



Virtual Public Meeting

**Monday,
February 28, 2022
at 9:00AM**



PUBLIC MEETING MINUTES

Monday February 28, 2022, at 9:00AM
Livestreamed at: <https://youtu.be/hf-GeB970MM>

The following *draft* Minutes of the public meeting of the Toronto Police Services Board that was held virtually on February 28, 2022, are subject to approval at its next regularly scheduled meeting.

Attendance:

The following Members were present:

Jim Hart, Chair
Frances Nunziata, Vice-Chair and Councillor
John Tory, Mayor and Member
Michael Ford, Councillor & Member
Ainsworth Morgan, Member
Lisa Kostakis, Member
Ann Morgan, Member

The following individuals were also present:

James Ramer, Chief of Police, Toronto Police Service
Ryan Teschner, Executive Director and Chief of Staff, Toronto Police Services Board
Diana Achim, Board Administrator, Toronto Police Services Board
Jane Burton, Solicitor, City of Toronto – Legal Services Division

Declarations:

There were no declarations of interest under the *Municipal Conflict of Interest Act*.

This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on February 28, 2022

P2022-0228-0.1. Statement Regarding Deputy Chief Peter Yuen's Retirement

Chair Hart provided remarks to recognize Deputy Chief Peter Yuen's impressive achievements and 35-year career with the Toronto Police Service. For a detailed account of the remarks, see the YouTube recording.

Chief James Ramer provided remarks regarding Deputy Chief Yuen's excellent contributions to the Service, including a focus on building relationships between communities and the Service.

Mayor Tory congratulated Deputy Chief Yuen on his achievements and accomplishments on important work, and congratulated him on his retirement.

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P2022-0228-0.2. Chief's Monthly Verbal Update

Chief Ramer provided the Board with an update on the following two matters of ongoing concern in the City (for a more detailed account of his overview, see the YouTube recording):

1. Truck convoy in Ottawa and,
2. Increase in gun violence in the City.

Chair Hart thanked the Chief for his updates.

This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on February 28, 2022

P2022-0228-1.0. Board Minutes

The Board approved the Minutes of the special public virtual meeting that was held on [January 27, 2022](#).

Deputation: Derek Moran ([written submission included](#))

The Board received the deputation and approved the Minutes.

Moved by: L. Kostakis
Seconded by: F. Nunziata

**This is an Extract from the Minutes of the Virtual Public Meeting of the
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P2022-0228-2.0. Toronto Police Service Digital Transformation

Mr. Colin Stairs, Chief Information Officer, provided the Board with a presentation regarding this matter. A copy of the presentation is attached to this Minute.

Deputation: Saamia Ahmad

Board Member, Ainsworth Morgan thanked Mr. Stairs for his presentation and asked regarding what system challenges exist around the Service's internal demographic data, the Service's ability to track the promotions process, and whether any solutions are being developed to rectify these issues.

Mr. Stairs said that the Service has created a directorship for information management and is looking at any current issues, such as whether information from different Member data sets can be linked - for example, linking general human resources data with Member self-identification race-based data.

Ms. Svina Dhaliwal said that, in terms of specific challenges about internal demographic data, the Service is looking at how it wants to collect data, and collect and link it to a new Member's or existing Member's actual application for a new position or promotion. There are issues with collecting and linking currently, but the Service wishes to get to a place where a Member's entire employment 'journey' with the Service is accompanied by all relevant demographic and other data points. This will ultimately assist the Service and Board in assessing issues related to diversity, skill sets among Members, and other relevant issues. Ms. Dhaliwal further advised that the Service is actively looking at how to integrate the data through its record management system, and is also looking at including it at different stages through the promotional process, as well as the function of designing the HR process and collecting the data. She confirmed that this work happening in the Human Resources team and that it is in design and development right now.

Board Member, Ainsworth Morgan, said that he hopes the Service can share the plan for this going forward.

Mayor Tory thanked Mr. Stairs for the presentation and asked about rationalization of information technology. Mr. Stairs said that the Service has laid out the rationalization program which shows some savings as digital technologies take hold, and said that the program provides support to the organization. He confirmed that there will be business cases to bring before the Board going forward,

Chair Hart asked a question regarding the statement made about "improving the parking experience." Mr. Stairs said that conversation is about "what the parking experience ought to be", the partnership experience with other City partners, and advised that the Service is looking to be the first follower in this space.

Chair Hart thanked the Chief and the Service for the presentation, and the recent success, as noted by the data and work done in this area. He also thanked the Chief

for sharing the letter from the Office of the Independent Police Review Director that congratulates the Service for its success in reforming the approach to strip searches, and ultimately, the more appropriate use of strip searches.

The Board received the deputation and the presentation.

Moved by: M. Ford
Seconded by: J. Tory

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P2022-0228-3.0. Senior Officer Uniform Promotions

The Board was in receipt of a report dated February 10, 2022 from James Ramer, Chief of Police.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) approve the uniform promotions of ten Inspectors as set out in this report under Appendix 'A', effective March 1, 2022.

Chief Ramer introduced, acknowledged and congratulated the new Inspectors, and showed a video profiling them.

Board Member, Ainsworth Morgan asked a question regarding the data analysis around recruitment and promotion. Ms. Dhaliwal said that, as part of the demographic data, there is a standard set of questions being asked, including questions regarding language, disability, and in relation to other topics. She advised that the Service is looking at different ways of reporting this so the Board can have a better view of the data and trends.

Deputation: Nicole Corrado ([written submission only](#))

The Board received the written deputation and approved the foregoing report.

Moved by: Ann Morgan
Seconded by: M. Ford

This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on February 28, 2022

P2022-0228-4.0. Medal of Merit – Police Constables Scott Randall (11798), Ryan Johnson (65961), Jagmeet Dhinsa (11370) and Elena Luna (11754)

The Board was in receipt of a report dated January 31, 2022 from James Ramer, Chief of Police.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) award a Medal of Merit to Police Constables Scott Randall (11798), Ryan Johnson (65961), Jagmeet Dhinsa (11370) and Elena Luna (11754).

The Board approved the foregoing report.

Moved by: L. Kostakis

Seconded by: F. Nunziata

This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on February 28, 2022

P2022-0228-5.0. [Ratification of Board delegation of authority to Chair Jim Hart, Memorandum of Understanding between the Toronto Police Services Board, the Toronto Police Service, the Ottawa Police Services Board and the Ottawa Police Service](#)

The Board was in receipt of a report dated February 7, 2022 from James Ramer, Chief of Police.

Recommendation:

It is recommended that the Toronto Police Services Board (T.P.S.B.) ratify the execution by Chair Jim Hart of the attached Memorandum of Understanding (M.O.U.) between the Ottawa Police Services Board (O.P.S. Board), Ottawa Police Service (O.P.S.), the T.P.S.B., and the Toronto Police Service (T.P.S.) which allows for the shared Services of the T.P.S. Public Order Unit (P.O.U.) specific for the preservation and maintenance of the public peace and the prevention of crime within the City of Ottawa during the 2022 Freedom Convoy Canada Unity Rally (the Rally).

Deputations: Derek Moran ([written submission included](#))

Kris Langenfeld

Nicole Corrado ([written submission only](#))

Mayor Tory said that if deputants use inappropriate language, there are consequences; this will not be accepted by the Board.

Mr. Ryan Teschner provided a general overview of the Board's Procedural By-Law, specifically in relation to the requirements for deputations, including conduct by deputants.

The Board received the deputations and the written submission and approved the foregoing report.

Moved by: M. Ford
Seconded by: L. Kostakis

**This is an Extract from the Minutes of the Virtual Public Meeting of the
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P2022-0228-6.0. Artificial Intelligence

Deputations: John Sewell ([written submission included](#))
Toronto Police Accountability Coalition
James Mackey ([written submission included](#))
Madelin Burt-D'Agnillo
Hamza Syed
Jack Gemmell ([written submission included](#))
Law Union of Ontario
Joel Hechter ([written submission only](#))
Nicole Corrado ([written submission only](#))

P2022-0228-6.1. [Clearview Artificial Intelligence - Toronto Police Service Use, Review & Steps Forward](#)

The Board was in receipt of a report dated January 26, 2022 from James Ramer, Chief of Police.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive the following report for information.

P2022-0228-6.2. [Use of Artificial Intelligence Technology Policy Presentation](#)

Mr. Ryan Teschner, Executive Director and Chief of Staff, and Mr. Dubi Kanengisser, Senior Advisor, Strategic Analysis and Governance, provided the Board with a presentation on this matter, including an overview of the approach to this first-of-its-kind recommended policy, research that grounded the approach, a summary of the public engagement and consultative process that accompanied the development of the Policy, and explaining how the feedback received during consultations was addressed. Mr. Teschner and Mr. Kanengisser answered questions from Board Members. A copy of the presentation is attached to this Minute.

P2022-0228-6.3. [New Policy: Use of Artificial Intelligence Technology](#)

The Board was in receipt of a report dated February 15, 2022 from Ryan Teschner, Executive Director and Chief of Staff.

Recommendations:

It is recommended that the Board:

1. Approve the proposed new Policy titled "Use of Artificial Intelligence Technology," attached as appendix 'A';
2. Direct the Executive Director and Chief of Staff, once the Chief submits the Service's report in accordance with section 16 of the proposed Policy, to review the Policy in consultation with communities, legal and technical experts, and report to the Board with any recommendations on the potential for expanding the scope of the Policy to include other technologies; and,
3. Direct the Executive Director and Chief of Staff to explore, in consultation with the Information and Privacy Commissioner of Ontario, and other partners, the formation of an independent expert panel with the mandate to review submissions for proposed AI technologies, and provide independent recommendations or appropriate risk classification and mitigation features.

P2022-0228-6.4. Proposed Board Policy: Use of Artificial Intelligence Technology

The Board was in receipt of a draft Policy, attached to this Minute.

Mayor Tory said that section 10 of the draft Policy puts the Board in a position where it could have an independent review of the use of this technology, and that the Board has a responsibility to assess these findings in making any decision. He also noted that while there is a greater desirability of having provincial oversight in this area overall, it is worthy to consider the creation of a body by the Board, with independent judgment, that could assist with this work in the absence of a provincial body.

Mr. Teschner advised that the goal is to engage the larger actors in this area, so a broader advisory group will be formed, which will provide consistency and avoid contradictions across individual police services boards. He advised that "in the meantime, we want to ensure that the Service has a policy framework to be guided by, and [with that] the full freedom to engage the Information and Privacy Commissioner and other experts that they are constantly in touch with on these issues." He confirmed that the plan is to have an infrastructure in place that is sound, given what was heard during the public engagement the Office of the Toronto Police Services Board held in developing this Policy.

Mr. Teschner further advised that there was a thorough review of each submission received in the context of the public consultation. He said that the draft policy that went out for public consultation was improved in content in what was ultimately being recommended to the Board.

Mayor Tory moved a motion to amend recommendation 3 in the report as follows:

Direct the Executive Director and Chief of Staff to explore, in consultation with the Information and Privacy Commissioner of Ontario, and other partners, the formation of an independent expert panel with the mandate to review submissions for proposed AI technologies, and provide independent recommendations or appropriate risk classification and mitigation features, and, in the absence of any positive response from Provincial officials, to report to the Board on options for possible advisory evaluation and monitoring mechanisms which could be implemented by the Board itself as part of this Policy.

The Motion was carried.

The Board received the depositions, the written submissions, the presentation, approved the draft Policy and foregoing report as amended.

Moved by: F. Nunziata
Seconded by: L. Kostakis

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P2022-0228-7.0. Request for Funds – Annual Community Events - 2022

The Board was in receipt of a report dated January 10, 2022 from James Ramer, Chief of Police.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) approve an expenditure in the amount of \$78.5K from the Board's Special Fund, less the return of any funds not used, to support the Annual Community Events listed within this report.

Board Member Ainsworth Morgan asked a question regarding a breakdown of how the funds are used, and how this information is communicated to the community.

Staff Superintendent Randy Carter said that for the community events led by the Community Partnerships and Engagement Unit, events are advertised within the communities and the funds come from the Board's Special Fund. He further advised that, in 2020, 80% of the funds were returned as fewer events took place due to the pandemic. He said that in 2021, less funds were budgeted, and that only a third of those were actually used. In response to a question, he said that he does not currently have an itemized list as to where the funds went for each event or initiative, but that he could obtain this information to provide to the Board. He also confirmed that this annual report will contain greater detail going forward.

Vice-Chair Nunziata requested a breakdown of the grants from 2021, as some of the events did not materialize due to the pandemic.

The Board approved the foregoing report.

Moved by: Ann Morgan
Seconded by: L. Kostakis

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P2022-0228-8.0. Nursing Services – Contract Extension and Increase

The Board was in receipt of a report dated February 8, 2022 from James Ramer, Chief of Police.

Recommendations:

It is recommended that the Toronto Police Services Board (Board):

1. Approve an extension, to December 31, 2022, of the contract with Osborne Recruitment (Osborne) for nursing services related to the COVID-19 pandemic, and an increase in the contract value to a total of \$1.02 million (M); and
2. 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.

Deputation: Derek Moran ([written submission included](#))

The Board received the deputation and approved the foregoing report.

Moved by: L. Kostakis
Seconded by: Ann Morgan

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P2022-0228-9.0. Special Constable Appointments and Re-Appointments – February 2022

The Board was in receipt of a report dated January 14, 2022 from James Ramer, Chief of Police.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) approve the agency initiated appointment and re-appointment requests for the individuals listed in this report as special constables for the Toronto Community Housing Corporation (T.C.H.C.), subject to the approval of the Ministry of the Solicitor General (Ministry).

The Board approved the foregoing report.

Moved by: L. Kostakis
Seconded by: M. Ford

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P2022-0228-10.0. [Auxiliary Members – Termination of Appointments: January 1, 2021 to December 31, 2021](#)

The Board was in receipt of a report dated January 26, 2022 from James Ramer, Chief of Police.

Recommendations:

It is recommended that the Toronto Police Services Board (Board):

1. Terminate the appointments of 18 auxiliary members who are identified in appendix “A”, as they are no longer available to perform their duties due to resignation or retirement; and
2. Notify the Ministry of Solicitor General about the termination of appointments of these 18 auxiliary members.

The Board approved the foregoing report.

Moved by: J. Tory
Seconded by: L. Kostakis

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P2022-0228-11.0. [Annual Report – 2021 Mental Health Excellence Awards Granted by the Toronto Police Services Board](#)

The Board was in receipt of a report dated February 15, 2022 from James Ramer, Chief of Police.

Recommendation:

It is recommended that the Board receive this report.

Deputation: Nicole Corrado ([written submission only](#))

The Board received the written deputation and received the foregoing report.

Moved by: Ann Morgan
Seconded by: L. Kostakis

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P2022-0228-12.0. [Annual Report: 2021 Statistical Report Municipal Freedom of Information and Protection of Privacy Act](#)

The Board was in receipt of a report dated January 21, 2022 from James Ramer, Chief of Police.

Recommendations:

It is recommended that the Toronto Police Services Board (Board):

1. Receive the 2021 Municipal Year-End Statistical Report, Information and Privacy Commissioner of Ontario; and,
2. Approve the electronic submission of the 2021 Municipal Year-End Statistical Report to the Information and Privacy Commissioner of Ontario, on behalf of the Board.

Deputation: Derek Moran ([written submission included](#))

The Board received the deputation and approved the foregoing report.

Moved by: L. Kostakis
Seconded by: J. Tory

This is an Extract from the Minutes of the Virtual Public Meeting of the Toronto Police Services Board that was held on February 28, 2022

P2022-0228-13.0. [Annual Report: 2021 Summary of Grievances](#)

The Board was in receipt of a report dated January 5, 2022 from James Ramer, Chief of Police.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive the following report.

The Board received the foregoing report.

Moved by: L. Kostakis
Seconded by: J. Tory

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P2022-0228-14.0. Annual Report: 2021 Parking Enforcement Unit – Parking Ticket Issuance

The Board was in receipt of a report dated January 10, 2022 from James Ramer, Chief of Police.

Recommendations:

It is recommended that the Toronto Police Services Board (Board):

1. Receive the following report; and
2. Forward a copy of this report to the City of Toronto (City) General Government and Licensing Committee, for its meeting in April 2022, to be considered in conjunction with the City of Toronto Administrative Penalty System – 2021 Activity Report.

Deputation: Brett Connors ([written submission included](#))

The Board approved the foregoing report.

Moved by: L. Kostakis
Seconded by: M. Ford

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P2022-0228-15.0. Chief’s Administrative Investigation reports

Deputations: Hamza Syed
Nicole Corrado ([written submission only](#))

P2022-0228-15.1. Chief’s Administrative Investigation into the Alleged Sexual Assault of Complainant 2021.40

The Board was in receipt of a report dated January 5, 2022 from James Ramer, Chief of Police.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive the following report.

P2022-0228-15.2. Chief's Administrative Investigation into the Custody Injury of Complainant 2021.41

The Board was in receipt of a report dated December 15, 2021 from James Ramer, Chief of Police.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive the following report.

P2022-0228-15.3. Chief's Administrative Investigation into the Custody Death to Complainant 2021.45

The Board was in receipt of a report dated December 10, 2021 from James Ramer, Chief of Police.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive the following report.

P2022-0228-15.4. Chief's Administrative Investigation into the Custody Injury to Complainant 2021.52

The Board was in receipt of a report dated December 13, 2021 from James Ramer, Chief of Police.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive the following report.

P2022-0228-15.5. Chief's Administrative Investigation into the Custody Injury of Complainant 2021.53

The Board was in receipt of a report dated December 13, 2021 from James Ramer, Chief of Police.

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive the following report.

The Board received the deputation, the written submission and the foregoing reports.

Moved by: Ann Morgan
Seconded by: L. Kostakis

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P2022-0228-16.0. Confidential

In addition to the public meeting conducted by the Board today, a confidential 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 section 35(4) of the *Police Services Act*.

The following Members attended the confidential meeting:

Mr. Jim Hart, Chair
Ms. Frances Nunziata, Vice-Chair
Mr. John Tory, Mayor and Member
Mr. Michael Ford, Councillor & Member
Mr. Ainsworth Morgan, Member
Ms. Lisa Kostakis, Member
Ms. Ann Morgan, Member

A Motion to adjourn the meeting was moved by Board Member Lisa Kostakis and seconded by Board Member and Mayor John Tory.

Next Regular Board Meeting

Date: Thursday, March 31, 2022

Time and location to be determined and announced publicly prior to that date.

*The next regular meeting of the Board is scheduled for Thursday, **March 31, 2022**. We are continuing to monitor how the City of Toronto intends to conduct its public meetings. As always, our principle focus is to conduct our meetings in accordance with Toronto Public Health guidelines. Once more information is available regarding what future meetings of the Board may look like, we will inform members of the public.*

Minutes Approved by:

-original signed-

Jim Hart
Chair

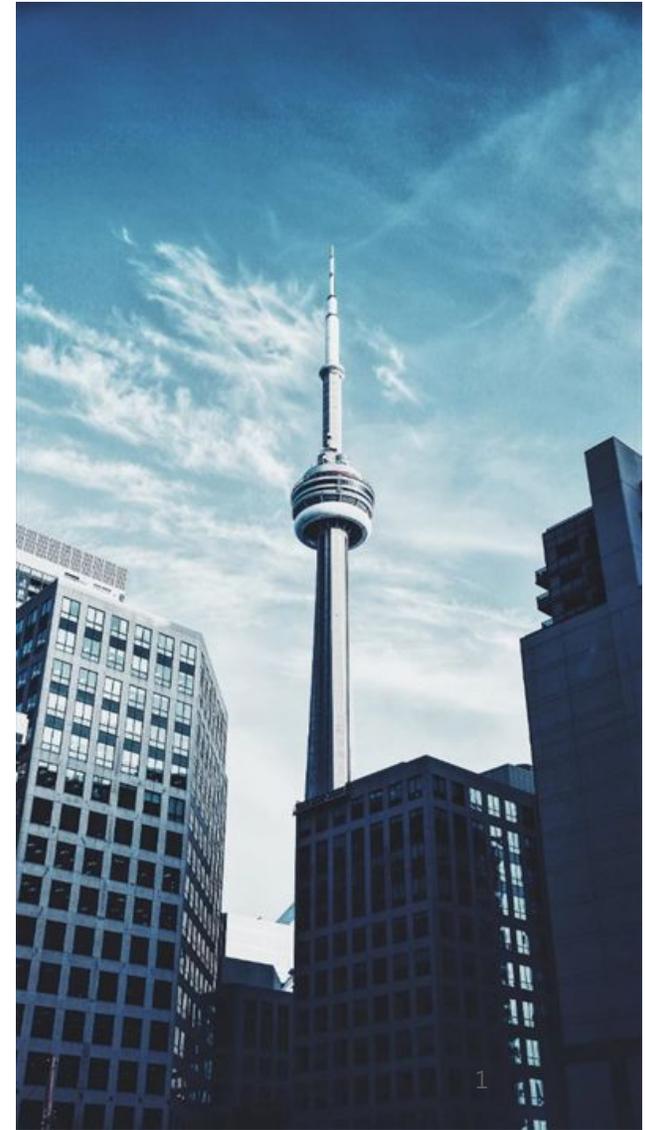
Members of the Toronto Police Services Board

Jim Hart, Chair
Lisa Kostakis, Member
Michael Ford, Councillor & Member
Ainsworth Morgan, Member

Frances Nunziata, Vice-Chair & Councillor
Ann Morgan, Member
John Tory, Mayor & Member



Toronto Police Service Digital Transformation



The I&TC Mission

The Information & Technology Command innovates the **operating model** of the Toronto Police Service by augmenting **policing capabilities** that improve **effectiveness**, **efficiency**, and **accountability**.

Examples

- **Body Worn Cameras** now capture events with higher fidelity and allow improved oversight and **accountability**
- **Evidence.com** streamlines the gathering, management and disclosure of digital evidence (e.g. video), improving **efficiency**
- **WebEx** meetings and interviews have allowed the Service to stay **effective** through the pandemic

Benefits Framework

Administrative Burden

1. Improved policing notes with less time and effort
2. Make learning the tech easy, fail-safe, and progressive
3. Standardized processes and interfaces for efficiency and internal mobility
4. Bring all the data around a case into one place to tell the story and guide investigation

Streamlined Information Flow

1. Deliver quality data which creates value in automation, decision making and oversight
2. Identify trends and patterns in real time at the systems and case level
3. Enable officers' judgement with timely information
4. Present cases to courts in a more timely and cohesive manner

Community Engagement

1. Level inequality through user-centred design, transparency and engagement
2. Capture and preserve records of events with high fidelity and neutrality
3. Increase access to the story our analytics and open data tell
4. Include the community as part of crime and order management
5. Design experiences around stakeholders

Leverage and Agility

1. Secure the individual officer and the Service (physical and cyber)
2. Protect the information holdings of the Service from internal and external abuse
3. Eliminate waste with simultaneous increase in capability through design
4. Maximize value from expenditures.
5. Accelerate the tempo at which the organization can change

Supporting Our People

1. Improve member health and well-being by identifying and addressing wellness risks
2. Create opportunities to contribute for members impacted by work-related illness or injury
3. Develop leaders within TPS through career paths, performance measurement, feedback
4. Attract, select and onboard the best people
5. Maintain relationships of mutual value with TPS alumni

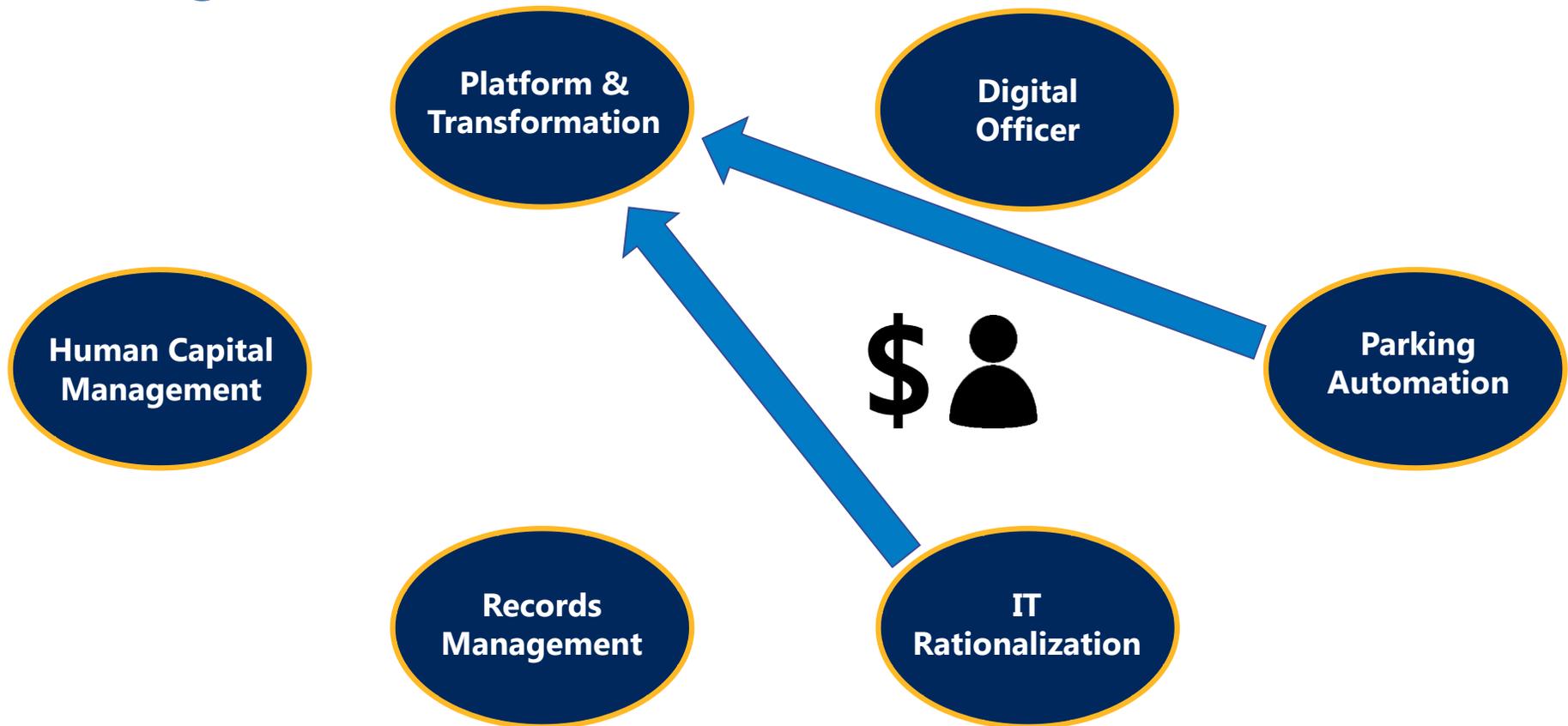


Accountable
Efficient
Effective

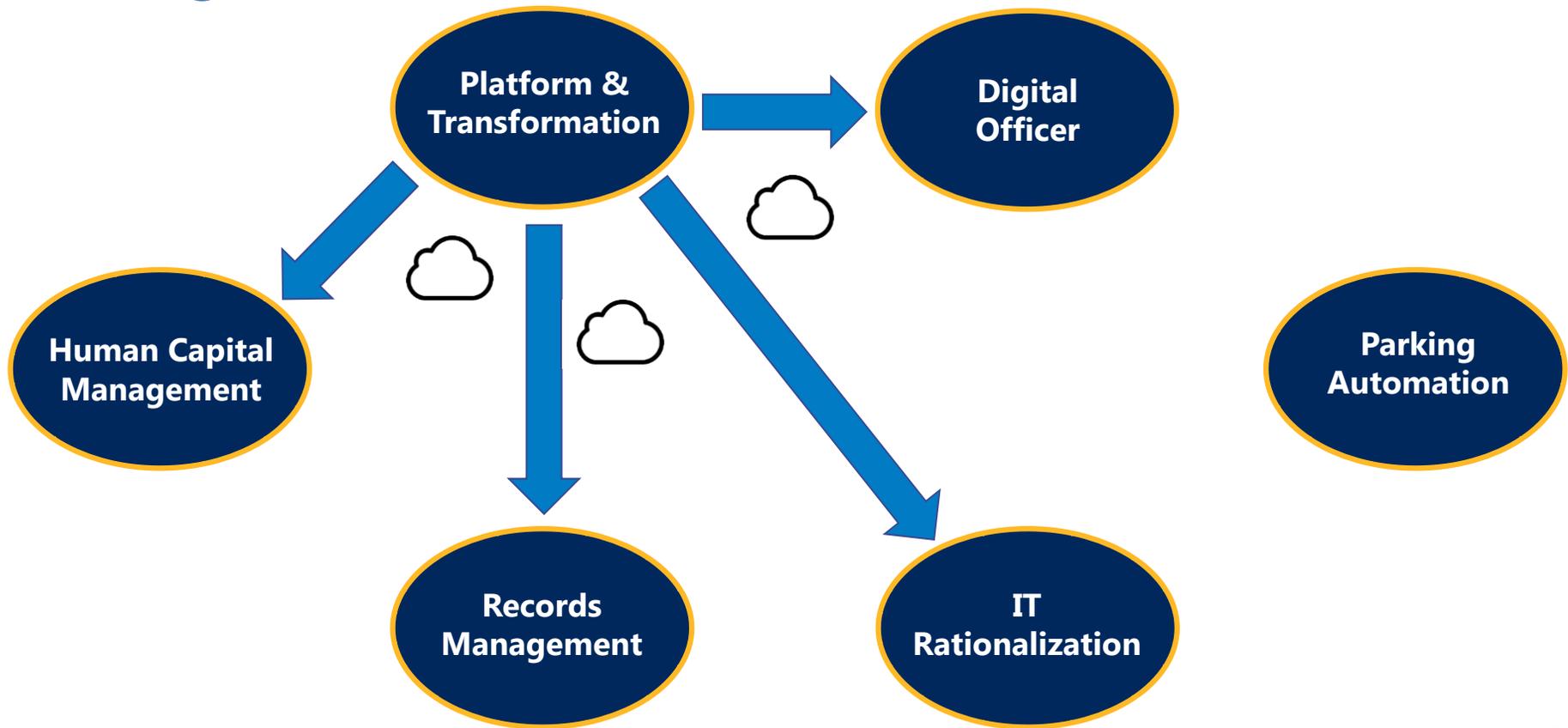
Programs

Program	Description	Alignment to Benefits					
Digital Officer	Outfitting the officer with the devices and software needed to maximize their capability and utility.	Administrative Burden 1 2 3	Streamlined Information 3	Community Engagement 1 2 5	Leverage and Agility 1 2 3 4 5		
IT Rationalization	Shifting spend from supporting legacy systems to driving innovation	Administrative Burden 2 3	Streamlined Information 1 2		Leverage and Agility 1 2 3 4 5		Supporting Our People 4
Platform & Transformation	Using platform technologies to improve citizen services and front-line officer tools while reducing service delivery costs	Administrative Burden 2 3	Streamlined Information 1 2 3	Community Engagement 1 3 4 5	Leverage and Agility 1 2 3 4 5		Supporting Our People 4
Parking Automation	Increasing revenue and improve the parking experience through the use of advanced automation		Streamlined Information 4	Community Engagement 2 5	Leverage and Agility 3 4 5		
Human Capital Management	Augmenting the human resources management capabilities of the Service	Administrative Burden 3	Streamlined Information 1 2	Community Engagement 1 3 5	Leverage and Agility 2 3 4 5		Supporting Our People 1 2 3 4 5
Records Management	Improving the investigative and information management capabilities of the Service by augmenting records processes and technology.	Administrative Burden 1 2 3 4	Streamlined Information 1 2 3 4	Community Engagement 2 3 4 5	Leverage and Agility 1 2 3 4 5		Supporting Our People 5 2

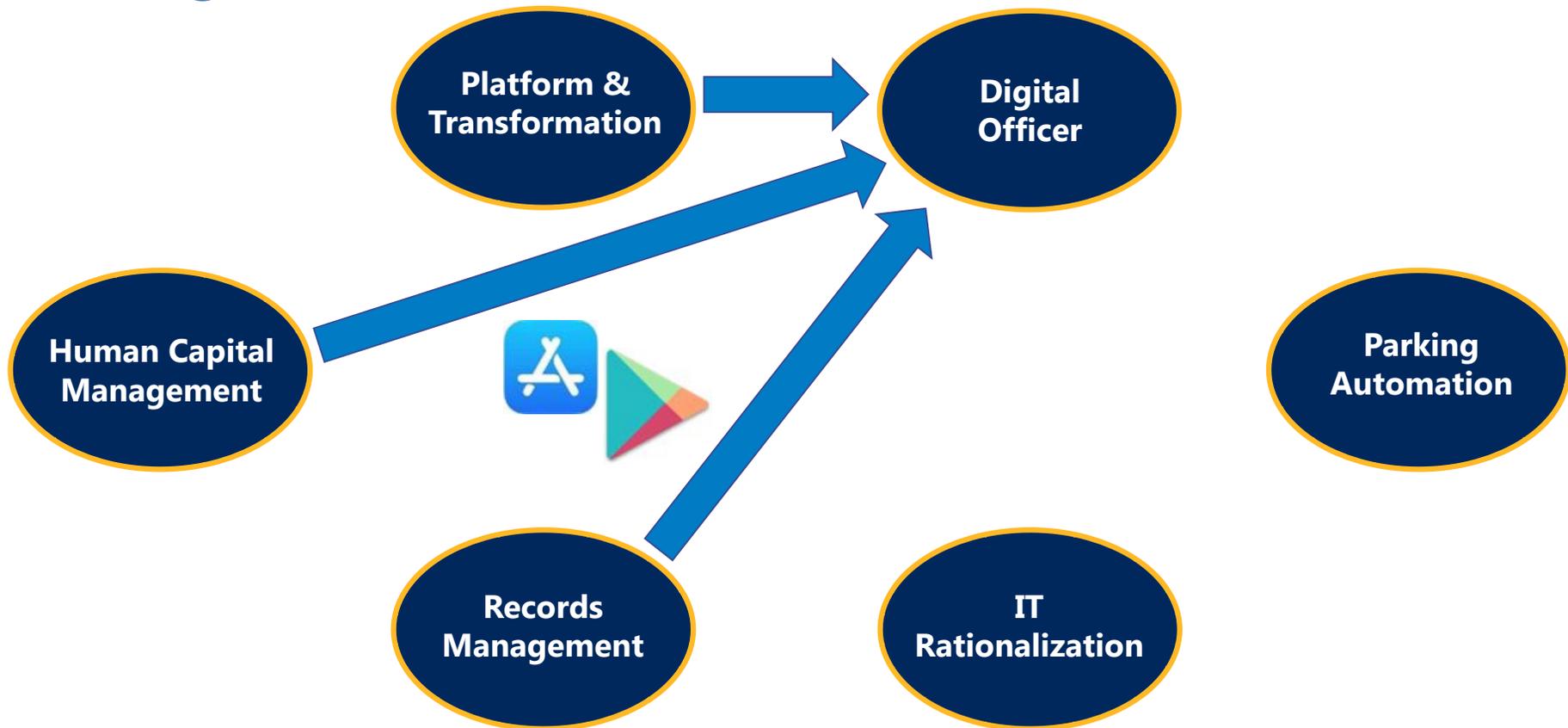
Programs Inter-Related



Programs Inter-Related

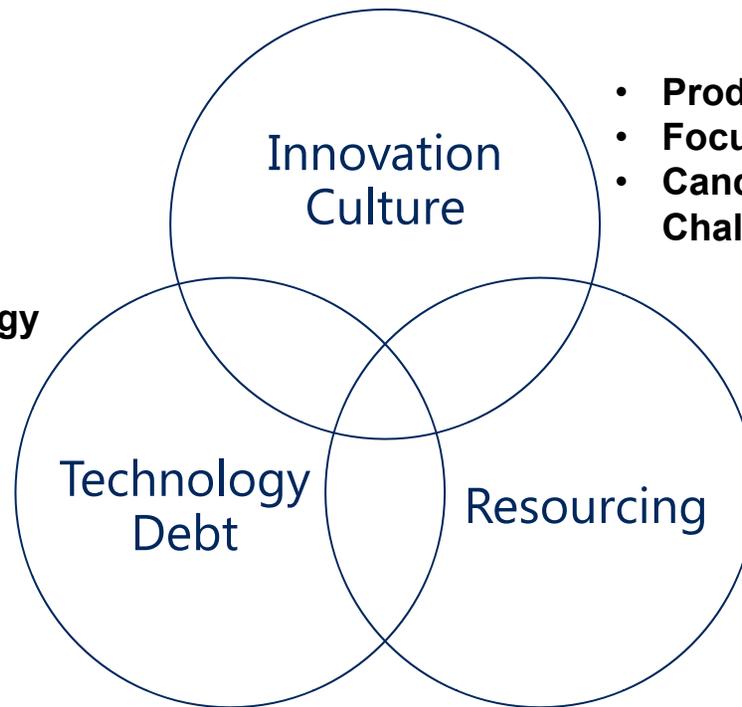


Programs Inter-Related



Challenges

- **Aging, lagging technology**
- **High support burden**
- **Missed opportunity for value**

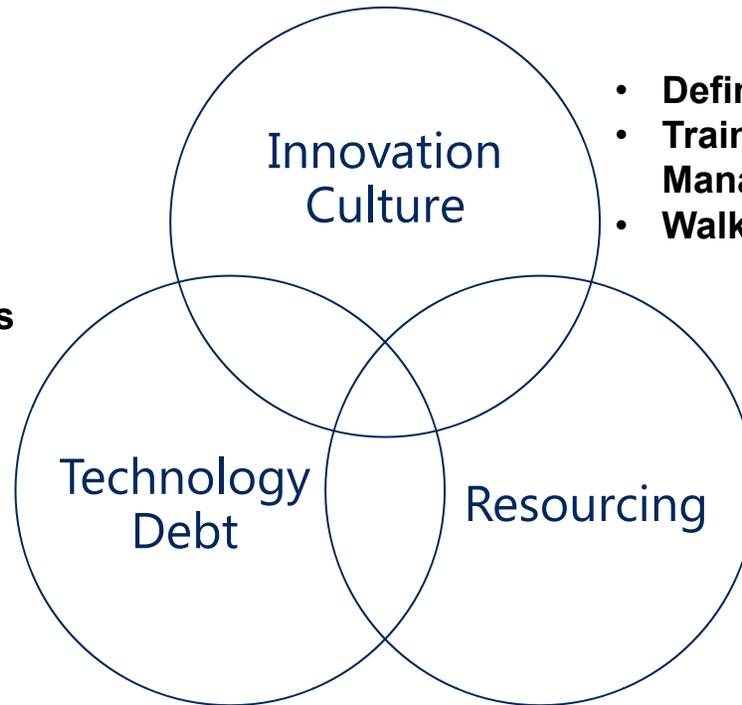


- **Product Management Orientation**
- **Focus on client experience (CX)**
- **Candour, Experimentation, Challenge to established thinking**

- **Attracting mission-driven, digital leaders**
- **Funding platforms and switching costs**

Responding to Challenge

- **Partnership on Solutions**
- **Business Focus**
- **Cloud-first**
- **Governance and Discipline**



- **Defining Innovation Culture**
- **Training team on Product Management, CX and Agile**
- **Walking the Walk**

- **Defining new Digital Roles**
- **Focus on IM / Data Strategy**
- **Incremental funding / difficult landscape**

Achievement and Impact

Program	Achievements	Impacts
Digital Officer	Body Worn Cameras on 2111 Officers (92% of Service) Mobile Phones on 2643 Officers (56% of Service)	More complete SIU/OIPRD/PRS investigations New, faster documentation options Platform for mobile implementations, rationalization
IT Rationalization	Savings in 2021 of 585K\$ and 1FTE 3 Major Systems decommissioned to-date	Great agility, security and value-for-money
Platform & Transformation	Reference Architecture and Platform Selection Digital Team Description, Funding and Hiring Integration and Low-Code Platforms in Production	Rapid development of client-facing workflows (e.g. Missing and Missed)
Parking Automation	Planning with City of Toronto and Toronto Parking Authority	Roadmap for innovation and customer experience
Human Capital Management	Major Upgrade of Time and Attendance	Technical readiness for staff scheduling capability
Records Management	Market Survey and RFPQ Inventory of Process / Information issues Major Upgrade of existing RMS Solution	Identification of a broad range of opportunities

Roadmap

Program	2022	2023	2024
Digital Officer	Full deployment of phones and Body Worn Cameras	Use Platforms to automate and mobile-enable TPS processes	Leverage Mobile version of the RMS
IT Rationalization	Shift 3 FTE from support to project work	Migrate non-RMS solutions to standardized infrastructure and cloud where possible	Standardized operating systems and databases
Platform & Transformation	Stand up core platforms; CRM, CMS, Notification, Survey and Workflow Engines.	Stand up core workflows of Call Diversion, Referral to Community, and rebuild external website.	Stand up 2 additional digital pods
Parking Automation	Complete experience roadmap with City and TPA – POC technologies. Complete MLEO App project.	Begin progressive deployment of Parking Roadmap	Ramp-up of experience deployment
Human Capital Management	Assess current HRIS solution	Procurement / Remediation Planning	Implementation/remediation of HRIS
Records Management	Conclude procurement and business case for change or remediation of RMS	Remediation/ implementation project	Bedding down and optimization



Appendix Slides

TPS Products

**911 Response &
Patrol**



Investigations



**Crime
Prevention**



**Events
and Protest
Security**



**Traffic and
Parking
Enforcement**



**Courts and
Prisoner
Management**

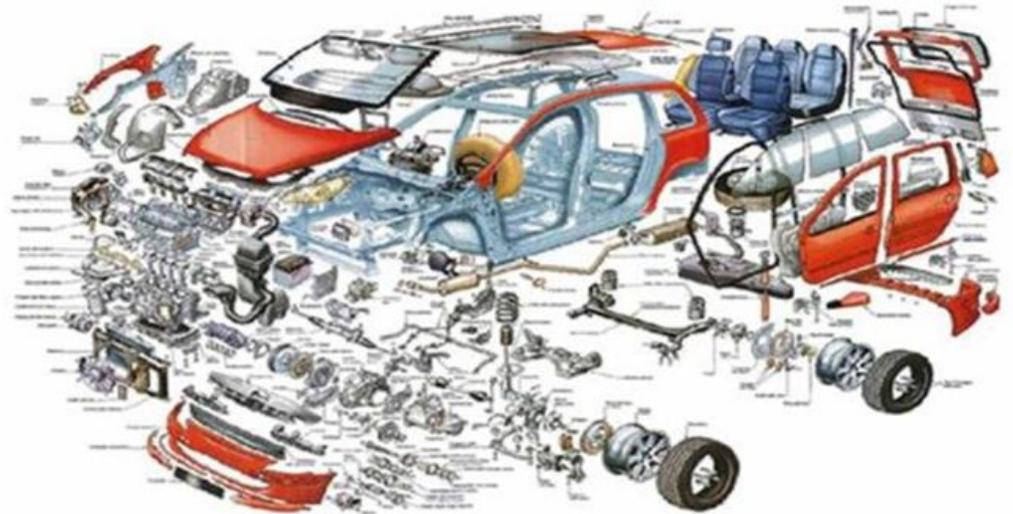


Complexity

How We Experience Design



How the Designer Has to Think of It





Toronto Police Services Board Report

February 10, 2022

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Senior Officer Uniform Promotions

Recommendation:

It is recommended that the Toronto Police Services Board (Board) approve the uniform promotions of ten Inspectors as set out in this report under Appendix 'A', effective March 1, 2022.

Financial Implications:

The Inspector positions cited in this report are approved positions within the Toronto Police Service's (Service) uniform establishment. Funds for filling these vacant positions are included in the Service's 2022 operating budget.

Background / Purpose:

The purpose of this report is to recommend the promotion of ten officers to the rank of Inspector as listed in Appendix 'A'. The officers were selected in accordance with the promotional process adopted by the Board for the rank of Inspector (Min. No. 49/01 refers).

Discussion:

Interview Process:

As part of the promotional process for the rank of Inspector, eligible candidates submitted a resume outlining their qualifications. The qualifications included career history, education, awards and significant contributions to the Service and the community. Thirty-one candidates met the qualifications and were interviewed in early January 2022, by a diverse three-person panel chaired by a Staff Superintendent.

After a collective review of the interview results, the Staff Superintendents arrived at a consensus to recommend eighteen of the thirty-one candidates to proceed to the next stage. The second level interview panel was comprised of Chief James Ramer, Deputy Chief Peter Yuen, Deputy Chief Myron Demkiw, Chief Administrative Officer Tony Veneziano and Chief Information Officer Colin Stairs. Following the completion of this interview process, ten candidates were identified and placed on an Inspector eligibility list.

A check of internal sources, including Professional Standards, Diversity & Inclusion, Legal Services and Labour Relations, reveals no historic or current information on file indicating that the officers should not be recommended for promotion.

New Board Policy:

The Board approved a new Policy on Recruitment, Appointments and Promotions for Uniform and Civilian members at its September 2021 meeting (Min. No P2021-0927-3.0 refers). The Service has reviewed the new Board Policy and is submitting this report in compliance with its requirements to provide detailed demographic information about applicants applying for, and who are successful in promotion, including race, gender-identity and other demographic information.

Diversity and Demographic Highlights:

Highlights of the 31 applicants include: 23% (7) female; 3% (1) identified as Indigenous, 6% (2) identified as Black and 13% (4) identified as racial backgrounds other than White and Black. 26% (8) candidates are fluent in a language other than English. All 31 Applicants were granted a level one interview.

Highlights of the 10 candidates selected include: 30% (3) female, 20% (2) identified as Black and 20% (2) are fluent in languages other than English.

Conclusion:

The Board is therefore being requested to approve the promotion of ten officers to the rank of Inspector as listed in Appendix 'A', effective March 1, 2022. Also attached to this report is Appendix 'B', which contains a brief biography for each of the candidates on the promotional list. Following these promotions, there will be no members remaining on the Inspector eligibility list.

Mr. Tony Veneziano, Chief Administrative Officer, will be in attendance to respond to any questions that the Board may have in regards to this report.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original copy with signature on file in Board office

Appendix A

<u>Promotions to the Rank of Inspector</u>		
Name	Badge	Date of Board Appointment
BURRITT, Stephanie	89955	March 1, 2022
CARACCIOLO, Roger	7748	March 1, 2022
CIPRO, Michelle	87189	March 1, 2022
CORREA, David	5157	March 1, 2022
DONAIS, Bradley	8015	March 1, 2022
HARRIS, Richard	5321	March 1, 2022
KRAWCZYK, Paul	7451	March 1, 2022
PRENTICE, Stefan	7585	March 1, 2022
PURCHES, Scott	5183	March 1, 2022
SEREMETKOVSKI, Kathlin	8632	March 1, 2022

Appendix B

Recommendation

Promotion to Inspector

Police Services Board Meeting – February 28, 2022

Name and Badge No. : Stephanie Burritt (89955)
Unit: Toronto Police Operation Center
Date Promoted to current rank: May 19, 2020
Length of Service: 27 years, 9 months

Career History:

Unit
Toronto Police Operations Center
42 Division - Primary Response Unit
23 Division - Primary Response Unit
Public Safety Response Team
33 Division - Primary Response Unit
Toronto Police Anti Violence Intervention Strategy
Sex Crimes Unit
54 Division - Criminal Investigation Bureau
54 Division - Primary Response Unit
Organized Crime Enforcement – Combined Forces Special Enforcement Unit
Organized Crime Enforcement – Gun and Gang Task Force – Major Project Section
Hold-up Squad secondment – Project Roti
41 Division - Community Response Unit
Street Violence Task Force
41 Division - Major Crime Unit
41 Division - Primary Response Unit
41 Division - Criminal Investigation Bureau
41 Division - Community Response Unit
41 Division - Warrant Office
41 Division - Primary Response Unit
Toronto Police College
Records Information Security

Management and Supervisory Training:

Course
Supervisors Course – Staff Sergeant (Toronto Police College)
Advanced Leadership (Toronto Police College)
Supervisors Course - Sergeant (Toronto Police College)

Post-Secondary Certificates and Degrees:

Certificate / Degree	Date
Bachelor of Applied Arts (Justice Studies) University of Guelph	2012
Police Foundations Leadership (Honours) Humber College	2010
Certificate program - University of Toronto	1996-1999 (credited towards BA in 2012)

Awards:

Award	Date
PSRT – Awards Recommendation	2017
TAVIS – Teamwork Commendation	2017
54 Division – Awards Recommendation	2011
PRS – Teamwork Commendation - “Project Sanshin”	2010
OCE – Teamwork Commendation – “Project Kryptic”	2009
OCE – Awards Recommendation x 3	2003/2004/2006
HUS – Teamwork Commendation – “Project Roti”	2006
41 Division – Various awards recommendations x8	1996/1997/1998/1999/2001/2004
RIS – Awards recommendation	1995
14 various letters of appreciation/emails	

Recommendation

Promotion to Inspector

Police Services Board Meeting – February 28, 2022

Name and Badge No. : Roger Caracciolo (5072)

Unit: West Field Command

Date Promoted to current rank: March 3, 2020

Length of Service: 22 years

Career History:

Unit
Community Safety Command – West Field Command
Homicide Squad
55 Division – Platoon
54 Division – Major Crime Unit
54 Division – Criminal Investigative Bureau
54 Division – Platoon
Homicide
Gun and Gang Task Force
Intelligence Division – Covert Operations (Joint Task Forces – Terrorism),
Street Violence Task Force –Uniform and Investigative Teams
Several Joint Task Forces / Major Projects – Gun violence, gang violence, Drugs -
42 Division – Primary Response, Community Response, Street Crime, Street Crime, Major Crime

Management and Supervisory Training:

Course	Date
IMS 200	2021
Project Leadership / Risk Management – McMaster University	2021
Anti-Black Racism	2021
Promoting a Healthy and Safe Workplace	2021
OPCVA / CICC Leadership – Ontario Police College	2019
Bill C-75 – Ministry of Ontario General – Facilitator	2019
TPS – Foundations of Leadership	2019
Critical Incident Response Team – Member – Training	2019
VDX Supervisor Review	2019
Leading Change for Managers	2019
Advanced Leadership	2018
Police Services Act – Leadership	2018

Post-Secondary Certificates and Degrees:

Certificate / Degree	Date
Certificate – Broadcasting – Seneca College	

Awards:

Award	Date
12 Unit Commander Awards	Various Years

Recommendation

Promotion to Inspector

Police Services Board Meeting – February 28, 2022

Name and Badge No. : Michelle Cipro (87189)
Unit: Specialized Emergency Response - Marine Unit
Date Promoted to current rank: May 19, 2014
Length of Service: 22 Years, 8 Months

Career History:

Unit
Specialized Emergency Response - Marine Unit
31 Division – Community Response Unit
31 Division - Major Crime Unit
Professional Standards - Criminal
Professional Standards - Conduct
22 Division
55 Division
CO Bick College
Employment

Management and Supervisory Training:

Course
Sexual Harrassment –Supervisor course
Versadex Supervisor
Change Management Certification
Incident Management 300
Advanced Leadership
Supervisory Leadership Part 2
Supervisory Leadership Part 1

Post-Secondary Certificates and Degrees:

Certificate / Degree	Date
Bachelor of Arts - Sociology - University of Guelph	1994

Human Resource Management Post Graduate Diploma - Humber College	1998
--	------

Awards:

Award	Date
Unit Commander Award	2021
Unit Commander Award	2017
Unit Commander Award	2016
Unit Commander Award	2011

Recommendation

Promotion to Inspector

Police Services Board Meeting – February 28, 2022

Name and Badge No. : David Correa (5157)
Unit: Sex Crimes Unit-Human Trafficking Enforcement Team
Date Promoted to current rank: March 2, 2020
Length of Service: 25 Years

Career History:

Unit
Sex Crimes - Human Trafficking Enforcement Team
Sex Crimes - Human Trafficking Enforcement Team
14 Division - Criminal Investigative Bureau
14 Division - Primary Response Unit
Gun and Gang Task Force
33 Division - Primary Response Unit
33 Division - Major Crime Unit
33 Division - Primary Response Unit/Community Response Unit

Management and Supervisory Training:

Course
Supervisor Leadership Part 1
Occupational Health and Safety Supervisor Course
Supervisor Leadership Part 2
Covert Operations - Handler Course

Post-Secondary Certificates and Degrees:

Certificate / Degree	Date
Seneca College - Law Enforcement	1995

Awards:

Award	Date
Unit Commander Award	2018
Police Exemplary Service Award	2017
Teamwork Commendation Award	2016
Unit Commander Award	2016
Unit Commander Award	2016
Unit Commander Award	2015
Teamwork Commendation Award	2015
Unit Commander Award	2014
Unit Commander Award	2007
Unit Commander Award	2007
Teamwork Commendation Award	2005
Unit Commander Award	2005
Unit Commander Award	2004
Unit Commander Award	2003
Unit Commander Award	2002

Recommendation

Promotion to Inspector

Police Services Board Meeting – February 28, 2022

Name and Badge No. : Bradley Donais (8015)
Unit: Forensic Identification Services
Date Promoted to current rank: May 4, 2020
Length of Service: 21 years, 6 months

Career History:

Unit
Forensic Identification Services – Unit Commander
Human Resources Command – Executive Officer
Forensic Identification Services – Specialized Operations
Forensic Identification Services – Field Investigations
Public Safety Response Team
Forensic Identification Services – Field Investigations
Emergency management & Public Order - CBRNE
Forensic Identification Services – Training Section
Forensic Identification Services – Field Investigations
23 Division – Criminal Investigation Bureau
23 Division - Traffic
23 Division - Primary Response Unit
31 Division - Primary Response Unit

Management and Supervisory Training:

Course
Sexual Harassment – Supervisor
Equity and Inclusion - Supervisor
Advanced Leadership
Supervisor Health and Safety
Supervisory Leadership

Post-Secondary Certificates and Degrees:

Certificate / Degree	Date
Forensic Specialist Certification	2006
Teaching Effectiveness Certificate	2011
B.Sc. Candidate	Ongoing

Awards:

Award	Date
Police Exemplary Service Medal	2020/09/20
Unit Commander Awards	Various years
Ontario Fitness Award	Multiple Years
Diamond Jubilee Medal	2012/11/08
Teamwork Commendation Award	2011/09/14
PC Training – Top 25%	2001/01/15

Recommendation

Promotion to Inspector

Police Services Board Meeting – February 28, 2022

Name and Badge No. : Richard Harris (5321)
Unit: Specialized Criminal Investigations – Hold Up Squad
Date Promoted to current rank: June 16, 2014
Length of Service: 23 Years

Career History:

Unit
Hold Up Squad
Centralized Shooting Response Teams and GGTF Street Enforcement Teams
Firearm Enforcement Unit
Hold Up Squad
12 Division
Hold Up Squad
Gun and Gang Task Force
Priority Response Unit
Community Response Unit
Criminal Investigation Bureau
Major Crime Unit

Management and Supervisory Training:

Course
Promoting a Healthy and Safe Workplace
Sexual Harassment training for Supervisors
Info Security Learning series
Equity and Inclusion Presentation
Advanced Leadership

Post-Secondary Certificates and Degrees:

Certificate / Degree	Date
Business Marketing (Diploma) – Mohawk College	1998

Awards:

Award	Date
Teamwork Commendation (Project Compound)	2021
Teamwork Commendation (Project Belair)	2019
Police Exemplary Service Medal	2019
Teamwork Commendation - "Project Sizzle"	2017
Teamwork Commendation – "Project Don"	2016
Commendation – "Project Rewind"	2015
Commendation	2007
Awards Recommendation	2006
Awards Recommendation (x3)	2005
Awards Recommendation (x2)	2004
Teamwork Commendation	2004
Police Officer of the Month [<i>Board of Trade Young Professionals</i>]	2002
Awards Recommendation (x2)	2002
Awards Recommendation (x3)	2003

Recommendation

Promotion to Inspector

Police Services Board Meeting – February 28, 2022

Name and Badge No. : Paul Krawczyk (7451)

Unit: Detective Operations

Date Promoted to current rank: September 22, 2017

Length of Service: 25 years, 6 months

Career History:

Unit
Detective Operations
Sex Crimes – Child Exploitation Section
Sex Crimes – Child Exploitation Section
Sex Crimes – Child Exploitation Section
41 Division
Sex Crimes – Child Exploitation Section
51 Division – Youth Bureau
51 Division – Criminal Investigation Bureau
51 Division – Foot Patrol
51 Division

Management and Supervisory Training:

Course
IACP Leadership in Police Organizations
Project Leadership and Risk Management – McMaster University
TPS Foundations of Leadership
FBI-LEEDA Command Leadership Institute
FBI-LEEDA Supervisory Leadership Institute

Post-Secondary Certificates and Degrees:

Certificate / Degree	Date
Honours Bachelor of Commerce – McMaster University	1993

Awards:

Award	Date
Police Exemplary Service Medal	2017
Unit Commander Award	2016
Unit Commander Award	2015
Teamwork Commendation Award	2015
Unit Commander Award	2014
Unit Commander Award	2014
Police Officer of the Year	2012
Unit Commander Award	2012
Police Officer of the Month	2011
Teamwork Commendation Award	2007
Unit Commander Award	2007
Teamwork Commendation Award	2006

Recommendation

Promotion to Inspector

Police Services Board Meeting – February 28, 2022

Name and Badge No: Stefan Prentice (7585)
Unit: Office of the Chief
Date Promoted to current rank: December 7, 2020
Length of Service: 25 years, 2 months

Career History:

Unit
Office of the Chief
Emergency Management and Public Order Unit – COVID Incident Command
Professional Standards SIU Liaison
13 Division – Primary Response Unit
11 Division – Primary Response Unit Crime Manager Criminal Investigations Bureau Major Crime Unit
Seconded to Correctional Service Canada - Liaison
Toronto Drug Squad
Community Oriented Response Unit

Management and Supervisory Training:

Course
Foundations in Leadership Development
Project Leadership and Risk Management – McMaster University
TPC Leadership Training
FBI LEEDA – Supervisor, Command and Executive Leadership Courses Completed
Team Building – Ontario Police College
Building Leadership Strength – Ontario Police College
Aboriginal Studies – Ryerson University

Post-Secondary Certificates and Degrees:

Certificate / Degree	Date
Bachelor of Science – Biology, University of Western Ontario	1996

Awards:

Award	Date
FBI LEEDA – Leadership Trilogy	2018
Police Exemplary Service Medal	2016
OACP – Technology Award	2021

Recommendation

Promotion to Inspector

Police Services Board Meeting – February 28, 2022

Name and Badge No: Scott Purches (5183)
Unit: Specialized Operations Command
Date Promoted to current rank: March 10, 2020
Length of Service: 25 years, 2 months

Career History:

Unit
Specialized Operations Command
Intelligence Service - Security Section
Intelligence Service - Security Section
31 Division - Primary Response Unit
Homicide Squad
31 Division - Criminal Investigations
31 Division - Community Response Unit
13 Division - Primary Response Unit
Sex Crimes - Child Exploitation
31 Division - Major Crime Unit
31 Division - Criminal Investigations
31 Division - Primary Response Unit
C.O. Bick College

Management and Supervisory Training:

Course
Advanced Leadership – Toronto Police College
Leadership in Police Organizations; IACP Course – Ontario Police College
Change Management – Role of Leader/Supervisor – Toronto Police College
Occupational Health & Safety for Supervisors – Toronto Police College
Supervisory Leadership – Guelph Humber/Toronto Police College
Professionalism in Policing

Post-Secondary Certificates and Degrees:

Certificate / Degree	Date
Bachelor of Arts, University of Guelph	1996
Law Enforcement Diploma, Seneca College	1993

Awards:

Award	Date
Teamwork Award	2019
Police Exemplary Medal; 20 years of Service	2017
Teamwork Award	2007
Teamwork Award	2006
Teamwork Award	2002
Eight (8) Unit Commander Awards	Various Years

Recommendation

Promotion to Inspector

Police Services Board Meeting – February 28, 2022

Name and Badge No: Kathlin Seremetkovski (8632)
Unit: Professional Standards
Date Promoted to current rank: February 18, 2019
Length of Service: 19 Years, 7 Months

Career History:

Unit
Professional Standards
31 Division
Executive Officer, Corporate Risk Management
Professional Standards
22 Division, Criminal Investigative Bureau
22 Division, Primary Response
54 Division, Primary Response
Guns and Gangs - Major Projects Section
41 Division

Management and Supervisory Training:

Course
Project Leadership and Risk Management
Supervisor Workplace Sexual Harassment Training
TPS Foundations of Leadership
Advanced Leadership
Extreme Events and IMS training (IMS 100,200,300)
Supervisor Leadership Institute – FBI-LEEDA (Trilogy Completed)
Project Management Essentials
Emotional Intelligence Course – OPC
Building Leadership Strength and Self awareness
Road to Mental Readiness Trainer
Police Service Act

Post-Secondary Certificates and Degrees:

Certificate / Degree	Date
University of Toronto – Honors BA	Ongoing
McMaster University – Project Leadership & Risk Management	2021
Humber College – Teaching Effectiveness Certificate	2014

Awards:

Award	Date
Unit Commander Award	2021
OWLE – Certificate of Recognition	2016
Teamwork Commendation Award	2016
Chief of Police Excellence Award	2016
Unit Commander Award	2015
Unit Commander Award	2013
Unit Commander Award	2009
Unit Commander Award	2007
Teamwork Commendation Award	2007
Unit Commander Award	2006
Unit Commander Award	2005
PC Training – Top 25%	2002



Toronto Police Services Board Report

January 31, 2022

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Medal of Merit – Police Constables Scott Randall (11798), Ryan Johnson (65961), Jagmeet Dhinsa (11370) and Elena Luna (11754)

Recommendation:

It is recommended that the Toronto Police Services Board (Board) award a Medal of Merit to Police Constables Scott Randall (11798), Ryan Johnson (65961), Jagmeet Dhinsa (11370) and Elena Luna (11754).

Financial Implications:

Four Medals of Merit will be withdrawn from the Board's inventory. The cost of engraving the medal and preparing an accompanying framed certificate will be approximately \$589.46 excluding tax. Funds related to the presentation of medals and awards are available in the Board's Special Fund – Recognition Program.

Background / Purpose:

The Board presents a number of awards in recognition of various achievements, acts of personal bravery or outstanding police service. These awards, which can be awarded to police officers or civilian members of the Toronto Police Service (Service), are all individually approved by the Board under the Awards Program.

A Medal of Merit is the second highest award that can be granted to a police officer or civilian member. It can be awarded in response to an outstanding act of personal bravery or in recognition of highly meritorious police service. Historically, on the occasions when the Board has approved Medals of Merit for highly meritorious service, the recipients have concluded, or will soon be concluding, active police service with the Service after long and outstanding careers uniquely characterized by their dedication to providing the best policing service possible through displayed acts of heroism or a demonstration of meritorious commitment to their duties

Discussion:

The following will detail the incident in which the recommended Police Constables displayed dedication to community safety and the prevention of harm which will assist the Board in making the decision to approve this award. This is a unique incident that had far-reaching implications and risks that were mitigated by the impressive work and heroism of the involved officers.

On November 25, 2021, a male attended 2201 Finch Avenue West, seeking assistance from Judy Sgro, a Member of Parliament, for his family in Sri Lanka who had been facing adversities.

Frustrated with government officials, the male set up three cellular telephones and began to live stream himself on social media. He proceeded to douse himself with gasoline threatening to ignite himself. The staff in the office called police immediately.

Constables Scott Randall and Ryan Johnson were the first to arrive and saw an irate male yelling still holding the can of gasoline. Constable Randall initiated a conversation with the male in an attempt to de-escalate the situation while Constables Johnson and Jagmeet Dhinsa, who arrived soon after, positioned themselves tactically to contain the male.

Police Constable Elena Luna was off duty coming from a formal event when she saw officers running towards the scene. She immediately began to assist by retrieving a fire extinguisher while maintaining communication with dispatch.

Constables Randall, Johnson and Dhinsa were able to tackle the male before he had an opportunity to ignite himself. The male was arrested and handcuffed and upon the initial search, officers located a lighter in his back pocket. It was clear to the officers that before engaging in this dynamic arrest that there was significant risk to them as they were already aware that he had doused himself in the gasoline. Combined with the fumes in the air, this created an extremely dangerous situation, yet the officers took action to save this man's life despite the risks to their own lives.

The swift and courageous actions of Police Constables Randall, Johnson, Dhinsa and Luna saved the life of this male, who was clearly suffering from an emotional crisis. Their composure under immense pressure prevented any further injuries to the male, themselves as well as the general public and prevented a potentially disastrous and fatal situation. What makes this case particularly worthy of this award, is that had the male even had the opportunity to spark the lighter, the situation could have escalated quickly. Due to the event being live-streamed, as well as occurring in a public area, there were a large number of people who would potentially be put at risk had the officers not acted as swiftly as they did. There was a significant risk to not only the physical safety of the male and the civilians that were also present in the public area, but also the mental wellbeing of civilians being exposed to a fatal and traumatic event. Not only did the officers prevent the male from harming himself, but they maintained the safety of the public as well as their fellow officers.

Conclusion:

The actions of the officers have exceeded the criteria for a Medal of Merit in this particular incident. It is recommended that the Board grant the Medal of Merit to Police Constables Scott Randall, Ryan Johnson, Jagmeet Dhinsa and Elena Luna for their courage and presence of mind in the face of imminent danger to the public, their partners and themselves.

Respectfully submitted,

James Ramer, O.O.M.
Chief of Police

*original with signature on file at Board office



Toronto Police Services Board Report

February 7, 2022

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Board delegation of authority, Memorandum of Understanding between the Toronto Police Services Board, the Toronto Police Service, the Ottawa Police Services Board and the Ottawa Police Service

Recommendation:

It is recommended that the Toronto Police Services Board (T.P.S.B.) ratify the execution by Chair Jim Hart of the attached Memorandum of Understanding (M.o.U.) between the Ottawa Police Services Board (O.P.S. Board), Ottawa Police Service (O.P.S.), the T.P.S.B., and the Toronto Police Service (T.P.S.) which allows for the shared Services of the T.P.S. Public Order Unit (P.O.U.) specific for the preservation and maintenance of the public peace and the prevention of crime within the City of Ottawa during the 2022 Freedom Convoy Canada Unity Rally (the Rally).

Financial Implications:

There are no financial implications on behalf of the T.P.S.B. and T.P.S. The O.P.S. will be responsible for the reimbursement of any costs associated to the use of T.P.S. resources during the Rally.

Background / Purpose:

On January 28, 2022, the Rally was anticipated to arrive in Ottawa, Ontario. The O.P.S. has requested the services of the T.P.S. Public Order Unit (P.O.U.) in relation to the Rally, and the T.P.S. has agreed to provide such Services and in consideration of the mutual covenants and agreements contained within the attached M.o.U.

Discussion:

On January 29, 2022, the M.O.U. as drafted was signed by Chief James Ramer, T.P.S., and Jim Hart, Chair T.P.S.B.. The first Board meeting scheduled after becoming aware of the requirement for the M.o.U. to be executed is February 28, 2022. Due to the date of the Rally and the urgency of the request, the delegation of authority to the Chair is being sought at the first available Board meeting, which will be February 28, 2022. Board and T.P.S. legal are working collaboratively to establish a new delegation of authority that would permit the signing of agreements in urgent circumstances where the need for shared services or policing assistance can be reviewed and approved by the Chair, specific to the events that occur urgently and there is not time to seek the approval of the Board as a whole.

Appendices Referenced within the MoU:

Appendix A is a link to information publicly available on the Canadian Public Safety website, for ease of reference the link has been provided for below:

<https://www.publicsafety.gc.ca/cnt/cntrng-crm/plcng/vnt-scrty-en.aspx>

Appendix B is a confidential list of officer names and therefore has been placed on the confidential agenda for the meeting on February 28, 2022.

Appendix C is the certificate of insurance and is attached to this report

Appendix D at the time the agreement was prepared and executed was thought would be required, but has since become unnecessary and, as a result, does not exist.

Conclusion:

The provision of services under the aforementioned M.o.U. by the T.P.S. P.O.U. and expertise is not as a result of any current or future labour disputes between the O.P.S. and its police bargaining unit. The delegation of authority to the Chair of the T.P.S.B. ensures that should the O.P.S. require the expertise and support of the T.P.S. P.O.U. in exigent circumstances, there is an agreement in place that directs that engagement and the allocation of funds.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

MEMORANDUM OF UNDERSTANDING made as of the 28th day of January 2022

BETWEEN:

THE OTTAWA POLICE SERVICES BOARD

- and –

THE OTTAWA POLICE SERVICE
(hereinafter the OPS)

- and –

TORONTO POLICE SERVICE
(hereinafter the TPS)

TORONTO POLICE SERVICE BOARD
(hereinafter the Toronto Police Services Board or the TPSB)

WHEREAS:

- 1** On January 28, 2022, the Freedom Convoy Canada Unity (hereinafter the Rally) is anticipated to arrive in Ottawa, Ontario;
- 2 AND WHEREAS** the Chief of the Police of the OPS is responsible for the preservation and maintenance of the public peace and the prevention of crime within the City of Ottawa, the deployment of police resources, and, more specifically in relation to the Rally, the following:
 - A) to respond to potential demonstrations, protests and other community action taken before, during and after the Rally in the City of Ottawa; and
 - B) to assist in the protection of the Rally participants and their delegations when in or traveling in the City of Ottawa.
- 3 AND WHEREAS** the TPS has specialized Public Order Unit (hereinafter the POU) resource capabilities consistent with O. Reg. 3/99 of the *Police Services Act* R.S.O. 1990, c. P-15, as amended;
- 4 AND WHEREAS** the OPS and the TPS wish to enter into an agreement whereby the OPS utilizes the Public Order Unit of the TPS subject to certain terms and conditions;
- 5 AND WHEREAS** the Ottawa Police Services Board is responsible for the OPS;
- 6 AND WHEREAS** the Toronto Police Services Board is responsible for the TPS;

- 7 **AND WHEREAS** the OPS and the TPS are police forces constituted under and subject to the *Police Services Act* and its associated Regulations;
- 8 **AND WHEREAS** interoperability is a desired component of the Public Order Units, Regular Uniform Members deployed during the Rally;
- 9 **AND WHEREAS** the POU of the TPS have compatible policies, procedures and practices allowing them to operate together with members of the London Police Service, The York Regional Police and the Durham Regional Police selected to assist on the Rally;
- 10 **AND WHEREAS** the Parties recognize that both police forces have policies, procedures and practices relating to Public Order Units that they permit interoperability;
- 11 **AND WHEREAS** the provision of Services under this MOU by the TPS' POU and expertise is not as a result of any current or future labour dispute between the OPS and its police bargaining unit;

NOW THEREFORE THIS AGREEMENT WITNESSES that the OPS has requested the Services of the TPS POU in relation to the Rally, and the TPS has agreed to provide such Services and in consideration of the mutual covenants and agreements contained herein and subject to the terms and conditions as set out in it, **THE PARTIES AGREE AS FOLLOWS:**

12 DEFINITIONS

- 12.1 **“Chief of Police (OPS)”** means the Chief of Police of the OPS appointed pursuant to section 31(1)(d) of the *Police Services Act*. The Chief of Police (OPS) is responsible for administering and overseeing the operation of the OPS pursuant to section 41 of the *Police Services Act*;
- 12.2 **“Chief of Police (TPS)”** means the Chief of Police of TPS appointed pursuant to section 31(1)(d) of the *Police Services Act*. The Chief of Police (TPS) is responsible for administering and overseeing the operation of the TPS pursuant to section 41 of the *Police Services Act*;
- 12.3 **“City of Ottawa”** means either the geographical area of the municipality of Ottawa or the municipal corporation of Ottawa under the laws of Ontario, as the context herein requires;
- 12.4 **“Event Commander”** is OPS Superintendent Chris Rheaume who has overall operational control of the event;
- 12.5 **“Integrated Public Affairs Team”** means a team of communication and media professionals representing the police services involved in the integrated planning for the Rally whose purpose is to ensure accurate, timely, consistent and transparent messaging through various mediums regarding the planning and details of the summit, that can be released to the public;

- 12.6 **“Memorandum of Understanding”** or **“MOU”** means this agreement between the OPS and the TPS relating to the deployment of members of the TPS’ POU to assist the OPS with the Rally event.
- 12.7 **“National Capital Region”** is an official federal designation for the Canadian Capital of Ottawa, Ontario, the neighbouring city of Gatineau, Quebec and the surrounding urban and rural communities. The term National Capital Region is often used to describe the Ottawa-Gatineau metropolitan area;
- 12.8 **“OPS”** means the Ottawa Police Service, being the municipal police service of Ottawa operating under the *Police Services Act*;
- 12.9 **“OPS Liaison Officer”** means a member of the OPS who is designated by the OPS Event Commander to liaise directly with the TPS and other visiting police forces;
- 12.10 **“Overtime”** means time continuously spent on duty of at least 30 minutes duration beyond a member’s normal hours of duty on any shift and shall be calculated to the nearest hour or half hour, or otherwise as defined in the collective agreement between the Toronto Police Services Board and the Toronto Police Association;
- 12.11 **“Parties”** means collectively the OPS and the TPS and **“Party”** means either the OPS or the TPS;
- 12.12 **“Police Services Board”** has the same meaning given in the *Police Services Act*;
- 12.13 **“Public Order Unit Officer in Charge”** means Superintendent Ron Khan, Unit Commander, Emergency Management & Public Order who is responsible for the implementation of the strategic objectives of the Rally Event as set out by the overall Incident Commander who is a member of the OPS;
- 12.14 **“Public Order Unit”** means a team of TPS members, including a command structure, who are equipped and trained in all aspects of crowd management techniques and operate under the direct control of the Public Order Unit Officer in Charge and which complies in all respects with Ontario Regulations 3/99 made under the *Police Services Act*;
- 12.15 **“Public Order Troop Commander”** means a member of TPS (Section Leader(s)) who implements the orders given by the Public Order Officer in Charge;
- 12.16 **“Receipt”** means an original receipt and does not include a photocopy of an original receipt;
- 12.17 **“Senior Officer (OPS)”** means a member of the OPS holding the rank of Inspector or higher, or a member acting in that capacity;

- 12.18 “**Services**” means the services of the TPS Public Order Unit and related resources, during the Rally, demonstrations or events anticipated in Ottawa between approximately January 28, 2022 to January 31, 2022;
- 12.19 “**TPS**” means the Toronto Police Service, a municipal police service under the *Police Services Act*;
- 12.20 “**Unified Command Centre**” means the joint command centre responsible for the overall command and control of police operations relating to public security within the City of Ottawa during the Rally-related demonstrations in the National Capital Region.

13 EXECUTION

- 13.1 This MOU may be executed in multiple counterparts, each of which shall be an original, but which together shall constitute one and the same instrument.

14 TERM AND TERMINATION

- 14.1 This MOU will be effective upon execution and continues in full force and effect until the completion of the Services and any services required thereafter arising from or as a result consequential to the Services.
- 14.2 This MOU is subject to termination by either Party upon written notice.

15 DURATION

- 15.1 The Rally is scheduled to occur on January 29, 2022. It is expected that the need for the TPS Public Order Unit could extend from January 28, 2022 to January 31, 2022.
- 15.2 Where operational requirements change and the need for TPS resources under this MOU reduce, the Event Commander may release members of the TPS earlier than the dates specified in section 15.1. When members of the TPS are released under this section, expenses under sections 16.1 and 17 will be calculated up to the release date. The Event Commander undertakes to provide as much notice as is possible under this section.
- 15.3 The OPS hereby agrees to provide ongoing information to the TPS concerning the duration of the Services as soon as is possible.

16 EXPENSES

- 16.1 The OPS will reimburse the TPS for any justifiable and reasonable incremental expenses associated with the Services provided. For greater certainty, the OPS will provide reimbursement for the following:
- a) meals while in transit;
 - b) travel
 - c) accommodations subject to 17.1.2

- d) fuel;
- e) equipment and vehicle rentals;
- f) salary;
- g) claimed overtime;
- h) benefits; and
- i) supplies.

16.1.1 For greater certainty, the TPS will provide the OPS with a proposed list of all anticipated expenses that will be incurred by the TPS in accordance with section 16.1. The proposed list of expenses will be submitted to the OPS prior to March 4, 2022.

16.1.2 Any extraordinary expenses or equipment or supply purchases to be claimed by the TPS will require preapproval by the OPS. “Extraordinary expenses” are those expenses that are beyond the reasonable and regular costs associated with the Services provided

16.2 The TPS will submit all claims for expenses to the Chief Financial Officer of the OPS within 30 days of the conclusion of the Services. All claims may be subject to audit.

16.3 All expenses submitted for claim must be in accordance with the Public Safety Canada *Terms and Conditions Of The Major International Event Security Cost Framework* attached as Appendix “A” to this MOU.

17 TRAVEL AND ACCOMMODATION

17.1 The OPS will provide the following items and make the following arrangements:

17.1.1 Meals: Subject to 16.3, The OPS will be responsible for making arrangements to ensure meals are provided to TPS members who are in the City of Ottawa and providing the Services as set out under this MOU. If a TPS member does not receive a meal as entitled under this section, the OPS will be responsible for any costs, supported by receipts, that the TPS incurs as a result.

17.1.2 Accommodations: While in the City of Ottawa, accommodations will be provided to the TPS members, at the cost of the OPS, at a facility predetermined by the OPS (i.e. Marriot Ottawa East & Fairfield Inn & Suites airport). The OPS is responsible in making arrangements and approving in advance all accommodations.

17.2 The OPS will not be responsible for any increase in costs related to a TPS member traveling to or from Ottawa where such increase in cost is attributable to the TPS member for reasons not directly related to the provision of Services as set out in this MOU.

18 EMPLOYER

18.1 The Toronto Police Services Board shall remain the employer of its members and shall maintain all applicable insurance programs.

19 DISCIPLINE/COMPLAINT INVESTIGATION

- 19.1 All complaints as describe in section 15 of the *Special Investigation Unit Act 2019 (SIU Act)* made against a TPS member as a result of their involvement in the Rally related security operations in the National Capital Region, will be referred to the Special Investigations Unit pursuant to section 16 of the *SIU Act*.
- 19.2 Where the conduct of a member of the TPS becomes the subject of a complaint, or otherwise gives rise to an investigation, administrative review or other inquiry pursuant to the *Police Services Act* flowing from their involvement with the Rally, the investigation into the conduct of the TPS member shall be conducted by the OPS Professional Standards Section. The TPS Professional Standards Bureau may assist and participate in the investigation.
- 19.3 The OPS and the TPS will cooperate wherever practicable related to all investigations in this part.
- 19.4 The OPS will indemnify and save harmless the TPS, the Chief of Police, the Toronto Police Services Board and its members from and against any and all claims, damages, costs and expenses whatsoever associated with or arising from any *Police Services Act* proceedings, including necessary and reasonable legal costs of the Toronto Police Services Board and the members of the TPS (except the relevant member's personal legal costs, if applicable) where the member's conduct is determined not to constitute misconduct or unsatisfactory work performance.
- 19.5 The OPS will not be responsible for any costs arising to the TPS or any member of the TPS due to any negligence, willful misconduct or criminal conduct on the part of the TPS or such member of the TPS, or for any conduct which occurs when the member is off duty and which is not related to the Service provided for the purpose of the Rally.

20 LEGAL PROCEEDINGS

- 20.1 Each of the OPS and the TPS will provide immediate and ongoing notice of any tribunal or legal proceeding which, without limiting the generality of the forgoing, shall include criminal or civil proceedings, Coroner's inquests, or Board or Commission of Inquiry, which may impact upon the other Party or its members, including the status and disposition of any tribunal or legal proceeding arising from the Rally related security operations.
- 20.2 The Parties agree to co-operate to the extent possible in any proceeding referred to in Article 20.1 of this MOU. The TPS and the OPS agree to prepare and provide any statement, report or other documentation reasonably requested by the other or required by legislation, procedure or policy subject to the Parties' legal interests not being in conflict or production being prohibited by law.
- 20.3 All direct costs incurred by a member of the TPS arising from duties associated with the Rally with respect to a tribunal or legal proceeding shall be borne by the OPS, including reimbursement for legal costs, unless the costs arise from negligent, willful

misconduct or criminal conduct of a member of the TPS. For greater certainty, the Ottawa Police Services Board will indemnify and save harmless the Toronto Police Services Board for all costs associated with any legal proceeding as defined in Article 20.1, including necessary and reasonable legal costs arising out of the Services provided, except in the cases of negligence or willful misconduct or criminal conduct on the part of a member of the TPS.

21 COMMAND AND CONTROL REPORTING

- 21.1 The command and control of police operations relating to public security within the City of Ottawa during the Rally is based on a unified command structure centered in the Unified Command Centre (UCC) under the direction of the Unified Steering Committee. The Unified Command Centre is jointly operated by the OPS and the Royal Canadian Mounted Police.
- 21.2 Operational commands will be issued to the TPS POU through the Incident Commander.
- 21.3 The OPS will provide the TPS with the Operational Plan, Major Event Policy, and Public Order Unit Policy prior to the Rally.
- 21.4 Within the City of Ottawa there are sites which are, by law, under the jurisdiction of the Royal Canadian Mounted Police or the Parliamentary Protection Services. The remainder of the City of Ottawa is within the jurisdiction of the OPS. As such, for the duration of the Rally, there will be an Incident Commander for each jurisdiction. Directions to the POU will be issued by the Incident Commander.
- 21.5 An OPS Senior Officer will be identified to liaise with the TPS Senior Commander for administrative issues affecting the TPS' POU.
- 21.6 The deployment of the TPS POU will be determined by the Incident Commander. Once deployed, the TPS Public Order Officer in Charge will be responsible for the control and direction of POU Section Leaders, POU officers and any Public Order Support Teams.
- 21.7 Operational issues or concerns affecting the TPS POU shall be communicated as soon as possible through the Incident Commander.
- 21.8 The TPS shall ensure that all TPS members bear personal visible identifiers when deployed.
- 21.9 The OPS will assign one police representative to act as a direct liaison to the TPS Public Order Officer in Charge and provide local information and context.

22 RESPONSIBILITIES OF THE TPS

- 22.1 The TPS agrees to deploy to Ottawa:

- 22.1.1 ■ members of the TPS POU which will consist of a Public Order Unit Officer In Charge, Public Order Unit Section Leaders, Public Order Unit officers and any Public Order Support Teams along with the appropriate issued equipment, including radios and gas masks.
- 22.1.2 For greater certainty, a listing of the TPS members being deployed and their respective rank/classification and function is attached to this MOU as Appendix “B”.
- 22.2 The TPS will ensure that the TPS members deployed to provide Services under this MOU will provide receipts for all related costs and provide same to the OPS to the level of detail required by the OPS.
- 22.3 The TPS’ POU Officers will follow directives issued by the OPS concerning deployment.
- 22.4 The TPS’ POU Officers will familiarize themselves with, and be knowledgeable of, the OPS Operational Plan.
- 22.5 The TPS will ensure that any member injured while performing POU duties, or duties otherwise related to the Rally, completes and submits the Workplace Safety and Insurance Board Form 7 within three (3) days of the injury.
- 22.6 The TPS will provide, and attach to this MOU as Appendix “D”, an inventory of POU and Regular Uniform member munitions.
- 22.7 The TPS will ensure that all firearms are legally stored while in Ottawa, in accordance with TPS policy and all applicable legislation.
- 22.8 The TPS will ensure that TPS members in the provision of Services produce to the OPS Liaison Officer, at the conclusion of the Services, photocopies of any and all event-generated notes, reports or other documentation. In the event of an SIU incident, the TPS member shall comply with the applicable SIU regulations and TPS policy.
- 22.9 The Parties shall archive all notes, reports or other documentation referred to in section 22.7 in accordance with TPS policy.
- 22.10 The Chief of Police (TPS) has the right to withdraw the Services and any resources provided under this MOU at any time.

23 RESPONSIBILITIES OF THE OPS

- 23.1 The OPS will provide a copy of the Rally Operational Plan to the TPS Senior Commander and to the TPS Public Order Unit Officer in Charge prior to the start of Rally.
- 23.2 The OPS will provide Rally site familiarization and orientation for TPS members.

- 23.3 The OPS will schedule briefings for all TPS members as to any developments with an operational implication.
- 23.4 The OPS will provide and assign a liaison officer to the TPS Senior Commander and to the TPS Public Order Unit Officer in Charge.
- 23.5 The OPS will provide information and updates to the TPS in a timely manner.
- 23.6 The OPS will arrange for the provision of emergency medical services required by TPS' POU during the provision of Services.

24 TRAINED PERSONNEL

- 24.1 Only members authorized and approved by the Superintendent, Emergency Management & Public Order of the TPS shall perform duties in respect of the provision of Public Order services.
- 24.2 Only members of the TPS who are in compliance with the *Police Services Act* and applicable Regulations, including the Use of Force Training, shall perform duties in respect of the provision of Services.
- 24.3 Without limiting the generality of the above article, only members of the TPS who have successfully completed the requisite training and testing in relation to the use of gas masks shall perform duties in respect of the provision of POU services.
- 24.4 In the event that a member has not received the requisite training and testing in relation to the use of gas masks prior to start date specified in section 15.1 of this MOU, the TPS will provide, and be responsible for, such training while in the City of Ottawa, and prior to the Rally.

25 RESPECTFUL WORKPLACE PROGRAM

- 25.1 The OPS adheres to a Respectful Workplace Program (Program) which is based upon a duty to provide and maintain a climate of understanding and mutual respect for equality, dignity, and human rights. The intent of the Program is to ensure that each and every person operating within the OPS is responsible and accountable for fostering and promoting respectful interactions with each other and in the provision of service delivery. The members of the TPS deployed to Ottawa for the Rally are encouraged to follow the spirit and philosophy of the Respectful Workplace Program. The members of the TPS deployed to Ottawa for the Rally will be entitled to the benefits and protection of this Program. Further information on the OPS Respectful Workplace Program can be provided by the OPS at the request of a member of the TPS.

26 MEDIA RELATIONS

- 26.1 Media relations involving the Rally will be the responsibility of the Rally Integrated Public Affairs Team. In the event of specific requests for media access made to the TPS, the TPS agrees to consult with the Integrated Public Affairs Team.

27 LIMITATIONS OF LIABILITY, INDEMNIFICATION AND INSURANCE

- 27.1 The TPSB and TPS shall not be liable in any manner whatsoever to the Ottawa Police Services Board, its employees or agents, or the OPS or its members or agents, for any claim, including a claim by any third party against Ottawa Police Services Board, the Chief of Police (OPS), the OPS, or the employees, members, or agents of any of them, unless it was caused by the negligence or willful misconduct or criminal conduct of a member or agent of the TPS.
- 27.2 The Ottawa Police Services Board shall be liable for any damages caused by any wrongful act or omission of its employees or agents, including members of the OPS and any successors or assigns arising out of or related to this MOU or the Services provided herein.
- 27.3 The Ottawa Police Services Board does hereby agree to indemnify the Toronto Police Services Board, the TPS, its members and agents against any costs, losses, expenses or liabilities incurred as a result of a claim, inquiry or proceeding related to this MOU or the OPS, or caused by any wrongful act or omission of the OPS, its employees or agents and any or all of their successors and assigns.
- 27.4 During the term of this MOU, the Ottawa Police Services Board and the OPS shall obtain and maintain in full force and effect general liability insurance issued by an insurance company authorized by law to carry on business in the Province of Ontario, providing for, without limitation, coverage for personal injury, public liability and property damage. Such policy shall:
- 27.4.1 Have inclusive limits of not less than Ten Million Dollars (\$10,000,000.00) for injury, loss or damage resulting from any one occurrence;
- 27.4.2 Contain a cross-liability clause endorsement of standard wording; and
- 27.4.3 Name the TPS, the Chief of the Police (TPS), and the Toronto Police Services Board as additional insureds and, without in any way limiting the generality of the foregoing, with respect to any of the obligations under this MOU, the provision of Services under this MOU or any claim arising from the Rally related duties.
- 27.5 A Certificate of Insurance shall be attached as Appendix “D” to this MOU.
- 27.6 The TPS agrees to assist in the defence of any action, claim, or other proceeding which may arise in the provision of its Services during the Rally.

28 NOTICES

- 28.1 Notices under this MoU shall be in writing and sent by personal delivery, facsimile transmission (“fax”), electronic mail (“email”), or by ordinary prepaid mail.
- 28.2 Notices by mail shall be deemed to have been received on the fourth business day after the date of mailing.

28.3 Notices by personal delivery, fax, or email shall be deemed to have been received at the time of delivery or transmission.

28.4 In the event of an interruption in postal service, notice shall be given by personal delivery, fax, or email.

28.5 Notices to the Parties shall be sent to the following addresses:

Toronto Police Service
Chief James Ramer
40 College Street,
Toronto, Ontario
M5G 2J3

Ottawa Police Service
Chief Peter Sloly
P.O. Box 9634, Station T
Ottawa Ontario
K1G 6H5

Fax: (416) 808-8002

Fax: (613) 236-9360

Email:

Jim.Ramer@torontopolice.on.ca

Email: slolyp@ottawapolice.ca

The Parties may designate in writing to each other a change of address at any time.

29 REPRESENTATIVES

29.1 The TPS Representative for responding to requests is Chief James Ramer. The OPS Representative for responding to requests is Chief Peter Sloly.

29.2 Each Party may designate a different representative by written notice to the other Party.

30 REPRESENTATIONS AND WARRANTIES

30.1 All representations, warranties, covenants and limitations of liability, indemnification and insurance clauses in this MOU shall survive in full force and effect after the termination or expiry of this MOU.

31 WAIVER

31.1 The failure of a Party to insist upon strict performance of a term of this MOU on one or more occasions will not be construed as a waiver of its rights to require strict performance on further occasions; instead, all obligations shall continue with full force and effect.

32 AMENDMENTS, ALTERATIONS AND ADDITIONS

32.1 This MOU may be amended, altered or added to only by a further written memorandum of understanding and signed by the Parties which agreement is supplemental to this MOU and thereafter forms part of this MOU.

32.2 If any part of this MOU is struck for illegality or other reasons, the balance of the subsections will survive.

33 GOVERNING LAW

33.1 This MOU and the rights, obligations and relations of the Parties shall be governed by and construed in accordance with the laws of the Province of Ontario and the federal and provincial laws applicable therein. The Parties agree that the Courts of Ontario shall have jurisdiction to entertain any action or other legal proceedings based on any provisions of this MOU. The Parties do hereby attorn to the jurisdiction of the Courts of the Province of Ontario.

34 DISPUTE RESOLUTION

34.1 The Parties are committed to working together in a cooperative manner and recognize that this requires a commitment of time and energy. In the event of a dispute arising from the interpretation or operation of this MOU, it will be referred to the Parties’ representatives identified in section 28.5 of this MOU, to resolve the matter amicably.

35 HEADINGS

35.1 The Parties agree that the headings in the MOU form no part of the MOU and have been inserted for convenience of reference only.

36 ENTIRE AGREEMENT

36.1 This MOU, including Appendices A, B, and C, constitutes the entire agreement between the Parties. There are no other agreements, understandings, representations or warranties, either collateral, oral or otherwise.

IN WITNESS WHEREOF the Parties have executed this Memorandum of Understanding.

DATED AT _____, Ontario this 29th day of January, 2022

Witness


Per:
James Ramer,
Chief of Police, Toronto Police Service

Witness


Per:_
Jim Hart, Chair
Toronto Police Services Board

DATED AT Ottawa, Ontario this _____ day of _____, 2022.

Witness


Per:
Peter Sloly, Chief of Police,
Ottawa Police Service

Witness


Per:
Diane Deans, Chair
Ottawa Police Services Board

Appendix “A”

Public Safety Canada

Terms and Conditions Of The Major International Event Security Cost Framework

<https://www.publicsafety.gc.ca/cnt/cntrng-crm/plcng/vnt-scrty-en.aspx>

Appendix "C"
OPS Certificate of Insurance



Certificate of Insurance

No.: TOROP-2021-27-OPS

Dated: January 28, 2022

This document supersedes any certificate previously issued under this number

This is to certify that the Policy(ies) of insurance listed below ("Policy" or "Policies") have been issued to the Named Insured identified below for the policy period(s) indicated. This certificate is issued as a matter of information only and confers no rights upon the Certificate Holder named below other than those provided by the Policy(ies).

Notwithstanding any requirement, term, or condition of any contract or any other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the Policy(ies) is subject to all the terms, conditions, and exclusions of such Policy(ies). This certificate does not amend, extend, or alter the coverage afforded by the Policy(ies). Limits shown are intended to address contractual obligations of the Named Insured.

Limits may have been reduced since Policy effective date(s) as a result of a claim or claims.

Certificate Holder:

Toronto Police Service
40 College Street
Toronto, ON M5G 2J3

Named Insured and Address:

City of Ottawa, Ottawa Police Services Board
110 Laurier Avenue West, 3rd Floor
Ottawa, ON K1P 1J1

This certificate is issued regarding:

Freedom Convoy Canada Unity Rally - January 28-31, 2022

Type(s) of Insurance	Insurer(s)	Policy Number(s)	Effective/Expiry Dates	Sums Insured Or Limits of Liability	
COMMERCIAL GENERAL LIABILITY * Personal Injury & Advertising Injury * Cross Liability * Subject to policy self insured retention	Great American Insurance Company	2480445	Jan 12, 2021 to Jan 12, 2022	Each Occurrence	CDN 5,000,000
				Products & Completed Operations Aggregate	CDN 5,000,000
				General Aggregate	CDN 5,000,000
1ST EXCESS LIABILITY * Excess of Commercial General Liability Policy as Shown above.	Certain Lloyd's Underwriters	80509BOPWC12151 127 & 80509BOPWC12151 128	Jan 12, 2021 to Jan 12, 2022	Each Occurrence	CDN 5,000,000
				Aggregate	CDN 5,000,000

Additional Information:

Toronto Police Service, the Chief of the Police (TPS), and the Toronto Police Services Board are added as Additional Insureds on the Commercial General Liability policy, but only with respect to liability arising out of the operations of the Named Insured.

Notice of cancellation:

The insurer(s) affording coverage under the policies described herein will not notify the certificate holder named herein of the cancellation of such coverage.

Marsh Canada Limited

130 Bremner Boulevard
Suite 800
Toronto, ON M5J 0A8
Telephone: 1-844-990-2378
Fax: -
certificate@marsh-canada.com

Marsh Canada Limited

By:

Vijayalakshmi Kannathar



Toronto Police Services Board Report

January 26, 2022

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Clearview Artificial Intelligence - Toronto Police Service Use, Review & Steps Forward

Recommendations:

It is recommended that the Toronto Police Services Board (Board) receive the following report for information.

Financial Implications:

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

Purpose:

The purpose of this report is to provide an overview of Clearview Artificial Intelligence (Clearview A.I.) technology, the utilization of this technology by members of the Toronto Police Service (T.P.S.) and the operational and investigative impact of this usage.

Background:

Clearview A.I. is a web-based tool that functions as a search engine for images that are extracted from the internet. Clearview A.I. asserts that extracted images include only non-private content from various social media sites, such as Facebook and Instagram. Clearview A.I. compiles the extracted images into a proprietary image database called a "Face Library."

Clearview A.I. users upload images into the lookup server, which compares the uploaded images to the proprietary image database utilizing recognition technology. Users conducting a query are then provided with a series of images (potential matches) that are ranked in order of closeness (according to the software), as well as the source location on the internet where the resulting match was located. The search results are provided to the requesting investigator only and are not shared with other Clearview A.I.

users. Users must then conduct further investigation through other means to verify the search results.

Clearview A.I. advises that images uploaded by users into their platform for comparison purposes do not become part of the proprietary image database. The Clearview A.I. Inc. website stated that more than 600 law enforcement agencies in Europe, the United States and Canada were using Clearview A.I. technology in 2019; however, according to a submission made by Clearview A.I. to the Board on December 15, 2021, Clearview A.I. does not do business in Canada, and accordingly their technology is not currently available for use in Toronto or anywhere in Canada, by law enforcement or any other person.¹

T.P.S. Use

The evaluation and use of Clearview A.I. technology by individual T.P.S. members began in October 2019. It was then that investigators attended a conference in the Netherlands where Clearview A.I. technology was showcased by the Federal Bureau of Investigations (F.B.I.) and Homeland Security as an investigative tool. Clearview A.I. Inc. subsequently provided a free version of the software to certain T.P.S. investigators for their own purposes. It should be noted that at no time did the T.P.S. purchase Clearview A.I. licences, nor did it enter into a Memorandum of Understanding with Clearview A.I. Inc.

Upon their return from the conference, these T.P.S. members continued to use and informally assess the free version of Clearview A.I. to determine its value as an investigative tool. The use of the tool by individual officers advanced several investigations, leading to an organic, word-of-mouth proliferation, from officer to officer. Between October 2019 and February 5th, 2020, 144 T.P.S. officers created a Clearview A.I. User Account; 29 of those officers did not initiate any further activity within the application beyond the creation of an account.

Of the remaining investigators, 115 officers uploaded an image, or images, into Clearview A.I.'s software platform; Fifty-one officers (or 44%) did so for investigative purposes; 64 officers (or 56%) uploaded an image or images for testing purposes, or to become more familiar with the technical capabilities of the platform. 81% of these officers were assigned to various units in Detective Operations, while the remaining 19% were investigators from Field Units. The Top 3 Highest User Groups were investigators assigned to the following specialized investigative units:

- Sex Crimes (30%)
- Homicide (23%)
- Intelligence Services (12%)

¹ Response to Public Consultation, Clearview A.I., December 15, 2021.
https://tpsb.ca/media/breezingforms/uploads/ai/Clearview_AI_-_Response_to_Toronto_Police_Services_Board_Submitted_121521.pdf

T.P.S. investigated each time the Clearview A.I. software was used to ensure there had been no misconduct in relation to its use. It was determined that each use had been in good faith for the purpose of advancing law enforcement investigations, or for testing of the system.

Clearview A.I. technology was utilized in 84 different investigations of the following types:

- Assault
- Attempted Murder
- Break & Enters
- Child Exploitation/Child Pornography
- Drug-related & Drug Trafficking
- Firearms-related
- Fraud-related offences
- Gang-related
- Homicide
- Human Trafficking
- Kidnappings
- Missing Persons cases
- Organized Crimes
- Robberies
- Sexual Assault
- Suspicious Communications
- Wanted Persons

As a result of the use of Clearview A.I. technology, 30% of these investigations were advanced. It is important to note that Clearview A.I. facial recognition technology simply matched images; the results did not identify the person in the image. Rather, facial recognition simply provided another avenue of investigation to officers, meaning that further investigative work was required to determine the identity of the person in the image, and confirm that they were the individual being sought after. For this reason, the distinction between advancing an investigation and solving an investigation is significant to understanding the actual impact that Clearview A.I. technology had on T.P.S. investigations.

With respect to the 30% of investigations that were advanced through the use of Clearview A.I. technology:

- 31% of searches led to the identification of a suspect
 - 4 suspects were either identified or their physical locations were substantiated
- 20% of searches led to the identification of a victim
 - 12 victims were identified and/or rescued
- 3% of searches led to the identification of a witness

- 2 witnesses were either identified or their physical whereabouts were substantiated

Of the 12 searches conducted in order to attempt to identify a victim:

- 10 victims of child sexual abuse were ultimately identified
- 1 victim of self-exploitation was ultimately identified
- 1 victim of human trafficking was ultimately identified

Although Clearview A.I. technology advanced these child exploitation investigations all of these cases were determined to have occurred in other regions. This information was in some cases confirmed by T.P.S. investigators then forwarded to the police agencies having jurisdiction, or the preliminary information was disseminated and left for the receiving agency to investigate and confirm.

Of the investigations, one case led to the arrest of a suspect wanted for 1st Degree Murder when the subsequent investigation lead to his identification by traditional investigative means. A charge was laid in this case but was stayed as the accused is now deceased. Another investigation advanced through the use of Clearview A.I. technology identified a potential suspect involved in drug trafficking, who subsequently fled the country. After the identification was established by traditional investigative means, a warrant was issued for the arrest of this suspect.

While the initial investigative successes achieved using this technology appeared to hold promise in streamlining and advancing serious criminal cases, providing efficiencies and improving community safety, its use also carried risks that were not sufficiently considered by the individuals who used it. The use of the Clearview A.I. technology carried potential risks to individual privacy, equality, accountability and fairness. There was, and remains, no legislation currently in Ontario that fully regulates the use this type of technology, nor are there any comprehensive guidelines or standardized policies. Additionally, the T.P.S. had not evaluated the reliability of the tool and its potential biases, nor approved the use of Clearview A.I. technology. Therefore, upon learning of its use, on February 5th, 2020, then Chief Mark Saunders issued a cease and desist order to all members to stop using Clearview A.I. This order continues to date.

Procedural Impact

On February 6th, 2020, at the direction from the Chief and Command, an internal investigation began with the purpose of reviewing and analyzing T.P.S. Clearview A.I. use and any potential impact on investigations. Every officer who used Clearview A.I. was ordered to provide a detailed response outlining their use and the impact that the technology had on any investigation. Utilizing a methodical analysis of the results, a report was compiled and disclosed to internal and external partners. Internal consultations were completed with Legal Services, Strategy Management, Information Security, Governance, Information Technology Services

and Professional Standards. External consultations with the Ministry of the Attorney General – Crown Attorneys from the Provincial Strategy to Combat Internet Crimes against Children and the Office of the Information and Privacy Commissioner of Ontario (I.P.C.) were also conducted.

With respect to the investigations advanced using Clearview A.I. technology, there were no negative findings by the Courts in terms of the T.P.S.'s use. Furthermore, the Ontario Privacy Commissioner advised that due to the T.P.S.' engagement with the I.P.C. and the complete disclosure of all aspects of T.P.S. use, no further investigation was necessary. The internal investigation and analysis determined that officers had used the technology in good faith either for investigative purposes or to become more familiar with the capabilities of the platform.

The use of technology without first gaining approval from Command exposed a gap in T.P.S. Procedures governing the use of emerging technologies. At the February 2020 Board meeting, the Board committed to releasing the results of the Clearview A.I. internal review publically (min. no. P42/20 refers.); however, matters such as the declaration of the pandemic and calls for police reform caused a delay in reporting on Clearview A.I. technology and T.P.S. use. In March 2020, T.P.S. hired a new Chief Information Officer (C.I.O.), Colin Stairs, who immediately took carriage of the use of technology at the T.P.S. and began identifying best practices and working with the Board Office to create a policy (with an accompanying T.P.S. procedure) regarding the use of A.I. and machine learning.

On March 6th, 2020, Chief Saunders issued an order prohibiting the use of any artificial intelligence not already approved by T.P.S. and the Board. On June 10th, 2020, another order was issued advising members that all technology (hardware and software) must first be reviewed and approved for use by T.P.S.; the use of non-approved technology was prohibited.

Recommendations:

The internal Clearview A.I. review and analysis concluded with eight Recommendations:

Recommendation #1:

It is recommended that a Routine Order is immediately issued advising members that all technology, including physical assets, as well as intangibles (software) must first be approved for use by T.P.S. The use of non-approved technology is prohibited.

Status: Completed. Order issued on February 5th, 2020, directed all T.P.S. members to cease using Clearview A.I. Follow-up order issued on March 6th, 2020, prohibiting the use of any unapproved artificial intelligence, including Clearview A.I.

Recommendation #2:

It is recommended that a commitment to adequately staffing the P.H.I.X. (Police Hub for Innovation Exchange) is implemented, and that a re-alignment to the proposed innovation hub, emphasized in The Way Forward (Chapter 6, Culture Change) is actioned.

Status: Completed. While the P.H.I.X. unit is no longer in existence, the hiring of Colin Stairs as the C.I.O. initiated a restructuring of the Information Management /Information Technology teams which has this intended effect. Business Relationship Management (B.R.M.) actively seeks out innovations and ideas from the front line and brings these innovations into alignment with strategy, policy and practice.

Recommendation #3:

Furthermore, that a review of the exposure and working knowledge of P.H.I.X. is undertaken to ensure that members are aware of this avenue for innovation. The P.H.I.X. would have been a natural choice by members when first introduced to Clearview AI technology. The framework and processes within the operations of the P.H.I.X. exists to leverage collaborative innovation, as well as mitigate for risk.

Status: Completed. As above, the P.H.I.X. has been replaced with the B.R.M. team working to give support and education to innovations from the front line.

Recommendation #4:

That the suspension of Clearview A.I. use within the Toronto Police Service will continue until such a time as the Ontario Privacy Commission, or other governing body, determines the legality of Clearview A.I. technology.

Status. Completed. The two orders that were issued, referenced in recommendation 1, remain in effect. T.P.S. has no intention of lifting the prohibition. The I.P.C. was engaged by T.P.S. and they indicated that they would not be investigating T.P.S.'s use of Clearview A.I.

Recommendation #5:

It is recommended that the working group continue to request an updated list of T.P.S. members who access and upload images into Clearview A.I., post the February 5th, 2020 cease and desist order. Professional Standards will be engaged if there is any non-compliance with the order.

Status. Completed. All instances of Clearview A.I. use have been identified and investigated. No further action is required.

Recommendation #6:

It is recommended that an internal audit is conducted to determine the use of other investigative software currently in use by T.P.S. members. To be steered by Information Security, in partnership with Information Technologies (I.T.) and Audit & Quality Assurance, the purpose of this audit is to mitigate corporate risk, while analyzing the value of the technology and exploring possible avenues for a Memorandum of Understanding (M.O.U.) and/or Request for Proposal (R.F.P.) process.

Status. Underway. C.I.O. Stairs, through the Artificial Intelligence / Machine Learning (A.I./M.L.) Policy (brought forward presently) and the subordinate Policy under development calls for an indexing and disclosure of risk-stratified uses of A.I./M.L. in T.P.S.. The Policy further calls for the Board to oversee this process.

Recommendation #7:

It is recommended that the Procedure concerning the Acquisition of Technology directs officers to use their given name Toronto Police Service email address when corresponding with potential vendors/providers, creating accounts, and using/testing or evaluating software. For security reasons officers should not identify using a badge-based, or numerical email address, to an external agency. Endorsing this recommendation and providing further direction to members will ensure professionalism, consistency, a means to audit and prevent duplicity.

Status. In Progress. This recommendation will be completed once T.P.S. updates its Governance policies as the areas outlined in the recommendation will be incorporated into that procedure.

Recommendation #8:

Furthermore, in drafting the Procedure, it is recommended that the original working group created to review the use and impact of Clearview A.I. is retained as matter experts, and the group is expanded to include stakeholders from Strategy Management, Information Security, Legal Services, and Information Technology.

Status. Completed. This stakeholder group has been engaged to advise and provide input on the drafting of the procedure.

Discussion:**Current Facial Recognition Use**

T.P.S. currently uses approved facial recognition technology that is limited to an approved platform, employed only when there is a suspect to a criminal offence. The image of the unknown suspect is searched against T.P.S.'s criminal mugshot database (images lawfully taken of arrested parties). The use of this technology is restricted to the Forensic Identification Services Unit and governed by T.P.S. Procedures and has been approved by the Board. It is important to note that the results are considered possible matches only and not an identification. As such, the results are treated as an investigative aid, requiring further investigation to either substantiate or exclude an identification.

Additionally, T.P.S.'s Sex Crimes Unit uses a platform with limited capabilities called "Traffic Jam." This platform assists in the identification of victims of human trafficking by analyzing social media advertisements for sexual services. All of the data obtained by Traffic Jam is obtained from websites that are viewable by the general public. The content captured comes specifically from websites that offer the sale of sexual services. These sites do not require users to log into the website and the openness of the content encourages views and traffic to those websites. All Traffic Jam content is derived only from websites that sell sexual services.

The facial recognition component of Traffic Jam was used exclusively on the images in sexual service advertisements to identify and support victims of sex trafficking. Traffic Jam has proven to be a very effective tool at recreating a pattern and history of trafficking across geography and time, which is key to supporting criminal charges, corroborating victims and prosecuting traffickers. Traffic Jam was reviewed by T.P.S. Legal Services and approved through Command and Purchasing. Traffic Jam has undergone two separate internal reviews with each review resulting in limitations to its use. The facial recognition feature in Traffic Jam is currently disabled. The use of Traffic Jam continues to be audited and its use is restricted to members from the Sex Crimes Unit – Human Trafficking Enforcement Team.

In November 2021, the Office of Chief engaged the Ministry of the Attorney General on the use of Traffic Jam. In January 2022, the Office of the Chief engaged the I.P.C. for an opinion on the use of Traffic Jam. The Service is joined in its request of the I.P.C. by eight other police agencies in Ontario, who are also using the software. Those agencies are:

1. Ontario Provincial Police
2. Durham Regional Police Service
3. Halton Regional Police Service
4. Hamilton Regional Police Service
5. Peel Regional Police Service
6. Niagara Regional Police Service
7. York Regional Police Service
8. Waterloo Regional Police Service

Internal & External Consultations

C.I.O. Stairs and the Board Office are continuing to collaborate on the development of a Board Policy and T.P.S. Governance surrounding artificial intelligence and machine learning. This has included internal consultations with Detective Operations, Strategy and Risk Management, Governance and Information Technology Services. This has also included continued consultations with external agencies such as the Office of the Information and Privacy Commissioner of Ontario, the Province, City of Toronto and other law enforcement agencies.

On November 15th 2021, members of the public and T.P.S. were invited by the Board through a public forum to comment on a draft Board Policy that will govern the way the T.P.S. can obtain and use new A.I technologies. The Board Policy, and subsequent T.P.S. Procedures, will guide T.P.S.'s use of A.I. technology, ensuring that A.I. technologies are used in a manner that is fair, equitable, and does not breach the privacy or rights of members of the public. The Board Policy, and T.P.S. Governance, are being developed in a field with few existing examples and no established guidelines or best practices. It is believed that these will be the first set of governance policies of its kind among Canadian Police Boards or Commissions. The T.P.S. and the Board believe strongly that the public's participation in the Board Policy development process will be crucial to effectively and meaningfully achieve these goals. The T.P.S.'s Procedure will be made available to the public when it is adopted by T.P.S..

Moving Forward:

The purpose of this report was to provide an overview to the Board with respect to the findings and analysis regarding the investigative impact of members' use of Clearview A.I. technology. Furthermore, this report outlines the steps taken thus far by T.P.S. to address issues related to the use of artificial intelligence, machine learning and facial recognition technologies.

Conclusion:

It is recommended that the Board receive this report. Chief James Ramer will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original copy with signature on file at Board Office



Use of Artificial Intelligence Technology Policy

Ryan Teschner
Executive Director and
Chief of Staff

Dubi Kanengisser, PhD
Sr. Advisor, Strategic
Analysis and Governance

Artificial Intelligence in Policing

- Software and electronic devices which collect information about members of the public or their actions or use existing information about them, and which use automated analytical problem-solving models to assist or replace Service Members in making decisions pertaining to the information or the members of the public.

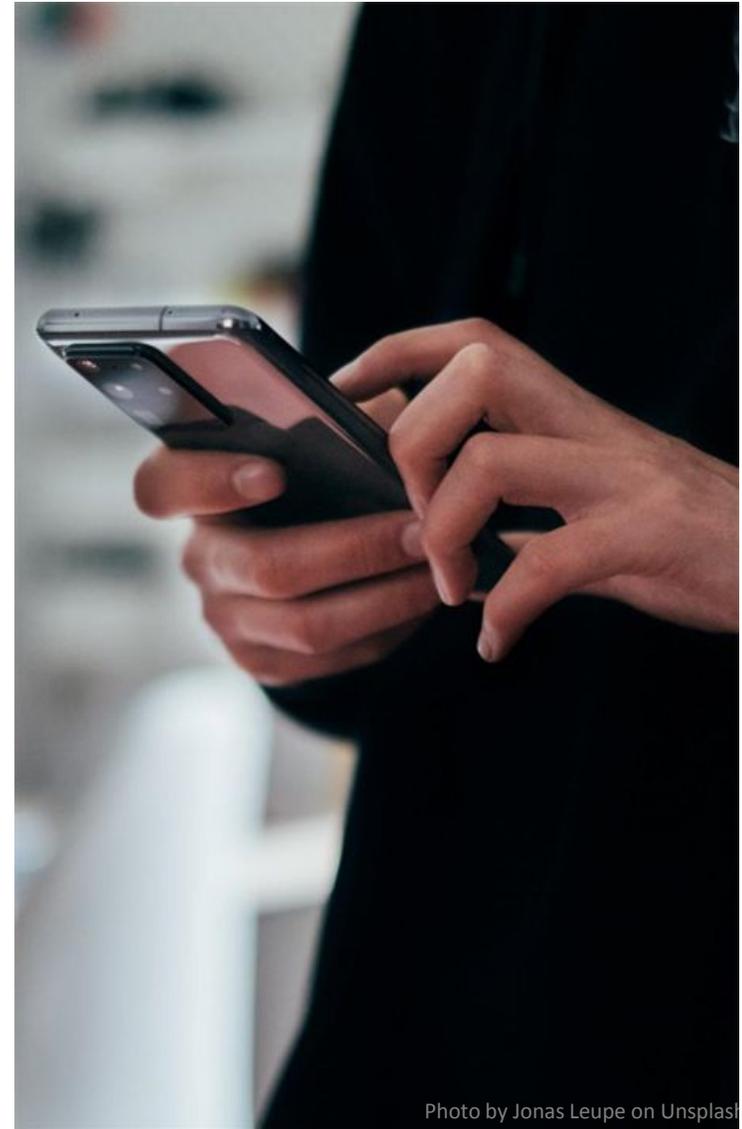


Photo by Jonas Leupe on Unsplash

Benefits and Risks of AI Technologies

- Higher efficiency
- Cost reductions
- Improved service
- Rights and Freedoms
- Mass surveillance
- Perpetuating biases



Photo by Lianhao Qu on Unsplash



Purpose of the Policy

Establish a governance infrastructure for the consideration and adoption of AI technologies in a manner that will protect the public interest while enabling the Toronto Police Service to improve its service delivery



Proposed Approach

- Ensure AI technologies are identified before use, and employ a slow and thoughtful approach to selecting and adopting AI technologies that present potential risks to equity or the rights or freedoms of the public
- Establish a set of guiding principles that will be used by the Service and the Board to determine the appropriateness of an AI technology for adoption, and to guide the way it will be used:
 - ✓ Legality
 - ✓ Personal Accountability
 - ✓ Transparency
 - ✓ Fairness
 - ✓ Organizational Accountability
 - ✓ Privacy
 - ✓ Justifiability
 - ✓ Meaningful Engagement

Risk-Based Evaluation

- The Service will develop and make public a risk-assessment tool that will determine to risk level of each new technology under consideration, in accordance with the guidelines in the Policy
- The risk level will determine the governance requirements for each technology

Minimal Risk	Low Risk	Moderate Risk	High Risk	Extreme Risk
Internal use only with no impact on members of public or Service Members	No expected impact on individuals but uses data on members of the public	Some potential limitations to the ability to mitigate bias or negative impacts	High likelihood of bias or negative impacts requiring significant mitigation	No possibility to effectively mitigate bias/negative impacts indiscriminate surveillance
No governance requirements	Transparency	Evaluation and reporting, including public consultation and engagement	Heightened evaluation and increased monitoring and reporting requirements	Prohibited for use

Monitoring, Review and Transparency

Post-deployment
consultation,
monitoring and
reporting



List low, moderate or
high risk technologies
in use on TPS Website



Collect and review
public concerns



Continuous Review



Public Consultation

- Stakeholders:
 - Information and Privacy Commissioner of Ontario
 - Ontario Human Rights Commissioner
 - Canadian Civil Liberties Association
 - Law Commission of Ontario
 - Academic and technical experts

- Public consultation
 - >7000 hits on the dedicated webpage
 - Targeted community organizations outreach
 - 45 written submissions



USE OF NEW ARTIFICIAL INTELLIGENCE TECHNOLOGIES
POLICY - PUBLIC CONSULTATION

What We Heard

Implemented

- Clearer requirement for meaningful consultations
- Guiding principles for AI adoption
- Changes to risk categories
- Improved definitions
- Enhanced post-deployment monitoring and reporting

Not Currently Implemented

- General concerns about the use of AI
- Independent expert panel
- Increased scope



QUESTIONS?



Toronto Police Services Board Report

February 15, 2022

To: Chair and Members
Toronto Police Services Board

From: Ryan Teschner
Executive Director and Chief of Staff

Subject: New Policy: Use of Artificial Intelligence Technology

Recommendation(s):

It is recommended that the Board:

1. Approve the proposed new Policy titled "Use of Artificial Intelligence Technology," attached as appendix 'A';
2. Direct the Executive Director and Chief of Staff, once the Chief submits the Service's report in accordance with section 16 of the proposed Policy, to review the Policy in consultation with communities, legal and technical experts, and report to the Board with any recommendations on the potential for expanding the scope of the Policy to include other technologies;; and,
3. Direct the Executive Director and Chief of Staff to explore, in consultation with the Information and Privacy Commissioner of Ontario, and other partners, the formation of an independent expert panel with the mandate to review submissions for proposed AI technologies, and provide independent recommendations or appropriate risk classification and mitigation features.

Financial Implications:

There are no specific financial implications arising from the recommendation(s) contained in this report. The proposed Policy, if approved, will require the Service to implement new approaches to the evaluation and assessment of current or proposed technologies. While this will create new and complex streams of work, there are no associated resource requests.

Purpose:

This report recommends the adoption of a new Toronto Police Services Board (Board) Policy to govern the process for reviewing and approving the use of new technologies implementing Artificial Intelligence (AI) applications. Our research indicates that this proposed Policy is a first-of-its-kind in Canada. This proposed Policy seeks to strike an



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important and necessary balance between the beneficial use of AI in policing where it is properly governed and its use made transparent, while not permitting certain higher-risk forms of AI technology whose use will do more harm than good in terms of rights-based impacts and public trust.

If approved, the proposed Policy will establish a risk-based assessment process for new AI technologies the Service proposed to use; guiding principles for the evaluation of these technologies; and requirements for training, reporting and ongoing monitoring and review of AI technologies. The purpose of the proposed Policy is to ensure that certain AI technology deemed to be of extreme risk are prohibited for use by the Service, and that the Toronto Police Service (the Service) deploys AI technologies only after meaningful professional, risk/benefit-based assessment based on identified relevant factors; the engagement of stakeholders, experts and the public; and the establishment of mitigation and monitoring plans for the use of AI technology.

This report describes the process established by the proposed Policy, and discusses the development process of this Policy, including findings of consultations with stakeholders and the public. The Board Office thanks the members of the Service, as well as the many stakeholders, organizations, and individual members of the public that contributed to the development of this important proposed Policy.

Background:

Novel technologies making use of AI applications hold the promise of improving the effectiveness of policing services and increasing public safety in Toronto. At the same time, technological advancements may pose new concerns for the privacy, rights, dignity and equality of the individuals affected by them. For example, there have been instances in which novel technologies – not just in the policing sector – were shown to incorporate and perpetuate pre-existing and systemic biases, resulting in both individually and systemically discriminating decision-making. Furthermore, such unintended consequences may undermine the desired benefits of efficiency and effectiveness, as well as public trust in policing.

No current legislation fully regulates the use of AI technologies generally or in policing specifically, and the Province has not yet developed comprehensive guidelines for the use of such technologies in policing. As well, based on our research, there are no police services board or police commission policies in Canada that currently address this area. The Board, as the entity that is responsible for the provision of adequate and effective policing and the development of policies for the effective management of the Service under the *Police Services Act* (the Act), has the opportunity to create a framework for the use of AI by the Service. Should the Province and/or Federal governments implement legislation in this area, it is likely that the Board Policy will still have relevance, subject to appropriate updating.



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Discussion:

The Proposed Use of Artificial Intelligence Technology Policy

If approved by the Board, this Policy will establish clear guidelines, safeguards and reporting requirements with regard to the procurement and use of AI technology by the Service.

Guiding Principles for AI Technology Adoption

The proposed Policy establishes a set of guiding principles that will be used by the Service and the Board to determine the appropriateness of a specific AI technology for adoption by the Service, and to guide the way it will be used. These principles include: legality, fairness, reliability, justifiability, personal and organizational accountability, transparency, privacy, and meaningful engagement.

Taken together, these guiding principles are aimed at ensuring that the adoption of AI technology will not perpetuate or increase systemic biases. As well, regardless of the output produced by an AI technology, Service Members employing an AI technology remain personally accountable for their decisions through existing professional standards mechanisms.

Risk Assessment and Consultation

The proposed Policy was deliberately designed so as to require a deliberate and thoughtful approach to selecting and adopting AI technologies that present potential risks to equity or the rights or freedoms of the public. Whenever the Service will contemplate the testing, procurement or deployment of new AI technologies, the Service will be required to assess the risk level of the technology using a publicly available risk-assessment tool.

Where the risk is determined to exceed a certain level (Extreme Risk), the acquisition and use of the technology will be prohibited. Where the risk is determined to be of High or Moderate level, the Service will be required to conduct a series of evaluations and consultations, and report to the Board with findings from these evaluations, as well as mitigation plans for any identified risks, a monitoring plan to determine the real-life impacts of deployment on the community, and other information as prescribed. The Board will then be required to consider these findings, and determine whether to approve the use of the technology, require additional consultations and evaluations, or reject the Service's request.

The proposed Policy also allows the Service to proceed more nimbly with the implementation of Low and Minimal risk technologies that could improve the efficiency of service provision without posing any concerns for the privacy, rights or freedoms of



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members of the public or Service Members, or to the fairness and equity of policing services. The distinction between lower-risk and higher-risk technologies will allow the Service to continue to use the many commonly, and often internal-facing technologies that already implement AI applications, such as Microsoft Office, Google Translate, WebEx, and others, without encumbering Service resources or the Board's and public's time.

To ensure transparency, any AI technologies determined to be of Low risk that are used with regards to members of the public, will be listed on a public page of the Service's website. Any Moderate- and High-risk AI technologies will also be required to be listed on this public page.

Training

AI technologies are built into many commonly-used digital services and applications. Many members of the public regularly use such applications without realizing that they make use of AI technologies on a daily basis. Service Members may also make use of publicly available tools to carry out their duties in good faith. However, certain tools using AI technologies may pose risks to Canadians' rights and freedoms, create legal liabilities and risk compromising evidence obtained through their use. To ensure AI technologies are always evaluated *prior* to use by the Service, the proposed Policy requires the Chief to ensure all Service Members are trained to identify when an application potentially utilizes AI, and put in place process for request for approval before using them.

Appropriate training will also be required before a Service Member uses an approved AI technology.

Ongoing Monitoring and Review

According to the proposed Policy, once a Moderate- or High-risk AI technology is approved for use, the Service will be required to monitor a set of indicators to track both the quality of its output, and its impacts on the community. These indicators will be reported to the Board one year after full deployment, and, in the case of High-risk technologies, a subsequent report after the two year mark. In addition, the Service will be required to report on the results of a post-deployment public consultation, and concerns raised by the public. Should the Chief wish to continue using the AI technology beyond this initial period, the Service must establish a set of indicators that will be tracked indefinitely and be used for the purpose of ongoing compliance and quality assurance.

The Service will continue to monitor any AI technologies in use and periodically review their effectiveness and the continued need for their use. The Service will also



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periodically assess to ensure that no change has occurred in the manner in which AI technologies are used that may result in increased risks.

To increase accountability, the proposed Policy also requires the Board's Executive Director to enable members of the public to submit concerns with regards to specific AI technologies in use by the Service, and these concerns will be communicated to the Board publicly. To enable this, a form will be included on the Board's website to receive submissions from the public as soon as the Service posts the list of known AI technologies in use by the Service.

The Policy Development Process

As has been increasingly the case, this proposed Policy was developed through engagement with subject matter experts in the Service, as well as with the benefit of stakeholder and broader public consultation. Through this approach to policy development, the Board Office will continue to develop policies that are evidence-based, informed by available research, and contributes to good governance that enhances trust and confidence in the Service.

In this case, the proposed Policy was developed in collaboration between the Board Office and the Service's Chief Information Officer. The proposed Policy also benefited significantly from consultations with stakeholders, such as the Information and Privacy Commissioner of Ontario, the Ontario Human Rights Commission, the Law Commission of Ontario, the Canadian Civil Liberties Association, and academic experts.

A draft of the proposed Policy, incorporating much of the feedback received from stakeholder consultations, was published on the Board's website in November 2021 for public consultation that lasted one full month. The consultation garnered some media attention, and the consultation page was viewed over 7,000 times. A total of 45 written submissions were received from members of the public, academic and legal experts, the private sector, and community organizations. The Board Office is grateful to all members of the public and stakeholders who participated in this process. All submissions received are posted on the Board's website at <https://tpsb.ca/consultations-and-publications/artificial-intelligence-policy-consultation>.

Summary of the Feedback from the Public and Addressing it in the Proposed Policy

Each of the submissions were reviewed by Board Staff, and suggestions were considered for implementation. Many of the suggestions received during the consultation have been adopted into the proposed Policy, for example:

- Enumerating the guiding principles for the adoption of AI technologies;
- several changes and enhancements to the risk categories;
- improvements to the definitions in the proposed Policy;



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- clarifying and enhancing the requirements for post-deployment monitoring and reporting; and,
- clarifying the requirement for meaningful engagement with the public prior to requesting Board approval for use of an AI technology, and transparency in reporting;

Many of the submissions voiced more generalized concerns regarding the use of AI technology by the Service or police services generally, and some expressed the view that all AI technology is inherently extremely risky and should never be used. It is important for members of the public to remember that AI technologies are ubiquitous in today's world, and the risk levels in the proposed Policy were created exactly for the purpose of determining which AI uses are generally accepted and pose little risk, and which ones require further deliberation. This proposed Policy seeks to strike an important and necessary balance between permitting the use of AI technology by the Service with appropriate safeguards, and prohibiting certain higher-risk forms of AI technology where the identified harm to individual rights is too significant.

Several submissions highlighted the need for an independent panel of experts to review either the contemplated AI technologies themselves, or the requests submitted by the Service, to advise the Board on the appropriateness of approving the request. We have determined that establishing such a panel for the benefit of the Board alone would not be a prudent use of public funds, nor would it create the level of consistency in assessment and recommendations that would benefit policing in Ontario as a whole. Instead, it is recommended that the Board explore, with the Provincial government, the Information and Privacy Commissioner of Ontario, and other partners, the establishment of an independent panel with the mandate of reviewing such requests from any Ontario police service or police services board, as well as other public municipal and provincial bodies in Ontario, and advise these bodies in a reliable, independent, and cost-effective manner.

An additional suggestion made across several of the submissions related to the scope of the proposed Policy. The submissions proposed that the Policy should be expanded to include a broader category of technologies (e.g., all algorithmic software). We believe that, given the lack of existing regulations and limited models for the governance of AI technologies, a more clearly defined scope would be most appropriate at this stage. Nevertheless, it is recommended that, if the Policy is approved, the Board direct the Executive Director to review the Policy within three years, consult with the public and stakeholders, and, in view of the legal landscape at that time, submit recommendations to the Board concerning any expansion to the Policy's scope.

It is also recommended that the Board request that the Provincial and Federal governments establish specific regulations and guidelines that will govern the use of AI technology by law enforcement agencies across Ontario and Canada. Such legal tools would create an important framework for the regulation of this evolving technology.



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Conclusion:

If approved, the proposed Policy will establish clear guidelines, safeguards and reporting requirements with regard to the procurement and use of AI technology by the Service. The proposed Policy balances the multitude of interests that are impacted by the use of AI, and would put in place important governance for decision-making regarding contemplated AI technology before it is used by the Service.

Respectfully submitted,

Ryan Teschner
Executive Director and Chief of Staff

Contact

Dubi Kanengisser, PhD
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Attachments

Appendix A: Use of Artificial Intelligence Technology

APPENDIX A

TORONTO POLICE SERVICES BOARD



USE OF ARTIFICIAL INTELLIGENCE TECHNOLOGY

DATE APPROVED		
DATE(S) AMENDED		
DATE REVIEWED		
REPORTING REQUIREMENT	Chief to report to Board from time to time as required by this Policy and directed by the Board.	
LEGISLATION	<i>Police Services Act, R.S.O. 1990, c. P.15, as amended, s. 31(1)(c).</i> <i>Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56.</i> Human Rights Code, R.S.O. 1990, c. H.19. The Canadian Charter of Rights and Freedoms	

Guiding Principles

The Toronto Police Services Board (the Board) supports the efforts of the Toronto Police Service (the Service) and its Members to provide effective and accountable policing through the prudent adoption of new technologies, while, at the same time, ensuring transparency and making certain that policing is provided in accordance with both the law and the interests of the public, and protects and promotes fundamental rights.

Novel technologies making use of artificial intelligence (AI) applications hold the promise of improving the effectiveness of policing services and increasing public safety in Toronto. At the same time, technological advancements may pose new concerns for the privacy, rights (including the rights to freedom of expression, freedoms of association and freedom of assembly), dignity and equality of the individuals affected by them. For example, there have been instances in which novel technologies were shown to incorporate and perpetuate pre-existing and systemic biases, resulting in both individually and systemically discriminating decisions. Furthermore, such unintended consequences may undermine the desired benefits to efficiency and effectiveness of policing services, as well as public trust in policing.

Under section 41(1)(a) of the *Police Services Act* (the *Act*), the Chief of Police is responsible for administering the police service and overseeing its operation, in accordance with the objectives, priorities and policies established by the Board.

The Board is the entity that is responsible for the provision of adequate and effective policing under the *Act* and its successor legislation. No current statutes or regulations fully govern the use of AI technologies in Ontario or Canada, and the Province has not yet developed comprehensive guidelines for the use of such technologies in policing. As a result of the current legal gaps and desired use of AI technologies, the Board determines it necessary to establish governance to facilitate decision-making that is in the public interest, and to enable the Chief to assess and account to the Board concerning how technology will be procured, implemented and used in the provision of policing in Toronto. In its review of proposed AI technologies, the Board will consider the need for and benefits of deploying the new technology; the potential unintended consequences to the privacy, rights, freedoms and dignity of members of the public and Service Members, and to the equitable delivery of police services to the public; and, any possible mitigating actions to eliminate any such unintended consequences. To the greatest degree possible, the Board must conduct such reviews in public.

All use of technology, including AI technology, whether approved by the Board or otherwise, must adhere to the following guiding principles:

- **Legality:** All technology used, and all use of technology, must comply with applicable law, including the *Police Services Act* (and its regulations, as well as successor legislation), Ontario's *Human Rights Code*, and the *Canadian Charter of Rights and Freedoms*, and be compatible with applicable due process and accountability obligations.
- **Fairness:** Use of AI technology must not result in the increase or perpetuation of bias in policing and should diminish such biases that exist.
- **Reliability:** AI technology must result in consistent outputs or recommendations and behave in a repeatable manner.
- **Justifiability:** The use of AI technology must be shown to further the purpose of law enforcement in a manner that outweighs identified risks.
- **Personal Accountability:** Service Members are accountable, through existing professional standards processes, for all the decisions they make, including those made with the assistance of AI technology or other algorithmic technologies.
- **Organizational Accountability:** All use of AI technology must be auditable and transparent, and be governed by a clear governance framework.
- **Transparency:** Where the Service uses AI technology that may have an impact on decisions that affect members of the public, the use of that technology must be made public to the greatest degree possible. Where full transparency may unduly endanger the

efficacy of investigative techniques or operations, the Service will endeavour to make publicly available as much information about the AI technology as possible, to assure the public of the reliability of the AI technology and the justifiability of its use. Where a decision assisted by AI technology may lead to the laying of criminal or other charges against an individual, the possible influence of the AI technology must be included in the disclosure provided to the Crown.

- **Privacy:** Use of AI technology must, to the greatest degree practicable, preserve the privacy of the individuals whose information it collects in line with 'privacy by design' principles.
- **Meaningful Engagement:** The adoption of specific AI technologies must be preceded by meaningful public engagement commensurate with the risks posed by the technology contemplated.

Purpose of Policy

The purpose of this Policy is to establish Board governance for the consideration of the use of new or enhanced technologies using AI, or of previously approved AI technology that is to be used for a novel purpose or in a novel circumstance, and to establish an assessment and accountability framework that addresses:

- The impact of the AI technology on the privacy, rights and dignity of individuals and communities, in accordance with the *Police Services Act* and its regulations (as well as successor legislation), Ontario's *Human Rights Code*, the *Canadian Charter of Rights and Freedoms*, and any other applicable legislation;
- The need for adoption new AI technologies to be done in a transparent manner, and contributes to equitable and effective policing services for all members of the public;
- Possible unintended consequences of the use of the AI technology in the provision of policing services in Toronto, prior to any adoption;
- A requirement for appropriate consultations to precede the procurement and deployment of new AI technologies that may have negative impacts on members of the public or the quality of policing services in Toronto;
- Mitigation strategies that seek to eliminate any identified unintended negative consequences stemming from the use of new AI technologies; and,
- A pre- and post-deployment, evidence-based evaluation and re-assessment of the AI technologies that are approved for procurement and/or use.

This Policy requires the thoughtful, evidence-based consideration of the benefits and risks of obtaining and deploying any new technology using AI, or novel uses of existing technologies, including impacts on public trust in the Service, community safety and sense of security, individual dignity, and equitable delivery of policing services. In particular, this Policy will ensure that decision-making examines and seeks to ensure that new technologies do not introduce or perpetuate biases to the greatest degree possible, including biases against vulnerable populations, including, but not limited to people with disabilities (physical and mental); children

and older persons; Indigenous, Black and racialized individuals; low-income individuals; and, members of LGBTQ2S+ communities.

Definitions

For the purpose of this Policy, the following definitions will apply:

AI Technology: goods and services, including but not limited to software and electronic devices, which collect information about members of the public or their actions, including personal information as defined under the *Municipal Freedom of Information and Protection of Privacy Act*, or make use of existing information about members of the public or their actions, and which use automated analytical problem-solving models to assist or replace Service Members in identifying, categorizing, prioritizing or otherwise making decisions pertaining to the information or the members of the public to which it pertains. AI technology includes, but is not limited to: machine learning technology, neural networks, natural language processing applications, predictive technologies, computer vision, and technologies which make predictions using algorithms trained on large data sets. Without limiting the foregoing, for the purpose of this Policy, “AI technology” will also include any goods or services whose procurement, deployment or use require that a privacy impact assessment be conducted in advance of its deployment or use.

New AI technology: any of: (1) AI technology never used before by the Service, (2) goods and services, including but not limited to software and electronic devices, already or previously employed by the Service which are enhanced through the application of AI in a manner that transforms the goods or services into an AI technology; (3) AI technology already or previously employed by the Service which is being considered for deployment for a novel purpose or in novel circumstances that may substantially change the data collected or used, including the content of the data, its granularity, and the purpose of data collection and use; (4) AI technology already or previously employed by the Service which is being enhanced through the use of new data that is substantially different from the data previously used, including the type of data, its granularity, or the manner in which it is obtained; and, (5) the linking of data from existing sources of information to create a new dataset for use by an AI technology.

Bias: systematically flawed output that is affected directly or indirectly by flaws in the design of the AI technology, training data, or the autonomous learning processes of the AI technology, to either misidentify certain types of subjects (individuals, objects, locations, etc.), or ascribe them with characteristics that disadvantage them based on illegitimate grounds (e.g., *Code*-protected grounds).

Data: any information collected and stored, whether locally or by a third party, which is used by the AI technology for the purpose of training, validation, testing, or generating output.

Biometrics: data on the measurements of physical and behavioural features of individuals (e.g., facial features, voice, gait) that could be used to identify the individual.

Human in the Loop: a process that ensures that any decisions or classifications made by the technology must be confirmed by a qualified human who can compare the input data with the output decision or classification, prior to any action taking place based on the output.

Explainability: AI technology is explainable when human users are able to comprehend the results created by the machine, why they were arrived at, and how changes to the input would have changed the outputs.

Training data: data provided to the AI technology for the purpose of enabling it to learn patterns and independently develop decision making algorithms.

Transactional data: data which is entered into a system which uses AI and that is used to generate output, but is not leveraged for training.

Policy of the Board

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

Review and Assessment of New AI Technologies

1. Will develop, in consultation with the Information and Privacy Commissioner of Ontario, the Ministry of the Attorney General, the Anti-Racism Directorate, stakeholders, independent human rights experts, independent legal experts, independent technology experts, and affected communities, procedures and processes for the review and assessment of new AI technologies that will, at a minimum, establish:
 - (a) That Service Members may not use new AI technologies prior to receiving approval and training in accordance with the procedure(s) and process(es);
 - (b) That all Service Members must be trained to identify new AI technologies for the purpose of obtaining an approval in accordance with section 1(a);
 - (c) Risk categories for new AI technologies based on their potential to cause harm, that include, at a minimum:
 - i. Extreme Risk Technologies, which may not be considered for adoption, including:
 1. Any application where there is no qualified “human-in-the-loop”. A qualified human must evaluate a recommendation from an AI tool before consequential action is taken, and be accountable for any decision made based on this recommendation;

2. Where use of the application results in mass surveillance defined as the monitoring of a population or a significant component of a population, or the analysis of indiscriminately collected data on a population or a significant component of a population;
 3. Any application of AI in a life-safety situation, i.e., an application where the action of the AI technology could slow down the reaction time of the human operator, resulting in potential risk to life of members of the public or Service Members;
 4. Any application that is known or is likely to cause harm or have an impact on an individual's rights, despite the use of mitigation techniques, due to bias or other flaws;
 5. Any application used to predict or assign likelihood of an individual or group of individuals to offend or reoffend;
 6. Any application making use of data collected in accordance with the Board's *Regulated Interaction with the Community and the Collection of Identifying Information Policy*, or any Historical Contact Data as defined in that Policy; or,
 7. Where training or transactional data is known or thought to be illegally sourced, or where it is from an unknown source;
- ii. High Risk Technologies, including:
1. Where training or transactional data is known or thought to be of poor quality, carry bias, or where the quality of such data is unknown;
 2. Where training data can be influenced or biased by malicious actors;
 3. Applications which link biometrics to personal information (e.g. facial recognition);
 4. Where the proposed system could be used to assist in the identification of individuals for the purpose of their arrest, detention or questioning;
 5. Where the process involved suggests an allocation of policing resources;
 6. Where a system that otherwise merits a Moderate risk assessment lacks independent validation; or,

7. Where a system cannot be fully explainable in its behaviour;
 - iii. Moderate Risk Technologies, including:
 1. Where the “human-in-the-loop” may have difficulty identifying bias or other decision failures of the AI; or,
 2. Where training data is based on existing Service data;
 - iv. Low Risk Technologies, including any AI technology that both:
 1. Does not fall under the categories of Extreme High Risk, High Risk, or Moderate Risk, and
 2. Assists Members in identifying, categorizing, prioritizing or otherwise making administrative decisions pertaining to members of the public; and,
 - v. Minimal Risk Technologies, including any AI technology that does not fall under any of the preceding categories;
- (d) The minimal risk analysis and privacy impact analysis that must be carried out for each level of risk in accordance with above subsection (c), as determined by an initial risk analysis, and the appropriate tools to carry out such impact analyses; and,
- (e) The risk mitigation measures required for each level of risk (e.g., training, contingency planning);
2. Will make the procedures required under section 1, including a detailed risk assessment tool, available to the public on the Service’s website;

Board Approval and Reporting Prior to Procurement, Utilization and Deployment

3. When contemplating procuring, utilizing or deploying new AI technology in its operations, will conduct a risk assessment of the AI technology, prior to the earlier of:
 - (a) Seeking funds for the new technology, including but not limited to applying for a grant, or accepting municipal, provincial or federal funds, or public or private in-kind or other donations;
 - (b) Acquiring the new technology, including acquiring such technology without the exchange of monies or other consideration;
 - (c) Using or deploying existing technology:
 - i. for a novel purpose;

- ii. in novel circumstances, that may substantially change the data collected, including the content of the data, its granularity, and the purpose of data collection or use;
 - iii. for a purpose or in a manner not previously approved by the Board; or
 - iv. for a purpose or in a manner not practiced before the approval of this Policy; or,
- (d) Entering into agreement to acquire, share, or otherwise use such technology;
- 4. Will not procure, utilize or deploy a new AI technology deemed to be of Extreme Risk;
- 5. Will not procure, utilize or deploy any new AI technology deemed to be of High or Moderate risk before reporting to the Board and obtaining its approval;
- 6. Will inform the Board, at the earliest possible opportunity, of the decision to procure, utilize or deploy a new AI technology deemed to be of low risk, and explain why the AI technology was ascribed this risk level;
- 7. When reporting to the Board in accordance with section 35, will describe, at a minimum:
 - (a) The operational need(s) the AI technology will address, including how use of the new AI technology will improve on current practices or operations;
 - (b) How the Service intends to use the AI technology;
 - (c) The risk level ascribed to the AI technology, why the AI technology was ascribed this risk level, and the rationale for continuing with the procurement, utilization or deployment requested despite the associated risk(s);
 - (d) The legislative authority for the collection of personal information;
 - (e) How the AI technology operates, including, where applicable, the source of the training data, what information will be collected, how and where information will be stored and how it will be disposed of, retention periods for the information collected, and evidence of the validity, accuracy and security of the AI technology under consideration, based on industry standards;
 - (f) The steps the Service will take or has taken to ensure the AI technology is used only in accordance with the *Police Services Act* and its regulations (as well as successor legislation), applicable privacy laws, Ontario's *Human Rights Code*, the *Charter of Rights and Freedoms* and other legislative and legal requirements, including training, and applicable governance;
 - (g) An evaluation of the AI technology's vendor, including its record with regard to data security and ethical practices;

- (h) The results of any privacy impact and other assessment(s) that have been conducted;
- (i) The feedback received from consultations with the Information and Privacy Commissioner of Ontario, the Ministry of the Attorney General, stakeholders and the general public, independent human rights experts, independent legal experts, independent technology experts, and affected communities;
- (j) An analysis of possible unintended consequences of the proposed use of the AI technology from legal and human rights perspectives, including the potential for disproportionate impacts on *Human Rights Code*-protected groups, and steps the Service will take to mitigate these unintended consequences;
- (k) Where applicable, a legal analysis of potential challenges to the admissibility of evidence generated or impacted by the AI technology in criminal proceedings;
- (l) The findings of any risk analyses carried out in accordance with section 1(d) above, and any additional analysis as appropriate, including any analyses required by the Information and Privacy Commissioner of Ontario;
- (m) Any reports and documentation used in the evaluation of AI technology;
- (n) A mitigation plan to:
 - i. Mitigate the risks posed by the implementation of the AI technology, including risks of biased policing, infringement of privacy or other rights, chilling effects on freedom of expression, and risks of abuse or unauthorized access to information, and including the mitigation of any bias or quality issues in the training data used by the AI technology;
 - ii. Ensure that any use of the AI technology will be audited to ensure adequate and lawful use, in accordance with the purposes approved by the Board, and to monitor errors; and,
 - iii. Notify the Information and Privacy Commissioner of Ontario and/or any other applicable legal authority of any significant privacy breaches or other significant malfunctions that may result in harm to individuals, communities or Service Members, or may impact criminal proceedings;
- (o) The estimated cost of acquiring and implementing the AI technology, including the cost of adequate training in the use of the AI technology, and any additional costs or savings expected from the implementation of the AI technology; and,
- (p) Proposed indicators that will be tracked by the Chief of Police aimed at determining whether the AI technology is achieving its intended goal and

whether its deployment has had any unintended consequences, until it is determined by the Board that monitoring is no longer required;

8. Will develop and implement a public engagement strategy, commensurate with the risk level assigned to the new AI technology, to transparently inform the public of the use of the new AI technology that collects data about members of the public or assists Service Members in identifying, categorizing, prioritizing or otherwise making decisions pertaining to members of the public, prior to its deployment; and,
9. Will develop and implement a strategy to communicate to the Crown the risks of an AI technology that require judicial authorization for its application, or which may impact any criminal proceedings.

It is further the policy of the Board that:

10. The Board will review the reports submitted in accordance with section 5 and may:
 - (a) Request or solicit an independent review of the recommendations made by the Chief;
 - (b) Determine that additional analysis is required prior to approval of the procurement, deployment or use of the new AI technology;
 - (c) Determine that the Service may initiate a pilot process for the use of the new AI technology to better assess it, and identify the parameters of the pilot in a manner that mitigates any risks of biased decision-making by Service Members; or,
 - (d) Determine that the Service may initiate the procurement, deployment or use of the new AI technology, and identify any additional analysis, monitoring, auditing and reporting requirements beyond the ones required by this Policy that are to be imposed once use of the AI technology commences.

Monitoring and Reporting

It is the policy of the Board that the Chief of Police:

11. Will monitor the indicators approved by the Board under Section 7(p), from the initiation of deployment and until 12 months after full deployment of new AI technology deemed to be of Moderate risk, or until 24 months after full deployment of new AI technology deemed to be of High risk;
12. Will report to the Board, within 15 months of full deployment of a new AI technology deemed to be of High or Moderate risk, and again within 27 months of full deployment of a new AI technology deemed to be of high risk, with such reporting describing :

- (a) How the AI technology has generally been deployed or utilized within the first period until 12 (or 24) months from full deployment, including with respect to compliance with applicable privacy laws and other legislative and legal requirements;
- (b) The performance as measured by the indicators approved by the Board under Section 7(p) of this Policy;
- (c) What concerns the Chief of Police has seen raised by members of the public or Service Members, and how the Chief has acted to address those concerns where appropriate;
- (d) For AI technology deemed to be of High risk, the results of a post-deployment public consultation on the impacts of the deployment;
- (e) Whether the Chief intends to continue using the AI technology in the same manner or in a different manner in the future; and,
- (f) Where the Chief intends to continue using the AI technology, the key performance indicators that the Chief will continue to monitor indefinitely to ensure the continued quality of the AI technology's performance, and that no new unintended consequences emerge through its use; and,

It is also the policy of the Board that:

13. The Executive Director shall create a method for members of the public to submit concerns pertaining to specific AI technologies used by the Service through the Board's website, and
 - (a) Where concerns are expressed with regard to an AI technology deemed to be of Moderate or High risk, for which the Service has not yet submitted the report required by section 12, will append a summary of the concerns to the report when it is brought before the Board; or
 - (b) Where concerns are expressed with regards to an AI technology for which the Service has already submitted the report(s) required by section 12, or with regards to an AI technology deemed to be of Low or Minimal risk, will:
 - i. if the Executive Director determines that the concern raised likely demonstrates that an AI technology was erroneously assessed at a lower risk level than appropriate in accordance with section 1(c), will report on the nature of the concern to the Board at the earliest possible opportunity; and,
 - ii. otherwise, report annually to the Board with a summary of the concerns raised by members of the public; and

- (c) Where a communication from a member of the public amounts to a complaint under Part V of the *Act* or successor legislation, will advise the individual or their right to file a complaint with the Office of the Independent Police Review Director (or successor entity), or forward the communication to the Chief of Police, as appropriate, and inform the complainant of this action;
14. The Board will review the reports provided in accordance with above section 12, and determine whether the Service may continue to use the AI technology in question, and whether any additional analysis, monitoring, auditing and reporting requirements are to be imposed, and in particular whether the Chief of Police must continue to monitor the indicators approved by the Board under Section 7(p); and,
 15. All reports required by this Policy will be considered by the Board in its regular public meetings, with the exception of any information provided in the report for which confidentiality is maintained in accordance with applicable law, in which case only that information will be provided to the Board separately as a confidential attachment to the public report.

Continuous Review

It is also the policy of the Board that the Chief of Police:

16. Will initiate immediately a process to identify and conduct a risk analysis of all AI technologies currently in use by the Service, to be completed no later than December 2024, and report to the Board upon its completion with a summary of its findings;
17. Will post immediately on the Service's website, and maintain up to date with the most accurate available information, a list of all AI technologies currently in use by the Service that are deemed to be of High, Moderate or Low risk, including the following information:
 - (a) For AI technologies deemed to be of High or Moderate risk:
 - i. Name and manufacturer/developer,
 - ii. Purpose of the technology,
 - iii. How the technology is used by the Service,
 - iv. What information is collected by the technology,
 - v. What persons or under what circumstances can the technology be expected to be used, and,
 - vi. All reports submitted by the Chief to the Board with regards to the AI technology, as required under this Policy or subsequent Board decisions;
 - (b) For AI technologies deemed to be of Low risk:

- i. Name and manufacturer/developer, and
 - ii. A brief description of the type of technology (e.g., speech-to-text);
- 18. Will terminate the use, immediately upon identification, of any AI technology in use by the Service prior to the adoption of this Policy, which is deemed to be of Extreme risk, and inform the Board of this action with a description of the AI technology that was identified, the reason that it was deemed to be of Extreme risk, and an assessment of potential harms that were caused to individuals, communities or Service Members, and possible impacts on criminal proceedings, as a result of its use;
- 19. Will report to the Board, as soon as it is identified, concerning any AI technology in use by the Service prior to the adoption of this Policy, which is deemed to be of High or Moderate risk, including:
 - (a) the reason that the AI technology was deemed to be of this risk level, and,
 - (b) a plan to:
 - i. pause the use of the AI technology within no longer than three months,
 - ii. evaluate the risk and any potential harms resulting from the use of the AI technology,
 - iii. develop a mitigation plan, and
 - iv. seek the approval of the Board for the continued use of this AI technology;
- 20. Will review at least once every two years in the case of an AI technology deemed to be of High risk, and at least once every five years in the case of AI technology deemed to be of Moderate risk, the continued use of any AI technology based on:
 - (a) the quality of the AI technology, its outputs, and associated key performance indicators; and,
 - (b) the continued need for the use of the AI technology; and;
- 21. Will review at least once every five years the use of any AI technology deemed to be of High, Moderate or Low risk to ensure that the AI technology has not been put to use for a novel purpose or in novel circumstances that may substantially change the data collected or used, in a manner that would constitute a new AI technology, or the risk level of the AI technology, and, where it is found that an AI technology has been put to a

new use in this manner, will report to the Board as soon as possible, in accordance with section 4.

It is also the policy of the Board that:

22. The Board will review the Policy at least once every three years to ensure that the Policy successfully achieves its identified purpose. In particular, the Board will review any instance where a report was made in accordance of section 13(b)i, to consider whether any changes are required to minimize the potential of misclassifications of risk.

DRAFT



Toronto Police Services Board Report

January 10, 2022

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Request for Funds – Annual Community Events - 2022

Recommendation:

It is recommended that the Toronto Police Services Board (Board) approve an expenditure in the amount of \$78.5K from the Board's Special Fund, less the return of any funds not used, to support the Annual Community Events listed within this report.

Financial Implications:

The Board's Special Fund will be reduced by \$78.5K, which is the total cost of expenditures related to the annual events listed in this report.

Background / Purpose:

The Board, at its meeting on July 22, 2010, granted standing authority to the Chair and the Vice Chair to approve expenditures from the Board's Special Fund for a total amount not to exceed \$10K per individual event for internal and community events annually hosted in whole or in part by the Board and the Toronto Police Service (Service). The Standing Authority would only apply to events that are identified in a list which is provided to the Board for information at the beginning of each calendar year (Min. No. P208/10).

This report provides the internal and external annual community events that are scheduled to take place in 2022.

Discussion:

COVID-19, remains a serious public safety issue causing the Service to reassess its operations and avenues for community engagement in 2022. The Community Partnerships and Engagement Unit (C.P.E.U.) will continue to seek alternative methods to engage with communities within the parameters of the Reopening of Ontario Act (R.O.A.). This may include utilisation of venues where social distancing and attendance

limits can be met, increased use of on-line platforms or other adjustments as may be required to ensure we can continue to effectively interact with communities. Any money not utilised will be returned to the Board.

With 2.93 million residents, Toronto is the largest city in Canada and the fourth largest city in North America.

The Board and the Service participate in and/or organize many community events and initiatives, both internally and externally throughout the year. These events serve to optimize community-police engagement by maintaining and enhancing collaborative and strategic community partnerships that are positive and constructive. This networking also serves to support the community, increases community engagement and public awareness, as well provides a unique opportunity for Service members and the public to join together and celebrate the diversity that makes Toronto a vibrant city.

The Board and the Service recognize the importance of positive interactions between members of the community and the police by engaging the communities in various programs, initiatives and events. To demonstrate its commitment to community engagement, C.P.E.U. coordinates all of the Service's major events hosted at various locations throughout the city, including Toronto Police Service Headquarters. These events are intended to promote dialogue, encourage participation, and continued partnerships and engagement with the communities we serve.

When establishing a budget for a particular/cultural event, the areas taken into consideration are as follows:

- Venue
- Refreshments
- Printing Requirements
- Exhibits and Displays
- Speakers
- Entertainment
- Honorariums
- Transportation
- Incidentals
- Impacted Communities & Equity Deserving Groups

Transportation / Incidentals

C.P.E.U. engages youth, volunteers and community members to assist with, and participate in, all of our annual events. These include members of our Youth in Policing Initiative (Y.I.P.I.) program and members of our Community Consultative Committees. Many of these volunteers reside in neighbourhood improvement areas and underserved communities across our city who may not have the financial resources or supports to attend and/or participate in our events.

Many of these individuals donate their time and expertise, ensuring that our events are a success, and are beneficial partners in the Service's mission, principles, and goals by:

- Delivering an effective, efficient, and economical support mechanism to members of the Service;
- Providing liaison with external agencies in support of local community mobilization initiatives;
- Enlisting additional community support; and
- Providing assistance, education, and information to members of the Service and the public.

Due to the extensive hours required to plan many of our events, which involves set up and take down – the day can be a long one for these volunteers. Limited funds in this request will facilitate such incidentals for these volunteers such as light refreshments or a meal, Toronto Transit Commission (T.T.C.) fare, or a taxi ride home ensuring their well-being and safety.

The following chart provides a list of annual events hosted/co-hosted by the Service that are scheduled to take place in 2022. The chart also provides impacted communities and a breakdown of the historical requests for funding for the years 2016 to 2021. Following a comprehensive trend analysis conducted by the C.P.E.U. management team, the spending projections for 2022 have remained the same as 2021 which was reduced by 32% when compared against 2020 budget estimates. Furthermore, alternative funding partnerships will be sought whenever feasible.

(Chart on following page)

	COMMUNITY PARTNERSHIPS AND ENGAGEMENT UNIT ANNUAL EVENTS							Request
	Impacted Communities (if applicable)	2016	2017	2018	2019	*d 2020	2021	2022
Asian Heritage Month	<ul style="list-style-type: none"> Racialized Persons Immigrants, Refugees and Undocumented Individuals 	\$5,000	\$6,000	\$6,000	\$6,000	\$8,000	\$3,000	\$3,000
Auxiliary Appreciation and Graduation Ceremonies		\$3,000	\$4,000	\$4,000	\$6,000	\$6,000	\$3,000	\$3,000
Black History Month	<ul style="list-style-type: none"> Racialized Persons Immigrants, Refugees and Undocumented Individuals 	\$6,000	\$7,000	\$7,000	\$7,000	\$7,000	\$4,000	\$4,000
Board & Chief's Pride Reception	L.G.B.T.Q.2.S.+	\$3,000	\$4,500	\$4,500	\$4,500	\$4,500	\$3,000	\$3,000
Community Police Academy		***	***	***	\$8,000	\$8,000	\$2,000	\$2,000
Community-Police Consultative Conference		\$8,500	\$9,000	\$9,000	\$9,000	\$9,000	\$6,000	\$6,000
Day of Pink	<ul style="list-style-type: none"> Vulnerable Youth L.G.B.T.Q.2.S.+ 	***	***	\$5,000	\$5,000	\$5,000	\$1,500	\$1,500
International Francophone Day		\$5,000	\$6,000	\$6,000	\$6,000	\$6,000	\$2,500	\$2,500
L.G.B.T.Q.2.S. Youth Justice Bursary Award ^f	<ul style="list-style-type: none"> Vulnerable Youth L.G.B.T.Q.2.S.+ 	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000
National Aboriginal Celebrations	Indigenous Peoples	\$5,000	\$6,500	\$6,500	\$6,500	\$6,500	\$3,000	\$3,000
National Victims of Crime Awareness Week		\$500	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Pride Month Celebrations	L.G.B.T.Q.2.S.+	\$4,000	\$4,500	\$4,500	\$4,500	\$4,500	\$3,000	\$3,000
Toronto Caribbean Carnival Kick-Off Event & Float	<ul style="list-style-type: none"> Racialized Persons Immigrants, Refugees and Undocumented Individuals 	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$5,500	\$5,500
Volunteer Appreciation Night		\$2,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000
Torch Run/Special Olympics	Persons with Disabilities	\$10,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Sub Total		\$65,000	\$69,500	\$74,500	\$84,500	\$86,500	\$48,500	\$48,500
OTHER TORONTO POLICE SERVICE ANNUAL EVENTS								
TITLE ^a		2016	2017	2018	2019	*d 2020	2021	2022
Chief of Police Fundraising Gala/ Victim Services Toronto ^e		\$4,000	\$5,000 ^b	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000
Toronto Police Cricket Club		\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$10,000 ^c	\$10,000
United Way Campaign		\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000

	COMMUNITY PARTNERSHIPS AND ENGAGEMENT UNIT ANNUAL EVENTS							Request
Youth in Policing Initiative Luncheon		\$5,000	\$5,000	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000
Total		\$93,000	\$98,500	\$103,500	\$113,500	\$115,500	\$78,500	\$78,500

**a Cheques are payable to their respective titles and sent to the care of the Community Partnerships & Engagement Unit to be disseminated.*

**b In recognition of the 2017 Chief of Police Fundraising Gala/ Victim Services Toronto 10 year anniversary, the Board provided a onetime funding of \$5,000.00.*

**c The Toronto Police Service Cricket Club had not received an increase to their annual funding allocation since 2014. An increase of \$1,000.00 was initially proposed to support their significant growth in participation and scope during the past 6 years, based on rising permit fees to support the number of fields required to host participants, among other inflationary expenses.*

**d In 2020, the Service continues to be faced with a unique situation from the COVID-19 Pandemic, which resulted in numerous restrictions being put into place for the protection of everyone’s health and safety. These restrictions prevented the Service from hosting their annual events, but several local initiatives continued, including supports to vulnerable populations, virtual presentations on hate crime, and several others.*

**e In addition to the \$25K the Board provides annually, directly to Victim Services*

**f The Chief’s LGBTQ2S+ organizes the disbursement of the funds*

Although a significant portion of the 2020 funding allocation was returned to the Board, innovative methods of successful engagement evolved as the year progressed. The Board placed a moratorium on the Special Fund in 2021, which specifically exempted the Service’s annual events funding. It is anticipated that by expanding on the various approaches taken by the Service during 2022, the Service will be positioned to host/co-host all events identified above, at a total cost of \$78.5K during 2022. This represents a 32% reduction in year-over-year costs, and builds on strategies employed in the 2021 COVID-19 environment. Alternative funding partnerships will be sought whenever feasible. The Service will continue to reassess operations and utilize methods that effectively engage with all members of our communities in a manner that remains consistent with current health regulations.

All of the above noted requests for funding from the Board’s Special Fund have been reviewed to ensure that they meet the criteria set out in the Board’s Special Fund Policy and that they are consistent with the following goals of the Service:

- Be where the public needs the Service the most

- Embrace partnerships to create safe communities
- Focus on the complex needs of a large city

Conclusion:

The Toronto Police Service is one of the largest municipal police services in North America and polices one of the most diverse cities in the world. Hosting these cultural events engages in dialogue; builds inclusive partnerships; advances positive relationships; and, bridges the gap between police and communities—promoting participation and providing residents of the city with a sense of belonging and acceptance.

C.P.E.U. continues to deliver strong community-police partnerships, based on mutual trust, respect, and understanding. These are essential for the safety and well-being of all members of the communities we serve. The participation of the Board and the Service in these events reinforces a continued commitment to work with our diverse communities and aim to foster mutual respect and collaborative relationships.

Deputy Chief Peter Yuen, Community Safety Command, will attend to respond to any questions that the Board may have regarding this report.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original with signature on file at Board Office



Toronto Police Services Board Report

February 8, 2022

To: Chair and Members
Toronto Police Service Board

From: James Ramer
Chief of Police

Subject: Nursing Services – Contract Extension and Increase

Recommendations:

It is recommended that the Toronto Police Services Board (Board):

1. approve an extension, to December 31, 2022, of the contract with Osborne Recruitment (Osborne) for nursing services related to the COVID-19 pandemic, and an increase in the contract value to a total of \$1.02 million (M); and
2. 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:

In 2020, the Toronto Police Service (Service) approved contract awards totalling \$94,000 to Osborne for nursing services related to the Service's COVID-19 response, followed by additional contract awards totalling \$426,000 in 2021. As of January 2022, the Service has incurred a total cost of \$513,500 for these services.

Funding for the requested \$500,000 contract increase in 2022 has been included in the Service's 2022 Operating Budget request.

Background / Purpose:

The purpose of this report is to request the Board's approval to extend and increase the contract with Osborne to maintain these services throughout 2022, at an estimated incremental cost of \$500,000.

Discussion:

At the onset of the Service's COVID-19 response, the need for external nursing services was identified due to limited access to nursing resources internally. The Board's

Purchasing By-law allows non-competitive procurements in emergency situations and as a result, the Service's Emergency Management & Public Order unit requested a contract award to Osborne to support and augment the Service's COVID-19 response and the increased need for medical expertise. Nursing services were provided to assist with the screening process, coordination with the Ministry of Health (M.O.H.) and to assist with Rapid Antigen testing. The need for external nursing services continues today as we navigate through the fourth wave of the COVID-19 pandemic, and these services have become essential for maintaining operational continuity.

Conclusion:

With the resurgence of COVID-19, the Service is continually reassessing its response to ensure the health and well-being of its members. To ensure critical services are maintained, the Service is requesting that Osborne continue to provide the necessary nursing staff to assist with the screening process and coordination with the M.O.H. The contract extension to the end of 2022 is estimated to cost an additional \$0.5M, and brings the total cost of the contract for these services to \$1.02M.

Mr. Tony Veneziano, Chief Administrative Officer, and Deputy Chief Myron Demkiw, Specialized Operations Command, will be in attendance to answer any questions the Board may have in relation to this report.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original copy with signature on file in Board office



Toronto Police Services Board Report

January 14, 2022

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Special Constable Appointments and Re-Appointments – February 2022

Recommendation:

It is recommended that the Toronto Police Services Board (Board) approve the agency initiated appointment and re-appointment requests for the individuals listed in this report as special constables for the Toronto Community Housing Corporation (T.C.H.C.), subject to the approval of the Ministry of the Solicitor General (Ministry).

Financial Implications:

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

Background / Purpose:

Under Section 53 of the *Police Services Act*, the Board is authorized to appoint and re-appoint special constables, subject to the approval of the Ministry. Pursuant to this authority, the Board has agreements with T.C.H.C. governing the administration of special constables (Min. Nos. P41/98 refer).

The Service received requests from T.C.H.C. to appoint the following individuals as special constables (Appendix 'A' refers):

Table 1 Name of Agency and Special Constable Applicant

Agency	Name	Status Requested	Expiry
T.C.H.C.	David ROBERTS	Appointment	N/A
T.C.H.C.	Wayne COLMAN	Re-Appointment	April 6, 2022

Agency	Name	Status Requested	Expiry
T.C.H.C.	Craig Richard NICOLL	Re-Appointment	May 8, 2022
T.C.H.C.	Azariah REID	Re-Appointment	March 30, 2022

Discussion:

Special constables are appointed to enforce the *Criminal Code* and certain sections of the *Controlled Drugs and Substances Act*, *Trespass to Property Act*, *Liquor Licence & Control Act* and *Mental Health Act* on their respective properties within the City of Toronto.

The agreements between the Board and each agency require that background investigations be conducted on all individuals who are being recommended for appointment and re-appointment as special constables. The Service's Talent Acquisition Unit completed background investigations on these individuals, of which the agencies are satisfied with the results. Re-appointments have been employed by their agency for at least one 5-year term, and as such, they are satisfied that the members have satisfactorily carried out their duties and, from their perspective; there is nothing that precludes re-appointment.

The agencies have advised the Service that the above individuals satisfy all of the appointment criteria as set out in their agreements with the Board. The T.C.H.C. approved and current complements are indicated below:

Table 2 Name of Agency, Approved Complement and Current Complement of Special Constables

Agency	Approved Complement	Current Complement
T.C.H.C.	300	159

Conclusion:

The Service continues to work together in partnership with T.C.H.C. to identify individuals to be appointed and re-appointed as special constables who will contribute positively to the safety and well-being of persons engaged in activities on their respective properties within the City of Toronto.

Acting Deputy Chief Myron Demkiw, Specialized Operations Command, will be in attendance to answer any questions that the Board may have with respect to this report.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*copy with original signature on file at Board Office

Toronto Community
Housing Corporation
931 Yonge Street
Toronto, ON
M4W 2H2



January 13, 2022

Sergeant Julie Tint
Special Constable Liaison Office
40 College Street
Toronto, Ontario
M5G 2J3

DELIVERED VIA ELECTRONIC MAIL

Re: Request for Toronto Police Services Board Approval for Appointment and Re-Appointment of Special Constables

In accordance with the terms and conditions set out in the Memorandum of Understanding between the Toronto Police Services Board and Toronto Community Housing, the Board is authorized to appoint special constables, subject to the approval of the Ministry of the Solicitor General.

The following individuals are fully trained, meeting all Ministry requirements, and have shown they possess the required skills and ability to perform at the level required to be a special constable. Both new appointments and re-appointments have undergone a background check, conducted by the Toronto Police Service, and we are satisfied with the results of those checks. Re-appointments have been employed by Toronto Community Housing for at least one 5-year term, and as such, we are satisfied that the members have satisfactorily carried out their duties and, from our perspective, there is nothing that precludes reappointment.

Name	Type	Current Term Expiry
Wayne COLMAN	Re-Appointment	April 6, 2022
Craig NICOLL	Re-Appointment	May 8, 2022
Azariah REID	Re-Appointment	March 30, 2022
David ROBERTS	New Appointment	N/A

It is requested that the Board approve this submission and forward the applicants to the Ministry of the Solicitor General for appointment of a five-year term.

Should you require any further information, please contact Kristina Seefeldt, Specialist-Compliance, Training & Quality Assurance at 416-268-8365.

Respectfully,

A handwritten signature in black ink, appearing to read 'Allan Britton', is enclosed in a light gray rectangular box.

Allan Britton

Acting Senior Director, Community Safety Unit

Acting Chief Special Constable | Badge #31194

Toronto Community Housing

931 Yonge St, Toronto, ON M4W 2H2

T: 416 981-4116

torontohousing.ca



Toronto Police Services Board Report

January 26, 2022

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

**Subject: Auxiliary Members – Termination of Appointments:
January 1, 2021 to December 31, 2021**

Recommendations:

It is recommended that the Toronto Police Services Board (Board):

- 1) terminate the appointments of 18 auxiliary members who are identified in appendix "A", as they are no longer available to perform their duties due to resignation or retirement; and
- 2) notify the Ministry of Solicitor General about the termination of appointments of these 18 auxiliary members.

Financial Implications:

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

Background / Purpose:

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

Under section 52(1) of the *P.S.A.*, the Board is authorized to appoint and suspend, or terminate the appointment of auxiliary members, subject to the approval of the Ministry of the Solicitor General and with respect to the suspension or termination of the appointment of an auxiliary member, section 52(2) of the *P.S.A.* states:

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

Discussion:

The terminations of appointments of the 18 auxiliary members consist of 17 auxiliary constables and 1 auxiliary sergeant and are detailed in appendix A to this report. All of these members have resigned from the Service's auxiliary program. It should be noted that 12 of these members have successfully joined police services in Ontario in a full time capacity, 4 of which joined the Service as police constables.

The Service's auxiliary policing program continues, notwithstanding some of the deliverables provided by the members have been suspended because of provincial COVID-19 restrictions to gatherings and special events. The auxiliary policing program still enlists 288 members. The program was temporarily suspended from March 2020 to September 2021. It was permitted to resume operations until it was suspended again in December of 2021 due to the OMICRON variant. The Service is planning to have a recruitment drive once it is safe to do so.

Conclusion:

In accordance with section 52(2) of the *P.S.A.*, attached are the names of the 18 auxiliary members set out in appendix A, whose appointments were terminated during the period between January 1, 2021 and December 31, 2021, as they are no longer available to perform their duties due to resignation or retirement.

Deputy Chief Peter Yuen, Community Safety Command, will attend to respond to any questions that the Board may have regarding this report.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original with signature on file at Board office

APPENDIX “A”

AUXILIARY TERMINATIONS OF APPOINTMENT FOR THE PERIOD JANUARY 1, 2021 TO DECEMBER 31, 2021

	SURNAME	G1	RANK	BADGE	UNIT	REASON
1	LAN	HOATIAN	PC	51934	41	RESIGNED
2	LUDDIN	WIDA	PC	51914	23	RESIGNED
3	MITTAL-MERCER	TEIGHAN	PC	52141	CPEU	RESIGNED
4	SAID	ABDIKARIM	PC	52122	51	RESIGNED
5	MALIK	RIZWAN	PC	52094	32	RESIGNED
6	NADARAJAH	ANOSHAN	PC	51940	32	RESIGNED
7	CHANG	ARNOLD	PC	51769	33	RESIGNED
8	KAHLON	PARMINDERJIT	PC	52024	23	RESIGNED
9	MALAVIA	SIKANDAR	PC	51956	55	RESIGNED
10	HUANG	SU ZHEN	PC	51843	42	RESIGNED
11	MUIR	SARAH	PC	52115	51	RESIGNED
12	HUBE	HANNAH	PC	52109	51	RESIGNED
13	QUIJANO	MARIA	SGT	51655	42	RESIGNED
14	GUERRIER	JUDE	PC	52076	43	RESIGNED
15	CELLAN	FRANCIS	PC	52145	CPEU	RESIGNED
16	MAGHANOY	JHOESEF	PC	52001	22	RESIGNED
17	FERNANDES	ASHTON	PC	51961	42	RESIGNED
18	KIANY	NANA	PC	52081	CPEU	RESIGNED



Toronto Police Services Board Report

February 15, 2022

To: Members
Toronto Police Services Board

From: Jim Hart
Chair

Subject: 2021 Mental Health Excellence Award

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background / Purpose:

Due to the COVID-19 pandemic, on September 24, 2020, the Toronto Police Services Board (Board) and the Toronto Police Service (the Service), in consultation with the Toronto Police Association (T.P.A.) and Senior Officers' Organization (S.O.O.), made the decision to postpone all awards ceremonies for the remainder of 2020, with the intention of recognizing members and their meritorious service when it is safe to do so. With the COVID-19 restrictions ongoing and consistently changing, this postponement continues into 2022.

Since then, we continue to face the challenges of the COVID-19 pandemic with ever changing dynamics, but Service Members, both uniform and civilian, continue working to keep the City of Toronto safe and healthy, while putting their own safety at risk.

Although we normally hold in-person ceremonies to honour the meritorious and heroic events that occurred in the past year, we now acknowledge Members and their extraordinary contributions in other ways. In addition to Service Members, community partners such as those working within the Toronto Transit Commission, the Federal and Provincial Crown's Office, Canada Border Services Agency, Mobile Crisis Intervention Team nurses, Parole Officers and other police agencies, we continue to work collaboratively to make the City of Toronto a safe and liveable city.

Discussion:

The Mental Health Excellence Award is an annual award granted to a group of police officers, civilian Members, or a Service unit in conjunction with partnering agency/agencies that demonstrate excellence, compassion and respect in their interactions with members of the community who are experiencing mental illness.

In November 2021, Police Constables Aaron Dale and Jeremy Burns were awarded with the Mental Health Excellence Award for developing the Military Veteran Wellness Program. This is a program that helps officers connect veterans with various support services in the city and its mission is to improve the well-being of veterans by providing law enforcement agencies with a better understanding of the mental health and other challenges experienced by some veterans, de-escalation approaches to crisis calls involving veterans, and a streamlined referral process to national support services for veterans.

Both P.C. Dale and P.C. Burns come from a military background, and through their mutual experiences and challenges adjusting to civilian life after their military service, they recognized a pressing and unfilled need in the community.

Constables Burns and Dale recognize there are several services available to veterans within the City of Toronto. However, these services are not common knowledge to many veterans or easily accessible. Struggling veterans can be offered priority hiring, immediate medical care, financial assistance, housing, mental health support, peer support and a variety of other services within the City of Toronto. These services are often very difficult to understand, access, and usually require mentorship.

Primary Response Units (P.R.U.) & Mobile Crisis Intervention Teams (M.C.I.T.) and other front-line officers often encounter struggling veterans through their day-to-day work. In those circumstances, it is important that they can identify a veteran and can connect this individual to one of the many Toronto Police - Military Veteran Wellness Point of Contacts which will be available in every Division. The officers in the program can connect the struggling veteran to all services within the city, assist with peer support and immediately take the steps to improving their life. This community policing approach may also help mitigate potentially dangerous situations involving these struggling veterans.

The program was presented and endorsed by Command, and the training was incorporated both for front-line officers and future integration with other supporting units. This program was further proposed to the Ontario Provincial Police (O.P.P.) and the Royal Canadian Mounted Police (R.C.M.P.) who are now developing their own programs to mirror this model.

Constables Dale and Burns have clearly demonstrated their outstanding commitment to service and showing compassion for their fellow veterans. This program will help

thousands of military personnel and represents the high standard set by the Toronto Police Service.

This important award reflects the great priority that the Board places on the critical issue of police interaction with people experiencing mental illness, and the importance of compassion, and the use of a holistic response. This year's award winners are extremely deserving, and their comprehensive, multi-pronged program serves as a vital lifeline to veterans who may be struggling in their transition to society, offering them access to a variety of services to help them overcome the unique challenges they face.

Respectfully submitted,

Jim Hart
Chair



Toronto Police Services Board Report

January 21, 2022

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Annual Report: 2021 Statistical Report Municipal Freedom of Information and Protection of Privacy Act

Recommendations:

It is recommended that the Toronto Police Services Board (Board):

- 1) receive the 2021 Municipal Year-End Statistical Report, Information and Privacy Commissioner of Ontario; and,
- 2) approve the electronic submission of the 2021 Municipal Year-End Statistical Report to the Information and Privacy Commissioner of Ontario, on behalf of the Board.

Financial Implications:

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

Background / Purpose:

The purposes of the *Municipal Freedom of Information and Protection of Privacy Act (Act)* are to:

1. provide a right of access to information under the control of institutions; and
2. protect the privacy of individuals with respect to personal information about themselves held by institutions, and to provide individuals with a right of access to that information.

Freedom of Information (F.O.I.) requests received by the Toronto Police Service (Service) are processed by the Access and Privacy Section (A.P.S.) of the Information Access (I.A.) Unit. The Service is legislated to provide an annual statistical report to the Information and Privacy Commissioner of Ontario (I.P.C.).

The purpose of this report is to provide the Board with the Service’s Annual Municipal Year-End Statistical Report - I.P.C. and obtain approval for the electronic submission of the report to the I.P.C by the March 31, 2022 deadline.

Discussion:

In 2021, A.P.S. received 3,626 F.O.I. requests for access to information held by the Service in accordance with the *Act*. This represents an increase of 627 requests (21%) compared to the 2,999 requests received in 2020. The total number of files carried over from 2021 to 2022 is 334.

Compliance Rate:

The *Act* requires that requests for information received by an organization be responded to within 30 days.

Throughout 2021, 3,496 requests were completed. The 2021 average compliance rate for requests completed within the mandated 30-day period was 79%. The overall and monthly rates were impacted due to COVID-19.

As shown in Table 1 below, the compliance rate in 2021 varied from 74% to 84%.

Table 1: A.P.S. Compliance Rate by Percentage 2020 - 2021												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2020	77.18	80.33	73.55	45.76	33.33	86.59	79.83	80.33	84.72	89.71	85.25	78.74
2021	75.38	84.19	74.15	82.03	83.08	82.13	79.66	75.9	74.71	78.68	78.88	80.00

Appeals:

As stipulated by the *Act*, a requester has the right to appeal the Service’s decision to the I.P.C. Upon receipt of an appeal application, a mediation process between the Service’s assigned Disclosures Analyst and a Mediator from the I.P.C. is initiated and can occur over the period of several months or years. This process may involve further searches being conducted, additional consultation with subject-matter experts and rendering a new access decision to resolve mediation issues. If the appellant is not satisfied with the outcome of the mediation, the appeal may proceed to the adjudication stage. The Service received 42 appeals submitted to the I.P.C. in 2021, which is an increase from the 25 appeals submitted in 2020; however, it should be noted that the number of appeals varies from year to year. In some cases, A.P.S. did accept appeals outside of the 30-day appeal period in order to provide some flexibility.

Consultations:

A.P.S. is responsible for responding to consultations from external agencies. Such agencies include, but are not limited to, other police services, the Canada Border Services Agency, Ministry of the Attorney General, Department of Justice, and the Ministry of the Solicitor General. While the process can be very similar to completing a F.O.I. request, these requests are not captured in the I.P.C. Annual Statistical Report. The Service received 40 consultations throughout 2021, a decrease from the 50 received in 2020.

I.P.C. Reporting Requirements:

In the I.P.C. Annual Statistical Report, requests received are divided into two categories based on the type of requests; Personal Information and General Records. These two categories are further separated by source of requests (e.g. Individual/Public, Business and Media etc.).

As required by the I.P.C.'s office, disclosure of requests are divided into three sections; information released in full, information released in part, or information not released.

Due to the nature of police records, A.P.S. does disclose records in part, in order to protect the privacy interests of third parties, e.g., removing personal identifiers from the records. Additionally, access to Service records directly relating to matters currently under investigation and/or before the courts, are typically denied in full.

As the disclosure of records through the F.O.I. process is strictly governed by the *Act*, the application of Section 8 (Law Enforcement) and Section 14 (Personal Privacy) continue to be the most commonly used exemptions prohibiting access to police records. These sections are referenced in Appendix A.

Key Highlights/Issues/Challenges:

In 2021, the COVID-19 global pandemic continued to present challenges in the way A.P.S. operated.

A.P.S., in an effort to enhance efficiency, workflow and a remote work environment, has continued to look at ways to further digitize the F.O.I. process. To support the health and safety of staff, A.P.S. continued a work from home model, adjusted work schedules and accommodated alternating shifts. These measures sought to limit the number of staff attending the workplace and support the overall wellness of the team members.

Meeting the mandated 30-day compliance outlined in Section 19 of the *Act*, was challenging due to the complexity of the requests, volume of responsive records, type of information being requested, and the need to consult with various internal and external stakeholders.

Moving forward under the direction of the Chief Information Officer, opportunities to automate existing processes through digital solutions will be further examined and prioritized where efficiencies and improved customer service are identified. The Service will also continue to make information available through the Toronto Police Service Public Safety Data Portal and City of Toronto Open Data Portal.

Conclusion:

This report provides the Board with the 2021 Municipal Year-End Statistical Report, which has been prepared in accordance with the guidelines stipulated by the I.P.C., and is to be electronically submitted to the I.P.C. by March 31, 2022.

Despite the COVID-19 related challenges, A.P.S. staff and subject-matter experts across the Service continued to provide the public with access to information held by the Service as expeditiously as possible.

Mr. Colin Stairs, Chief Information Officer, will be in attendance to answer any questions the Board may have regarding this report.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original copy with signature on file in Board office

APPENDIX A

For the Board's reference, Section 8 of the Act states:

Law enforcement

8.(1) A head may refuse to disclose a record if the disclosure could reasonably be expected to,

- (a) interfere with a law enforcement matter;*
- (b) interfere with an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;*
- (c) reveal investigative techniques and procedures currently in use or likely to be used in law enforcement;*
- (d) disclose the identity of a confidential source of information in respect of a law enforcement matter, or disclose information furnished only by the confidential source;*
- (e) endanger the life or physical safety of a law enforcement officer or any other person;*
- (f) deprive a person of the right to a fair trial or impartial adjudication;*
- (g) interfere with the gathering of or reveal law enforcement intelligence information respecting organizations or persons;*
- (h) reveal a record which has been confiscated from a person by a peace officer in accordance with an Act or regulation;*
- (i) endanger the security of a building or the security of a vehicle carrying items, or of a system or procedure established for the protection of items, for which protection is reasonably required;*
- (j) facilitate the escape from custody of a person who is under lawful detention;*
- (k) jeopardize the security of a centre for lawful detention; or*
- (l) facilitate the commission of an unlawful act or hamper the control of crime. R.S.O. 1990, c. M.56, s 8 (1); 2002, c. 18, Sched. K, s. 14 (1).*

Idem

(2) A head may refuse to disclose a record,

- (a) that is a report prepared in the course of law enforcement, inspections or investigations by an agency which has the function of enforcing and regulating compliance with a law;*
- (b) that is a law enforcement record if the disclosure would constitute an offence under an Act of Parliament;*
- (c) that is a law enforcement record if the disclosure could reasonably be expected to expose the author of the record or any person who has been quoted or paraphrased in the record to civil liability; or*

(d) that contains information about the history, supervision or release of a person under the control or supervision of a correctional authority. R.S.O. 1990, c. M.56, s. 8 (2); 2002, c. 18, Sched. K, s. 14 (2).

Refusal to confirm or deny existence of record

(3) A head may refuse to confirm or deny the existence of a record to which subsection (1) or (2) applies. R.S.O. 1990, c. M.56, s. 8 (3).

Exception

(4) Despite clause (2) (a), a head shall disclose a record that is a report prepared in the course of routine inspections by an agency that is authorized to enforce and regulate compliance with a particular statute of Ontario. R.S.O. 1990, c.M.56, s.8 (4).

Idem

(5) Subsections (1) and (2) do not apply to a record on the degree of success achieved in a law enforcement program including statistical analyses unless disclosure of such a record may prejudice, interfere with or adversely affect any of the matters referred to in those subsections. R.S.O. 1990, c. M.56, s. 8 (5)."

Further, Section 14 of the Act states:

Personal privacy

14.(1) A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

- (a) upon the prior written request or consent of the individual, if the record is one to which the individual is entitled to have access;*
- (b) in compelling circumstances affecting the health or safety of an individual, if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;*
- (c) personal information collected and maintained specifically for the purpose of creating a record available to the general public;*
- (d) under an Act of Ontario or Canada that expressly authorizes the disclosure;*
- (e) for a research purpose if,*
 - (i) the disclosure is consistent with the conditions or reasonable expectations of disclosure under which the personal information was provided, collected or obtained,*
 - (ii) the research purpose for which the disclosure is to be made cannot be reasonably accomplished unless the information is provided in individually identifiable form, and*

- (iii) the person who is to receive the record has agreed to comply with the conditions relating to security and confidentiality prescribed by the regulations; or*
- (f) if the disclosure does not constitute an unjustified invasion of personal privacy.*
R.S.O. 1990, c. M.56, s. 14 (1).

Criteria re invasion of privacy

- (2) A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,*
 - (a) the disclosure is desirable for the purpose of subjecting the activities of the institution to public scrutiny;*
 - (b) access to the personal information may promote public health and safety;*
 - (c) access to the personal information will promote informed choice in the purchase of goods and services;*
 - (d) the personal information is relevant to a fair determination of rights affecting the person who made the request;*
 - (e) the individual to whom the information relates will be exposed unfairly to pecuniary or other harm;*
 - (f) the personal information is highly sensitive;*
 - (g) the personal information is unlikely to be accurate or reliable;*
 - (h) the personal information has been supplied by the individual to whom the information relates in confidence; and*
 - (i) the disclosure may unfairly damage the reputation of any person referred to in the record. R.S.O. 1990, c. M.56, s. 14 (2).*

Presumed invasion of privacy

- (3) A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy if the personal information,*
 - (a) relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;*
 - (b) was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;*
 - (c) relates to eligibility for social service or welfare benefits or to the determination of benefit levels;*
 - (d) relates to employment or educational history;*
 - (e) was obtained on a tax return or gathered for the purpose of collecting a tax;*

- (f) describes an individual's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness;*
- (g) consists of personal recommendations or evaluations, character references or personnel evaluations; or*
- (h) indicates the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations. R.S.O. 1990, c. M.56, s. 14 (3).*

Limitation

(4) Despite subsection (3), a disclosure does not constitute an unjustified invasion of personal privacy if it,

- (a) discloses the classification, salary range and benefits, or employment responsibilities of an individual who is or was an officer or employee of an institution;*
- (b) discloses financial or other details of a contract for personal services between an individual and an institution; or*
- (c) discloses personal information about a deceased individual to the spouse or a close relative of the deceased individual, and the head is satisfied that, in the circumstances, the disclosure is desirable for compassionate reasons. R.S.O. 1990, c. M.56, s. 14 (4); 2006, c. 19, Sched. N, s. 3 (2).*

Refusal to confirm or deny existence of record

(5) A head may refuse to confirm or deny the existence of a record if disclosure of the record would constitute an unjustified invasion of personal privacy. R.S.O. 1990, c. M.56, s. 14 (5)."



The Year-End Statistical Report
for the
Information and Privacy Commissioner of Ontario

**Statistical Report of
Toronto Police Service
for the Reporting Year 2021
for
*Municipal Freedom of Information and Protection of Privacy
Act***

Section 1: Identification

1.1	Organization Name	Toronto Police Service
	Head of Institution Name & Title	Jim Hart / TPSB Chair
	Head of Institution E-mail Address	board@tpsb.ca
	Management Contact Name & Title	Kathryn Watts / Asst. Mgr. Information Access Unit
	Management Contact E-mail Address	kathryn.watts@torontopolice.on.ca
	Primary Contact Name & Title	Paul McGee / Coordinator
	Primary Contact Email Address	APS.Coordinator@torontopolice.on.ca
	Primary Contact Phone Number	4168087848
	Primary Contact Fax Number	4168087857
	Primary Contact Mailing Address 1	40 College Street
	Primary Contact Mailing Address 2	4th Floor
	Primary Contact Mailing Address 3	
	Primary Contact City	Toronto
	Primary Contact Postal Code	M5G 2J3
1.2	Your institution is:	Police Services Board

Section 2: Inconsistent Use of Personal Information

2.1	Whenever your institution uses or discloses personal information in a way that differs from the way the information is normally used or disclosed (an inconsistent use), you must attach a record or notice of the inconsistent use to the affected information.	0
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Your institution received:

- No formal written requests for access or correction
- Formal written requests for access to records
- Requests for correction of records of personal information only

Section 2: Inconsistent Use of Personal Information

Section 3: Number of Requests Received and Completed

Enter the number of requests that fall into each category.

	Personal Information	General Records
3.1 New Requests received during the reporting year	2584	1042
3.2 Total number of requests completed during the reporting year	2461	1035

Section 4: Source of Requests

Enter the number of requests you completed from each source.

	Personal Information	General Records
4.1 Individual/Public	1835	78
4.2 Individual by Agent	626	75
4.3 Business	0	167
4.4 Academic/Researcher	0	8
4.5 Association/Group	0	64
4.6 Media	0	31
4.7 Government (all levels)	0	612
4.8 Other	0	0
4.9 Total requests (Add Boxes 4.1 to 4.8 = 4.9)	2461	1035

BOX 4.9 must equal BOX 3.2

Section 5: Time to Completion

How long did your institution take to complete all requests for information? Enter the number of requests into the appropriate category. How many requests were completed in:

	Personal Information	General Records
5.1 30 days or less	1968	824
5.2 31 - 60 days	300	100
5.3 61 - 90 days	90	42
5.4 91 days or longer	103	69
5.5 Total requests (Add Boxes 5.1 to 5.4 = 5.5)	2461	1035

BOX 5.5 must equal BOX 3.2

Section 6: Compliance with the Act

In the following charts, please indicate the number of requests completed, within the statutory time limit and in excess of the statutory time limit, under each of the four different situations:

Section 6: Compliance with the Act

- NO notices issued;
- BOTH a Notice of Extension (s.27(1)) and a Notice to Affected Person (s.28(1)) issued;
- ONLY a Notice of Extension (s.27(1)) issued;
- ONLY a Notice to Affected Person (s.28(1)) issued.

Please note that the four different situations are mutually exclusive and the number of requests completed in each situation should add up to the total number of requests completed in Section 3.2.(Add Boxes 6.3 + 6.6 + 6.9 + 6.12 = BOX 6.13 and BOX 6.13 must equal BOX 3.2)

A. No Notices Issued

	Personal Information	General Records
6.1 Number of requests completed within the statutory time limit (30 days) where neither a Notice of Extension (s.27(1)) nor a Notice to Affected Person (s.28(1)) were issued.	1964	823
6.2 Number of requests completed in excess of the statutory time limit (30 days) where neither a Notice of Extension (s.27(1)) nor a Notice to Affected Person (s.28(1)) were issued.	414	185
6.3 Total requests (Add Boxes 6.1 + 6.2 = 6.3)	2378	1008

B. Both a Notice of Extension (s.27(1)) and a Notice to Affected Person (s.28(1)) Issued

	Personal Information	General Records
6.4 Number of requests completed within the time limits permitted under both the Notice of Extension (s.27(1)) and a Notice to Affected Person (s.28(1)).	0	0
6.5 Number of requests completed in excess of the time limit permitted by the Notice of Extension (s.27(1)) and the time limit permitted by the Notice to Affected Person (s.28(1)).	0	0
6.6 Total requests (Add Boxes 6.4 + 6.5 = 6.6)	0	0

C. Only a Notice of Extension (s.27(1)) Issued

	Personal Information	General Records
6.7 Number of requests completed within the time limits permitted under both the Notice of Extension (s.27(1)).	26	15
6.8 Number of requests completed in excess of the time limit permitted by the Notice of Extension (s.27(1)).	18	4
6.9 Total requests (Add Boxes 6.7 + 6.8 = 6.9)	44	19

D. Only a Notice to Affected Person (s.28(1)) Issued

	Personal Information	General Records
6.10 Number of requests completed within the time limits permitted under both the Notice to Affected Person (s.28(1)).	22	5
6.11 Number of requests completed in excess of the time limit permitted by the Notice to Affected Person (s.28(1)).	17	3
6.12 Total requests (Add Boxes 6.10 + 6.11 = 6.12)	39	8

E. Total Completed Requests (sections A to D)

	Personal Information	General Records
6.13 Total requests (Add Boxes 6.3 + 6.6 + 6.9 + 6.12 = 6.13)	2461	1035

BOX 6.13 must equal BOX 3.2

Section 6a: Contributing Factors

Please outline any factors which may have contributed to your institution not meeting the statutory time limit. If you anticipate circumstances that will improve your ability to comply with the Act in the future, please provide details in the space below.

The volume of work due to sheer numbers, but more importantly, the complexity of the requests being received, continues to exacerbate the difficulties in meeting the statutory time limit. The Novel Coronavirus (COVID-19) and the resulting lost work days due to sickness/self-isolating also contributed to our inability to meet statutory deadlines. Additionally, the retirement of a Disclosures Analyst created a position vacancy in 2021. Also a second Disclosures Analyst began Maternity Leave in late-August of 2020 with the position remaining vacant for most of 2021.

With the member set to return from Maternity Leave in late-March of 2022, and plans to fill the vacant Disclosures Analyst position by within this same time frame, it is anticipated APS will have a full complement of staff by April 2022, and improve compliancy in accordance with the Act.

Section 7: Disposition of Requests

What course of action was taken with each of the completed requests? Enter the number of requests into the appropriate category.

	Personal Information	General Records
7.1 All information disclosed	128	556
7.2 Information disclosed in part	1749	175
7.3 No information disclosed	434	225
7.4 No responsive records exists	110	58
7.5 Request withdrawn, abandoned or non-jurisdictional	41	21
7.6 Total requests (Add Boxes 7.1 to 7.5 = 7.6)	2462	1035

BOX 7.6 must be greater than or equal to BOX 3.2

Section 8: Exemptions & Exclusions Applied

For the Total Requests with Exemptions/Exclusions/Frivolous or Vexatious Requests, how many times did your institution apply each of the following? (More than one exemption may be applied to each request)

	Personal Information	General Records
8.1 Section 6 — Draft Bylaws, etc.	0	0
8.2 Section 7 — Advice or Recommendations	1	1
8.3 Section 8 — Law Enforcement ¹	302	29
8.4 Section 8(3) — Refusal to Confirm or Deny	5	0
8.5 Section 8.1 — Civil Remedies Act, 2001	0	0
8.6 Section 8.2 — Prohibiting Profiting from Recounting Crimes Act, 2002	0	0
8.7 Section 9 — Relations with Governments	23	1
8.8 Section 10 — Third Party Information	1	0
8.9 Section 11 — Economic/Other Interests	1	1

Section 8: Exemptions & Exclusions Applied

8.10	Section 12 — Solicitor-Client Privilege	2	1
8.11	Section 13 — Danger to Safety or Health	2	1
8.12	Section 14 — Personal Privacy (Third Party) ²	0	177
8.13	Section 14(5) — Refusal to Confirm or Deny	5	2
8.14	Section 15 — Information soon to be published	1	1
8.15	Section 20.1 Frivolous or Vexatious	0	0
8.16	Section 38 — Personal Information (Requester)	1568	0
8.17	Section 52(2) — Act Does Not Apply ¹	126	47
8.18	Section 52(3) — Labour Relations & Employment Related Records	5	5
8.19	Section 53 — Other Acts	12	3
8.20	PHIPA Section 8(1) Applies	0	0
8.21	Total Exemptions & Exclusions Add Boxes 8.1 to 8.20 = 8.21 ¹ not including Section 8(3) ² not including Section 14(5) ³ not including Section 52(3)	2054	269

Section 9: Fees

Did your institution collect fees related to request for access to records?

	Personal Information	General Records	Total	
9.1	Number of REQUESTS where fees other than application fees were collected	128	22	150
9.2.1	Total dollar amount of application fees collected	\$12917.30	\$5210.00	\$18127.30
9.2.2	Total dollar amount of additional fees collected	\$1512.60	\$769.30	\$2281.90
9.2.3	Total dollar amount of fees collected (Add Boxes 9.2.1 + 9.2.2 = 9.2.3)	\$14429.90	\$5979.30	\$20409.20
9.3	Total dollar amount of fees waived	\$5112.60	\$1275.70	\$6388.30

Section 10: Reasons for Additional Fee Collection

Enter the number of REQUESTS for which your institution collected fees other than application fees that apply to each category.

	Personal Information	General Records	Total	
10.1	Search time	0	0	0
10.2	Reproduction	0	0	0
10.3	Preparation	0	0	0
10.4	Shipping	0	0	0
10.5	Computer costs	0	0	0
10.6	Invoice costs (and other as permitted by regulation)	0	0	0
10.7	Total (Add Boxes 10.1 to 10.6 = 10.7)	0	0	0

Section 11: Correction and Statements of Disagreement

Did your institution receive any requests to correct personal information?

- 11.1 Number of correction requests received
- 11.2 Correction requests carried forward from the previous year
- 11.3 Correction requests carried over to next year
- 11.4 Total Corrections Completed $[(11.1 + 11.2) - 11.3 = 11.4]$

Personal Information	
	8
	2
	2
	8

BOX 11.4 must equal BOX 11.9

What course of action did your institution take regarding the requests that were received to correct personal information?

- 11.5 Correction(s) made in whole
- 11.6 Correction(s) made in part
- 11.7 Correction refused
- 11.8 Correction requests withdrawn by requester
- 11.9 Total requests (Add Boxes 11.5 to 11.8 = 11.9)

Personal Information	
	1
	3
	3
	1
	8

BOX 11.9 must equal BOX 11.4

In cases where correction requests were denied, in part or in full, were any statements of disagreement attached to the affected personal information?

- 11.10 Number of statements of disagreement attached:

Personal Information	
	0

If your institution received any requests to correct personal information, the Act requires that you send any person(s) or body who had access to the information in the previous year notification of either the correction or the statement of disagreement. Enter the number of notifications sent, if applicable.

- 11.11 Number of notifications sent:

Personal Information	
	0

Note:

This report is for your records only and should not be faxed or mailed to the Information and Privacy Commissioner of Ontario in lieu of online submission. Faxed or mailed copies of this report will NOT be accepted. Please submit your report online at: <https://statistics.ipc.on.ca>.

Thank You for your cooperation!

Declaration:

I, Kathryn Watts / Asst. Mgr. Information Access Unit, confirm that all the information provided in this report, furnished by me to the Information and Privacy Commissioner of Ontario, is true, accurate and complete in all respects.

Signature

Date



Toronto Police Services Board Report

January 5, 2022

To: Chair and Members
Toronto Police Services Board

From: Peter Mowat
Manager of Labour Relations

Subject: Annual Report: 2021 Summary of Grievances

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive the following report.

Financial Implications:

All fees with respect to the legal representation and arbitration of grievances are funded through the Legal Reserve.

Background / Purpose:

At its confidential meeting on February 20, 2003, the Board requested that an annual summary report on grievances be provided for the public meeting in February of each year (Min. No. C30/03 refers). The Board further requested that the public report include the cost of the grievances, the total costs for the year and the number of arbitrations where the Board, Toronto Police Association (Association) or both were successful. Grievances are managed by the Labour Relations Unit on behalf of the Board. Grievance activity and resolutions are reported semi-annually to the Board (Min. No. C159/2015).

Discussion:

Grievance Activity

During 2021, there were 37 new grievances filed. Of this number, 14 grievances were either withdrawn or settled by the parties, and 23 are outstanding.

As of January 1, 2021, there were 33 outstanding grievances from previous years. Of this number, 16 were either settled or withdrawn in 2021.

There was 1 grievance arbitration award issued in 2021, in which the Board was successful. As of December 31, 2021, there are 4 grievances which have either been referred to or are currently in arbitration. There are no grievances currently in or awaiting Judicial Review.

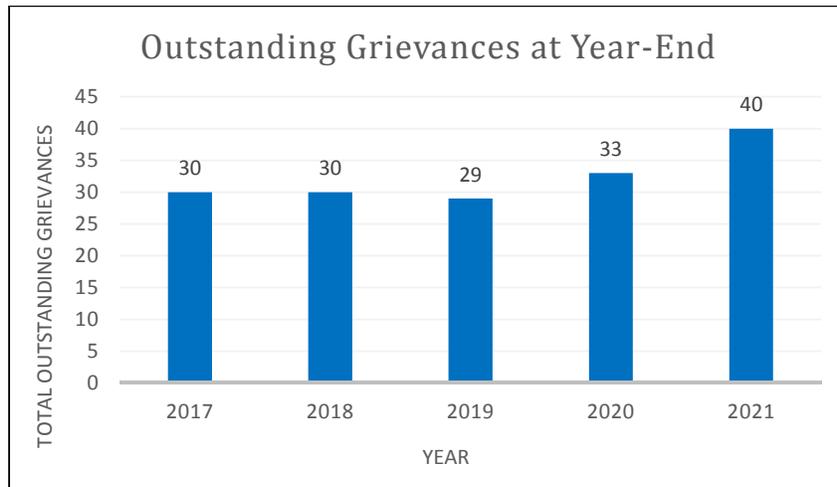
A summary of grievance activity in 2021 is as follows:

Number of grievances as of January 1, 2021	33
Number of new grievances filed in 2021	37
Number of grievances settled, withdrawn or dismissed in 2021	(30)
Total number of outstanding grievances as of December 31, 2021	40

The following table outlines the total number of open grievances as of December 31, 2021, by category:

Type of Grievance	Number of Grievances
Management Rights	20
Health Benefits	8
Policy	6
Civilian Member Discipline/Termination	6
Total	40

The following chart illustrates the total number of open grievances as of December 31 for the last 5 years:



Grievance-Related Legal Costs

The total legal expenditures in 2021 for all grievance activity, including matters which commenced prior to 2021, amounted to \$129,932.08. The following is an itemization of costs by type of grievance:

Type of Grievance	Legal Costs in 2021
Civilian Member Discipline/Termination	\$87,570.91
Policy	\$42,361.17
Total Costs in 2021*	\$129,932.08

* These costs include interim or final billings for cases filed prior to 2021, as well as new cases filed in 2021. They include fees for legal counsel, disbursements and arbitrator fees. The breakdown is as follows:

- Legal Counsel and Disbursements: \$108,844.58
- Arbitrator Fees: \$21,087.50

Conclusion:

In summary, this report provides the Board with the total number of grievances and related legal expenditures for the year 2021.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter Mowat', written in a cursive style.

Peter Mowat
Manager of Labour Relations

*original copy with signature on file in Board office



Toronto Police Services Board Report

January 10, 2022

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Annual Report: 2021 Parking Enforcement Unit – Parking Ticket Issuance

Recommendations:

It is recommended that the Toronto Police Services Board (Board):

- (1) receive the following report; and
- (2) forward a copy of this report to the City of Toronto (City) General Government and Licensing Committee, for its meeting in April 2022, to be considered in conjunction with the City of Toronto Administrative Penalty System – 2021 Activity Report.

Financial Implications:

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

Background / Purpose:

This report provides information on the Parking Enforcement Unit (Parking) achievements, activities and annual parking ticket issuance during the year 2021 (Appendix A refers).

Discussion:

Parking reports annually on parking ticket issuance by Parking Enforcement Officers (P.E.O.'s), Municipal Law Enforcement Officers (M.L.E.O.'s) and Police Officers. The City requests this information for use during the annual budget process.

COVID-19 Pandemic - Enforcement Restrictions:

In March 2020, Parking limited the enforcement of many parking offences to meet community needs and the reduced traffic flow/parking demand resulting from government restrictions and advisories relating to the COVID-19 pandemic. At that time, calls for parking related service received by the public saw drastic reductions (-65%) and tag issuance levels declined to -90%. Service delivery for the most part was not reduced, and all critical offences continued to be enforced with a high degree of discretion. These changes were made in collaboration with our partners at the City.

In July 2020, as traffic volumes increased, many restrictions were rescinded and enforcement was increased. Rush hour routes continued to be unenforced unless critical, in order to support various City programs including CafeT.O., ActiveT.O. and CurbT.O. (installations which exist within rush hour routes).

In December 2020, due to further government restrictions and regulatory lockdowns, the limited enforcement of many parking offences was again implemented. Enforcement focused on offences that created safety concerns, disrupted snow removal processes or caused significant disruptions to the flow of traffic on City streets.

In June 2021, routine enforcement of many on-street parking regulations resumed as Toronto and the rest of Ontario entered into 'Step One' of the Province's Roadmap to Reopen. Traffic volumes had increased over the last few weeks and was expected to continue further increasing. Due to the City's CafeT.O. and CurbT.O. programs, rush hour regulations could not be enforced along with enforcement in many locations where these programs existed.

For the majority of the periods above, frontline staffing was maintained at established levels with a focus on traffic safety, responding to calls for service, and supporting the installation of various City programs implemented due to COVID-19. In addition, frontline P.E.O.'s provided strategic support to the Toronto Police Service (Service) with directed crime prevention patrols targeting high risk infrastructures and businesses within police divisions.

The COVID-19 pandemic has resulted in drastic changes to the operations of Parking as the unit balances meeting community needs, operational needs and the welfare of Service Members who are at risk of exposure to the virus. Consequently, significant impacts to tag issuance levels have been realized.

Despite the above restrictions, Parking has delivered on key accomplishments through the provision of operational support to the Service (appendix A refers) and interoperability with City initiatives noted above.

Annual Parking Ticket Issuance:

Preliminary information indicates total parking ticket issuance is estimated to be 1,479,644 in 2021, which is an increase of 79,263 when compared to 2020. Total parking ticket issuance includes tags issued by P.E.O.'s, M.L.E.O.'s, and police officers. The final parking ticket issuance numbers will be presented by the City Parking Ticket Operations in its Administrative Penalty System – 2021 Activity Report once all data is captured and reconciled.

The following is a breakdown of the parking ticket issuance estimates by group:

Table 1: Parking Tag Issuance Summary 2021

Group	Tags Issued
Parking Enforcement Unit	1,256,209
Municipal Law Enforcement Officers	205,033
Police Officers	18,402
Total Parking Tag Issuance	1,479,644*

**Preliminary numbers – final numbers will be reported by the City after complete data capture and reconciliation.*

Calls for Service:

Parking responded to 141,538 calls for parking related service from members of the public, a 1.3% increase when compared to the previous year. The attendance of P.E.O.'s at these calls alleviates pressure on frontline policing and allows police officers to focus on core policing duties. Parking's M.L.E.O. program services a significant amount of customized enforcement on private property, which would otherwise detract P.E.O.'s from focusing on street level enforcement activities.

Rush Hour Offences and Bicycle Lanes:

Rush hour routes continue to not be enforced due to the City's CafeT.O. and CurbT.O. programs that are currently being removed with all locations expected to be removed by March 2022. The City has approved a permanent annual CafeT.O. program and it is expected that rush hour routes will be unenforced while this program is active, creating the risk of further traffic congestion and impact to tag issuances levels.

In 2021, Parking issued 2,177 rush hour offence tickets for situations where COVID-related discretion relating to this type of enforcement was problematic and significantly impacted traffic flow. This is a reduction of 88.8% when compared to 2020. A total of 17 vehicles were towed from rush hour routes. Parking issued 16,882 bike lane violation tickets in support of safe cycling, helping to increase public compliance and improve road safety. This is an increase of 129.0% when compared to 2020.

Habitual Offender Towing:

The City defines a habitual offender as a vehicle that has three or more parking tickets that have been outstanding, with no action taken, in excess of 120 days. P.E.O.'s towed a total of 434 vehicles under this initiative. This is an increase of 67.6% when compared to 2020. In previous years, the City reports that this enforcement initiative has a positive impact on the collection of parking ticket fines.

Towing, Vehicle Relocations and Stolen Vehicle Recovery:

Members of Parking were responsible for towing a total of 7,939 vehicles, including 119 that were without properly registered plates. A total of 2,523 vehicles were relocated to assist with Toronto Transit Commission subway closures, snow removal, forestry operations, and special events management. P.E.O.'s also recovered 844 stolen vehicles in support of the Service's crime management initiatives.

Additional Directed Patrols Due to Pandemic:

In 2021, adapting to community needs during the pandemic lockdowns, P.E.O.'s performed 71,745 directed patrols targeting critical infrastructure and supporting crime prevention efforts, including assisting with enforcement conducted in parks. These efforts combined, augmented the operational support provided by Parking to the Service and the City.

Accessible Parking:

Parking retained 602 Accessible Parking Permits for investigation of possible misuse. These efforts support the integrity of the Accessible Parking Program and ensure parking spaces are available for use by members of the public who use Accessible Parking Permits in a lawful manner.

Training of M.L.E.O.'s:

M.L.E.O.'s work for agencies that provide parking enforcement services on private property. All ticket revenue derived from the issuance of these parking tickets goes directly to the City. The training and oversight of these M.L.E.O.'s has allowed P.E.O.'s to focus their efforts on public streets and has reduced the need to attend private property calls for service. Parking trained and certified 328 M.L.E.O.'s pursuant to the Toronto Municipal Code.

Staffing Levels:

Historically, Parking has adopted a strategy, in consultation with the Service's Budgeting and Financial Analysis, to operate at approximately 25 P.E.O.'s over strength at the beginning of the year. This strategy mitigates the impact of staff attrition and separation on enforcement and service delivery. In 2021, Parking did not hire any new

P.E.O.'s; however, Parking anticipates hiring another P.E.O. class in 2022. A new P.E.O. recruit requires approximately eight weeks of in-class and practical training before assuming full enforcement duties.

Conclusion:

Parking continues to contribute positively to the achievement of the goals and priorities of the Service by:

- ensuring the safe and orderly flow of traffic;
- delivering fair and equitable enforcement to all;
- providing a visible uniformed presence on the streets;
- ensuring positive outreach to the community through public awareness campaigns and education programs; and
- ensuring interoperability with other units within the Service and City departments.

The parking ticket issuance for 2021 is estimated to be 1,479,644 which is an increase of 79,263 when compared to 2020. The City will report the final parking ticket issuance numbers in its Administrative Penalty System – 2021 Activity Report once all data is captured and reconciled. COVID-19 related impacts and impacts due to the City's permanent annual approval of the City's CafeT.O. program will continue to have a negative effect on tag issuance levels for 2022.

Parking continues to collaborate with City staff and all other units within the Service in order to ensure a successful overall parking program, which includes efficient and effective service delivery to Toronto's communities and neighbourhoods. Parking remains focused on the enforcement and education of parking regulations in support of safe traffic flow and COVID-19 related City initiatives.

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

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original with signature on file at Board office

Appendix “A”

Parking Enforcement Unit	<u>2019</u>	<u>2020</u>	<u>2021</u>
Parking Ticket Issuance – P.E.O.’s	1,938,902	1,214,650	1,256,209
Parking Ticket Issuance – P.E.O.’s, M.L.E.O.s, P.C.s	2,219,544	1,400,381*	1,479,644
Processable Ticket Rate P.E.O.’s	99.9%	99.9%	99.9%
Calls for service received	181,851	139,664	141,538
Stolen Vehicles Recovered	860	659	844
Stolen Autos Recovered - Street Sweeper	364	346	454
Stolen Autos Recovered – P.E.O.’s	496	313	390
Hours Spent on Stolen Vehicles Recovered	1,494	1,007	1292
Stolen Plates Recovered	83	102	121
Hours Spent on Stolen Plates Recovered	123	142	133
Vehicles Scanned by Street Sweeper	2,293,399	1,593,582	2,176,111
Vehicles Towed	23,107	9,950	7,939
Habitual Offenders Towed	1,262	259	434
Assistance to T.P.S. Units			
Unplated Vehicles Towed	592	494	119
Directed Patrol Requests from Other Police Units, Including additional Directed Patrols Due to Pandemic.	172	50,509	71,745
Arrest Assists	28	8	12
Assaults	21	11	6
Language Interpretations	37	30	48
Hours Spent on Language Interpretations	63	71	89
Disabled Permits Retained	544	199	602
Disabled Permits Cautioned	47	8	92
H.T.A Charges (Disabled Permits)	479	0	0
Special Events	260	67	99
Hours Spent On Special Events	8,607	1,940	4,908
Vehicle Relocations	3,113	4,329	1,081

*Preliminary numbers – final numbers to be reported by City of Toronto after complete data capture and reconciliation.



Toronto Police Services Board Report

January 5, 2022

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Chief's Administrative Investigation into the Alleged Sexual Assault of Complainant 2021.40

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive the following report for information.

Financial Implications:

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

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) investigates an incident involving serious injury, death or the allegation of sexual assault, provincial legislation requires the chief of police, of the relevant police service, to conduct an administrative investigation. This is the Chief's report in respect of this incident.

Discussion:

On June 16, 2021, at 1010 hours, uniformed officers from 51 Division responded to 354 George Street (Homes First Society) for a person who was exhibiting violent behaviour.

Information was received that one of the residents, later identified as Alleged Sexual Assault Complainant 2021.40 (2021.40), was threatening staff and other residents with a brick.

Officers from 51 Division arrived on scene, located 2021.40 and arrested them for assault with a weapon and uttering threats.

During their arrest, 2021.40 pointed out one of the arresting officers and stated that the officer had sexually assaulted them when they were arrested in April 2021.

The allegation of sexual assault was reported to a Sergeant who spoke with 2021.40.

It was confirmed that 2021.40 had been arrested on April 4, 2021, by two 51 Division officers including the officer present at the arrest of 2021.40 on June 16, 2021.

On April 4, 2021, 2021.40 was arrested on the strength of a warrant in the first instance held by Hamilton Police Service (H.P.S.). The H.P.S. were contacted, confirmed the warrant and advised they would return 2021.40.

2021.40 was transported to 51 Division to await the arrival of H.P.S. officers.

While at 51 Division 2021.40 requested to use the washroom and they were escorted by the arresting officers to the cell area and into a cell to use the washroom.

2021.40 reported that while in the cell using the washroom they were sexually assaulted by the officers.

On June 16, 2021, the S.I.U. was notified and invoked its mandate.

The S.I.U. designated two officers as subject officials; three other members were designated as witness officials.

2021.40's transport to 51 Division and their movements within 51 Division on April 4, 2021, were captured on video which was provided to the S.I.U.

Both subject officials consented to an investigative interview with the S.I.U. and provided a copy of their memorandum notes detailing their interaction with 2021.40 on April 4, 2021.

In a letter to the Toronto Police Service (T.P.S.) dated December 6, 2021, Director Joseph Martino of the S.I.U. advised, *"the file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges in this case"*.

The S.I.U. does not provide a copy of or make public its investigative reports where there has been an allegation of sexual assault stating in part, *"please note that I will not be providing a copy of the report to any of the involved parties, nor will the report be posted publicly on the SIU's website, as the release of information related to investigations of sexual assault allegations is always associated with a risk of further deterring reports of what is an under-reported crime and undermining the heightened privacy interests of the involved parties, most emphatically, the complainants"*.

Summary of the Toronto Police Service's Investigation:

The Professional Standards-S.I.U. Liaison (S.I.U. Liaison) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

This investigation examined the circumstances of the alleged sexual assault in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The S.I.U. Liaison investigation reviewed the following T.P.S. procedures:

- Procedure 01-01 (Arrest);
- Procedure 01-02 (Search of Persons);
- Procedure 01-03 (Persons in Custody);
- Procedure 02-01 (Arrest Warrants);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports);
- Procedure 15-17 (In-Car Camera System).

The S.I.U. Liaison investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)

The S.I.U. Liaison investigation determined that the T.P.S.'s policies and procedures associated with this alleged sexual assault were lawful, in keeping with current legislation, and written in a manner, which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The S.I.U. Liaison investigation determined the conduct of the designated officers was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures.

Staff Superintendent Peter Code, Professional Standards, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

*original copy with signature on file in Board office



Toronto Police Services Board Report

January 11, 2022

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury of Complainant 2021.41

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive the following report for information.

Financial Implications:

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

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) investigates an incident involving serious injury, death, or the allegation of a sexual assault, provincial legislation requires the chief of police, of the relevant police service, to conduct an administrative investigation. This is the Chief's report in respect of this incident.

S.I.U. Terminology:

Complainant – Refers to the affected person

SO- Subject Official

WO- Witness Official

TPS- Toronto Police Service

BWC- Body Worn Camera

S.I.U. Investigative Conclusion:

In a letter to the Chief of Police dated December 20, 2021, Director Joseph Martino of the S.I.U. advised, *“the file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the official”*.

The following S.I.U. Incident Narrative and Analysis and Directors Decision has been reprinted from the S.I.U. Director’s report, number 21-TCI-186, which can be found in its entirety via the following link:

https://www.siu.on.ca/en/directors_report_details.php?drid=1730

S.I.U. Incident Narrative:

“The following scenario emerges from the weight of the evidence, which included interviews with the Complainant and officers involved in his arrest. As was his legal right, the SO chose not to interview with the SIU or authorize the release of his notes.

In the afternoon of June 16, 2021, the Complainant walked onto the secure parking lot of 31 Division at 40 Norfinch Drive, Toronto. He did so just ahead of an unmarked police vehicle, whose driver had opened the security gate to enter onto the grounds. The police vehicle travelled past the Complainant and stopped, after which the front seat passenger – the SO – exited. Asked what he was doing and cautioned that he was trespassing, the Complainant told the officer to “fuck off” and then adopted an aggressive posture. He batted away an arm the SO had raised in his direction.

The driver of the police vehicle, WO #1, seeing what had just occurred, rushed towards the Complainant, grabbed him by the upper body, and threw him to the ground. He and the SO, joined in short order by several other officers from the station alerted to the commotion, struggled with the Complainant on the ground.

The Complainant, in a prone position, refused to release his arms from underneath his body, and was punched to the right side multiple times by the SO. Following the strikes, the officers were able to wrestle free the Complainant’s arms and handcuff them behind his back.

The Complainant was taken to hospital after his arrest and diagnosed with fractures of the lower back”.

Analysis and Director's Decision:

"On June 16, 2021, the Complainant suffered serious injuries in the course of his arrest by TPS officers on the grounds of 31 Division. One of the arresting officers – the SO – was identified as the subject official for purposes of the SIU investigation. On my assessment of the evidence, there are no reasonable grounds to believe that the SO committed a criminal offence in connection with the Complainant's arrest and injuries.

Pursuant to section 25(1) of the Criminal Code, police officers are immune from criminal liability for force used in the course of their duties provided such force was reasonably necessary in the execution of an act that they were authorized or required to do by law. The Complainant trespassed on the grounds of 31 Division, refused to leave when directed, and assaulted the SO by swatting away an arm he had extended in a defensive posture. The Complainant was clearly subject to arrest.

I am further satisfied that there is insufficient evidence to reasonably conclude the SO, or any of the other involved officers, used excessive force in taking the Complainant into custody. The evidence establishes that the Complainant adopted a combative posture toward the SO when asked what he was doing, and then proceeded to strike one of the officer's arms. In the circumstances, I accept that the takedown executed by WO #1 was a tactic reasonably available to the officer as it promised to immediately deter any further aggression on the Complainant's part by placing him at a positional disadvantage. The Complainant resisted strenuously on the ground, and it ultimately required the combined strength of at least four officers to wrestle control of his arms. On this record, I am not reasonably persuaded that the punches struck by the SO and the use by WO #1 of his knee on the Complainant's back, to keep him down on the ground, constituted unnecessary and disproportionate force. Once the handcuffs were applied, no further force was used.

There is some evidence that the Complainant was kicked and stomped by officers for five to ten minutes; however, it would be unsafe to rely on this evidence without corroboration. The BWC captured the source of this evidence asserting factual statements that were clearly not accurate, and the source had also consumed alcohol in excess prior to the events in question, calling into question their ability to accurately perceive and recall the incident. In light of these and other frailties in this evidence, it is not sufficiently cogent to warrant being put to the test by a trier of fact.

In the result, while the Complainant's back was fractured in the physical altercation that marked his arrest, there are no reasonable grounds to believe his injuries were the result of unlawful conduct on the part of the involved

officers, including the SO. Accordingly, there is no basis for proceeding with charges in this case, and the file is closed”.

Summary of the Toronto Police Service’s Investigation:

The Professional Standards-S.I.U. Liaison (S.I.U. Liaison) conducted an investigation pursuant to *Schedule 1 Community Safety and Police Act 2019*, Part VI, Section 81.

This investigation examined the circumstances of the custody injury in relation to the applicable legislation, policing services provided, procedures, and the conduct of the involved officers.

The S.I.U. Liaison investigation reviewed the following Toronto Police Service (T.P.S.) procedures:

- Procedure 01-01 (Arrest);
- Procedure 01-02 (Search of Persons);
- Procedure 01-03 (Persons in Custody);
- Procedure 10-06 (Medical Emergencies);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports);
- Procedure 15-01 (Use of Force);
- Procedure 15-02 (Injury/Illness Reporting);
- Procedure 15-20 (Body-Worn Camera).

The S.I.U. Liaison investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit);
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit);
- *Trespass to Property Act*, R.S.O. 1990.

The S.I.U. Liaison investigation determined that the T.P.S.’s policies and procedures associated with this custody injury were lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The S.I.U. Liaison investigation found that two designated witness officers failed to comply with T.P.S. Procedure 15-20 (Body-Worn Camera) and an investigation pursuant to Part V of the *Police Services Act* was initiated. It was substantiated that although the officers had activated their Body-Worn Cameras they had failed to activate them at the commencement of the interaction as is required by this procedure.

Staff Superintendent Peter Code, Professional Standards, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

original copy with signature on file in Board office



Toronto Police Services Board Report

December 10, 2021

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Death of 2021.45

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive the following report for information.

Financial Implications:

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

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) investigates an incident involving serious injury, death, or the allegation of a sexual assault, provincial legislation requires the chief of police, of the relevant police service, to conduct an administrative investigation. This is the Chief's report in respect of this incident.

S.I.U. Terminology:

WO- Witness Official
TPS- Toronto Police Service
SO- Subject Official

S.I.U. Investigative Conclusion:

In a letter to the Chief of Police dated November 2, 2021, Director Joseph Martino of the S.I.U. advised, "*The file has been closed and no further action is*

contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the two officials.”

The following S.I.U. Incident Narrative and Analysis and Directors Decision have been reprinted in their entirety from the S.I.U. Director’s report, number 21-TCD-208, which can be found via the following link:

https://www.siu.on.ca/en/directors_report_details.php?drid=1628

S.I.U. Incident Narrative:

“The following scenario emerges from the evidence collected by the SIU, which included interviews with both subject officials and a civilian witness.

At about 10:00 p.m. of July 4, 2021, CW #1 contacted police to report that she and her husband, the Complainant, were involved in an altercation and throwing items at each other.

Because of other priority calls, it was not until about 11:40 p.m. that SO #1 and SO #2 were dispatched to the address – a condominium on Sumach Street. The officers made their way to the unit, knocked on the door, and were let inside by CW #1. As SO #1 walked down the hallway from the front door towards an open living space, he briefly observed the Complainant before he quickly disappeared out of sight.

Unknown to the officers at the time, the Complainant had fled through a sliding door onto the unit’s balcony, after which he made his way northward across two adjacent balconies. Arriving at the second such balcony, the Complainant appears to have remained there for a period before falling onto a terrace located on top of a lower floor of the building.

Arriving in the area of the living space, SO #1 and SO #2 set about searching for the Complainant. They checked the balcony and the interior of the unit with negative results. SO #2 even looked over the balcony railing to see if the Complainant had fallen, but saw nothing on the terrace to suggest as much. SO #1 contacted a sergeant to apprise him of the situation. The concern had turned to the Complainant’s well-being. The sergeant arranged for the dispatch of additional officers to assist with the search.

At about 12:15 a.m., as SO #1 was knocking on the front doors of adjacent units to continue his investigation, SO #2 approached to tell him that he had heard a loud sound, following which, after looking over the balcony railing again, he had seen the Complainant down below. SO #1 left the unit to head down to where the Complainant had fallen.

After some time spent searching for the entry onto the terrace, SO #1, in the company of WO #1 and WO #2, arrived beside the Complainant. The time was about 12:30 a.m. The Complainant had suffered catastrophic injuries and appeared deceased. SO #1 broadcast that the Complainant had been found and requested emergency medical services to the location. He and the other officers administered CPR while waiting for the paramedics and firefighters to attend.

At about 12:39 a.m., the Complainant was declared deceased.

Cause of Death

The pathologist at autopsy was of the preliminary view that the Complainant's death was attributable to multiple blunt force trauma."

Analysis and Director's Decision:

"On July 5, 2021, the Complainant fell to his death from a high-rise condominium complex. As TPS police officers were in the area at the time, having responded to a 911 call reporting a domestic disturbance involving the Complainant, the SIU was notified by the TPS and initiated an investigation. Two officers – SO #1 and SO #2 – were identified as subject officials. The investigation is now concluded. On my assessment of the evidence, there are no reasonable grounds to believe that either subject official committed a criminal offence in connection with the Complainant's death.

The offence that arises for consideration is criminal negligence causing death contrary to section 220 of the Criminal Code. The offence is reserved for serious cases of neglect that demonstrate a wanton or reckless disregard for the lives or safety of other persons. It is not made out unless, inter alia, the impugned conduct amounts to a marked and substantial departure from the level of care that a reasonable person would have exercised in the circumstances. In the instant case, the issue is whether there was a want of care in the conduct of either, or both, of the subject officials that caused or contributed to the Complainant's death and was sufficiently egregious to attract criminal sanction. In my view, there was not.

SO #1 and SO #2 were in the execution of their lawful duties as they attended at CW #1's condominium unit to investigate her 911 call reporting a domestic disturbance involving the Complainant. As police officers obliged to protect and preserve life, and investigate crime, the officers were duty-bound to do what they could to resolve the reported dispute peacefully. There is also no suggestion that the officers were unlawfully in the unit, having been invited inside by CW #1.

Thereafter, I am satisfied that the officers comported themselves with due care and regard for the well-being of the Complainant. Given the speed with which he acted, it is clear on the evidence that the officers had little to no opportunity to intervene to thwart the Complainant's ill-advised decision to escape police apprehension via the building's balconies. Once through the unit's doors, the balcony, adjacent balcony and ground below were quickly checked and found to be clear. As it quickly became apparent that the Complainant had fled the unit via the balcony, the focus of the police response quickly, and wisely, shifted to a concern for his well-being. Additional officers were requested to assist in a search of the building, and SO #1 approached neighbouring residents to inquire about the Complainant's possible whereabouts. Regrettably, before either SO #1 or SO #2 was able to ascertain that he had made his way two balconies to the north, the Complainant had fallen from that balcony onto a terrace located on a lower floor. In the time that followed, SO #1 did what he could, together with other officers, to resuscitate the Complainant, but his injuries were far too severe.

It remains unclear whether the Complainant fell trying to rappel down the balcony using a string of decorative lights, or otherwise lost his footing as he fled from the police. Be that as it may, there are no reasonable grounds to believe that the subject officials transgressed the limits of care prescribed by the criminal law in the few minutes that they were present at the scene prior to the Complainant's fall. Accordingly, there is no basis for proceeding with criminal charges in this case, and the file is closed."

Summary of the Toronto Police Service's Investigation:

The Professional Standards-S.I.U. Liaison (S.I.U. Liaison) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

This investigation examined the circumstances of the custody death in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The S.I.U. Liaison investigation reviewed the following Toronto Police Service (T.P.S.) procedures:

- Procedure 04-02 (Death Investigations);
- Procedure 04-16 (Death in Police Custody);
- Procedure 05-04 (Domestic Violence);
- Procedure 10-06 (Medical Emergencies);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports);
- Procedure 15-01 (Use of Force);
- Procedure 15-02 (Injury/Illness Reporting);

- Procedure 15-17 (In-Car Camera System);
- Procedure 15-20 (Body-Worn Camera).

The S.I.U. Liaison investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit);
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit);
- Ontario Regulation 926 14(3) (Use of Force Qualifications);

The S.I.U. Liaison investigation determined that the T.P.S.'s policies and procedures associated with the custody death were lawful, in keeping with current legislation, and written in a manner which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The S.I.U. Liaison investigation determined the conduct of the designated subject official was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures.

Staff Superintendent Peter Code, Professional Standards, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

original copy with signature on file in Board office



Toronto Police Services Board Report

December 13, 2021

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury of Complainant 2021.52

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive the following report for information.

Financial Implications:

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

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) investigates an incident involving serious injury, death, or the allegation of a sexual assault, provincial legislation requires the chief of police, of the relevant police service, to conduct an administrative investigation. This is the Chief's report in respect of this incident.

S.I.U. Terminology:

SO- Subject Official

WO- Witness Official

TPS- Toronto Police Service

S.I.U. Investigative Conclusion:

In a letter to the Toronto Police Service (T.P.S.) dated November 22, 2021, Director Joseph Martino of the S.I.U. advised, *"the file has been closed and no*

further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the official.”

The following S.I.U. Incident Narrative and Analysis and Directors Decision has been reprinted in its entirety from the S.I.U. Director's Report Case # 21-TCI-256, which can be found via the following link:

https://www.siu.on.ca/en/directors_report_details.php?drid=1663

S.I.U. Incident Narrative:

“The material events in question are clear on the evidence collected by the SIU, including video footage that captured the incident in parts, and may be briefly summarized.

In the morning of August 14, 2021, TPS received a 911 call from the Food Basics at 255 Morningside Avenue, Toronto, reporting that a male had committed theft and threatened staff with a knife. The male was the Complainant. Police officers were dispatched to the scene.

WO #1 was the first to arrive at the store, shortly before 9:00 a.m., followed quickly by the SO. WO #1 spoke with employees, confirmed the information provided at dispatch, and was advised that the Complainant had left the store heading south towards Lawrence Avenue. The officer drove around the building and located the Complainant by the southeast corner of the Food Basics.

The Complainant noticed the officer and began to run westward along the southern side of the store. Within a short distance, the Complainant tripped and fell to the ground, where he was approached at gunpoint by WO #1. He remained on the ground for a brief period before lifting himself up and resuming his flight westward.

WO #1 gave chase, as did the SO, who had arrived at the back of the building to join his partner. The SO overtook WO #1, caught up to the Complainant and forced him to the ground.

Despite some struggle on the part of the Complainant, the SO, with the help of WO #1 and another officer arriving at the scene, WO #2, handcuffed the Complainant. Two knives were seized from the Complainant in subsequent searches of his person, as was a knife that the Complainant had tossed to the ground as he ran from the police.

Following his arrest, the Complainant was transported to hospital where he was diagnosed with a broken left ankle”.

Analysis and Director's Decision:

"On August 14, 2021, the Complainant was diagnosed with a serious injury following his arrest by TPS officers. One of the arresting officers – the SO – was identified as the subject official for purposes of the SIU investigation. On my assessment of the evidence, there are no reasonable grounds to believe that the SO committed a criminal offence in connection with the Complainant's arrest and injury.

Pursuant to section 25(1) of the Criminal Code, police officers are immune from criminal liability for force used in the course of their duties provided such force was reasonably necessary in the execution of an act that they were required or authorized to do by law. Based on what the officers had been told of the Complainant's behaviour inside the Food Basics involving an alleged theft of store merchandise and threatening behaviour with a knife, there were lawful grounds to seek his arrest.

Thereafter, I am unable to reasonably conclude that the force used by the SO, namely, a takedown, was excessive. The Complainant was fleeing lawful arrest suspected of having a knife in his possession, which he had reportedly just used to threaten a Food Basics employee. In the circumstances, it was imperative that the Complainant be taken into custody as quickly as possible without opportunity for him to access any weapons he might have on his person. The takedown, executed as the SO grabbed hold of the Complainant's left arm and then tripped him, accomplished just that. Though the Complainant offered a level of resistance on the ground, he was quickly subdued by the officers without any of the two knives he, in fact, carried with him having been brought to bear. No strikes of any kind were delivered by the officers.

For the foregoing reasons, though the Complainant might well have fractured his ankle when he was forcibly grounded by the SO, I am satisfied that the officer comported himself lawfully throughout their engagement. Accordingly, there is no basis for proceeding with charges in this case, and the file is closed".

Summary of the Toronto Police Service's Investigation:

The Professional Standards-S.I.U. Liaison (S.I.U. Liaison) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

This investigation examined the circumstances of the custody injury in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officers.

The S.I.U. Liaison investigation reviewed the following T.P.S. procedures:

- Procedure 01-01 (Arrest);
- Procedure 01-02 (Search of Persons)
- Procedure 01-03 (Persons in Custody);
- Procedure 10-06 (Medical Emergencies);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports);
- Procedure 15-02 (Injury/Illness Reporting);
- Procedure 15-17 (In-Car Camera System).

The S.I.U. Liaison investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)

The S.I.U. Liaison investigation determined that the T.P.S.'s policies and procedures associated with this custody injury were lawful, in keeping with current legislation, and written in a manner, which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The S.I.U. Liaison investigation determined the conduct of the designated officers was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures.

Staff Superintendent Peter Code, Professional Standards, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

original copy with signature on file in Board office



Toronto Police Services Board Report

December 13, 2021

To: Chair and Members
Toronto Police Services Board

From: James Ramer
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injury of Complainant 2021.53

Recommendation:

It is recommended that the Toronto Police Services Board (Board) receive the following report for information.

Financial Implications:

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

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) investigates an incident involving serious injury, death, or the allegation of a sexual assault, provincial legislation requires the chief of police, of the relevant police service, to conduct an administrative investigation. This is the Chief's report in respect of this incident.

S.I.U. Terminology:

SO- Subject Official

TPS- Toronto Police Service

HPS- Hamilton Police Service

S.I.U. Investigative Conclusion:

In a letter to the Toronto Police Service (T.P.S.) dated November 22, 2021, Director Joseph Martino of the S.I.U. advised, "*the file has been closed and no*

further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the official.”

The following S.I.U. Incident Narrative and Analysis and Directors Decision has been reprinted in its entirety from the S.I.U. Director’s Report Case # 21-TCI-268, which can be found via the following link:

https://www.siu.on.ca/en/directors_report_details.php?drid=1662

S.I.U. Incident Narrative:

“The following scenario emerges from the evidence collected by the SIU, which included interviews with several civilian eyewitnesses. As was his legal right, the SO chose not to interview with the SIU or authorize the release of his notes.

At about 10:45 p.m. of August 20, 2021, an inebriated Complainant was operating a pickup truck recklessly in Stoney Creek. As he approached an intersection, the Complainant’s vehicle climbed a curb and crashed into a tree, coming to a stop on the northeast corner of the intersection. Shortly after the collision, the Complainant pushed open the driver’s door and exited the vehicle. He was soon approached by residents in the area.

Among the persons who arrived at the crash site was the SO, an off-duty TPS officer who resided nearby. The Complainant became argumentative and attempted to leave the scene. He was prevented from doing so by the officer, and possibly others who had responded from their homes. The SO had smelled alcohol on the Complainant’s breath and placed him under arrest for drunk driving.

The Complainant was taken to the ground and held there by the SO. The officer kept him pinned to the ground as the Complainant objected to being arrested and offered a degree of resistance. The SO contacted the HPS and asked for the attendance of officers.

WO #2 was the first HPS officer to arrive. By that time, the SO had managed to handcuff the Complainant’s left hand, but not his right. WO #1 retrieved his own handcuffs, took control of the Complainant’s right arm and, replacing the SO’s restraints with his own, handcuffed the Complainant’s arms behind his back.

Following his arrest, paramedics arrived at the scene and transported the Complainant to hospital, where he was diagnosed with a fracture of the left hand”.

Analysis and Director's Decision:

"On August 20, 2021, while in the custody of the HPS, the Complainant was diagnosed with a serious injury. The SO, an off-duty TPS officer at the time, was identified as the subject official for purposes of the SIU investigation. On my assessment of the evidence, there are no reasonable grounds to believe that the SO committed a criminal offence in connection with the Complainant's arrest and injury.

Pursuant to section 25(1) of the Criminal Code, police officers are immune from criminal liability for force used in the course of their duties provided such force was reasonably necessary in the execution of an act that they were authorized or required to do by law. I am satisfied that the SO had lawful grounds to seek the Complainant's arrest – the Complainant had given every indication that he was intoxicated by alcohol when he crashed his vehicle into a tree - he slurred his words, smelled of alcohol, and spoke nonsensically.

There is also no indication in the record that the SO used excessive force in the course of his dealings with the Complainant. For example, there is no evidence that the Complainant was taken to the ground with undue force or that the SO struck him at any time. At most, the officer used his weight and manpower to keep the Complainant pinned to the ground while waiting for HPS officers to arrive – a measured and moderate use of force given the Complainant's struggle and demonstrated intention to leave the scene. Finally, with respect to the Complainant's broken hand, it should be noted that the injury most likely occurred in the collision, and not in the course of the arrest.

For the foregoing reasons, there are no reasonable grounds to believe that the SO comported himself other than lawfully in his engagement with the Complainant. Accordingly, there are no grounds to proceed with criminal charges against the officer, and the file is closed".

Summary of the Toronto Police Service's Investigation:

Professional Standards-S.I.U. Liaison (S.I.U. Liaison) conducted an investigation pursuant to Ontario Regulation 267/10, Section 11.

This investigation examined the circumstances of the custody injury in relation to the applicable legislation, service provided, procedures, and the conduct of the involved officer.

The S.I.U. Liaison investigation reviewed the following T.P.S. procedures:

- Procedure 01-01 (Arrest);

- Procedure 01-03 (Persons in Custody);
- Procedure 13-16 (Special Investigations Unit);
- Procedure 13-17 (Notes and Reports);
- Procedure 15-01 (Use of Force).

The S.I.U. Liaison investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations Unit)
- Ontario Regulation 267/10 (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)

The S.I.U. Liaison investigation determined that the T.P.S.'s policies and procedures associated with this custody injury were lawful, in keeping with current legislation, and written in a manner, which provided adequate and appropriate guidance to the members. None of the examined policies and procedures required modification.

The S.I.U. Liaison investigation determined the conduct of the designated officer was in compliance with applicable provincial legislation regarding the Standards of Conduct and applicable T.P.S. procedures.

Staff Superintendent Peter Code, Professional Standards, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

James Ramer, M.O.M.
Chief of Police

original copy with signature on file in Board office

**Toronto Police Services Board
Virtual Public Meeting
February 28, 2022**

**** Speakers' List ****

Opening of the Meeting

- 1. Confirmation of the Minutes from January 27, 2022**

Deputation: Derek Moran (written submission included)

- 2. Toronto Police Service Digital Transformation**

Deputation: Saamia Ahmad

- 4. Medal of Merit – Police Constables Scott Randall (11798), Ryan Johnson (65961), Jagmeet Dhinsa (11370) and Elena Luna (11754)**

Deputation: Nicole Corrado (written submission **only**)

- 5. Ratification of Board delegation of authority to Chair Jim Hart, Memorandum of Understanding between the Toronto Police Services Board, the Toronto Police Service, the Ottawa Police Services Board and the Ottawa Police Service**

Deputations: Derek Moran (written submission included)
Kris Langenfeld

Nicole Corrado (written submission **only**)

- 6. Artificial Intelligence**

Deputations: John Sewell (written submission included)
Toronto Police Accountability Coalition

Howard F Morton
James Mackey (written submission included)
Madelin Burt-D'Agnillo
Hamza Syed
Jack Gemmell (written submission included)
Law Union of Ontario

Kris Langenfeld

Joel Hechter (written submission **only**)
Nicole Corrado (written submission **only**)

8. Nursing Services – Contract Extension and Increase

Deputation: Derek Moran (written submission included)

11. Annual Report – 2021 Mental Health Excellence Awards Granted by the Toronto Police Services Board

Deputation: Nicole Corrado (written submission **only**)

12. Annual Report: 2021 Statistical Report Municipal Freedom of Information and Protection of Privacy Act

Deputation: Derek Moran (written submission included)

14. Annual Report: 2021 Parking Enforcement Unit – Parking Ticket Issuance

Deputation: Brett Connors (written submission included)

15. Chief’s Administrative Investigation Reports

Deputations: Hamza Syed

Nicole Corrado (written submission **only**)

I just wanna say by me speaking at this meeting this shall not be deemed to be in any way my consent express or implied and doing so is fraud God Bless Her Majesty the Queen and long live Her Majesty the Queen – and whereas the Emergencies Act says the Governor in Council is subject to the Canadian Bill of Rights and the Canadian Bill of Rights acknowledges the supremacy of God in a society of free men and affirming that men remain free, if I have ever led the Marxist-communist that has infiltrated the public office of prime minister in this constitutional monarchy to believe in any way that I am anything other than a “man” as mentioned in Genesis 1:26, then that would be a MISTAKE, and that I ask all of you to please FORGIVE ME?

“We continue our work in earnest on the 81 police reform recommendations, which put into place a roadmap for comprehensive policing reform and include building new community safety response models, initiatives to address systemic racism and concrete steps to improve trust with our communities.”

This month’s agenda mentions the words accountable/accountability 17 times,

the words transparent/transparency 15 times,

the words trust/public trust 6 times,

and the term “open data” twice.

[Canadian Broadcasting Corp. v. Canada \(Attorney General\)](#), 2011 SCC 2, [2011] 1 SCR 19

Supreme Court of Canada — Canada (Federal)

2011-01-28 | 54 pages | cited by [161 documents](#)

courthouses — journalists — media organizations — audio recordings — impugned measures

[...] [28] In *Attorney General of Nova Scotia v. MacIntyre*, 1982 CanLII 14 (SCC), [1982] 1 S.C.R. 175, at p. 183, Dickson J. (as he then was) quoted the following passage from Bentham: “**In the darkness of secrecy, sinister interest and evil in every shape have full swing. [...] Where there is no publicity there is no justice. ‘Publicity is the very soul of justice. [...]’**” Thus, openness fosters the fair administration of justice and, **like a watchdog, protects citizens from arbitrary state action** (*Toronto Star Newspapers Ltd. v. Canada*, 2010 SCC 21, [2010] 1 S.C.R. 721, at para. 1; *Canadian Broadcasting Corp. v. New Brunswick (Attorney General)*, 1996 CanLII 184 (SCC), [1996] 3 S.C.R. [...])

[London \(City\) v. RSJ Holdings Inc.](#), 2007 SCC 29, [2007] 2 SCR 588

2007-06-21 | 23 pages | cited by [72 documents](#)

interim control by-law — meetings — quashing the by-law — closed — by-law for illegality

[...] **The democratic legitimacy of municipal decisions does not spring solely from periodic elections, but also from a decision-making process that is transparent, accessible to the public, and mandated by law. [...] When a municipal government improperly acts with secrecy, this undermines the democratic legitimacy of its decision, and such decisions, even when intra vires, are less worthy of deference. [...]**

[Tan Gatie v. Canada \(Citizenship and Immigration\)](#), 2012 FC 730 — 2012-06-12

Federal Court — Canada (Federal)

daughter — mens rea — child — visa — misrepresentation

[...] [9] A review of some of the **earlier case law is helpful. In *Hilario v Canada* (Minister of Manpower and Immigration) (1977), 18 NR 529 (FCA), the Federal Court of Appeal considered a situation where information had been withheld. [...] To withhold truthful, relevant and pertinent information may very well have the effect of “misleading” just as much as to provide, positively, incorrect information. [...]**

[10] **This statement carries with it the implication of “withholding” and “providing”, which is to say, mens rea is involved. [...]**

[R. v. Hinchey](#), 1996 CanLII 157 (SCC), [1996] 3 SCR 1128

Supreme Court of Canada — Canada (Federal)

1996-12-12 | 78 pages | cited by [239 documents](#)

benefit of any kind — mens rea — dealings with the government — reward — advantage

[...] **Wilful Blindness** 1 The mental requirement of the crime may also be satisfied by applying the concept of **wilful blindness**. [...] . . . the rule is that if a party has his suspicion aroused but then **deliberately omits to make further** enquires, because he **wishes to remain in ignorance**, he is **deemed to have knowledge**. . . . [...] while recklessness involves knowledge of a danger or risk and persistence in a course of conduct which creates a risk that the prohibited result will occur, **wilful blindness** arises where a person who has become aware of the need for some inquiry **declines to make the inquiry because he does not wish to know the truth**. [...]

[R. v. Boulanger](#), 2006 SCC 32, [2006] 2 SCR 49

Supreme Court of Canada — Canada (Federal)

2006-07-13 | 30 pages | cited by [121 documents](#)

offence of breach of trust — mens rea — trust by a public officer — misfeasance — corruption

[...] 122. Every official who, in connection **with the duties** of his office, commits fraud **or a breach of trust** is guilty of an indictable offence and liable to imprisonment for a term **not** exceeding five years, **whether or not** the fraud or breach of trust would be an offence if it were committed in relation to a private person. [...] **Wilful misconduct was held to mean** “**deliberately doing something which is wrong knowing it to be wrong or with reckless indifference as to whether it is wrong or not**” (para. 28), and **recklessness to mean** “**an awareness of the duty to act or a subjective recklessness as to the existence of the duty**” (para. 30). [...] **of the two common law offences** culminated in *Leblanc v. The Queen*, [1979] C.A. 417, *aff'd* 1982 CanLII 169 (SCC), [1982] 1 S.C.R. 344, where Lamer J.A. (as he then **was**) **held** that the Criminal Code offence of breach of trust did **not** require that the accused [translation] “act dishonestly or corruptly or **do something**” [...]

[R. v. Foster](#), 2006 ONCJ 6

Ontario Court of Justice — Ontario

2006-01-10 | 21 pages

bag — beer cans — bottle — bulrushes — dog

[...] “**Suppressio veri, expressio falsi**” is a maxim of long standing – all the way back to Lord Coke, who published his **Institutes of England in 1628**. [...] “**Suppression** of the **truth** is the equivalent of the **expression** of **falsehood**”. [...] [

[In re Crédit Canadien Incorporé / Sun Trust Company Ltd. v. Bégin](#), 1937 CanLII 53 (SCC), |

Supreme Court of Canada — Canada (Federal)

1937-04-21 | 18 pages | cited by [6 documents](#)

forfeiture — directors — shares — company — call

[...] **for the suppression of the truth is a form of falsehood, and falsehood is fraud**

[Choko c. Munden](#), 2021 QCCA 786 (CanLII)

Court of Appeal of Quebec — Quebec

2021-05-12 | 19 pages | cited by [2 documents](#)

contrat en forme abrégée — extraits vidéo — cession — au

[...] **Fraud may result from silence or concealment.**

[Doe et al. v. Canadian Surety Co.](#), 1936 CanLII 9 (SCC), [1937] SCR 1

1936-11-27 | 48 pages | cited by [53 documents](#)

architect — contractor — surety company — work — building

[...] **Misrepresentation may, of course, be made by mere silence or concealment.**

Thank you Officers Scott Randall, Ryan Johnson, Jagmeet Dhinsa, and Elena Luna for your brave actions to save a man who was suicidal and experiencing a mental health crisis. You put yourselves at risk while being considerate of everyone's needs in this very stressful situation.

Nicole Corrado

(Subsection 62(3))

Oath of Secrecy

I, _____, swear that I will not, without due authority, disclose or make known to any person any document or information acquired by me by reason of the duties performed by me on behalf of or under the direction of a Parliamentary Review Committee established pursuant to the *Emergencies Act*. **So help me God.**

Application under s. 83.28 of the Criminal Code (Re), 2004 SCC 42, [2004] 2 SCR 248

Supreme Court of Canada — Canada (Federal)

2004-06-23 | 90 pages | cited by 310 documents

judicial investigative — terrorism offence — judicial independence — self-incrimination — impartiality

[...] As we cautioned above, courts must **not** fall prey to the rhetorical urgency of a perceived emergency **or** an altered security paradigm. [...] Notably, the Canadian government opted to enact **specific** criminal law and procedure legislation and did **not** make use of exceptional powers, **for example** under the *Emergencies Act*, R.S.C. 1985, c. 22 (4th Supp.), or invoke the notwithstanding clause at s. 33 of the Charter. [...]

Beaudry v. R., 2018 CMAC 4

Court Martial Appeal Court of Canada — Canada (Federal)

2018-09-19 | 44 pages | cited by 19 documents

offence — martiale générale — jury — tried before a military — grade

[...] [70] I would add that **no** provision of the Charter limits the rights provided therein in times of war. [...] In applying the measures set out in the *Emergencies Act*, R.S.C., 1985, c. 22 (4th Supp.), the Governor in Council remains **subject to the Charter and the Canadian Bill of Rights**, S.C. 1960, c. 44, and **must** consider the International Covenant on Civil and Political Rights, December 19, 1966, 999 UNTS 171 (entered into force: March 23, 1976, accession by Canada May 19, 1976), **namely** with regard to the fundamental rights that **cannot** be violated even in national crisis situations. [...]

National emergency

3 For the purposes of this Act, a **national emergency** is an **urgent** and **critical** situation of a **temporary** nature that

(a) seriously **endangers** the lives, health or safety of Canadians and is of such proportions or nature as to exceed the capacity or authority of a **province** to deal with it, or

(b) seriously **threatens** the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity of Canada

and that **cannot** be effectively dealt with under any other law of Canada.

Declaration of a Public Order Emergency

Declaration of a public order emergency

17 (1) When the Governor in Council believes, on reasonable grounds, that a public order emergency exists and necessitates the taking of special temporary measures for dealing with the emergency, the Governor in Council, after such consultation as is required by section 25, may, by **proclamation**, so declare.

Contents

(2) A declaration of a public order emergency **shall specify**

- (a)** concisely the state of affairs constituting the emergency;
- (b)** the special temporary measures that the Governor in Council anticipates may be necessary for dealing with the emergency; and
- (c)** if the effects of the emergency do not extend to the whole of Canada, the area of Canada to which the effects of the emergency extend.

Public Order Emergency

Interpretation

Definitions

16 In this Part,

declaration of a public order emergency means a proclamation issued pursuant to subsection 17(1); (*déclaration d'état d'urgence*)

public order emergency means an emergency that arises from **threats to the security of Canada** and that is so serious as to be a national emergency; (*état d'urgence*)

threats to the security of Canada has the meaning assigned by section 2 of the **Canadian Security Intelligence Service Act**. (*menaces envers la sécurité du Canada*)

threats to the security of Canada means

- (a)** **espionage** or **sabotage** that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage,
- (b)** **foreign** influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person,
- (c)** activities within or relating to Canada directed toward or in support of the threat or use of acts of **serious violence** against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state, and
- (d)** activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow **by violence** of, the **constitutionally established** system of government in Canada,

but does **not** include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d). (*menaces envers la sécurité du Canada*)

Reference re Secession of Quebec, 1998 CanLII 793 (SCC), [1998] 2 SCR 217

1998-08-20 | 93 pages | cited by 609 documents

constitutional — political — unilateral secession — self-determination — peoples

[...] **The Constitution binds all governments, both federal and provincial, including the executive branch** (Operation Dismantle Inc. v. The Queen, 1985 CanLII 74 (SCC), [1985] 1 S.C.R. 441, at p. 455). [...] **They may not transgress its provisions: indeed, their sole claim to exercise lawful authority rests in the powers allocated to them under the Constitution, and can come from no other source.** [...]

Transcription of the Proclamation X +

80% ☆

And Whereas **section 58** of the Constitution Act, 1982, set out in Schedule B to the Canada Act, provides that the Constitution Act, 1982 **shall, subject to section 59** thereof, **come into force** on a day to be fixed by proclamation issued under the Great Seal of Canada.

Now Know You that We, by and with the advice Our Privy Council for Canada, do by this Our Proclamation, declare that the Constitution Act, 1982 **shall, subject to section 59** thereof, come into force on the seventeenth day of April in the Year of Our Lord One Thousand Nine Hundred and Eighty-two.

Of All Which Our Loving Subjects and all other whom these **Presents** may concern are hereby required to **take notice** and to govern themselves accordingly.

Emergencies Act X +

80% ☆

AND WHEREAS the Governor in Council, in taking such special temporary measures, would be **subject** to the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights* and **must** have regard to the *International Covenant on Civil and Political Rights*, particularly with respect to those fundamental rights that are **not to be limited or abridged even in** a national emergency;

In Re Provincial Fisheries, 1896 CanLII 76 (SCC), 26 SCR 444

Supreme Court of Canada — Canada (Federal)

1896-10-13 | 140 pages | cited by 56 documents

rivers — provinces — navigable waters — fisheries — fishing

[...] And in **The Queen v. Lord**[195], Peters J., delivering the judgment of the Supreme Court of Prince Edward Island, said: [...] With respect to these **public rights**, viz., navigation and fishery, **the King is, in fact, nothing more than a trustee of the public**, and **has no authority to obstruct, or grant to others any right to obstruct or abridge the public in the free enjoyment of them.**

Canadian Bill of Rights

S.C. 1960, c. 44

Assented to 1960-08-10

An Act for the Recognition and Protection of Human Rights and Fundamental Freedoms

Preamble

The Parliament of Canada, affirming that the Canadian Nation is founded upon principles that acknowledge the **supremacy of God**, the dignity and worth of the human person and the position of the family in a society of **free men** and free institutions;

Affirming also that **men** and institutions **remain free only when** freedom is founded upon respect for moral and spiritual values and the rule of law;

And being desirous of enshrining these principles and the human rights and fundamental freedoms derived from them, in a Bill of Rights which shall reflect the respect of Parliament for **its constitutional authority** and which shall ensure the protection of these rights and freedoms in Canada:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

It is very sad that the Emergency Measures Act was brought in after the truck convoy in Ottawa. The majority of the protestors did not use violence or offensive material, and should not have had to suffer because of a few fringe members who used the protest for ill means. I am sorry that the Toronto Police may have felt forced to be involved with breaking up a mostly lawful political protest.

Nicole Corrado

Toronto Police Accountability Coalition
www.tpac.ca info@tpac.ca

February 22, 2022.

To: Toronto Police Services Board

**Subject, Artificial Intelligence draft policy
February 28, agenda**

Almost everyone who responded to the consultation on the draft AI policy thought that the draft was a good first step since an AI policy is clearly needed for police services, but the almost unanimous opinion was that the draft policy left much to be desired, and it had to be redrafted. Unfortunately, the new draft before the Board is little changed from the earlier draft. It seems the impact of the public feedback was negligible, and the opinions expressed by the four dozen responses were not treated with due seriousness.

We believe at least three serious changes need to be made to the current draft.

1. A Technology Review Committee consisting of independent experts and community members must be established to provide advice to the Board and the Service on the use and operation of any AI. This committee should undertake the impact assessment of all AI programs being considered or being used by the service; its reports should be public; and the Board should be required to follow its advice unless it specifies the reasons why that cannot be done. The Committee should be adequately funded from within the police budget.

The current policy states, in Paragraph 1, procedures and policies for the review of AI technologies will be developed 'in consultation with' various bodies and experts. But as has been seen with the consultations on the draft AI policy, the feedback has been generally ignored. The public is not protected with such a weak process. That is why a Technology Review Committee is needed.

2. The five risk categories in the draft are not appropriate and this approach should be abandoned in favour of a system where all AI technologies are considered risky. Many of the submissions on the consultation made this point, noting that the characteristics proposed in various categories either had a meaning that was unclear, or were placed in the wrong category.

3. Paragraph 16 states that the chief has until December 2024 – almost three years from now – before reporting on AI programs now in use. Given the concerns about AI, this is far too long. The need to report on AI programs in use is immediate. The reporting date should be advanced to May 1, 2022.

The draft before you needs to be rethought. As far as we could tell, none of the four dozen responses think the previous draft was satisfactory, and the current document before you has been changed only marginally. The role of the Board is to represent the public in directing the police service, which means the Board should pay close attention to public feedback.

If public consultation is to have any meaning, the draft before you should be referred back to staff for further consideration in conjunction with those who have shown an interest in the matter.

John Sewell for
Toronto Police Accountability Coalition.

Spoken Portion

Good morning and thank you for the opportunity to speak before the board. My name is James Mackey. I am a resident of the University-Rosedale ward, and I am a graduate student at the University of Toronto's Faculty of Information where I specialize in Critical Information Policy Studies. I have come today to implore the members of the board to send back the proposed policy for further review. The existence of a policy to govern the use of AI technologies is needed and welcome, but the policy as it has been presented to the board today is flawed and unacceptable. It lacks independent administration, is too relaxed on key timelines, and its risk assessment process is too loose. Members of the board, the policy is not ready, and more work is needed.

I was excited when this policy was first introduced. I, like many others, was appalled to learn of the service's use of Clearview AI. I felt, and still feel, that the introduction of governance into this space would ensure such a mistake would never happen again. However, I also approach this process with some reservations. The service has demonstrated a willingness to violate the privacy of its citizens, and officers showed poor judgment in embracing the tool so quickly. This has been compounded by the report delivered earlier in the agenda by Chief Ramer, in which he failed to mention that Clearview no longer operates in Canada because it was **banned** by the Office of the Privacy Commissioner of Canada for "providing a service to law enforcement personnel, and use by others via trial accounts, [representing] the mass identification and surveillance of individuals [...]." I respect the police in their capacity to investigate crime and protect our community, but they should not be trusted with AI any more than I would be trusted to solve a murder. Through no fault of their own, the police are not equipped to pass judgment on these tools.

To that end, I wish to see some changes made to this policy before it is adopted. I will provide you with a summary of the issues here, but my complete submission contains a more detailed account. To start, there must be a stronger independent presence in the decision-making process. In the previous version, the presence of independent adjudication was more understated, and I appreciate seeing its expanded role in the updated document. However, almost all independent input comes in the form of consultation in designing processes to carry out this policy. The risk-assessment is still performed by the police, and so are any reviews done after the fact. This is not acceptable. These assessments must be performed by an independent body of legal and technical experts with police input. As previously stated, the police as an institution are not equipped to understand the full consequences of the technologies they use without independent voices weighing in.

Similar to oversight, the policy's proposed timelines are improved over the previous version but are ultimately still too relaxed. In some cases, timelines are missing entirely, suggesting for instance that the board be notified of newly procured AI technologies "at the earliest possible opportunity" rather than on a specific deadline. All current technologies must be assessed by the far-off date of December 2024, years from the implementation of this policy. Furthermore, the continuous review process is a tangle of overlapping and differing deadlines, anywhere between two and five years. Consider that two years ago, February of 2020, COVID-19 was still weeks away from being declared an emergency in Ontario. Two years before that, Clearview AI was still just receiving seed funding. The world of technology moves fast, and in light of that deadlines must be frequent and well-defined. These guidelines must be reworked to meet the needs of a fast-paced technological environment.

The most unsettling oversight in the proposed policy, however, is the risk assessment criteria. While the changes made to the policy are positive, they remain decidedly weak. One of, if not **the** worst, threats posed by AI comes as a result of poor or biased training data; if you put garbage into the system, then you get garbage out. And yet, under the current proposal, the police would be allowed to use poor quality, biased training data. Data founded on discrimination only reproduces discrimination, the math is not infallible. Other criteria conflict with no clear preference, leading to ambiguities in the policy and the potential for exploitation. If all other factors of administration and enforcement met my highest expectations, I would still reject this policy based solely on the criteria used to assess AI technologies.

This policy is not beyond saving. With the right care and attention, we can craft a set of guidelines worthy of emulation by other services. We do not act in a vacuum, and our actions here will be observed by the whole nation. We bear a responsibility to the people of our city, and all those beyond it, to get this policy right the first time. What that means is giving this policy the attention it needs, making its rules clearer and more binding. The oversight guidelines are not ready. The timelines are not ready. The risk-assessment criteria are not ready. This **policy** is not ready. Members of the board, I urge you to send it back for further polishing. Thank you.

Appendix A: Detailed Policy Revisions

What follows are a series of specific modifications to select points in the proposed policy. Sections which are completely new are **bolded**, and sections which have the same wording of the original document but have been moved have been *italicized*.

1(a)i:

1. Any application where there is no qualified “human-in-the-loop”. A qualified human must evaluate a recommendation from an AI tool before consequential action is taken, and be accountable for any decision made based on this recommendation; **unchanged**
2. Where use of the application results in mass surveillance defined as the **indiscriminate** monitoring of a population or a significant component of a population, or the analysis of indiscriminately collected data on a population or a significant component of a population;
3. Any application of AI in a life-safety situation, i.e., an application where the action of the AI technology could slow down the reaction time of the human operator, resulting in potential risk to life of members of the public or Service Members; **unchanged**
4. Any application that is known or is likely to cause harm or have an impact on an individual’s rights, despite the use of mitigation techniques, due to bias or other flaws; **unchanged**
5. Any application used to predict or assign likelihood of an individual or group of individuals to offend or reoffend; **unchanged**
6. Any application making use of data collected in accordance with the Board’s Regulated Interaction with the Community and the Collection of Identifying Information Policy, or any Historical Contact Data as defined in that Policy; or, **unchanged**
7. Where training or transactional data
 - a. Is known or thought to be illegally sourced;
 - b. Is from an unknown source;
 - c. *Can be influenced or biased by malicious actors;*
 - d. *Is known to be of poor quality or carry bias;*

- e. *Has not been assessed;*
- f. **Has been inconclusively assessed;**

1(a)ii:

1. Applications which link biometrics to personal information (e.g. facial recognition); **unchanged**
2. Where the proposed system could be used to assist in the identification of individuals for the purpose of their arrest, detention or questioning; **unchanged**
3. Where the process involved suggests an allocation of policing resources; **unchanged**
4. Where a system that otherwise merits a Moderate risk assessment lacks independent validation; or, **unchanged**
5. Where a system cannot be fully explainable in its behaviour; **unchanged**

Note that the original points 1 and 2 have been incorporated into 1(a)i7.

1(a)iii:

1. Where the “human-in-the-loop” may have difficulty identifying bias or other decision failures of the AI; **unchanged**
2. Where training data is based on existing Service data **which does not fall under any of the preceding categories;** or
3. *Assists Members in identifying, categorizing, prioritizing or otherwise making administrative decisions pertaining to members of the public;*

The changes to point 2 clarify that data, even when collected by police, is subject to assessment for bias and collection quality. The moving of point 3 from the Low-Risk category into Moderate-Risk effectively renders Minimum-Risk moot. It can be struck from the policy, wrapping any remaining criteria into Low-Risk.

6:

Will inform the board of the decision to procure, utilize or deploy a new technology deemed to be of low risk **no later than one business day before the next meeting of the board**, and explain why the AI technology was ascribed this risk level;

7(e):

How the AI technology operates, including, where applicable, the source of the training data, what information will be collected, **the terms of consent given by subjects**, how and where information will be stored and how it will be disposed of, retention periods for the information collected, and evidence of the validity, accuracy and security of the AI technology under consideration, based on industry standards;

13(b)i:

if **an independent auditor** determines that the concern raised likely demonstrates that an AI technology was erroneously assessed at a lower risk level than appropriate in accordance with section 1(c), will report on the nature of the concern to the Board at the earliest possible opportunity; and, **This is complex to implement, but the fundamental goal is to remove the service from a self-policing role. No other changes to the role of Executive Director in point 13 are needed.**

13(c):

Where a communication from a member of the public amounts to a complaint under Part V of the Act or successor legislation, will advise the individual or their right to file a complaint with the Office of the Independent Police Review Director (or successor entity), or forward the communication to the Chief of Police, as appropriate, and inform the complainant of this action, **in addition to all applicable actions under subsections (a) and (b)**;

16:

Will initiate immediately a process to identify and conduct a risk analysis of all AI technologies currently in use by the Service, to be completed no later than **one year from the implementation of the policy**, and report to the Board upon its completion with a summary of its findings;

20:

Will review at least once every two years the continued use of any AI technology based on:

The differentiation based on risk-level has been removed. All technologies undergo review every two years.

21:

Will review at least once every **two** years the use of any AI technology deemed to be of High, Moderate or Low risk to ensure that the AI technology has not been put to use for a novel purpose or in novel circumstances that may substantially change the data collected or used, in a manner that would constitute a new AI technology, or the risk level of the AI technology, and, where it is found that an AI technology has been put to a new use in this manner, will report to the Board as soon as possible, in accordance with section 4.

LAW UNION OF ONTARIO

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February 24, 2022

Chair Jim Hart
Toronto Police Services Board
40 College St.
Toronto, ON M5G 2J3

Re: Item 6, Artificial Intelligence, Agenda

Dear Chair Hart:

Given the very limited time we have to respond to what is a very complex issue, we will confine our deputation to four areas of concern surrounding the use of AI by the TPS and the Board's revised draft policy on AI Technology.

1. Create a Technology Review Committee

We repeat our earlier submission that the Board should strike a Technology Review Committee to assist in the assessment of existing and new AI technologies for use by the TPS. The new policy adds a broader and more explicit consultation process for the development of "procedures and processes for the review and assessment of new AI technologies." That is good although we have concerns about how transparent the consultation process will be. However, no matter how expertly crafted, no set of procedures and processes can capture as rapidly changing a field as AI and its applications and impacts. What is needed is expert input into the assessment and proposed use of individual technologies on a case-by-case basis.

2. Apply the Policy More Broadly to Current AI Technologies Used by TPS

The policy largely applies only to **new** AI technologies. The procedures and processes for the assessment and review of **new** AI technologies should also apply to current AI technologies used by the TPS, if only to provide for a consistent set of standards for all AI technologies. Clearview amply demonstrates the dangers of existing AI technologies. The time period under Section 16 "to identify and conduct a risk analysis" of current AI technologies is much too long. It should be reduced from December 2024 to at least December 2022, if not sooner.

3. Promulgate Clearer Rules Governing the Misuse of AI Technologies Now

One lesson from the Chief's report on the use of Clearview by TPS officers is how easy it is to access unapproved AI technologies and to misuse them. The risks to privacy and to prosecutions are obvious. The TPS and the Board need to create clear rules prohibiting the use, direct or indirect, of unapproved AI for any purpose relating to or arising out of police investigations or duties, whether done on-duty or off-duty.

4. Factor in the Human Costs of Using AI Technologies

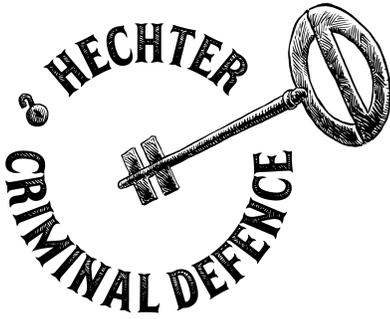
AI offers enticing potential but it comes at the cost of distracting and distancing officers from the most important relation involved in policing: human to human interactions. Most policing involves managing simple human situations where training, experience, smarts, and understanding are critical tools and access to AI is irrelevant. Devoting time and money for the acquisition and implementation of AI technologies and for the training of officers takes officers off the streets and comes at the expense of other needed training and community outreach programs.

Thank you for considering this deputation.

Yours Truly,

A handwritten signature in cursive script that reads "Jack Gemmell". The signature is written in dark ink on a light-colored background.

Jack Gemmell
For the Policing Subcommittee of the Law Union of Ontario



February 23, 2022

Toronto Police Services Board (submitted online)

Dear Sirs and Mesdames,

Re: TPS AI Policy

I write, as a practitioner in the criminal Courts, to urge the Board to ensure that any policy regulating the use of AI mandates:

- The creation of a properly independent oversight body, and
- Strict accountability requirements, including detailed note-taking and the preservation of logs and other metadata associated with the deployment of any AI tools.

The first of these points surely speaks for itself.

As for the second, the people deploying specialized investigative technology within the force are often civilians, who do not make contemporaneous notes. I can say, from recent experience cross-examining some of them, that the sworn officers— who do have notetaking duties, flowing from statute, regulation, TPS Procedures and well-settled jurisprudence— involved in intelligence often fail to properly record their day to day investigative steps. Without proper records, accountability is impossible. Any policy that does not mandate strict record-keeping requirements, carefully tailored to the particular technologies at issue, will stymie any future retrospective audit. Torontonians can take no comfort from such a policy.

Yours,

Joel Hechter
Barrister and Solicitor
Certified Specialist in Criminal Law

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I am very concerned about the possibility of facial recognition software in law enforcement. Many of these technologies are inadvertently racist, as they do not accurately identify person with dark skin. Additionally, facial recognition programs may misidentify emotional states of persons with neurological or physical disabilities. Thank you for discontinuing the practice of taking photos off of social media platforms. This is completely unethical without the individual's permission, or, if the person is missing, the permission from a civilian substitute decision maker. Please relegate AI to use of information taken with permission. Please also consider using the old fashioned method of hiring persons who are super recognizers. Hiring persons with Super recognition skills is a common practice in the UK.

Nicole Corrado

“With the resurgence of COVID-19, the Service is continually reassessing its response to ensure the health and well-being of its members.”

Vadim:

https://web.archive.org/web/20080414131846/http://www.phac-aspc.gc.ca/publicat/ccdr-rmtc/97vol23/23s4/23s4b_e.html

Public Health Agency of Canada (PHAC)
Communicable Disease Report

Volume: 23S4 - May 1997

Canadian National Report on Immunization, 1996

1. Immunization in Canada

Vaccines are licensed for use in Canada by the Bureau of Biologics and Radiopharmaceuticals, Health Protection Branch, Health Canada. Licensing is conditional to an application being filed by the manufacturer and a favourable review of the supporting information submitted by the company. Provincial and territorial ministries of health then buy vaccines from available licensed products on the market, which are then provided to the public free of charge. Each province and territory is responsible for the delivery of immunization programs to its populations; vaccines and schedules are selected to suit the goals of their public-health programs. Nevertheless, general Canadian recommendations on the use of vaccines exist. They are formulated by the National Advisory Committee on Immunization (NACI) - a committee of members from across the country who are experts in areas, such as public health, infectious diseases, and pediatrics.

NACI has reported to the Assistant Deputy Minister of the Health Protection Branch since 1975. Its mandate is to provide Health Canada with ongoing and timely medical, scientific, and public-health advice relating to vaccines and certain prophylactic agents generally and, more specifically, to their use in humans, their evaluation, and the monitoring of vaccine-associated adverse events (VAAs). In addition to updating the Canadian Immunization Guide, NACI also issues regular statements on the use of vaccines. Currently, all NACI statements are published in the Canada Communicable Disease Report (CCDR) which is available by subscription, from an automated fax delivery service at LCDC, and from the LCDC web site (<http://www.hc-sc.gc.ca/hpb/lcdc>). Provinces and territories will adjust their recommended schedules and selection of vaccines, based on NACI recommendations as well as on local epidemiologic, program, and financial considerations.

Unlike some countries, immunization is **not mandatory** in Canada; it **cannot** be made mandatory because of the **Canadian Constitution**. Only three

http://phac-aspc.gc.ca/publicat/ccdr-rmtc/97vol23/23s4/23s4b_e.html

Browser tabs: http:// phac-aspc.gc.ca/publicat

Address bar: https://www.google.com/search?client=firefox-b-d&q=http%3A%2F%2F

Google logo

Search bar: http:// phac-aspc.gc.ca/publicat/ccdr- rmtc/97vol23/23s4/23s

Navigation: All News Images Maps Videos More

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http://www.collectionscanada.gc.ca > http: > 23s4 > 23s4b_e

Canadian National Report on Immunization, 1996.

No information is available for this page.

Browser tabs: Government of Canada Web Ar

Address bar: https://www.bac-lac.gc.ca/eng/discover/archives-web-government/Pages/web-archives.aspx

90% ☆

Government of Canada Web Archive

Attention

Please note that the Government of Canada Web Archive is currently **not** available. We apologize for the inconvenience that this may cause.

Premier Ford:

“We also know that it doesn’t matter if you have one shot or 10 shots, you can catch COVID. See the prime minister; he has triple shots, and I know hundreds of people with three shots that caught COVID. We just have to be careful....And that’s their choice. This is about, again, a democracy and freedoms and liberties. And I hate as a government telling anyone what to do.”

<https://globalnews.ca/news/8620980/doug-ford-defends-lifting-proof-of-vaccination/>

Dr. Kieran Moore: “I'm not gonna tell a lie...given that we now know it's 50% relative to Delta on the hospitalization risk”

https://youtu.be/yfzUuwu4_bA?t=2621

Bill Gates at the Munich Security Conference 2022:

“Sadly, the virus itself, particularly the variant called Omicron, *is* a type of vaccine - that is, it creates both B cell and T cell immunity. And it’s done a better job of getting out to the world population, than we have with vaccines.”

<https://twitter.com/MichaelPSenger/status/1494836339019112450>

https://www.nytimes.com/2018/11/19/health/vaccines-poverty.html?fbclid=IwAR1szG513mO_GPmpPoUZyuhZ1AsKxeNHu0G2wjf1AYPN86rVGkjowllgQcs

Browser tabs: Why Don't We Have Vaccines Ar

Address bar: https://www.nytimes.com/2018/11/19/health/vaccines-poverty.html

HEALTH | Why Don't We Have Vaccines Against Everything?

As a rule, if a disease normally leaves even a few survivors who are completely disease-free and immune for life, a vaccine against that disease is possible. “**Natural infection** is the mother of all vaccines,” said Dr. Anthony S. **Fauci**, director of the National Institute of Allergy and Infectious Diseases.

The Canadian Pandemic Influenza X +

https://www.longwoods.com/articles/images/Canada_Pandemic_Influenza.pdf?fbclid=IwAR3hsFbsAQ9mD1efiMX8oTLLixTY_9Evb0kJUe3AUnDQ97q9nNgaIPMDEnQ ☆

130%

- Individuals who recover from illness caused by the pandemic strain will be **immune** to further infection by that strain.

The Canadian Pandemic Influenza X +

www.longwoods.com/articles/images/Canada_Pandemic_Influenza.pdf?fbclid=IwAR3hsFbsAQ9mD1efiMX8oTLLixTY_9Evb0kJUe3AUnDQ97q9nNgaIPMDEnQ ☆

130%

Assumption #2 – Over 70% of the population may become infected during a pandemic, but only 15%-35% of the population will become clinically ill (i.e. there will be a high rate of asymptomatic infection)

These numbers are based on previous experience with influenza pandemics. Note that **people who become infected but are asymptomatic would be expected to develop immunity to the virus.** The impact of the pandemic in terms of severity, age distribution and extent of spread will not be known until the pandemic virus has begun spreading efficiently in the human population.

SARS-CoV-2 variants of concern X +

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/997418/Variants_of_C ☆

of 69 90%

VOC and VUI case numbers, proportion, deaths and case fatality rate

Table 2 shows the number of cases and deaths associated with each variant of concern and variant under investigation, and the proportion of total sequenced cases accounted for by each variant. Table 3 and 4 show the number of cases known to be infected with variants of concern or variants under investigation who visited an NHS Emergency Department, the number who were admitted, and the number who died in any setting (note data is shown from 1 February 2021 onwards to enable comparison). Figure 2 shows the cumulative number of cases per variant indexed by days since first report.

Table 2. Number of confirmed (sequencing) and probable (genotyping) cases by variant as of 21 June 2021

Variant	Confirmed (sequencing) case number	Probable (genotyping) case number*	Total case number	Case proportion*	Deaths	Case fatality	Cases with 28 day follow up	Deaths among those with 28 day follow up	Case Fatality among those with 28 day follow up
Alpha	219,570	5,515	225,085	70.3%	4,262	1.9% (1.8 - 2.0%)	219,948	4,259	1.9% (1.9 - 2.0%)
Beta	892	54	946	0.3%	13	1.4% (0.7 - 2.3%)	874	13	1.5% (0.8 - 2.5%)
Delta	50,283	41,773	92,056	28.8%	117	0.1% (0.1 - 0.2%)	11,250	32	0.3% (0.2 - 0.4%)
Eta	442	0	442	0.1%	12	2.7% (1.4 - 4.7%)	431	12	2.8% (1.4 - 4.8%)
Gamma	180	45	225	0.1%	0	0.0% (0.0 - 1.6%)	161	0	0.0% (0.0 - 2.3%)
Kappa	439	0	439	0.1%	1	0.2% (0.0 - 1.3%)	420	1	0.2% (0.0 - 1.3%)
Theta	7	0	7	0.0%	0	0.0% (0.0 - 41.0%)	5	0	0.0% (0.0 - 52.2%)

Thank you Officers Aaron Dale and Jeremy Burns for using your lived experience as military veterans to create the Military Veteran Wellness Program. The Peer Support model (used here) is preferred by members of the disability community.

Nicole Corrado

"ONE OF THE OTHER THINGS WE'VE BEEN ENTRUSTED WITH AS WELL, IS MAKING GOVERNMENT MORE OPEN AND TRANSPARENT."

Video Services

THE 'CITY OF TORONTO' CHARTER USED TO SAY - "TORONTO'S GOVERNMENT IS DEDICATED TO...CREATING A TRANSPARENT AND ACCOUNTABLE GOVERNMENT..." NOW, IT DOESN'T. WHY? BECAUSE THEY REMOVED IT.

Paul Ainslie

Councillor, City of Toronto



13:42 / 2:33:09

imgflip.com

[Carella \(Re\)](#), 2018 ONMIC 26 (CanLII)

Municipal Integrity Commissioners of Ontario — Ontario

2018-06-19 | 10 pages | cited by 1 document

inaugural meeting — complaint — confidential information — investigation — former

[...] The Commentary to this rule sets out that a Member of Council must balance the **public's right to know** how decisions are made at the City and upon what information Council has relied in making its decisions, with the requirement to protect the legitimate interest of the City and the respect for approved policies of the City. [...]

[Toronto Police Services Board](#), 2021 CanLII 113536 (ON IPC)

Information and Privacy Commissioner Ontario — Ontario

2021-11-03 | 28 pages

video — deceased — personal information — police — disclosure

[...] [125] The police submit that they exercised their discretion and that it should be upheld. [...] They say that they acted properly and that they balanced the privacy protections in the Act with the **public's right to know**. [...]

[Ontario Civilian Police Commission \(Re\)](#), 2017 CanLII 45053 (ON IPC)

Information and Privacy Commissioner Ontario — Ontario

2017-06-30 | 21 pages

requester — compelling public interest in disclosure — personal information — representations — affected

[...] [50] In its subsequent decision letter to the affected party, the OCPC refers to the records in some detail and then states: [...] The OCPC is aware of its obligations to protect the privacy of individuals and their personal information under [the Act]; **however**, the OCPC also has an obligation to keep its actions accountable and transparent to members of the public. [...] Informing the public of the outcome of an investigation sheds light on the activities of the OCPC and ensures the public that the OCPC is fulfilling its statutory mandate. [...]

Toronto (City) (Re), 2009 CanLII 60399 (ON IPC)
Information and Privacy Commissioner Ontario — Ontario
2009-10-27 | 142 pages | cited by 4 documents

disclosure — security of the property — information — representations — reasonably be expected

[...] The democratic legitimacy of municipal decisions does not spring solely from periodic elections, but also from a decision-making process that is transparent, accessible to the public, and mandated by law. [...] When a municipal government improperly acts with secrecy, this undermines the democratic legitimacy of its decision, and such decisions, even when intra vires, are less worthy of deference. [...] ... This open meeting requirement [in section 239] reflects a clear legislative choice for increased transparency and accountability in the decision-making process of local governments. [...]

Reference re Municipal Freedom of Information and Protection of Privacy Act, 2011 ONSC 1495

2011-01-14 | 12 pages | cited by 1 document

councillors — adequate alternative remedy — database — access to a record — information

[...] The City of Toronto is a corporation and has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under any Act: sections 7 and 125(1) City of Toronto Act, 2006, S.O. 2006, c. 11. [...] City Council can therefore seek access to a record as a 'person' pursuant to s. 17 of MFIPPA. [...] [35] The City further submits that an appeal to the Commissioner is not an adequate alternative remedy because the Commissioner has no jurisdiction to determine whether MFIPPA has supplanted what the City argues is the common law right of councillors to access the information in the IBMS.



IPC Ontario @IPCInfoprivacy · Sep 28

Today is #RightToKnowDay, raising awareness of #AccessToInfo rights and their role in encouraging open and accountable government. #RTK2017



17

13



PUBLIC'S RIGHT TO KNOW. The right of members of the public to be informed about the operations of government and public officials.

Gilles E. Néron *Communication Marketing Inc. v. Chambre des notaires du Québec*, 2004 SCC 53, [2004] 3 SCR 95

Supreme Court of Canada — Canada (Federal)

2004-07-29 | 63 pages | cited by 189 documents

broadcast — letter — journalists — fault — notaries

[...] **The public's right to information is embodied in freedom of expression** and freedom of the press. [...] The broadcast of January 12, 1995 was legitimate given **the public's right to be informed** and **the right to freedom of expression** with respect to **issues of public interest**. [...] 110 What sets this case apart from the usual action in delict is its constitutional dimension, and the **public's right to know**, and the role of the press in discovering and getting **the facts** out into **the public domain** even though on occasion, as here, the presentation of **the facts** leaves something to be desired. [...]

Langenfeld v. TPSB, 2018 ONSC 3447 — 2018-06-18

Superior Court of Justice — Ontario

searches — police headquarters — public — freedom of expression — meetings

[...] [61] I reject the argument that the availability of attending the meeting remotely removes the expressive content of attending the meeting in person. [...] The availability of alternate means of expression **is certainly a relevant factor under s. 1 of the Charter , but the availability of alternate means does not remove the preferred means (attendance at the meeting in person) from the realm of expression protected by s. 2 (b) of the Charter .** [...] Further, I accept the applicant's argument that making a submission remotely is not as effective as attending a meeting in person to make a submission because, if a submission is made remotely, he would lose the ability **to ask follow up questions**. [...]

In the last five years, I have been ticketed twice for driving on roads at restricted times. The most recent ticket came after I was driving north on Spadina Avenue, and I made a left turn onto King Street West on a flashing green light. While driving the speed limit on King Street West toward Bathurst Street, I did not process the sign that was meant to inform me that I needed to make a turn onto Portland Street. **Educational psychology is clear that the ability for humans to multi-task and process peripheral stimuli is almost impossible. Most people that are being ticketed for violations of road restrictions are not being non-compliant but merely human.** The cognitive ability to process and interpret these signs while driving is severely limited. Drivers are trained to focus on the road and not be distracted by outside stimuli, safety requires eyes on the road. Speed limit signs and traffic lights are already part of peoples perceptual set, while road restrictions are not and require much more detailed cognitive processing. Let's use "Where's Waldo" as an example, he is clearly visible but good luck trying to find him. Just because a sign is visible does not mean it will be processed. Test your awareness by looking at this link <https://youtu.be/Ahg6qcgoy4>. There are hundreds of these types of tests that have been successfully repeated showing the limitations of the brain in processing multiple stimulus.

Each municipality decides what roads will have restrictions and what signs will go up. Currently there is no strategic plan of how many signs are put up or what height it will be, or the type used, this falls under city worker discretion. The city has never done a comprehensive study of the effectiveness of driver retention and processing of the traffic signs. King Street being one of the more notable enforcement areas and arguable one of the most confusing. For people that live outside the downtown core, people visiting our city, the elderly, and people with ADHD or learning disabilities, this enforcement is especially problematic. Each ticket is two demerit points and \$110 fine. These fines are especially tough for people with lower incomes and for marginalize groups that feel they are already targeted by the police.

I ask the police service board to advise city council and the chief of police for a moratorium of enforcement of these violations while the City of Toronto's planning department works with one of Toronto's three universities Psychology/Engineering department on a study of the feasibility and merit of such enforcement in the future. Let's make sure the science backs up our policies. Mayor Tory and city council like to announce that we are a world class city, then we should have progressive polices and be able to analyze traditional methods of ticket enforcement. I believe most Torontonians would like to see the use of traffic officers focussed on issues of speeding and traffic safety.

For your consideration,

Brett Connors

In light of the elopement related death of a man who was possibly experiencing a mental health crisis, there is a real need for a non police social work program similar to CAHOOTS in Eugene, Oregon, or the CESSA program in Illinois.

Also, there needs to be a specific oversight committee that looks into accusations of sexual misconduct by police.

Nicole Corrado