directly back to the TPS, it does benefit considerably by receiving funds from the CISO to conduct joint forces investigations, particularly in the Organized Crime area. There are thirteen Integrated Proceeds of Crime (IPOC) units in Canada that combine local, provincial and RCMP officers along with Canada Border Services Agency (CBSA) officers.

Proceeds of crime grants are also used to fund crime reduction initiatives in communities across Canada. These funds go directly to community groups and organizations upon application to the Federal government. TPS receives several grants, \$7.7M of which were awarded in 2005 by the MCSCS. Consequently, the Service's investment in proceeds of crime investigations is very small relative to the amount in seizures it brings in, and most importantly, quite small relative to the millions of dollars in benefits the Service receives through various provincial and federal grants (discussed below).

Organized Crime

Organized crime at one time confined itself to liquor or drug smuggling. However, in recent years it has proliferated into a variety of domains, including identity theft, internet and telephone fraud, theft of high end vehicles, prostitution, narcotics trafficking, and marijuana grow houses.

Organized crime investigations are very complex and frequently involve numerous and varied resources from within the TPS. While such investigations may span provincial and federal interests, it is still the responsibility of the Service to investigate such matters.

Further provincial support into organized crime investigations has come as a result of the development of the Gang Intervention Network (GangNet). GangNet is a database that allows the Service to link gang members from across the Province. Although the TPS pays for the cost of three civilian clerks to manage the GangNet database, the Provincial government paid for the purchase of the GangNet software. In addition, there are eight TPS officers assigned to the Combined Forces Special Enforcement Unit (CFSEU) whose salaries are paid for by the TPS, with RCMP providing office space, cars, equipment and tools to support major investigations carried out by the officers.

Court Security

The mandate of Court Services is drawn from various municipal bylaws, as well as provincial and federal laws. These duties are the legislated responsibility of the TPS.

TPS Court Services is mandated to discharge the following duties:

- Provide court security;
- Provide prisoner transport;
- Obtain DNA samples;
- Deliver and serve court documents and notices, as mandated by several provincial and federal statutes;
- Provide training and supervision to Court Officers;
- Assist in the prosecution of offences;
- Provide certain services to the Coroner.

Prior to 1989, the Provincial government provided funding specifically for court security through the use of a “per household” grant. In 1992, this funding formula was amended and the City was provided with a revised funding formula to cover all provincial funding and previously existing cost-sharing arrangements.

In 2003, the Provincial government purchased and equipped a prisoner transportation bus and a prisoner transport vehicle, valued at approximately \$795,000.00 to offset the impacts and expenses associated with the increased travelling distance required to transport prisoners to and from, the Maplehurst Detention Centre. The Provincial government also provides the TPS with compensation for the mileage associated with the added 45 kilometre commute, to offset the expenses associated to fuel, operating costs and recapitalization of both vehicles.

The Province has steadily increased the number of courtrooms it operates in order to meet the increase in case volume. Additionally, a large percentage of courtrooms are being used for criminal matters, especially “in custody” cases, which require enhanced security. These changes have had a large impact on Court Services responsibilities with court services now servicing a total of 270 courtrooms. Staffing levels have doubled from 203 full time and 74 part time Court Officers in 1990, to 415 full time and 165 part time Court officers in 2010. There has also been an increase in the cost of delivering court services, from \$16.2 million in 1990 to \$48 million in 2010.

The Province has agreed that starting in 2012, it will upload the costs of court security over seven years, by providing funding to municipalities to a maximum of \$125 million annually at maturity. The Ministry of the Attorney General (MAG) and the Ministry of Community Safety and Correctional Services (MCSCS) are working with the Assistant Ministers Office (AMO) and the City of Toronto to develop an implementation plan to move forward with the collection of current court security costs and the development of court security standards, associated costs and related governance. Toronto’s share of this uploading is yet to be confirmed.

Cost Recovery Strategies of Other Police Agencies

A number of municipal police agencies in Ontario with significant international water boundary responsibilities were surveyed in 2005. These agencies include Niagara Regional, Kingston, Chatham-Kent, Windsor, and Durham Regional Police Services. Each of these agencies advised that they received no federal funding in support of policing these waters.

Police services whose activities are dramatically impacted by a federal government operation within their jurisdiction are not unique to marine operations. For example, Kingston Police operations are impacted by the placement of a federal penitentiary within their jurisdiction. Kingston Police are required to respond to a number of situations within the federal institution, including serious assaults on inmates, riots, and homicides, they are not provided with any special funding for these activities.

Funding Opportunities

Currently, the TPS has 14 active grants that are fully funded by the provincial government. Annual grants from the provincial and federal governments total approximately \$26M in 2011.

In addition to annual grants, the TPS has also benefited from the Infrastructure Stimulus Fund (ISF). The 2009 Federal Budget established a new ISF to support the rehabilitation or construction of provincial, municipal and community infrastructure projects that could be built during the 2009 and 2010 construction seasons. The Government of Ontario agreed to match the federal program. The City of Toronto applied for and received approval for two TPS projects – 11 Division (\$9.7M of ISF funding) and 14 Division (\$8.7M of ISF funding). There are also City-led capital projects on police-occupied facilities that benefited from this funding.

The TPS performs numerous activities and maintains several programs that are related to or affected by federal legislation or jurisdiction. These include national security, emergency planning, coast guard responsibilities, consulate protection, drug money seizures, organized crime, and court security. The TPS receives a significant amount of funding from the federal government, as well as significant in-kind benefits through partnerships with various agencies at both the federal and provincial level.

The TPS proactively applies for funding at both the federal and provincial levels. The TPS seeks funding as soon as it is made available, or proactively advocates for funding when the adoption of specific legislation impacts on our resources. Additionally, the TPS seeks funding or compensation when there has been an exceptional event.

Given the inter-relationships of policing activities at the federal and provincial level with the day to day policing for the City of Toronto, it is very difficult for the TPS to isolate costs specifically attributable to the federal/provincial governments. The federal/provincial governments do not recover costs from the TPS for benefits that we receive in assisting policing operations.

Issue and Ongoing Initiatives:

It is evident from the report by the Chief of Police, excerpted above, that under the emerging integrated framework for policing in Canada, municipal police services have assumed responsibility for numerous policing services that pertain to federal and provincial jurisdictions on the basis that the local police agency is best able to perform these functions and that these functions are so intertwined that they cannot be separated by jurisdiction. As the Chief's report notes, from time to time, the federal government has provided financial and in-kind support to the Toronto Police Service for carrying out these responsibilities. The province of Ontario provides several grants and has agreed to upload the cost of court security and prisoner transportation over a seven year period, starting in 2012.

Based on the above analysis, the Chief of Police is unable to provide a costing for the services that TPS provides on behalf of the other orders of government. However, there is a general consensus among police services boards and municipalities that while policing is essentially local, the financing of all policing services through property tax, supplemented to a small extent by the type of *ad hoc* approaches that the report by the Chief of Police outlines, is unsustainable. Property tax alone cannot bear the burden of the full cost of policing and *ad hoc* arrangements are unsatisfactory.

It is the position of municipalities and police boards/commissions that there is an urgent need for federal, provincial, territorial and municipal orders of government and police services boards/commissions to engage in an examination of the issue of police financing. To frame such a discussion among stakeholders, a Coalition on Sustainable Policing has been established and it is comprised of the CAPB, the CACP, the CPA and the FCM. The Coalition has adopted the following five principles as the basis for discussions with the federal government:

1. Individual police officers overall provide an excellent level of service to communities across Canada;
2. However, police services have not been able to keep pace with changing expectations resulting from the introduction of new legislation, technological advances, the increasing globalization of crime, the impact of judicial decisions and the unforeseen consequence of other government decisions (i.e., the termination or limiting of programs and treatment available for those with mental health issues);
3. This situation is compounded by a funding model from the 19th century which sees the majority of policing costs in Canada funded by municipalities with an over-reliance on the property tax;
4. Failure to address this issue will result in a continued reliance on bandage solutions that will inevitably lead to an erosion to the level and quality of policing that Canadians have come to expect and rely upon; and
5. The first step is for the two levels of government responsible for the Criminal Code (federal) and for the provision of police services (provincial) to acknowledge there is a problem that must be addressed before it assumes a crisis level.

The Coalition believes that operating within these five principles, a consistent approach to policing needs within Canada can be established, with a standard of practice that would ensure a quality and effective policing response, seamless and equitable services for citizens, and service delivery not constrained by unnecessary barriers to funding and resources.

In Ontario, as noted earlier, the government has agreed to assume responsibility for the cost of court security and prisoner transportation. These costs will be uploaded gradually, based on a formula and timeframe agreed upon by the province, the Association of Municipalities of Ontario (AMO) and the City of Toronto. In addition, on a recommendation by the Ontario Association of Police Service Boards, the Ministry of Community Safety and Correctional Services (MCSCS) has agreed to create a working group of all stakeholders to examine ways to achieve efficiencies in the delivery of policing services through streamlining administrative

procedures and reducing or simplifying requirements that cause police officers to spend significant time on paperwork.

Thus, some progress is being made in engaging the province in discussions related to the cost of policing. The same, regrettably, cannot be said with respect to the willingness of the federal government to come to the table. Given that the federal government has already recognized that it has a role to play in local policing through its funding of 2500 additional police officers and its periodic support for certain policing functions as described above, it is desirable that it consider a funding mechanism that is consistent with the work that municipal police services such as ours perform in areas that come under federal responsibility.

The report by FCM cited earlier proposes a formula to determine the federal share of the cost of municipal policing. In 2010, the Toronto City Council agreed to support efforts to bring the federal government to the table.

Conclusion:

Based on the foregoing information and discussion, the Toronto Police Services Board urges Toronto City Council to follow up on the motion that it approved in 2010 and take steps directly and through the FCM to support the efforts to achieve the federal government's participation in the financing of municipal policing generally, and in Toronto in particular. This needs to be an important element in the Board's and the City's efforts to ensure an efficient, affordable and sustainable policing service for this city.

It is, therefore, recommended that:

1. The Board receive this report; and
2. The Board forward a copy of this report to the City's Executive Committee for information and appropriate action.

The Board received the foregoing report and agreed to forward a copy to the City's Executive Committee for information and appropriate action.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

**#P186. SEMI-ANNUAL REPORT: POLICE TOWING CONTRACTS:
DECEMBER 2010 – MAY 2011**

The Board was in receipt of the following report June 16, 2011 from William Blair, Chief of Police:

Subject: SEMI-ANNUAL REPORT – DECEMBER 2010 TO MAY 2011 - POLICE
TOWING CONTRACT

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

At its meeting of November 20, 2008, the Board received a report dated October 23, 2008, from the Chief of Police recommending the Board award the District No. 5 towing and pound services contract to 1505378 Ontario Inc., operating as The Downtown Group Towing and Storage, for the term January 1, 2009 to May 31, 2011 (Min. No. P309/08 refers). As part of its approval of the awarding of the contract, the Board also approved the following Motion:

“THAT the Chief provide semi-annual reports to the Board which summarize adherence to the terms of the contract, including information regarding street tows with police presence on the scene, complaints and compliments.”

This report is provided in response to the above noted motion.

Discussion:

The Toronto Police Service (TPS) requires prompt and efficient towing and pound services on a 24 hour a day, 7 day a week basis. The need for this service arises from police contact with vehicles such as those recovered after being stolen, impounded for bylaw infractions or impounded following the arrest of the driver. At the same time, the TPS also has an obligation to ensure that the towing and pound services provided to the public through the police are fair, equitable and in adherence to the terms and conditions of the contract between the TPS and the contract towing agencies.

In an effort to ensure compliance, all contract towing service providers are subject to quarterly inspections of a random selection of invoices to ensure conformity with the billing requirements of the contract. Every receipt in this statistically relevant sampling is checked for In/Out time stamps and the accurate calculation of tow fees and storage costs. Any irregularities are noted; the receipts are photocopied and filed with Traffic Services. The management at each contract tow service provider is counselled regarding contract requirements and arrangements are made for customer reimbursement, if applicable.

In addition, during these quarterly inspections all contract towing service providers are subject to inspections of their equipment, licences and pound facilities. Any shortcomings are noted and arrangements are made with management to remedy the situation and comply with the conditions and requirements of the contract. Management are also advised of the comments and concerns raised from the "Tow Service Feedback" forms completed by Parking Enforcement (PEN) officers. Areas of concern regarding wait times or more specific concerns are discussed and expectations are highlighted if required.

During this audit period the video systems at the pounds were extensively tested. Three specific dates during the previous ninety day period were chosen. Issues identified are noted in the report. PEN also conducted an audit of tow cards prepared by their members over a three month period. This was cross referenced with the towing database (VIP). As a result some issues were identified. These concerns were raised with the towing operators. Improvements were made to individual internal business processes at the pounds that have adequately addressed the identified concerns. Follow-ups on these areas to ensure full contract compliance will continue.

The inspection period for this report was from December 2010 to May 2011. In addition to the inspections conducted within this time period, in some cases there were additional random quality control spot checks conducted outside of the noted 6 month time frame.

District 1

JP Towing Service & Storage Limited

There were two quarterly audits and inspections conducted on JP Towing, District 1 during the inspection period using receipts from the following dates;

October 11, 2010 – October 17, 2010	
Total number of receipts inspected	106
Number of receipts contract compliant	104
Number of receipts contract overcharged	2

January 31, 2011 – February 5, 2011	
Total number of receipts inspected	139
Number of receipts contract compliant	139
Number of receipts contract overcharged	0

Comments:

- An inspection and audit of the pound facilities was completed on February 4, 2011. All inspected equipment, facilities and licences were found to be in compliance. There were two overcharged invoices identified. One related to a medium towing charge and the second was for an unjustified labour charge. A supervisor was notified and refunds were issued.
- A second inspection and audit of the pound facilities was completed on April 20, 2011. A detailed examination of video equipment and recordings identified an issue. This issue was brought to the attention of management. Repairs were made and the equipment was later found to be in compliance. All other inspected equipment, licences and pound facilities were found to be in compliance.
- There were no letters of complaint or compliment registered during the inspection periods.
- There were a total of 4033 street tows with police presence in District 1 during the inspection period.

District 2

Walsh's Auto Service Limited - o/a Bill & Son Towing

There were two quarterly audits and inspections conducted on Bill & Son Towing, District 2 during the inspection period using receipts from the following dates;

October 11, 2010 – October 17, 2010	
Total number of receipts inspected	35
Number of receipts contract compliant	32
Number of receipts contract overcharged	3

January 31, 2011 – February 5, 2011	
Total number of receipts inspected	31
Number of receipts contract compliant	29
Number of receipts contract overcharged	2

Comments:

- An inspection and audit of the pound facilities was completed on February 2, 2011. All inspected equipment, facilities and licences were found to be in compliance. Three invoices were found to be overcharged relating to winching fees. A supervisor was advised and refunds were issued.
- A second inspection and audit of the pound facilities was completed on April 20, 2011. A detailed examination of video equipment and recordings identified an issue. This issue was brought to the attention of management. Repairs were made and the equipment was later found to be in compliance. All other inspected equipment, licences and pound facilities were found to be in compliance. There were two overcharged invoices identified. Both charges related to unjustified labour charges. The issue was discussed with a supervisor. Refunds were issued.
- There were no letters of complaint or compliment during the inspection period.

- There were a total of 1017 street tows with police presence in District 2 during this inspection period.

District 3

1512081 Ontario Limited - o/a Abrams Towing Service Limited

There were two quarterly audits and inspections conducted on Abrams Towing Service Ltd, District 3 during the inspection period using receipts from the following dates;

October 11, 2010 – October 17, 2010	
Total number of receipts inspected	42
Number of receipts contract compliant	39
Number of receipts contract overcharged	3

January 31, 2011 – February 5, 2011	
Total number of receipts inspected	48
Number of receipts contract compliant	48
Number of receipts contract overcharged	0

Comments:

- An inspection and audit of the pound facilities was completed on February 4, 2011. All inspected equipment, facilities and licences were found to be in compliance. Three invoices were found to be overcharged. Two were private property tows charged at regular rate. One invoice was for a medium tow. A supervisor was advised and refunds were issued.
- A second inspection and audit of the pound facilities was completed on April 20, 2011. A detailed examination of video equipment and recordings identified an issue. This issue was brought to the attention of management. Repairs were made and the equipment was later found to be in compliance. All other inspected equipment, licences and pound facilities were found to be in compliance.
- There were no letters of complaint or compliment during this period.
- There were a total of 1700 street tows with police presence in District 3 during the inspection period.

District 4

Williams Towing Service Limited

There were two quarterly audits and inspections conducted on Williams Towing Service Ltd, District 4 during the inspection period using receipts from the following dates;

October 11, 2010 – October 17, 2010	
Total number of receipts inspected	44
Number of receipts contract compliant	43
Number of receipts contract overcharged	1

January 31, 2011 – February 5, 2011	
Total number of receipts inspected	41
Number of receipts contract compliant	41
Number of receipts contract overcharged	0

Comments:

- An inspection and audit of the pound facilities was completed on January 31, 2011. Deficiencies were noted in relation to the fence and gate. The fence was damaged in three locations and the gate was open on arrival. These issues were pointed out to the company representative and pound officer. Repairs were completed a short time later. All other inspected equipment, facilities and licences were found to be in compliance. One invoice was found to be overcharged relating to a medium tow. A supervisor was advised and a refund was issued.
- A second inspection and audit of the pound facilities was completed on April 19, 2011. A detailed examination of video equipment and recordings identified an issue. This issue was brought to the attention of management. Repairs were made and the equipment was later found to be in compliance. All other inspected equipment, licences and pound facilities were found to be in compliance.
- There was no letters of complaint or compliment during this period.
- There were a total of 1241 street tows with police presence in District 4 during the inspection period.

District 5

1504378 Ontario Incorporated - o/a The Downtown Group Towing and Storage

There were two quarterly audits and inspections conducted on the Downtown Towing Group, District 5 during the inspection period using receipts from the following dates;

October 11, 2010 – October 17, 2010	
Total number of receipts inspected	26
Number of receipts contract compliant	25
Number of receipts contract overcharged	1

January 31, 2011 – February 5, 2011	
Total number of receipts inspected	82
Number of receipts contract compliant	82
Number of receipts contract overcharged	0

Comments:

- An inspection and audit of the pound facilities was completed on February 1, 2011. All inspected equipment, facilities and licences were found to be in compliance. One invoice was found to be overcharged for storage. A supervisor was advised and a refund was issued.

- A second inspection and audit of the pound facilities was completed on April 19, 2011. A detailed examination of video equipment and recordings identified an issue. This issue was brought to the attention of management. Repairs were made and the equipment was later found to be in compliance. All other inspected equipment, licences and pound facilities were found to be in compliance.
- There were two complaints received during this period. The first was a civil matter between the pound operator and the registered owner regarding the sale of a vehicle. The matter was investigated by 55 Division and was resolved to the satisfaction of the parties and the TPS. The second was in relation to a vehicle being held without justification. This matter involved a misunderstanding of procedure relating to a seven day impoundment. The procedure was reviewed with pound staff. A refund was issued.
- There were no letters of compliment on file for this period.
- There were a total of 2719 street tows with police presence in District 5 during the inspection period.

District 6

“A” Towing Service Limited

There were two quarterly audits and inspections conducted on A Towing Service Ltd., District 6 during the inspection period using receipts from the following dates;

October 11, 2010 – October 17, 2010	
Total number of receipts inspected	217
Number of receipts contract compliant	213
Number of receipts contract overcharged	4

January 31, 2011 – February 5, 2011	
Total number of receipts inspected	184
Number of receipts contract compliant	181
Number of receipts contract overcharged	3

Comments:

- An inspection and audit of the pound facilities was completed on January 31, 2011. All inspected equipment, licences and pound facilities were found to be in compliance. There were four overcharges. Three were medium tows and the fourth was for a “release on scene”. A supervisor was advised and refunds were issued.
- A second inspection and audit of the pound facilities was completed on April 19, 2011. A detailed examination of video equipment and recordings found no issue. Three overcharges related to special equipment usage or medium duty tows were identified. Management was reminded that without proper justification and reasonable proof for added charges that the regular tow rate will apply. Refunds were issued.
- On May 31, 2011, the pound at 10 York Street ceased operations. The operator was instructed to monitor customer complaints and will provide a summary at the next audit.

- There were no compliments or complaints filed during this period.
- There were a total of 5849 street tows with police presence in District 6 during the inspection period.

Conclusion:

The pound audit process revealed a continuing compliance rate in excess of 99% based on the samples examined. There were two letters of complaint from all sources which is down from the last period. All matters were resolved to the satisfaction of the TPS and the parties involved. The ongoing efforts of the contract tow service providers continue to improve their operations and provide consistent quality towing services to the TPS and the public.

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

Superintendent Earl Witty, Traffic Services, was in attendance and responded to questions about the audit of the video systems at the pound facilities.

The Board received the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

**#P187. ANNUAL REPORT: IMPLEMENTATION OF MINISTRY OF
COMMUNITY SAFETY AND CORRECTIONAL SERVICES'
INSPECTION REPORT RECOMMENDATIONS FOR THE PERIOD
JUNE 2010 – MAY 2011**

The Board was in receipt of the following report June 24, 2011 from William Blair, Chief of Police:

Subject: ANNUAL REPORT: IMPLEMENTATION OF MINISTRY OF COMMUNITY
SAFETY AND CORRECTIONAL SERVICES' INSPECTION REPORT
RECOMMENDATIONS FOR THE PERIOD JUNE 1, 2010 TO MAY 31, 2011

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

At its meeting on July 22, 2010, the Board amended the Audit and Quality Assurance unit's yearly reporting requirements to include only the recommendations emanating from the Ministry of Community Safety and Correctional Services' Inspection Reports (Min. No. P198/10 refers).

Discussion:

The Ministry of Community Safety and Correctional Services' Report on the 2005 Inspection of the Toronto Police Service was tabled at the February 2006 Board meeting and included responses to the 14 recommendations directed to the Service (Min. No. P35/06 refers). Recommendation 16 on the following page is the only recommendation from that report that remained ongoing.

Recommendation 16

The Chief of Police review the efficacy of the several independent registers currently in use and consider the benefits of a consolidated evidence and property register that is compatible with the occurrence reporting system.

Status: Implemented

The implementation of this recommendation was divided into four phases. Phase 1 involved the elimination of Filemaker Pro on May 1, 2006. Filemaker Pro was a stand-alone program within the Property and Evidence Management Unit (PEMU). As of March 8, 2011, all drug submissions are contained in the Property and Evidence Management System (PEMS). Phase 2 involved conversion of the Automated Control of Evidence system to PEMS which was implemented in May 2007. Phase 3 required the implementation of PEMS at the Gun and Gang Task Force and Forensic Identification Services. The fourth and final phase, which involved the Service-wide rollout of the Property Disposition Inquiry Tool, commenced on September 13, 2010. This recommendation is now fully implemented.

Conclusion:

In summary, all of the recommendations contained in the Ministry of Community Safety and Correctional Services' Report on the 2005 Inspection of the Toronto Police Service have now been implemented.

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

The Board received the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

**#P188. WIRELESS PARKING SYSTEM (WIPS) – SOFTWARE UPDATE AND
MAINTENANCE AGREEMENT**

The Board was in receipt of the following report May 31, 2011 from William Blair, Chief of Police:

Subject: WIRELESS PARKING SYSTEM (WiPS) – SOFTWARE UPDATE AND
MAINTENANCE AGREEMENT

Recommendations:

It is recommended that:

- (1) The Board award the Wireless Parking System software upgrade, on a sole source basis, to APARC Systems at a total cost of \$418,100.00 (including taxes);
- (2) The Board award the Wireless Parking System software maintenance, on a sole source basis, to APARC Systems for a five-year term commencing August 30, 2011 and ending August 29, 2016 at an annual cost of \$155,400.00 (including taxes) for a total five-year cost of \$777,000.00; and
- (3) The Board authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form.

Financial Implications:

The 2011 impact of the annual software maintenance is included in the approved 2011 Parking Enforcement Unit (PEU) budget, and the annualized impact will be reflected in future operating budget requests.

The cost of \$418,100.00 for the Wireless Parking System (WiPS) software upgrade will be funded from the 2011 Parking Enforcement unit (PEU) operating budget through anticipated savings in premium pay and reduced contributions to reserves.

Background/Purpose:

In 2006, Parking Enforcement implemented WiPS (Min. No. P81/2005 refers). The WiPS hardware component consists of two devices, the hand-held computer unit and a mobile printer with related infrastructure. The hand-held units are used to write, store and communicate parking tags wirelessly while the printers are used to print parking tags. Servers, chargers and docking stations are also part of the system. The WiPS software consists of hand-held/printer

software and the workstation application (the back-end application for supervision, reporting, administration and training). The software on the hand-held was customized to meet legal requirements, the specific enforcement environment of the City of Toronto, and to interface with multiple City databases. The customized software was integrated to operate with the selected hardware devices.

The customized supervisory/administrative workstation WiPS application is used to track real-time information, provide court evidence including preparation of Certificate of Parking Infractions (which is required under the *Provincial Offences Act*) and to generate reports. This aspect of the system was customized to interface with the City's parking ticket processing system and numerous other city systems for real-time communication and verification. The application also provides control and security measures to manage the system.

The hardware lifecycle replacement and related maintenance agreement are being dealt with through a Request for Proposal and a subsequent report will be submitted for approval to the Board once that process is completed. This report deals with the required software upgrade and maintenance of the software.

Discussion:

APARC Systems is the sole distributor for Checker Wireless, the developer of TicketManager™ parking enforcement software (referred to as WiPS within the Service), and controls the proprietary rights to the software. Therefore, APARC Systems is the sole source provider for software upgrades and maintenance.

Software Upgrade

The current software system has proven satisfactory, and has been in continuous operation since implemented in 2006. The software was heavily customized to produce appropriate reports, to interface with other systems and use reference files both at the Service and the City of Toronto. There are some identified upgrades and enhancements to the application that need to be implemented to keep the software current. These include; updates to the ticket issuance process, tracking of hand-held devices, exception reports for effective system management and changes requested by the City of Toronto Revenue Services for processing efficiencies. As a result of the initial software customizations made and the satisfactory performance of the system, PEU is recommending an upgrade to the system rather than a complete replacement of the software, which would be more costly. The total cost for the software upgrade is \$370,000.00.

Software Maintenance

The current software maintenance agreement (acquired as part of the initial purchase) expires on August 29, 2011, and needs to be renewed. As APARC Systems is the sole distributor of the software, it is recommended that a new five (5) year software maintenance agreement be awarded to APARC Systems. The new software maintenance agreement will commence on August 30, 2011, and end on August 29, 2016, at an annual cost of \$137,500.00 (plus taxes), and a five-year total cost of \$687,500.00.

Conclusion:

The WiPS was implemented in 2006 and has met the parking requirements for both the Service and the City. WiPS is comprised of the software application and hardware that is integrated with the software. The original hardware is five years old and is due for a lifecycle replacement. This replacement will be done through a competitive procurement process and reported to the Board. The software is also five years old and, due to the initial customizations made and its satisfactory performance, PEU is recommending a software upgrade rather than a more costly software replacement. In addition, the current software maintenance agreement expires on August 29, 2011 and therefore a new maintenance agreement is required. APARC Systems is the sole source provider of the software and therefore it is recommended that the software upgrade and maintenance be awarded to APARC Systems.

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 approved the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

**#P189. TORONTO POLICE SERVICE MEDICAL ADVISOR – ONE YEAR
EXTENSION FOR WELLSERVE HEALTH CARE MANAGEMENT**

The Board was in receipt of the following report June 16, 2011 from William Blair, Chief of Police:

Subject: TORONTO POLICE SERVICE MEDICAL ADVISOR - ONE YEAR
EXTENSION FOR WELLSERVE HEALTH CARE MANAGEMENT IN 2012

Recommendation:

It is recommended that the Board approve a one year extension to WellServe Health Care Management (WHCM) for Medical Advisory consulting services from January 1, 2012 to December 31, 2012.

Financial Implications:

The estimated cost of the one year extension is \$277,000 based on the contracted hourly rate of \$218.00 per hour plus HST, for the period commencing January 1, 2012 to December 31, 2012. The amount of \$277,000 has been included in the 2012 operating budget request.

Background/Purpose:

The current contract for the provision of occupational health and safety and medical advisory consulting services (including the medical management of self-insured short and long-term disability claims management) held by WHCM will expire on December 31, 2011. The original Request for Proposals (RFP) provided for a three year term 2009-2011, with an option to renew for an additional two one year periods, if terms and conditions are agreeable to both parties.

Discussion:

A RFP for the Toronto Police Service Medical Advisor was issued on July 21, 2008, with a closing date of September 3, 2008 (RFP 1103656-08). The Medical Advisor, as provided in our collective agreements, is required to have medical charge of all employees who on account of illness, injury and disability are unable to perform their duties and/or work assignments. To fulfil this role, the Chief of Police requires a Medical Advisor to perform fitness for duty assessments and provide any other required occupational health and safety and medical consulting services. The services provided by the Medical Advisor are not intended for primary medical care as this is at the discretion of the member, not the employer.

The current vendor, WHCM, was the sole bidder. The Chief of Police submitted a report recommending WHCM to be selected as the successful vendor on November 20, 2008, for a three year term (Min. No. P323/08 refers). The Board approved the report with an amendment indicating that the option to extend the term for two separate and additional one-year periods would be at the discretion of the Board.

The current vendor has provided excellent services in the past and has met the diverse needs of our organization. The health care professionals who currently work for WHCM at the Service are also qualified to provide unique specialized consulting services, such as medical review officer, diving and hyperbaric medicine (certified) and sports medicine.

It should be noted that WHCM has voluntarily agreed not to increase its 2012 fees from the 2011 rate of \$218.00 per hour. This represents a 23% savings from the Ontario Medical Association recommended rate of \$284.00 per hour fee for these services.

Conclusion:

After evaluation of past services rendered and the voluntary freeze on a discounted rate in their professional fees, it is hereby recommended that WellServe Health Care Management be approved for a one year extension to provide occupational and safety and medical consulting services for the Service for one additional year commencing January 1, 2012 to December 31, 2012.

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

Ms. Aileen Ashman, Director of Human Resources Management, was in attendance and responded to an inquiry about the advantages and disadvantages related to the extension of the current contract compared to issuing a new Request for Proposal. Ms. Ashman advised the Board that, if an RFP was issued, the responses would most likely include a rate higher than the hourly rate that the current vendor had confirmed for 2012.

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 JULY 21, 2011**

**#P190. INDEPENDENT CIVILIAN REVIEW INTO MATTERS RELATING TO
THE G20 SUMMIT – ACCOUNT FOR PROFESSIONAL SERVICES -
\$64,385.37**

The Board was in receipt of the following report June 29, 2011 from Alok Mukherjee, Chair:

Subject: INDEPENDENT CIVILIAN REVIEW INTO MATTERS RELATING TO THE
G20 SUMMIT (ICR) - ACCOUNT FOR PROFESSIONAL SERVICES

Recommendation:

It is recommended that the Board approve payment of an account dated June 28, 2011, in the amount of \$64,385.37 and that such payment be drawn from the Special Fund.

Financial Implications:

This is the ninth account to be submitted by Justice Morden. The total amount invoiced to date is \$417,400.22. The balance of the Special Fund as at March 31, 2011 is approximately \$417,235.

Background/Purpose:

At its meeting on September 23, 2010, the Board approved the appointment of Justice John W. Morden to conduct the Independent Civilian Review (ICR) into matters relating to the G20 Summit. The Board also approved the use of the Special Fund as the source of funding for the ICR (Board Minute P271/10 refers).

Discussion:

Justice Morden has submitted an account for services rendered up to and including June 13, 2011 in the amount of \$64,385.37 (copy attached). A detailed statement is included on the in-camera agenda for information. It should be noted that a reduction of \$9,723.19 for fees and disbursements have been applied to this account.

Conclusion:

It is, therefore, recommended that the Board authorize payment in the amount of \$64,385.37 for professional services rendered by Justice John W. Morden.

The Board approved the foregoing report and noted that the detailed statement of account was considered during the in-camera meeting (Min. No. C207/11 refers).

Heenan Blaikie LLP

Bay Adelaide Centre
333 Bay Street, Suite 2900
P.O. Box 2900
Toronto, Ontario M5H 2T4
T. 416 360.6336
F. 416 360.8425

LAWYERS

N° 23010871

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June 28, 2011

PRIVATE & CONFIDENTIAL

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

Attention: Joanne Campbell

Reference: File: 058057-0001 Confidential

FOR PROFESSIONAL SERVICES RENDERED for the period ending June 13, 2011

FEES	\$ 55,637.00
DISBURSEMENTS (TAXABLE)	\$ 1,341.21
SUB-TOTAL	<u>\$ 56,978.21</u>
HST (13%)	\$ 7,407.16
AMOUNT DUE	<u>\$ 64,385.37</u>

HEENAN BLAIKIE LLP

Litigation Toronto

TERM:

Payment due upon receipt in accordance with section 33 of the *Solicitors Act*. Interest will be charged at the rate of 3.3% per annum on unpaid fees, charge or disbursements calculated from a date that is one month after this statement is delivered. We have made every effort to include fees and disbursements incurred on your behalf for the current billing period. In the event additional fees or disbursements are subsequently incurred and/or recorded, a subsequent account will be forwarded.

Reference / File: 058057-0001

GST / HST N° 864865936

Initials: Tlt

PAYABLE UPON RECEIPT

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

**#P191. INDEPENDENT CIVILIAN REVIEW INTO MATTERS RELATING TO
THE G20 SUMMIT – ACCOUNT FOR PROFESSIONAL SERVICES -
\$3,295.00**

The Board was in receipt of the following report June 29, 2011 from Alok Mukherjee, Chair:

Subject: REQUEST FOR APPROVAL OF INVOICE - PUBLIC HEARINGS:
INDEPENDENT CIVILIAN REVIEW INTO MATTERS RELATING TO THE
G20 SUMMIT (ICR)

Recommendation:

It is recommended that the Board approve payment of an invoice dated June 28, 2011, in the amount of \$3,295.00 and that such payment be drawn from the Special Fund.

Financial Implications:

If the Board approves the recommendation contained in this report, the Special Fund will be reduced by the amount of \$3,295.00. The balance of the Special Fund as at March 31, 2011 is approximately \$417,235.

The total amount expended, to date, from the Special Fund for the ICR is \$420,695.22.

Background/Purpose:

At its meeting on September 23, 2010, the Board approved the appointment of Justice John W. Morden to conduct the Independent Civilian Review (ICR) into matters relating to the G20 Summit. The Board also approved the use of the Special Fund as the source of funding for the ICR (Board Minute P271/10 refers).

As part of the ICR, three public hearings were held on June 1, 6 and 13, 2011 at various civic centres in Toronto. The hearings provided individual members of the public, organizations, and other stakeholders with an opportunity to share their views and opinions on the role that civilian oversight should play concerning the policing of major events.

Discussion:

I am in receipt of an invoice dated June 28, 2011, from the City of Toronto, Facilities Management and Real Estate Services, in the amount of \$3,295.00, for the use of Metro Hall, Etobicoke City Centre and Scarborough Civic Centre.

Conclusion:

Given that this is an ICR related cost, it is recommended that the Board approve payment of an invoice dated June 28, 2011, in the amount of \$3,295.00 and that such payment be drawn from the Special Fund.

The Board approved the foregoing report.



**Facilities Management
& Real Estate Services**

Metro Hall, 2nd Floor
55 John Street
Toronto, ON M5V 3C6
Fax: 416 392-0029

Internal
INVOICE

Invoice #: FRE-11-16789

Client Information

Toronto Police Services

40 College St

Toronto, ON,

M5G 2J3

Attention: Alok Mukherjee

Phone #: (416) 808-8080

Fax No.: (416) 808-8082

Location Served

Various

Invoice Date: June 28, 2011

Due Date: July 12, 2011

PO #:

Supervisor

/Manager : Doug Reid (416) 397-0808

Requested By: Daniel Picheca (416) 397-7215

GST Registration #: 86740 2299 RT0001

Item Description	Qty	Unit	Unit Price (\$)	Sub Total (\$) before taxes	GST (5%)	PST (8%)	HST (13%)	Total (\$)
Coordination Services (June 1 - 1 staff 1600-2100; June 6 - 1 staff 1600-2100)	10.00	hr	\$50.00	\$500.00	\$0.00	\$0.00	\$0.00	\$500.00
Security Services (pls refer to notes section for details)	17.50	hr	\$39.00	\$682.50	\$0.00	\$0.00	\$0.00	\$682.50
Security Supervisor (pls refer to notes section for details)	17.50	hr	\$75.00	\$1,312.50	\$0.00	\$0.00	\$0.00	\$1,312.50
Audio Visual (pls refer to notes section for details)	20.00	hr	\$40.00	\$800.00	\$0.00	\$0.00	\$0.00	\$800.00
Invoice Total (\$)				\$3,295.00	\$0.00	\$0.00	\$0.00	\$3,295.00

Notes: For the use of Metro Hall on June 1, Etobicoke CC on June 6 and Scarbrough CC on June 13, 2011 for "G20 Public Consultation Hearings" event.

***Security staff hrs:**

(June 1 - 2 Officers from 1600-2100)

(June 6 - 1 Officer from 1630-2030)

(June 13 - 1 Officer from 1700 -2030)

***Security Supervisor hrs:**

(June 1 - 1 Supervisor from 1800-2100)

(June 1 - 1 Supervisor from 1600-2100)

(June 6 - 1 Supervisor from 1600-2030)

(June 13 - 1 Supervisor from 1700-2200)

***Audio Visual Technician hrs:**

(June 1 - 2 Technician from 1600-2100)

(June 6 - 1 Technician from 1600-2100)

(June 13 - 1 Technician from 1600-2100)

Should there be any questions or concerns about this invoice, please contact Daniel Picheca at (416) 397-7215



**Facilities Management
& Real Estate Services**

Metro Hall, 2nd Floor
55 John Street
Toronto, ON M5V 3C6
Fax: 416 392-0029

Internal
INVOICE

Invoice #: FRE-11-16789

Client Information

Toronto Police Services

40 College St

Toronto, ON,

M5G 2J3

Attention: Alok Mukherjee

Phone #: (416) 808-8080

Fax No.: (416) 808-8082

Location Served

Various

Invoice Date: June 28, 2011

Due Date: July 12, 2011

PO #:

Supervisor

/Manager: Doug Reid (416) 397-0808

Requested By: Daniel Picheca (416) 397-7215

GST Registration #: 86740 2299 RT0001



(Please retain this portion for your records)



Client's CC	Client's WBS	Client's GL	Amount (\$)
			\$3,295.00
TOTAL:			\$3,295.00

Please detach this portion and return with your authorization by due date.

Please provide or verify your cost centre or WBS # in the Clients CC or Clients WBS field and sign below to confirm that the amounts can be debited to those accounts.

Authorized By: _____

Signature: _____

Date Paid: _____

Please sign in authorization and return to:

Facilities and Real Estate Division

55 John St 2nd Floor

Toronto ON M5V 3C6

Attention: Chandra Kala Shanmugasam

Phone #: (416) 338-1996

Invoice #: FRE-11-16789

Invoice Date: June 28, 2011

Due Date: July 12, 2011

Purchase Order #:

Client's Name: Alok Mukherjee

Client's Org. Name: Toronto Police Services

Should there be any questions or concerns about this invoice, please contact Daniel Picheca at (416) 397-7215

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

**#P192. TORONTO POLICE SERVICE – OPERATING BUDGET VARIANCE
REPORT FOR THE PERIOD ENDING MAY 31, 2011**

The Board was in receipt of the following report July 04, 2011 from William Blair, Chief of Police:

Subject: OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO POLICE
SERVICE – PERIOD ENDING MAY 31, 2011

Recommendations:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward a copy of this report to the City's Deputy City Manager and Chief Financial Officer for information.

Financial Implications:

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

The Board, at its January 11, 2011 meeting, approved the Toronto Police Service's 2011 operating budget at a net amount of \$905.9M (Min. No. P13/11 refers). Toronto City Council, at its meeting of February 23 and February 24, 2011, approved the 2011 Operating Budget at the same amount.

The Service has since been notified by City Finance staff of a further \$0.3M allocation from the Insurance Reserve Fund to the Service's 2011 operating budget. As a result of the reallocation, the Service budget has been restated upwards by \$0.3M to a total of \$906.2M. However, this change does not result in additional available funds to the Service, as there will be a corresponding charge from the City.

Background/Purpose:

The purpose of this report is to provide information on the Service's 2011 projected year-end variance as of May 31, 2011.

Discussion:

The following chart summarizes the variance by expenditure and revenue category.

Category	2011 Budget (\$Ms)	Actual to May 31/11 (\$Ms)	Projected Year- End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Salaries	\$649.5	\$254.7	\$651.7	(\$2.2)
Premium Pay	\$43.0	\$12.1	\$42.6	\$0.4
Benefits	\$173.0	\$76.2	\$173.0	\$0.0
Materials and Equipment	\$22.7	\$12.4	\$23.4	(\$0.7)
Services	\$91.7	\$25.9	\$90.3	\$1.4
Total Gross	\$979.9	\$381.3	\$981.0	(\$1.1)
Revenue	(\$73.7)	(\$26.7)	(\$74.8)	\$1.1
Total Net	\$906.2	\$354.6	\$906.2	(\$0.0)

It is important to note that expenditures do not all follow a linear pattern and therefore year-to-date expenditures cannot be simply extrapolated to year end. Rather, the projection of expenditures to year end is done through an analysis of all accounts, taking into consideration factors such as expenditures to date, future commitments expected and spending patterns. In addition, the Service receives significant amounts of in year grant funding and the revenue and expense budgets are adjusted when receipt of funds is confirmed.

As at May 31, 2011, a net zero variance is anticipated. This variance is unchanged from the previous variance report (Min. No. P129/11 refers). Details of each major expenditure category and revenue are discussed in the sections that follow.

Salaries:

An unfavourable variance of \$2.2M is projected in the salary category.

Expenditure Category	2011 Budget (\$Ms)	Actual to May 31/11 (\$Ms)	Projected Year- End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Uniform Salaries	\$494.6	\$195.7	\$496.3	(\$1.7)
Civilian Salaries	\$154.9	\$59.0	\$155.4	(\$0.5)
Total Salaries	\$649.5	\$254.7	\$651.7	(\$2.2)

The 2011 uniform salary budget does not include any funds for recruit hiring and assumed that total uniform separations (resignations and retirements) would be 220. Actual separations to the end of May 2011 are less than had been estimated, and at this time the Service is projecting 180 separations for the year compared to the 220 included in the 2011 budget. Based on timing of separations to date, uniform salaries are projected to be \$1.7M unfavourable to year-end. Actual separations are monitored monthly and will continue to be reported on in future variance reports.

Civilian salary budgets are projected to be \$0.5M unfavourable. The 2011 civilian salary budget included more gapping than previous years due to the Service's initiative to delay civilian hiring where operationally feasible. Similar to the uniform category, civilian attrition is monitored monthly and vacancies will continue to be reviewed in order to reduce the unfavourable year-end variance.

Premium Pay:

An under expenditure of \$0.4M is projected in the premium pay category.

Expenditure Category	2011 Budget (\$Ms)	Actual to May 31/11 (\$Ms)	Projected Year- End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Court	\$11.6	\$4.7	\$11.8	(\$0.2)
Overtime	\$6.1	\$1.7	\$5.8	\$0.3
Callback	\$4.8	\$2.6	\$4.8	\$0.0
Lieutime Cash Payment	<u>\$20.5</u>	<u>\$3.1</u>	<u>\$20.2</u>	<u>\$0.3</u>
Total Premium Pay*	<u>\$43.0</u>	<u>\$12.1</u>	<u>\$42.6</u>	<u>\$0.4</u>

* Approx. \$1.5M is attributed to grant-funded expenditures (revenue budget has been increased by same amount)

The Service continues to strictly monitor and control premium pay. Overtime is to be authorized by supervisory personnel based on activities for protection of life (i.e., where persons are at risk), protection of property, processing of arrested persons, priority calls for service (i.e., where it would be inappropriate to wait for the relieving shift), and case preparation (where overtime is required to ensure court documentation is completed within required time limits).

Based on current trends, the Service is projecting a net favourable variance in premium pay spending of \$0.4M. It must be noted that premium pay is subject to the exigencies of policing and uncontrollable events can have an impact on expenditures.

Benefits:

A net zero variance is projected in the benefits category.

Expenditure Category	2011 Budget (\$Ms)	Actual to May 31/11 (\$Ms)	Projected Year- End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Medical / Dental	\$38.4	\$13.3	\$38.2	\$0.2
OMERS / CPP / EI / EHT	\$105.3	\$50.7	\$105.6	(\$0.3)
Sick Pay / CSB / LTD	\$16.3	\$7.6	\$16.3	\$0.0
Other (e.g., WSIB, life ins.)	<u>\$13.0</u>	<u>\$4.6</u>	<u>\$12.9</u>	<u>\$0.1</u>
Total Benefits	<u>\$173.0</u>	<u>\$76.2</u>	<u>\$173.0</u>	<u>\$0.0</u>

Based on year-to-date expenditures, medical/dental costs are indicating a \$0.2M favourable variance and the “other” benefits category is projecting a \$0.1M surplus. These are offset by pressures in the OMERS / CPP / EI /EHT expenditures, which are projected to be \$0.3M unfavourable due to the number and make-up of year-to-date and anticipated separations.

Materials and Equipment:

An over expenditure of \$0.7M is projected in this category.

Expenditure Category	2011 Budget (\$Ms)	Actual to May 31/11 (\$Ms)	Projected Year- End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Vehicles (gas, parts)	\$11.8	\$5.4	\$12.5	(\$0.7)
Uniforms	\$3.7	\$3.4	\$3.7	\$0.0
Other Materials	\$5.1	\$3.0	\$5.1	\$0.0
Other Equipment	\$2.1	\$0.6	\$2.1	\$0.0
Total Materials & Equipment*	\$22.7	\$12.4	\$23.4	(\$0.7)

* Approx. \$0.5M is attributed to grant-funded expenditures (revenue budget has been increased by same amount)

The Service is closely monitoring the cost of fuel and its impact on the budget. Based on prices in the first five months of the year, the Service is projecting an unfavourable budget variance in gasoline of \$0.7M by year-end. The recent increase in gas prices has a delayed impact on the Service budget, as it can take up to two months for the Service inventory of gasoline to turn over. If gas prices continue to increase, or stay at the current elevated levels for a longer period of time, the unfavourable variance will increase.

Services:

Expenditures in this category are projected to be \$1.4M under spent.

Expenditure Category	2011 Budget (\$Ms)	Actual to May 31/11 (\$Ms)	Projected Year- End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Legal Indemnification	\$0.6	\$0.2	\$0.6	\$0.0
Uniform Cleaning Contract	\$2.1	\$2.1	\$2.1	\$0.0
Courses / Conferences	\$2.2	\$0.4	\$2.1	\$0.1
Clothing Reimbursement	\$1.4	\$0.0	\$1.4	\$0.0
Computer / Systems Maintenance	\$12.0	\$9.5	\$12.0	\$0.0
Phones / cell phones / 911	\$7.3	\$2.8	\$7.3	\$0.0
Reserve contribution	\$30.3	\$3.2	\$30.3	\$0.0
Caretaking / maintenance utilities	\$19.6	\$0.0	\$19.4	\$0.2
Other Services	\$16.2	\$7.7	\$15.1	\$1.1
Total Services *	\$91.7	\$25.9	\$90.3	\$1.4

* Approx. \$0.4M is attributed to grant-funded expenditures (revenue budget has been increased by same amount)

Projected savings in caretaking and maintenance are based on year-to-date invoicing from the City. Projected savings in the other services category are a result of the Service delaying and reducing expenditures where operationally feasible.

Revenue:

A favourable variance of \$1.1M is projected in this category.

Revenue Category	2011 Budget (\$Ms)	Actual to May 31/11 (\$Ms)	Projected Year- End Actual (\$Ms)	Fav / (Unfav) (\$Ms)
Recoveries from City	(\$10.1)	(\$2.9)	(\$10.7)	\$0.6
CPP and Safer Comm'y grants	(\$16.3)	(\$3.9)	(\$16.3)	\$0.0
Other Gov't grants	(\$8.2)	(\$5.8)	(\$8.2)	\$0.0
Fees (e.g., paid duty, alarms, ref.)	(\$10.6)	(\$3.9)	(\$11.2)	\$0.6
Secondments	(\$3.6)	(\$1.5)	(\$3.6)	\$0.0
Draws from Reserves	(\$17.0)	(\$5.5)	(\$17.0)	\$0.0
Other Revenues (e.g., pris return)	(\$7.9)	(\$3.2)	(\$7.8)	(\$0.1)
Total Revenues	(\$73.7)	(\$26.7)	(\$74.8)	\$1.1

The favourable variance is mainly due to recoveries from the City related to billings for officer attendance at Provincial Offenses Act courts while off duty, and higher than expected recoveries in the “fees” category.

Conclusion:

As at May 31, 2011, the Service is projecting a net zero variance by year end. However, lower-than-expected attrition and higher gasoline prices are putting a pressure on the Service’s budget, and therefore expenditures and revenues will continue to be closely monitored throughout the year.

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

The Board received the foregoing report and agreed to forward a copy to the City’s Deputy City Manager and Chief Financial Officer for information.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

**#P193. TORONTO POLICE SERVICE – PARKING ENFORCEMENT UNIT:
OPERATING BUDGET VARIANCE REPORT FOR THE PERIOD
ENDING MAY 31, 2011**

The Board was in receipt of the following report July 04, 2011 from William Blair, Chief of Police:

Subject: OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO POLICE
SERVICE PARKING ENFORCEMENT UNIT – PERIOD ENDING MAY 31,
2011

Recommendations:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward a copy of this report to the City's Deputy City Manager and Chief Financial Officer for information.

Financial Implications:

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

Background/Purpose:

The Board, at its January 11, 2011 meeting, approved the Toronto Police Service Parking Enforcement (PEU) 2011 operating budget at a net amount of \$39.5 Million (M) (Min. No. P14/11 refers). Subsequently, Toronto City Council, at its meeting of February 23 and February 24, 2011, approved the PEU 2011 net operating budget at the same amount.

The PEU operating budget is not part of the Service's operating budget, but rather is maintained separately in the City's non-program budgets.

The purpose of this report is to provide information on the PEU 2011 projected year-end variance as of May 31, 2011.

Discussion:

The following chart summarizes the variance by category of expenditure.

Category	2011 Budget (\$Ms)	Actual to May 31/11 (\$Ms)	Projected Year- End Actual (\$Ms)	Fav/(Unfav) (\$Ms)
Salaries	\$25.65	\$10.27	\$26.10	(\$0.45)
Premium Pay	\$2.48	\$0.53	\$1.89	\$0.59
Benefits	\$6.27	\$1.56	\$6.34	(\$0.07)
Total Salaries & Benefits	\$34.40	\$12.36	\$34.33	\$0.07
Materials	\$1.35	\$0.38	\$1.35	\$0.00
Equipment	\$0.10	\$0.00	\$0.10	\$0.00
Services	\$5.28	\$1.98	\$5.28	\$0.00
Revenue	(\$1.62)	(\$0.29)	(\$1.62)	\$0.00
Total Non-Salary	\$5.11	\$2.07	\$5.11	\$0.00
Total Net	\$39.51	\$14.43	\$39.44	\$0.07

It is important to note that expenditures do not all follow a linear pattern and therefore year-to-date expenditures cannot be simply extrapolated to year end. Rather, the projection of expenditures to year end is done through an analysis of all accounts, taking into consideration factors such as expenditures to date, future commitments expected and spending patterns.

As at May 31, 2011, a surplus of \$0.07 million (M) is anticipated. Details are discussed below.

Salaries & Benefits (including Premium Pay):

An unfavourable projection of \$0.52M is projected in salaries and benefits. PEU schedules one recruit class per year and hires the appropriate number of parking enforcement officers to ensure that, on average, it is at its full complement of officers during the year. Current trends indicate that the 2011 attrition will be less than the budgeted amount. As a result, PEU is projected to be over-spent in salaries and benefits. The size of the recruit class (currently planned for the fourth quarter in 2011) will be determined later in the year, based on updated attrition figures.

The majority of premium pay at the PEU is related to enforcement activities, attendance at court and the backfilling of members attending court. With respect to enforcement activities, premium pay is utilized to staff special events or directed enforcement activities. The opportunity to redeploy on-duty staff for special events is minimal, as this will result in decreased enforcement in the areas from which they are being deployed. Directed enforcement activities are instituted to address specific problems. All premium pay expenditures are approved by supervisory staff and strictly controlled.

Due to the projected lower-than-budgeted staff attrition, more permanent staff are available for duty, and PEU can reduce premium pay expenditures to offset the shortfall in salaries and benefits. At this time, a surplus of \$0.59M is projected in premium pay.

Non-salary Expenditures:

No variance is anticipated in the non-salary accounts at this time.

Conclusion:

As at May 31, 2011, a surplus of \$0.07M is projected to the PEU operating budget.

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

The Board received the foregoing report and agreed to forward a copy to the City's Deputy City Manager and Chief Financial Officer for information.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

**#P194. CLOSE-OUT REPORT – POLICE HEADQUARTERS 2ND FLOOR
SPACE OPTIMIZATION PROJECT**

The Board was in receipt of the following report June 20, 2011 from William Blair, Chief of Police:

Subject: CLOSE-OUT REPORT - POLICE HEADQUARTERS 2nd FLOOR SPACE
OPTIMIZATION PROJECT

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 Service's project management framework requires the completion of a close-out report for all major projects. The project close-out report documents the final results of the project and provides:

- confirmation that project objectives and deliverables were successfully completed;
- an analysis of project performance in terms of budget, schedule and scope;
- a summary of lessons learned; and
- any outstanding items that need to be resolved.

Discussion:

The 2nd floor space optimization project was approved in the Service's capital program at a total amount of \$2.68M, with work to be completed by the end of 2010. The Employment unit occupies the majority of the 2nd floor of Headquarters and was the main focus of the space optimization project. The existing space plan, office locations, and operational functionality did not meet present day requirements and was not conducive to the professional representation of the Service to the public. In addition, the background check function of the Employment unit was located on the 4th floor in a space that was significantly over crowded. The objective of this project was to consolidate the employment functions on the 2nd floor, maximize space and apply the Service's space standards. It was recognized that with the consolidation of the Employment unit on the 2nd floor, other functions located on the 2nd and ground floors would also be impacted to a certain extent. These functions included; Medical Advisory Services, Document Services, Occupational Health & Safety, Workers Compensation Services, Corporate Communications, the Media Gallery, the media offices and the ground floor locker rooms.

The design work, in conjunction with the various stakeholders, commenced in mid-2009 and was completed by December 2009. The design was approved by the project steering committee in January 2010. Based on the approved design, construction drawings and specifications were developed for tendering to the Board-approved pre-qualified general contractors. The construction work was awarded in April 2010 and work commenced in May 2010 with completion scheduled by year-end 2010.

In order to minimize operational impact to the affected units and reduce project costs, the construction work was organized in phases with the use of swing space. The project phases included the fit-up of temporary swing space, relocation of staff and equipment to the swing space, demolition, construction, and the return of staff from the swing space back to Headquarters. The majority of the Employment unit staff was relocated to the swing space at the old C.O. Bick College. Work on the project was impacted by the G20 summit and construction was halted for a few weeks due to the required G20 activity at Headquarters. As a result, substantial completion was achieved in February 2011 instead of year-end 2010. However, this delay did not result in any additional costs.

Project Management:

The Service's project management framework was utilized to manage the project. A project charter and scope statement was developed, a steering committee established, roles and responsibilities defined and a project team formed.

The project methodology was to: design for a projected twenty year lifecycle; solicit stakeholder's requirements and integrate these into the design; apply environmental best practices with materials and products; and standardize furniture to meet requirements. The steering committee met monthly and provided project oversight, change approval control, and quality assurance.

Project Scope:

In addition to meeting all the project deliverables, several "value added" items were also achieved. These included:

- converting the media gallery from a single purpose space into a studio style multi-purpose room allowing for media events, a private briefing room, a photography studio, and a twenty plus person meeting room. Cabling infrastructure was installed to provide for several media communications vehicles to in-studio camera connectivity. Previously, cables were run through main lobby entrance doors and open lobby floors resulting in building security and fire code interventions;
- the installation of a twenty person meeting room adjacent to the existing tribunal office for use by the tribunal office and for court room overflow requirements, as the existing tribunal offices and court room did not accommodate peak use-load requirements;
- the addition of five new interview rooms, two meeting rooms; and
- where possible the re-use of existing equipment, furniture and materials in order to reduce costs.

Project Budget and Schedule:

The approved capital budget for this project was \$2.68M and the majority of this budget was for the construction work. The project scope also included the lifecycle replacement of furniture at a total cost of \$0.28M. This amount was funded from the Service's Vehicle and Equipment Reserve and results in an overall project cost of \$2.96M.

The project was completed \$0.4M under budget, and just slightly behind schedule.

Lesson Learned:

The utilization of swing space proved to be a very efficient and cost saving approach when doing major renovation work.

Employment unit staff were relocated to the off-site swing space for approximately ten months. This allowed construction work in the Employment area to proceed faster, staff were not impacted during construction and costs reduced. The other impacted Headquarters units during this project remained at their location as other swing space was not available. Unfortunately, this resulted in some operational disruption, logistical challenges and some schedule and cost impacts. Therefore, the use of more swing space would have benefited the project and the Service should employ the use of swing space, if available and feasible, in future renovation projects.

Conclusion:

The 2nd floor space optimization capital project was undertaken to improve service delivery to the public (particularly for the Employment unit), reduce over-crowding and standardize workspace. The project design commenced in mid-2009 and work was completed in February 2011. The project achieved all of its pre-determined deliverables, as well some "value added" items that were not in the original project scope. This project has been successfully completed \$0.4M under budget.

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

The Board received the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

**#P195. SPECIAL CONSTABLES – UNIVERSITY OF TORONTO -
APPOINTMENT**

The Board was in receipt of the following report June 15, 2011 from William Blair, Chief of Police:

Subject: APPOINTMENT OF SPECIAL CONSTABLE FOR THE UNIVERSITY OF
TORONTO ST. GEORGE CAMPUS

Recommendation:

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

Financial Implications:

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

Background/Purpose

Under Section 53 of the *Police Services Act* of Ontario (the PSA), the Board is authorized to appoint and re-appoint special constables, subject to the approval of the Minister of Community Safety and Correctional Services (the Minister). Pursuant to this authority, the Board entered into an agreement with the University of Toronto (U of T) for the administration of special constables (Min. No. P571/94 refers).

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

The Service received a request from the U of T on March 9, 2011, to appoint the following individual as a special constable.

LEUNG, Victor

Discussion:

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

The agreement between the Board and the U of T requires that background investigations be conducted on all individuals recommended for appointment and re-appointment as special constables. The Service's Employment Unit completed a background investigation on this individual and there is nothing on file to preclude him from being appointed as a special constable for a five year term.

The U of T has advised that the individual satisfies all the appointment criteria as set out in the agreement between the Board and the U of T for special constable appointment. The U of T approved strength of special constables is 34; the current compliment is 25.

Conclusion:

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

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

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 JULY 21, 2011**

#P196. LEGAL INDEMNIFICATION – CASE NO. WL/2011

The Board was in receipt of the following report May 16, 2011 from William Blair, Chief of Police:

Subject: LEGAL INDEMNIFICATION - CASE NO. WL/ 2011

Recommendation:

It is recommended that the Board deny payment of the legal account dated April 13, 2011, from Mr. Joseph Markson in the amount of \$18,670.58 for his representation of a sergeant in relation to a charge of Insubordination contrary to the *Police Service Act (PSA)*.

Financial Implications:

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

Background/Purpose:

A sergeant has requested payment of legal fees for \$18,670.58 as provided for in the legal indemnification clause of the uniform collective agreement. The purpose of this report is to recommend denial of the member's claim.

Discussion:

In 2004, a sergeant who was an active member of the Board of Directors for a condominium in the City of Toronto where he resides was approached about alleged criminal behaviour of one of the occupants. The sergeant made an inquiry through a detective as to whether there were any reports on file relating to the occupant. He was advised there were no reports on file.

The complainant occupant somehow became aware the sergeant was revealing his personal confidential information to the residents and dispatched an email dated February 9, 2005, to the attention of Professional Standards. An investigation was initiated. During the investigative interview the sergeant further admitted to conducting four separate queries using Toronto Police Service information systems which were not for official police business. The sergeant was cautioned and counselled by Professional Standards for his misconduct and the complainant was notified by letter that the investigation was completed internally and the matter had been concluded.

The complainant was not satisfied with the result of the investigation and forwarded correspondence to the Ontario Civilian Commission on Police Services, now called the Ontario Civilian Police Commission (OCPC), requesting a review of the Toronto Police Service's decision with respect to his complaint. In correspondence dated July 15, 2008, OCPC directed a hearing and the sergeant was charged with one count of Insubordination contrary to the *PSA* for conducting information systems queries that were not for official police business.

In June 2009, defence counsel brought forth a pre-hearing motion claiming there was no jurisdiction to hear the matter because the email received from the complainant was not signed and therefore did not comply with the requirements of the *PSA* to constitute as a public complaint. The Hearing Officer denied the motion, advising the motion would proceed to a hearing.

In June 2010, a Notice of Motion was submitted by the defence counsel for the sergeant claiming the Hearing Officer was without jurisdiction to hear the matter and the appropriate remedy was to order a stay of the proceedings. On November 17, 2010, the defence motion was granted and a stay of proceedings was ordered based on the absence of the complainant's signature on the complaint document and that the sergeant had already been disciplined.

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

Conclusion:

While the *PSA* charge against the sergeant was stayed, the officer admitted to conducting four separate queries using the Toronto Police Service information systems that were not for official police business. He was disciplined with counselling for his misconduct.

Article 23:05 (a) states:

Where a complaint made by a member of the public against a member results because of the member's conduct as a police officer in the member's exoneration, but is then referred to the Ontario Civilian Commission on Police Services ("OCCPS") under s. 72 of the Police Services Act for review, the member shall be indemnified for his/her necessary and reasonable legal costs incurred in respect of the review by OCCPS (and/or such other service other than the Toronto Police Service to which OCCPS may assign the review or investigation of the complaint) (the "review") and, if the matter does proceed to a hearing, incurred in respect of the review and the hearing (whether the hearing is conducted by the Toronto Police Service or any other police force) provided the complaint is in respect of acts done in the attempted performance in good faith of the member's duties as a police officer (emphasis added) and, in the case of a review and hearing, provided the officer is not found guilty of misconduct or unsatisfactory work performance.

Therefore, based on the foregoing, payment of the legal expenses incurred should be denied.

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

The Board approved the foregoing report and noted that additional details about this matter were considered during the in-camera meeting (Min. No. C212/11 refers).

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

**#P197. QUARTERLY REPORT: OCCUPATIONAL HEALTH & SAFETY
UPDATE: JANUARY – MARCH 2011**

The Board was in receipt of the following report June 07, 2011 from William Blair, Chief of Police:

Subject: QUARTERLY REPORT - OCCUPATIONAL HEALTH AND SAFETY
UPDATE: JANUARY 1, 2011 TO MARCH 31, 2011

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

At its meeting on January 24, 2005, the Board received an update on occupational health and safety matters relating to the Service (Min. No. C9/05 refers). Following consideration of the report, the Board requested the Chief of Police to provide quarterly updates on matters relating to occupational health and safety. The Board, at its meeting on August 21, 2008, further requested public quarterly reports for occupational health and safety matters (Min. No. C224/08 refers).

Discussion:

This quarterly update report is for the period from January 1 to March 31, 2011. This public report corresponds to additional information provided in the confidential agenda.

Accident and Injury Statistics

From January 1 to March 31, 2011, 333 members reported that they were involved in 371 workplace accidents/incidents resulting in lost time from work or health care which was provided by a medical professional. These incidents were reported as claims to the Workplace Safety and Insurance Board (WSIB). During this same period, 61 recurrences for previously approved WSIB claims were reported. Recurrences can include, but are not limited to, on-going treatment, re-injury and medical follow-ups ranging from specialist appointments to surgery.

A workplace incident may have several attributes and can be reported in more than one category. For example, an officer can be assaulted and sustain a laceration injury at the same time. Each attribute would be reported. For this reporting period, the 371 workplace or work-related accidents/incidents were categorized according to the following attributes:

- 38 arrest incidents involving suspects
- 17 vehicle incidents (member within vehicle as driver or passenger)
- 5 bicycle accidents (falls)
- 33 assaults
- 37 cuts/lacerations/punctures
- 17 traumatic mental stress incidents
- 17 slips and falls
- 135 communicable diseases and possible exposures
- 0 inhalations of other substances.

As a Schedule 2 Employer, the Toronto Police Service paid \$67,016.82 in health care costs for civilian members and \$264,779.38 in health care costs for uniform members for the first quarter of 2011. The costs represent an increase of 14.7% for civilian members and an increase of 19.9% for uniform members from the fourth quarter of 2010.

Critical Injuries

The employer has the duty to report but not adjudicate the seriousness of injuries and pursuant to *Section 51* of the *Occupational Health and Safety Act (OHSA)* and *Regulation 834*, must provide notice to the Ministry of Labour (MOL) of all critical injuries which occur in the workplace.

For the first quarterly report for 2011, there were seven “Critical Injury Incidents” reported to the Ministry of Labour. One resulted in a workplace fatality and four incidents were confirmed by the MOL to be “Critical Injury Incidents” as defined in *Regulation 834*, which resulted from a cause in a workplace. Two incidents are awaiting confirmation by the MOL.

Communicable Diseases

As part of the Communicable Disease Exposure Surveillance Program, members of Occupational Health and Safety Unit (OHS) reviewed reported exposures during the months indicated. The majority of these reports did not result in claim submissions to WSIB; however, there is an obligation to ensure the surveillance program maintains its administrative requirements and that there is a communication dispatched to members of the Service from a qualified “designated officer” from the Medical Advisory Services (MAS) team.

Reported Exposures	January	February	March	Q1 Total
1. Hepatitis A, B, & C & HIV	12	1	15	28
2. Influenza	0	0	0	0
3. Tuberculosis (TB)	9	0	10	19
4. Meningitis (All)	0	0	9	9

5. Lice and Scabies	2	0	7	9
6. Other*	44	22	52	118
Total	67	23	93	183

* This category can include, but is not limited to exposures to:

- infectious diseases not specified above including smallpox, severe acute respiratory syndrome (SARS), rubella, and measles;
- respiratory condition/irritations;
- bites (human, animal or insect);
- varicella (chickenpox);
- Methicillin-Resistant Staphylococcus Aureus (MRSA, also known as multidrug-resistant bacteria); and,
- bodily fluids (blood, spit, vomit, etc.).

As a result of a determination made at the Central Joint Health and Safety Committee (CJHSC) meeting of March 29, 2010, OHS monitors incidents where members report exposure to bed bugs. There were 27 reported exposures to bed bugs in the first quarter.

Medical Advisory Services

During the first quarter of 2011, the MAS section of OHS developed and implemented an enhanced tracking system. An initial review of relevant statistics is listed below. Note the statistics provided are limited to a consideration of non-occupational cases. By definition, short term refers to members that are off work for greater than fourteen days, but less than six months. Long term refers to members that have been off work for greater than six months.

An examination of disability distribution amongst Service members revealed the following:

Disability	January	February	March
*Short Term	93	126	146
*Long Term	93 (**66)	93 (**66)	93 (**66)
Total Disability per Month	186	219	239

* The above reported statistics are cumulative.

** Members on Central Sick Leave Bank.

Implementation of Health and Safety Policies, Including Training Policies, by various Departments or Divisions

During the week of March 21 to 25, 2011, 17 members participated in the Basic Certification and Sector Specific Training at the Toronto Police College. Ten were worker representatives and seven were management representatives.

Currently, the Service has 379 certified members comprised of 228 worker representatives and 151 management representatives. For administrative purposes, uniform management representatives consist of the rank of Staff/Detective Sergeant and higher.

Other Occupational Health and Safety Matters

Workplace Violence and Harassment

Bill 168, the Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009, came into force on June 15, 2010. As a result of the above amendment, the *Occupational Health and Safety Act* now includes definitions of workplace violence and workplace harassment and *Part III.0.1* refers specifically to *Violence and Harassment*.

- Workplace Violence Risk Assessments

Assessment of Risks of Violence, S. 32.0.3(1) of the *OHS Act*, states that an employer shall assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work.

In the fourth quarter of 2010, OHS compiled the completed Workplace Violence Risk Assessments (TPS 697) from divisions and units throughout the Service. OHS collated the results of the assessments for review by the Service's Site Security Advisory Committee in the first quarter of 2011.

Recommendations are being re-evaluated for current applicability and appropriateness. Facilities Management (FCM) in conjunction with the Site Security Advisory Committee are currently working in partnership to determine the feasibility of implementing various sight security options. Recommendations from the Committee are anticipated for command review and consideration in the second quarter of 2011.

- Workplace Violence/Harassment Complaints

In the first quarter of 2011, there were no documented complaints which have been categorized by Professional Standards to meet the criteria of workplace harassment as defined in the *OHS Act*.

Respiratory Protection Program

The Service's Respiratory Protection Plan Working Group, chaired by OHS, has drafted a Respiratory Protection Program procedure and Emergency Scene/Respiratory Hazard Assessment Form. The draft Respiratory Protection Program procedure has been forwarded to the Public Safety and Emergency Management Unit for review and comments.

Automatic External Defibrillators

OHS began a review of its 67 Automatic External Defibrillators (AEDs) in conjunction with representatives from the Toronto Police College (TPC) and Toronto EMS Cardiac Safe City. An upcoming meeting in May 2011 will look at AED prioritization and the relocation of two unassigned AEDs, the feasibility of combining current first aid courses with AED training and potential AED maintenance cost savings.

Ergonomic Workstation Assessments

In mid 2010, the WSIB discontinued the service of providing ergonomic support to employers. OHS has assumed some responsibility for providing workstation assessments for occupationally injured members, in addition to the assessments for non-occupational injured members and preventive ergonomic assessments. This has resulted in a significant increase in time and resources required by OHS to carry out these assessments and take corrective and preventive actions. As such, OHS will require some ergonomic assessment training, which is tentatively scheduled for the second quarter of 2011.

Smoke-Free Ontario Act Compliance

The Medical Officer of Health for the City of Toronto, Dr. David McKeown, wrote Chief William Blair in a letter dated January 7, 2011 raising concerns regarding the Service's compliance with the *Smoke-Free Ontario Act*. OHS met with FCM and Toronto Public Health's Health Environments (Food Safety & Tobacco Enforcement) unit regarding Dr. McKeown's concerns.

As a result, a joint committee was formed with members of OHS, Corporate Planning, Fleet and Materials Management (FLT), FCM and TPC. A five point strategy was developed and implemented which included: a Routine Order highlighting the existing Service's governance and Standard of Conduct; signage for Service wide facilities; no smoking stickers for all marked Service vehicles; training/education for recruits, supervisors and coach officers was also undertaken. In addition, information regarding the perils of smoking is also to be included in the Service's Wellness initiative.

Ontario Police Health and Safety Association

On March 3, 2011, a meeting of the Ontario Police Health and Safety Association was hosted by the Ontario Provincial Police Association in Barrie. The main focus of the meeting was a presentation from MOL Inspector Brian Barron on *First Responder Safety*. The meeting was concluded with a round table discussion of issues prevailing in the respective jurisdictions.

Section 21 Committee

The Ministry of Labour Section 21 Committee for the police sector met on February 25, 2011, in Toronto. This Committee is appointed by the Minister of Labour under *Section 21* of the *OHSA*. Items of note in the agenda included:

- Draft Advisory for Musculoskeletal (MSD) Prevention in Police Services

A guidance document has been finalized and will be forwarded by the committee co-chairs to the Ministry of Community Safety and Correctional Services (MCSCS) along with a signed All Chiefs Memorandum.

- Guidance Note No. 12 – Supervisor Training

A guidance document has been finalized and will be forwarded by the committee co-chairs to the MCSCS along with a signed All Chiefs Memorandum. The MOL is to consult with the PSHSA regarding including specific references to supervisor training courses in the guidance note and report back to one of the committee co-chairs.

- Incident Management Systems (IMS) and the Role of a Safety Officer

The draft of the advisory has been written and approved. The Committee recommended that it proceed through the MOL approvals for distribution to the policing community through an All Chiefs Memorandum by the MCSCS.

- First Responders and Chemical Exposures

The scope of a draft advisory was discussed by the Committee. The decision of the Committee was to change the title of the draft advisory to *Police Emergency Response involving Hazardous Materials*. The advisory should address police response to any situation where hazardous materials (chemical, biological or physical) are present. The advisory should include motor vehicle incidents, derailments and accidents etc. A revised version of the draft, that is broader in scope, is to be distributed to committee members prior to the next meeting.

Toronto Police Service Occupational Health and Safety Awareness Day

The Board and the CJHSC have designated the first Wednesday in October of each year as the Toronto Police Service Occupational Health and Safety Awareness Day. On Wednesday, October 5, 2011, the fourth annual Toronto Police Service Occupational Health and Safety Awareness Day is scheduled to be held at the Toronto Police College. OHS is currently working with the CJHSC on determining which topics and guest speakers will be presented at this year's event.

Ministry of Labour Orders, Charges & Issues

There were no Ministry of Labour Orders or Charges during the first quarter of 2011.

Conclusion:

In summary, this report will update the Board on matters relating to occupational health and safety issues for the first quarter in 2011.

The next quarterly report for the period of April 1 to June 30, 2011 will be submitted to the Board for its meeting in August 2011.

Deputy Chief Mike Federico, Human Resources Command, will be available to respond to any questions the Board may have regarding this report.

The Board received the foregoing report and noted that additional information regarding occupational health and safety issues was considered during the in-camera meeting (Min. No. C215/11 refers).

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

**#P198. SEMI-ANNUAL REPORT: AUXILIARY MEMBERS – TERMINATION
OF APPOINTMENTS: JANUARY – JUNE 2011**

The Board was in receipt of the following report July 06, 2011 from William Blair, Chief of Police:

Subject: AUXILIARY MEMBERS - TERMINATION OF APPOINTMENTS:
JANUARY 1, 2011 TO JUNE 30, 2011

Recommendations:

It is recommended that:

- (1) the Board terminate the appointments of 21 Auxiliary members who are identified in Appendix 'A' as they are no longer available to perform their duties due to resignation, retirement, or death; and
- (2) the Board notify the Minister of Community Safety and Correctional Services about the termination of appointments for these 21 Auxiliary members.

Financial Implications:

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

Background/Purpose:

Auxiliary members are governed by the Police Services Act (PSA); Revised Statutes of Ontario, 1990; Policing Standards Guidelines; Board Policy TPSB A1-004; Toronto Police Service Governance; Standards of Conduct; and Service Procedure 14-20 entitled, "Auxiliary Members."

Under section 52(1) of the PSA, the Board is authorized to appoint and suspend, or terminate the appointment of Auxiliary members, subject to the approval of the Minister of Community Safety and Correctional Services (Minister) and with respect to the suspension or termination of the appointment of an Auxiliary member, section 52(2) of the PSA states:

"If the board suspends or terminates the appointment of an Auxiliary member of the police force, it shall promptly give the Solicitor General written notice of the suspension or termination."

Discussion:

The terminations of appointments of the 21 Auxiliary members consist of 21 Police Constables.

Conclusion:

In accordance with section 52(2) of the PSA, please find the names of the 21 Auxiliary members set out in Appendix 'A', whose appointments terminated during the period between January 1, 2011 and June 30, 2011, as they are no longer available to perform their duties due to resignation, retirement or death.

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

The Board approved the foregoing report.

APPENDIX “A”

**AUXILIARY TERMINATIONS OF APPOINTMENTS
FOR THE PERIOD JANUARY 1, 2011 – JUNE 30, 2011**

NO.	SURNAME	G1	RANK	BADGE	UNIT	DATE	REASON
1	ALLEY	Gloria	PC	51441	D11	2011.01.05	Resignation
2	KOLE	Joseph	PC	50920	D31	2011.01.11	Resignation
3	DAVIS	Shawn	PC	50882	D41	2011.01.14	Resignation
4	KOSUBEK	Jennifer	PC	51331	D51	2011.01.14	Resignation
5	ADDAGEETHALA	Murali	PC	51469	D53	2011.01.24	Resignation
6	COURVOISIER	Michael	PC	51487	D41	2011.01.27	Resignation
7	MYLVAGANAM	Jackson	PC	51418	D12	2011.01.31	Resignation
8	PANG	Jimmy	PC	50930	D33	2011.02.09	Resignation
9	ZAMIR	Keiss	PC	51383	D33	2011.02.12	Resignation
10	VIVO	Hernando	PC	51504	D32	2011.02.23	Resignation
11	DANEEN	Alexandra	PC	51530	D55	2011.03.06	Resignation
12	JASSAL	Raj	PC	51281	D14	2011.03.07	Resignation
13	DORJI	Rinzing	PC	51120	D53	2011.04.01	Resignation
14	GLODEK	Adrianna	PC	51353	D13	2011.04.14	Resignation
15	BOPARAI	Ruvina	PC	51501	D31	2011.04.28	Resignation
16	WAKE	Jessica	PC	51381	D55	2011.05.12	Resignation
17	SMYTH	Richard	PC	51458	D22	2011.05.31	Resignation
18	NADDAF	Kamil	PC	51394	D55	2011.06.04	Resignation
19	DELOUCHERY	Michelle	PC	51325	D54	2011.06.13	Resignation
20	MIR	Wajahat	PC	51285	D31	2011.06.29	Resignation
21	LEWIS	Dawn	PC	50754	D12	2011.07.01	Resignation

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

#P199. ANNUAL REPORT: 2010 SECONDARY ACTIVITIES

The Board was in receipt of the following report June 24, 2011 from William Blair, Chief of Police:

Subject: ANNUAL REPORT: 2010 SECONDARY ACTIVITIES

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 on February 11, 1993, the Board requested that the Chief of Police submit a semi-annual report on Secondary Activities (Min. No. C45/93 refers). At the March 21, 1996 meeting, the Board further requested that all further semi-annual reports on secondary activities include the number of new applications for secondary activities, how many were approved or denied on a year-to-date basis, as well as the total number of members engaged in secondary activities at the time of the report (Min. No. P106/96 refers). At its meeting on October 26, 2000, the Board passed a motion that future reports regarding secondary activities be provided to the Board on an annual basis rather than semi-annual (Min. No. P450/00 refers). At its meeting on February 22, 2001, the Board requested that future annual reports regarding secondary activities include a preamble that describes the Service's policy governing secondary activities (Min. No. P55/01 refers).

Service Procedure 14-25 requires members to submit an Application for Secondary Activity on Form TPS 778 for approval by the Chief of Police if the member believes the activity may place them in a conflict with Section 49(1) of the *Police Services Act* (*P.S.A.*). As an aid to members when determining whether to seek approval, Service Procedure 14-25 contains a non-exhaustive list of activities that may be considered to contravene Section 49(1) of the *P.S.A.* Approval to engage in the secondary activity is granted, provided the secondary activity does not contravene the restrictions set out in Section 49(1) of the *P.S.A.*

Section 49(1) states:

- 49(1) A member of a police force shall not engage in any activity,
- (a) that interferes with or influences adversely the performance of his or her duties as a member of the police service, or is likely to do so;
 - (b) that places him or her in a position of conflict of interest, or is likely to do so;
 - (c) that would otherwise constitute full-time employment for another person; or
 - (d) in which he or she has an advantage derived from employment as a member of a police force.

The Chief may also deny applications for secondary activity for the following reasons:

- (1) Where the applicant has demonstrated a history of poor attendance or poor performance;
- (2) Where the secondary activity might bring discredit upon the member's reputation as an employee or upon the reputation of the Toronto Police Service;
- (3) Where it involves the use of programs, lesson plans, technology, materials, equipment, services or procedures which are the property of the Service.

The Chief of Police exercises his discretion, on a case-by-case basis, to determine whether an application is likely to contravene the restrictions set out in Section 49(1) of the *P.S.A.* Members whose applications are approved are required to sign an agreement which outlines the terms and conditions of the approval.

A "member", as defined in the *P.S.A.*, means a police officer, and in the case of a municipal police force includes an employee who is not a police officer. Therefore, both uniform and civilian employees are considered members covered under Section 49(1) of the *P.S.A.*

Auxiliary police officers and school crossing guards are not covered under Section 49(1) of the *P.S.A.* or Service Procedure 14-25. Auxiliary police officers are volunteers, not employees of the Service, and school crossing guards are considered employees of the City of Toronto, although the co-ordination of the crossing guards is administered by the Service.

Discussion:

During 2010, there were 29 new applications for secondary activity received from members requesting approval to engage in secondary activities. None of the applications submitted were considered to be in conflict with Section 49(1) of the *P.S.A.*

The attached 2010 Annual Report on New Applications for Secondary Activity details the type of activities, the number of applications received from uniform and civilian members and the status of the applications. A copy of the 2010 Annual Report is attached as Appendix "A".

Historically, for the period covering January, 1996 to February, 2010, our records reflect that there were a total of 1097 uniform and civilian members of the Service who were granted approval to engage in secondary activities. The chart below reflects the number of approved applications for uniform and civilian members during this time frame:

Approved Secondary Activity Applications 1996 - 2010			
	<u>Uniform</u>	<u>Civilian</u>	<u>Total</u>
1996	91	23	114
1997	46	36	82
1998	44	32	76
1999	69	67	136
2000	37	43	80
2001	43	96	139
2002	36	83	119
2003	56	22	78
2004	54	16	70
2005	18	4	22
2006	13	11	24
2007	44	8	52
2008	31	7	38
2009	30	8	38
2010	10	19	29
	Total	1097	

Procedure 14-25 requires that members who cease to engage in an approved secondary activity shall submit a TPS 649 to the Unit Commander - Labour Relations, advising of the termination date.

Given that members are only required to seek approval to engage in a secondary activity when they believe the activity may place them in a conflict with Section 49(1) of the *P.S.A.*, it is not possible to report the total number of members engaged in secondary activities.

Conclusion:

This report provides the Board with an annual summary of secondary activities for 2010.

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

The Board received the foregoing report.

**2010 ANNUAL REPORT
NEW APPLICATIONS FOR
SECONDARY ACTIVITY**

<i>TYPE OF ACTIVITY</i>	NUMBER OF UNIFORM APPLICATIONS	NUMBER OF CIVILIAN APPLICATIONS
Sales/Service	2	11
Teacher/Lecturer	3	
Clerical/Office		2
Restaurant/Food Services		1
Business Services	1	
Arts/Media	1	
Labourer		2
Security		3
Writer	1	
Army/Military	1	
Paramedic/Medical Services	1	
TOTAL	10	19

None of the 29 applications received were deemed to contravene the restrictions set out in Section 49(1) of the *PSA*.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

#P200. WAGE INCREASES IN THE PROVINCE OF ONTARIO

The Board was in receipt of the following:

- copy of correspondence dated May 23, 2011 from Rob McKenzie, Chair, Midland Police Services Board, to Dalton McGuinty, Premier, with regard to wage increases in the Province of Ontario; and
- correspondence dated May 27, 2011 from Lorne Boyko, Chair, Haldimand County Police Services Board to Alok Mukherjee, Chair, Toronto Police Services Board, with regard to wage increases in the Province of Ontario.

Copies of the correspondence are attached to this Minute for information.

The Board received the foregoing.



MIDLAND POLICE SERVICES BOARD

TELEPHONE: (705) 526-5766
FAX: (705) 528-6035

BOX 86, 250 SECOND STREET
MIDLAND, ONTARIO
L4R 4K6

The Honourable Dalton McGuinty
Premier of Ontario
Legislative Building, Room 281
Queen's Park
Toronto, ON M7A 1A1

May 23rd, 2011

Dear Premier McGuinty:

We have followed with interest the response to the letter sent to you by the Toronto Police Services Board dated May 10, 2011, with respect to the issues relating to wage increases that the province has given the OPP. We have also taken note of your comments to that letter.

The service the OPP provides to the communities they serve is no doubt excellent, but no more so than that provided by the municipal police services who serve a larger number of Ontario citizens. Sadly municipalities such as Midland have no hope of competing with the OPP. And that is what is happening because of your government's decision. We cannot go into debt to match the OPP's huge wage increases, but the province can go into debt and has done so by the billions. Fortunately, we have a local police service board that puts service first, not dollars.

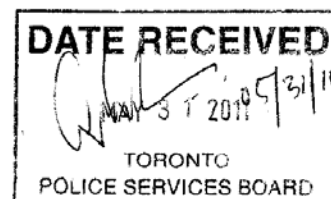
You are single-handedly putting the smaller municipal services on the chopping block for the OPP to swallow up. The municipalities will not have a more efficient service because of this, and this will place a huge burden on the local taxpayers. This has to stop. How much more can we pay? You say that the OPP should be the highest paid police service in Ontario. That will never happen as some police services such as Peel have a condition in their agreement that they will automatically match any other police service that exceeds their salary levels. So much for the bargaining process, it won't be needed to negotiate wages, as that will now be predetermined.

Hopefully before the increases go into effect, cooler heads will prevail, and consider the financial burden being imposed on the taxpayer

Yours truly,

Rob McKenzie, Chair
Midland Police Services Board

Cc: Alok Mukherjee, Chair
Toronto Police Services Board



Haldimand County Police Services Board

P.O. Box 400 • 45 Munsee Street North • Cayuga, Ontario • N0A 1E0
Phone: 905-318-5932 • Fax: 905-772-3541
e-mail: pscott@haldimandcounty.on.ca
Chair: Lorne Boyko

May 27, 2011

Alok Mukherjee, Chair
Toronto Police Services Board
40 College Street
Toronto, On M5G 2J3

DATE RECEIVED

JUN 10 2011

TORONTO
POLICE SERVICES BOARD

Dear Mr. Mukherjee:

RE: Open Letter to Premier Dalton McGuinty

Please be advised that on May 25, 2011, the Haldimand County Police Services Board adopted the following motion:

THAT a letter of general support from the Haldimand County Police Services Board be forwarded to the Toronto Police Services Board in support of their correspondence to Premier Dalton McGuinty regarding concerns over escalating policing costs with copies being sent to Premier McGuinty, Minister Bradley, Minister Aggelonitis, Minister Duncan, the OAPSB, Haldimand County Council and Senior Management.

This motion was passed unanimously.

Yours truly,



Lorne Boyko, Chair
Haldimand County Police Services Board

Cc: Premier Dalton McGuinty
Jim Bradley, Ministry of Community Safety and Correctional Services
Sophia Aggelonitis, Minister of Revenue
Dwight Duncan, Minister of Finance
Ontario Association of Police Services Boards
Haldimand County Council
Haldimand County Senior Management

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

#P201. LIST OF PUBLIC REPORTS REQUESTED BY THE BOARD

The Board was in receipt of a copy of the list of public reports requested by the Board as of the June 09, 2011 meeting. A copy of the list of reports is on file in the Board office.

The Board received the list of reports noted above.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

**#P202. TORONTO POLICE SERVICES BOARD – OPERATING BUDGET
VARIANCE REPORT ENDING MAY 31, 2011**

The Board was in receipt of the following report July 15, 2011 from Alok Mukherjee, Chair:

Subject: OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO
POLICE SERVICES BOARD – PERIOD ENDING MAY 31, 2011

Recommendation:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward a copy of this report to the City's Deputy City Manager and Chief Financial Officer for information.

Financial Implications:

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

Background/Purpose:

The Board, at its meeting on January 11, 2011 (Min. No. P12/11 refers), approved the Toronto Police Services Board Operating Budget at a net amount of \$2,347,800. Subsequently, Toronto City Council, at its meeting of February 23 and February 24, 2011, approved the Board's 2011 Operating Budget at the same amount.

The purpose of this report is to provide information on the Board's 2011 projected year-end variance.

Discussion:

The following chart summarizes the variance by category of expenditure.

Expenditure Category	2011 Budget (\$000s)	Actual to May 31/11 (\$000s)	Projected Year- End Actual (\$000s)	Fav / (Unfav) (\$000s)
Salaries & Benefits (incl. prem.pay)	\$921.1	\$354.7	\$921.1	\$0.0
Non-Salary Expenditures	<u>\$1,426.7</u>	<u>\$292.3</u>	<u>\$1,426.7</u>	<u>\$0.0</u>
Total	<u>\$2,347.8</u>	<u>\$647.0</u>	<u>\$2,347.8</u>	<u>\$0.0</u>

It is important to note that expenditures do not all follow a linear pattern and therefore year-to-date expenditures cannot be simply extrapolated to year end. Rather, the projection of expenditures to year end is done through an analysis of all accounts, taking into consideration factors such as expenditures to date, future commitments expected and spending patterns.

As at May 31, 2011, no variance is anticipated. Details are discussed below.

Salaries & Benefits (including Premium Pay)

Year-to-date expenditures are consistent with the budget and therefore no year-end variance is projected.

Non-salary Budget

The majority of the costs in this category are for arbitrations / grievances and City charge backs for legal services.

The Toronto Police Services Board cannot predict or control the number of grievances filed or referred to arbitration as filings are at the discretion of bargaining units. In order to deal with this uncertainty, the 2011 budget includes a \$610,600 contribution to a Reserve for costs of independent legal advice. Fluctuations in legal spending will be dealt with by increasing or decreasing the budgeted reserve contribution in future years' operating budgets.

No variance is anticipated in the remaining accounts at this time.

Conclusion:

The year-to-date expenditure pattern is consistent with the approved estimate. As a result, projections to year end indicate no variance to the approved budget.

The Board received the foregoing report and agreed to forward a copy to the City's Deputy City Manager and Chief Financial Officer for information.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

#P203. IN-CAMERA MEETING – JULY 21, 2011

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

The following members attended the in-camera meeting:

Dr. Alok Mukherjee, Chair
Mr. Michael Thompson, Councillor & Vice-Chair
Ms. Judi Cohen, Member
Mr. Chin Lee, Councillor & Member
Dr. Dhun Noria, Member
Ms. Frances Nunziata, Councillor & Member

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON JULY 21, 2011**

#P204. ADJOURNMENT

Michael Thompson
Acting Chair