



The following *draft* Minutes of the meeting of the Toronto Police Services Board held on October 15, 2012 are subject to adoption at its next regularly scheduled meeting.

The Minutes of the meeting held on September 13, 2012, previously circulated in draft form, were approved by the Toronto Police Services Board at its meeting held on October 15, 2012.

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **OCTOBER 15, 2012** at 1:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

PRESENT:

Dr. Alok Mukherjee, Chair
Mr. Michael Thompson, Councillor & Vice-Chair
Mr. Chin Lee, Councillor & Member
Ms. Marie Moliner, Member
Dr. Dhun Noria, Member
Ms. Frances Nunziata, Councillor & Member
Mr. Andrew Pringle, 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 OCTOBER 15, 2012**

#P239. MOMENT OF SILENCE

The Board observed a moment of silence in memory of Police Constable Donovan Lagrange who died while on duty on October 6, 2012 and Police Constable Katia Hadouchi who died on September 27, 2012. Both officers were with the Quebec Provincial Police.

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TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

#P240. INTRODUCTION

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

Promoted to the position of Compensation & Benefits Analyst, Benefits & Employment:

- Krista Randle

Promoted to the rank of Superintendent:

- Neil Corrigan

Promoted to the rank of Detective Sergeant:

- Justin Vander Heyden

Promoted to the rank of Probationary Sergeant:

- Sarah Andrews
- Richard Arsenault
- Amy Breault
- Graeme Naidoo
- Bassey Osagie

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#P241. EXTERNAL HUMAN RIGHTS COMPLAINTS

The Board was in receipt of a report dated September 24, 2012 from William Blair, Chief of Police, with regard to external human rights complaints. A copy of the report is on file in the Board office.

The Board deferred consideration of the foregoing report and a presentation on external human rights complaints to a future meeting.

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TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

#P242. STATUS UPDATE: REPORT BY THE HONOURABLE JOHN W. MORDEN – INDEPENDENT CIVILIAN REVIEW INTO MATTERS RELATING TO THE G20 SUMMIT

The Board was in receipt of the following report October 04, 2012 from Alok Mukherjee, Chair:

Subject: STATUS UPDATE: REPORT BY THE HONOURABLE JOHN W. MORDEN -
*INDEPENDENT CIVILIAN REVIEW INTO MATTERS RELATING TO THE G20
SUMMIT*

Recommendation:

It is recommended that the Board receive the status update as to the work completed, to date, with respect to the implementations of Mr. Morden's recommendations.

Financial Implications:

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

Background/Purpose:

The Board, at its meeting of July 19, 2012, received the report from the Honourable John W. Morden entitled "Independent Civilian Review Into Matters Relating to the G20 Summit," and approved a number of recommendations with respect to this report. (Min. No. P166/12 refers) as follows:

- (1) receive the report from the Honourable John W. Morden entitled Independent Civilian Review Into Matters Relating to the G20 Summit, and receive all 38 recommendations for implementation;*
- (2) approve the "Proposed Implementation Plan" attached to this report;*
- (3) approve, in principle, the immediate implementation of Mr. Morden's Recommendations 2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 28, 29, 30, 36, 37 and 38, and direct the Chair to report back to the Board no later than October 2012 with proposed new policies, amendments to existing policies and changes to Board rules and practices as indicated in the Proposed Implementation Plan;*
- (4) establish a Board Implementation Working Group (BIWG) of at least 4 Board members to take necessary action or to propose action to be taken by the Board with respect to Recommendations 1, 4, 5, 6, 20, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34 and 35;*

- (5) direct the BIWG to provide status reports to the Board on its work on the Recommendations referred to it no later than October 2012;
- (6) refer to the BIWG for consideration in conjunction with Mr. Morden's report the Toronto Police Service's After-Action Report and the Ontario Independent Police Review Director's report titled, *Policing the Right to Protest*; and,
- (7) direct the BIWG to report back to the Board on the status of its consideration of these other G20 related reports by October 2012 or as soon thereafter as possible.

Discussion:

At this time, each of Mr. Morden's recommendations has been reviewed, and the necessary background work required has been detailed. This includes assigning of work to individuals or groups, identifying where consultation may be required, identifying issues or questions with respect to implementation and drafting or amending Board policies.

The review also includes cross-referencing with recommendations contained in both the Toronto Police Service's After-Action Report and the Ontario Independent Police Review Director's report entitled, *Policing the Right to Protest*. A comprehensive workplan, including the various required tasks to be completed, has been developed.

At present, a number of recommendations have been implemented. In many cases, recommendations require further consultation with the Chief, or other individuals or organizations, such as the Ministry of Community Safety and Correctional Services (MCSCS), the Ontario Association of Police Services Boards (OAPSB) and legal counsel.

The status of the implementation of the recommendations is as follows:

Recommendations that have been implemented:

- **Recommendation No. 16** – The Board should develop a mechanism that requires canvassing all members in advance of these briefings to identify questions or requests for information that can be conveyed by the Chair during the briefings.
- **Recommendation No. 36** - The Board should require that the Chief of Police's next quarterly report address the number of Level 3 searches conducted at the PPC and lack of proper documentation for many of these searches.

Recommendations that require further consultation/discussion:

- **Recommendation No. 4** - The Board and the Toronto Police Service should ensure that an open exchange of information on all matters of operations and policy is established and maintained.
- **Recommendation No. 5** - The Board should, in consultation with the Toronto Police Service, draft a policy that defines what will constitute a "critical point" in municipal policing.

- **Recommendations No. 6**, and associated **Recommendations No. 7, 8, 9, 10, 11, 13, 14, 21, 22, 25, 26, 32** - The Board should determine appropriate objectives, priorities, and policies for major events, operations, and organizationally-significant issues in which the Toronto Police Service will be involved.
- **Recommendation No. 17**. - The Board should develop a policy that sets guidelines for the exchange of information between Board members.
- **Recommendation No. 23**. - The Board should amend its existing information sharing protocol with City Council to include a mutual information sharing mechanism.
- **Recommendation No. 24** - The Board should, with the assistance of the Ontario Association of Police Services Boards analyze the issues and concerns raised with respect to sharing confidential or classified information.
- **Recommendation No. 28** - The Board should express its policy on the wearing of name badges and/or police badge numbers in its standard policy format and include it in its catalogue of policies.
- **Recommendations No 31** - The Board should create a policy governing circumstances where the Toronto Police Service is required to design and plan for a unique operational requirement, such as the PPC.
- **Recommendation No. 33** - The Board should make a policy that directs the Chief of Police to create an operational plan for a temporary mass prisoner processing centre, if such a facility is required at major events are held in Toronto
- **Recommendation No. 37** - The Board should amend Board Policy LE-016 – Prisoner Care and Control to provide that where young people may be detained in the same facility as adults specific measures are taken to guarantee compliance with the *Youth Criminal Justice Act*, S.C. 2002, c. 1. (*note: draft revised policy on October 15, 2012 Board meeting agenda for approval*)
- **Recommendation No. 38** - The Board should amend Board Policy LE-016 – Prisoner Care and Control to provide that where male, female, transsexual, and transgendered persons are to be detained in the same facility specific measures are taken to separate completely male, female, transsexual, and transgendered prisoners. (*note: draft revised policy on October 15, 2012 Board meeting agenda for approval*)

Recommendations awaiting/require legal advice

- **Recommendation No. 3** - The Board should have its own counsel whose legal services are not available to either the Toronto Police Service or the City of Toronto.
- **Recommendation No. 2** - All Toronto Police Service procedures and processes should be filed with the Board.
- **Recommendation No. 7** - Board to negotiate framework for funding conditions Board to issue direct to the Chief requiring that the Chief inform the Board of the requirement for a framework funding agreement.
- **Recommendation No. 15** - Properly recording discussion and information provided during Board meetings is critical.
- **Recommendation No. 18** - Where time is of the essence for procurement, the Board must maintain a monitoring role.

- **Recommendation No. 19** - The Board should be involved in the negotiation of contribution agreements pertaining to the Toronto Police Service's involvement in a policing event.

The remaining recommendations are currently under review and next steps will be determined shortly.

The implementation of the recommendations from Mr. Morden's report is extremely important as we work to ensure that his recommendations are incorporated into our policies, processes and governance tools in a fulsome and effective manner. Such work often requires extensive research and consultation and we have taken the steps necessary to initiate these processes. The Board is working diligently to ensure implementation takes place as soon as possible.

Conclusion:

Therefore, it is recommended that the Board receive the status update as to the work completed, to date, with respect to the implementation of Mr. Morden's recommendations.

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 OCTOBER 15, 2012**

**#P243. STATUS UPDATE: REVIEW OF THE SPECIAL CONSTABLE
AGREEMENTS BETWEEN THE BOARD, THE UNIVERSITY OF
TORONTO AND THE TORONTO COMMUNITY HOUSING
CORPORATION**

The Board was in receipt of the following report October 01, 2012 from William Blair, Chief of Police:

Subject: STATUS UPDATE: REVIEW OF THE SPECIAL CONSTABLE
AGREEMENTS BETWEEN THE BOARD, THE UNIVERSITY OF TORONTO
AND THE TORONTO COMMUNITY HOUSING CORPORATION

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 August 17, 2011, the Toronto Police Services Board (Board) received a presentation on the role and responsibilities performed by special constables at the University of Toronto (U of T) and the Toronto Community Housing Corporation (TCHC) (Min. No. P205/11 refers).

Following consideration of this presentation, the Board passed the following motion:

“That the Chief of Police conduct a review of the Memorandums of Agreement between the Board, the University of Toronto and the Toronto Community Housing Corporation with regard to their special constables programs and that the review specifically look at the training mechanisms to determine whether or not there is standardization in training and indicate if a special constable appointment is required compared to employing a security officer instead”.

At its meeting of February 16, 2012, the Board received a report from the Chief of Police providing a progress report on the review of the special constable agreements between the Board, the U of T and the TCHC, as well as an overview of the differences between a special constable and a security officer (Min. No. P21/12 refers).

The purpose of this report is to provide the Board with a status update on the progress of the working group’s review of the current Agreements, to date.

Discussion:

Agreements

To properly address the Board's request concerning a review of the Agreements between the Board, the U of T and the TCHC, the Service established a working group on October 4, 2011.

Members of the Special Constable Liaison Office chair the working group, which consists of Service members representing Operational Services, Legal Services, the Toronto Police College, Divisional Policing Command, Employment Unit, Corporate Planning, Labour Relations, Professional Standards and representatives from U of T and the TCHC. All members of the working group worked together in cooperation and consultation in order to ensure a full, comprehensive approach to this review.

The working group is continuing to conduct a comprehensive review of the current Agreements between the Board, the U of T and the TCHC which includes an analysis of all special constable training mechanisms to determine if there is standardization between the two agencies. In addition, the draft Agreement will also focus on risk management issues, complaint reporting, training and agency accountability.

The Special Constable Liaison Office is presently reviewing recommendations put forward by members of the working group. The application of these recommendations will be included in the framework of a new draft Agreement, including procedure revisions and the standardization of reporting formats.

The substantive recommendations that follow are those currently being considered by the members of the working group.

Operational Services

- Implementation of a standardized template for the agency's morning reports and complaint reporting.
- Changes to Service Procedure 14-35 (Special Constables) to conform and reflect the changes to the Agreement.

Legal Services

- Standardized language in all agreements.
- Clarification on the role of the Agency and the restrictions that special constables must adhere to while carrying out their duties.
- Clear delineation between the role of a police officer versus the role of a special constable.
- Greater accountability on the part of the Agency.

Professional Standards Unit

- All misconduct complaints be directed to PRS for classification and investigation. Complaints which are considered as serious would be retained and investigated by PRS, whereas complaints deemed to be less-serious would be returned to the Agency for investigation by their designated Complaint Coordinator.
- Agency Complaint Coordinators must receive training directly from PRS on how to manage and investigate misconduct complaints.

Employment Unit

- Agencies must follow the same guidelines as the TPS's Benefits and Employment Unit in the administration of the application process relating to the Preliminary Background Questionnaire (PBQ). These guidelines would be applicable to all special constable applicants as well as Canadian Police Information Centre (CPIC) applicants, and would serve to enhance the integrity of applicant submissions.
- Agency's Applicant Administrator must be required to receive training from TPS Employment Unit.

Training and Education

- Lesson plans and accompanying Course Training Standards (CTS) be submitted to TPC for content verification, evaluation and review to ensure that courses adhere to course description, anticipated learning outcomes and evaluation standards.
- Representatives from the TPC will monitor the on-line "blackboard" training system and attend some in-class academic courses and use of force training sessions in person to offer feedback on training.
- The TPS, TCHC and U of T will seek out opportunities to keep each other updated on changes in training, TPS procedures, case law or any other material changes that may have an effect on TCHC and U of T special constables in the performance of their duties and responsibilities.
- The TPS will monitor all training and CTS materials delivered by private agencies to ensure that it conforms to Special Constables Practitioner's Handbook guidelines.

Conclusion:

All recommendations presented by members of the working group are being considered prior to being incorporated into a new draft Agreement.

The Board will be provided with a final report upon the conclusion of the review.

Acting Deputy Chief Jane Wilcox, Specialized Operations Command, will be in attendance to answer any questions the Board may have concerning this report.

The Board received the foregoing report.

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**#P244. SUMMARY OF HISTORICAL ACTIVITY RELATING TO
GRIEVANCES AND EMPLOYMENT-RELATED COMPLAINTS TO THE
HUMAN RIGHTS TRIBUNAL OF ONTARIO: JANUARY 01, 2007 TO
JUNE 30, 2012**

The Board was in receipt of the following report September 18, 2012 from William Blair, Chief of Police:

Subject: SUMMARY OF HISTORICAL ACTIVITY RELATING TO GRIEVANCES
AND EMPLOYMENT-RELATED COMPLAINTS TO THE HUMAN RIGHTS
TRIBUNAL OF ONTARIO – JANUARY 1, 2007 TO JUNE 30, 2012

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 September 13, 2012, the Board requested that the Chief of Police submit a report pertaining to trends, process and methods with respect to internal human rights complaints (Min. No. C276/12 refers). The purpose of this report is to provide the Board with a summary of historical activity relating to grievances and employment-related complaints to the Human Rights Tribunal of Ontario (HRTO) for the period of January 1, 2007 to June 30, 2012.

Discussion:

During the period January 1, 2007 to June 30, 2012, the Labour Relations Unit received one hundred and eighty-six (186) complaints, one hundred and forty-seven (147) of which were grievances and thirty-nine (39) of which were human rights complaints.

The Labour Relations Unit resolved one hundred and sixty-seven (167) complaints during this period. Twenty-one (21) of those resolutions related to cases that had been filed prior to 2007. In total, 90% of all active case files were resolved over the five and one-half (5 ½) year period. Thirty-nine (39) case files remain ongoing.

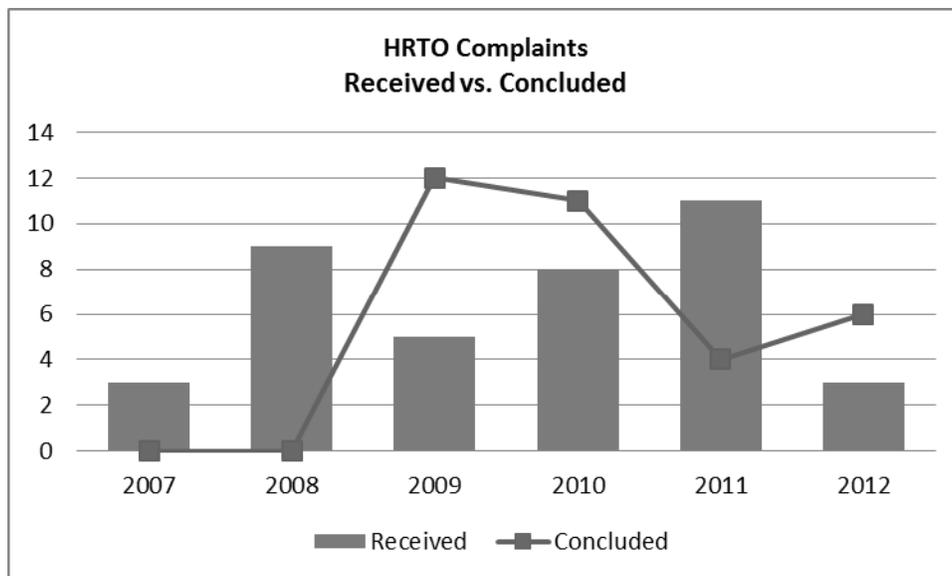
Of the one hundred and sixty-seven (167) resolved case files, thirty-three (33) were matters before the HRTO, and one hundred and thirty-four (134) were grievances. Of the thirty-three (33) HRTO cases, eighteen (18) were resolved by Minutes of Settlement (MoS), one (1) was

withdrawn and one (1) was abandoned. The remaining thirteen (13) HRTO complaints were resolved by a decision issued by the HRTO, eleven (11) of which were in favour of the Board and two (2) which were in favour of the member.

HRTO – Concluded
January 1, 2007 – June 30, 2012

Year	Received	Resolved	Withdrawn	Abandoned	Award	TOTAL
2007	3	0	0	0	0	0
2008	9	0	0	0	0	0
2009	5	7	1	1	3	12
2010	8	5	0	0	6	11
2011	11	3	0	0	1	4
2012	3	3	0	0	3	6
TOTAL	39	18	1	1	13	33

The graph below provides a comparison between the number of HRTO complaints that were received and the number that were concluded from January 1, 2007 through June 30, 2012.

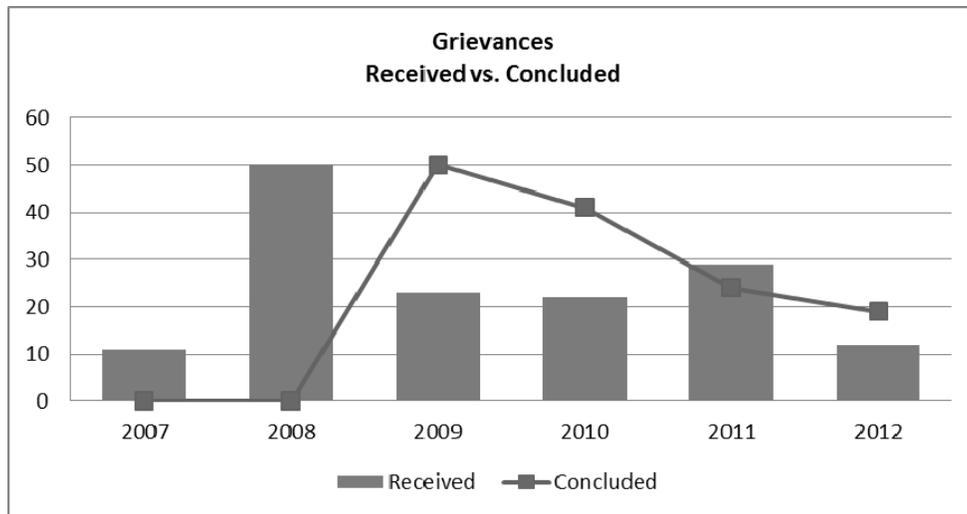


Of the one hundred and thirty-four (134) grievances that were concluded, sixty-three (63) were resolved by MoS, a Last Chance Agreement, or at the Step 2 meeting or conciliation hearing. Forty-eight (48) grievances were withdrawn by the Toronto Police Association and ten (10) were deemed abandoned. Thirteen (13) grievances were resolved by the issuance of an arbitration award, ten (10) of which were in favour of the Board, and three (3) of which were in favour of the member.

**Grievances – Concluded
January 1, 2007 – June 30, 2012**

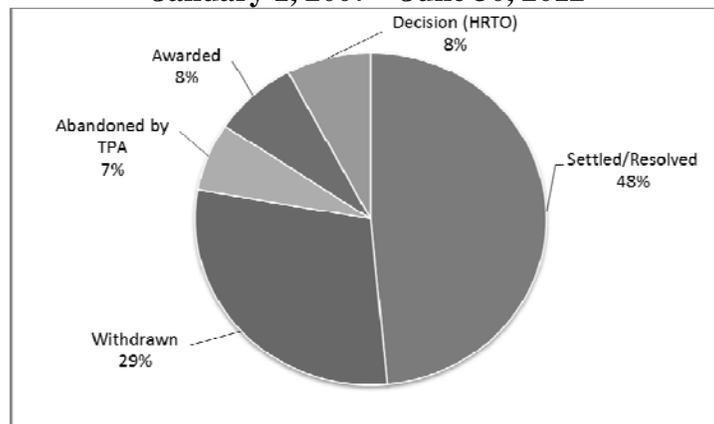
Year	Received	Resolved	Withdrawn	Abandoned	Award	TOTAL
2007	11	0	0	0	0	0
2008	50	0	0	0	0	0
2009	23	32	12	2	4	50
2010	22	12	21	4	4	41
2011	29	10	8	4	2	24
2012	12	9	7	0	3	19
TOTAL	147	63	48	10	13	134

The graph below provides a comparison between the number of grievances that were received and the number that were concluded from January 1, 2007 through June 30, 2012.



The graph below provides a breakdown of the methods of resolution of the grievance and HRTO cases which were concluded during the period January 1, 2007 to June 30, 2012.

**Resolved Grievance & HRTO Case Files
January 1, 2007 – June 30, 2012**



Conclusion:

This report provides the Board with a summary of historical activity relating to the grievance and employment-related complaints to the Human Rights Tribunal of Ontario during the period January 1, 2007 to June 30, 2012.

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

The Board received the foregoing report.

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**#P245. REPORT FROM THE CITY OF TORONTO COMMUNITY
DEVELOPMENT AND RECREATION COMMITTEE: PRESENTATION
– CANADIAN HOMELESSNESS RESEARCH NETWORK**

The Board was in receipt of the following report October 03, 2012 from Alok Mukherjee, Chair:

Subject: REPORT FROM CITY OF TORONTO COMMUNITY DEVELOPMENT AND
RECREATION COMMITTEE: PRESENTATION – CANADIAN
HOMELESSNESS RESEARCH NETWORK

Recommendation:

It is recommended that the Board receive the report from the City of Toronto Community Development and Recreation Committee and the appended Canadian Homelessness Research Network presentation for information.

Financial Implications:

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

Background/Purpose:

On September 19, 2012, the Canadian Homelessness Research Network made a presentation to the City of Toronto Community Development and Recreation Committee. The material presented included information on a number of topics including homelessness initiatives across Canada, resources on solutions to ending homelessness and Safe Streets Act ticketing in Toronto.

The City of Toronto Community Development and Recreation Committee has forwarded a copy of the presentation to the Board for information and any appropriate action. A copy of the presentation is appended to this report.

Conclusion:

Therefore, it recommended that the Board receive the report from the City of Toronto Community Development and Recreation Committee and the appended Canadian Homelessness Research Network presentation for information.

The Board received the foregoing report.



City Clerk's Office

Ulli S. Watkiss
City Clerk

Secretariat
Kelly McCarthy
Community Development and Recreation
Committee
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100 Queen Street West
Toronto, Ontario M5H 2N2

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September 19, 2012

To: Toronto Police Services Board
From: Community Development and Recreation Committee
Subject: Solutions to Homelessness: Current Research and Best Practices

On September 19, 2012, the Community Development and Recreation Committee, amongst other things, adopted the following:

2. Requested that the presentation by the Canadian Homelessness Research Network be sent to the Police Services Board for its information and appropriate action.

Background:

On September 19, 2012 the Community Development and Recreation Committee heard a panel presentation on Solutions to Homelessness: Current Research and Best Practices.

The following made a presentation to the Community Development and Recreation Committee:

- Cameron Keller, Vice-President, Mental Health and Homelessness, Mental Health Commission of Canada
- Paula Goering, National Research Lead, At Home/Chez Soi, Centre for Addiction and Mental Health
- Stephen Gaetz, Professor, York University and Director, Canadian Homelessness Research Network
- Greg Rogers, Executive Director, John Howard Society of Toronto
- Mark Aston, Executive Director, Fred Victor Centre.

Background Information

(September 19, 2012) Presentation from Stephen Gaetz, York University on Canadian Homelessness Research Network

(<http://www.toronto.ca/legdocs/mmis/2012/cd/bgrrd/backgroundfile-50236.pdf>)

City Clerk


K. McCarthy/lg

Item CD15.1
Attachment





Canadian Homelessness Research Network

City of Toronto
Community Development and Recreation Committee
September 19, 2012

Stephen Gaetz
Director, CHRN
Faculty of Education, York University



Canadian Homelessness Research Network

Goals:

1. Collaboration and Networking
2. Knowledge Mobilization
3. Public Engagement





the
homeless
hub

www.homelesshub.ca



the
homeless hub

Content Creation



Tips
Guides
Blogs
Lifestyle
Letters
Articles
Resources



the
homeless hub

Research Summaries

Education Reform for Homeless Students

What do Homeless Families Want?

Intimate Relationships

Health of the Homeless and Chronic Disease

How do you know if you're homeless?

homeless hub

Community Profiles

- Highlights the 61 designated communities across Canada

homeless

Winnipeg, Manitoba

homeless hub

E-Newsletter

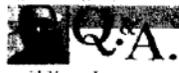


Jail is not a solution for our homelessness problem

By: Debra G. Gault

What we see about the Canadian response to homelessness, especially when it comes to emergency shelter, street food programs, drop ins and other supports. One of the things we don't talk about enough is the relationship between homelessness and criminal justice. That is, one of the central features of our response is the use of policing, courts and jails as a way of dealing with homelessness. A recently released report by the John Howard Society presents a powerful indictment of the use of court language of this situation in their study.

..... the JCH research team interviewed 500 sentenced prisoners, and they uncovered some disturbing findings. For instance, they find that many Canadians would be unlikely to see in every five prisoners only prior to winding up in jail



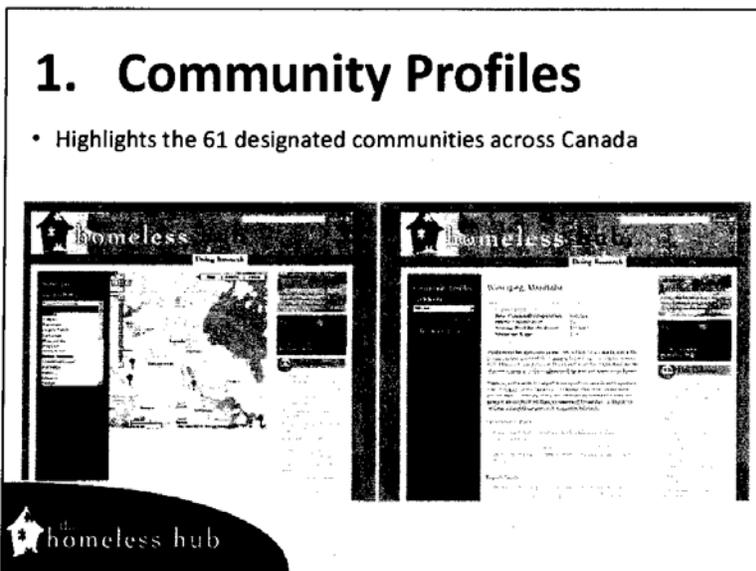
Q&A.
with Harvey Low

Curriculum Units for schools!



- 6+ units
- 10+ background documents
- For Students section
- Videos, music, photography, etc.





2. Promising Practices

- Used to highlight initiatives across Canada
- Features a video or written testimony from participants
- Links to related resources (annual reports, budgets, HR docs, research, etc.)



3. Solutions

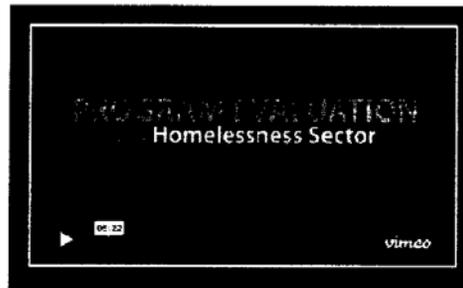


A collection of resources on solutions to ending homelessness



4. Course in Program Evaluation

First Course
Fall, 2012



5. Incorporate Homeless Hub search engine into your agency website!



Search engine window appears as part of your page!

The screenshot shows the homepage of 'RAISING CHEZ THE ROOF | TOIT' with a search engine window overlaid on the left. The website header includes 'ABOUT US', 'OUR PROGRAMS', 'GET INFORMED', and 'GET INVOLVED'. The main content area features sections for 'GET INFORMED', 'SPOTLIGHT ON RESOURCES', and 'SEARCH THE HOMELESS HUB LIBRARY'. The search engine window on the left contains the text 'Search engine window appears as part of your page!' and the 'the homeless hub' logo.

Results appear on your page

The screenshot shows the same website with search results overlaid on the left side. The search results include a 'BIENNIAL REPORT' download button, a 'SIGN UP' button, and several search results with titles like 'The Homeless Hub - Resource Can I See Your ID?', 'Can I See Your ID?', 'Youth', 'The rich get richer and the homeless get poorer', and 'Research Matters: Finding Solutions to Homelessness | Homeless...'. The search engine window on the left contains the text 'Results appear on your page' and the 'the homeless hub' logo.

KEY Initiative



Canadian Definition of Homelessness

Canadian Homelessness Research Network



Report Series



Family Matters

Homeless Youth
& The Homeless Community's Role in Program



Can I See your ID?

Can I See Your ID?
***The Policing of Youth Homelessness
in Toronto***



Dr. Bill O'Grady
Dr. Stephen Gaetz
Dr. Kristy Buccieri

RESEARCH **What we did:**

- Research conducted at 14 street youth serving agencies in Toronto
- Surveys and interviews with 244 street youth
 - questions about criminal victimization
 - questions about policing
- Obtained information on Safe Streets Act ticketing through several Freedom of Information Requests



Part I
Safe Streets Act
Ticketing in Toronto



Since SSA implemented, incidences of panhandling and squeegeeing have declined dramatically.

Our Research (youth):

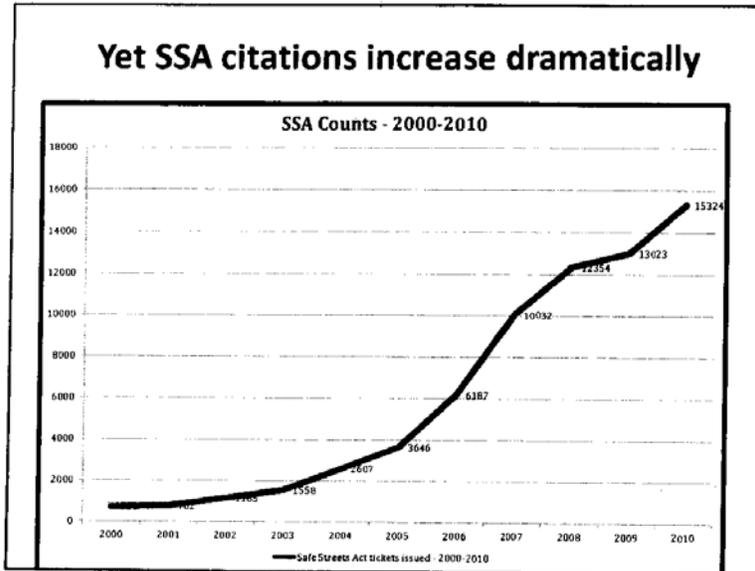
1999 – 29% of street youth report panhandling and squeegeeing as main source of income

2009 – 3% report panhandling and squeegeeing as main source of income

City of Toronto research (youth and adults):

2005 – 17.4% use panhandling as a source of income

2009 – 9.7% use panhandling as a source of income



Even though levels of Panhandling and Squeegeeing dropped soon after the OSSA came into effect, levels of ticketing have continued to increase yearly.

COST of the Safe Streets Act



COST of the Safe Streets Act

Toronto: 2000-2010

Number of tickets issued: 67,388

Minimum value: \$4,043,280

Cost of issuing: \$936,019



Part II

Street Youth Encounters with Police



Key Findings:

Street youth receive a great deal of attention from police.

- 78% report some kind of encounter
- Majority of these encounters negative
- 60% report a stop and search in past year

Police issue a large number of tickets to homeless youth.

- 33% report receiving at least one ticket
- 16.5% received more than one
- Most tickets for drinking in public or loitering





So, who's getting the attention?



- *Criminally involved street youth DO receive more attention from the police*
- BUT...**
- *Young males receive more attention from police, whether criminally involved or not*
 - *Aboriginal and non-white youth receive additional attention from police (stop and searches, ticketing)*
- 

Social Profiling

Housing Status as an Extra-Legal Factor

The *social profiling of homeless persons* refers to a range of actions undertaken for safety, security or public protection, or in response to public fear, that relies on stereotypes about the danger and criminality of people who are homeless and their uses of public space (for money making, sleeping or resting), rather than on a reasonable suspicion, to be singled out for greater scrutiny or differential treatment.



Outcomes of encounters with police

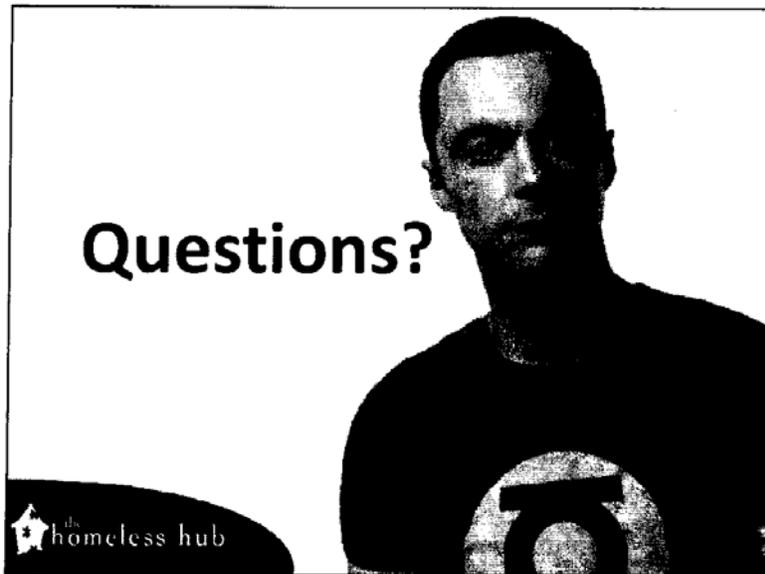
- **Lots of Tickets**
- **Debt**
- **Greater likelihood of incarceration**
- **Alienation from police**
- **Trauma**



Download reports at:
www.homelesshub.ca



Questions?



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

**#P246. REQUEST FOR A REVIEW OF A COMPLAINT INVESTIGATION
PERTAINING TO THE SERVICE PROVIDED BY THE TORONTO
POLICE SERVICE – FILE NO. 047470**

The Board was in receipt of the following report September 10, 2012 from William Blair, Chief of Police:

Subject: REQUEST FOR A REVIEW OF A COMPLAINT INVESTIGATION
PERTAINING TO THE SERVICE PROVIDED BY THE TORONTO POLICE
SERVICE – FILE NO: 047470

Recommendations:

It is recommended that:

- (1) the Board receive the complaint summarized in this report;
- (2) the Board determine whether to concur with the decision that no further action be taken with respect to the complaint; and
- (3) the complainant, the Independent Police Review Director and I be advised, in writing, of the disposition of the complaint, with reasons.

Financial Implications:

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

Background/Purpose:

The Toronto Police Services Board has received a request to review the disposition of a complaint about the service provided by the Toronto Police Service (TPS).

Legislative Requirements:

Section 63 of the *Police Service Act* (PSA) directs the Chief of Police to review every complaint about the policies of or services provided by a municipal police force that is referred to him or her by the Independent Police Review Director.

The Chief of Police shall, within 60 days of the referral of the complaint to him or her, notify the complainant in writing of his or her disposition of the complaint, with reasons, and of the complainant's right to request that the Board review the complaint if the complainant is not satisfied with the disposition. A complainant may, within 30 days after receiving the notice, request that the Board review the complaint by serving a written request to that effect on the Board.

Review by Board:

Upon receiving a written request for a review of a complaint previously dealt with by the chief of police, the Board shall:

- (a) advise the chief of police of the request;
- (b) subject to subsection (7), review the complaint and take any action, or no action, in response to the complaint, as it considers appropriate; and
- (c) notify the complainant, the Chief of Police, and the Independent Police Review Director in writing of its disposition of the complaint, with reasons

Nature of Complaint and Discussion:

As indicated in the Report of Investigation for this matter, the complaint contains three allegations. To assist the Board with their review the allegations are:

- That on March 20, 2011, the TPS did not respond appropriately to a 9-1-1 call from his son when they did not attend the residence in regards to an allegation that the son was hit by his mother
- That the complainant's private complaint against his wife was withdrawn by the Crown because the TPS did not:
 - provide a full report of the incident
 - listen to both versions of the incident, in particular, did not listen to his son's side
 - notify the complainant that his private complaint had been withdrawn
- That the assigned investigator called and spoke with his estranged wife and not his son about what had happened on March 20, 2011

The complainant in this matter is separated from his wife. They have a 16 year-old son who lives with the complainant's estranged wife. The complainant and his wife had been living apart since the complainant was arrested by the Toronto Police Service on January 23, 2011, and charged with Assault and Threaten Bodily Harm against her.

On March 16, 2011, the complainant's domestic charges were resolved in court where the charges were withdrawn and the complainant entered into a Surety to Keep the Peace.

On March 20, 2011, the son called 9-1-1 regarding his mother and at 2:59 p.m. TPS Communications Services created an Event for a Dispute. The details recorded in the Event were that the son wanted to live with his father but his mother wouldn't let him. The son also told the Call Taker that his mother was not home at the moment and that she had hit him a couple of times. The Call Taker asked if he wanted to charge his mother with assault and the son replied that he did not. This information about the mother hitting the son was not recorded in the event details. It was later identified by the 23 Division Complaint Investigator as a side issue to the service complaint and forwarded to Communications where it is currently being investigated.

At 3:31 p.m. a uniform officer was assigned to the Event and contacted the son by telephone. The son advised again that he wanted to move out and live with his father. The son further advised that his belongings were packed and a friend was on the way over to help him make the move. The son was advised to call Police when his friend or his parents arrived but the son informed the officer that he will attempt to make the move without any further police assistance but would call if necessary. The son did not tell this officer that his mother had hit him. The Event was closed at 3:44 p.m.

On April 1, 2011, the complainant and his son left Canada and remained out of the country until August 24, 2011. On September 12, 2011, the complainant attended the Ontario Court of Justice and swore to a private information against his wife for an Assault on his son that had occurred on March 20, 2011. Part of this process included the complainant receiving a set of instructions from the court informing him that he had the sole responsibility of providing all witness statements and evidence that could be presented at trial. The complainant did not comply with these instructions as he did not provide a statement from his son.

The case was assigned to the Toronto Police Service to prepare. An Assistant Crown Attorney was also assigned. Upon review of the matter the Crown determined that the complainant had not witnessed the Assault between his estranged wife and son and for that reason alone could have withdrawn the matter but, as it was a domestic matter, she did not withdraw at this time and asked the investigator to obtain the son's statement, which they did.

The Crown reviewed this statement and categorized the assault details as vague and sketchy. She determined that the son was no longer in the situation in which he claimed he was assaulted, and therefore not in any danger. As a result, the Crown reached the conclusion that it was not in the public interest to continue the prosecution and on January 30, 2012, withdrew the charge.

On March 31, 2012, the complainant filed a complaint about this matter with the Office of the Independent Police Review Director (OIPRD). The OIPRD classified the matter as a service complaint and on April 20, 2012, it was assigned back to the TPS for investigation.

The complaint was assigned file number PRS-047470 and on April 30, 2012, was assigned for investigation. The complaint was concluded as unsubstantiated and on July 13, 2012, the complainant and the OIPRD were sent correspondence from the TPS advising of this outcome. The complainant was also sent a copy of the Report of Investigation into this matter.

On July 24, 2012, the complainant submitted a 'Request for Review of a Public Complaint Against the Police' to the OIPRD. On August 16, 2012, the OIPRD informed the complainant that a review of this matter should be made to the Toronto Police Services Board (TPSB). The TPSB was copied on this correspondence.

The Chief's Decision

As indicated in the Report of Investigation there are three allegations included in this service complaint;

- That on March 20, 2011, the TPS did not respond appropriately to a 9-1-1 call from his son when they did not attend the residence in regards to an allegation that the son was hit by his mother
- That the complainant's private complaint against his wife was withdrawn by the Crown because the TPS did not:
 - provide a full report of the incident
 - listen to both versions of the incident, in particular, did not listen to his son's side
 - notify the complainant that his private complaint had been withdrawn
- That the investigator called and spoke with his estranged wife and not his son about what had happened on March 20, 2011

The service complaint was investigated and the investigator focused on the service provided by the TPS in response to this matter. The investigation was in compliance with the direction of the OIPRD and pursuant to the *Police Services Act* (PSA). The conduct of individual Service member's did not form part of the scope of that investigation.

Based upon the information that the officer had available when responding to the original Dispute call on March 20, 2011, the Service's response was appropriate. Upon the officer speaking to the complainant's son no additional information was received which would have required a different response from the Service.

On September 14, 2011, the complainant attended the Ontario Court of Justice and swore to a private information alleging an assault on his son by his estranged wife. That process included receiving an instruction sheet which informed the complainant that it was his sole responsibility to obtain all required statements and evidence. The complainant, however, did not provide the court with a statement from his son, the victim.

The assigned Crown advised that she would have been justified in withdrawing the charge at this point but did not as it was domestic in nature and contacted the investigator and requested that they obtain the son's statement for the courts. The investigator left a voice message with both parents asking for a statement from the son. Both parents returned the call and it was the father that provided the son's statement which the officer forwarded to the Crown. Upon review of the case it was the Crown that then withdrew the charge.

I am satisfied with the investigator's findings and the review by Professional Standards. I concur that the policing services provided for this matter were appropriate under the circumstances.

Conclusion

This complaint was classified by the OIPRD as a service complaint involving the TPS. As such, the scope of the investigation was limited to examination of the service provided to the complainant by the Toronto Police Service. Given the information available, the service provided to the complainant was appropriate.

Pursuant to the notice provided, the complainant requested that the Board review my decision. It is the Board's responsibility to review this investigation to determine if they are satisfied that my decision to take no further action was reasonable.

In reviewing a police or service complaint, the Board may:

- Review the complaint and take action, or no action, in response to the complaint, as it considers appropriate; or
- Appoint a committee of not fewer than three Board members, two of whom constitute a quorum for the purpose of this section, to review the complaint and make recommendations to the Board after the review and the Board shall consider the recommendations and shall take any action, or no action, in response to the complaint as the Board considers appropriate; or
- Hold a public meeting with respect to the complaint.

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

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

The Board approved the following Motions:

- 1. THAT the Board receive the foregoing report;**
- 2. THAT the Board concur with the Chief's decision that no further action be taken with respect to the complaint given that the Board is satisfied that the officers responded appropriately to the call based upon the information that was made available to them and, once the private complaint was laid, the officers followed the direction of the Crown who had the authority to prosecute the matter and who subsequently made the decision to withdraw the charge; and**
- 3. THAT the Board advise the complainant, the Independent Police Review Director and the Chief, in writing, of the Board's decision.**

A copy of the Report of Investigation with regard to this matter was considered during the Board's *in camera* meeting (Min. No. C308/12 refers).

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

**#P247. TORONTO POLICE SERVICES BOARD SUB-COMMITTEE'S REVIEW
OF THE DISPOSITION OF A POLICY COMPLAINT**

The Board was in receipt of the following report October 02, 2012 from Chin Lee, Marie Moliner and Andy Pringle, Members, Toronto Police Services Board:

Subject: TORONTO POLICE SERVICES BOARD SUB-COMMITTEE'S REVIEW OF
THE DISPOSITION OF A POLICY COMPLAINT

Recommendation:

It is recommended that

1. The Board concur with the Chief's decision that no further action be taken with respect to the complaint; and,
2. The Board notify the complainant, the chief of police and the OIPRD in writing of the results of its review, with the reasons set out in the conclusion to this report.

Financial Implications:

There are no financial implications arising from the consideration of this report.

Background/Purpose:

A summary of the complaint was contained in the Chief's report dated May 29, 2012 and considered by the Board on July 19, 2012, as follows:

The complainant alleges that on January 9, 2001, he was briefly questioned by police officers and was later advised that the investigation would be concluded as the allegations could not be substantiated. During this investigation the complainant was identified as a "person of interest" in relation to an occurrence of sexual exploitation. The complainant was investigated but never charged with any offence in relation to the investigation.

In the early part of 2009, the complainant submitted an application for employment with the Toronto District School Board (TDSB). As part of the pre-requisite conditions of employment, TDSB requested a Police Vulnerable Sector Check (PVSC). In response to the TDSB request, the complainant requested a search of the TPS records and received a response from the TPS in August 2009

to the PVSC enquiry. The response indicated that he was designated as a “person of interest” in relation to an occurrence of sexual exploitation alleged to have occurred in November 2000.

Since there was a pre-existing TDSB condition of employment to have a clear police record, the complainant corresponded with the TPS on several occasions with the intention of having this designation or record of person of interest suppressed or purged. In response to his previous requests to the TPS, the complainant received responses that the TPS was unable to suppress or purge the occurrence or change his designation as a person of interest.

The complainant then retained legal counsel who met with representatives of the TPS in June of 2010 to once again address the issue and to have the occurrence designating him as a person of interest suppressed or purged. This request failed.

As a result, the complainant’s legal counsel sent correspondence to the Chief of Police on May 9, 2011, with the same request. The complainant received a response from the Chief of Police on October 26, 2011, indicating that the position of TPS remained unchanged.

On December 21, 2011, the complainant lodged a formal complaint to the OIPRD.

On January 11, 2012, the complaint was forwarded by the OIPRD to the TPS Professional Standards (PRS) for investigation. The complaint was classified by the OIPRD as a policy complaint involving the TPS.

The complaint was investigated and subsequently found to be unsubstantiated in an Investigative Report dated February 29, 2012. The OIPRD was notified on March 19, 2012.

On April 3, 2012, the complainant sent correspondence to the Board requesting a review of his complaint.

The complaint was to be reviewed at the Board’s meeting scheduled for June 14, 2012; however, at the request of counsel for the complainant, the review was deferred to the July 19, 2012 Board meeting.

At its meeting on July 19, 2012, the Board established a Sub-Committee to conduct the review of the Chief’s disposition of the policy complaint. The Sub-Committee indicated that it would provide the results of its review to the Board, at its September meeting (Min. P172/12 refers).

Discussion:

In conducting its review, the Sub-Committee convened a meeting on August 20, 2012. Counsel for the complainant was invited to make a presentation to the Sub-Committee. The Sub-Committee received a verbal and a written presentation from the complainant's counsel and had an opportunity to ask questions.

In summary, counsel for the complainant argued that the complainant's status as a person of interest ought to be suppressed by the Toronto Police Service (the Service), and that in not doing so, the Chief is exercising discretion in a manner that is unreasonable, that ignores the duty of fairness and ignores the complainant's *Charter* rights.

At this time, the Sub-Committee determined that in order to consider the matter and arrive at a recommendation, it required additional background information from the Service in order to review the application of the policy to the complainant's circumstances.

First, the Sub-Committee assured itself that the "person of interest" designation arose solely from the January 9, 2001 incident.

Second, the Sub-Committee asked whether the Service had considered any alternatives to the release of the information. The Sub-Committee was advised that, to assist the complainant, the Service offered to speak to his potential employer to explain the circumstances and context of the information on file. The Sub-Committee was advised that this offer is regularly extended to applicants under similar circumstances, and it has been the experience of the Service that after such conversations, some employers have hired applicants, notwithstanding the results of the check.

Finally, the Sub-Committee sought information with respect to the process that the Service follows when it is asked to review or suppress information on a PVSC. TPS provided the following with respect to the process which was followed with respect to this complaint:

In the context of a request to suppress a record of non-conviction, the Manager of Records Management Services (RMS) takes the following steps:

- 1) *Gathers all records on the applicant.*
- 2) *Consults with file coordinator.*
- 3) *Consults with investigating officer(s).*
- 4) *Consults with Sex Crimes Unit Threat Assessment Risk Management Section (if offence is of sexual content).*
- 5) *Consults with the applicant.*
- 6) *Consults with the agency – but must have applicant's approval.*
- 7) *Seeks advice from Legal Services, where appropriate.*

Each of the above consultations considers the risk to public safety if the record is suppressed based on the following factors:

- a) The seriousness of the alleged behaviour.*
- b) The passage of time since the record was created.*
- c) Relationship between the applicant and any victim or complainant (position of trust or authority).*
- d) Age of the victim or complainant.*
- e) The strength of the evidence (aggravating or mitigating), including whether the victim or complainant has made similar complaints against others.*
- f) Other contact the applicant has had with the police.*
- g) The need to balance the privacy rights and the right to employment of the applicant with the need to protect the vulnerable sector.*

Once all the above steps are complete, the Manager of Records Management Services renders the decision. The applicant is advised that the mere fact that the Service has information should not disqualify the applicant from consideration for a position and that it is the responsibility of every agency to comply with the Human Rights Code in deciding whether to hire an applicant or volunteer. If the applicant disputes the decision, the applicant is provided with information to assist in requesting a review or filing a complaint with the Office of the Independent Complaints Director.

Conclusion:

The Sub-Committee has assured itself that the Service conducted a thorough review of the request to suppress the information at issue. The Service made offers to assist the complainant in explaining the information contained in the reference check to the potential employer. The Sub-Committee was satisfied that the “person of interest” status was disclosed to the complainant solely as a consequence of the incident reported to police on January 9, 2001.

In terms of the complainant’s argument that the decision to disclose the “person of interest” status to the complainant was unfair, unreasonable and contrary to the *Charter*; the Sub-Committee is of the view that, having regard to the circumstances particular to this complaint, the interests of protecting vulnerable members of the community have been appropriately balanced against the interest of the complainant who seeks to change his designation as a person of interest.

The Sub-Committee concurs with the Chief’s decision that no further action be taken with respect to the complaint.

The Board approved the foregoing report.

cont...d

The Board also considered the following Motion:

THAT the Chief of Police provide a report to the Board which reviews TPS procedures and processes with respect to reference checks in light of the seven recommendations contained in the recent Canadian Civil Liberties Association (CCLA) report entitled "Presumption of Guilt: Report on Non-Conviction Records in Police Background Checks"; and, that in the preparation of this report, the Chief identify and consult with key community stakeholders such as the CCLA.

The Board requested that copies of the CCLA's report *Presumption of Guilt: Report on Non-Conviction Records in Police Background Checks* be provided electronically to the Board members and indicated that it would consider this matter at its next meeting.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

**#P248. ICR RECOMMENDATION NO. 3 – SERVICES PROVIDED BY THE
CITY OF TORONTO – LEGAL SERVICES DIVISION**

The Board was in receipt of the following report October 04, 2012 from Alok Mukherjee, Chair:

Subject: ICR RECOMMENDATION NO. 3 - SERVICES PROVIDED BY THE CITY
OF TORONTO-LEGAL SERVICES DIVISION

Recommendations:

It is recommended that:

1. the Board continue to retain the services of City of Toronto–Legal Services Division;
and,
2. the Board formalize its relationship with the City of Toronto–Legal Services Division by
entering into a service level agreement; and
3. the Chair be authorized to negotiate a service level agreement with the City Solicitor,
subject to approval by the Board.

Financial Implications:

There are no financial implications to adopting the recommendation in this report. There are financial implications for the cost of legal services if the Board chooses to terminate or restrict the retainer of the City of Toronto–Legal Services Division to provide legal advice and services to the Board.

Background/Purpose:

In Recommendation No. 3 of the "Report of the Independent Civilian Review into Matters Relating to the G20 Summit", Mr. Morden recommended that "[t]he Board should have its own counsel whose legal services are not available to either the Toronto Police Services of (sic) the City of Toronto."

The rationale for this recommendation was set out as follows:

Situations can and do arise where the lawyer can be in a conflict of loyalties to the Board, the police service, and the City of Toronto.

The current legal adviser of the Board informed the Review that, generally, if he could, he will provide the same advice to both the Board and the police service. If he could not provide the same advice, he would not and it would appear to be a matter of first comes first served. He would advise the second comer that he had already advised the other “client.” Generally, his first priority was as counsel to the Board and so, if the police service approached him on the same issue, he would tell it to obtain its advice from some other source. This rarely, if ever, came up.

Matters will arise from time to time where the Board will need legal advice on the nature and scope of its responsibility. The giver of this advice should not be encumbered by the possibility of being in a position of conflict of interest. It is in the public interest that the Board should have its own counsel whose legal services are not available to either the Toronto Police Service or the City of Toronto. There is precedent for this in the Board’s current practice of having independent outside counsel advise and represent it on its labour relations responsibilities

No specific examples of conflict that have arisen were identified by Mr. Morden.

At its public meeting of July 19, 2012, the Board received Mr Morden’s recommendation with respect to legal services and approved the following motion:

THAT the Board direct the Chair to report back to the Board no later than October 2012 on the options and potential financial implications that would arise from approval of Mr Morden’s Recommendation No. 3..” (Board Minute P166/12 refers).

Discussion:

1. Legal Services Provided by City of Toronto- Legal Services Division

The City of Toronto-Legal Services Division, and its predecessor division in the Municipality of Metropolitan Toronto (the Division), has provided general legal services to the Toronto Police Services Board for over 40 years.

The Division provides a full range of legal services to the Board, with the exception of labour negotiations and certain specialized services which the Board has required from time to time related to matters such as negotiation of working agreements with members of the Command and investigation of a Board member’s conduct. The services provided to the Board by the Division include:

- legal advice at Board meetings;
- preparation of all business contracts for the Board since all contracts are negotiated in the name of and on behalf of the Board;

- Despite what was indicated in the Morden Report, the Division also provides advice on employment and labour law matters, including representing the Board at hearings before the Ontario Civilian Police Commission, at which hearing the Chief has his own counsel, and at the Labour Relations Board;
- representation of the Board in court, at the Human Rights Tribunal, inquests and in civil claims made against the Board; and,
- defence services to the City's insurance program since all legal actions against the Police Service name the Board as the defendant or respondent in a myriad of lawsuits.

2. Cost Implications Regarding Legal Services

In 2010, lawyers in the Division docketed 5,993.8 hours to Board matters. In 2011, 57 lawyers from the Division docketed 5,397.7 hours to Board matters. The most expensive senior lawyers at the Division are billed out at the rate of \$210/hour. This rate has not changed in at least five years. The Division submits detailed quarterly statements to the Board. The Board includes funds in its annual operating budget request for an interdepartmental chargeback to cover the cost of the services provided by the Division. In 2012, the Board's operating budget includes \$610,000 for this purpose. Actual expenditures in recent years have been as follows:

2009	\$596,000
2010	545,000
2011	355,000

These costs compare extremely favourably with those charged by law firms. As I have stated above, the Board does utilize a labour relations firm on a regular basis. From time to time, it has used other firms for specialized services. In addition, the Board deals with several firms who represent our police officers under the indemnification provision of the collective agreement with the Toronto Police Association.

Our experience from all of these interactions shows that outside senior counsel rates start at approximately \$450/hour and go up to \$750/hour depending on the expertise and seniority of the counsel. Therefore, retention of outside counsel will have tremendous financial implications for the Board and will, at least, more than double the cost of legal services.

The above docket and cost information does not include all of the hours spent on insurance claims defence for the Board as these costs are charged to the insurance reserve fund. The City Solicitor has advised me that if the Division is no longer acting for the Board, discussion will need to occur with the City's insurer as to whether or not the Division can continue to handle police related civil actions being defended under the insurance. In her view, it would be problematic for Division staff to stop providing legal services to the Board and still be expected to defend civil claims which name the Board as a defendant. Consequently, there may be cost implications for the insurance fund as a result of any Board decision to end the role of the Division in providing general legal services.

The Board should also note that the City's Auditor General recommended increasing the Division's complement to bring more of the claims defence work in-house in order to save costs. The City's stated desire to increase the emphasis on shared services would be affected by a Board decision to end the 40 year relationship between the Division and the Board for the provision of legal services.

In terms of cost implications, it would clearly be prudent as well as consistent with the Board's and the City's priority focus on cost controls to maintain the relationship with the Division.

3. Separate Counsel for Governance Issues

A second question for consideration is: Should the Board retain separate counsel to assist it specifically in relation to governance issues?

In preparing this report, and at the request of some Board members, I considered, and discussed with the City Solicitor, the question of seeking outside counsel exclusively for matters dealing with the Board's governance role and not in respect to many of the other matters for which legal services are provided by the Division, as identified above.

The issue of governance does not often arise as a discrete matter. It is commonly woven into the fabric of the provision of legal advice in connection with other areas. Most governance issues are secondary considerations incidental to, not easily carved out of, and not giving rise to a conflict with, another matter. For example, in preparing an agreement in the Board's name, legal counsel may encounter issues about whether there has been appropriate delegation of authority by the Board in respect to the handling of the agreement, whether the subject matter of the agreement is strictly of an operational nature and whether the Board should have a policy or direction over the subject matter of the agreement. It would be prudent to avoid a situation which requires lawyers in the Division to seek the advice of outside counsel retained by the Board in order to resolve the governance issue. Doing so could effectively mean that the Board would need to retain two legal counsel to ensure that a single matter, with many facets, be addressed in accordance with a Board policy on legal representation. This would limit the efficiency and effectiveness of the provision of legal services. Consequently, it is not simply a matter of obtaining separate counsel for isolated governance issues, although that might be more easily undertaken by the Board on a case-by-case basis, in the rare case when the relevant governance issue is readily identifiable and discrete.

4. The Issue of Conflict

In recent decisions on issues related to conflict of interest when lawyers provide legal services to two or more clients, the Supreme Court of Canada has recognized that a conflict of interest arises when a lawyer puts himself or herself in a position of having irreconcilable duties or interests and cannot represent one client whose interests are directly adverse to the interests of another, unless the consent of both clients is obtained and the lawyer reasonably believes that he or she is able to represent each without adversely affecting the other.

The Law Society of Upper Canada, the body which regulates the professional conduct of lawyers in Ontario, has established Rules of Professional Conduct. In the Rules, the Law Society has adopted these general principles articulated by the courts to establish provisions on conflict of interest and dealing with such conflicts. Relevant excerpts from the Rules are attached as Appendix "A" to this report.

As I understand it from the Rules and the commentary on them, a conflict of interest would arise when an interest would be likely to adversely affect a lawyer's exercise of judgment on behalf of, or loyalty to, a client. A lawyer is prohibited from acting on a matter when there is likely to be a conflicting interest, unless the clients consent. While the existence of conflict and the need for impartial legal advice is one of the considerations a client would have in deciding whether to consent to provision of information in a potential conflict situation, the commentary on the Rules recognizes that, in practice, there are other significant factors that should be taken into account. These include, for instance, the availability of another lawyer of comparable expertise and experience, the extra cost, delay and inconvenience involved in engaging another lawyer, and the latter's unfamiliarity with the client and the client's affairs. In some situations, both client's needs may be better served by joint legal representation.

As I understand the basis for Mr. Morden's recommendation, it stems from concern with respect to potential for conflict if the Board's counsel also represented or gave advice to the City or the Chief of Police.

In respect to such a conflict of interest, the City Solicitor has advised that in the normal course, Division lawyers do not provide advice to the Chief of Police or the Service in their own right. As you know, the Service has its own in-house legal unit, which provides operational advice to Service members and the Chief. Although there were some exceptions to this general rule during the lead-up to the G20 Summit due to time constraints and the demand for urgent legal services, this was unusual and is not the norm.

The City Solicitor further advises that the work that Division lawyers do with members of the Service is actually designed to assist in the effective realization of the Board's management responsibilities. The Service is the entity that provides policing for the municipality under the management and guidance of the Board. While the Board and the Chief each have their respective statutory responsibilities, the provision of policing services in the municipality is essentially a single enterprise. In providing legal assistance to the members of the Service, the Division is helping to ensure that Service members are carrying out their functions in accordance with Board policies and directions and to ensure that their activities are within the parameters established by the Board. For example, in providing advice on an agreement, Division staff will confirm that the agreement is being entered into in accordance with proper Board authorization and is consistent with Board policy, in addition to trying to ensure that the agreement contains terms and condition suitable for the protection of the Board and the Service. In doing so, Division staff members are not in a position of conflict, i.e. in a relationship that would adversely affect their judgement or loyalty to the Board. Rather, staff members are actively trying to ensure that the Board's interests are protected in the conduct of activities that are in furtherance of Board directions as they affect the management of the Service. Thus, in the normal course

conflicts do not arise. On the contrary, the Division is attempting to further the Board interests in dealing with the Service.

The Morden Report also refers to the Board requiring independent legal advice, separate and apart from the City. The City Solicitor is of the view that the Board is receiving totally independent legal advice. The City has never interfered with or sought to influence the legal advice being provided to the Board and the City Solicitor cannot recall a time when advice to the Board was compromised due to the City's preferences or position. The City has always been advised that the Board is a separate legal entity with its own legislative mandate and that it operates at arm's length from the City.

Having said that, it is theoretically possible that a situation could arise where there is a clear potential for conflict. In these situations, lawyers in the Division, in accordance with their professional obligations reflected in the Rules of Conduct, would be required to advise the clients of the perceived conflict and would either offer to withdraw from the matter or request that the parties consent to the ongoing provision of legal services by the Division to both of them. In these hypothetical cases, the parties could elect to continue with the Division's provision of advice on the understanding that the legal analysis of the parties' interests would be the same for both clients.

5. Other Issues

Finally, I wish to address some questions raised by Board Member Marie Moliner.

In a memorandum to me and other Board members, Ms. Moliner requested that certain specific questions be answered as part of my report. The individual questions, followed by the individual answers are as follows:

- (i) What is in place by way of a written retainer with the Board?

There is currently no written retainer between the Division and the Board. The City Solicitor has indicated to me that she is prepared to enter into a service level agreement with the Board on terms and conditions to be negotiated between the parties

- (ii) What written policies are in place to ensure that every member from City Legal who works on Board issues is clearly directed as to the solicitor-client relationship with the Board and what that means in terms of confidentiality, etc?

As with all lawyers in the province, Division lawyers' professional conduct is regulated by the Rules, as discussed above. These Rules address many issues and govern the types of matters identified in the question. Thus, the Rules serve the function of written "policies".

- (iii) What formal "Chinese walls" are in place at City Legal to ensure confidentiality for Board matters?

"Chinese walls" are used in law firms when one part of the firm, representing a party on a deal or litigation, is separated from another part with contrary interests or with confidential information from an adverse party. These have not been necessary in the Division. However, Division lawyers are keenly aware of the legal interests of their various clients and protect those interests on behalf of their respective clients. In over 40 years of providing legal services to the Board, there may have been perhaps one situation where, instead of the Division creating a "Chinese wall", the Board was required to retain outside counsel to provide it with legal advice. Lawyers ensure that they guard the integrity of their client's legal interests

6. Service Level Agreement

The reason for Mr. Morden's recommendation appears to be the concern that the Board should receive independent counsel without conflict of interest.

As I have discussed above, the current arrangement with the Division has several significant benefits. At the same time, there are no substantive grounds to believe that the independence of advice provided to the Board has been compromised. Nevertheless, the Board should be concerned to ensure that there is no appearance of lack of independence in the legal counsel.

I believe this concern can be alleviated through a formal, written arrangement. Rather than establishing a retainer for legal service, it would be more appropriate, I believe, to negotiate a service level agreement between the Board and the City Solicitor. The purpose of such a service level agreement will be similar to a retainer in that it formalizes the working relationship between the service provider and the service recipient, identifies the roles and responsibilities of the parties and sets out the expected level of service. While similar in function to a retainer, it is the more common form of document used to set out mutual agreements between related municipal agencies.

Conclusion:

I am assured that if a conflict were to arise, the City Solicitor will deal with it as required by the Rules of Professional Conduct.

In light of the foregoing, I recommend that the Board continue to retain the services of City of Toronto–Legal Services Division. If authorized by the Board, I will negotiate a service level agreement with the City Solicitor, which, of course, would be subject to Board approval.

The Board approved the foregoing report.

APPENDIX "A"

LAW SOCIETY OF UPPER CANADA

RULES OF PROFESSIONAL CONDUCT

2.04 AVOIDANCE OF CONFLICTS OF INTEREST

Definition

2.04 (1) In this rule

A “conflict of interest” or a “conflicting interest” means an interest

- (a) that would be likely to affect adversely a lawyer's judgment on behalf of, or loyalty to, a client or prospective client, or
- (b) that a lawyer might be prompted to prefer to the interests of a client or prospective client.

Commentary

Conflicting interests include, but are not limited to, the financial interest of a lawyer or an associate of a lawyer, including that which may exist where lawyers have a financial interest in a firm of non-lawyers in an affiliation, and the duties and loyalties of a lawyer to any other client, including the obligation to communicate information. For example, there could be a conflict of interest if a lawyer, or a family member, or a law partner had a personal financial interest in the client's affairs or in the matter in which the lawyer is requested to act for the client, such as a partnership interest in some joint business venture with the client. The definition of conflict of interest, however, does not capture financial interests that do not compromise a lawyer's duties to the client. For example, a lawyer owning a small number of shares of a publicly traded corporation would not necessarily have a conflict of interest, because the holding may have no adverse influence on the lawyer's judgment or loyalty to the client.

Where a lawyer is acting for a friend or family member, the lawyer may have a conflict of interest because the personal relationship may interfere with the lawyer's duty to provide objective, disinterested professional advice to the client.

Avoidance of Conflicts of Interest

(2) A lawyer shall not advise or represent more than one side of a dispute.

(3) A lawyer shall not act or continue to act in a matter when there is or is likely to be a conflicting interest unless, after disclosure adequate to make an informed decision, the client or prospective client consents.

Commentary

A client or the client's affairs may be seriously prejudiced unless the lawyer's judgment and freedom of action on the client's behalf are as free as possible from conflict of interest. A lawyer should examine whether a conflict of interest exists not only from the outset but throughout the duration of a retainer because new circumstances or information may establish or reveal a conflict of interest.

As important as it is to the client that the lawyer's judgment and freedom of action on the client's behalf should not be subject to other interests, duties, or obligations, in practice this factor may not always be decisive. Instead, it may be only one of several factors that the client will weigh when deciding whether or not to give the consent referred to in the rule. Other factors might include, for example, the availability of another lawyer of comparable expertise and experience, the extra cost, delay and inconvenience involved in engaging another lawyer, and the latter's unfamiliarity with the client and the client's affairs. In some instances, each client's case may gather strength from joint representation. In the result, the client's interests may sometimes be better served by not engaging another lawyer, for example, when the client and another party to a commercial transaction are continuing clients of the same law firm but are regularly represented by different lawyers in that firm.

A conflict of interest may arise when a lawyer acts not only as a legal advisor but in another role for the client. For example, there is a dual role when a lawyer or his or her law firm acts for a public or private corporation and the lawyer serves as a director of the corporation. Lawyers may also serve these dual roles for partnerships, trusts, and other organizations. A dual role may raise a conflict of interest because it may affect the lawyer's independent judgment and fiduciary obligations in either or both roles, it may obscure legal advice from business and practical advice, it may invalidate the protection of lawyer and client privilege, and it has the potential of disqualifying the lawyer or the law firm from acting for the organization. Before accepting a dual role, a lawyer should consider these factors and discuss them with the client. The lawyer should also consider rule 6.04 (Outside Interests and Practice of Law).

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

**#P249. ICR RECOMMENDATION NOS. 37 AND 38 – AMENDMENTS TO
BOARD POLICY LE-016 – PRISONER CARE AND CONTROL**

The Board was in receipt of the following report September 28, 2012 from Alok Mukherjee, Chair:

Subject: ICR – RECOMMENDATION NOS. 37 AND 38 – AMENDMENTS TO
BOARD POLICY LE-016 – PRISONER CARE AND CONTROL

Recommendation:

It is recommended that the Board approved the amended policy attached to this report entitled “LE-O16 – Prisoner Care and Control“.

Financial Implications:

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

Background/Purpose:

The Board, at its meeting of July 19, 2012, received the report from the Honourable John W. Morden entitled “Independent Civilian Review Into Matters Relating to the G20 Summit,” and approved a number of recommendations with respect to this report. (Min. No. P166/12 refers) as follows:

- (1) receive the report from the Honourable John W. Morden entitled Independent Civilian Review Into Matters Relating to the G20 Summit, and receive all 38 recommendations for implementation;*
- (2) approve the “Proposed Implementation Plan” attached to this report;*
- (3) approve, in principle, the immediate implementation of Mr. Morden’s Recommendations 2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 28, 29, 30, 36, 37 and 38, and direct the Chair to report back to the Board no later than October 2012 with proposed new policies, amendments to existing policies and changes to Board rules and practices as indicated in the Proposed Implementation Plan;*
- (4) establish a Board Implementation Working Group (BIWG) of at least 4 Board members to take necessary action or to propose action to be taken by the Board with respect to Recommendations 1, 4, 5, 6, 20, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34 and 35;*
- (5) direct the BIWG to provide status reports to the Board on its work on the Recommendations referred to it no later than October 2012;*
- (6) refer to the BIWG for consideration in conjunction with Mr. Morden’s report the Toronto Police Service’s After-Action Report and the Ontario Independent Police Review Director’s report titled, Policing the Right to Protest; and,*

(7) direct the BIWG to report back to the Board on the status of its consideration of these other G20 related reports by October 2012 or as soon thereafter as possible.

Discussion:

Recommendations Nos. 37 and 38 of the Morden report are reproduced below:

Recommendation No. 37: Amendment to Board Policy LE-016 – Prisoner Care and Control to ensure compliance with the Youth Criminal Justice Act

The Board should amend Board Policy LE-016 – Prisoner Care and Control to provide that where young people may be detained in the same facility as adults specific measures are taken to guarantee compliance with the Youth Criminal Justice Act, S.C. 2002, c. 1.

Recommendation No. 38: Amendment to Board Policy LE-016 – Prisoner Care and Control to ensure separation of male, female, transgendered, and transsexual prisoners

The Board should amend Board Policy LE-016 – Prisoner Care and Control to provide that where male, female, transsexual, and transgendered persons are to be detained in the same facility specific measures are taken to separate completely male, female, transsexual, and transgendered prisoners.

At its meeting of July 19, 2012, the Board approved "...in principle, the immediate implementation" of these recommendations.

As a result, please find, attached, a revised Board policy entitled "LE-016 - Prisoner Care and Control" which incorporates the amendments recommended by Mr. Morden.

Conclusion:

Therefore, it is recommended that the Board approved the amended policy attached to this report entitled "LE-O16 – Prisoner Care and Control".

The Board approved the foregoing report.



TORONTO POLICE SERVICES BOARD

PRISONER CARE AND CONTROL

DATE APPROVED	October 26, 2000	Minute No: P439/00
DATE(S) AMENDED	June 18, 2009 November 15, 2010	Minute No: P162/09 Minute No: P292/10
DATE REVIEWED	November 15, 2010	Minute No: P292/10
REPORTING REQUIREMENT		
LEGISLATION	<i>Police Services Act</i> , R.S.O. 1990, c.P.15, as amended, s. 31(1)(c). <i>Adequacy & Effectiveness of Police Services</i> , O. Reg. 3/99, s. 13(1)(l). <i>Youth Criminal Justice Act</i> , S.C. 2002, c.1.	
DERIVATION	Adequacy Standards Regulation - LE-016	

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

1. The Chief of Police will establish procedures and processes for:
 - a. the care and control of prisoners, including effective monitoring; and
 - b. responding to an escape from police custody.
2. The Chief of Police will ensure that members involved in prisoner care and control have the knowledge, skills and abilities required to perform this function;
3. Following an individual's escape from police custody, the Chief of Police will review the procedures, processes and practices of the police service for prisoner care and control and, at the discretion of the Chief of Police, report the findings to the Board; and
4. Following an in-custody death, the Chief of Police will review the procedures, processes and practices of the police service for prisoner care and control and submit the Report of Investigation (as per section 11 of Ontario Regulation 673/98 of the *Police Services Act*) to the Board upon the conclusion of any associated Special Investigations Unit investigation.
5. The Chief of Police will ensure that procedures and processes established under this policy provide that where young people are to be detained in the same facility as adults, specific measures be taken to guarantee compliance with the *Youth Criminal Justice Act*, S.C. 2002, c.1.

6. The Chief of Police will ensure that procedures and processes established under this policy provide that where male, female, transsexual and transgendered individuals are to be detained in the same facility, specific measures be taken to separate completely male, female, transsexual and transgendered prisoners.

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**#P250. NEW JOB DESCRIPTION – E-LEARNING TECHNICAL SPECIALIST,
TORONTO POLICE COLLEGE**

The Board was in receipt of the following report September 17, 2012 from William Blair, Chief of Police:

Subject: JOB TITLE CHANGE FOR NEW JOB DESCRIPTION – E-LEARNING
TECHNICAL SPECIALIST, TORONTO POLICE COLLEGE

Recommendation:

It is recommended that the Board approve the attached new civilian job description and classification for the position of e-Learning Technical Specialist, Toronto Police College (A08067).

Financial Implications:

There are no financial implications related to the recommendation contained in this report as a vacant Senior Analyst A12 (35 hour) position, at the Toronto Police College has been deleted and replaced with the above noted new position. Current year gapping savings are dependent upon the timing of the backfill; however, the decrease in cost will result in an annualized savings of approximately \$32,000.

Background/Purpose:

At its meeting held on August 15, 2012, (Min. No. #P204/12 refers) the Board considered a report recommending approval of a job description and classification for the position of e-Learning Specialist, Toronto Police College (A08067). The Board received this report and approved the following Motion:

THAT the Board request the Chief of Police to review the job description and submit a further report containing a revised job description that contains emphasis on the pedagogical side of e-learning.

Discussion:

A review by Benefits & Employment determined that no amendments were required to the job description. The emphasis for this e-learning position is in fact on the technical aspect of e-learning programs rather than the pedagogical side as the incumbent will be required to work collaboratively with subject matter experts to develop e-learning course content. The review however did determine that changing the job title from e-Learning Specialist, Toronto Police

College, to e-Learning Technical Specialist, Toronto Police College would be a more accurate representation of the position.

The new job description for the e-Learning Technical Specialist, Toronto Police College is attached. The position has been evaluated within the Service's job evaluation plan and has been determined to be a Class A08 (35 hour) position within the Unit "A" Collective Agreement. The current salary range for this position is \$61,648.46 to \$69,747.55 per annum effective July 1, 2012. Job descriptions and salary information for this type of position within other organizations is available upon request.

Conclusion:

It is hereby recommended that the Board approve the job description and classification for the position of e-Learning Technical Specialist, Toronto Police College (A08067). Subject to Board approval, the Toronto Police Association will be notified accordingly, as required by the collective agreement and this position will be staffed in accordance with established procedure.

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

The Board approved the foregoing report.

Vice-Chair Michael Thompson and Councillor Frances Nunziata requested to be recorded in the negative with regard to this matter.



TORONTO POLICE SERVICE
JOB DESCRIPTION

Date Approved:

Board Minute No.:

Total Points: 437.5

Pay Class: A08

JOB TITLE:	e-Learning Technical Specialist	JOB NO.:	A08067
BRANCH:	Corporate Command – Human Resources Management	SUPERSEDES:	NEW
UNIT:	Toronto Police College	HOURS OF WORK:	35 SHIFTS: 1
SECTION:	Learning Development & Standards	NO. OF INCUMBENTS IN THIS JOB:	1
REPORTS TO:	Staff Sergeant, Learning Development & Standards	DATE PREPARED:	September 17, 2012

SUMMARY OF FUNCTION:

To develop and implement e-learning courses and to support the maintenance, testing and administration of the Toronto Police Service (TPS) Learning Management System (LMS) Portal on the Canadian Police Knowledge Network (CPKN).

DIRECTION EXERCISED:

Responsible for the development of e-training courses and provides support to end users. Opportunities to make presentations as required.

MACHINES AND EQUIPMENT USED:

Standard TPS workstation, stand alone Windows PC, Apple Mac and MacBook Pro with specialized e-learning, graphic and multi-media software. Cameras and any related audio/visual and office equipment as may be required.

DUTIES AND RESPONSIBILITIES:

1. Works collaboratively with subject matter experts to develop e-learning course content.
2. Designs online courses by utilizing current multi-media design/development software such as Adobe Flash, Adobe Captivate, Articulate and programming in Action Script 3. May also include the planning, capturing, editing and production of audio, video and photographs and using graphic software to create and/or edit graphics.
3. Configures, conducts testing and implements e-learning modules on to the Toronto Police Service (TPS) Learning Management System (LMS) Portal on the Canadian Police Knowledge Network (CPKN) ensuring functionality and quality control.
4. Designs, develops and maintains the Toronto Police College intranet website.
5. Provides day to day maintenance and administration of the TPS LMS Portal on the CPKN which includes verification that end users meet required course pre-requisites.
6. Provides end user support for the TPS LMS Portal on the CPKN.
7. Develops and delivers presentations on e-learning as required.
8. Maintains resource portal that shares course, training, and workshop information between GTA Police Services.
9. Performs all other duties, functions and assignments inherent to the position.

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

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**#P251. LEGAL INDEMNIFICATION – CASE NO. CL, MM, CD, GJ/2011 –
ADDITIONAL INFORMATION**

Declaration of Potential Interest: Vice-Chair Michael Thompson indicated that he may have an interest in this item as Mr. McKay, the lawyer who has submitted the legal account, is a friend of his. Vice-Chair Thompson did not participate in the consideration of this matter.

The Board was in receipt of the following report January 18, 2012 from William Blair, Chief of Police:

Subject: LEGAL INDEMNIFICATION – CASE NO. CL, MM, CD, GJ/2011 –
ADDITIONAL INFORMATION

Recommendation:

It is recommended that the Board approve payment for the balance of Mr. Andrew McKay's statement of account, in the amount of \$1,356.00.

Financial Implications:

There are no financial implications relating to the recommendation contained within this report. Funding for the legal indemnification costs of \$1,356.00 is available in the 2012 operating budget.

Background/Purpose:

The Board at its meeting held on November 24, 2011 approved the denial, in part, of the legal indemnification statement of account submitted by Mr. Andrew McKay for his representation of members of the above captioned case with respect to a Special Investigations Unit (SIU) matter (Min. No. P300/11 refers).

The purpose of this report is to advise the Board that, as a result of further information received, the portion of the account initially denied has met the threshold and is, therefore, eligible for indemnification.

Discussion:

Mr. McKay provided legal representation to the witness officers during the SIU investigation. Upon conclusion of the matter, Mr. McKay submitted a statement of account for payment in the

amount of \$6,192.40. The account was sent to City Legal for review, as required by the provisions of the uniform collective agreement, and further information was requested for clarification. Mr. McKay provided additional information after the Board considered the matter.

Conclusion:

The portion of Mr. McKay's account, initially denied, in the amount of \$1,356.00 is eligible for indemnification upon Board approval.

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

The Board approved the foregoing report and noted that additional information was considered during the *in camera* meeting (Min. No. C309/12 refers).

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#P252. LEGAL INDEMNIFICATION – CASE NOS. 1195/2009 AND 1296/2010

The Board was in receipt of the following report August 22, 2012 from William Blair, Chief of Police:

Subject: LEGAL INDEMNIFICATION CASE NO. 1195/2009 AND 1296/2010

Recommendations:

It is recommended that:

- (1) The Board deny a portion of the legal account dated April 21, 2010, in the amount of \$78,606.67 from Mr. Harry Black for his representation of an officer in relation to criminal charges; and
- (2) The Board deny a portion of the legal account dated August 27, 2009, in the amount of \$13,972.44 from Mr. Mark Sandler for his representation of the same officer in relation to the appeal proceedings.

Financial Implications:

There are no financial implications relating to the recommendation contained within this report. Funding for the legal indemnification in the amounts of \$144,560.27 and \$84,859.74, totalling \$229,420.01 is available in the legal reserve.

Background/Purpose:

An officer has requested payment of his legal fees as provided for in the legal indemnification clause of the uniform collective agreement. The purpose of this report is to recommend denial of a portion of each of the invoices that City Legal has determined is not necessary and reasonable.

Discussion:

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

Conclusion:

Article 23:10 of the uniform collective agreement states:

For the purposes of this provision, “necessary and reasonable legal costs” shall be based on the account rendered by the solicitor

performing the work subject initially to the approval of the City of Toronto Solicitor and, in the case of dispute between the solicitor doing the work and the City of Toronto Solicitor, taxation on a solicitor and client basis by the taxing officer.

Mr. Black's account amounted to a total of \$223,166.94. City Legal deemed a portion of the invoice in the amount of \$78,606.67 not necessary and reasonable. The balance of the account, \$144,560.27, being necessary and reasonable will be paid as recommended by City Legal.

Mr. Sandler's account amounted to a total of \$98,832.18. City Legal determined a portion of that invoice in the amount of \$13,972.44 not necessary and reasonable. The balance of the account, \$84,859.74, being necessary and reasonable will be paid as recommended by City Legal.

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

The Board approved the foregoing report and noted that additional information was considered during the *in camera* meeting (Min. No. C310/12 refers).

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

**#P253. LEGAL INDEMNIFICATION – CASE NOS. 1381/2010, 1485/2011 AND
1486/2011**

The Board was in receipt of the following report September 21, 2012 from William Blair, Chief of Police:

Subject: LEGAL INDEMNIFICATION CLAIM NOS. 1381/2010, 1485/2011 AND
1486/2011

Recommendation:

It is recommended that the Board deny payment of the legal accounts from Mr. Harry Black, Mr. Allen Gold and Mr. John Rosen in the amounts of \$18,670.01, \$17,302.12 and \$1,652,336.61 respectively, totalling \$1,688,308.74, for their representation of a former police constable in relation to several criminal charges.

Financial Implications:

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

Background/Purpose:

A former police constable has requested payment of his legal fees for \$1,688,308.74 as provided for in article 23 of the legal indemnification clause of the uniform collective agreement. The purpose of this report is to recommend denial of the claim.

Discussion:

This report corresponds with additional information provided in the Confidential Agenda.

Conclusion:

Article 23:02 of the uniform collective agreement states:

“Notwithstanding paragraphs 23:01 (a), (b) and (c), the Board may refuse payment otherwise authorized under paragraph 23:01(a), (b) or (c) where the actions of the member from which the charges or investigation arose amounted to a gross dereliction of duty or deliberate abuse of his/her powers as a police officer.”

While the criminal charges were stayed, the ancillary charges and *Police Services Act* charges withdrawn, there exists a basis to establish that the former member's conduct and activities were not compatible in the lawful execution of his duties. The former officer abused his powers as an officer; and, therefore, was not acting in the attempted performance in good faith of his duties as a police officer.

City of Toronto Legal Services reviewed the accounts and provided an opinion concluding that the former member's conduct should disqualify him from legal indemnification on the basis that he did not perform his duties in good faith and may constitute a gross dereliction of duty.

Based on the foregoing, payment of the accounts should be denied.

Deputy Chief Mike Federico, Corporate 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 information was considered during the *in camera* meeting (Min. No. C311/12 refers).

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

**#P254. TORONTO POLICE SERVICE 2013-2022 CAPITAL PROGRAM
REQUEST AND LEED-SILVER STANDARD FOR ALL NEW
FACILITIES**

The Board was in receipt of the following report October 02, 2012 from William Blair, Chief of Police:

Subject: TORONTO POLICE SERVICE 2013-2022 CAPITAL PROGRAM REQUEST

Recommendations:

It is recommended that:

- (1) the Board approve the 2013-2022 capital program with a 2013 net request of \$16.4 Million (excluding cash flow carry forwards from 2012), and a net total of \$258.8 Million for 2013-2022, as detailed in Attachment A;
- (2) the Board approve foregoing the requirement for LEED Silver certification for new facilities, while continuing to meet green building requirements and build to LEED Silver standards; and
- (3) the Board forward a copy of this report to the City Budget Committee for approval and to the City's Deputy City Manager and Chief Financial Officer for information.

Financial Implications:

Table 1 below provides a summary of the Toronto Police Service's (Service) 2013-2022 Capital Program request compared to the City of Toronto's ten-year affordability debt target.

The Service's 2013-2022 Capital Program request is below the City's affordability debt target by \$2.7 Million (M) for the first five years of the program, and \$0.3M for the ten-year program. Additional detail on debt-funded and Reserve-funded projects can be found in Attachments A and B respectively.

Table 1. Summary of 2013-2022 Capital Program Request (\$Ms)

	2013	2014	2015	2016	2017	5-Year Total	2018-2022 Total	2013-2022 Total
Total on-going and new Projects	20.0	22.8	32.0	38.2	31.1	144.1	131.1	275.2
Recoverable Debt Project	4.4	4.6	0.0	0.0	0.0	9.0	0.0	9.0
Reserve-funded projects	23.1	18.7	17.0	19.3	24.0	102.1	103.2	205.3
Total gross projects:	47.4	46.1	49.0	57.5	55.1	255.1	234.3	489.5
Other-than-debt funding	-31.0	-22.2	-18.8	-21.2	-24.0	-117.2	-113.5	-230.7
NET DEBT FUNDING:	16.4	23.9	30.2	36.3	31.1	137.9	120.9	258.8
CITY DEBT TARGET:	16.4	23.9	30.4	36.3	33.5	140.6	118.6	259.1
Variance to target	0.0	0.0	0.2	0.0	2.4	2.7	-2.3	0.3

The implementation of capital projects can have an impact on the Service's on-going operating budget requirements. In addition, the Service is continuing its strategy to properly fund the replacement of vehicles, technology and other equipment through contributions to the Vehicle and Equipment Reserve (Reserve). Attachment C provides a summary of the estimated operating impact from capital excluding Reserve funded projects. The 2013 operating impact is \$0.9M. Approval of the 2013-2022 program, as requested, will result in an estimated annualized pressure to the Service's operating budget of \$3.8M by 2022, mainly due to system maintenance and building operational requirements. These operating impacts will be included in future operating budget requests, as required.

Background/Purpose:

The purpose of this report is to provide the Board with details of the Service's 2013-2022 Capital Program request. Attachment A to this report provides a detailed project listing of debt-funded projects, and Attachment B provides a detailed listing of projects funded from the Vehicle and Equipment Reserve. Attachment C provides a summary of the estimated operating impact from capital excluding Reserve funded projects in the 2013-2022 program.

Discussion:

Capital projects, by their nature, require significant financial investments and result in longer-term organizational benefits and impacts. An organization's capital program should therefore be consistent with and enable the achievement of the organization's strategic objectives.

Strategic Direction:

The Service's 2013-2022 Capital Program request continues to focus on improving and updating the Service's ageing facility infrastructure, and ensures our key information and technology needs are appropriately addressed. The program also reflects strategies to:

- maximize the use of existing Service facilities by relocating units in leased locations or consolidating Service units so that the sites they currently occupy can be returned to the City for whatever use it deems appropriate; and
- reduce the level of computer equipment assets across the Service to reduce replacement and on-going maintenance costs.

The projects in the capital program will:

- ensure our facilities are in a reasonable state of good repair and replaced/renovated, as necessary;
- enable operational effectiveness/efficiency and service enhancement;
- result in improved information for decision making and to better meet operational requirements;
- help enhance officer and public safety;
- contribute to environmental protection/energy efficiency; and
- ensure our fleet and equipment are properly replaced.

The cost estimate for each project has been reviewed to ensure the estimate and annual cash flows are still valid, taking into consideration key project milestones, procurement requirements, any third-party actions/approvals required, as well as other applicable assumptions and information. It is important to note that the Service does its best to develop accurate cost estimates. However, these estimates are often developed without full information and more importantly, before going through a procurement process for the various requirements. Consequently, the estimates could change as the project progresses through the project lifecycle. The Board and City are kept apprised of any changes as soon as they become known. Any required transfers from other projects in the program are fully justified and reported to the Board and City Budget Committee for approval. While our Service has done a relatively good job at delivering projects on or below budget, even with the best planning and management, there are times when additional funds are required for certain projects, due to unanticipated events or higher than anticipated market prices. The Service is also mindful of operating budget impacts and so, some projects not yet started are being revisited to ensure they are still viable from an overall budget perspective.

It should also be noted that as part of the Chief's internal review, the Service is looking at the potential consolidation of existing divisions, to reduce its capital budget requirements as well as enable potential savings in the operating budget. This review could impact new facility projects in our capital program. However, the review is not complete at this time and the operational implications would have to be considered and public consultation held before a decision is made. Board approval would also be sought before proceeding.

2012 Accomplishments:

Key accomplishments and developments related to the implementation and management of the capital program in 2012 are as follows:

- Radio Replacement project has been completed, slightly under budget;
- Construction for the new 14 Division has been completed under budget, with a move-in date of September 30, 2012;
- Human Resource Management System (HRMS) additional functionality has been completed on budget (includes implementation of eRecruiting and electronic pay advices and T4's);
- Renovation of the Service's new Property and Evidence Management facility will continue, with an anticipated 2013 completion. Additional funds have been transferred from other projects and requested in the current program request;
- Integrated Records and Information System (IRIS) is currently on budget and will continue, with an anticipated 2014 completion; and
- Replacement of the Automated Fingerprint Identification System (AFIS) will be completed in 2012, under budget.

The Service currently anticipates that 84% of net debt funding will be spent in 2012, resulting in a carry forward amount of \$7.4M to 2013. A significant portion of the carry forward amount (\$6.5M) is with respect to the Property and Evidence Management Facility. Updates on the status of projects will continue to be provided in the 2012 quarterly capital variance reports.

City Debt Affordability Targets:

Corporate targets for Agencies, Boards, Commissions and Departments (ABCDs) are allocated by the City's Deputy City Manager and Chief Financial Officer (City CFO). The Service's 2013-2022 Capital Program is below the City's debt target for the five-year and ten-year program; however, in some years it does not meet the debt target (see Table 1).

LEED-Silver Standard:

As a result of the Board's decision to develop an environmental policy consistent with the City of Toronto *Green Guide* and *Green Development Standard 2006* (Min. No. P66/2007), the Service adopted a LEED-Silver standard for all new facilities. Subsequently, all new facility projects have included the cost of LEED certification (at a cost of approximately \$150,000 for the documentation and approval process). It is recommended that the Service, while continuing to build or renovate facilities to a LEED-Silver standard, not seek LEED certification. This will save approximately \$150,000 per affected facility. The cost for affected facility projects has been adjusted to reflect this savings, with the assumption that the Board approves this direction.

2013-2022 Capital Program:

The 2013-2022 capital program is segregated into four categories for presentation purposes:

- A. On-Going Projects
- B. Projects beginning in 2013-2017
- C. Projects beginning in 2018-2022
- D. Projects funded through Reserves

- **On-Going Projects**

There are three projects in progress in the 2013-2022 capital program:

1. *State-of-Good-Repair (SOGR) – ongoing*

SOGR is on budget and on schedule. This project provides funding for the SOGR requirements that the Service is responsible for. A detailed SOGR backlog list and ten-year plan has been provided to City staff.

2. *Integrated Records and Information System (IRIS) – anticipated 2014 completion*

IRIS experienced delays in 2011, due to the Board's request for the City Chief Information Officer (CIO) and City Auditor General to review the project, before the contract for the new system was approved by the Board. However, based on a revised project schedule, it is projected to be on budget and the 2013-2022 cash flow remains unchanged from the previous program.

3. *Property & Evidence Management Facility – anticipated 2013 completion*

This high priority project provides funding for a new property and evidence management facility on a City-owned site on Progress Avenue. The project has been approved by the Board, and is included in the Service's current capital program as approved by City Council. The project has commenced and the acquisition of a site for the facility was completed by the City in 2010 (Min. Nos. C308/09 and P143/10 refer), followed by the engagement, by the Service, of an architectural design consultant in June 2011 (Min. No. P158/11 refers) and a construction manager in February 2012 (Min. No. P30/12 refers). Construction to renovate the facility to house the Property and Evidence Management unit is in progress.

This project experienced some delays in 2011. The schematic design for the new facility was completed by the architect in early 2012. As part of the construction management process, the CM completed a re-assessment of the project cost estimate based on the completed design. Based on the information provided, the CM advised that the project requires an additional \$3.25M in order to achieve the original scope of the P&EM facility. The P&EM facility is scheduled to be

substantially completed by mid-2013, and the additional \$3.25M will be required to complete the project.

After discussion with City Finance staff, it was determined that it would be best to address this additional funding requirement during the 2013-2022 capital program process. This project is eligible for Development Charges (DC) funding, and City Finance staff have confirmed that there are sufficient funds in the DC Reserve to offset the additional \$3.25M funding requirement, and that it would be appropriate to assign this funding to the P&EM project. Consequently, the additional funds required for this project are offset by revenue (development charges) from the City's DC Reserve, resulting in no additional debt funding requirements in the current capital program request.

It is important to note that until the space design was completed and the CM hired in early 2012, the Service had no basis or rationale to increase the cost estimate for the new facility. Any increase before this time would have been arbitrary and not supportable.

The Board was advised of the increased funding required for this project at its meeting on May 18, 2012 (Min. No. P118/12 refers). A complete chronology of this project and the reasons for the additional funding requirements was provided to the Board in that report. The applicable excerpt from that report is provided as Attachment D.

The tendering process for the various sub-trades is currently in progress and a more accurate project cost estimate will be available from the CM once the majority of the tenders are awarded. In addition, the Service has and will continue to work with the CM to identify any potential cost savings to reduce the total cost of the project. The Board will be kept apprised of this project through the quarterly capital variance reports, and if there is a further change to the project estimate, the Board will be advised accordingly.

It is expected that the new facility will meet the Service's property and evidence storage requirements for the next 25+ years. The facility currently occupied by the PEMU will be returned to the City once construction of the new facility is complete and occupancy achieved.

- **Projects Beginning in 2013-2017**

- Parking East Relocation (\$9M, beginning in 2013)*

- The lease for the Parking East (PKE) facility, located on Don Mills Road, expires on June 30, 2014. This project provides funding for the renovation of the existing building at Progress Avenue, to accommodate PKE's space requirements. The building on the Progress

Avenue site is large enough to meet the requirements of both the Property and Evidence Facility and PKE.

The initial estimate for the renovation costs at Progress Avenue to house PKE is \$9M. Renovations must begin in 2013 to ensure the facility is ready to be moved into by Parking Enforcement staff prior to the expiry of the lease in mid-2014. By moving into a City-owned facility, Parking Enforcement would realize net savings of \$365,000 in 2014, annualizing to \$750,000 in 2015. Assuming an estimated 2% inflation factor for each year thereafter, it is estimated that this project would have a payback of 12.5 years, if the use of development charges is not factored into the payback calculation.

Moving the PKE operations out of its current leased premises and into a City-owned facility will:

- Maximize the use of the recently purchased City-owned facility on Progress Avenue
- Eliminate any risk around PKE's ability to stay in its current leased location, and
- Eliminate the risk of increased leased costs at its current location.

There is insufficient room in the Service's 2013-2022 debt targets to accommodate this project fully through debt, and the payback of 12.5 years inhibits funding this project through recoverable debt (where operating savings are used to pay back debt). The Service is therefore proposing that this project be funded partially through debt and partially through recoverable debt. At this time, the 2013-2022 capital program assumes that \$4.4M of the project cost can be financed through recoverable debt, which could be paid back in about 7.4 years. This project requires further discussion with the City's CFO and the City Manager to ensure we have their agreement on the financing of this project. Any updates will be provided to the Board as soon as they become available.

New 54 Division Facility (\$36.8M, beginning in 2014)

This project provides funding for the acquisition of land and construction for a new 54 Division facility. A City-owned property has been allocated for this facility, and the City is in the process of acquiring an adjacent property. The budget assumes the building will be built to LEED-Silver specifications, but without pursuing the certification.

The additional operating cost impact of \$144,000 per year is for building operations and utilities, and will begin in 2016.

Human Resource Management System Upgrades (\$1.1M, beginning in 2014)

Human resources information and payroll administration for the Service is managed using the PeopleSoft Human Resource Management System (HRMS).

This project provides funding for an anticipated upgrade to HRMS beginning in 2014. Estimates are based on the costs incurred during the last HRMS upgrade, and future project costs will be refined as more information becomes available with respect to requirements at

that time (e.g., will the system require upgrading or replacement, will there be any changes to the Service's architecture, etc.).

The operating budget impact is an estimate for incremental maintenance costs of \$22,000 annually, beginning in 2016.

Time Resource Management System (TRMS) Upgrade (\$4.4M, beginning in 2014)

This project would provide funding to upgrade TRMS beginning in 2014, to ensure continued vendor support, as well as to examine additional functionality that can assist the Service in achieving further efficiencies in its business processes. Estimates are based on the costs incurred during the last upgrade, and future project costs will be refined as more information becomes available with respect to requirements at that time (e.g., will the system require upgrading or replacement). The City of Toronto is looking at an enterprise-wide time and attendance system, and Service staff will continue to communicate with City staff to ensure any potential collaborative efforts with the City are considered and pursued, if feasible. The Board will be kept apprised through the quarterly variance reporting process.

The operating budget impact is an estimate for incremental maintenance costs of \$22,000 annually beginning in 2016.

Disaster Recovery Site (\$18.8M, beginning in 2014)

The need to implement a disaster recovery (DR) site that meets industry standards continues to be identified as a critical operational risk management strategy. Currently, the Service is sharing a site with the City. However, the electrical power capacity and space in the current site is limited. Furthermore, industry standards recommend that a disaster recovery site be located at least 40 kilometres away from the main site. The current disaster recovery site is too close to our main site and does not meet the recommended standard. The Service and City Real Estate are looking for a suitable location. The current budget is based on the estimated cost of acquiring a property and building the DR facility. The Service is concurrently exploring the option of sharing a new disaster recovery site with the City or with other police services. Sharing of such a facility would potentially result in reduced capital costs for the Service.

It is anticipated that the project would start in 2014 and would be completed by 2017. However, further discussions on this project will continue and other options explored. Consequently, the timing and cost of this project could change. This Board will be kept apprised accordingly.

New 41 Division Facility (\$38.9M, beginning in 2016)

This project provides funding for the land acquisition and construction for a new 41 Division facility. The land cost estimate is dependent on the actual location chosen and market values at the time of purchase, and therefore may change. The budget assumes the building will be built to LEED-Silver specifications, but without pursuing the LEED certification.

The additional operating cost impact of \$144,000 per year is for building operations and utilities.

Expansion of Fibre Optics Network (\$12.1M, beginning in 2015)

The Service's data network has evolved into a complex environment over the past several years, providing connectivity for approximately 89 sites and over 7,000 network connects for both external and internal access.

All City-wide networks currently used by the Service are, to a very large extent, owned and managed by others, and system access is rented to the Service based on our data requirements. All Service data is combined with other customers and then sent through the fibre-optic cable. This model was cost effective in the past, as the Service's data requirements were comparatively low and restricted to the transmission of business systems data.

The advent of bandwidth-intensive applications (video systems, radio infrastructure and new application architectures) has increased our capacity requirements, and the cost of renting privately owned fibre has and will continue to increase as our demands increase.

The Service is addressing its immediate data-transfer needs through the use of Bell, Telus and Cogeco (once fully implemented) leased fibre networks and proposed TTC-owned fibre network. The Service also has its own, limited fibre network that is used for video transfer only. The Service's long-term strategy is to integrate its current fibre-optic assets into a Service-wide, Service-owned and operated fibre-optic network with connections to all critical police locations. The main benefits expected from building an integrated Service-wide fibre optic network are the elimination of the current primary leased network, avoiding an approximately \$750,000 estimated cost for predicted bandwidth increases, and the ability to provide additional network capabilities such as closed-circuit television (CCTV) and radio system transmissions that are not viable on leased, vendor-owned and managed network solutions.

The cost, benefits and timing of this project continue to be reviewed. All opportunities for public-private partnerships, including the potential for a City of Toronto integrated solution, are being reviewed and refined, and will be revised in future capital program requests. The Service currently has a reciprocal agreement for the use of fibre-optic sharing that will allow for joint TTC/Service usage. The project plan includes engaging an external consultant to review and report on the financial viability and functionality of the project.

Radio Replacement (\$36.5M, beginning in 2016)

The Service's current communication radios were replaced over the period from 2006 to 2012. Although the lifecycle for these radios is ideally less than ten years, the Service has decided to replace these radios every ten years to reduce costs. This project provides funding for the replacement of radios beginning in 2016 (for radios purchased in 2006) to 2022.

- **Projects beginning in 2018-2022**

There are nine projects beginning during the 2018-2022 period. The majority of these projects relate to the continuation of the Service's long-term facility plan for replacement and renovation of facilities. The next replacement of the AFIS system is anticipated in 2018.

The 2012-2021 capital program included the Future Use of Progress Avenue as one project, with a high-level estimate for the cost of establishing an archiving site for the Service, the relocation of the Public Safety Unit (PSU) and the relocation of Forensic Identification Services (FIS). It was assumed that all three projects would be co-located at Progress Avenue. As a result of discussions with City Finance, as well as the potential for alternate locations for these facilities, these are presented as three separate projects in the 2013-2022 program.

A new archiving facility would avoid recoverable costs that have been identified by the City of Toronto for their archiving services (currently, no costs are incurred for this service) and would take space pressure off the City's archiving locations. The relocation of PSU would result in the return of the current facility to the City. Along with the old police college (the C.O. Bick facility), which has already been returned to the City, this would make the entire corner of Birchmount and Finch available to the City. The relocation of FIS would provide needed additional space for specialized equipment.

- **Reserve-Funded Projects**

All projects listed in this category are funded from the Reserve, and have no impact on debt financing. Using the Reserve for the lifecycle replacement of vehicles and equipment avoids having to request the equipment replacements through the capital program and as a result does not require the City to debt-finance these purchases. This approach has and continues to be supported by City Finance. It should be noted, however, that this strategy of funding equipment replacements from the Reserve results in an impact on the operating budget, as it is necessary to make regular annual contributions to replenish the Reserve. The Service has done a detailed review of the lifecycle projects and extended the lifecycle where it is possible without increasing risks and/or adversely impacting operations. For example, Mobile Workstations (MWS) life has been extended from four to five years. The Service has completed a computer equipment review and has been able to reduce the number of computers and laptops by approximately 10%. The impact of this reduction will be reflected in future-year reductions in contributions to the Reserve. A printer assessment is currently being conducted to achieve reductions in the number of printers across the Service as well.

Attachment B represents all of the currently identified Reserve-funded projects. Estimates are revised annually based on up-to-date information.

Table 2, below, provides a summary of anticipated Reserve activity for 2013-2022:

Table 2. 2013-2022 Reserve Activity (\$Ms)

	2013	2014	2015	2016	2017	...	2022
Opening Balance:*	4.7	0.0	0.5	3.6	5.1		0.8
Contributions:**	18.4	19.2	20.0	20.7	21.4		21.4
Draws:***	23.1	18.7	17.0	19.3	24.0		17.1
Year-End Balance:	0.0	0.5	3.6	5.1	2.4		6.1
Incremental Operating Impact:	0.8	1.6	2.4	3.1	3.8		3.8

*anticipated, based on 2012 budget

**includes contributions from Parking Enforcement

***Represents planned spending, including spending for Parking Enforcement

Conclusion:

A detailed review of all projects in the Service’s 2013-2022 capital program request has been conducted, to ensure the capital program reflects the priorities of the Service, is consistent with the Service’s strategic objectives, and is in line with City provided debt targets. The 2013-2022 capital program has a 2013 net request of \$16.4M (excluding cash flow carry forwards from 2012), and a net total of \$258.8M for the ten-year period. The 2013-2022 Capital Program request is below the City’s total debt affordability target for the five-year and ten-year program. However, the program does not achieve the City’s annual debt target for each year. There is limited flexibility to adjust cash flows to meet the annual City targets, as the funds required for each project vary and are tied to a construction or other schedule.

The 2013-2022 capital program request assumes the Board will approve the recommendation to forego LEED certification for new facilities, while continuing to maintain green building standards. If the Board chooses to continue to seek LEED certification, the program will require adjustment by \$150,000 for each facility project or a total of \$450,000 for the 10 years.

The Service will continue to review some of the projects in the program that have not yet started to ensure the business case for moving forward on these projects is strong, justified and can be accommodated within the City’s debt envelope. Furthermore, any potential impact on the capital program as a result of the Chief’s Internal Organizational Review will be reported to the Board as it becomes known.

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

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Mr. Tony Veneziano, Chief Administrative Officer, was in attendance and responded to questions about the process for identifying and acquiring the property for the new Property and Evidence Management facility.

The Board approved the foregoing report.

2013-2022 CAPITAL PROGRAM REQUEST (\$000s)

Attachment A

Project Name	Plan to end of 2012	2013	2014	2015	2016	2017	Total 2013-2017 Request	2018	2019	2020	2021	2022	Total 2018-2022 Forecast	Total 2013-2022 Program	Total Project Cost
On-Going Projects															
State-of-Good-Repair - Police	0	4,613	4,594	4,469	4,601	4,600	22,877	4,200	4,200	4,200	4,200	4,200	21,000	43,877	43,877
Property & Evidence Management Facility	34,455	5,831	0	0	0	0	5,831	0	0	0	0	0	0	5,831	40,286
IRIS - Integrated Records and Information System	10,047	9,507	4,866	0	0	0	14,373	0	0	0	0	0	0	14,373	24,420
Total, On-Going Capital Projects	44,502	19,951	9,460	4,469	4,601	4,600	43,080	4,200	4,200	4,200	4,200	4,200	21,000	64,080	108,582
New Projects															
54 Division (includes land)	500	0	9,060	21,515	5,721	0	36,296	0	0	0	0	0	0	36,296	36,796
HRMS Upgrade	0	0	400	690	0	0	1,090	0	0	0	0	0	0	1,090	1,090
TRMS Upgrade	0	0	2,806	1,560	0	0	4,366	0	0	0	0	0	0	4,366	4,366
Disaster Recovery Site	0	0	1,000	2,875	8,850	5,475	18,200	550	0	0	0	0	550	18,750	18,750
41 Division (includes land)	0	0	0	0	372	9,282	9,655	19,050	10,224	0	0	0	29,274	38,929	38,929
Expansion of Fibre Optics Network	0	0	0	881	4,785	6,385	12,051	0	0	0	0	0	0	12,051	12,051
Radio Replacement	0	0	0	0	13,913	2,713	16,626	3,542	2,478	4,093	5,304	4,480	19,897	36,523	36,523
32 Division - Renovation	0	0	0	0	0	0	0	4,990	1,997	0	0	0	6,987	6,987	6,987
13 Division (includes land)	0	0	0	0	0	0	0	372	8,645	19,753	10,159	0	38,928	38,928	38,928
AFIS (next replacement)	0	0	0	0	0	0	0	3,053	0	0	0	0	3,053	3,053	3,053
52 Division - Renovation	0	0	0	0	0	0	0	0	0	0	0	2,948	2,948	2,948	8,300
55 Division - Renovation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8,000
22 Division - Renovation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8,000
Relocation of PSU	0	0	0	0	0	0	0	0	0	0	500	7,400	7,900	7,900	13,048
TPS Archiving	0	0	0	0	0	2,688	2,688	0	0	0	0	0	0	2,688	2,688
Relocation of FIS	0	0	0	0	0	0	0	0	0	0	0	578	578	578	60,476
Total, New Capital Projects:	500	0	13,266	27,521	33,641	26,543	100,972	31,557	23,343	23,846	15,962	15,406	110,114	211,086	297,984
Recoverable Debt Project															
Parking East	0	4,358	4,642	0	0	0	9,000	0	0	0	0	0	0	9,000	9,000
Total, Recoverable Debt Project:	0	4,358	4,642	0	0	0	9,000	0	0	0	0	0	0	9,000	9,000
Total Reserve Projects:	138,296	23,104	18,706	16,962	19,279	24,007	102,058	24,842	20,577	18,910	21,815	17,098	103,242	205,300	343,596
Total Gross Projects	183,298	47,413	46,074	48,952	57,521	55,150	255,110	60,599	48,120	46,956	41,977	36,704	234,356	489,466	759,162
Funding Sources:															
Vehicle and Equipment Reserve	(138,296)	(23,104)	(18,706)	(16,962)	(19,279)	(24,007)	(102,058)	(24,842)	(20,577)	(18,910)	(21,815)	(17,098)	(103,242)	(205,300)	(343,596)
Recoverable Debt	0	(2,800)	(1,598)	0	0	0	(4,398)	0	0	0	0	0	0	(4,398)	(4,398)
Funding from Development Charges	(8,664)	(5,087)	(1,848)	(1,885)	(1,921)	0	(10,741)	(2,270)	(852)	(4,963)	(2,127)	0	(10,212)	(20,953)	(29,617)
Total Funding Sources:	(146,960)	(30,991)	(22,152)	(18,847)	(21,200)	(24,007)	(117,197)	(27,112)	(21,429)	(23,873)	(23,942)	(17,098)	(113,454)	(230,651)	(377,611)
Total Net Debt-Funding Request:	36,338	16,422	23,922	30,105	36,321	31,143	137,913	33,487	26,691	23,083	18,035	19,606	120,902	258,815	381,551
5-year Average:							27,583						24,180	25,881	
City Target:		16,422	23,922	30,442	36,321	33,487	140,594	31,757	26,691	18,784	21,321	20,000	118,553	259,147	
City Target - 5-year Average:							28,119						23,711	25,915	
Variance to Target:		0	0	337	0	2,344	2,681	(1,730)	0	(4,299)	3,286	394	(2,349)	332	
Cumulative Variance to Target			0	337	337	2,681		951	951	(3,348)	(62)	332			
Variance to Target - 5-year Average:							536						(470)	33	

2013-2022 CAPITAL PROGRAM REQUEST (\$000s)

Attachment B

Project Name	Plan						Total						Total	Total	Total	
	to end of 2012	2013	2014	2015	2016	2017	2013-2017 Request	2018	2019	2020	2021	2022	2018-2022 Forecast	2013-2022 Program	Project Cost	
Other than debt expenditure (Draw from Reserve)																
Vehicle and Equipment (LR)	50,875	2,627	4,422	5,320	5,320	5,320	23,009	5,320	5,320	5,320	5,320	5,320	26,600	49,609	100,484	
Workstation, Laptop, Printer (LR)	26,817	3,525	3,723	3,112	3,186	3,525	17,071	3,723	3,112	3,186	3,525	3,723	17,269	34,340	61,157	
Servers (LR)	19,331	2,064	4,058	2,998	3,121	3,228	15,469	1,917	4,158	3,184	3,292	3,077	15,628	31,097	50,428	
IT Business Resumption (LR)	11,722	1,669	1,269	1,522	1,644	1,702	7,806	1,294	1,553	1,677	1,736	1,320	7,580	15,386	27,108	
Mobile Workstations (LR)	8,210	7,474	1,000	0	0	250	8,724	7,730	1,000	0	0	250	8,980	17,704	25,914	
Network Equipment (LR)	4,782	2,466	1,104	998	1,200	2,900	8,668	1,126	1,018	1,200	3,000	1,200	7,544	16,212	20,994	
Locker Replacement (LR)	2,617	350	350	350	500	350	1,900	48	198	48	198	48	540	2,440	5,057	
Furniture Replacement (LR)	3,676	713	713	713	1,455	727	4,321	727	727	1,484	742	742	4,422	8,743	12,419	
AVL (LR)	1,498	0	0	0	0	1,500	1,500	0	0	0	1,500	0	1,500	3,000	4,498	
In - Car Camera (LR)	0	444	530	689	972	346	2,981	793	909	728	972	346	3,748	6,729	6,729	
Voice Logging (LR)	774	353	0	0	0	0	353	1,200	0	0	0	0	1,200	1,553	2,327	
Electronic Surveillance (LR)	1,070	0	0	0	1,069	0	1,069	0	0	0	1,091	0	1,091	2,160	3,230	
Digital Photography (LR)	253	0	0	119	126	0	245	0	0	122	128	0	250	495	748	
DVAM I (LR)	1,109	0	0	949	0	0	949	0	0	949	0	0	949	1,898	3,007	
Voicemail / Call Centre (LR)	315	0	0	0	0	500	500	0	0	0	0	0	0	500	815	
DVAM II (LR)	0	0	1,203	0	0	0	1,203	0	1,263	0	0	0	1,263	2,466	2,466	
Asset and Inventory Mgmt.System (LR)	123	0	72	0	0	0	72	72	0	0	0	72	144	216	339	
Property & Evidence Scanners (LR)	117	0	0	0	117	0	117	0	0	0	119	0	119	236	353	
DPLN (LR)	0	500	0	0	0	0	500	700	0	0	0	0	700	1,200	1,200	
Small Equipment (e.g. telephone handset) (LR)	770	350	0	0	0	0	350	0	750	750	0	0	1,500	1,850	2,620	
Video Recording Equipment (LR)	264	92	92	92	92	92	460	92	92	92	92	92	460	920	1,184	
Livescan Machines (LR)	423	0	0	0	0	423	423	0	0	0	0	431	431	854	1,277	
Wireless Parking System (LR)	2,976	0	0	0	0	2,974	2,974	0	0	0	0	0	0	2,974	5,950	
EDU/CBRN Explosive Containment (LR)	474	0	0	0	0	0	0	0	0	0	0	0	0	0	474	
CCTV	0	182	70	0	182	70	504	0	182	70	0	182	434	938	938	
AEDs	0	195	0	0	195	0	390	0	195	0	0	195	390	780	780	
Fleet Equipment	100	100	100	100	100	100	500	100	100	100	100	100	500	1,000	1,100	
Total Reserve Projects:	138,296	23,104	18,706	16,962	19,279	24,007	102,058	24,842	20,577	18,910	21,815	17,098	103,242	205,300	343,596	

2013-2022 - CAPITAL BUDGET REQUEST (\$000s)
OPERATING IMPACT FROM CAPITAL

ATTACHMENT C

Project Name	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	Comments
911 Hardware / Handsets	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0	System maintenance cost. Year 2012 is for half year
Property and Evidence Management Facility	175.0	350.0	350.0	350.0	350.0	350.0	350.0	350.0	350.0	350.0	Building Operations, Service Contracts and Utilities
14 Division - Central Lockup	264.0	264.0	264.0	264.0	264.0	264.0	264.0	264.0	264.0	264.0	Building Operations, Service Contracts and Utilities
Upgrade to Microsoft 7	70.0	70.0	70.0	70.0	70.0	70.0	70.0	70.0	70.0	70.0	Maintenance costs
IRIS - Integrated Records and Information System	220.0	320.0	1,754.0	1,754.0	1,754.0	1,754.0	1,754.0	1,754.0	1,754.0	1,754.0	Maintenance costs; lifecycle contribution
eTicketing Solution	72.7	290.9	290.9	290.9	290.9	290.9	290.9	290.9	290.9	290.9	Operating cost and reduction of 4 staff in Document Services
54 Division	0.0	0.0	0.0	72.0	144.0	144.0	144.0	144.0	144.0	144.0	Building Operations, Service Contracts and Utilities; starting half a year 2016
HRMS Upgrade	0.0	0.0	0.0	22.0	22.0	22.0	22.0	22.0	22.0	22.0	Incremental maintenance cost of \$22K per year from 2016
TRMS Upgrade	0.0	0.0	0.0	22.0	22.0	22.0	22.0	22.0	22.0	22.0	Incremental maintenance cost of \$22K per year from 2016
41 Division	0.0	0.0	0.0	0.0	0.0	0.0	72.0	144.0	144.0	144.0	Building Operations, Service Contracts and Utilities; starting half a year 2019
Radio Replacement	0.0	88.1	282.2	608.2	198.5	224.5	199.0	296.6	282.5	161.1	Additional support cost - Extend life from 7 years to 10 years
Disaster Recovery Site	0.0	0.0	0.0	0.0	175.0	350.0	350.0	350.0	350.0	350.0	Building Operations, Service Contracts and Utilities; starting mid-2017
13 Division	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	72.0	144.0	Building Operations, Service Contracts and Utilities; starting 2021
Total Projects Operating Impact	851.7	1,433.0	3,061.0	3,503.0	3,340.4	3,541.4	3,587.8	3,757.5	3,815.4	3,766.0	
Total Projects incremental Operating Impact	418.7	581.3	1,628.1	442.0	-162.7	201.0	46.4	169.7	57.9	-49.4	

Capital Variance Report Period Ending March 31, 2012 – Min. No. P118/12

As part of its project management process, the Service has adopted a colour code (i.e. green, yellow or red) to reflect the health status of capital projects. The overall health of each capital project is based on budget, schedule and scope considerations. The colour codes are defined as follows:

- Green – on target to meet project goals (scope/functionalities), and on budget and schedule;
- Yellow – at risk of not meeting certain goals, some scope, budget and/or schedule issues, and corrective action required; and
- Red – high risk of not meeting goals, significant scope, budget and/or schedule issues, and corrective action required.

The following provides summary information on key projects within the 2012-2021 Capital Program. Summary information includes status updates as of the time of writing of this report.

- Property and Evidence Management Facility (\$37.0M)

Overall Project Health Status	
Current	Previous Variance Report
YELLOW	YELLOW

The name of this project has been changed to “Property and Evidence Management Facility” to avoid confusion with a separate project in the Service’s capital program titled “Progress Site – Future Use.”

The Property and Evidence Management Unit (PEMU) is responsible for safeguarding the integrity of police processes by ensuring the chain of custody is maintained and continuity is not compromised, from the moment of collection to the ultimate disposition. The effective and credible management and control of seized evidence has consistently remained one of the major risk factors for police services globally. Failure to have a replacement facility that meets the future needs of the Service would jeopardize the ability of the Service to facilitate legislated requirements for tracking, locating, and disposing of property, and will have a significant negative impact on criminal court proceedings coupled with the increased risk of civil litigation.

An in-depth review of the Service’s property and evidence storage/retention requirements by an external consultant in 2007 identified several deficiencies with the existing facility in terms of its capacity to store property and evidence based on retention trends.

The Service faces ever-growing property and evidence storage requirements due to the following factors:

- The rate of evidence collection is greater than the rate of evidence disposition;
- The number of items collected per occurrence is increasing; and
- The length of time evidence needs to be retained is increasing due to various factors (for example, City of Toronto By-Law 689-2000 now requires all homicide evidence to be held indefinitely).

The consultant concluded that if property retention trends continue, the existing facility would be at maximum capacity by 2013. The Service was able to extend the life of the current facility to the end of 2013 by making some business process changes, erecting temporary storage facilities and essentially eliminating any redundant items. However, the acquisition/construction of a new facility to meet the future needs of the Service remains a critical priority.

This project provides funding for a new property and evidence management facility at the Progress Avenue site. The project has been approved by the Board, and is included in the Service's current capital program as approved by City Council. The project has commenced and the acquisition of a site for the facility was completed by the City in 2010 (Min. Nos. C308/09 and P143/10 refer), followed by the engagement, by the Service, of an architectural design consultant in June 2011 (Min. No. P158/11 refers) and a construction manager in February 2012 (Min. No. P30/12 refers).

The initial cost estimate for a new property and evidence storage facility developed by the external consultant was exceedingly high at \$60M. This estimate to build a facility that would meet the needs of the Service for the next 25 years did not include the cost of land, which would have brought the cost to between \$70M and \$80M. Given the financial constraints, the Service was not prepared to and could not justify such a cost. Consequently, the Service began working with the City to acquire and renovate an existing building that would meet the Service's requirements for the next 10 to 15 years, and fit within the City's capital targets. As a result of the importance and urgency of this facility, Service staff had meetings with the City Manager, City Deputy City Manager/Chief Financial Officer and senior City Facilities and Real Estate staff, all of whom understood and supported the need for the facility.

A preliminary cost estimate for the project of \$35.3M, including the cost of the study, was reported to and approved by the Board at its meeting on September 18, 2008 as part of the Service's 2009-2013 Capital Program Request (Min. No. P273/08 refers). This estimate was subsequently increased to \$35.7M as a result of the cost impact from the introduction of the Harmonized Sales Tax (HST).

The cost to acquire a suitable site and the condition of the building on the site was unknown at the time the cost estimate was prepared, and unlike building a new divisional facility, the Service did not have previous projects it could use as comparisons, in order to assist it in developing the estimate. The specialized needs of the PEMU made the cost estimate even more difficult to determine. Due to the foregoing and in the absence of a completed design, the development of a cost estimate for the P&EM Facility project proved to be very

challenging and uncertain, and the Service was concerned from the outset that the estimate of \$35.7M may not be sufficient. Through the capital program process and variance reports, the Service regularly advised the Board that the estimate was preliminary and could change, and that any impacts would be reported to the Board as soon as they became known.

The Progress Avenue site was acquired by the City (with the Service's concurrence) in 2010 for \$21.8M. It is a good site which has the capacity to meet the operational requirements of PEMU for the next 25+ years. The 287,752 square foot building is in good condition and the site includes eight acres of vacant land. The site is, however, larger than what is required by PEMU, and the cost was also higher than the Service had hoped. The site does provide opportunities for the consolidation of other operations on the site, thereby providing future potential financial benefits to the Service and the City. However, the P&EM Facility project has absorbed the full cost of the site acquired, even though future projects will benefit from the use of this existing site. The potential opportunities this site presents have and will continue to be explored by the Service and, subject to proper justification and availability of capital funds, will be recommended for consideration/approval in future. For that reason, a project on the "future use" of the Progress site is included in the last five years (starting in 2018) of the Service's 2012-2021 capital program.

The cost to acquire the site left only \$13.9M for design, construction, equipment and fit-up requirements. This was below the high level estimate the Service had developed to house the PEMU at the Progress site. As a result, as part of the Service's 2011-2020 capital program process, the Service deleted the Smart Card project from its capital program and moved the \$1.3M allocated for the Smart Card project to the P&EM Facility project. There were no net impacts on the Service's capital program as a result of this move, and the capital program was approved by the Board and the City. Also at the end of 2010, a total of \$125,000 was transferred from the New Training Facility, Digital Video Asset Management System (DVAMS II) and Intelligence facility projects (Min. No. P80/11 refers). These actions increased the project budget to \$37.0M, and the funds available for design, construction and equipment to \$15.3M. However, it was noted at that time that the adjusted funding for the cost of work required to house the PEMU could still be insufficient, and that once the design phase and tendering process were completed, the cost estimate would be reported to the Board (Min. No. P212/11 refers).

This project spans over four years. The project experienced some delays in 2011, primarily due to the shortage of Service staff resources and the resultant delay in selecting the architect and approving designs. Based on the estimated annual cash flows for the project, the City's one year carry forward rule required spending of \$1.2M in 2011. Only \$100,000 was spent, and as result, \$1.1M of unspent funds in 2011 was returned to the City. This reduced the funding available for this project by \$1.1M. However, the project could not sustain a reduction in funding and required the full estimated amount. As a result, \$1.1M was transferred from the 11 Division and 5th Floor Space Optimization projects to the P&EM Facility project, as both those projects are projected to be completed under budget. These transfers were approved by the Board at its April 19, 2012 meeting. It is important to note that these transfers did not increase the budget for the P&EM Facility project, but rather restored the funding to the original budget, before the loss of 2010 funding from the

application of the City's one year carry forward rule. This represents a one-time exemption to the City's carry-forward policy, as the funds have been re-purposed for a project different from those for which they were carried forward.

The schematic design for the new facility was completed by the architect in early 2012. The Construction Manager (CM) was retained in February 2012 at an estimated cost of \$0.7M. As part of the construction management process, the CM completed a re-assessment of the project estimate based on the completed design. Based on the information provided, the CM has advised that the project requires an additional \$3.25M in order to achieve the scope of the P&EM Facility. It is important to note that until the space design was completed and the CM hired in early 2012, the Service had no basis or rationale to increase the cost estimate for the new facility. Any increase before this time would have been arbitrary and not supportable.

The tendering process for the various sub-trades is currently in progress and a more accurate project cost estimate will be available from the CM once the majority of the tenders are awarded. In addition, the Service has and will continue to work with the CM to identify any potential cost savings to reduce the total cost of the project. The Board will be kept apprised of this project through the quarterly capital variance reports, and if there is a further change to the project estimate, the Board will be advised accordingly.

The P&EM facility is scheduled to be substantially completed by mid-2013, and the additional \$3.25M will be required in 2013 to complete the project. After discussion with City Finance staff, it was determined that it would be best to address this funding requirement during the 2013-2022 capital program process. This project is eligible for Development Charges (DC) funding, and City Finance staff have confirmed that there are sufficient funds in the DC Reserve to offset the additional \$3.25M funding requirement, and that it would be appropriate to assign this funding to the P&EM project. Therefore, the 2013-2022 program will include a request to increase this project's gross funding by \$3.25M, to be offset by revenue from the City's DC Reserve, with no net impact on the Service's debt-funded capital budget.

It is expected that the new facility will meet the Service's property and evidence storage requirements for the next 25+ years. The facility currently occupied by the PEMU will be returned to the City once construction of the new facility is complete and occupancy achieved.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

**#P255. RESPONSE TO COUNCILLOR AND CITY BUDGET CHIEF MICHAEL
DEL GRANDE’S LETTER ON THE TORONTO POLICE SERVICE
BUDGET**

The Board was in receipt of the following report October 01, 2012 from William Blair, Chief of Police:

Subject: RESPONSE TO COUNCILLOR AND CITY BUDGET CHIEF MICHAEL DEL
GRANDE’S LETTER ON THE TORONTO POLICE SERVICE BUDGET

Recommendations:

It is recommended that:

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

Financial Implications:

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

Background/Purpose:

The Board, at its meeting of September 13, 2012, was in receipt of a letter from Councillor and City Budget Chief Michael Del Grande. The letter was in reference to the Toronto Police Service (Service) budget and outlined various concerns and questions that he raised in his presentation to the Board on August 15, 2012 (Min. No. P191/12 refers).

Discussion:

Councillor Del Grande’s comments and the Service’s response to each are provided below.

City Staff Remarks

Councillor Del Grande’s Comment/Question	Toronto Police Service Response:
0% target does not include the transfer of lifeguard or crossing guard functions to the City, as these are not sustainable savings to	The Service’s current 2013 operating budget request does not include these programs as they are not core policing services. Our base budget has been adjusted accordingly.

Councillor Del Grande's Comment/Question	Toronto Police Service Response:
the City ... the City would incur these costs IF the transfers are recommended.	
Submissions should include savings from the implementation of efficiency reviews, shared service reviews, user fee policy.	Any savings will be included as they become known.
No new requests for 2013	As per the City's guidelines and the Chief's budget directions, no new initiatives are included in the Service's operating budget request. However, the budget does include the resumption of hiring officers to enable the Service to move towards an officer complement of 5,400, which is 204 below the authorized uniform officer strength.

Councillor Del Grande's Comment/Question	Toronto Police Service Response:
Continued cost control	The Service has and will continue to monitor and control costs. To this end, senior management was reduced by 10% (19 positions) in 2011 for on-going annualized savings of \$3M+ in 2012 and onwards. Premium pay was reduced by 15% or \$5.5M in 2011 and 2012 and is reduced by a further \$0.6M in the 2013 request. Other expenses such as training, business meetings, conference and seminars, have been reduced by up to 60% in the last two years.

There are other significant Police-related costs incurred by the City beyond the Toronto Police Services and Board budgets such as:

Councillor Del Grande's Comment/Question	Toronto Police Service Response:
Paid duty and court officer overtime (up to \$7.2M for the latter as police court appearances are almost exclusively occurring on off duty time thus incurring overtime costs)	<i>Paid duty:</i> There are zero overtime costs for paid duty assignments performed by officers. Off-duty police officers are available for hire to provide police presence for a range of functions: traffic control, funeral escorts, escorts for wide/oversize loads, film shoots, and security at sporting events, concerts, etc. Paid duty rates are set by the Toronto

Police Association. The Service does not pay the officers or charge the clients for the actual paid duty services; the officers are paid directly by the clients. The Service prepares separate T4s for officer paid duty earnings, and administers the paid duty program. The Service charges paid duty customers a 15% administration fee to cover the costs of this service (cost recovery) and an additional cost for any vehicles or equipment used. This recovery (approximately \$5M annually) is included in the Service operating budget as revenue and is intended to offset the cost to administer the program. Paid duties for City construction sites are essentially driven by the City. The City pays for these costs directly or indirectly through contractors. The City could reduce these costs by simply not requesting these paid duties.

On September 11, 2012, Chief Blair wrote to City Manager Joe Pennachetti, and advised that effective December 1, 2012, the Service will no longer perform paid duties for the City of Toronto or its ABCs, except in circumstances where there is concern about the risk to public safety if there is no uniformed police officer at the paid duty site. In those circumstances, performance of the paid duty will require the approval of the Office of the Chief upon a request from the City Manager's Office articulating the risk to public safety and the reasons why a uniformed police officer is required in order to mitigate that risk.

Off-duty Court Attendance:

The decision by the City to reimburse overtime costs to the Service for attendance at court off duty, was based on the assumption that the overtime cost would be more than offset by the increase in revenue.

Off duty court attendance by officers for traffic violations is the result of a joint City/TPS initiative to address a problem of officers not being able to attend court on-duty due to operational priorities. In order to address this problem, scheduling of court attendance off-duty was initiated. The objective of off-duty court attendance is to increase court attendance by officers, leading to increased convictions and corresponding higher revenue to the City. Another objective was to change behaviour, so that persons charged would not attend court if there was a high likelihood the officer would be in attendance. This then

	<p>would also take pressure off the court system. The 2013 revenue budget for the recovery of the Service’s premium pay costs from the City is \$5.7M. However, if actual costs are higher or lower the Service will be reimbursed based on the actual expenditure. The City reimburses the Service for the cost, resulting in a zero net impact to the Service. However, the City should also be achieving increased revenues so that overall the City benefits from having the officers attend off-duty. The Service has no issues if the City wants to discontinue this practice; however, this decision could result in operational pressures that would affect officer attendance at court.</p> <p>Discontinuation of this practice may have a net impact on revenue to the City. Further information would be required from City Court Services before any changes to this practice can be made.</p>
<p>Legal claims and costs</p>	<p>All legal and related costs are included in either the Service or Toronto Police Services Board budget. In addition to the Service’s legal counsel, legal costs for the Service include legal indemnification of officers and the cost of hiring external lawyers or legal professional services, as required. Legal costs for the Board include external professional services as well as City Legal chargebacks.</p> <p>All legal costs are fully reflected in the Service’s and Board’s budget. Funds are drawn from the Legal Reserve to fund most of these expenditures. Contributions are made to the Legal Reserve to fund these expenditures. However, in some years, contribution amounts have or may be adjusted to address funding pressures.</p> <p>The following table summarizes overall legal costs for the past three years.</p>

SERVICE			
<u>Legal</u>	2009	2010	2011
4010 - Legal	272,383	96,466	78,522
4091 - External Lawyers	0	0	1,526
4011 - Legal Indem	1,398,419	701,446	1,435,951
Total	1,670,802	797,912	1,515,999
Reserve Contribution	0	580,000	450,000
BOARD			
<u>Legal</u>	2009	2010	2011
4010 - Legal	57,342	0	0
4030 - Prof & Tech	776,474	446,672	186,339
4091 - External Lawyers	41,760	26,873	355,078
7060 - IDC Legal	595,733	545,313	355,569
Total	1,471,309	1,018,858	896,986
Reserve Contribution	0	600,000	640,600

Sick leave payouts

All Sick Pay Gratuity costs are fully reflected in the Service's budget. Funds are drawn from the Sick Pay Gratuity Reserve to fund these expenditures. Contributions are made to the Sick Pay Gratuity Reserve by the Service. Following a detailed review of this reserve by the City, the Service was advised that its contributions should be increased by \$6.5M annually to about \$10.6M. This increase has been included in the Service's annual budget requests for the last four years, but then removed each year (after discussions with the City Manager and City Finance staff) in order to help achieve the Service's budget targets. In 2011, the Service received permission from the City to contribute an extra \$6.5M to this Reserve. This enabled the Service to defer the budget increase from 2012 to 2013. In early 2012, the Service requested that the City allocate \$13M of the Service's 2011 surplus (\$23M) to the City's Sick Pay Gratuity Reserve to help offset our pressure in this regard for both 2013 and 2014. The City Deputy City Manager and CFO recommended and the City's Executive Committee has approved re-allocating only \$6.5M of the Service's 2011 surplus to the Sick Pay Gratuity Reserve. Consequently, the Service still faces a \$6.5M pressure in 2014 - this is included in the Service's 2014 outlook.

Councillor Del Grande’s Comment/Question	Toronto Police Service Response:
<p>Capital Budgets must comply with all City policies and requirements. For all City Programs and Agencies, the debt target is not an entitlement but rather a starting point and subject to review of projects on a business case basis. The City will redistribute its capital funding based on critical need, priorities and sound business case analysis.</p> <p>Funding is approved for a particular capital project. If those projects are under spent, the funding is returned to the City. The approved debt funding is specific to a particular project and not managed as an envelope for reallocation.</p>	<p>The Service does not view the City debt targets as an entitlement, but like other City agencies, boards, commissions and divisions, we do use the City-provided targets to help us develop our capital program, recognizing like other City departments, that all of our projects cannot be accommodated.</p> <p>The Service complies with the City’s requirements and processes regarding the capital program. There is on-going discussion and information-sharing with City Finance staff on the program and projects that comprise it. For critical projects, discussions are held with the City Manager and City Finance staff to ensure they understand the importance of the project, estimated funding requirements and provide any assistance required (e.g., the Property and Evidence Facility project)</p> <p>The Board is provided with justification for each new project in the program, and a board report is prepared with required information and submitted to the Board for consideration and approval of our capital program. The Board then forwards the approved capital program report to the City Budget Committee for consideration. Service staff have and are available to answer any questions on the program or projects at each step in the approval process.</p> <p>The Service has and is prepared to answer any questions on any project in our program, and the City has the authority to decide on the level of funding it is willing to allocate to the Service’s capital program. However, in accordance with the <i>Police Services Act</i>, the decision on what projects to include or not include, respectfully, rests with the Board and the Chief.</p> <p>The following is an excerpt from the <i>Police Services Act</i> (section 39):</p> <p>“39. (1) The board shall submit operating and capital estimates to the municipal council that will show,</p> <p>separately, the amounts that will be required,</p> <p>(a) to maintain the police force and provide it</p>

with equipment and facilities; and

- (b) to pay the expenses of the board's operation other than the remuneration of board members.

Same

- (2) The format of the estimates, the period that they cover and the timetable for their submission shall be as determined by the council.

Budget

- (3) Upon reviewing the estimates, the council shall establish an overall budget for the board for the purposes described in clauses (1) (a) and (b) and, in doing so, the council is not bound to adopt the estimates submitted by the board.

Same

- (4) In establishing an overall budget for the board, the council does not have the authority to approve or disapprove specific items in the estimates."

The Service develops its capital program based on facility and information technology strategies and requirements. We manage our capital program on a project-by-project basis. Project cost estimates are established based on all known information at the time of development. On some occasions, projects are underspent due to lower-than-estimated pricing and contract costs, alternative methods of delivery (e.g. in-house vs. consulting) or through other measures. However, even with the best planning and management, some projects may require additional funds, due to higher-than-estimated costs based on responses from the market or unanticipated / unexpected situations and costs (e.g. higher-than-expected remediation, labour disruptions, permit or other delays, etc.). Variances are reported to the Board quarterly, and any issues from a schedule, scope or budget perspective are highlighted. The Board then forwards the variance report to the City's Deputy City Manager and Chief Financial Officer for information and inclusion in the City's overall capital variance report to the City's Budget Committee. The Service is committed to and should be expected to work

	<p>within its approved capital program. As such, any additional funds that may be required for a particular project are as a first step funded from under expenditures in other completed or uncompleted projects. The respective transfers between projects are reported to the Board and City Budget committee for approval through the variance reporting or annual capital budget approval process. Any unspent funds have been and will continue to be returned to the City.</p>
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City Auditor General's Remarks:

Councillor Del Grande's Comment/Question	Toronto Police Service Response:
Extent and control of overtime	The Auditor General's report on premium pay was completed over 10 years ago. Since that time, premium pay expenditures have decreased significantly. In addition, premium pay controls have been enhanced as necessary to ensure all premium pay is necessary and properly approved.
Police doing civilian type jobs at more expensive salary levels	<p>There are instances where uniform officers perform civilian-type jobs. Within the context of continuous improvement, positions are on occasion identified as having potential for civilianization, and, if warranted, this is done. However, this does not necessarily mean that the civilian will be paid at a lower rate, as some positions may attract a higher salary based on the expertise and skill set required for the position.</p> <p>There is also a need to offer some roles for officers in accommodated positions or on modified duties (e.g. officers are hurt on the job, and are required to work at a desk for several months). In some of these cases, officers are assigned civilian-type duties.</p>
Coordination and consolidation with the City	<p>The Service has a very good working relationship with several City departments including Facilities and Real Estate, Purchasing, Information Technology, Human Resources, Finance, Legal Services, Fire and EMS, City Manager, etc.</p> <p>The Service has and will continue to participate in consolidated purchases with the City in order to benefit from the potentially lower prices/costs that higher volumes provide. Examples include gasoline, telephone/data lines,</p>

	<p>and employee medical and dental benefits administration.</p> <p>The Service's IT director meets with the City's CIO and TTC's IT director on at least a quarterly basis to share best practices, potential joint initiatives, etc.</p> <p>The Service is part of the City's joint radio communication system with Fire and EMS.</p> <p>The Service is also on and uses the City's SAP financial system, and participates on the City's SAP Steering Committee.</p>
<p>Controls on IT projects</p>	<p>The Service has made a firm commitment to effective project management for not only information technology, but facility and other projects as well.</p> <p>A formal project management framework exists and is used for all projects. This framework includes priority setting and review by the Chief and Command in terms of what projects are included in our capital program. The development of a business case is required to justify the cost, benefits and value of the project. Once the capital program is approved by the Board and the City, a project charter is developed for each project outlining the project sponsor, lead, team members, scope, potential risks, schedule and cost estimates, and the assumptions made to develop the estimates. A steering committee comprised of command officers and senior staff is required and used for any capital project. The steering committee oversees the project and ensures any issues are addressed effectively and in a timely manner. Regular steering committee meetings are held to review the project status and to identify/deal with any issues, from a scope, schedule or cost perspective.</p> <p>Project status reports are provided to the Board through the quarterly variance reports. Any issues, actual or potential, are included in these variance reports, as well as any action taken or to be taken to address the issues.</p> <p>Once the project is complete, a close out report is provided to the Board that essentially outlines the results of the project, what went well and what did not, and any lessons learned that will be applied to future projects. A request to close out the project is also sent to City Finance.</p> <p>The Service takes project management very seriously and</p>

	<p>takes all possible steps to avoid problems such as cost over runs, etc. However, even with the best of planning, problems inevitably arise. For example, cost estimates are</p> <p>for the most part developed without the benefit of completed quotes and tenders. In addition, things happen that at times cannot be anticipated. Consequently, there may be projects, started and in-progress, that require additional funds beyond the original estimates. In these cases, the Service makes every attempt to deal with the situation within its approved capital program by transferring monies from projects completed or expected to be completed under budget or to cancel projects not yet started, if possible.</p>
<p>Two officer patrol cars (collective agreement issue) comparisons with other large police services?</p>	<p>This is a collective agreement issue between the Board and the Toronto Police Association.</p>
<p>Training and conference expenses</p>	<p>In the last two years, these expenses have been reduced by approximately 40%. However, some training is necessary to maintain required certifications or to ensure staff can effectively perform their job responsibilities. Attendance at some conferences is also required to get differing perspectives on current issues, initiatives, etc.</p> <p>All requests are reviewed and approved to ensure they are necessary and of value to the Service, and attendance kept to an absolute minimum.</p>
<p>Cooperative purchasing</p>	<p>Several years ago, the Service initiated the Police Co-Operative Purchasing Group (PCPG) which enables the consolidated purchase of police-specific goods such as ammunition, cars, equipment, clothing, etc., by participating police services.</p> <p>In addition and as previously indicated, the Service participates in consolidated purchases with the City of Toronto if there is potential for improved pricing or other terms.</p>
<p>C.O. Bick</p>	<p>As indicated at the August 15, 2012 Board meeting, the old police college (C.O. Bick) was returned to the City, once the new Toronto Police College became operational and some short term space requirements (for temporary swing and storage space) were satisfied. With the exception of the old 23 Division that now houses the Service's</p>

	<p>TAVIS/Community Mobilization Unit, other existing buildings are returned to the City once the new facility is operational. This includes the old 11 Division facility, as well as the existing 14 Division and Property/Evidence facilities, once the new facilities open for business.</p>
<p>Facilities management has always been a conflict with the City? What are the issues?</p>	<p>The Service contracts with the City Facilities for the cleaning of its buildings. In addition, City Facilities performs infrastructure state of good repair work for the Service's facilities. The Service expects quality and timely services/work, whether the services are provided internally by the City or by an external provider. A new Service Level Agreement will soon be in place with the City for facilities management, and we are always looking to improve our relationship with the City and work with them to resolve any issues. This includes monthly meetings with City facilities staff. With respect to the cleaning of our facilities, we have always been supportive of any service delivery that provides services at the lowest cost. To this end, we have cooperated with the City in the contracting out of Service facility cleaning services. Finally, we have worked with the City to support and implement key environmental initiatives. Some of these initiatives, like the City's deep water cooling project at Police Headquarters, have helped reduce our energy costs.</p>

<p>Councillor Del Grande's Comment/Question</p>	<p>Toronto Police Service Response:</p>
<p>Labour Costs: Historically, emergency services budgets have been sacred and requests for increases have gone unquestioned. This is no longer the case as jurisdictions across the province and country grapple with the ever-rising costs of these services.</p>	<p>The Service has always followed the City's budget process and requirements. Up until 2012, the Service's operating and capital budget requests were reviewed by the Board Budget Sub-Committee, on a line by line and project by project basis, respectively. (Note: this review process has been reinstated for the 2013 budget process) The reviews resulted in a number of questions being asked, requests for clarification/justification, and reductions made before the budgets were approved by the Board and forwarded to the City for approval by City Council through the City's Budget Committee.</p> <p>The Service's budgets are also reviewed by City Finance staff, the Chief Financial Officer and the City Manager as</p>

<p>It is well known that the majority of increases are related to salaries and the rising costs of labour. With negotiations two years away, it should behoove the Board to look at options to strengthen Management Rights and improve cost containment. As you know, what happens with police labour relations are duplicated within the Fire Services.</p>	<p>part of the overall budget review process. The Service has answered any questions or requests for information at each point in the approval process at the City, starting with the City Budget Committee. The Service has not hired uniform officers for the last two years and has significantly reduced its non-salary (operating) expenses to help the City deal with its fiscal challenges. In 2012, the operating budget was reduced by over \$43M and the Service came in at an increase of approximately \$4.2M (or 0.5%) over 2011, despite a \$23.2M obligation that resulted from the collective agreement salary settlement.</p> <p>This is a Board matter, as the Service has virtually no involvement in the collective agreements negotiation processes.</p>
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Councillor Del Grande's Comment/Question	Toronto Police Service Response:
<p>Paid Duty:</p> <p>The cost of paid duty is a growing concern. A 2009 report showed that Toronto Police had \$29M in paid duty work with a cost to the City of \$1.3M to administer. Of that, \$8.1M was directly paid by the City and we have taken measures to reduce the level of paid duty work to that which is absolutely necessary.</p> <p>Another \$12M is indirectly coming from contract work being charged back to the City. The Highway Traffic Act (HTA) is</p>	<p>The Auditor General in his report to the Police Services Board (Min. No. P72/11) indicated that, in 2009, City divisions, agencies, boards and commissions paid approximately \$7.8M for paid duty services. This included \$2.6M in direct expenditures by the City, and \$5.2M in paid duty costs charged indirectly to the City by contractors doing City work (e.g. construction). These amounts differ significantly from the \$8.1M (direct) and \$12M (indirect) included in the Councillor's letter to the Board. An excerpt from the Auditor General's report on Paid Duty Costs to the City is attached to this report. The City drives requests for paid duties at construction sites and can therefore take action to reduce or eliminate much of the requirements and associated costs.</p>

<p>used as the rationale for the need for paid duty each time the issue of the necessity of paid duty has been raised.</p> <p>I believe this is a broad interpretation that is being overused. No other police service in Ontario or Canada comes close to this amount. Montreal Police and York Regional are at approximately \$3M each, which represents one tenth of Toronto's expenditure.</p>	<p>As previously indicated in this report, on September 11, 2012, Chief Blair wrote to City Manager Joe Pennachetti, and advised that effective December 1, 2012, the Service will no longer perform paid duties for the City of Toronto or its ABCDs, except in circumstances where there is concern about the risk to public safety if there is no uniformed police officer at the paid duty site.</p> <p>Paid duties do not result in a net cost to the Service. Paid duties are performed by officers off duty. The officers are paid directly by the customer. The only cost to the Service is to administer the program. This cost is recovered through a 15% administration charge to the customers. As such, the only things in the Service's budget that relates to paid duty are the costs to administer the program and the revenue to recover that cost.</p> <p>The \$29M quoted in the Auditor General's report was comprised of \$24M paid directly to officers by customers for duties performed and approximately \$5M in administration and equipment fees charged by the Service to customers.</p> <p>It should be noted that the Service is conducting a comprehensive review of the paid duty program to streamline the process, identify and implement efficiencies and automate the process, wherever possible.</p>
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Councillor Del Grande's Comment/Question	Toronto Police Service Response:
<p>Lawsuits:</p> <p>As you can imagine, the City has lawsuits underway at any given time. I am asking all Divisions and Agencies to review the commonality of lawsuits. With or without merit, all lawsuits are costly. I do believe a thorough review is required to determine if there are systemic issues that give rise to them.</p>	<p>The Toronto Police Service has processes and systems to evaluate and analyze trends and patterns in order to reduce claims and mitigate risks arising from civil claims brought against the Service. All civil claims are subjected to a review by the case conference committee led by Legal Services (LSV) of the TPS. The committee is comprised of representatives from the Toronto Police College to identify potential training issues, the Corporate Planning Unit to identify potential procedural issues, the Professional Standards Unit to identify potential discipline issues, and Legal Services to identify legal concerns or Service liability.</p> <p>To monitor cases, regular consultation is maintained with</p>

	<p>counsel at City Legal and this liaison is supplemented by the attendance of LSV at the monthly Claims Review Group (CRG) meeting hosted by the City's Insurance and Risk Management Division. To manage specific cases, LSV counsel are closely involved with City Legal and the City's insurer in the assessment and response to each claim.</p> <p>Monthly, the Service reports to the Board on new civil claims and updates the Board on existing claims. In addition, annually, the Board receives a report on the top ten trends as assessed by the Insurance and Risk Management Division of the City of Toronto and the action that the Service has taken to mitigate these trends. This information is also used to inform Service procedures, training, and supervision.</p> <p>More generally, to reduce claims, the Service closely monitors and supervises such high risk activities such as arrests and searches, injuries and use of force, and Service collisions and pursuits. Where warranted, the Service takes corrective action.</p>
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Councillor Del Grande's Comment/Question	Toronto Police Service Response:
<p>Capital Funding:</p> <p>The City is facing significant pressure in terms of capital funding which is at a premium. In 2004, the TPS requested for and received funding for an in-house, customized management system called e-Cops. It was intended that staffing would be reduced by 150 positions, however, the final numbers have not been confirmed. The original budget was \$8M and cost overruns increased the budget to \$16M. The Auditor General pointed out the lack of transparency in the reporting of the cost overruns. TPS is now undertaking the development of a new system to replace e-cops, one that requires increased staffing</p>	<p>As previously indicated, significant steps have been taken to improve project management for all projects undertaken by the Service, to mitigate the risk of the problems and issues that occurred in the eCops project from happening again. The Service has used eCops since 2004 and, based on the positions eliminated as part of that project, has achieved a pay back on the investment it made in that project.</p> <p>The new records management system, selected through a competitive procurement process, is a commercial off-the-shelf system, which the City Auditor General recommended that the Service move to when eCops was replaced. The IRIS project did originally estimate that 55 positions would be required for the new system. However, as the project moved forward, that estimate was revisited and the requirement for 55 positions eliminated. The Service will nonetheless continue to monitor the need for any additional staff as the project goes through the</p>

levels and significant capital funding. So what did we accomplish?	configuration, testing and implementation processes. Any changes in terms of overall staffing increases will be reported to the Board.
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Councillor Del Grande's Comment/Question	Toronto Police Service Response:
<p>Police Checks:</p> <p>As I understand, there is a missed revenue opportunity with police checks. The turnaround time for police background checks in the TPS is high in comparison to other entities providing similar service. As a result, those requiring police background checks go elsewhere resulting in lost revenue.</p>	<p>User fees, including police background checks, are determined and limited to the cost to provide the respective service.</p> <p>As previously reported to the PSB (Min. No. P321/2011 refers), the Service provides two types of background check service to the public: Clearance letters and Vulnerable Sector Screening Checks. Members of the public may go to any police agency to obtain a clearance letter as it is a less in-depth check which essentially consists of a CPIC check. Vulnerable Sector Checks are a more in-depth check and require the review of local police records and therefore require an individual to go to the police agency in the City in which they reside.</p> <p>The fee schedule for reference checks is approved by the Police Services Board. Most recently the Board approved a reduction for Clearance letters to \$20.00 from the previous \$25.00 fee in keeping with the principle of cost recovery (Min. No. P157/2011 refers). With respect to missed revenue opportunities, it should be noted that in 2011, the Board decided to indefinitely defer the implementation of its earlier decision to charge City departments the associated fee for Vulnerable Sector Checks (Min. Nos. P157/2011, P242/2011 refer).</p> <p>As stated above, police reference check fees are established at a cost-recovery rate. Changes in police record check volume will result in changes in operating costs to provide these checks. Additional information regarding the cost of operating the Reference Check Program was provided to the Board during its meeting on February 16, 2012 (Min. No. P36/2012 refers) and the issue rests with the Chair for further analysis and a report back to the Board. However, the Service will continue to look at this matter to see if any changes are feasible or possible to increase the efficiency of the processes.</p>

Councillor Del Grande's Comment/Question	Toronto Police Service Response:
<p>Staffing Complement:</p> <p>For some time now, requests have been made to have an independent review of the TPS organizational structure. The purpose would be to determine the appropriate level of uniformed and civilian staff.</p>	<p>Determining the appropriate staffing levels for any major urban police service requires an evaluation based upon a complex set of social and economic factors, the number and nature of calls for service, the volume and type of crimes experienced, and the expectations of the population it serves.</p> <p>Police have become our society's first response to a vast variety of demands for service. We will come, 24 hours a day, every day, whenever required by our citizens. We respond to crime, but also to resolve disputes, to answer requests for help, and to aid in any emergency.</p> <p>The number of police officers required to respond to calls for service is a fairly well understood calculation. In addition to the number of calls, we must also consider the nature of such calls, the number of officers required to respond safely, the complexity of response, the time it takes to complete each call, and the public's expectation of response times.</p> <p>We have experienced an increase in the time required to complete many of the calls for service commonly received. Domestic Violence calls, for example, now receive a more effective response, but take considerably longer to complete. Similarly, our response to emotionally disturbed persons, impaired drivers, and neighbour disputes all have become more complex and time demanding.</p> <p>In addition to merely reacting to crime, the Toronto Police Service has dedicated significant human resources to preventing crime, reducing victimization, and to making our communities safer.</p> <p>Among the socio-economic factors to be considered, levels of poverty, homelessness, disparity, concentration of those suffering mental health issues, concentration of those suffering from drug and alcohol dependency are significant variables which tend to be more prevalent in large cities, compared to more suburban and rural communities.</p> <p>Additionally, large cities like Toronto tend to experience</p>

more large public order disturbances which require

significant police resources. The presence of foreign consulates, large public institutions, centres of government and large corporate headquarters all attract demonstrations and require additional security measures.

Cities also tend to have large social and cultural events which require significant police resources. Caribana, the Santa Claus Parade, the Toronto International Film Festival and the Pride parade are examples. In addition, large cities also tend to have hundreds of other cultural events and festivals every weekend and in every community. A city with Toronto's remarkable diversity experiences proportionally many more such events than smaller, less urban centres.

Some large cities, such as Toronto, are major tourist centres. In addition to the numerous cultural attractions cited above, the presence of our Major League Sports teams, our Entertainment District, Museums, Art Galleries, the Metro Toronto Convention Centre, CNE, Indy Race, and the conference facilities and major hotels all bring additional demands for policing and an expectation of public safety.

National Security concerns, while not solely limited to big cities, are concentrated around critical public infrastructure, public transportation centres, major financial institutions and government centres.

Large urban centres like Toronto tend to experience greater challenges with Organized Crime and violent Street Gangs than smaller population centres. Guns and gangs are generally an urban problem, more prevalent in low income housing complexes. Unfortunately such areas are vulnerable to gang activity, drug trafficking and other crimes of violence and disorder disproportionate to other, less urban population centres.

Another factor tending to impact on the demand for police resources is the safe and orderly movement of traffic. For example, at the request of the City, the Service has deployed 80 officers into our Transit System to improve public safety and security. Enforcement of traffic laws throughout the City is an important public safety function.

In Toronto, we have deployed significant uniform police resources to the priority neighbourhoods to reduce crime and violence. When adequately staffed, we have achieved a very significant reduction.

During the past two years, we have experienced a diminished capacity to respond to and prevent crime. We have approximately 200 fewer officers today than 2011. We have made considerable effort to find efficiencies within our organizational review to mitigate the impact of the reduction in people to get the work done. Some of those efficiencies will be realized in the future. However, it was necessary this summer to take extraordinary action (the Summer safety initiative) to maintain safety and to restore the public's sense of safety.

In response to increased violence in parts of the City, through compulsory overtime, the Summer Safety Initiative put as many as 329 additional officers on the street and in neighbourhoods. During the period of this program, there was a significant decline in crime and victimization.

This program is not sustainable from an officer well-being perspective and within the current funding structure. However, in future, as a consequence of the results that come out of the ongoing Chief's Internal Organization Review (CIOR), the balance between uniform and civilian establishment may change to help deal with the demand for and benefits derived from additional front line officers. In addition, the Service has issued a Request for Proposal for an external consultant to review the Service's organizational structure, which will include opportunities for delayering, span of control, further civilianization opportunities, etc. The results of this review could also impact the uniform and civilian position establishments.

Determining the appropriate staffing of any police service is based upon the unique factors cited above, and is not a scientific exercise. Over the past several years, we have achieved considerable success in reducing crime and victimization. We have deployed our resources strategically and focused on those policing activities which make a difference.

Unfortunately, the media has solely focussed on the potential layoffs of officers as the only

The Service has and will be achieving efficiencies through the Chief's Internal Organizational Review. Those efficiencies will enable us to to maintain service levels by

<p>outcome of reducing the TPS' budget. As a result, this has taken away from the issue at hand, i.e. the need for the TPS Board and the Police Chief to fully explore all opportunities to find efficiencies.</p>	<p>mitigating the impact of attrition (uniform hiring freeze) over the last two years.</p> <p>It should also be noted that all opportunities for efficiencies and savings in non-salary accounts have and will continue to be explored. The Service has reduced its operating expenses in a number of areas in the last two years. As in prior years, the Service will go through a thorough review of its budget request with the Board's Budget Sub-Committee, the City Budget Chair/Committee and City Finance staff. Any reductions identified during that process will be included in our budget request.</p> <p>The fact, however, remains that the significant budget reductions to achieve the City's minimum 0% increase budget target will require significant staffing reductions. The additional dollars required to meet the Board's budget motion committing to achieve the budget target (10%) it committed to last year, will require even greater staffing reductions. In both cases, the ability to provide adequate and effective police services will be affected.</p>
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Councillor Del Grande's Comment/Question	Toronto Police Service Response:
<p>Toronto's operating and capital budgets are funded by our tax payers and we have a duty of care to account for those tax dollars. Furthermore, as Budget Chair, I am required to do my due diligence.</p>	<p>The Service also has a duty to be diligent and prudent in managing taxpayer dollars to ensure the monies approved for policing are used wisely and result in the best return on taxpayers' investment in public safety services. The Service has and will continue to take that duty and responsibility very seriously.</p> <p>We believe the exercise of that due diligence includes a line-by-line review of the Service's request with the Board, and City Budget Committee. The Service is prepared to answer questions at each step in the Board's and City's budget approval process.</p>

Councillor Del Grande's Comment/Question	Toronto Police Service Response:
<p>I am also requesting for budget outlooks for 2014 and 2015.</p>	<p>This information is always included in the two-page summary provided during reviews, as requested by City Finance staff.</p>

Conclusion:

The Toronto Police Service accounts for a significant portion of the City's budget. The Service develops its budget with the goal of providing effective and value added public safety services as efficiently and economically as possible. This report responds to specific questions and concerns raised by the City Budget Chief in order to ensure the Budget Chief, the Board and City Council have accurate and complete information respecting components of the Service's budget.

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

Mr. Miguel Avila was in attendance and delivered a deputation to the Board.

Chief Blair and Mr. Veneziano responded to questions by the Board about the responses contained in the foregoing report.

The Board approved the following Motions:

- 1. THAT the Board receive the foregoing report and forward a copy to the City's: Budget Committee; City Manager; and Deputy City Manager & Chief Financial Officer for information;**
- 2. THAT the Chief be requested to provide the Board's Budget Subcommittee with the number of officers who are on duty per day, taking into consideration the various shifts, and a breakdown of what duties they are undertaking while on their shift; and**
- 3. THAT the Board receive Mr. Avila's deputation.**

Excerpt from City Auditor General's report on Paid Duty

Paid Duty Costs to the City

City divisions and ABCCs directly paid \$2.6 million in 2009 for paid duty services

Of the total 40,919 paid duty assignments, 3,670 (9%) were directly requested by City divisions, agencies, boards, commissions and corporations (ABCCs) at a cost of \$2.6 million.

The use of paid duty police also extends to contracts issued by City divisions and ABCCs for capital projects and maintenance. However, the paid duty costs embedded in City contracts cannot be determined by police billing records as client names would be the individual contractors or sub-contractors. As part of the audit, we requested cost information from major City divisions and ABCCs. Figure 4 outlines the 2009 paid duty costs embedded in City contracts as provided by City divisions and ABCCs.

Figure 4: Paid Duty Costs Embedded in City Contracts, 2009

Approximately \$5.2 million of paid duty costs were embedded in City contracts

City Division/ABCC	Paid duty costs
Transportation Services	\$2,583,000
Technical Services	\$ 875,000
Toronto Water	\$ 781,000
Facilities Management	\$ 125,000
Toronto Transit Commission	\$ 220,000
Toronto Hydro Corporation	\$ 623,000
Total	\$5,207,000

\$7.8 million of paid duty costs are borne directly by the City

Combining the \$2.6 million in direct expenditures and \$5.2 million in contract costs, the City paid approximately \$7.8 million in 2009 to acquire paid duty policing services. This represents 27 per cent of total 2009 paid duty fees.

In addition to City operations, the provincial government also acquires a considerable number of paid duty services each year. Of the total 40,919 paid duty assignments in 2009, 12 per cent were acquired by the provincial government (Figure 3), mostly for prisoner security.

Nearly 40% of total paid duty fees are borne by taxpayers through municipal and provincial operations

The combined municipal and provincial government operations accounted for nearly 40 per cent of total paid duty fees in 2009. City operations paid \$7.8 million and \$3.5 million was paid by the provincial government, totaling \$11.3 million.

The remaining 60 per cent of total paid duty fees were paid for by individuals, companies and organizations as a personal preference or business requirement. Examples of such include paid duty policing for funeral escorts, security at sporting events and licensed premises, as well as paid duty policing for traffic control at construction sites.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

#P256. PRISONER MEALS – VENDOR SELECTION

The Board was in receipt of the following report September 10, 2012 from William Blair, Chief of Police:

Subject: PRISONER MEALS - VENDOR SELECTION

Recommendation:

It is recommended that the Board approve Pegasus Lunchbreak as the vendor for the supply and delivery of prisoners' meals at a cost (excluding taxes) of \$1.69 per meal for the period January 1st, 2013 to December 31st, 2014, with the option to extend at the Board's discretion for two separate one year terms at a cost of \$1.74 (excluding taxes) per meal.

Financial Implications:

Based on the cost per meal and the estimated annual meals required, the 2013 and 2014 estimated cost for prisoner meals is \$270,000 (excluding taxes) each year for a total of \$540,000 for the two years. This amount will be included in the operating budget requests for those years.

The current cost per prisoner meal is \$1.29 (excluding taxes) and the recommended lowest cost submission for the years 2013 and 2014 is \$1.69 (excluding taxes). This is a 31% increase in price and results in a \$75,000 cost impact on the 2013 operating budget.

Background/Purpose:

The current contract for the supply and delivery of prisoners' meals with Pegasus Lunchbreak expires on December 31st, 2012. This report provides information on the results of the request for Quotation (RFQ) process conducted to select a vendor to provide this service with a contract start date of January 1st, 2013.

Discussion:

On August 21st, 2008 the Board approved Pegasus Lunchbreak as the vendor to provide prisoners' meals for the period of January 1st, 2009 to December 31st, 2010 with the option of extending the contract for two separate one year terms. The approval was subject to the condition that, prior to extending the contract, the Chief would provide the Board with a report on the quality control review of the meals provided. (Min. No. P228/08 refers)

On August 26th, 2010 the Board received the report on the quality control review of the meals and approved extending the contract with Pegasus Lunchbreak for the first option year from January 1st, 2011 to December 31st, 2011. The Board motioned that prior to the issuance of the next RFQ, the TPS would undertake a review to determine whether or not the mid-day meal is adequate. (Min. No. P224/10 refers)

On August 17th, 2011 the Board received a report on the review to determine whether or not the mid-day meal is adequate, and the conclusion was that it is. The Board approved extending the contract with Pegasus Lunchbreak for the second option year from January 1st, 2012 to December 31st, 2012. (Min. No. P210/11 refers)

RFQ Process

On August 3rd, 2012 TPS Purchasing Support Services issued RFQ #1129179-12 seeking quotations from qualified vendors for provision of prisoners' meals with a contract starting date January 1st, 2013 to December 31st, 2014 with the option of extending the contract for two separate one year terms.

On August 17th, 2012 Chair Mukherjee, in a letter to the Chief, requested additional information with respect to what changes, if any, have been made to the meals provided to prisoners. This is in light of the previous discussions on this issue, and that could be reflected in the RFQ process and incorporated into any new contract for the provision of prisoners' meals.

The 2012 request differs from the 2008 request as follows:

- The 2008 contract required the vendor provide pure fruit juice as the drink to accompany youth meals. The 2012 contract requires pure fruit juice or 2% milk.
- The 2012 contract includes the following clauses:
“The successful bidder may be asked to modify the contents of any sandwich to meet the needs of the Toronto Police Service.”

and

“It is imperative that the food services vendor provides and promotes nutritional benefits, working towards healthier food choices. The successful vendor will ensure that the food supplied is of nutritional value. Good communication is the foundation of a positive relationship. The successful vendor may be required to meet with a representative of the TPS to discuss the nutritional value of food offered, and will, if requested, make modifications at no additional cost to ensure we are all working toward healthier food choices.”

- Bidders were required to provide a current copy of their Health Notice Inspection.

Results of RFQ Process:

Three responses to the RFQ were received and evaluated by appropriate Service Personnel. The results of the evaluation are reflected in the table below.

VENDOR	UNIT PRICE PER MEAL Jan. 1, 2013 to Dec. 31, 2014		
	ADULT	YOUTH	ANNUAL TOTAL
Aromas World Kitchen	4.10	4.57	\$822,350.00
Compass Group Canada/Eurest Dining Services	3.61	3.75	\$722,700.00
Pegasus Lunchbreak	1.69	1.69	\$338,000.00

Conclusion:

Based on an evaluation of the responses to the RFQ, Pegasus Lunchbreak meets all the specifications in the RFQ at the lowest cost. It is therefore the recommended vendor for the supply and delivery of prisoners' meals for the period January 1st, 2013 to December 31st, 2014, with two optional twelve month extensions at the discretion of the Board.

Acting Deputy Jane Wilcox, Specialized Operations Command, and Mr. Tony Veneziano, Chief Administrative Officer, Administrative Command, will be in attendance to answer any questions that the Board may have regarding this report.

Ms. Susan Walker-Knapper, Manager, Court Services, was in attendance and responded to questions about the content of the prisoners' meals and the options that are available pertaining to the breads, fillings and condiments for the sandwiches. Ms. Walker-Knapper also said that meals which are suitable for prisoners who are restricted on what they can consume due to dietary or religious reasons can also be provided, when requested. The Board was advised that approximately 190,000 sandwiches are provided to prisoners by Court Services each year.

Chief Blair responded to questions about the differences between the mid-day meals that are provided by Court Services to prisoners who are in TPS custody in order to attend court compared to the meals that are provided to persons who are detained in custody at police stations. The Board was advised that the meals for prisoners in custody for court purposes are supplied under a contract with the Board. When a person is detained in custody at a police station over a meal period, staff at the police station will purchase a meal locally and provide it to the person in custody. Funds for the meals which are purchased for persons in custody at police stations are drawn from the unit budget.

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 OCTOBER 15, 2012**

#P257. VOICE RADIOS AND RADIO INFRASTRUCTURE – VENDOR OF RECORD

The Board was in receipt of the following report October 05, 2012 from William Blair, Chief of Police:

Subject: VENDOR OF RECORD - VOICE RADIOS AND RADIO INFRASTRUCTURE

Recommendations:

It is recommended that:

- (1) the Board approve Motorola Solutions Canada Inc. as the vendor of record for the provision of mobile, handheld radios and all related parts, hardware, software and professional services for the operations of the Toronto Police Service for a three year period commencing January 1, 2013 and ending December 31, 2015;
- (2) the Board approve Motorola Solutions Canada Inc. as the vendor of record for the provision of radio and voice logging infrastructure and all related parts, hardware, software and professional services to meet any emergent or ad hoc requirements beyond the main/existing infrastructure, for the period commencing January 1, 2013 until the final acceptance of the new City-wide radio infrastructure system, scheduled to be operational by July 1 2014; 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 Toronto Police Service (TPS) owns and maintains approximately 4,600 radios to enable its policing operations. This number includes mobile and portable/handheld radios. To ensure the on-going performance of this equipment, TPS requires a vendor to purchase replacement or additional mobile and portable radios, as well as related professional and technical radio services, radio management software, parts and materials to maintain and repair existing radios. The annual cost to meet these requirements is approximately \$250,000, and funds for this purpose are provided for in the TPS' annual operating budget requests.

The on-going maintenance and support for the current City of Toronto (City) Public Safety voice radio infrastructure is managed by the TPS on behalf of Toronto Fire Services (TFS) and Toronto Emergency Medical Services (TEMS). The TPS currently purchases approximately \$300,000 of parts, hardware, software and professional services annually from Motorola Solutions Canada Inc. (Motorola) to maintain and support this system and keep it operational.

Under the current radio system governance agreement, this cost is shared, with TPS paying 80% of the costs and recovering 13% from TFS and 7% from TEMS. This cost recovery rate is based upon the number of radio users in each agency. All costs for the operation of the current radio infrastructure are included in the TPS' annual operating budget request.

The Service's voice-logging system is integrated into the City-wide voice radio infrastructure project, and some voice logging system components for TPS, TEMS and TFS are to be provided by Motorola under the new agreement approved by City Council. In 2013, TPS will be updating its voice logging systems at a cost of approximately \$750,000 (funded through the Vehicle and Equipment Replacement Reserve). The annual maintenance cost for this system is projected to be approximately \$100,000, and has been included in the 2013 operating budget request.

Any ad hoc requirements to meet special events (e.g. enhancement of system for the Pan Am Games) would be facilitated by a vendor of record agreement and would be subject to the availability of required funds for the necessary purchases.

Background/Purpose:

The City Public Safety Voice Radio System provides critical operational voice communications for all units of the TPS, as well as for TFS and TEMS. The mobile/portable radio units and associated infrastructure systems are maintained entirely by the Telecommunications Services Unit of the TPS.

The Telecommunications Services Unit is trained and authorized as a Motorola Service Centre in support of the current voice radio system, and provides repair and support services for the radio units and infrastructure on a cost shared basis with the other emergency services.

The TPS currently has an agreement with Motorola as the vendor of record for the supply of radios, parts and equipment for the radio units and the voice radio system infrastructure. This agreement with Motorola was approved by the Board at its meeting on February 18, 2010 and expires on December 31, 2012 (Min. No. P47/10 refers).

The purpose of this report is to establish a new vendor of record agreement for mobile/portable radios, radio system, voice logging infrastructure and related parts, equipment and services.

Discussion:

Radios and Related Requirements:

The TPS commenced the replacement of its radio units in 2006, as part of the radio replacement capital project (Min. No. P218/06 refers). The project has been completed in 2012.

The next radio replacement lifecycle is not scheduled to start until 2016 (replacing the radios purchased in 2006). However, until that time the TPS may still require replacement radios for those that are no longer functional or additional radios to meet special ad hoc requirements.

Consequently, a vendor of record is required to meet those requirements as the current contract expires at the end of 2012.

The current voice radio system is based on a Motorola proprietary “SmartZone” trunked infrastructure. The communications centres of the TPS and TFS are also based on this Motorola proprietary technology.

The service standards for the radio devices and the requirement for compatibility with the “SmartZone” system leave Motorola as the only available supplier at this time that meets the Service’s requirements. TFS and TEMS are in a similar position.

Consequently, it is recommended that Motorola be authorized as the vendor of record for radios and related parts, equipment and professional services from January 1, 2013 to December 31, 2015.

Radio Infrastructure Requirements:

The current City-wide joint TFS/EMS/TPS voice radio system is also in the process of being replaced. A City capital project exists for this purpose, and a project team comprised of managers and technical representatives from each of the three emergency services is responsible for the planning and implementation of the new system. A steering committee comprised of a deputy chief from TPS, TFS and TEMS is also in place and is responsible for overseeing the project implementation. Following a competitive RFP process overseen by City Purchasing, Toronto City Council earlier this year awarded the contract to replace the City’s joint radio communications system to Motorola.

The new radio system is not scheduled to be operational until July 1 2014. Until that time, the TPS will still require parts and equipment to maintain the current infrastructures which are also proprietary to Motorola. These parts, equipment and services for the radio and voice logging infrastructures must therefore also be purchased from Motorola.

It should be noted that once the new joint radio system currently being implemented is operational, Motorola will provide required maintenance and lifecycle support under a 15 year agreement. The annual cost of this maintenance and lifecycle support agreement is approximately \$1.05M annually (with 1% increases annually). The TPS’ share under the current governance agreement with Fire and EMS is 80% or approximately \$800,000 annually once the new system is operational.

Voice Logging Requirements:

The voice logging system records all radio communications and 911 telephone calls for TPS. These recordings are retained until required by the courts. TPS currently uses a voice logging system manufactured by NICE Systems (NICE). TPS had planned to replace its voice logging system in 2010. However, this was deferred until the radio infrastructure vendor was selected, to ensure the two projects did not conflict.

The City radio infrastructure RFP contained extensive requirements for the radio system provider to integrate into the existing TPS voice logging system, and to provide TFS with a complete voice logging system. Motorola and NICE have a mutual agreement whereas, whenever Motorola is providing a radio system including a NICE system, Motorola becomes the primary support and reseller for NICE for that customer.

TPS is now in a position to proceed with the lifecycle replacement of its voice logging system. As part of the City's radio infrastructure project, TPS' existing NICE system will be upgraded to accommodate the change from analog to digital technology. This will in turn reduce TPS' lifecycle costs by approximately \$130,000, by performing the radio system installation and voice logging lifecycle simultaneously through Motorola and using the competitive pricing achieved by the City within the City joint radio system RFP.

Association of Public Safety Communications Officers (APCO) P25 Standard:

One of the objectives of the new radio system project is to replace the base technology infrastructure based upon the Association of Public Safety Communications Officers (APCO) P25 standard. The APCO P25 standard is open to all radio manufacturers for voluntary adoption to their public safety radio system design. The use of this standard will hopefully lead to a potential multi-vendor solution for voice radio devices. However, the APCO P25 standard is only a 'minimum' standard that is undergoing initial adoption and development by radio manufacturers. The extent of the standard applied by each manufacturer to their designs will dictate the functionality available on the system. Each new voice radio device would then require evaluation to ensure that the functional and reliability requirements of TPS, TFS and TEMS are effectively met.

One of the key objectives of the P25 standard is to enable a more competitive environment for the purchase of public safety radios, and enable a viable multi-vendor solution for public safety organizations. However, it is important to note that at this time, the extent to which this objective will be achieved is still somewhat uncertain.

Conclusion:

The TPS has only Motorola mobile and portable radios in its operations. This, combined with the proprietary nature of the current voice radio system, requires the TPS to buy replacement radios as well as required parts, equipment and services from Motorola until December 31, 2015. A vendor of record arrangement for this purpose is therefore required.

One of the objectives of the new radio system currently in the process of being implemented is to enable a more competitive environment for the purchase of radios and related items. Based on this objective, the TPS plans to go through a competitive process to meet its radio requirements before the next radio replacement lifecycle project starts in 2016.

The current proprietary Motorola radio system is still operational and must be maintained. It is therefore also necessary to establish a vendor of record arrangement with Motorola for radio and voice logging infrastructure equipment, parts and services, from January 1, 2103 until the new voice radio system is in place and operational.

All purchases from Motorola will be made in accordance with approved bylaws, and are subject to budget availability.

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

The Board approved the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

**#P258. REQUEST FOR FUNDS – ONTARIO ASSOCIATION OF POLICE
SERVICES BOARDS SECTION 31 FALL SEMINAR – HR ISSUES &
BEYOND MORDEN**

The Board was in receipt of the following report September 21, 2012 from Alok Mukherjee,
Chair:

Subject: REQUEST FOR FUNDS: ONTARIO ASSOCIATION OF POLICE BOARDS
SECTION 31 FALL SEMINAR – HR ISSUES & BEYOND MORDEN

Recommendation:

It is recommended that the Board approve the attendance and its associated expenditures, for up to 4 individuals (Board Members and/or Board staff), to attend the Ontario Association of Police Board's (OAPSB) Section 31 Fall Seminar – "HR Issues & Beyond Morden" in Toronto, Ontario.

Financial Implications:

This report recommends that the Board approve an expenditure from the 2012 operating budget to cover conference registration and any associated travel costs for interested members of the Board and/or Board staff to attend the Section 31 Fall Seminar.

Discussion:

Each year, the OAPSB hosts a Fall Seminar which provides an opportunity for members of Police Services Boards from across Ontario to discuss relevant issues concerning police boards. This year's theme is "HR Issues & Beyond Morden" and will be held on November 12 & 13, 2012, at the Doubletree by Hilton, Toronto Airport.

Board Members are particularly encouraged to attend the session scheduled on Tuesday, November 13, 2012 entitled "*Beyond Morden*." I will be attending the seminar and will be participating in a panel discussion along with David Gavsie, Chair, Ontario Civilian Police Commission, and will be discussing Justice Morden's recent recommendations regarding police governance.

The preliminary program is attached to this report for information.

Conclusion:

It is, therefore, recommended that the Board approve the attendance and its associated expenditures, for up to 4 individuals (Board Members and/or Board staff), to attend the Ontario Association of Police Board's (OAPSB) Section 31 Fall Seminar – "HR Issues & Beyond Morden" in Toronto, Ontario.

The Board approved the foregoing report.



**ONTARIO ASSOCIATION OF POLICE
SERVICES BOARDS**

Section 31 Fall Seminar

"HR Issues & Beyond Morden"

November 12 & 13, 2012

Target Audience:

- Section 31 police services board members and staff
- Other interested Section 31 municipal councillors and municipal staff
- Ministry of Community Safety and Correctional Services staff
- HR service providers

Program:

- Monday - **Human Resources** education and issues relevant to police services boards.
- Tuesday - **Justice Morden's** recent recommendations regarding police governance.

Participation is strongly encouraged!

Location:

***Doubletree by Hilton
Toronto Airport
655 Dixon Rd.
Toronto, Ontario***

Ontario Association of Police Services Boards

10 Peel Centre Drive, Suite A, 1st Floor, Brampton, Ontario, L6T 4B9
Tel. 905-458-1488 1-800-831-7727 Fax 905-458-2260
E-Mail: admin@oapsb.ca Website: www.oapsb.ca

Monday, November 12th - *"PSB HR Issues"*

7:30 am	Registration Desk Open – <i>International Foyer</i>		
7:30 – 8:15 am	Hot Buffet Breakfast - <i>International C</i>		
	<i>International C</i>		
8:15 – 8:30 am	OPENING ADDRESS		
8:30 - 10:00 am	Joint MCSCS-OAPSB Coordinated Bargaining Committee <i>Speakers:</i> Public Safety Commissioner Dan Hefkey, OAPSB Past President Alok Mukherjee		
10:00 – 10:15 am	Refreshment and Networking Break – <i>International Foyer</i>		
	<i>International C</i>	<i>International B</i>	<i>New York Room</i>
10:15 - 11:15 am	1. Bargaining Best Practices <i>Speaker: TBD</i>	2. Management Rights <i>Speaker: TBD</i>	3. Chief/Deputy Selection Best Practices <i>Speaker: TBD</i>
11:15 – 11:30 am	Refreshment and Networking Break – <i>International Foyer</i>		
	<i>International C</i>	<i>International B</i>	<i>New York Room</i>
11:30 – 12:30 pm	1. Current Bargaining Issues <i>Speaker: TBD</i>	2. Benefits <i>Speaker: TBD</i>	3. Chief/Deputy Contracts Best Practices <i>Speaker: TBD</i>
12:30 – 1:30 pm	BUFFET LUNCH & OMERS Update – <i>International C</i>		
	<i>International C</i>	<i>International B</i>	<i>New York Room</i>
1:30 – 2:30 pm	1. Cost Estimating <i>Speaker: TBD</i>	2. TBA <i>Speaker: TBD</i>	3. Terminations <i>Speaker: TBD</i>
2:30 – 3:00 pm	Refreshment and Networking Break – <i>International Foyer</i>		
	<i>International C</i>		
3:00 - 4:30 pm	Facilitated Session – HR Issues & Action Plans		
4:30 – 5:30 pm	Free Time		
5:30 – 6:00 pm	Reception and Cash Bar – <i>International Foyer</i>		

6:00– 8:30 pm	<p align="center">DINNER with Guest Speaker - <i>International C</i> <i>Speaker:</i> The Honourable Madeleine Meilleur, Minister of Community Safety and Correctional Services (<i>invited</i>)</p>
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Tuesday, November 13th - “*Beyond Morden*”

7:30 am	Registration Desk Open – <i>International Foyer</i>		
7:30 – 8:30 am	Hot Buffet Breakfast – <i>International Foyer</i>		
	<i>International C</i>		
8:30 am	Opening Address		
8:30 – 9:30 am	<p align="center">The Morden Report <i>Speakers:</i> Ryan Treschner, Principal Author</p>		
9:30 – 10:30 am	<p align="center">Panel Discussion – Morden Beyond G20 <i>Speakers:</i> David Gavsie, Chair OCPC, Alok Mukherjee, Chair Toronto PSB, other TBA</p>		
10:30 – 10:45 am	Refreshment and Networking Break – <i>International Foyer</i>		
	<i>International C</i>	<i>International B</i>	<i>New York Room</i>
10:45 – 11:45 am	<p>1. Policy Governance Approach to Operational Expectations <i>Speaker: TBD</i></p>	<p>2. Setting Operational Objectives & Priorities – A Practical Exercise <i>Speaker: TBD</i></p>	<p>3. PSB-Chief Relations <i>Speakers:</i> David Gavsie, Chair OCPC, Hamlin Grange</p>
11:45 – 12:30 pm	BUFFET LUNCH – <i>International C</i>		
	<i>International C</i>	<i>International B</i>	<i>New York Room</i>
12:30 – 1:30 pm	<p>1. Policy Governance Approach to Monitoring Operational Matters <i>Speaker: TBD</i></p>	<p>2. PSB Role In Organizational Reviews <i>Speaker: TBD</i></p>	<p>3. Confidentiality <i>Speaker:</i> David Gavsie, Chair OCPC</p>
	<i>International C</i>	<i>International B</i>	<i>New York Room</i>
1:30 – 2:30 pm	<p>1. Legal Considerations in Setting Operational Objectives & Priorities <i>Speaker: TBD</i></p>	<p>2. Legal Considerations in Monitoring Operational Matters <i>Speaker: TBD</i></p>	<p>3. PSB Chief Information Protocols - TPSB <i>Speaker:</i> David Gavsie, Chair OCPC</p>

2:30 - 2:45 pm	Refreshment and Networking Break – <i>International Foyer</i>		
	<i>International C</i>		
2:45 – 4:00 pm	Facilitated Session – Implementing Morden		

	REGISTRATION FEE
Full Seminar (includes Thursday dinner)	\$500 + \$65.00 (HST) = \$565.00
Monday Only (7:30 – 4:30 pm - excludes dinner) "PSB HR Issues"	\$250 + \$32.50 (HST) = \$282.50
Add Monday Dinner With Minister Meilleur	\$90 + \$11.70 (HST) = \$101.70
Tuesday Only "Beyond Morden"	\$300 + \$39.00 (HST) = \$339.00

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

**#P259. ASSIGNMENT OF CONTRACT – ADVANCED RECRUITMENT
CONSULTANTS INC.**

The Board was in receipt of the following report October 02, 2012 from William Blair, Chief of Police:

Subject: ASSIGNMENT OF CONTRACT - ADVANCED RECRUITMENT
CONSULTANTS INC.

Recommendation:

It is recommended that the Board approve the assignment of its contract for information technology professional services with Advanced Recruitment Consulting to Joseph Molnar Inc., effective August 1, 2012.

Financial Implications:

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

Background/Purpose:

At its meeting of May 20, 2010, the Board approved the pre-qualification of 10 vendors for a range of information technology (IT) professional services (Min. No. P146/10 refers). The pre-qualified vendors would be invited to bid on and enter into agreements periodically for the provision of various IT services within their respective expertise, as required by the Service. One of those approved vendors was Advanced Recruitment Consulting (ARC). The term of the pre-qualification agreement continues until May 31, 2013.

Since that approval, the Service has utilized ARC for provision of various services including professional IT services and external recruitment. Currently, ARC is providing a consultant to assist the Service with its Service Oriented Architecture Program that was initiated to improve system integration efficiency. This assignment is expected to terminate on December 31, 2012.

ARC was privately owned by a single person, who employed various individuals to provide IT services requested by the Service.

By letter dated August 1, 2012, the Service was advised that the principal of ARC had passed away and that the executor of her estate was assigning ARC's contract with the Board to Joseph Molnar Inc. (JMI). JMI has been in existence since 2004 and is a corporation wholly owned by Mr. Joseph Molnar. Mr. Molnar was previously employed as a manager for ARC and is familiar with all ARC's professional services. The executor has no intention of continuing ARC's business and intends to dissolve ARC as a corporation in the near future.

Section 17 of the agreement between ARC and the Board provides, in part, as follows:

The Consultant shall not assign this Agreement or any interest in it without the prior written consent of the Board, which consent shall not be unreasonably withheld.

Board approval is therefore required for the assignment.

Discussion:

JMI is a suitable substitute for ARC as JMI's staff is comprised of former members of ARC's recruiting team. The core members of ARC's recruitment team are already in place and actively working for JMI. In addition, JMI has acquired ownership of ARC's extensive database of almost 30,000 candidates for the provision of services. JMI employs the same measures as ARC in its recruitment procedures, in order to recruit top quality candidates.

Mr. Joseph Molnar, the sole principal of JMI, has been involved in virtually every hire at TPS as a former manager at ARC for the past number of years. Due to the illness of the former principal of ARC, Mr. Molnar was relied on extensively to run the ARC office, service its accounts and manage the team's day-to-day efforts. We believe that experience has positioned him very well to understand and meet TPS' requirements.

Conclusion:

Board approval of the assignment of ARC's contact to JMI will allow for the seamless ongoing provision of service by the individuals who have managed the ongoing relationship between ARC and the Service.

This report has been reviewed by staff in the City Legal Division, who are satisfied with the content.

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

Mr. Tony Veneziano, Chief Administrative Officer, was in attendance and responded to questions about this report.

The Board asked whether the assignment of the ARC contract directly to JMI would be considered a form of sole sourcing. Mr. Veneziano said that if the Board approved the foregoing report, the pre-qualification agreement with ARC would cease, the agreement would be transferred to JMI and JMI would be placed on the assigned list of pre-qualified vendors. Mr. Veneziano also said that some work that is currently being performed by ARC would be transferred to JMI and that JMI would be considered as a vendor for any future work only if the TPS is satisfied that JMI could do the work.

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 OCTOBER 15, 2012**

**#P260. REQUEST FOR EXTENSION OF TIME TO SUBMIT REPORT –
ELECTRONIC DISCLOSURE SYSTEM STAFFING IMPLICATIONS**

The Board was in receipt of the following report September 11, 2012 from William Blair, Chief of Police:

Subject: REQUEST FOR EXTENSION OF TIME TO SUBMIT REPORT -
ELECTRONIC DISCLOSURE SYSTEM STAFFING IMPLICATIONS

Recommendation:

It is recommended that the Board approve a six-month extension of time for the submission of a report on the staffing reductions that may occur as a result of the implementation of an electronic disclosure system.

Financial Implications:

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

Background/Purpose:

At its June 15, 2012 meeting, the Board approved three motions in relation to the electronic disclosure system award of contract for product and services (Min. No. P149/12 refers). The first motion approved the award of contract for the delivery of the electronic disclosure system to eJust Systems Inc. The second motion provided clarification with respect to the conditions approved by the Board in the *in camera* meeting (Min. No. C181/12 refers). The third motion directed that the Chief of Police provide a report on any staffing reductions that may occur as a result of moving to the electronic disclosure system.

The purpose of this report is to request an extension of time to submit the requested report.

Discussion:

In October 2011, the Board approved the award of contract for the supply and delivery of software, maintenance, and professional services to Versaterm Inc. in relation to the acquisition and implementation of a police operations management system (Min. No. P262/11 refers).

Electronic disclosure capabilities were envisioned as part of the business process changes that would support the achievement of optimal benefits from the Integrated Records and Information System (IRIS) implementation. The eJust charge management system will fully integrate with Versadex and will extract information seamlessly from the police operations management system to enable the transmission of disclosure material to the courts in an electronic format (Min. No. P149/12 refers).

The Board approved the electronic disclosure system contract award to eJust Systems Inc. on June 15, 2012 (Min. No. P149/12 refers). Work on the eJust contract and Statement of Work (SOW) began shortly thereafter. Both are not due to be completed until September 2012. Background checks have been conducted to permit eJust personnel to begin examination and setup of the development and production technical environments. As well, technical specifications need to be determined in order to purchase the required hardware.

Subsequent to these pieces of work, eJust staff, along with TPS members, will begin configuration of the business and technical environments. It is anticipated that this process will be on-going until year-end 2012. Testing will be done in parallel with Versadex quality assurance testing, which is targeted for conclusion Q1 2013.

Preliminary conceptualization of future state business processes and staffing implications resulting from the electronic disclosure system implementation has begun; however, at this time, the examination of the feasibility of alternative operating models is in its infancy. A more definitive outlook of the final operating model and staffing requirements cannot be assessed until configuration and testing of the eJust application has concluded.

Conclusion:

The Board has requested a report on the staffing reductions that may occur as a result of the implementation of an electronic disclosure system. An introductory study of alternative staffing models has just commenced in consultation with internal subject matter experts and justice agency partners. However, due to the complexities of implementing business process changes and evaluating potential amendments to existing job descriptions, additional time is required to determine the most feasible option.

Therefore, a six-month extension to the April, 2013 Board meeting is requested. Sufficient information will not be available until configuration and testing of the eJust system is complete, at which time a more thorough report will be provided to respond to the Board's request.

Deputy Chief Peter Soly, Divisional Policing Command, will be in attendance to answer any questions that the Board may have.

Acting Deputy Chief Kimberley Greenwood, Divisional Policing Command, was in attendance and responded to questions about the reason that additional time was required to submit the report on the implementation of an electronic disclosure system.

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 OCTOBER 15, 2012**

#P261. PRIVATE MEMBER'S BILL, JAYESH'S LAW, BILL 124

The Board was in receipt of correspondence dated September 21, 2012 from Mike Colle, MPP, with respect to a Private Member's Bill he introduced in the Provincial Legislature entitled *Jayesh's Law, Bill 124*. A copy of Mr. Colle's correspondence is attached for information.

Mr. Colle was in attendance and delivered a deputation to the Board. Mr. Colle also provided a written submission; copy on file in the Board office.

Following his deputation, Mr. Colle responded to questions by the Board.

The Board approved the following Motion:

THAT the Board receive Mr. Colle's correspondence, deputation and written submission and indicate to him, in writing, that the Toronto Police Services Board supports his Private Member's Bill entitled *Jayesh's Law, Bill 124*

Chief Blair advised the Board that he also supports the request to change the legislation as outlined in Mr. Colle's Private Member's Bill.



MIKE COLLE, MPP
Eglinton-Lawrence

September 21, 2012

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

Dear Chair and Members:

As you may know, I have introduced a Private Member's Bill in the Provincial Legislature entitled **Jayesh's Law, Bill 124**, which I have enclosed for your review and examination.

I am aware of the challenges that all police forces encounter in dealing with the theft of gas, as well as subsequent drive offs, known as "gas and dashes". That is why it is my hope that you will see Bill 124 as a helpful tool for our police in dealing with a criminal activity that is much too common.

Given that we have had two tragic deaths in the GTA in the last 16 months as a result of "gas and dash" incidents, it is my hope that you will see fit to support Bill 124 by either resolution or public statement. One key fact to be considered is that "gas and dash" crimes have been almost eliminated in the Greater Vancouver area since British Columbia instituted a pay before you pump legislation in 2008.

Thank you for your time and consideration. If you have any questions or would like to meet with me to discuss the Bill, I am more than happy to do so at your convenience.

Sincerely,

Mike Colle, MPP
Eglinton-Lawrence

Encl.



Constituency Office
2882 Dufferin Street, Toronto, ON M6B 3S6
Tel 416-781-2395 | Fax 416-781-4116 | Email mcolle.mpp.co@liberal.ola.org
www.mikecolle.com



1ST SESSION, 40TH LEGISLATURE, ONTARIO
61 ELIZABETH II, 2012

1^{re} SESSION, 40^e LÉGISLATURE, ONTARIO
61 ELIZABETH II, 2012

Bill 124

Projet de loi 124

**An Act to amend
various statutes with respect to
worker safety at service stations**

**Loi modifiant diverses lois
en ce qui a trait à la sécurité des
travailleurs dans les stations-service**

Mr. Colle

M. Colle

Private Member's Bill

Projet de loi de député

1st Reading September 20, 2012
2nd Reading
3rd Reading
Royal Assent

1^{re} lecture 20 septembre 2012
2^e lecture
3^e lecture
Sanction royale

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de l'Ontario



EXPLANATORY NOTE

The Bill amends various Acts with respect to worker safety at service stations and other places that sell fuel at retail.

The *Employment Standards Act, 2000* is amended to prohibit employers from penalizing employees if a fuel theft occurs while the employees are working.

The *Highway Traffic Act* is amended to provide that a person's driver's licence is suspended if the person is convicted for an offence involving the theft of fuel.

The *Occupational Health and Safety Act* is amended to require employers who engage in the business of selling fuel at service stations and other places that sell fuel at retail to require customers to provide payment before being given the fuel. The Act is also amended to require employers to provide training to employees involved in the sale of fuel at service stations and other places that sell fuel at retail.

NOTE EXPLICATIVE

Le projet de loi modifie diverses lois en ce qui a trait à la sécurité des travailleurs dans les stations-service et les autres points de vente de carburant au détail.

La *Loi de 2000 sur les normes d'emploi* est modifiée pour interdire aux employeurs de pénaliser les employés si un vol de carburant se produit pendant qu'ils sont au travail.

Le *Code de la route* est modifié pour prévoir la suspension du permis de conduire de toute personne déclarée coupable d'une infraction comportant le vol de carburant.

La *Loi sur la santé et la sécurité au travail* est modifiée pour exiger que les employeurs qui exercent des activités consistant à vendre du carburant dans une station-service ou un autre point de vente de carburant au détail obligent les clients à payer le carburant avant qu'il leur soit fourni. La Loi est aussi modifiée pour exiger que les employeurs offrent une formation aux employés qui participent à la vente de carburant dans une station-service ou un autre point de vente de carburant au détail.

Bill 124

2012

**An Act to amend
various statutes with respect to
worker safety at service stations**

Note: This Act amends or repeals more than one Act. For the legislative history of these Acts, see the Table of Consolidated Public Statutes – Detailed Legislative History at www.e-Laws.gov.on.ca.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

EMPLOYMENT STANDARDS ACT, 2000

1. Part XVIII of the *Employment Standards Act, 2000* is amended by adding the following section:

Reprisal, fuel theft

74.0.1 (1) No employer who engages in the business of selling fuel at a service station or other place that sells fuel at retail or person acting on behalf of such an employer shall penalize an employee because of a fuel theft that occurs while the employee is working at the service station or other place that sells fuel at retail.

Same

(2) For greater certainty, penalizing an employee under subsection (1) includes withholding or deducting wages, reducing hours of work, and denying entitlement to overtime pay, benefits, vacation or any other entitlement under this Act.

2. The Act is amended by adding the following section:

Offences re fuel theft

132.1 A person who contravenes subsection 74.0.1 (1) is guilty of an offence and on conviction is liable,

- (a) if the person is an individual, to a fine of not more than \$75,000 or to imprisonment for a term of not more than 12 months or to both;
- (b) subject to clause (c), if the person is a corporation, to a fine of not more than \$200,000; and
- (c) if the person is a corporation that has previously been convicted of an offence under section 74.0.1,

Projet de loi 124

2012

**Loi modifiant diverses lois
en ce qui a trait à la sécurité des
travailleurs dans les stations-service**

Remarque : La présente loi modifie ou abroge plus d'une loi. L'historique législatif de ces lois figure aux pages pertinentes de l'Historique législatif détaillé des lois d'intérêt public codifiées sur le site www.lois-en-ligne.gouv.on.ca.

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, édicte :

LOI DE 2000 SUR LES NORMES D'EMPLOI

1. La partie XVIII de la *Loi de 2000 sur les normes d'emploi* est modifiée par adjonction de l'article suivant :

Représailles : vol de carburant

74.0.1 (1) Nul employeur qui exerce des activités consistant à vendre du carburant dans une station-service ou un autre point de vente de carburant au détail ni quiconque agissant pour le compte d'un tel employeur ne doit pénaliser un employé pour un vol de carburant qui se produit pendant que ce dernier travaille à la station-service ou à l'autre point de vente de carburant au détail.

Idem

(2) Il est entendu que le fait de pénaliser un employé comme l'indique le paragraphe (1) s'entend notamment du fait de retenir son salaire ou d'y opérer une retenue, de réduire ses heures de travail et de lui refuser le droit à la rémunération des heures supplémentaires, à des avantages sociaux, à des vacances ou à toute autre chose à laquelle il a droit en vertu de la présente loi.

2. La Loi est modifiée par adjonction de l'article suivant :

Infractions : vol de carburant

132.1 Quiconque contrevient au paragraphe 74.0.1 (1) est coupable d'une infraction et passible, sur déclaration de culpabilité, des peines suivantes :

- a) dans le cas d'un particulier, une amende maximale de 75 000 \$ et un emprisonnement maximal de 12 mois, ou une seule de ces peines;
- b) sous réserve de l'alinéa c), dans le cas d'une personne morale, une amende maximale de 200 000 \$;
- c) dans le cas d'une personne morale qui a déjà été déclarée coupable d'une infraction à l'article 74.0.1 :

- (i) if the person has one previous conviction, to a fine of not more than \$500,000, and
- (ii) if the person has more than one previous conviction, to a fine of not more than \$1,000,000.

HIGHWAY TRAFFIC ACT

3. Subsection 41 (1) of the *Highway Traffic Act* is amended by adding the following clause:

- (c.1) under section 322 of the *Criminal Code* (Canada), if the thing that was taken or converted was fuel that was pumped directly from a pump at a service station or other place that sells fuel at retail into a motor vehicle within the meaning of this Act;

OCCUPATIONAL HEALTH AND SAFETY ACT

4. The *Occupational Health and Safety Act* is amended by adding the following section:

Employers' duties, service stations

26.1 (1) An employer who engages in the business of selling fuel at a service station or other place that sells fuel at retail shall require customers to provide a credit card, debit card, cash or other method of payment before the customer is given fuel from a pump.

Training

(2) An employer shall provide training about worker safety in accordance with the prescribed requirements to employees involved in the sale of fuel from a pump at a service station or other place that sells fuel at retail.

5. Subsection 70 (2) of the Act is amended by adding the following paragraph:

- 31.2 prescribing, for the purpose of subsection 26.1 (2), requirements for the training that employers shall provide to employees involved in the sale of fuel from a pump at a service station or other place that sells fuel at retail, including when the employees must receive such training;

COMMENCEMENT AND SHORT TITLE

Commencement

6. (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

Same

(2) Section 4 comes into force six months after the day this Act receives Royal Assent.

Short title

7. The short title of this Act is *Jayesh's Law (Worker Safety at Service Stations), 2012*.

- (i) si elle a déjà été déclarée coupable d'une seule infraction, une amende maximale de 500 000 \$,
- (ii) si elle a déjà été déclarée coupable de plusieurs infractions, une amende maximale de 1 000 000 \$.

CODE DE LA ROUTE

3. Le paragraphe 41 (1) du *Code de la route* est modifié par adjonction de l'alinéa suivant :

- c.1) infraction visée à l'article 322 du *Code criminel* (Canada), si la chose prise ou détournée était du carburant transféré dans un véhicule automobile, au sens de la présente loi, directement à partir d'une pompe située dans une station-service ou un autre point de vente de carburant au détail;

LOI SUR LA SANTÉ ET LA SÉCURITÉ AU TRAVAIL

4. La *Loi sur la santé et la sécurité au travail* est modifiée par adjonction de l'article suivant :

Devoirs de l'employeur : stations-service

26.1 (1) L'employeur qui exerce des activités consistant à vendre du carburant dans une station-service ou un autre point de vente de carburant au détail oblige les clients à fournir une carte de crédit, une carte de débit, de l'argent comptant ou un autre mode de paiement avant de pouvoir obtenir le carburant à la pompe.

Formation

(2) L'employeur offre une formation sur la sécurité des travailleurs, conformément aux exigences prescrites, aux employés qui participent à la vente de carburant à la pompe dans une station-service ou un autre point de vente de carburant au détail.

5. Le paragraphe 70 (2) de la *Loi* est modifié par adjonction de la disposition suivante :

- 31.2 prescrire, pour l'application du paragraphe 26.1 (2), les exigences relatives à la formation que les employeurs doivent offrir aux employés qui participent à la vente de carburant à la pompe dans une station-service ou un autre point de vente de carburant au détail, y compris le moment où les employés doivent recevoir cette formation;

ENTRÉE EN VIGUEUR ET TITRE ABRÉGÉ

Entrée en vigueur

6. (1) Sous réserve du paragraphe (2), la présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Idem

(2) L'article 4 entre en vigueur six mois après le jour où la présente loi reçoit la sanction royale.

Titre abrégé

7. Le titre abrégé de la présente loi est *Loi Jayesh de 2012 sur la sécurité des travailleurs dans les stations-service*.



GLOBE EDITORIAL

Gas station attendants should be protected by pay-first laws

The Globe and Mail
Published Wednesday, Sep. 19 2012, 5:55 PM EDT
Last updated Wednesday, Sep. 19 2012, 6:20 PM EDT

Jayesh Prajapati, his wife Vaishali and son Rishabh. Mr. Prajapati died after an incident with a man who filled up his vehicle and left without paying.

A 44-year-old chemist who immigrated to Canada six years ago from India likely never dreamed he would end up working as a gas station attendant. Tragically, that is where Jayesh Prajapati died this week, killed as he tried to stop a motorist in an Isuzu Rodeo from driving away without paying for \$112.85 in fuel from a Shell franchise in midtown Toronto.

To better protect such workers, Ontario should consider implementing a mandatory prepayment scheme at gas stations. British Columbia already has such legislation, implemented in 2008 after a man was dragged to death while trying to stop a \$12 gas-and-dash. It is called Grant's Law, to honour the victim, Grant DePatie. Many jurisdictions in the U.S. also have pay-first programs at gas stations.

Mike Colle, a Liberal member of the Ontario Legislature known for his commitment to workplace safety, is to be applauded for his plans to introduce a private member's bill to curb gas theft by forcing customers to pay upfront.

Gas jockeys occupy one of the lowest rungs on the socio-economic ladder. They are often new immigrants or young students and they work in isolated, physically demanding environments for not much more than minimum wage.

Why should they be left vulnerable to theft and attack – especially when the price of gas is soaring, along with public outrage, and when there is a relatively simple way to curtail the risk to their lives and to improve safety? Some retailers report as many as four incidents a week of customers who drive away without paying for their fuel.

While docking workers' wages for gas theft is against the Employment Standards Act, and Shell Canada does not require workers to cover the cost of stolen items, the practice nonetheless continues at some gas station franchises. That makes workers even more vigilant about attempting to stop theft.

Premier Dalton McGuinty could show leadership on this issue and introduce legislation to protect the rights of these workers. Call it Jayesh's law.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

**#P262. RESPONSE TO RECOMMENDATION FOR LEGISLATION TO
DISABLE MOBILE COMMUNICATION DEVICES AFTER THEY HAVE
BEEN STOLEN**

The Board was in receipt of correspondence dated September 10, 2012 from Vic Toews, Minister of Public Safety, containing a response to the Board's earlier recommendation for legislation to disable mobile communication devices after they are stolen. A copy of the Minister's correspondence is attached for information.

The Board received the correspondence from the Minister.

Minister of Public Safety



Ministre de la Sécurité publique

Ottawa, Canada K1A 0P8

DATE RECEIVED

SEP 19 2012

TORONTO
POLICE SERVICES BOARD

SEP 10 2012

Mrs. Dhun Noria
Acting Chair
Toronto Police Services Board
40 College Street
Toronto, Ontario M5J 2J3

Dear Mrs. Noria:

Thank you for your correspondence of August 3, 2012 concerning the Toronto Police Services Board's motions which recommended disabling mobile communication devices after they are stolen. I understand that this issue has also been raised by the Canadian Association of Chiefs of Police and the Canadian Association of Police Boards in their 2012 resolutions. Accordingly, I have asked my officials to look into this matter further.

Thank you for taking the time to write.

Yours sincerely,

Vic Toews, P.C., Q.C., M.P.

Canada

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

**#P263. DISPOSITION REPORT – REVIEW OF COMPLAINT CONCERNING
THE CONDUCT OF COUNCILLOR MICHAEL THOMPSON**

The Board was in receipt of a report dated October 09, 2012 from Dhun Noria, Member, with regard to the disposition of a complaint that had been made about the conduct of Councillor Michael Thompson. A copy of the report is on file in the Board office.

The Board agreed to withdraw the foregoing report at the request of Chair Mukherjee.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

**#P264. CARETAKING SERVICES – TORONTO POLICE SERVICE
FACILITIES**

The Board was in receipt of the following report October 05, 2012 from Frances Nunziata, Member:

Subject: CARETAKING SERVICES - TORONTO POLICE SERVICE FACILITIES

Recommendation:

It is recommended that the Chief of Police provide the Board with an assessment of the adequacy of the caretaking services provided to the Toronto Police Service (TPS) by the City of Toronto contractors.

Financial Implications:

There are no financial implications arising from the consideration of this report.

Background/Purpose:

The City of Toronto provides caretaking services for Toronto Police Service facilities. The costs of these caretaking services are charged back to the Toronto Police Service by the City of Toronto.

Discussion:

In 2011 and continuing in 2012, in an effort to control costs, the City of Toronto began to outsource caretaking and in so doing, it retained service providers, on contract. As a result, City of Toronto contract staff is now providing caretaking services at certain TPS facilities and Units.

In order to assess the service that TPS is receiving from the contract caretakers, it would be useful for the Board to receive an assessment of the quality of the service that is being provided.

Conclusion:

I recommend that the Chief of Police provide the Board with an assessment of the adequacy of the caretaking services provided to the Toronto Police Service by the City of Toronto contractors.

The Board approved the foregoing report. Chief Blair agreed to provide the report to the Board for its November 14, 2012 meeting.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

**#P265. SUPPLEMENTARY LEGAL SERVICES FOR EMPLOYMENT AND
LABOUR LAW (2012-2015)**

The Board was in receipt of the following report September 18, 2012 from Aileen Ashman, Director, Human Resources Management:

Subject: SUPPLEMENTARY LEGAL SERVICES FOR EMPLOYMENT AND
LABOUR LAW (2012 – 2015)

Recommendation:

It is recommended that:

- (1) The Board approve the selection of the law firm Hicks Morley Hamilton Stewart Storie LLP (Hicks Morley) to provide supplementary legal services in the area of employment and labour law to the Toronto Police Services Board; and
- (2) The Board authorize the Chair to execute an agreement between the Board and the law firm of Hicks Morley, for the period November 1, 2012 to September 30, 2015, subject to approval by the City Solicitor as to form.

Financial Implications:

Any financial implication relating to this recommendation has been included in the Toronto Police Services Board 2012 operating budget. The fee schedule for Hicks Morley Hamilton Stewart Storie LLP is attached as Appendix "A".

Background/Purpose:

At its meeting on August 9, 2007, the Board approved the selection of the law firm of Hicks Morley to provide supplementary legal services in the area of employment and labour law to the Toronto Police Services Board. The Chair was authorized to execute the agreement between the Board and Hicks Morley for a five (5) year period (Min. No. P290/07 refers). As the current agreement with Hicks Morley expires on September 30, 2012, the Board initiated another Request for Proposal for Supplementary Legal Services for Employment and Labour Law for the period October 1, 2012 to September 30, 2015.

The purpose of this report is to advise the Board of the bids received for this Request for Proposal and to recommend a successful proponent.

Discussion:

A Request for Proposal was issued on May 8, 2012 by Purchasing Support Services (Request No. 1128431-12). The Board received six (6) proposals from the following firms: Aird & Berlis LLP; Filion Wakely Thorup Angeletti LLP; Hicks Morley Hamilton Stewart Storie LLP; Mathews Dinsdale & Clark LLP; Sherrard Kuzz LLP; and, Torkin Manes LLP. A selection committee was established, consisting of Dr. Alok Mukherjee, Chair, Toronto Police Services Board, Aileen Ashman, Director, Human Resources Management; Joanne Campbell, Executive Director, Toronto Police Services Board; and, Jeanette May, Manager, Labour Relations.

The Selection Committee evaluated the submissions of the six (6) proponents and established a shortlist of the top two (2) firms, which were Filion Wakely Thorup Angeletti and Hicks Morley. Interviews were conducted with these two firms on August 29 and August 30, 2012, respectively.

After careful deliberation, it was determined that the firm of Hicks Morley is the most qualified, due to their comprehensive experience in police services board employment and labour law practice.

Conclusion:

Since 1976, Hicks Morley has consistently provided high quality legal services in all aspects of labour and employment law to the Toronto Police Services Board. In addition, this firm also provides specialized expertise in the areas of pension, benefits, compensation, workers' safety and insurance, occupational health and safety, job action, human rights and other issues which are specific and unique to the Toronto Police Service.

I will be in attendance to answer any questions that the Board may have regarding this report.

The Board approved the foregoing report.

APPENDIX "A"

Fee Schedule
Hicks Morley Hamilton Stewart Storie LLP

Partner	\$470/hr
Partner	\$430/hr
Senior Associate	\$400/hr
Senior Associate	\$330/hr*
Junior Associate	\$240/hr**
Students	\$135/hr

*general rate for Senior Associate

**general rate for Junior Associate

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

#P266. *IN CAMERA MEETING – OCTOBER 15, 2012*

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
Mr. Chin Lee, Councillor & Member
Ms. Marie Moliner, Member
Dr. Dhun Noria, Member
Ms. Frances Nunziata, Councillor & Member
Mr. Andrew Pringle, Member

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TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 15, 2012**

#P267. ADJOURNMENT

Alok Mukherjee
Chair