



Public Meeting

January 26, 2017

**Auditorium – Police Headquarters
1:00 PM**

Public Meeting - Agenda

Auditorium
40 College Street, 2nd Floor
Toronto, Ontario
www.tpsb.ca

Thursday,
January 26, 2017
at 1:00 PM

Opening of the Meeting

1. Declarations of Interest under the Municipal Conflict of Interest Act.
2. Election of the Chair and Vice-Chair

In accordance with section 28 of the *Police Services Act*, which provides that the Board is required to elect a Chair at its first meeting in each year, the Board members will elect a Chair of the Toronto Police Services Board.

The Board members will also elect a Vice Chair of the Toronto Police Services Board in accordance with section 5(4) of the Toronto Police Services Board Procedural By-Law No. 107.

Approval of the Previous Minutes

3. Confirmation of the Minutes from the meeting held on December 19, 2016.

Presentation

4. Final Report of the Transformational Task Force

Presentation by Ms Michelle DiEmanuele, President and CEO, Trillium Health Partners, and Staff Sergeant Greg Watts, Toronto Police Service

Copies of the Final Report will be released at the meeting.

Reports to be Received

5. December 19, 2016 from Ulli Watkiss, City Clerk, City of Toronto
Re: [Council Member Mid-Term Appointments](#)

6. January 10, 2017 from Andy Pringle, Chair
Re: Paid Duty Rates – January 1, 2017
7. August 29, 2016 from Mark Saunders, Chief of Police
Re: Chief's Administrative Investigation into the Custody Injuries to Horatio Burke
8. December 22, 2016 from Mark Saunders, Chief of Police
Re: Response to the Toronto Police Accountability Coalition's Recommendation for an Internet Procedure
9. **Minutes from the Central Joint Health and Safety Committee Meeting held on November 14, 2016**

Reports to be Approved

10. December 22, 2016 from Mark Saunders, Chief of Police
Re: Response to the Jury Recommendations from the Coroner's Inquest into the Death of Katelynn Angel Sampson
11. January 16, 2017 from Brian Haley, Interim City Solicitor, City of Toronto – Legal Services Division
Re: Inquest into the Death of David Andrew Doucette – Verdict and Recommendations of the Jury
12. December 14, 2016 from Mark Saunders, Chief of Police
Re: Request for a Review of a Complaint Investigation Pertaining to a Service Provided by the Toronto Police Service – Case No. PRS-063498

13. January 06, 2017 from Mark Saunders, Chief of Police
Re: Proposed Internship Agreement to Replace the Current Co-operative Education Student Placement Agreement
14. December 21, 2016 from Mark Saunders, Chief of Police
Re: Special Constable Appointments
15. January 05, 2017 from Mark Saunders, Chief of Police
Re: Special Constable Appointments and Re-Appointments
16. January 12, 2017 from Andy Pringle, Chair
Re: City of Toronto Council Decision - Member Motion – Re-Examining Toronto Police Service Scout Car Graphics
17. January 17, 2017 from Andy Pringle, Chair
Re: City of Toronto Council Decision – Update on Information Sharing Between Toronto Community Housing Corporation and Toronto Police Service
18. December 29, 2016 from Andy Pringle, Chair
Re: City of Toronto Council Decision – Powers of the Chief of Police to Approve Properties for the Removal of Parked Vehicles
19. December 29, 2016 from Andy Pringle, Chair
Re: City of Toronto Council Decision – Mitigation Strategies to Address Projected Year-End Over-Expenditures

Next Meeting

Date: Thursday, February 23, 2017

Time: 1:00 PM

Members of the Toronto Police Services Board

Andy Pringle, Chair

Chin Lee, Councillor & Vice-Chair

Shelley Carroll, Councillor & Member

Ken Jeffers, Member

Marie Moliner, Member

Dhun Noria, Member

John Tory, Mayor & Member

Declarations of interest under the *Municipal Conflict of Interest Act*.

Election of the Chair and Vice-Chair

In accordance with section 28 of the *Police Services Act*, which provides that the Board is required to elect a Chair at its first meeting in each year, the Board members will elect a Chair of the Toronto Police Services Board.

The Board members will also elect a Vice Chair of the Toronto Police Services Board in accordance with section 5(4) of the Toronto Police Services Board Procedural By-Law No. 107.

Confirmation of the Minutes from the meeting held on December 19, 2016

Final Report of the Transformational Task Force

Presentation by Ms Michelle DiEmanuele, President and CEO, Trillium Health Partners,
and Staff Sergeant Greg Watts, Toronto Police Service

Copies of the Final Report will be released at the meeting



City Clerk's Office

Secretariat
Cathrine Regan
Striking Committee
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Ulli S. Watkiss
City Clerk

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Web: www.toronto.ca

December 19, 2016

DATE RECEIVED

DEC 28 2016

TORONTO POLICE SERVICE BOARD

Andrew Pringle, Chair
Toronto Police Services Board
40 College Street, 7th Floor
Toronto, Ontario
M5G 2J3

Dear Mr. Pringle:


City Council, at its meeting on December 13, 14 and 15, 2016, adopted as amended, Striking Committee Item ST11.1, headed "Council Member Mid-term Appointments to Committees, Agencies and External Bodies".

Council has appointed the following Members of Council to the Toronto Police Services Board for a term of office starting January 1, 2017 to November 30, 2018, and until successors are appointed:

Councillor Shelley Carroll
Councillor Chin Lee

Mayor John Tory has taken his seat on the Toronto Police Services Board.

Yours truly,


for Ulli S. Watkiss
City Clerk

CR/wg

c. Deirdre Williams, Administrator
ABC File



Toronto Police Services Board Report

January 10, 2017

To: Chair and Members
Toronto Police Services Board

From: Andy Pringle
Chair

Subject: PAID DUTY RATES – JANUARY 1, 2017

Recommendation(s):

It is recommended that the Board receive the attached notification from the Toronto Police Association dated December 22, 2016, with respect paid duty rates effective January 1, 2017.

Financial Implications:

There are no financial implications with regard to the receipt of this report.

Background / Purpose:

Article 20:01 of the uniformed collective agreement stipulates the following with respect to paid duty rates:

“The rate to be paid to each member for special services requested of the Service for control of crowds or for any other reason, shall be determined by the Association and the Board shall be advised by the Association of the said rate when determined or of any changes therein”.

Police Services Board records indicate that as at January 1, 2016, the rate for all classifications of police constables was \$68.00 per hour. The attached notice advises the Board that there will be no increase in the 2017 paid duty rates and that the 2016 rate of \$68.00 per hour will remain in effect.

Conclusion:

It is, therefore, recommended that the Board receive the attached notification from the Toronto Police Association dated December 22, 2016 with respect paid duty rates effective January 1, 2017.

Respectfully submitted,

Andy Pringle
Chair



**TORONTO
POLICE
ASSOCIATION**

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Ed Fleming
*Director
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Rondi Craig
*Director
Uniform Field Services*

Jon Reid
*Director
Uniform Field Services*

Brian Callanan
*Director
Administrative Services*

December 22, 2016

SENT BY EMAIL ONLY

Ms. Joanne Campbell
Executive Director
Toronto Police Services Board
40 College Street
Toronto, ON M5G 2J3
Email: joanne.campbell@tpsb.ca

Dear Ms. Campbell:

Re: 2017 Paid Duty Rates – No Increase

In conformance with Article 20:01 of the Uniform Collective Agreement, we are advising the Toronto Police Services Board there will be no increase in the 2017 hourly paid duty rates. The following current rates will remain in effect for 2017.

January 1, 2017

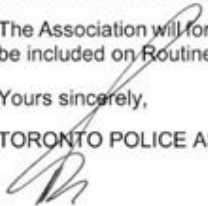
Constables (All classifications)	\$68.00 (minimum \$204.00)
Sergeants	\$76.50 (minimum \$229.50)
Staff Sergeants	\$85.00 (minimum \$255.00)

Partial hours (beyond a minimum of three hours) that an officer performs at such paid duty are paid out at the established hourly rate.

The Association will forward this information to all units today. We ask that this information be included on Routine Orders and that Unit Commanders be advised of same.

Yours sincerely,

TORONTO POLICE ASSOCIATION


Dan Ross
Vice President

DR:tk

c. Mr. Mark Saunders, Chief of Police, TPS
Mr. Drew Johnston, Manager, Labour Relations, TPS
TPA Board of Directors

[Vice President 2017 Paid Duty PSB]





Toronto Police Services Board Report

January 19, 2017

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Chief's Administrative Investigation into the Custody Injuries to Mr. Horatio Burke.

Recommendation(s):

It is recommended that the Board receive the following report.

Financial Implications:

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

Background / Purpose:

Whenever the Special Investigations Unit (S.I.U.) is notified of an incident involving serious injury or death, provincial legislation directs that a chief of police shall conduct an administrative investigation.

Ontario Regulation 267/10, Section 11(1) states:

"The chief of police shall also cause an investigation to be conducted forthwith into any incident with respect to which the S.I.U. has been notified, subject to the S.I.U.'s lead role in investigating the incident."

Section 11(2) of the Regulation states:

"The purpose of the chief of police's investigation is to review the policies of or services provided by the police force and the conduct of its police officers."

Section 11(4) of the Regulation states:

“The chief of police of a municipal police force shall report his or her findings and any action taken or recommended to be taken to the board within 30 days after the S.I.U. director advises the chief of police that he or she has reported the results of the S.I.U.’s investigation to the Attorney General, and the board may make the chief of police’s report available to the public.”

Upon conclusion of their investigation, the S.I.U. provides the Toronto Police Service (Service) with a letter. The S.I.U. does not provide the Service with a copy of the report that was provided to the Attorney General.

Discussion:

On September 15, 2015, the Toronto District Drug Squad (T.D.S.) - Team 4, supervised by a Detective, were in the area of Midland Avenue and Danforth Road conducting a drug investigation. At 2118 hours, the order was given to arrest two males who were involved in trafficking narcotics to an undercover officer. As the officers approached the males, one of them attempted to flee on foot and was tackled to the ground by two T.D.S. officers. The male, later identified as Mr. Horatio Burke, actively resisted the officers and reached his hands into his waistband area of his clothing and refused the officers commands to show his hands. Believing he may have been retrieving a weapon, the officers delivered a number of empty hand distractionary strikes to his head and body as well as two knee strikes to the right side of his torso which were successful in gaining his compliance. Additional drug squad officers arrived on scene and assisted in restraining and handcuffing Mr. Burke.

Mr. Burke was turned over to the custody of uniformed officers for transportation to 41 Division. Once at the station, Mr. Burke complained of suffering from high blood pressure and was experiencing shortness of breath and soreness to his ribs. He was transported to the Scarborough Hospital – Birchmount campus by Toronto Paramedic Services (Paramedics). Once at the hospital, Mr. Burke was examined and stabilized before being transferred to Sunnybrook Health Sciences Centre on September 16, 2015, for further testing. At 2025 hours, it was confirmed that Mr. Burke had sustained fractures to his L1 and L2 vertebrae.

The S.I.U. was notified and invoked its mandate.

In a letter to the Service dated May 20, 2016, Director Tony Loparco of the S.I.U. advised that this investigation was complete, the file had been closed and no further action was contemplated.

Summary of the Service's Investigation:

The Professional Standards Support Unit conducted an investigation pursuant to *Ontario Regulation 267/10*.

The S.I.U. had designated two officers as subject officers and nine additional officers as witnesses and the Professional Standards Support Unit examined the use of force and the injury sustained in relation to the applicable legislation, Service procedures, and the conduct of the involved officers.

The Professional Standards Support Unit investigation reviewed the following Service 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 (Memorandum Books and Reports)
- Procedure 15-01 (Use of Force)
- Procedure 15-02 (Injury / Illness Reporting)
- Procedure 15-17 (In-Car Camera System)

The Professional Standards Support Unit investigation also reviewed the following legislation:

- *Police Services Act* Section 113 (Special Investigations)
- *Ontario Regulation 267/10* (Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit)
- *Ontario Regulation 926* Section 14.2 (Use of Force Qualifications)

The Professional Standards Support Unit investigation determined that Service procedures associated with the applied use of force were found to be 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.

Acting Deputy Chief Richard Stubbings, Operational Support Command, will be in attendance to answer any questions that the Board members may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

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Toronto Police Services Board Report

December 22, 2016

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Response to the Toronto Police Accountability Coalition's Recommendation for an Internet Procedure

Recommendation(s):

It is recommended that the Board receive this report.

Financial Implications:

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

Background / Purpose:

At its meeting of October 20, 2016, the Toronto Police Services Board (Board) received a written submission from Mr. John Sewell for the Toronto Police Accountability Coalition (T.P.A.C.). As a result, the Board approved the following motion:

THAT the Board refer TPAC's submission on a draft Internet procedure for the Toronto Police to the Chief for review to determine whether Service Governance addresses the issues that they have raised and provide a response to the Board.
(Min. No. 248/16 refers).

The purpose of this report is to update the Board on the Toronto Police Service (Service) response to the written submission by the T.P.A.C. (see attached – Appendix A "T.P.S.B. Meeting Minute P248/16").

Discussion:

Professional Standards Support – Governance was tasked with preparing a response to the Board on the written submission by Mr. John Sewell for the T.P.A.C.

In his submission, Mr. Sewell wrote the following (*stated in part*):

Given the significant use in the rise of the internet and social media, it is entirely reasonable for police officers to make full use of these tools. But strong policies should be established for the use of internet and social media by police officers, just as there are policies for other activities in which police officers and the police force are involved. The policies should be comprehensive and broad, covering what information and material may be posted, the use of Police Department tools, websites and addresses as well as personal websites, tools and addresses, staff responsibilities, reporting practices, and so forth.

Recommendation:

The Chief be requested to report to the Board in early 2017 on a draft internet use policy for the Toronto Police.

Service Governance (Governance) is utilized to direct Service members (members) on current and best practices. Governance is developed through extensive research and consultation with internal and external stakeholders. Comprehensive direction to members on the proper use of the Internet, Intranet, and related forms of Service communications is detailed in the following categories of Governance: Procedures; Standards of Conduct; Acceptable Use Agreement; Information Security Manual, and the social media *Terms of Use* provisions. This Governance further details the related on-duty and off-duty conduct expectations of members. Specifically, the Governance related to the items raised in the T.P.A.C.'s submission to the Board is as follows:

1. Service Procedures (Procedures)

Procedures are written direction from the Chief of Police (Chief) setting out both the mandatory and discretionary actions and/or processes for all members. Procedures are topic-specific and set clear directives for members pertaining to their responsibilities and reporting structure. Currently, the Service has 296 active procedures.

The following procedures address the items raised in the T.P.A.C.'s submission to the Board:

- Procedure 04-45 entitled *Internet Facilitated Investigations* directs members on the use of the Internet as an investigative tool. Investigators may use the Internet during criminal investigations to gather intelligence and/or evidence, to identify persons of interest and witnesses, and/or to facilitate an arrest. This

procedure also advises members of potential risks related to the use of the Internet including potential viruses, privacy interests, and adhering to the rule of law.

- Procedure 17-10 entitled *Internet* directs members on the use of the Internet as an effective and efficient medium to reach out to the community and to communicate, collaborate, and coordinate on a global scale. This procedure provides direction on the proper use of the Internet, including: the type of information that can be posted; off-duty conduct; public comment; reporting security breaches, and managing related hardware and software.
- Procedure 17-11 entitled *Toronto Police Service Intranet (T.P.S.net)* directs members on the use of the Intranet. The T.P.S.net is a privately maintained secure computer network that is accessible to members authorized by the Service. This procedure provides direction on the proper use of the T.P.S.net including: the type of information that can be posted; reporting security breaches, and managing related hardware and software.
- Procedure 17-12 entitled *Service Communication Systems* directs members on the use of Service approved communication systems and equipment. This procedure provides direction to members on proper communication protocols and the use of: portable telecommunication; mobile workstations; Service telephones, and facsimile transmissions (fax).
- Procedure 17-13 entitled *Social Media* directs members on the use of social media for public communication. This procedure provides direction on the proper use of social media, including: personal use of social media; social media use on behalf of the Service; use of Service telecommunications systems; training, and management of social media accounts.

2. Standards of Conduct (Standards)

The Standards outline the ethical behaviour expected of all members. The following sections of the Standards address items raised in the T.P.A.C.'s submission to the Board:

- 1.11 *Offensive Materials*

This section of the Standards directs that, unless for the purposes of an investigation and with the prior approval of their Unit Commander, members shall not post, re-post, circulate, or redirect any material that may be considered offensive or sensitive in nature on the Internet or Intranet.

- 1.15 *Use of Service Facilities & Equipment*

This section of the Standards directs that members shall not use any Service facilities, equipment, or supplies for personal gain or for purposes unrelated to the performance of their duties.

- 1.19 *Use of Computers and Telecommunications*

This section of the Standards directs that members shall:

- (a) use Service telecommunication systems and equipment only for police business
- (b) not transmit or store any unnecessary messages or images
- (c) not use profane, obscene, insulting, or abusive language over a Service telecommunication system

3. Acceptable Use Agreement (A.U.A.)

The A.U.A. is a policy that establishes accountability, responsibility, and best practices for the use of Service Information and Technology (I.T.) resources.

This comprehensive policy directs members on the proper use of I.T. resources in the following areas:

- General computer and information security
- Unacceptable, prohibited, or unlawful use
- Privacy and workplace monitoring
- Compliance

4. Information Security Manual (I.S.M.)

The I.S.M. directs members with regards to the protection of information assets. This comprehensive manual directs members on how to protect information from damage, destruction, unauthorized disclosure, and unauthorized modification. In this regard, the I.S.M. provides direction to members on the proper use of the Internet.

5. Social Media *Terms of Use* (Terms)

The Service social media Terms provisions are located on the Service's official Facebook page. The Terms outline the acceptable and expected behaviour of all social media users (both members and the public) when posting information to Service social media sites. The full Terms can be found on the Service Facebook page (<https://www.facebook.com/TorontoPolice/>).

The above Governance is communicated to members in the following ways:

1. Toronto Police Intranet (T.P.S.net)

The T.P.S.net is a privately maintained secure computer network that is accessible to members authorized by the Service. Governance, including all the aforementioned, is available electronically to members via the T.P.S.net.

2. Routine Orders

Routine Orders are written directions issued by the Chief in respect to matters of personnel, police details or functions, and general information. All amended and/or new Governance is published in Routine Orders on the T.P.S.net.

3. Training

Through partnerships and contemporary adult learning initiatives, the Toronto Police College (T.P.C.) delivers quality and relevant training that reinforces Governance to all members. The following courses offered by the T.P.C. reinforce topics from the aforementioned Governance:

- Advanced Leadership
- Auxiliary Recruit Training
- Basic Constable Training
- Coach Officers
- Computer and Technology Facilitated Investigations
- Crime Prevention Through Environmental Design
- Front Line Supervisor
- *Police Services Act*
- Social Media in Communications

Additionally, members may only use Service social media accounts for public communication after successfully completing and attaining accreditation from the *Social Media in Communications* course at the T.P.C. Members must also receive authorization from the Service's Strategy Management Unit.

All allegations of member misconduct related to the foregoing are investigated by Professional Standards. Any substantiated allegation may result in discipline to the member.

Conclusion:

As a result of the written submission to the Board by Mr. Sewell for the T.P.A.C., a review of Governance relating to the Internet, Intranet, and other forms of Service communications has been conducted. This Governance, in addition to mandatory training, provides sufficient guidance and direction for all members.

In summary, the Service currently has comprehensive Governance that details the topics identified in the written submission to the Board by Mr. Sewell for the T.P.A.C.

Acting Deputy Chief Richard Stubbings, Operational Support Command, will be in attendance to answer any questions the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

MS:kc

Internet.docx

Attachments:

Appendix A – T.P.S.B. Meeting Minute P248/16

Appendix A – T.P.S.B. Meeting Minute P248/16

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 20, 2016**

#P248. USE OF THE INTERNET

The Board was in receipt of the attached written submission dated October 11, 2016 from John Sewell, Toronto Police Accountability Coalition, with regard to the use of the Internet.

The Board approved the following Motion:

THAT the Board refer TPAC's submission on a draft Internet procedure for the Toronto Police to the Chief for review to determine whether Service Governance addresses the issues that they have raised and provide a response to the Board.

**Moved by: C. Lee
Seconded: S. Carroll**

Toronto Police Accountability Coalition
c/o Suite 206, 401 Richmond Street West, Toronto ON M5V 3A8.
416 977 5097. info@tpac.ca , www.tpac.ca

October 11, 2016

To: Toronto Police Services Board

Subject: A policy for Internet use

We wish this item to be scheduled on the Board agenda for October 20, 2016.

Given the significant use in the rise of the internet and social media, it is entirely reasonable for police officers to make full use of these tools.

But strong policies should be established for the use of internet and social media by police officers, just as there are policies for other activities in which police officers and the police force are involved. The policies should be comprehensive and broad, covering what information and material may be posted, the use of Police Department tools, websites and addresses as well as personal websites, tools and addresses, staff responsibilities, reporting practices, and so forth.

Other police departments already have such internet use policies (Hamilton, for instance), so there are good models from which the Toronto force can draw to create a reasonable policy.

Recommendation:

The Chief be requested to report to the Board in early 2017 on a draft Internet use policy for the Toronto Police.

Yours very truly,



John Sewell for
Toronto Police Accountability Coalition



Central Joint Health and Safety Committee

- MEETING MINUTES -

**Conference Room
Toronto Police College
70 Birmingham St., Toronto**

**Monday,
November 14, 2016
at 11:00 AM**

Meeting No. 57

Members Present: Chair Andy Pringle, TPSB, Committee Co-Chair
Mr. Keith Bryan, TPA, Committee Co-Chair
Mr. Jon Reid, TPA, Executive Representative
Mr. Tony Veneziano, TPS, Command Representative

Also Present: Ms. Wendy Ryzek, Manager, OH & Safety
Mr. Rob Duncan, Safety Planner & Program Coordinator, OH & Safety
Ms. Deirdre Williams, Recording Secretary

Guests: The following were in attendance from the Toronto Police College:

Supt. Peter Lennox *
Sgt. Gary Haitzer *
Sgt. Gorpall Sidhu
A/Insp. Steve Pattison
Ms. Debra Imtiaz
Sgt. Clayton Williams
S/Sgt. Dave Gillis
Sgt. Matt Hofland
S/Sgt. Jim Farrell
Mr. Tim Finlay

The following were also in attendance:

Supt. Tony Riviere, 31 Division
P.C. Robert Harris, 31 Division
S/Sgt. James Hung, Police Dog Services

*Co-Chair of the Toronto Police College Local Joint Health and Safety Committee (“LJHSC”)

Chair for this Meeting: Chair Andy Pringle, TPSB, Committee Co-Chair

Opening of the Meeting:

1. Chair Pringle extended a welcome to everyone in attendance.
2. The Committee approved the public and confidential Minutes from the meeting that was held on February 01, 2016.

The Committee considered the following matters:

3. Discussion with Members of the Toronto Police College

The Committee was advised about a matter which potentially affects the safety of the members at the Toronto Police College. Details of the discussion are recorded in the confidential Minutes for this meeting.

4. 31 Division – Improving Access at the Front Entrance
Update by: Mr. Tony Veneziano, TPS Command Representative

Supt. Riviere was in attendance for the update on the recommendations that had been made by members of 31 Division to improve accessibility for the public at the front entrance of the station. The recommendations were made at the Committee’s February 01, 2016 meeting and are reprinted below:

Entrance to 31 Division – a wall-mounted push-button switch to automatically activate the front doors should be installed to provide better access for people with disabilities. And, in addition, a wall-mounted telephone should be installed on the exterior side of the front doors so that a person can call the officer at the front desk and request his/her assistance with the doors or, as an alternate option, the officer could activate the doors via a switch that is located at the front desk. P.C. Harris said that both of these issues have been formally reported through the TPS building deficiency process.

Ms. May said that the TPS has an obligation to comply with accessibility requirements and that she would discuss these recommendations with the Chief Administrative Officer as soon as possible.
(Minutes: Meeting No. 56 refers)

Mr. Veneziano said that he would discuss these recommendations with the TPS Command and provide a response at the next meeting. Chair Pringle asked Mr. Veneziano what action had occurred with respect to the recommendations that were made on February 01, 2016. Mr. Veneziano said that he has not yet discussed the matter with the TPS Command, but would do so.

The Committee requested Mr. Veneziano to provide a detailed action plan in response to the foregoing recommendations for its next meeting.

Written notes that had been prepared by Mr. Veneziano with respect to this matter are attached to these Minutes for information.

Status:	31 Division: Improving Access at the Front Entrance: <u>Ongoing</u>
Action:	The Committee requested Mr. Veneziano to provide an action plan for the next meeting.

5. Marine Unit: Barn Swallows

Update by: Mr. Rob Duncan, Safety Planner & Program Coordinator, OHS

Mr. Duncan provided an update on the challenges of dealing with the ongoing infestation of barn swallows in the boat house at the Marine Unit. He said that the City has made a commitment to identify an alternate nesting location and build an appropriate nesting site in 2017. Given the significant length of time that this issue has been a concern for the TPS, especially the risk of potential harmful effects on the respiratory systems of the members at the Marine Unit from the continued exposure to bird feces, the Committee inquired as to when, specifically, in 2017 the City intends to erect an alternate nesting site. Mr. Duncan said that to date, the City would only confirm that the nesting site will be established sometime in 2017 and that no other commitment has been made by the City as to a more specific timeline.

The Committee inquired as to the feasibility of contacting environment groups that might be interested in collaborating with the TPS and/or City in the efforts to encourage the barn swallows to move to another nesting location. Ms. Imitaz recommended the use of social media as a potential tool to advertise the opportunity for environment groups to assist the TPS/City with the challenge of dealing with the barn swallows. The Committee requested that Mr. Veneziano consider this suggestion.

Written notes that had been prepared by Mr. Veneziano with respect to this matter are attached to these Minutes for information.

Status:	Marine Unit: Barn Swallows: <u>Ongoing</u>
Action:	Mr. Veneziano will consider the feasibility of collaborating with any environment or wildlife groups and provide an update on this matter at the next Committee meeting.

6. Improvements to Internal Communication and Education with Respect to Workplace Violence and Harassment

Update by: Mr. Tony Veneziano, TPS Command Representative

Mr. Veneziano said that the development of several short public service announcement-style videos remains ongoing and that the videos will be posted to the TPS intranet once they are completed. He emphasized that all TPS members are expected to carry out their duties in a respectful and professional manner at all times.

Written notes with respect to this matter are attached to these Minutes for information.

Status:	Improvements to Internal Communication and Education with Respect to Workplace Violence and Harassment: <u>Resolved</u>
Action:	The Committee agreed that this matter has been resolved and that no further action is required at this time.

7. List of Healthy Takeaway Meals for Members Who Are Working Shifts

Update by: Mr. Rob Duncan, Safety Planner & Program Coordinator, OHS

Mr. Duncan said that the final version of the *Healthy Eating on the Run* guide was published to the TPS Wellness website in April 2016.

Written notes that had been prepared by Mr. Veneziano with respect to this matter are attached to these Minutes for information.

Status	Request for a List of Locations with Healthy Takeaway Meals for Members Who Are Working Shifts: <u>Resolved</u>
Action:	The Committee agreed that this matter has been resolved and that no further action is required at this time.

8. Scheduling Traffic Court – Time Between Midnight Shift and Traffic Court
Update by: Mr. Tony Veneziano, TPS Command Representative

Mr. Veneziano said that the TPS continues to research the potential effects of fatigue on member safety.

Supt. Riviere advised the Committee that a TPS – Community Safety Command – Staff Superintendent Policy was recently issued that resolved the concerns that had been raised about the limited time between the end of an officer's shift and the time that they would be required to attend provincial court. A copy of the policy: *20 – Provincial Offences Act Court Attendance Primary Response Unit* is on file with the Recording Secretary.

Written notes that had been prepared by Mr. Veneziano with respect to this matter are attached to these Minutes for information.

Status	Scheduling Traffic Court – Time Between Midnight Shift and Traffic Court: <u>Resolved</u>
Action	The Committee agreed that this matter has been resolved and that no further action is required at this time.

9. Status of Online Injured on Duty (IOD) Processing System
Update by: Mr. Tony Veneziano, TPS Command Representative

Mr. Veneziano that the development of the proposed online IOD reporting system remains as part of a broader review of the TPS - Human Resources business practices and that no specific timelines for its completion are known at this point. He confirmed that the proposal for an online reporting system will continue as one component of the HRMS operational upgrade project.

Written notes that had been prepared by Mr. Veneziano with respect to this matter are attached to these Minutes for information.

Status:	Status of Online IOD Processing System: <u>Resolved</u>
Action:	The Committee agreed that this matter has been resolved and that no further action is required at this time.

10. TPSB's Occupational Health & Safety Policy - Revised
Update by: Chair Andy Pringle, TPSB

Mr. Pringle provided a report (dated November 02, 2016) on the amendments that were made to the TPSB's Occupational Health and Safety Policy as result of *Bill 132, the Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment)*, 2016. A copy of the report is attached to these Minutes for information.

The Committee reviewed the report and noted the amendments that were made to the policy. In response to an inquiry, Mr. Veneziano confirmed that copies of the revised policy would be forwarded to all units for posting.

Status:	Status of Amendments to the TPSB's Health & Safety Policy: <u>Resolved</u>
Action:	The Committee agreed that this matter has been resolved and that no further action is required at this time.

Critical Injuries:

11. Preliminary details of critical injuries that had occurred since the previous meeting were considered by the Committee. Details of the Committee's discussions and decisions are recorded in the confidential Minutes for this meeting.

Quarterly Update:

12. TPS Wellness Initiatives & Wellness Information on the Intranet
Update by: Mr. Rob Duncan, Safety Planner & Program Coordinator, OHS

Mr. Duncan delivered the quarterly wellness update, including the results of recent wellness initiatives.

Written notes that had been prepared by Mr. Veneziano with respect to these issues are attached for information.

Status:	Quarterly Update: TPS Wellness Initiatives: <u>Ongoing</u>
Action:	Mr. Veneziano will provide a further update at the next meeting.

****Confidential Matters****

The Committee also considered several confidential matters.

Details of the Committee's discussions and decisions regarding these matters have been recorded in confidential Minutes which form part of the Minutes for this meeting.

Next Meeting:

Chair Pringle referred to the following provision in the *Terms of Reference*:

The Committee shall meet at least four times each year (or every three months) with dates to be established based on the availability of the Committee members.

Chair Pringle noted that, to date, the Committee had met on a total of two occasions in 2016 (February 01, 2016 and November 14, 2016) and inquired as to whether the Committee wished to schedule another two meetings to be held prior to the end of the year. After a discussion, the Committee agreed that additional meetings would not be required in 2016.

The Committee agreed to schedule its next meeting for a date in February 2017, with the specific day and location to be confirmed early in the new year.

Members of the Central Joint Health and Safety Committee:

Mr. Andy Pringle, Co-Chair Toronto Police Services Board	Mr. Keith Bryan, Co-Chair Toronto Police Association
Mr. Tony Veneziano, Command Representative, Toronto Police Service	Mr. Jon Reid, Executive Representative Toronto Police Association

Central Joint Health and Safety Committee
Meeting
November 14, 2016

November 02, 2016

Update by: Andy Pringle, Chair, TPSB

Subject: TPSB Occupational Health and Safety Policy - Revised

At its meeting on August 18, 2016, the Board conducted the annual review of its Occupational Health and Safety Policy ("policy"). At that time, the Board was advised that on March 08, 2016, the Ontario government had passed Bill 132, the *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment)*, 2016. This Bill amends various statutes with respect to sexual violence, sexual harassment, domestic violence and other related matters, as well as expanding the *Occupational Health and Safety Act* definition of "workplace harassment" to include "workplace sexual harassment." The Bill created new obligations for employers, including the requirement to incorporate language into workplace harassment policies that specifically address sexual harassment in the workplace.

The Board subsequently amended its policy to include new language as required and to ensure that it was in place when the legislation came into force on September 08, 2016.

An extract from the amended policy which notes the specific changes in bold is reprinted below:

Workplace Violence and Harassment

The Toronto Police Services Board is committed to providing a safe and healthy work environment for its members and is committed to the prevention of workplace violence and harassment, **including sexual harassment**. The Board recognizes that unwanted behaviours in the workplace must be addressed early to minimize the potential for workplace harassment to lead to workplace violence. Workplace violence and harassment is serious conduct that may constitute a violation of Canada's *Criminal Code*, the *Ontario Human Rights Code* and/or the *Occupational Health and Safety Act*.

A copy of the policy, as amended, is attached.

Andy Pringle
Chair, Toronto Police Services Board



TORONTO POLICE SERVICES BOARD

OCCUPATIONAL HEALTH AND SAFETY

APPROVED	June 14, 2007	Minute No: P208/07
REVIEWED (R) AND/OR AMENDED (A)	July 21, 2016 (R/A) January 16, 2014 (R) June 9, 2011 (R/A) November 15, 2010 (R/A) May 20, 2010 (R) July 24, 2008 (R)	Minute No: P204/16 Minute No: P12/14 Minute No: P148/11 Minute No: P292/10 Minute No: P154/10 Minute No: P206/08
REPORTING REQUIREMENT	Chair to review the policy annually and report to Board. Chief to report to Board quarterly and as needed with respect to urgent matters.	
LEGISLATION	<i>Police Services Act</i> , R.S.O. 1990, c.P.15, as amended, s. 31(1)(c). <i>Occupational Health and Safety Act</i> , R.S.O. 1990, c O.1, ss. 25 (2)(j)-(k), 32.0.1-32.0.7.	
DERIVATION		

The Toronto Police Services Board, as the employer, is ultimately responsible for worker health and safety. Through the implementation of initiatives intended to eliminate occupational illnesses and injuries, the Toronto Police Services Board is dedicated to the goal of enhancing employee wellness and maintaining workplaces that are safe and healthy for the members of the Toronto Police Service.

The Board recognizes that the local Joint Health and Safety Committees and the Central Joint Health and Safety Committee play an integral role in helping the Board achieve this goal. Joint Health and Safety Committees throughout the Service will be the framework within which Management and the Toronto Police Association will work cooperatively to develop and implement the internal responsibility system that is the key to an effective health and safety program.

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

1. The Chief of Police will promote efforts that lead to a safe and healthy environment through the provision of initiatives, information, training and through ongoing program evaluation to assess the effectiveness of the Toronto Police Service's efforts to ensure compliance with occupational health and safety legislation.

2. The Chief of Police will ensure that members with supervisory responsibilities are held accountable for promoting and implementing available health and safety programs, for complying with the *Occupational Health and Safety Act* and for ensuring that workplaces under their supervision are maintained in a healthy and safe condition.
3. The Board acknowledges that every member must actively participate in helping the Board meet its commitment to health and safety by protecting his or her own health and safety by working in compliance with the *Occupational Health and Safety Act*, adopting the safe work practices and procedures established by the Service and reporting to their supervisor any unsafe or unhealthy workplace conditions or practices.
4. The Chair will review annually the Occupational Health and Safety policy as required by the *Occupational Health and Safety Act*. Any recommended amendments are to be reported to the Board for approval.
5. The Chief of Police will post at a conspicuous location in the workplace a copy of the Occupational Health and Safety policy.
6. The Chief of Police will provide quarterly Occupational Health and Safety reports to the Board (Minute No. C9/05 refers).
7. It is recognized that from time to time, occupational health and safety matters may arise that must be brought to the Board's attention on an urgent basis. The Chief of Police will report such matters to the Board in a timely fashion (Minute No. C9/05 refers).

Workplace Violence and Harassment

The Toronto Police Services Board is committed to providing a safe and healthy work environment for its members and is committed to the prevention of workplace violence and harassment, including sexual harassment. The Board recognizes that unwanted behaviours in the workplace must be addressed early to minimize the potential for workplace harassment to lead to workplace violence. Workplace violence and harassment is serious conduct that may constitute a violation of Canada's *Criminal Code*, the *Ontario Human Rights Code* and/or the *Occupational Health and Safety Act*.

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

8. The Chief of Police will ensure that the relevant procedures and programs are developed as prescribed by law.

9. The Chief of Police will ensure that such procedures and programs include components that state that individual or institutional retaliation will not be tolerated.
10. The Chief of Police will ensure that measures are in place to address the risk of domestic violence in the workplace.

CENTRAL JOINT HEALTH & SAFETY COMMITTEE (CJHSC)

CHIEF ADMINISTRATIVE OFFICER - NOTES FOR MINUTES

Date of Meeting: Monday, November 14, 2016
 Time: 11:00 – 13:00 hrs
 Location: Toronto Police College, 70 Birmingham St.

Public Agenda Items

#	Item	Notes
4	31 Division: Improving access at the front entrance.	<ul style="list-style-type: none"> Discussion with Facilities Management is ongoing regarding possible lighting solutions for the front entrance area.
5	Marine Unit: Update on management of Barn Swallows.	<ul style="list-style-type: none"> In March 2016, the City of Toronto representative indicated that the first stage of the project will involve consulting with experts and surveying the barn swallow population. The City has committed to developing an alternate nesting site within 1km of the boathouse in 2017, in accordance with Ministry requirements. Existing nests will be removed at that time and additional measures will be taken to discourage nesting.
6	Workplace Violence & Harassment Communication	<ul style="list-style-type: none"> The development of 2-3 short “public service announcement” style video messages is currently underway, to be distributed via the TPS intranet. It was recommended that this item be removed from future agendas as it is currently underway.
7	Wellness: List of healthy takeaway meals for members working shifts.	<ul style="list-style-type: none"> The final version of the “Healthy Eating on the Run” guide was published to the Wellness website on April 20, 2016. The guide features healthy food options and helpful nutritional information specific to each Division as well as several other central TPS locations. The guide can be accessed via the intranet, home computers, Android smartphones, and can also be downloaded to offline computers and personal devices. This item can now be removed from the agenda and considered completed.
8	Scheduling traffic court: Time between midnight shift and court.	<ul style="list-style-type: none"> This has been identified as a priority issue by the Service, and more research continues to be conducted into the potential effects of fatigue on member safety.

9	Status of new online Injured on Duty (IOD) processing system.	<ul style="list-style-type: none"> As part of the HRMS upgrade project, the OHS Unit has requested that the project team evaluate the feasibility of developing an online IOD report processing system. The request is currently pending but no timelines for the approval and/or planning process have been provided to OHS to date. It is recommended that this item be removed from the agenda as it is part of an ongoing upgrade project.
17	Wellness Update	<p><i>Current wellness statistics for 2016 are summarized as follows:</i></p> <p>Presentations Chief Coroner, 50 participants – Wellness Presentation OHS Awareness Day, 120-130 participants – Wellness Presentation Court Services – 3 Wellness Presentations Child Abuse Course – Emotional Survival Presentation</p> <p>ISTP Wellness <u>Current Topic:</u> Police Wellness: Strategies for good health & resiliency <u>2017 ISTP Wellness Topic:</u> Suicide Awareness & Prevention in Policing: Resilience, Strategies & Resources for Coping</p> <p>Road to Mental Readiness The Road to Mental Readiness (R2MR) program was developed by the Department of National Defense and adapted by the Mental Health Commission of Canada. R2MR was created to spark transformational culture change and better mental health for service members, in an effort to improve customer service and promote better engagement with our communities. Police leaders and officers who are trained in R2MR have a better understanding of mental health issues, and as a result, are better equipped to find positive resolutions when dealing with persons in crisis.</p> <p>This program teaches leaders and officers about the mental health continuum model, enabling all members to be able to use a common language to address issues of mental health. The program provides information about barriers to care, resources available through TPS, practical skills for helping fellow members, and resiliency strategies for promoting mental health.</p> <p>The leadership training (8 hrs) is for all senior management, supervisors and managers, while primary training (4 hrs) is designed for all police constables. The primary training will be combined with the suicide prevention program Safe Talk to create a full day of training at the Toronto Police College. To implement R2MR, a 'train the trainer' program will run the week of November 14, 2016, to certify 24 select service members to teach R2MR. Over the next two years, all service members will receive R2MR training at the Toronto Police College.</p> <p>Meditation Classes Headquarters – 15-20 members, weekly 55 Division – training day, 12-15 members Toronto Police College – 6-10 members, weekly</p>

	<p>Yoga for PTSD Classes</p> <p>14 Division – 4-6 members, weekly</p> <p>Traffic Services – 6-8 members, weekly</p> <p>Toronto Police College – 48 members, 1-2 sessions per week</p> <p>Lunch and Learn Sessions</p> <p>2 scheduled:</p> <ul style="list-style-type: none"> ▪ Homeopathic Doctor ▪ Buddhist Monk – Meditation Techniques <p>Wellness Website</p> <p>2 articles published:</p> <ul style="list-style-type: none"> ▪ Benefits of Coconut Oil ▪ Spooky Halloween Recipes
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** End of public agenda items. **



Toronto Police Services Board Report

December 22, 2016

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

**Subject: Response to the Jury Recommendations from the
Coroner's Inquest into the Death of Ms. Katelynn Angel Sampson**

Recommendation(s):

It is recommended that:

- (1) the Board receive this report for information; and
- (2) the Board forward a copy of this report to the Chief Coroner for the Province of Ontario.

Financial Implications:

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

Background / Purpose:

The Toronto Police Services Board (Board) received correspondence from the Office of the Chief Coroner that included the report entitled "Inquest into the Death of Katelynn Angel Sampson – Jury Verdict and Recommendations". This report summarized the outcome of the Coroner's inquest into the death of Ms. Katelynn Angel Sampson.

The inquest was conducted in the City of Toronto during the period of November 9, 2015 to April 29, 2016. As a result of the inquest, the jury made 173 recommendations, including 8 of the recommendations (#118, 119, #165, #166, #167, #168, #169, and #170) that were directed to the Toronto Police Service (Service).

The purpose of this report is to inform the board of the Service's review and implementation of the jury's recommendations.

The following is a summary of the circumstances of the death of Ms. Katelynn Angel Sampson and issues addressed at the inquest, as delivered by Dr. William Lucas, Presiding Coroner.

Summary of the Circumstances of the Death:

Katelynn Angel Sampson was born on October 24, 2000, and died on August 3, 2008. Her biological mother, B.S., had a longstanding history of drug abuse, including use of crack cocaine. As a result, five children born to B.S. between October 1983 and January 1994 were apprehended by Children's Aid Society of Toronto (C.A.S.T.) and made Crown Wards. During her pregnancy and for a period of time after Katelynn's birth, B.S. remained sufficiently drug-free that she was able to care for Katelynn.

Over time, B.S. relapsed into drug-taking, and concerns regarding her ability to provide care were brought to the attention of C.A.S.T. On September 14, 2003, Katelynn was apprehended by C.A.S.T., but returned to her mother's care on September 17th, subject to a voluntary working agreement. In November 2003, B.S. tested positive for drugs and commenced a relapse prevention program. In January 2004, B.S. refused to renew the voluntary working agreement if it included mandatory drug screens. In April 2004, C.A.S.T. was again involved because of an alleged domestic violence incident in the home. By August 2004, B.S. advised C.A.S.T. that her relationship with Katelynn's father was over, and she discontinued the drug relapse prevention program.

In February 2005, further allegations of drug use by B.S. led to another referral to C.A.S.T. Although the allegations were determined to be unfounded, C.A.S.T. continued to visit monthly over the next three months and assess Katelynn during those visits. In January 2006, an anonymous referral suggested that B.S. was again using and trafficking cocaine, at times leaving her daughter unattended, unkempt and dirty, and that the father had re-entered the picture and was often present in the home. For reasons that remain unclear, this referral was never investigated.

In the spring of 2007, out of fear that she would lose Katelynn to C.A.S.T., B.S. entered into an informal agreement with her good friend, D.I. (and her common-law partner, W.J.) that Katelynn would live with D.I. On May 3, 2007, Katelynn began to live at 105 Westlodge Ave, Apt 210, Toronto with D.I., W.J. and their two young sons. This agreement included allowing B.S. to have access to her daughter, and providing D.I. and W.J. with \$200, part of the monthly government support B.S. received for Katelynn's care.

D.I., who was of Aboriginal origin, also had a significant past history with C.A.S.T., having had her first two children apprehended and made Crown Wards because of concerns about cocaine use and domestic violence. After the birth of

her third child in August 2004, a referral to C.A.S.T. was forwarded to Native Child and Family Services of Toronto (N.C.F.S.T.). N.C.F.S.T. was aware of D.I.'s past history with C.A.S.T., and was also made aware of past allegations concerning W.J. that involved possible sexual abuse of two nieces.

In June 2005, C.A.S.T. received information that D.I. was pregnant with her fourth child, and was allegedly using crack cocaine. This referral was forwarded to N.C.F.S.T. who investigated. On the basis of a negative drug screen, the allegation of abuse was not established but services to the family by N.C.F.S.T. were continued. Child four was born to D.I. in December 2005. In May 2007, N.C.F.S.T. transferred D.I.'s file from Protection Services to voluntary Prevention Services. On June 27, 2007 the case worker (C.W.1.) for N.C.F.S.T. first observed Katelynn in D.I.'s home.

D.I. told C.W.1. that Katelynn was not living with them, but only being babysat during the daytime for the summer months. On August 1, 2007, D.I. told another case worker (C.W.2.) that she wanted to adopt Katelynn. When this was reported to C.W.1., that case worker had concerns about whether Katelynn was potentially being abused or neglected by her mother, B.S. C.W.1. indicated that she would consult with her supervisor on whether Katelynn could continue living with D.I. and W.J.

On August 21, C.W.3. from N.C.F.S.T. attended the D.I. /W.J. home as part of the voluntary Prevention Service. Katelynn was not present, and D.I. and W.J. indicated that she was no longer living with them but had returned to her mother's care, (which was not true). D.I. and W.J. indicated that they wanted no further involvement with N.C.F.S.T. D.I. reiterated this position to C.W.1. on August 27, 2007. Because the service arrangement had been voluntary, N.C.F.S.T. closed her Prevention Services file.

In written statements dated May 3 and October 19, 2007 and signed by B.S., she gave custody of Katelynn to D.I. and W.J. On November 16, D.I. applied to Family Court for formal custody of Katelynn. She also applied for financial assistance to care for the child.

On December 17, 2007, Katelynn's school contacted C.A.S.T. to inquire about B.S.'s right to pick her daughter up at school, given the letter of October 19th giving D.I. custody over Katelynn. In the minds of the school officials, this call to C.A.S.T. was deemed a consultation for information/guidance only, and was not considered to be a formal report or referral to C.A.S.T. Neither C.A.S.T. nor N.C.F.S.T. did any kind of follow up on this, as it was not deemed to be a report concerning a child's safety.

On February 4, 2008 the school again contacted C.A.S.T. over concerns regarding Katelynn's status with her mother, B.S. Based on this referral, an internal records check at that time noted a criminal record for W.J., so C.A.S.T. requested further information from N.C.F.S.T. N.C.F.S.T. provided verbal

information to C.A.S.T., who subsequently formally transferred the school's referral to N.C.F.S.T. On February 6th, C.A.S.T. provided information to N.C.F.S.T. about W.J.'s suspected historical allegations of sexual abuse of two nieces. C.A.S.T. had apparently deemed the abuse to have been verified, but had not taken steps to place W.J. on the Child Abuse Register (C.A.R.). Confusion for N.C.F.S.T. workers as to whether the abuse had been verified or not resulted in no child protection investigation commencing at that time.

On February 11, 2008, Catholic Children's Aid Society made a referral to C.A.S.T. concerning D.I. It was alleged that she was involved in prostitution and was using crack cocaine, along with W.J. This referral was reportedly forwarded to N.C.F.S.T. by facsimile, but unfortunately it was either never sent, never received or somehow was lost. This meant that N.C.F.S.T. did not investigate the allegations.

On February 19, 2008, the application for custody of Katelynn came before Family Court. This was a non-contested, non-parental application that was supported by B.S. Because of the private agreements that had existed from May 2007, neither C.A.S.T. nor N.C.F.S.T. had any involvement in the custody proceeding. In keeping with common practice, the Court sought no collateral information from police records or other sources regarding the suitability of D.I. and W.J. to take legal custody of Katelynn. The Court did not request the Office of the Children's Lawyer to intervene on Katelynn's behalf, nor did the Court consider the child's views or position on this matter.

On March 30, 2008 D.I. called the after-hours number for C.A.S. and spoke to a C.A.S.T. worker, wishing to have Katelynn removed from her home due to unmanageable behaviour. The C.A.S.T. after-hours worker offered some advice on managing the immediate situation, and arranged to refer the matter to N.C.F.S.T. the following morning. On March 31st, D.I. called a supervisor at N.C.F.S.T. and withdrew the request for Katelynn's removal, but requested resumption of voluntary Prevention Services.

During the school year to this point, Katelynn's attendance at school had been plagued by numerous absences. Between Sept 4, 2007 and Christmas break, Katelynn had been absent for 12 full days and 8 half-days. Between January 7, 2008 and March 28, she had been absent 17 full days and 7 half-days, including a stretch of 14 consecutive days from February 19 to March 7, leading into March Break week. Many of the half-day absences were on either Friday afternoons or Monday mornings

On April 1, 2008 D.I. met with Katelynn's teacher due to the latter's concerns about the multiple absences and the negative effect they were having on her academic performance. D.I. complained of difficulties she was experiencing with Katelynn demonstrating stubborn behaviours and refusing to brush her teeth and bathe. D.I. asked about getting support from a social worker through the school.

Katelynn was again absent on Monday, April 8, and during that week her teacher noticed bruising on her arms and legs. Both Katelynn and D.I. explained away the bruising as arising from playing ball hockey with D.I.'s two young sons (aged 3 years 8 months, and 2 years 4 months at the time). No report was made to either C.A.S.T. or N.C.F.S.T. at that time.

Katelynn missed school Friday afternoon, April 11, and then the entire next week of April 14-18. N.C.F.S.T. Prevention Services attempted to contact D.I. on April 7 and 16 about her request for resumption of voluntary Prevention Services, leaving voice messages on her answering machine. D.I. returned the latter call and indicated that the school was providing services, (which was not true,) and that N.C.F.S.T. involvement was not required. The file was closed by N.C.F.S.T.

When Katelynn returned to school on Monday April 21, she was noted to have some obvious injuries. The school principal observed bruising on her face, red marks on her cheeks and redness on her hands, and he sought an explanation. Katelynn explained the hand injuries as having occurred when hot water spilled on her. When contacted, D.I. explained the bruising as being due to "roughhousing" with W.J. and the boys. Unsatisfied with these explanations, the principal reported to C.A.S.T. who referred the matter directly to N.C.F.S.T. There were no records of N.C.F.S.T. receiving this referral and there was no investigation of the concerns

Katelynn continued to attend school the weeks of April 21-25 and April 28- May 1. During this time, the school assumed that C.A.S.T. was investigating the matter of the concerning injuries on Katelynn, and did not make further inquiries or reports. Katelynn was absent again on Friday, May 2nd, and never returned to the school thereafter. D.I. explained to school officials that Katelynn and the entire family would be relocating to the First Nations reserve that D.I. was from. The school prepared a homework package for Katelynn that was never picked up by D.I.

On June 6, 2008, D.I. attended Family Court and provided inaccurate information in order to convince the presiding judge to finalize granting her custody of Katelynn. D.I. portrayed Katelynn as having developmental and behavioural issues at school, and did not reveal that Katelynn had been absent from school for over a month by that point. Custody was granted, with D.I. having discretion over Katelynn's natural mother (B.S.) having access to the child.

From that point, B.S. had less and less contact with Katelynn, even though she encountered D.I. and W.J. on occasion in the neighbourhood. B.S. did not see her daughter any further after late June or early July, 2008. When she requested visits with Katelynn, B.S. was told by D.I. that the child was away, not available, or did not wish to see her mother. Similarly, Katelynn was not seen further in the community by anyone.

On August 3, 2008, D.I. called 911 at 2:30 a.m. to report that “her daughter” had choked on a piece of bread and was not breathing. Paramedics arrived at the apartment at 105 Westlodge Avenue at 2:36 a.m. and found Katelynn lying on the floor of the living room with vital signs absent. She had signs of obvious and multiple blunt force traumatic injuries. Death was pronounced at 3:04 a.m.

A post mortem examination revealed over 50 external and internal injuries of varying ages to Katelynn’s body that the pathologist opined were due to multiple blunt force impacts inflicted over a period of time. None of her injuries had received any apparent medical treatment. Katelynn also had numerous complications from these various injuries, including infected wounds that led to staphylococcus aureus septicaemia and septic shock, as well as pulmonary fat emboli, which combined were the final mechanisms of her death.

D.I. lied to police about the circumstances surrounding Katelynn’s death, and indicated that she had been alone at the time of discovering the child not breathing. She reported that W.J. had left the apartment with their two boys at 5:00 p.m. in the evening to attend a public event. W.J. later told police that he had left the apartment closer to midnight after an argument with D.I. Subsequent evidence confirmed that he had been in the apartment right up to approximately the time of the 911 call. Both D.I. and W.J. were charged with Katelynn’s murder, and both subsequently pled guilty to causing her death.

Discussion:

Professional Standards Support – Governance was tasked with preparing responses for the jury recommendations directed to the Service from the Coroner’s Inquest into the death of Ms. Katelynn Angel Sampson.

Service subject matter experts from the Toronto Police College (T.P.C.), Child and Youth Advocacy Centre (C.Y.A.C.) and Divisional Policing Support Unit (D.P.S.U.) contributed to the responses contained in this report.

Response to the Jury Recommendations:

Recommendation #118:

The Toronto Police Services and the four Toronto Children's Aid Societies incorporate the "Addendum: Children's Aid Society and Police Protocols, Investigation of Suspicious Child Deaths" from the Ministry of Children and Youth Services and the Office of the Chief Coroner into the next revision of the Toronto Joint Protocol for Investigations of Child Abuse.

The Service concurs and is currently working with the four Children's Aid Societies (C.A.S.) to ensure compliance with this recommendation.

The current version of the Protocol for Joint Investigations of Child Physical and Sexual Abuse: Guidelines and Procedures for a Coordinated Response to Child Abuse in the City of Toronto (Joint Protocol) is being reviewed by the Joint Protocol Committee. The section relating to the death of a child under suspicious circumstances has been revised to incorporate the Addendum: Children's Aid Society and Police Protocols, Investigation of Suspicious Child Deaths into the Joint Protocol. The draft version will be sent to the Coroner's office for review by the Chief Coroner and their legal counsel. It is anticipated, that once the Joint Protocol is finalized and all 16 signatories have signed off on the proposed changes, it will be published by the spring of 2017.

Recommendation #119:

The Toronto Police Services (T.P.S.) and the four Toronto Children's Aid Societies (C.A.S.) develop a protocol to govern the release of information and records from the T.P.S. to the C.A.S. This protocol should address the process by which requests for information and records are made, the types of records that will be produced and any conditions or terms for the release of these records.

The Service concurs in part and will continue to work with Joint Protocol Committee to review and implement some elements of this recommendation where possible.

The Service takes the position that the development of a separate protocol to govern the release of information and records is not necessary. This information can be appropriately incorporated into the draft version of the Joint Protocol that is under review.

Currently, the Joint Protocol outlines the guidelines and procedures for a coordinated response to child abuse in the City of Toronto. It is based on a team approach to the investigation, prosecution, and coordination of child abuse cases. A team response is required for all allegations of abuse involving a child where the circumstances could be in violation of the *Criminal Code* of Canada and may render the child in need of protection under the *Child and Family Services Act*. The Joint Protocol also addresses the disclosure **of all relevant information** during a joint investigation between police and C.A.S. and that disclosure may take the form of verbal information and/or written information.

The type of records that will be produced and any conditions or terms for release of the records is governed by Ontario Regulation (O. Reg.) 265/98 "Disclosure of Personal Information" of the *Police Services Act* (P.S.A.).

O. Reg. 265/98 states in part:

1. (1) *A chief of police or his or her designate may disclose personal information, as described in subsection (2), about an individual to any person if the individual has*

been charged with, convicted or found guilty of an offence under the Criminal Code (Canada), the Controlled Drugs and Substances Act (Canada) or any other federal or provincial Act.

(2) if subsection (1) applies, the following information may be disclosed:

- 1. The individual's name, date of birth and address.*
 - 2. The offence described in subsection (1) with which he or she has been charged or of which he or she has been convicted or found guilty and the sentence, if any, imposed for that offence.*
 - 3. The outcome of all significant judicial proceedings relevant to the offence described in subsection (1).*
 - 4. The procedural stage of the criminal justice process to which the prosecution of the offence described in subsection (1) has progressed and the physical status of the individual in that process (for example, whether the individual is in custody, or the terms, if any, upon which he or she has been released from custody).*
 - 5. The date of the release or impending release of the individual from custody for the offence described in subsection (1), including any release on parole or temporary absence.*
- 5. (1) A chief of police or his or her designate may disclose any personal information about an individual if the individual is under investigation of, is charged with or is convicted or found guilty of an offence under the Criminal Code (Canada), the Controlled Drugs and Substances Act (Canada) or any other federal or provincial Act to,*
- (a) any police force in Canada,*
 - (b) any correctional or parole authority in Canada; or*
 - (c) any person or agency engaged in the protection of the public, the administration of justice or the enforcement of or compliance with any federal or provincial Act, regulation or government program.*

(2) Subsection (1) applies if the individual is under investigation of, is charged with or is convicted or found guilty of an offence under the Criminal Code (Canada), the Controlled Drugs and Substances Act (Canada) or any other federal or provincial Act and if the circumstances are such that disclosure is required for the protection of public, the administration of justice or the enforcement of or compliance with any federal or provincial Act, regulation or government program.

Therefore, the Service intends to make a recommendation to the Joint Protocol Committee to include portions of O. Reg. 265/98 into the Joint Protocol along with suggestions to address, which unit within the Service should be contacted to request information and records, examples of the types of records that will be produced, any conditions or terms for the release of records and what information the Service will share verbally and what hard copy records the Service will share in advance of C.A.S.

making a Freedom of Information request under the *Municipal Freedom of Information and Protection of Privacy Act*.

It will be up to the Joint Protocol Committee (composed of multi-sectoral groups including Service members) to determine if the proposed changes to the Joint Protocol will increase the effectiveness and the capacity of the systems to respond to children coping with child abuse.

Recommendation #165:

The Toronto Police Services develop a strategy to broadly distribute the pamphlet developed by the Ministry of Children and Youth Services on the public's "Duty to Report" child abuse and neglect, including training its members to provide this pamphlet to the person(s) who is interviewed as part of a child abuse or child homicide investigation.

The Service concurs and has implemented this recommendation.

The "Duty to Report" training is currently incorporated in the following courses at the T.P.C.: Recruit Training, Provincial statutes, General Investigators, Uniform Coach Officer, Domestic Violence Investigators, Child Abuse Investigators, Sexual Assault/Child Abuse Update, Death Investigators and Front Line Supervisors. In these courses, members are provided with both the hard copy and electronic version of the "Reporting Child Abuse and Neglect: It's Your Duty" pamphlet. Members are also reminded of the importance of providing the pamphlet to individuals who are interviewed as part of a child abuse or child homicide investigation.

The pamphlet was also published and communicated to all Service members via a Routine Order (R.O.) from the Chief in July 2016.

The Service's Domestic Violence/ Child Abuse Coordinator is also in the process of making arrangements to have the electronic version of the pamphlet placed on to the Service's intranet and internet sites.

In addition, the Domestic Violence/Child Abuse Coordinator, with assistance from Corporate Communications created a new video to educate members and remind the public on its duty to report child abuse. A video link was attached to a Service news release that was published in October 2016 on the Service's internet site.

Recommendation #166:

The Toronto Police Services ensure all police officers are provided with ongoing, mandatory training at regular intervals on their "Duty to Report" and the recognition of the signs of child abuse and neglect, and should collaborate with the Toronto Children's Aid Societies in developing and delivering this training. There should be an emphasis on

personal responsibility to report and the potential "Duty to Report" in domestic occurrences.

The Service concurs and is in compliance with this recommendation.

As outlined in recommendation #165, the "Duty to Report" training is incorporated into a number of courses at the T.P.C. The T.P.C. is also reviewing the remaining investigative courses and working towards including the "Duty to Report" training into all investigative course syllabuses.

To ensure all officers receive the training, the T.P.C., in partnership with C.A.S., has developed a stand-alone "Duty to Report" module for the Canadian Police Knowledge Network (C.P.K.N.). This on-line training module is expected to be available by January 2017, at which time, a R.O. from the Chief will be published to indicate that the training is mandatory for all uniform members with a deadline date for completion. The T.P.C. is in the process of evaluating the most effective and practical methods for providing the "Duty to Report" training at regular intervals.

The Service currently collaborates with C.A.S. in the development and delivery of training. The Child Abuse Investigator's course at T.P.C. is delivered in partnership with C.A.S. Along with T.P.C. instructors; members of the Catholic Children's Aids Society of Toronto and Children's Aid Society of Toronto co-facilitate and teach the course. In partnership with C.A.S., the Joint Protocol Committee, the Provincial Advocate for Children & Youth and the T.P.C. are reviewing the current course content and revising the curriculum to ensure the most effective and up to date training is provided.

Recommendation #167:

The Toronto Police Services consider identifying a single contact person or department within the Service who will respond to telephone inquiries from Children's Aid Society workers who are seeking personal information about individuals, as a means of ensuring that the member responding to the call has the training and experience to respond effectively and the information is provided in a consistent manner.

The Service concurs with the intent of this recommendation and recognizes the benefit of a single contact person or department to respond to C.A.S. inquiries and is working towards implementing this recommendation.

The C.Y.A.C. is a section of Specialized Criminal Investigations – Sex Crimes and provides a coordinated, seamless, inter-disciplinary response to child abuse victims. Currently, the C.Y.A.C. provides investigation, protection, victim advocacy, treatment and ongoing support through one centralized hub for 11 of the 17 Service Divisions.

The C.Y.A.C. is staffed by designated child abuse investigators who are available to investigate child abuse cases in the following Divisions: 11, 12, 13, 14, 32, 33, 51, 52,

53, 54 and 55. They are the central department for those 11 Divisions within the Service that the C.A.S. can contact when seeking information, and are available from 0730 to 2200 hours. Outside C.Y.A.C. business hours, in emergency situations, officers within the 11 Divisions may contact an on-call child abuse investigator through the Toronto Police Operations Centre. If the matter is not urgent then it will be handled during C.Y.A.C. business hours.

For the remaining 6 Divisions, C.A.S. can contact the divisional Family Violence office that they are potentially working with and speak to the designated child abuse investigator there. During non-business hours, C.A.S. may contact any criminal investigation bureau.

The Service is working towards expanding the C.Y.A.C. to serve all 17 Divisions.

The Service also has a Domestic Violence/Child Abuse Coordinator within the D.P.S.U. who regularly liaises with C.A.S. to collaborate and ensure a coordinated best practices response to domestic violence and child abuse investigations.

Recommendation #168:

The Toronto Police Services, in cases involving possible domestic conflict when children are present in the home, should observe the children for signs of abuse and neglect and include a description of the children in the police report.

The Service concurs and is in compliance with this recommendation.

Current Service Procedure 05-04 entitled “Domestic Violence” has been reviewed and is in line with this recommendation.

Procedure 05-04 states in part:

Police Officer

The first police officer shall be responsible for the safety and wellbeing of the victim, offender management and preservation of the evidence and the crime scene.

2. When attending or upon discovering domestic violence/incident shall
 - establish if the involved persons have children
 - obtain the names, dates of birth and current school of all children present, or who normally reside in the home
 - ensure the appropriate Children’s Aid Society is notified pursuant to s. 72 (1) of the *Child and Family Services Act* (C.F.S.A.) when there are reasonable

grounds to suspect a child is in need of protection, regardless of whether the children were present at the time of the event/incident

- apprehend any child in need of protection and comply with Procedure 05-06
- interview third party witnesses including children when practical, family members, neighbours, other emergency services personnel who attend the scene and/or treated the victims
- make detailed notes, including all observations and statements in the memorandum book.

In addition, upon conclusion of the at scene investigation, officers are required to complete T.P.S. form 102, Domestic Violence Supplementary, which includes questions pertaining to children that may be in the home. This information is to be included on the eReport and their memorandum book.

The Service's C.P.K.N. training on domestic violence also stresses the impact that domestic violence incidents can have directly or indirectly on children. The training reiterates the importance of officers acknowledging children who may be present in the home, by speaking to them and determining if they are at risk, and contacting C.A.S. when necessary.

Not only are officers required to notify C.A.S. when it is determined that a child is at risk, but officers are also required to notify C.A.S. by phone whenever they attend any domestic incident or domestic violence call where there are children in the home. The Service's Domestic Violence/Child Abuse Coordinator is currently working with C.A.S. to create a reporting form (T.P.S. 108 – C.A.S. Domestic Violence Reporting form) that can be emailed to C.A.S. in lieu of a phone call. This will ensure that C.A.S. is aware of all domestic's where children are involved and no phone call is missed. It expected that T.P.S. form 108 will be operationalized in 2017.

Recommendation #169:

The Toronto Police Services (T.P.S.) take into account the potential importance of police record and occurrence report information to risk assessment and child protection. Upon the development of a protocol with the four Toronto Children's Aid Societies (C.A.S.), the T.P.S. should amend the Service Procedure on the disclosure of personal information pursuant to 0. Reg. 265/98 of the Police Services Act to provide guidelines on the personal information that may be shared with a C.A.S. when:

- a) a member of the police service is reporting a reasonable suspicion that a child may be in need of protection to the Children's Aid Society pursuant to section 72 of the Child and Family Services Act*

- b) a C.A.S. is conducting an investigation into allegations that a child may be in need of protection*
- c) a C.A.S. is seeking information about an individual in the course of providing ongoing service to a child and family and the information would assist with risk assessment and protection of the child.*

The Service concurs with this recommendation.

As stated in recommendation #119, the Service intends to make recommendation to the Joint Protocol Committee to amend the existing Joint Protocol and incorporate portions of O. Reg. 295/98 along with examples to address the release of information from the Service to C.A.S.

Currently, Service Procedure 05-06, entitled “Child Abuse” addresses disclosure of personal information in circumstances where the Joint Protocol applies.

Procedure 05-06 states in part:

Designated Child Abuse Investigator/Primary Investigator

The designated investigator shall be responsible for ensuring the needs of the victim are met, effective management of the crime scene; including the gathering of evidence, and that a thorough and comprehensive investigation is conducted.

1. Upon receiving notification of suspected child physical or sexual abuse, or of a child with a suspicious injury or other circumstances which indicate that abuse cannot be ruled out shall

Note: Decisions regarding the safe placement of surviving siblings or other children who may be at risk are time sensitive. Collaborative information sharing facilitates timely decisions that will safeguard children who may potentially be at risk, while preserving the integrity of the criminal investigation.

- confer with the C.A.S. worker exchanging all pertinent information where reasonable grounds exist to suspect that a child is/may be in need of protection and proceed to the scene
- comply with Procedure 17-04 when disclosing personal information, including cases where a joint protocol does not apply.

In situations where the Joint Protocol does not apply, and sharing information with child protection workers is equally important to protect persons at risk, Service members are directed to comply with O. Reg. 265/98 “Disclosure of Personal Information” of the P.S.A. contained in Service Procedure 17-04 entitled “Community/Public Safety Notifications”

Procedure 17-04 states in part:

Case Manager/Investigator

1. When investigating an incident where reasonable belief exists that an individual person, group or persons, or the public is at risk shall consider disclosure of personal information in accordance with the applicable sections of Appendix A. Disclosure may be made to
 - a person or agency engaged in the protection of the public, and/or
 - an individual at risk, and/or
 - a child protection agency or worker in circumstances where the Joint Protocol of Child Physical and Sexual Abuse does not apply.

Once the Joint Protocol is revised, Service Procedures 05-06 and 17-04 will be reviewed and amended in consultation with the relevant stakeholders to provide greater clarity and direction on the types of records or information that can be disclosed to C.A.S.

Recommendation #170:

The Toronto Police Services and Toronto Emergency Medical Services amend their policies and procedures to include that when a child under 16 years of age dies under suspicious circumstances, the relevant Children's Aid Society must be informed in circumstances where other children may also be at potential risk of harm.

The Service concurs and is in compliance with this recommendation.

Current Service Procedure 05-01 entitled "Preliminary Homicide Investigations" was reviewed and is in line with this recommendation.

Procedure 05-01 states in part:

Major Case Manager – Specialized Criminal Investigations (S.C.I.) – Homicide

An officer from S.C.I. – Homicide shall be designated the Major Case Manager to undertake the functions and responsibilities directed by the Ontario Major Case Management Manual.

28. Upon arrival at the scene of a suspicious death or suspected homicide, in addition to complying with unit-specific guidelines shall
 - if the child is under 16 years of age, ensure that C.Y.A.C. is consulted prior to leaving the scene and/or conducting formal interview of caregivers

- ensure the Children's Aid Society is notified regarding the investigation and information is shared pursuant to the Addendum: Children's Aid Society and Police Protocols – Investigations of Suspicious Child Deaths developed by the Ministry of Children and Youth Services (M.C.Y.S.) and the Office of the Chief Coroner
- in co-operation with the Children's Aid Society, ensure an assessment of the risk to other children is completed in all cases where foul play is suspected
- decisions regarding the safe placement of surviving siblings or other children who may be at risk are time sensitive. Collaborative information sharing facilitates timely decisions that will safeguard children who may potentially be at risk, while preserving the integrity of the criminal investigation.

Service procedures are regularly reviewed and amended as required to reflect current legislation and process. This information was published in an R.O. from the Chief in August 2013 as a result of a Ministry of Children and Youth Services Memorandum and Procedure 05-01 was updated accordingly.

Conclusion:

As a result of the Coroner's inquest into the death of Ms. Katelynn Angel Sampson, and the subsequent jury recommendations, the Service has conducted a review of Service governance, training and current practices.

In summary, the Service concurs and is in compliance with recommendation #118, #165, #166, #168, #169, and #170.

The Service concurs with the intent of recommendation #167 and is working on implementing this recommendation.

The Service concurs in part in with recommendation #119 and is taking steps to ensure that elements of the recommendation are incorporated into the revised Joint Protocol.

Acting Deputy Chief Richard Stubbings, Operational Support Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

MS/ec

Sampson Inquest.docx

Attachments:

Appendix A – Jury Verdict & Recommendations (Sampson Inquest)



Office of the Chief
Coroner
Bureau du coronier
en chef

Katelynn Angel SAMPSON Inquest

November 9, 2015 – April 29, 2016

Key Words: Inquest, Homicide, Child Abuse

2016 CanLII 60525 (ON OCCC)



Office of the
Chief Coroner
Bureau du
coroner en chef

Verdict of Coroner's Jury Verdict du jury du coroner

The Coroners Act – Province of Ontario
Loi sur les coroners – Province de l'Ontario

We the undersigned / Nous soussignés,

____ of / de _____
____ of / de _____
____ of / de _____
____ of / de _____
____ of / de _____

2016 CanLII 60525 (ON OCCO)

the jury serving on the inquest into the death(s) of / membres dûment assermentés du jury à l'enquête sur le décès de :

Surname / Nom de famille
SAMPSON

Given Names / Prénoms
Katelynn Angel

aged / à l'âge de 7 years held at / tenue à 25 Morton Shulman Avenue, Toronto, Ontario

from the / du 9th day of November 2015 to the / Au 29th day of April 20 16

By / Par Dr. / Dr. William Lucas Coroner for Ontario / coroner pour l'Ontario

having been duly sworn/affirmed, have inquired into and determined the following:
avons fait enquête dans l'affaire et avons conclu ce qui suit :

Name of Deceased / Nom du défunt
Katelynn Angel SAMPSON

Date and Time of Death / Date et heure du décès
3rd day of August, 2008 at 3:04 a.m.

Place of Death / Lieu du décès
105 Westlodge Avenue, Apartment #210, Toronto, Ontario

Cause of Death / Cause du décès

Complications from multiple blunt force injuries

By what means / Circonstances du décès
Homicide

Original signed by: Foreman / Original signé par : Président du jury

Original signed by jurors / Original signé par les jurés

The verdict was received on the / Ce verdict a été reçu le 29th day of / April 20 16
(Day / Jour) (Month / Mois)

Coroner's Name (Please print) / Nom du coroner (en lettres moulées)
Dr. William Lucas

Date Signed (yyyy/mm/dd) / Date de la signature (aaaa/mm/dd)
2016/04/29

Coroner's Signature / Signature du coroner

We, the jury, wish to make the following recommendations: (see page 2)
Nous, membres du jury, formulons les recommandations suivantes : (voir page 2)



Office of the
Chief Coroner
Bureau du
coroner en chef

Verdict of Coroner's Jury Verdict du jury du coroner

The Coroners Act – Province of Ontario
Loi sur les coroners – Province de l'Ontario

Inquest into the death of:
Enquête sur le décès de :

Katelynn Angel SAMPSON

JURY RECOMMENDATIONS RECOMMANDATIONS DU JURY

1. That all parties to this inquest ensure that Katelynn's Principle applies to all services, policies, legislation and decision-making that affects children.

KATELYNN'S PRINCIPLE

The child must be at the centre, where they are the subject of or receiving services through the child welfare, justice and education systems.

A child is an individual with rights:

- who must always be seen
- whose voice must be heard
- who must be listened to and respected

A child's cultural heritage must be taken into consideration and respected, particularly in blended families.

Actions must be taken to ensure the child who is capable of forming his or her own views is able to express those views freely and safely about matters affecting them.

A child's view must be given due weight in accordance with the age and maturity of the child.

A child should be at the forefront of all service-related decision-making.

According to their age or maturity, each child should be given the opportunity to participate directly or through a support person or representative before any decisions affecting them are made.

According to their age or maturity, each child should be engaged through an honest and respectful dialogue about how/why decisions were or will be made.

Everyone who provides services to children or services that affect children are child advocates. Advocacy may potentially be a child's lifeline. It must occur from the point of first contact and on a continual/continuous basis thereafter.

PREMIER OF ONTARIO

2. The Premier of Ontario champion the implementation of the United Nations Convention on the Rights of the Child (UNCRC), to afford children and youth their rights under the UNCRC, and in particular, to recognize that children are individuals with rights, whose voices must be heard on matters affecting them, and their views must be given due weight in accordance with the age and maturity of the child.

GOVERNMENT OF ONTARIO, MINISTRY OF CHILDREN AND YOUTH SERVICES, MINISTRY OF EDUCATION, MINISTRY OF THE ATTORNEY GENERAL, FAMILY RULES COMMITTEE, ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES, ASSOCIATION OF NATIVE CHILD AND FAMILY SERVICES AGENCIES OF ONTARIO AND CHILDREN'S AID SOCIETIES OF ONTARIO

3. The Government of Ontario, Ministry of Children and Youth Services, Ministry of Education, Ministry of the Attorney General, Family Rules Committee, Ontario Association of Children's Aid Societies, Association of Native Child and Family Services Agencies of Ontario and Children's Aid Societies of Ontario implement a Child Rights Impact Assessment process for future reviews of legislation, regulations, directives, policies and procedures, to screen for the impact on children's rights.

GOVERNMENT OF ONTARIO

4. The Government of Ontario consider offering a "Duty to Report" course (for example, online) for all Ontario Public Servants to show its commitment to public education on the importance of the "Duty to Report".

MINISTRY OF CHILDREN AND YOUTH SERVICES (MCYS)

"Duty to Report"

5. The Ministry of Children and Youth Services review and consider raising the financial penalties in the Child and Family Services Act where a professional with knowledge of child abuse fails to report pursuant to s.72(1), and extend the penalty to the professional's employer when the individual was acting in their (official or employment) capacity and failed to report.

6. The Ministry of Children and Youth Services fund and carry-out a comprehensive, ongoing, public awareness campaign on the "Duty to Report". This campaign should reflect Ontario's cultural diversity as well as the experience of indigenous communities. In addition, there should be positive messaging around the work of Children's Aid Societies in Ontario.

7. The Ministry of Children and Youth Services consider revising the Child and Family Services Act to include penalties for non-professionals who have knowledge of child abuse and fail to exercise their "Duty to Report" as citizens.

8. The Ministry of Children and Youth Services establish a mandatory annual training program for those professionals with a higher responsibility surrounding the duty to report under s. 72.1(5) of the Child and Family Services Act.

Rights of the Child (United Nations Convention on the Rights of the Child)

9. The Ministry of Children and Youth Services amend the Child and Family Services Act to incorporate the United Nations Convention on the Rights of the Child (UNCRC), including in the purpose/interpretation sections, and in all areas where Article 12 of the UNCRC would apply.

Quality Improvement

10. The Ministry of Children and Youth Services conduct a study to determine the impact of stigma and systemic stereotypes held by Children's Aid Societies (CAS) and their workers with regard to indigenous clientele and the impact this may have on the effectiveness of service interventions they receive from both native and non-native CAS.

11. The Ministry of Children and Youth Services review its accountability framework to ensure that it is exercising the required oversight of Children's Aid Societies (CAS) so that:

a) CAS adhere to the Child Protection Standards and Tools in the delivery of child protection services, by routinely performing, without advance notice, random file reviews and comprehensive audits (child protection files, staff interviews, etc.)

b) workers understand that the Child Protection Standards represent legislated minimums

c) differences between CAS do not lead to inconsistencies in child protection services throughout the province

12. The Ministry of Children and Youth Services consider implementing and funding a shared Intake Screening service in Toronto in order to simplify the process of contacting the appropriate Children's Aid Society.

13. The Ministry of Children and Youth Services require that all Children's Aid Societies review with their staff recommendations from inquests and key findings and recommendations from the Office of the Chief Coroner's Paediatric Death Review Committee (PDRC) relating to the deaths of children connected to the child welfare system. In particular, the Ministry circulate the recommendations from this Inquest touching the death of Katelynn Sampson to all Children's Aid Societies, to share the lessons learned from this tragedy.

14. The Ministry of Children and Youth Services ensure that Children's Aid Societies (CAS) of Ontario change their regular business hours from the current 9:00 a.m. to 5:00 p.m. to a 12-hour period such as 7:00 a.m. to 7:00 p.m., seven days per week. This will ensure greater availability of resources such as direct supervision, access to files and expertise. In addition, this will assist in having CAS provide service within 12 hours as prescribed in the Child Protection Standards.

15. The Ministry of Children and Youth Services in consultation with Children's Aid Societies (CAS) carry out an audit to determine what community resources are available, by region, that assist or support CAS services. The audit should also consider any waiting lists to access these community resources

16. The Ministry of Children and Youth Services ensure that Children's Aid Societies provide Emergency After Hours Services (EAHS) from a society office, rather than at home, and all supervisors, intake screeners/intake workers providing EAHS should work from a society office that allows them to access all resources including databases, files and staff support.

17. The Ministry of Children and Youth Services provide for penalties to be imposed on any Children's Aid Society and/ or child protection worker that omits, destroys or alters a child protection referral.

18. The Ministry of Children and Youth Services fund and provide an infrastructure where all intake phone calls are to be voice-recorded in order to provide accuracy of information as well as for training purposes.

19. The Ministry of Children and Youth Services collaborate with third party accreditors to implement a process by which Children's Aid Societies (CAS) are accredited for quality (for example compliance with standards, staff training, protocols and client satisfaction) on a three-year basis. A CAS's accreditation standing should be made available to the public.

20. The Ministry of Children and Youth Service establish:

a) a consistent system to track Paediatric Death Review Committee recommendations and inquest recommendations that have been implemented or are in progress

b) processes for generating regular reports such as the Ontario Child Mortality Task Force - Final Report (1997) and information relating to child deaths, for Ministry use, in order to support evidence-based decision-making

21. The Ministry of Children and Youth Services ensure that Children's Aid Societies respond to all recommendations directed to them from child death reviews and inquests within a year. Responses should include:

a) an outline of actions taken

b) a timeline for implementation

c) a rationale for any recommendations not implemented

22. The Ministry of Children and Youth Services consider the implications for blended families served by a child-focused child welfare system, and consideration be given to developing a standard to ensure that the child's identity and the child's views and preferences are important factors in determining service provision.

Information Sharing

23. The Ministry of Children and Youth Services in consultation with Ontario Association of Children's Aid Societies, Provincial Advocate for Children and Youth and Office of the Children's Lawyer, provide a legislative framework for information sharing between Children's Aid Societies (CAS), that includes disclosure from CAS to third parties, and other government agencies to CAS. Subsequently, protocols should be developed in order to ensure consistency amongst CAS and to third parties and other government agencies.

24. The Ministry of Children and Youth Services direct Children's Aid Societies of Ontario to no longer restrict files (masked or sealed) to child protection workers by requiring additional approvals, either internally or between agencies within the provincial context, to allow for unfettered access to complete information for child protection workers. Accountability should be emphasized regarding rules and policies on use and disclosure of personal information contained in child protection files.

25. The Ministry of Children and Youth Services initiate the process of developing a province-wide protocol for the release of information and records from police services to Children's Aid Societies, and invite the participation of the Ontario Association of Children's Aid Societies, bargaining agents of the Societies, the Ministry of the Attorney General, the Ministry of Community Safety and Correctional Services, the Police Legal Advisors Committee of the Ontario Association of Chiefs of Police, the Royal Canadian Mounted Police and the Information and Privacy Commissioner of Ontario.

26. The Ministry of Children and Youth Services modify the FastTrack Information System Policy on Security and Sharing of Information which governs FastTrack to be checked in non-parental custody applications and direct Children's Aid Societies (CAS) to report child protection records in other CAS identified in FastTrack when responding

to CAS record checks under the Children's Law Reform Act.

Training

27. The Ministry of Children and Youth Services establish and fund an authorization process for all child protection workers, supervisors and directors including:

- a) Defining of core competencies for various child welfare roles
- b) Determining the elements of the training curriculum required for authorization, and a testing or evaluation component to demonstrate that learning goals have been achieved
- c) Imposing clear restrictions and limitations on practice for unauthorised workers
- d) Setting continuing professional development requirements for maintaining authorization and a testing or evaluation component to demonstrate learning goals have been achieved
- e) Ensuring consideration of the child protection needs specific to Indigenous children, families and communities
- f) Emphasizing the importance of compliance with Child Protection Standards, Tools and Eligibility Spectrum
- g) There should be a provincial oath taken and certificate provided when a child protection worker receives their child protection authorization to reinforce the important role they play in child welfare and society at large

Only authorized child protection workers will have the authority to provide child welfare services that include, but are not limited to conducting investigations, apprehending children or making child protection applications to a child welfare court.

28. The Ministry of Children and Youth Services work with Ontario Association of Children's Aid Societies to develop a mandatory training curriculum on risk assessment. This curriculum should include areas related to: child risk assessment, analysis of historical information, administration of risk assessment tools, critical analysis, development of a service plan and the changing nature of risk assessment.

29. The Ministry of Children and Youth Services direct the Ontario Association of Children's Aid Societies to develop a standard training module to provide child protection workers with appropriate assessments and intervention techniques for use when working with children and adults who experience mental illness, substance use disorders or developmental delay. This module should also include special considerations for diverse cultural groups.

30. The Ministry of Children and Youth Services introduce mandatory annual training regarding the provincial standards for child protection work under the Child and Family Services Act.

31. The Ministry of Children and Youth Services conduct consultations on certification/authorization and on-going training requirements that go beyond the Ontario Association of Children's Aid Societies, so as to include consultations with bargaining agents, the Provincial Advocate for Children and Youth and the Office of the Children's Lawyer.

32. The Ministry of Children and Youth Services in consultation with the Ontario Association of Children's Aid Societies, Association of Native Child and Family Services Agencies of Ontario, Ontario College of Social Work and Ontario Provincial Advocate for Children and Youth consider increasing educational requirements for child protection workers to require them to have a Bachelor of Social Work and that additional education such as a Master's degree in a related field be considered an asset in the hiring process. Following this, Children's Aid Societies will update their job descriptions accordingly.

Child Protection Information Network (CPIN)

33. The Ministry of Children and Youth Services (MCYS) provide a mechanism, such as an online survey, for front-line workers using the Child Protection Information Network (CPIN) to provide anonymous feedback directly to the MCYS to ensure it receives accurate user-experience data. The MCYS should provide the results to the Children's Aid Societies to be distributed to their front-line staff and indicate how issues will be addressed either through application amendments or additional training.

34. The Ministry of Children and Youth Services ensure the final version of Child Protection Information Network (CPIN) incorporates all of the information and functionality of the Child Abuse Register (CAR). Once CPIN is fully implemented, the CAR should be retired.

35. The Ministry of Children and Youth Services modify the Child Protection Information Network (CPIN) to include a

flag that is specifically initiated triggered for an individual who has been verified to have sexually or physically abused a child. This flag in CPIN should not be removable by a child protection worker.

36. The Ministry of Children and Youth Services amend the Child Protection Information Network (CPIN) to ensure that the system records that children's views have been solicited (individually, privately and as appropriate for their age and maturity) at all critical junctures such as investigation, safety/risk assessment, development of service plan/plan of care, regularly-scheduled home/community visits, at times of files transition and at closing.

37. The Ministry of Children and Youth Services provide dedicated resources for uploading legacy records into the Child Protection Information Network (CPIN) as PDF documents, so that they are accessible in full from the CPIN application.

38. The Ministry of Children and Youth Services consult with and involve the organizations representing front line workers in any operational review or assessment of the Child Protection Information Network (CPIN).

39. The Ministry of Children and Youth Services assess the utility of the current search function in the Child Protection Information Network (CPIN). Following this, MCYS will determine if the issue with the search function is a training issue or if a new search mechanism, similar to FastTrack, needs to be implemented.

Child Protection Standards

40. The Ministry of Children and Youth Services review the Child Protection Standards to ensure that, where a person is entitled to access to a child, they are considered part of the assessment of risk and included in Children's Aid Society service planning.

41. The Ministry of Children and Youth Services (MCYS) undertake a workload study to examine the time required to conduct mandated services in accordance with the Child Protection Standards and use the results to inform the review of the funding formula currently underway. Subsequently, the MCYS should consider directing Children's Aid Societies to submit routine workload analysis reports to assess whether agencies are properly resourced.

42. The Ministry of Children and Youth Services amend the Child Protection Standards to include a provision that a child, at the start of a child protection investigation, be seen and assessed by a medical practitioner (physician/nurse practitioner). Confirmation from the practitioner should be sent to the child protection worker for inclusion in their file. Any expense incurred as a result should be borne by the respective agency.

43. The Ministry of Children and Youth Services update Child Protection Standard (2016) #8 so that all child protection files at closing include a review of all available records and databases in order to ensure that the concerns identified at file opening have been addressed and that additional concerns have not arisen.

44. The Ministry of Children and Youth Services revise the Child Protection Standards (2016) to provide conferencing and reconciliation in circumstances where there is disagreement among staff (including supervisors) regarding whether:

- a) a referral should be made to another society or another service provider
- b) there should be a change in coding

45. The Ministry of Children and Youth Services commission an independent study to evaluate whether the use of the Eligibility Spectrum (2006) enhances or detracts from compliance with Child Protection Standards (2016) and if it hinders workers decision making.

46. The Ministry of Children and Youth Services revise Child Protection Standard (2016) #1 to provide for:

- a) an immediate response where imminent harm is assessed by the intake screener;
- b) the intake screener who determines an immediate response is required and is responsible for contacting 911 or initiating the joint investigations protocol prior to passing the referral to another agency or worker.

As an interim step, we recommend all Societies in Ontario adopt this procedure.

47. The Ministry of Children and Youth Services revise the Child Protection Standards (2016) to provide for the possibility of a less-than-12-hour response time, as specified by the child protection worker following the receipt of a referral, in consultation with his or her supervisor. The required response time shall be clearly specified in the intake/referral documents at the time the referral is coded under the Eligibility Spectrum. The supervisor shall then ensure and document that the referral is immediately assigned for investigation.

48. The Ministry of Children and Youth Services amend the Child Protection Standards (2016) to require that supervisors complete case notes of supervision meetings.

49. The Ministry of Children and Youth Services amend the Child Protection Standards (2016) to establish a requirement to record documents which have been reviewed by workers and supervisors at key points (referral, investigation, transfer to family service, supervision consultation, before file closed), and ensure that the Child Protection Information Network (CPIN) functionality tracks this requirement.

50. The Ministry of Children and Youth Services review the Child Protection Standards (2016) to require that persons with access to a child be notified when a child is the subject in an ongoing child protection file subsequent to a child protection investigation.

51. The Ministry of Children and Youth Services update and expand the use of the Ontario Child Protection Tools Manual (2007). In particular, update the contents of the Child Emotional Well-Being Screen (to make it more child-friendly) and lower the age for when the questionnaire may be used and provide direction that it is to be done directly with the child one-on-one and away from any caregiver or parent.

52. The Ministry of Children and Youth Services review and update the Ontario Child Protection Required Tools (2007) sections 1 through 4 used for risk assessment, by applying current research, data and related standards. This should include tools to ensure that every caregiver with access be equally assessed and that there be an age-appropriate, child-friendly tool to establish children's views. In addition, supplementary tools on alcohol use, substance abuse and mental health should be regularly updated to reflect current research and best practices.

53. The Ministry of Children and Youth Services amend the Child Protection Standards (2016) to specifically provide that the Children's Aid Societies (CAS) prepare a written synopsis of historical information of an individual's involvement with CAS and their risk history. The verified written synopsis should travel with the file and be updated as needed. It must be emphasized this should not replace more detailed record checks as required.

Child Abuse Register (CAR)

54. The Ministry of Children and Youth Services expand the circumstances in which the Child Abuse Register can be checked to include non-parental custody applications, by amending the Child and Family Services Act as well as updating the 1987 Interim Guidelines for Reporting to the Register.

55. The Ministry of Children and Youth Services sanction or fine any Children's Aid Society that fails to report verified abuse to the Child Abuse Register within the guidelines.

Funding

56. The Ministry of Children and Youth Services consult with the organizations that represent front-line workers during the review of the Child and Family Services Act and the funding formula.

57. The Ministry of Children and Youth Services (MCYS) immediately conduct a review of the services being provided by Children's Aid Societies (CAS), with a view towards determining whether the current funding model is limiting CAS' ability to effectively carry out child protection services. In addition, MCYS establish a goal for communicating rolling multi-year funding to provide greater certainty and long range planning by agencies and the entire sector; and a pre-budget process take place whereby CAS submit their budget needs to MCYS and that those needs are given considerable weight when undertaking the annual budget process.

Multiservice vs. Single Service Model

58. The Ministry of Children and Youth Services commission a third party to study the single service child protection model against the multiservice protection/prevention model in Ontario to determine if clients are better served through single or multiservice agencies. This study should examine:

a) whether child protection services are diminished in multiservice agencies because of a lack of delineation between protection and prevention services (for example the family may be moved to prevention services when child safety concerns are still present).

b) whether there are sufficient controls to ensure that funding for protection services is not re-allocated to prevention services

MINISTRY OF CHILDREN AND YOUTH SERVICES (MCYS), MINISTRY OF EDUCATION (ME)

Funding

59. The Ministry of Children and Youth Services and the Ministry of Education provide funding to Children's Aid Societies and Boards of Education to enable the development and sustainment of collaborative projects between them. This should include funding for co-location projects, such as the pilot project initiated by Children's Aid Society of Toronto with the Toronto District School Board at Parkdale Public School, as well as the development of protocols, mutual education and training.

MINISTRY OF CHILDREN AND YOUTH SERVICES, ONTARIO PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH (PACY)

60. The Ministry of Children and Youth Services in consultation with the Provincial Advocate for Children and Youth, develop a children's rights pamphlet for children, in a variety of formats geared for different developmental ages, for use by Children's Aid Societies (CAS) to inform all children in families receiving services of their rights under the United Nations Convention on the Rights of the Child.

MINISTRY OF CHILDREN AND YOUTH SERVICES, MINISTRY OF THE ATTORNEY GENERAL (MAG), FAMILY RULES COMMITTEE

Information Sharing

61. The Ministry of the Children and Youth Services work together with the Ministry of the Attorney General and the Family Rules Committee to require the results from searches of FastTrack and successor province-wide Children's Aid Societies (CAS) systems including the Child Protection Information Network (CPIN), as well as the Child Abuse Register (CAR), be placed before the court regarding CAS involvement in non-parental custody transfers. Searches should be done of all adult residents in the proposed new home, respondent(s) as well as the child who is the subject of the non-parental custody application. Any CAS receiving a request for child protection records from a provincial database should provide all records from the province listed, not just the records from that respective agency.

MINISTRY OF CHILDREN AND YOUTH SERVICES, MINISTRY OF COMMUNITY AND SOCIAL SERVICES (MCSS), OFFICE OF THE CHIEF CORONER OF ONTARIO (OCC)

Information Sharing

62. The Ministry of Children and Youth Services, Ministry of Community and Social Services and the Office of the Chief Coroner of Ontario develop a protocol to ensure information is provided to parents and families (including a parent with access) following the death of their child to allow them early access to information about their child's death, contributing factors and corrective actions the parties have put in place to prevent future deaths.

MINISTRY OF CHILDREN AND YOUTH SERVICES, ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES (OACAS)

Training

63. The Ministry of Child and Youth Services with Ontario Association of Children's Aid Societies develop required training for all child welfare professionals (administrators, child protection workers, supervisors and prevention workers in multi-service agencies) regarding the rights of persons with access set out in section 20(5) of the Children's Law Reform Act (CLRA) that the entitlement to access to a child includes the right to visit with and be visited by the child and the same right as a parent to make inquiries and to be given information as to the health, education and welfare of the child.

64. The Ministry of Children and Youth Services in collaboration with Ontario Association of Children's Aid Societies develop mandatory training for all child protection workers on crisis intervention and how to establish and maintain therapeutic relationships, for example, boundary setting and communication skills.

65. The Ministry of Children and Youth Services (MCYS) and the Ontario Association of Children's Aid Societies (OACAS) clearly establish the components of standard initial and on-going training required for child protection workers and supervisors. Compulsory training must be established for different worker roles. The MCYS should determine a cycle of training for workers to ensure they receive updated compulsory training, which should include testing and formal individual evaluation. The MCYS should ensure effective oversight of the content and delivery of required training by the OACAS.

MINISTRY OF CHILDREN AND YOUTH SERVICES, ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES, ASSOCIATION OF NATIVE CHILD AND FAMILY SERVICES AGENCIES OF ONTARIO (ANCFSAO), CHILDREN'S AID SOCIETIES OF ONTARIO

Quality Improvement

66. The Ministry of Children and Youth Services and Children's Aid Societies (CAS) of Ontario via Ontario Association of Children's Aid Societies and Association of Native Child and Family Services Agencies of Ontario should establish reasonable caseload benchmarks for front-line workers and they should collect information on caseloads in a format that allows comparisons in order to determine whether current CAS caseloads are appropriate.

67. The Ministry of Children and Youth Services and Children's Aid Societies of Ontario via Ontario Association of Children's Aid Societies and Association of Native Child and Family Services Agencies of Ontario develop and amend policies on drug assessment and testing, including the completion of unannounced home visits, where substance abuse is a potential concern.

MINISTRY OF THE ATTORNEY GENERAL (MAG)

68. The Ministry of the Attorney General amend section 24(4) of the Children's Law Reform Act to include neglect.

"Duty to Report"

69. The Ministry of the Attorney General (MAG) train all court staff, upon hire and annually thereafter, on the "Duty to Report" suspected child abuse or neglect under the Child and Family Services Act. In addition, MAG should post information on "Duty to Report" in areas visible to court staff.

70. The Ministry of the Attorney General consult with the judiciary or judicial training institutes respecting the "Duty to Report" suspected child abuse or neglect under the Child and Family Services Act by the judiciary, as well as training on the United Nations Convention on the Rights of the Child, and on how to elicit and give weight to the voice of the child.

Quality Improvement

71. The Ministry of the Attorney General (MAG) work with its justice partners such as the Family Rules Committee to identify ways to standardize custody and access orders to assist self-represented litigants and promote the development of orders that clearly speak to the rights and responsibilities of persons with custody of, or access to, a child. MAG should also increase the availability of information about the rights of parents with access under the Children's Law Reform Act, section 20 (5), for example, on their Ministry website.

72. The Ministry of the Attorney General amend the Children's Law Reform Act by incorporating a section similar to section 49 of the Child and Family Services Act, to provide that the court may, on its own initiative, summon a person to attend before it, testify and produce any document or thing, and may enforce obedience to the summons.

73. The Ministry of the Attorney General amend the Children's Law Reform Act, Regulation 24/10 and Form 35.1 to require all adults residing in the home of the person seeking custody of the child, as well as the respondents and the child who is the subject, to provide criminal record checks, CAS and court file checks in a non-parental custody transfer.

Rights of the Child (United Nations Convention on the Rights of the Child)

74. The Ministry of the Attorney General incorporate the United Nations Convention on the Rights of the Child into the purpose/interpretation sections of the Children's Law Reform Act.

75. The Ministry of the Attorney General consult with the Office of the Children's Lawyer (OCL) and the Provincial Advocate for Children and Youth, with the goal of amending the Children's Law Reform Act, with respect to children who are the subject of a non-parent custody proceeding, in order to ensure their best interests are met. The amendments should include the right of the child to:

- a) be informed at the beginning of the application process that they have a legal right to be heard
- b) express views and preferences freely, communicating and participating in a manner that works for them
- c) participate in any process affecting a change in their custody as an integral part of the determination of the child's best interest
- d) have their views considered in a substantive way and be informed of the result reached and the way in which their views have been taken into account

76. The Ministry of the Attorney General amend section 64 (1) of Children's Law Reform Act by removing "where

possible" and adding: "The child has a right to express his or her views in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

77. The Ministry of the Attorney General amend section 30(1) of the Children's Law Reform Act to ensure any appointed neutral assessor has an obligation to directly obtain from the child their views and preferences and the Ministry establish regulations to clarify the role of the assessor in non-parental custody proceedings.

78. The Ministry of the Attorney General amend section 24(2) (b) of the Children's Law Reform Act so it reads: "The right of the child to express his or her views in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

79. The Ministry of the Attorney General (MAG) amend the Children's Law Reform Act to ensure that independent evidence as to the views and preferences of the child in non-parent custody transfer proceedings be elicited and brought before the court. In consultation with stakeholders, including the Provincial Advocate for Children and Youth and the Office of the Children's Lawyer, MAG should consider a variety of ways to facilitate the child's right to participate pursuant to Article 12 of the United Nations Convention on the Rights of the Child.

Information Sharing

80. The Ministry of the Attorney General revise the Children's Law Reform Act to provide that where a non-parent custody application has been filed, and the information received from a Children's Aid Society (CAS) or court file search reveals there has been a recent CAS investigation or multiple openings involving the proposed caregiver or adults residing in the proposed household, that the court advise the CAS of a pending custody transfer proceeding, and that CAS may be asked to appear before the court to provide information relevant to the custody of a child.

81. The Ministry of the Attorney General amend O. Reg. 24/10 of the Children's Law Reform Act (CLRA) regarding "Custody Claims by Non-Parents" to require:

a) non-parents requesting a police records check use the prescribed form ("Consent Form for Police Record Check for Non-Parent Custody Applicants") to request this check as a means of ensuring that the police service is aware that the request is being made pursuant to section 21.1 of the CLRA and that all the records listed in the regulation must be produced

b) the summary of the search results provided by the police explicitly identify that the check was made in response to a request pursuant to section 21.1 of the CLRA, a means of confirming that the check contains all of the records listed in the regulation.

MINISTRY OF THE ATTORNEY GENERAL, FAMILY RULES COMMITTEE

Rights of the Child (United Nations Convention on the Rights of the Child)

82. The Ministry of the Attorney General and Family Rules Committee, where appropriate, amend forms and affidavits to provide for an option that includes ascertaining and recording the views and preferences of the child in a non-parental custody transfer.

83. The Ministry of the Attorney General as well as the Family Rules Committee instruct the courts that a child must be heard by the court in all non-parental custody proceedings where appropriate (i.e. when age-appropriate and cognitively able).

Quality Improvement

84. The Courts should be required to make best efforts to notify respondent parent(s), for example sending a registered letter to the last known address of the parent(s), when a non-parent applicant is seeking permanent custody of a child and the respondent parent(s) are not present in court.

MINISTRY OF THE ATTORNEY GENERAL, FAMILY RULES COMMITTEE, OFFICE OF THE CHILDREN'S LAWYER

85. The Ministry of the Attorney General work in collaboration with the Office of the Children's Lawyer (OCL) and the Family Rules Committee to develop a protocol instructing the courts to send court documents, for all non-parental child custody transfers, to the OCL to determine their role, if any, in each case. This should be done in order to ensure the child's rights are protected.

MINISTRY OF EDUCATION

Rights of the Child (United Nations Convention on the Rights of the Child)

86. The Ministry of Education incorporate the United Nations Convention on the Rights of the Child into the purpose/interpretation sections of the Education Act.

Quality Improvement

87. The Ministry of Education circulate the recommendations from this Inquest touching the Death of Katelynn Sampson to all school boards, to share the lessons learned from this tragedy.

88. The Ministry of Education develop a Policy/Program Memorandum on internal and third party external reviews to be conducted and initiated by school boards where a child enrolled in school in Ontario has died as a result of suspicious circumstances, indicating abuse or neglect, including homicide.

89. The Ministry of Education consult with school boards, the College of Social Workers and the Consent and Capacity Review Board in Ontario to develop a policy or protocol with respect to the ability of school social workers to provide services directly to students who are capable to consent to service, without a requirement for parental consent.

90. The Ministry of Education reassess the number of social workers to Toronto District School Board schools and their ability to deliver mandated services. The Ministry should then consider decreasing the ratio of students to social workers by allocating more social work resources and appropriate funding.

Information Sharing

91. The Ministry of Education consult with school boards, the Provincial Advocate for Children and Youth, youth with lived experience in the child welfare system, the Information and Privacy Commissioner, the Ontario Association of Children's Aid Societies and the Association of Native Child and Family Services Agencies of Ontario with respect to its policies regarding Children's Aid Societies (CAS) and legal custody-related information being placed on the Ontario Student Record (OSR). The consultation should specifically consider the United Nations Convention on the Rights of the Child, Article 12 (the child's right to be heard) and Article 16 (the right to privacy).

The consultation should include the Education Act provisions and the Ontario Student Record Guidelines and:

- a) Address records and information that may be kept in the OSR, including documentation of reports to, and consultations with, CAS about suspected abuse and neglect, as well as legal custody documents or legal custody decisions
- b) Address if CAS-related information is not kept in the OSR, where the information should be retained
- c) Address who is entitled to access an OSR
- d) Ensure that the process for removing records from the OSR can be initiated by a student who is still a minor

Curriculum

92. The Ministry of Education work in consultation with school boards to create new K-12 curriculum that addresses human rights and the United Nations Convention on the Rights of the Child in an age-appropriate way. The curriculum should include explicit references to the rights afforded to children under the UNCRC, including but not limited to: their right to be protected from violence, to have their views considered when decisions are made about them, to education (including the right to regular attendance at school) and to health care (including the right not to be deprived of health care services). Learning expectations should also include explicit references to abuse and neglect within a familial context and identify neglect as an example of an exploitative behaviour. The new curriculum should also be subject to regular testing and evaluations to determine if students are learning key information regarding rights, harm (including neglect), reporting, finding help, consent, boundaries and self-care.

93. The Ministry of Education review the curriculum to establish a mandatory learning expectation that all students in Ontario receive instruction on their duty, as citizens, to report suspected child abuse and neglect under the Child and Family Services Act before the end of high school, and that the Ministry consider incorporating the "Duty to Report" in the civics course in high school. The Ministry of Education consult with Children's Aid Societies to develop resources to support teachers in providing appropriate instruction to students about the "Duty to Report".

MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES (MCSCS)

Information Sharing

94. The Ministry of Community Safety and Correctional Services consider amendments to the Police Services Act, O.

Reg. 265/98, Disclosure of Personal Information, that would explicitly authorize the disclosure of any personal information about an individual to a Children's Aid Society (CAS) when:

- a) a member of the police service is reporting a reasonable suspicion that a child may be in need of protection to the CAS pursuant to section 72 of the Child and Family Services Act; or
- b) a CAS is conducting an investigation into allegations that a child may be in need of protection

MINISTRY OF HEALTH AND LONG TERM CARE

"Duty to Report"

95. The Ministry of Health and Long-Term Care ensure that Emergency Medical Service Providers, including paramedics, are provided with annual training on the "Duty to Report".

ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES

Training

96. The Ontario Association of Children's Aid Societies should provide training to child protection workers on critical thinking and how to appraise as well as document clinical summaries related to the level of risk to a child. Child protection workers must exercise clinical judgement when doing their work and not rely rigidly on rules and procedures.

97. The Ontario Association of Children's Aid Societies provide training on custody transfers in Ontario to ensure that all child protection workers have a strong understanding of custody issues. Training should emphasize that when child protection workers become aware of risks to a child posed by a formal or de facto change of custody, including non-parental custody transfer, the matter should become a child protection investigation. If there is a recent child protection opening with another society, the case should be referred to that Children's Aid Society for investigation.

98. The Ontario Association of Children's Aid Societies develop specific training to assist child protection workers in managing cases with complex (non-parent, access parent, disputes) custody issues, that may impact upon service delivery, multi-agency involvement, collaborative case conferencing and risk assessment.

99. The Ontario Association of Children's Aid Societies review the adequacy and frequency of training for supervisors to ensure that training requirements are sufficiently robust particularly in the area of clinical supervision.

100. The Ontario Association of Children's Aid Societies address training issues surrounding sexual abuse with a focus on the assumptions that workers may have regarding sexual preference of verified sexual abusers when assessing the safety of a child.

Eligibility Spectrum

101. The Ontario Association of Children's Aid Societies re-examine the Eligibility Spectrum (2006) to ensure that the child is at the centre of a referral. Current coding solely rates caregivers and this re-examination must ensure changes are made so that coding more accurately reflects the child's situation and to provide for the possibility that a file may be opened in a child's name.

102. The Ontario Association of Children's Aid Societies review and update the Eligibility Spectrum (2006). The language in the Eligibility Spectrum should be revised to be consistent with the language in the Child Protection Standards (2016) (e.g. verified vs. convicted). The Eligibility Spectrum should be routinely reviewed to ensure it reflects the most current approaches in the child protection field.

ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES, ASSOCIATION OF NATIVE CHILD AND FAMILY SERVICES AGENCIES OF ONTARIO, CHILDREN'S AID SOCIETIES OF ONTARIO

Quality Improvement

103. The Children's Aid Societies of Ontario via Ontario Association of Children's Aid Societies and Association of Native Child and Family Services Agencies of Ontario develop a policy dictating that a clear audit trail (worker name/number, date/time stamp) be available where there are changes to records after entry.

104. The Children's Aid Societies of Ontario via Ontario Association of Children's Aid Societies and Association of Native Child and Family Services Agencies of Ontario revise the Interagency Protocol to ensure direct consultation between two agencies' intake screeners and supervisors when an agency receiving a transferred referral changes an initial determination that an investigation must be done. A rationale for not doing an investigation should be

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documented in the case file.

105. The Children's Aid Societies of Ontario, Ontario Association of Children's Aid Societies and Association of Native Child and Family Services Agencies of Ontario develop a clear directive that no front-line worker is to carry out any mandated child protection service without appropriate training and supervision.

106. The Children's Aid Societies of Ontario, Ontario Association of Children's Aid Societies and Association of Native Child and Family Services Agencies of Ontario ensure the determination of a child's family constellation is accurate and routinely reassessed. Child protection workers must take great care when using and documenting familial terms in child protection files (e.g. aunt, uncle, father and mother). If the relationship between a child and other individuals is unclear it should be stated. This is necessary to ensure risk factors are properly determined.

ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES, ASSOCIATION OF NATIVE CHILD AND FAMILY SERVICES AGENCIES OF ONTARIO

Training

107. The Ontario Association of Children's Aid Societies and Association of Native Child and Family Services Agencies of Ontario consider working with educational institutions (Council of Ontario Universities) to inform them of the competencies required by the child protection sector in order to ensure they are available to students in the Social Work department.

CHILDREN'S AID SOCIETIES OF ONTARIO

108. The Children's Aid Societies of Ontario should work together in a spirit of cooperation and support of each other's efforts in recognition of the mandate to provide a unified child protection community, particularly in overlapping jurisdictions. Efforts could be made to encourage this through team building exercises such as joint conferences, staff exchange programs and other joint facilitative opportunities. A survey regarding perceived barriers between agencies could be done to identify areas where cooperation could be improved.

Quality Improvement

109. The Children's Aid Societies (CAS) of Ontario when dealing with referrals involving blended families, ensure the child's identity, views and preferences are important factors guiding the choice of which CAS is to deliver services.

110. The Children's Aid Societies (CAS) of Ontario adopt a policy that when a caregiver requests removal of a child, 12 years of age or under, from the home, the referral must be coded extremely severe with a mandatory 12-hour response time, during which the child must be seen.

111. The Children's Aid Societies of Ontario require that any designated child protection worker, as defined by s.37 (1) of the Child and Family Services Act, in their employ with the requisite degree or diploma, be registered with the Ontario College of Social Work.

112. The Children's Aid Societies of Ontario implement a partner system for initial child protection investigations to ensure individual interviewing of a child and of caregiver(s), to ensure worker safety, and to offer a second clinical point of view.

113. The Children's Aid Societies of Ontario review policies relating to the abuse of children and youth to ensure those policies employ expansive language relating to child maltreatment so as to incorporate abuse, neglect, emotional harm and physical harm envisaged and articulated in section 37 of the Child and Family Services Act.

Training

114. The Children's Aid Societies of Ontario train their workers regarding the rights set in out in section 20(5) of the Children's Law Reform Act that the entitlement to access to a child includes: the right to visit with and be visited by the child and the same right as a parent to make inquiries and to be given information as to the health, education and welfare of the child.

OFFICE OF THE CHIEF CORONER OF ONTARIO, CHILDREN'S AID SOCIETIES OF ONTARIO

Quality Improvement

115. The Office of the Chief Coroner as well as all Children's Aid Societies ensure that when a child death occurs, all child protection workers that had any involvement with the child and/or family, be informed of their involvement and interviewed for any Agency commissioned or Coroner's reports. Such worker interviews should be included in the

reporting.

TORONTO CHILDREN'S AID SOCIETIES

Quality Improvement

116. The four Toronto Children's Aid Societies providing services to the children and families of Toronto, adopt a shared Intake Screening service, utilizing a single telephone number in order to prevent confusion resulting from different numbers, to minimize lost referrals, to increase accessibility and to provide for pooling of resources.

117. The four Toronto Children's Aid Societies ensure that in addition to requiring full attendance, training courses include a component to assess worker retention and understanding of course material.

TORONTO CHILDREN'S AID SOCIETIES, TORONTO POLICE SERVICES

Quality Improvement

118. The Toronto Police Services and the four Toronto Children's Aid Societies incorporate the "Addendum: Children's Aid Society and Police Protocols, Investigation of Suspicious Child Deaths" from the Ministry of Children and Youth Services and the Office of the Chief Coroner into the next revision of the Toronto Joint Protocol for Investigations of Child Abuse.

Information Sharing

119. The Toronto Police Services (TPS) and the four Toronto Children's Aid Societies (CAS) develop a protocol to govern the release of information and records from the TPS to the CAS. This protocol should address the process by which requests for information and records are made, the types of records that will be produced and any conditions or terms for the release of these records.

NATIVE CHILD AND FAMILY SERVICES OF TORONTO (NCFST)

120. Native Child and Family Services of Toronto understand that the onus in determining child protection needs rests on the agency. The agency should take initiative and engage actively in both the gathering and verification of information in child protection matters.

"Duty to Report"

121. Native Child and Family Services of Toronto (NCFST) provide an improved process for prevention workers and supervisors to report concerns to protection services under the "Duty to Report". In addition, NCFST should provide appropriate ongoing "Duty to Report" training to prevention workers and supervisors.

Quality Improvement

122. Native Child and Family Services of Toronto should review the recommendations from this Inquest touching the death of Katelynn Sampson with staff, to share the lessons learned from this tragedy.

123. Native Child and Family Services of Toronto develop/update a protocol regarding the assessment and management of risk arising from allegations of sexual abuse, including the identification of professional resources for the assessment of such risk.

124. Native Child and Family Services of Toronto review and update all outdated policies and manuals, for example, the 2004 manuals "Risk Assessment Model for Child Protection in Ontario", "Intake Services", "Telephone Intake", "Family Services" and "Emergency After Hours Service", to ensure that they are in line with the Child Protection Standards (2016) and reflect best practices and current research in the field. This process of updating policies and manuals should be done on an on-going basis.

Training

125. Native Child and Family Services of Toronto provide additional training to its workers and supervisors in the development of family service planning and service delivery to ensure that:

a) Service plan development, interventions, action and contact are purposeful and relevant to addressing critical issues and risk factors. The plan should be clear in case documentation.

b) Information from key collaterals regarding the progress of a service plan should be proactively sought, verified

and documented.

c) Case conferencing should be utilized where appropriate to ensure all current workers are apprised of recent risk assessment outcomes and service delivery plans.

d) Supervisors should review and evaluate service plans for effectiveness and compliance with the Child Protection Standards in consultation with workers.

126. Native Child and Family Services of Toronto train its workers and supervisors on issues relating to accuracy and completeness of documentation, ensuring:

a) Closing dispositions must relate to or address changes to opening disposition

b) All documents must clearly indicate the name of author and/or source of information. Documents must be dated/time-stamped in a consistent manner

c) Note-taking and documentation must be clear and comprehensive, including notes relating to parent/caregiver and child interviews

d) Information in documents and reports which is cut and pasted from other reports must have the originating source clearly referenced with the date and name of the prior worker or report sourced

e) All decisions should be documented along with their rationale. Any deviation from the Child Protection Standards (2016), internal protocols or identified service plan goals must have a clearly documented explanation with supervisor approval

f) All documents reviewed by a worker or supervisor to inform decision making must be listed by name of report, author and agency, and date/time-stamped

g) All files are checked to make certain that searches of all key available databases [i.e. the Provincial Database; the Society's internal database and the Child Abuse Registry (as applicable)] are completed upon referral in all cases. All individuals identified, including children, must be searched and maintained in the file

127. Native Child and Family Services of Toronto train its child protection workers (including supervisors) on issues of service plan goal abandonment with respect to mitigating risk in a child protection case, highlighting the following:

a) A fully documented rationale must record both supervisor consultation and approval of abandoned goals. New service plan goals are to be developed and recorded in the file indicating how the new plan provides a better mitigation of risk to the child.

b) Where a change in circumstances results in goal abandonment, the source of verification is to be identified and recorded on the case file. Self-reports are not sufficient evidence to abandon goals.

c) Workers must not close a file with abandoned or incomplete goals unless the minimum criteria have been met, as stated in the Child Protection Standards (2016) #8, which includes that the risk factors identified no longer exist and have been reduced as to no longer pose concerns to the direct safety or well-being of the child.

d) When a file is closed with abandoned goals, the supervisor must apply and prove their process of clinical judgement and document that the minimum criteria could not be met, as stated in the Child Protection Standards (2016) #8.

128. Native Child and Family Services of Toronto train its workers to ensure that upon internal case transfer between workers:

a) The current case manager and/or supervisor must convene, attend and document case conferences when discharging or transferring a case

b) The current case manager and/or supervisor provide an overview of critical issues regarding current involvement, risk factors past and present, overall progress and outcomes of goals established as part of service plan or risk assessment

c) The current case manager and/or supervisor must convey all information that will assist new workers in developing relevant plans and the awareness of potential risks

d) On receipt of a transferred file, workers must independently complete a thorough review of the files in order to

verify whether there is missing and incomplete information. Following the review, if any discrepancies are found, they should be corrected and changes documented to ensure the next case manager will see where changes and updates have been made

Child Abuse Register

129. Native Child and Family Services of Toronto report all instances of verified abuse to the Child Abuse Register in a timely manner in accordance with the Ministry of Children and Youth Services 1987 Interim Guidelines for Reporting to the Register

CHILDREN'S AID SOCIETY OF TORONTO, NATIVE CHILD AND FAMILY SERVICES OF TORONTO

Quality Improvement

130. The Children's Aid Society of Toronto and Native Child and Family Services of Toronto implement measures to routinely audit the type and frequency of supervision received by child protection workers during investigations to ensure the Supervision Standards are being followed.

131. The Children's Aid Society of Toronto and Native Child and Family Services of Toronto ensure information from internal and external reviews, including Paediatric Death Review Committee reports and inquests, following the death of a child are shared with staff, so action may be taken promptly to address issues emerging from such reviews.

132. The Children's Aid Society of Toronto and Native Child and Family Services of Toronto, in cases where an agency is suggesting a protection file be closed and the caregiver is asking for it to stay open, the agency should consider this a significant risk and engage both protection and prevention supports as well as initiate case conferencing prior to considering closure.

Training

133. The Children's Aid Society of Toronto and Native Child and Family Services of Toronto train their workers with respect to the importance of seeking police records in order to inform risk assessments when they become aware of criminal activity that could impact the safety of a child or risk to a child. When seeking collateral information from the Toronto Police Services (TPS), the best practice is to obtain consents for the release of this information as this will yield the most comprehensive information about police contacts with the family. Those records must be clearly documented in the protection file. Workers must review the information in order to determine the relevance of risk to a child and document the decision to use or not use such information in risk assessments. Information from the TPS should be sought at regular intervals when the protection concerns pertain to risks such as alcohol/substance misuse and domestic violence.

134. The Children's Aid Society of Toronto and Native Child and Family Services of Toronto train their workers to effectively utilize secondary coding from the Eligibility Spectrum when they become aware of additional concerns. All intake screeners should be trained to secondarily code when record searches, collateral inquiries or family history reveal new information which raises additional issues of risk.

CHILDREN'S AID SOCIETY OF TORONTO

Quality Improvement

135. The Children's Aid Society of Toronto review recommendations from this Inquest touching the death of Katelynn Sampson with staff, to share the lessons learned from this tragedy.

Child Abuse Register

136. The Children's Aid Society of Toronto report all instances of verified abuse to the Child Abuse Register in a timely manner, in accordance with the Ministry of Children and Youth Services 1987 Interim Guidelines for Reporting to the Register.

OFFICE OF THE CHIEF CORONER OF ONTARIO

137. The Office of the Chief Coroner (OCC) request that all organizations and institutions receiving these recommendations provide a report updating their responses within a year of receipt. The OCC make responses to this Inquest publicly available.

TORONTO DISTRICT SCHOOL BOARD (TDSB)

"Duty to Report"

138. The Toronto District School Board enhance the annual "Duty to Report" training of staff by expanding the component of the training that is devoted to group discussion and analysis of case scenarios, and potentially including representatives from a Children's Aid Society in this segment.

139. The Toronto District School Board require all persons volunteering at the school during school hours shall be provided with written material about their "Duty to Report" suspected abuse and neglect.

140. The Toronto District School Board enhance the annual "Duty to Report" training of staff by developing a case scenario based on Katelynn's circumstance to identify and discuss the possible indicators of abuse and neglect (i.e. absenteeism, questionable sites for bruises and behaviours or characteristics observed in adults who abuse children).

141. The Toronto District School Board enhance the annual "Duty to Report" training of staff by including specific training or case scenarios related to managing the ongoing caregiver/student/teacher relationship following the making of a report to a Children's Aid Society

142. The Toronto District School Board should require that all casual and temporary staff who will be acting in the role of Principal or classroom teacher receive information on the "Duty to Report" prior to the beginning of their contract and receive training about the "Duty to Report" within six weeks of commencing their duties.

"Duty to Report" (Operational Procedures)

143. The Toronto District School Board amend their Abuse and Neglect of Students Operational Procedure PR 560 (B.4 How to Report?) to include immediate notification of police whenever there is a perceived safety risk to a child due to delayed response by a CAS (for example: if the student may return home after school due to either an inability or delay in the CAS response).

144. The Toronto District School Board revise Operational Procedure PR560: Dealing with the Abuse and Neglect of Students as follows:

- a) Paragraph 4, in section B.2: What to Report? be amended to clarify the meaning of "should not conduct an investigation" to prevent school employees from speaking with a caregiver or interviewing the child extensively, and the reasons for this
- b) Paragraph 6, in section B.4: How to Report? to read "If it is not apparent that an investigation has commenced within 24 hours, it is the responsibility of the Principal, supervisor or designate to contact the Children's Aid Societies to ascertain the status of the investigation".
- c) Section B.4: How to Report? include a provision that if a child is absent from school anytime within five school days after a report has been made to the CAS, then the Principal should report this absence to the Children's Aid Societies as a follow-up to the initial report
- d) Section B.4: How to Report? include a provision that an elementary student's homeroom teacher should be advised by the Principal in a timely manner of any calls made to CAS by other school staff
- e) Paragraph 7, in section B.3: When and To Whom to Report?, to add "a pattern of problematic attendance", when tied to any of the circumstances noted in (a) through (e) in the procedure, to prompt a call to the CAS
- f) Paragraph 7, in section B.3: When and To Whom to Report?, be amended to provide that the Principal should notify the appropriate CAS when the Principal becomes aware that a child known to have been reported to be at risk, found to be in need of protection or who was the subject of a report to the CAS during the same school year, has ceased attending the school, transferred to a new school, or is receiving home- schooling.

145. The Toronto District School Board amend section B.6 of Operational Procedure PR560 to provide guidance to employees about what information can and should be conveyed to parents and guardians, including persons with entitlement to access to a child, following the making of a report to a Children's Aid Society.

146. The Toronto District School Board amend form 560 B to include consultations with Children's Aid Societies' as well as a brief summary of the purpose for the report. Forms 560 A, B, and C should include the date and time of the incident and date/time/signature of the form completion.

147. The Toronto District School Board operational procedure PR 560 "Dealing with Abuse and Neglect of Students" should be revised to remove any statement that teachers should not provide the name of the student subject when calling Children's Aid Society for a consult.

148. The Toronto District School Board review the issue of how the school should track calls to a Society (including both calls to report abuse, and calls to consult), actions taken and direction provided by a Society, and steps taken to follow up on calls to a Society where there is no apparent action, as well as where records relating to the above should be collected.

Rights of the Child (United Nations Convention on the Rights of the Child)

149. The Toronto District School Board incorporate the rights of the child under the United Nations Convention on the Rights of the Child, with development of and reference to learning resources/lesson plans geared toward the various grades and developmental levels of children.

150. The Toronto District School Board provide professional learning for teachers by providing information/lesson plans/resources and strategies that will better support teachers' understanding and enhance professional capacity around the following, but not limited to, teaching children about the rights of the child under the United Nations Convention on the Rights of the Child (for example: empathy, student voice, boundaries, consent and recognising acts of violence, "reporting and asking for help").

151. The Toronto District School Board (TDSB) ensure every TDSB student receives an agenda at the beginning of the school year that provides information in the common and/or school pages about the rights of the child under the United Nations Convention on the Rights of the Child. The common and/or school pages of the agenda should also have the numbers for the Kids HelpLine and the Student Safety Line. The Board should involve children and youth in the design of the common and school pages, and include where appropriate visual material and child-friendly language. In addition to the student agenda, the Toronto District School Board disseminate information regarding the rights of the child under the United Nations Convention on the Rights of the Child throughout its schools in a variety of accessible and child-friendly formats.

Quality Improvement

152. Toronto District School Board (TDSB) social workers, where there is a claim by a guardian or parent that a child is using the social services of a Children's Aid Society, will verify the claim with that Society in order to gather information on the child in establishing whether TDSB social services are required.

153. Toronto District School Board amend its policies, training and forms related to persons with access to ensure they reflect the rights set out in Section 20(5) of the Children's Law Reform Act that the entitlement to access to a child includes the right to visit with and be visited by the child and the same right as a parent to make inquiries and to be given information as to the health, education (including attendance records) and welfare of the child.

154. The Toronto District School Board ensure greater visibility of social workers in the schools through such measures as:

- a) Introducing social worker to students at beginning of the year assemblies, or by visiting individual classrooms to discuss services offered
- b) Including material in the agenda about the role of the social worker as well as their contact information
- c) Posting of times/days when the social worker is at the school

155. The Toronto District School Board communicate to students of all ages, in appropriate child-friendly formats, the availability of support services provided by staff including social workers, guidance counsellors, and psycho-educational consultants.

156. The Toronto District School Board revise the Form 560C Checklist for Reporting to a CAS to include the telephone numbers of all Toronto Children's Aid Societies.

Information Sharing

157. The Toronto District School Board establish in its policies and procedures that the Principal act as a nexus of information between Children's Aid Societies, teachers, administration staff, social workers and Toronto Police Services. Principals are to be engaged with and relied upon when issues of child safety arise.

158. The Toronto District School Board work with the four Toronto Societies to develop better information-sharing practices between societies and schools to assist in identifying, reporting and monitoring concerns regarding abuse and neglect.

159. The Toronto District School Board determine how and where notes/documentation about individual students made by Principals, Vice-Principals, teachers, and staff are stored and shared among staff, in order to ensure:

- a) all staff involved with a student are aware of any potential issues of abuse or neglect
- b) incoming or coverage staff will have an accurate and complete picture of these issues
- c) when a child transfers to a new school within the TDSB, staff at that school will be aware of any issues of concern
- d) information is maintained in a secure location and access is restricted to designated staff in order to protect the student's privacy

Training

160. The Toronto District School Board continue the annual training for administrators about their duty to follow up with the Children's Aid Societies if no apparent action is taken in response to a report to a Society, and the steps they may take in this regard, and should incorporate a case scenario based on Katelynn's circumstances to illustrate the importance of follow-up.

161. The Toronto District School Board conduct annual face-to-face training on abuse and neglect which should be completed within the first six weeks of the school year. In the event of job action, written materials should be distributed to all staff with direct contact with students within the first two weeks of the school year, and in-person training conducted within 12 weeks of the conclusion of the work stoppage.

Attendance

162. The Toronto District School Board revise Operational Procedure PR707A, Student Attendance and Safe Arrival Procedures [Elementary], section C.2, to add a request for a home visit by an attendance counsellor (social worker) or call to Children's Aid Societies to ensure that a child is seen, as one of the key options in dealing with problematic attendance issues. This section of the policy should also indicate that absenteeism on its own may be reportable, given the circumstances, as an indicator of neglect or abuse.

163. The Toronto District School Board continue its efforts to implement an electronic system of attendance flag alerts (at the 5, 10, and 15 day points) in, or alongside, the Trillium program. Flag alerts should also capture missed half-days.

164. The Toronto District School Board Revise Operational Procedure PR707A, Student Attendance and Safe Arrivals Procedures [Elementary], section C, section C.2, subparagraph (e) to require that Principals in all cases request external confirmation (which might include a medical note, travel verification, or that the child be seen by a school official) to verify absences (actual or projected) that exceed 10 consecutive days or 10 out of 30 cumulative days. Section C.2 should also be amended to reflect the accumulation of half day absences in identifying an implementation plan.

TORONTO POLICE SERVICES (TPS)

"Duty to Report"

165. The Toronto Police Services develop a strategy to broadly distribute the pamphlet developed by the Ministry of Children and Youth Services on the public's "Duty to Report" child abuse and neglect, including training its members to provide this pamphlet to the person(s) who is interviewed as part of a child abuse or child homicide investigation.

166. The Toronto Police Services ensure all police officers are provided with ongoing, mandatory training at regular intervals on their "Duty to Report" and the recognition of the signs of child abuse and neglect, and should collaborate with the Toronto Children's Aid Societies in developing and delivering this training. There should be an emphasis on personal responsibility to report and the potential "Duty to Report" in domestic occurrences.

Quality Improvement

167. The Toronto Police Services consider identifying a single contact person or department within the Service who will respond to telephone inquiries from Children's Aid Society workers who are seeking personal information about individuals, as a means of ensuring that the member responding to the call has the training and experience to respond effectively and the information is provided in a consistent manner.

168. The Toronto Police Services, in cases involving possible domestic conflict when children are present in the home, should observe the children for signs of abuse and neglect and include a description of the children in the police report.

Information Sharing

169. The Toronto Police Services (TPS) take into account the potential importance of police record and occurrence report information to risk assessment and child protection. Upon the development of a protocol with the four Toronto Children's Aid Societies (CAS), the TPS should amend the Service Procedure on the disclosure of personal information pursuant to O. Reg. 265/98 of the Police Services Act to provide guidelines on the personal information that may be shared with a CAS when:

- a) a member of the police service is reporting a reasonable suspicion that a child may be in need of protection to the Children's Aid Society pursuant to section 72 of the Child and Family Services Act
- b) a CAS is conducting an investigation into allegations that a child may be in need of protection
- c) a CAS is seeking information about an individual in the course of providing ongoing service to a child and family, and the information would assist with risk assessment and protection of the child.

TORONTO POLICE SERVICES, TORONTO EMERGENCY MEDICAL SERVICES (EMS)

"Duty to Report"

170. The Toronto Police Services and Toronto Emergency Medical Services amend their policies and procedures to include that when a child under 16 years of age dies under suspicious circumstances, the relevant Children's Aid Society must be informed in circumstances where other children may also be at potential risk of harm.

LEGAL AID ONTARIO

171. Legal Aid Ontario instruct their staff/counsel that when filling out forms relating to non-parent custody transfers, the information, if not verified, is clearly stated as not substantiated and represents the opinion of the applicant only.

NATIONAL JUDICIAL INSTITUTE

172. The National Judicial Institute provide training to the judiciary with respect to their "Duty to Report" as well as training on the United Nations Convention on the Rights of the Child and on how to elicit and give weight to the voice of the child.

ONE AGENCY

173. Urge the Ministry of Child and Youth Services (MCYS), notwithstanding our previous recommendations, to strongly consider the incorporation of child protection services in Ontario under one provincial structure in consultation/partnership with Association of Native Child and Family Services Agencies of Ontario, Ontario Association of Children's Aid Societies as well as representatives from other cultural and religious agencies with a child protection mandate in order to:

- minimize jurisdictional barriers within and between communities and the variety of joint protocols including case conferences currently required for case transfer
- remove barriers to information sharing, such as ownership of information
- remove confusion over agency jurisdiction of children in blended families
- take advantage of economies of scale including the sharing of services such as finance and administration
- create the opportunity for worker mobility where specific competencies may be in demand
- ensure indigenous-specific competencies are available province wide
- ensure competencies province-wide regarding special needs, i.e. substance and alcohol abuse and parents/children with disabilities
- facilitate access to workers with diverse cultural competencies
- reduce duplication of efforts in the child protection system
- facilitate the adoption of best practices and ensure consistent application province-wide

- create one province-wide number for which to stream all referrals and consultations
- minimize the differences in organizational culture and nomenclature that currently exists between different agencies
- allow for quicker and more efficient widespread adoption of new technologies
- ensure that MCYS assume full responsibility for the delivery of child protection services

As the Child Protection Information Network (CPIN) is implemented across all Children's Aid Societies in the province, this may facilitate an opportunity for each agency to come under one provincial structure.

2016 CanLII 60525 (ON OCCO)

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Verdict Explanation

Inquest into the Death of Katelynn Angel Sampson

**November 9, 2015 – April 29, 2016
Coroners Courts
25 Morton Shulman Avenue, Toronto**

2016 CanLII 60625 (ON OCOO)

Opening Comment:

This verdict explanation is intended to give the reader a brief overview of the circumstances surrounding the death of Katelynn Sampson, along with some context for the recommendations made by the jury. The synopsis of events and coroner's comments herein are based on my recollection as presiding coroner of the evidence presented, and on what I believe to be the jury's findings of fact from that evidence. This explanation has been written to assist in understanding the intent of the various recommendations so that recipient organizations, agencies and ministries of government might be in a better position to consider their implementation.

Preamble:

This inquest was discretionary and directed by the Chief Coroner under the *Coroners Act*. It commenced on November 9, 2015 and heard evidence over several weeks to December 16, 2015, and then recessed until January 25, 2016. Evidence concluded on February 23, with submissions to the jury on February 29, 2016. In total, the jury heard from 37 witnesses over 37 sitting days of evidence, and had 191 exhibits tendered. Due to the complexity of the subject matter, voluminous materials provided as exhibits for the jury to review, and numerous recommendations suggested by the various parties, jury deliberations took a total of 41 days to complete. The inquest reconvened and received the verdict and 173 recommendations on April 29, 2016.

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Children's Aid Society of Toronto	Mark Freiman / Gillian Hnatiw Lerners LLP
Native Child and Family Services Of Toronto	Katherine Hensel / Claire Millgate Michael D. Hartrick
Toronto Police Service	Gail Glickman / Sie-Wing Khoo Toronto Police Service

Summary of the Circumstances of Death:

Katelynn Angel Sampson was born on October 24, 2000, and died on August 3, 2008. Her biological mother, BS, had a longstanding history of drug abuse, including use of crack cocaine. As a result, five children born to BS between October 1983 and January 1994 were apprehended by Children's Aid Society of Toronto (CAST) and made Crown Wards. During her pregnancy and for a period of time after Katelynn's birth, BS remained sufficiently drug-free that she was able to care for Katelynn.

Over time, BS relapsed into drug-taking, and concerns regarding her ability to provide care were brought to the attention of CAST. On September 14, 2003, Katelynn was apprehended by CAST, but returned to her mother's care on September 17th, subject to a voluntary working agreement. In November 2003, BS tested positive for drugs and commenced a relapse prevention program. In January 2004, BS refused to renew the voluntary working agreement if it included mandatory drug screens. In April 2004, CAST was again involved because of an alleged domestic violence incident in the home. By August 2004, BS advised CAST that her relationship with Katelynn's father was over, and she discontinued the drug relapse prevention program.

In February 2005, further allegations of drug use by BS led to another referral to CAST. Although the allegations were determined to be unfounded, CAST continued to visit monthly over the next three months and assess Katelynn during those visits. In January 2006, an anonymous referral suggested that BS was again using and trafficking cocaine, at times leaving her daughter unattended, unkempt and dirty, and that the father had re-entered the picture and was often present in the home. For reasons that remain unclear, this referral was never investigated.

In the spring of 2007, out of fear that she would lose Katelynn to CAST, BS entered into an informal agreement with her good friend, DI (and her common-law partner, WJ) that Katelynn would live with DI. On May 3, 2007, Katelynn began to live at 105 Westlodge Ave, Apt 210, Toronto with DI, WJ and their two young sons. This agreement included allowing BS to have access to her daughter, and providing DI and WJ with \$200, part of the monthly government support BS received for Katelynn's care.

DI, who was of Aboriginal origin, also had a significant past history with CAST, having had her first two children apprehended and made Crown Wards because of concerns about cocaine use and domestic violence. After the birth of her third child in August 2004, a referral to CAST was forwarded to Native Child and Family Services of Toronto (NCFST). NCFST was aware of DI's past history with CAST, and was also made aware of past allegations concerning WJ that involved possible sexual abuse of two nieces.

In June 2005, CAST received information that DI was pregnant with her fourth child, and was allegedly using crack cocaine. This referral was forwarded to NCFST who investigated. On the basis of a negative drug screen, the allegation of abuse was not established but services to the family by NCFST were continued. Child four was born to DI in December 2005. In May 2007, NCFST transferred DI's file from Protection Services to voluntary

Prevention Services. On June 27, 2007 the case worker (CW1) for NCFST first observed Katelynn in DI's home.

DI told CW1 that Katelynn was not living with them, but only being babysat during the daytime for the summer months. On August 1, 2007, DI told another case worker (CW2) that she wanted to adopt Katelynn. When this was reported to CW1, that case worker had concerns about whether Katelynn was potentially being abused or neglected by her mother, BS. CW1 indicated that she would consult with her supervisor on whether Katelynn could continue living with DI and WJ.

On August 21, CW3 from NCFST attended the DI/WJ home as part of the voluntary Prevention Service. Katelynn was not present, and DI and WJ indicated that she was no longer living with them but had returned to her mother's care, (which was not true). DI and WJ indicated that they wanted no further involvement with NCFST. DI reiterated this position to CW1 on August 27, 2007. Because the service arrangement had been voluntary, NCFST closed her Prevention Services file.

In written statements dated May 3 and October 19, 2007 and signed by BS, she gave custody of Katelynn to DI and WJ. On November 16, DI applied to Family Court for formal custody of Katelynn. She also applied for financial assistance to care for the child.

On December 17, 2007, Katelynn's school contacted CAST to inquire about BS's right to pick her daughter up at school, given the letter of October 19th giving DI custody over Katelynn. In the minds of the school officials, this call to CAST was deemed a consultation for information/guidance only, and was not considered to be a formal report or referral to CAST. Neither CAST nor NCFST did any kind of follow up on this, as it was not deemed to be a report concerning a child's safety.

On February 4, 2008 the school again contacted CAST over concerns regarding Katelynn's status with her mother, BS. Based on this referral, an internal records check at that time noted a criminal record for WJ, so CAST requested further information from NCFST. NCFST provided verbal information to CAST, who subsequently formally transferred the school's referral to NCFST. On February 6th, CAST provided information to NCFST about WJ's suspected historical allegations of sexual abuse of two nieces. CAST had apparently deemed the abuse to have been verified, but had not taken steps to place WJ on the Child Abuse Register (CAR). Confusion for NCFST workers as to whether the abuse had been verified or not resulted in no child protection investigation commencing at that time.

On February 11, 2008, Catholic Children's Aid Society made a referral to CAST concerning DI. It was alleged that she was involved in prostitution and was using crack cocaine, along with WJ. This referral was reportedly forwarded to NCFST by facsimile, but unfortunately it was either never sent, never received or somehow was lost. This meant that NCFST did not investigate the allegations.

On February 19, 2008, the application for custody of Katelynn came before Family Court. This was a non-contested, non-parental application that was supported by BS. Because of the private agreements that had existed from May 2007, neither CAST nor NCFST had any involvement in the custody proceeding. In keeping with common practice, the Court sought no collateral information from police records or other sources regarding the suitability of DI and WJ to take legal custody of Katelynn. The Court did not request the Office of the Children's Lawyer to intervene on Katelynn's behalf, nor did the Court consider the child's views or position on this matter.

On March 30, 2008 DI called the after-hours number for CAS and spoke to a CAST worker, wishing to have Katelynn removed from her home due to unmanageable behaviour. The CAST after-hours worker offered some advice on managing the immediate situation, and arranged to refer the matter to NCFST the following morning. On March 31st, DI called a supervisor at NCFST and withdrew the request for Katelynn's removal, but requested resumption of voluntary Prevention Services.

During the school year to this point, Katelynn's attendance at school had been plagued by numerous absences. Between Sept 4, 2007 and Christmas break, Katelynn had been absent for 12 full days and 8 half-days. Between January 7, 2008 and March 28, she had been absent 17 full days and 7 half-days, including a stretch of 14 consecutive days from February 19 to March 7, leading into March Break week. Many of the half-day absences were on either Friday afternoons or Monday mornings.

On April 1, 2008 DI met with Katelynn's teacher due to the latter's concerns about the multiple absences and the negative effect they were having on her academic performance. DI complained of difficulties she was experiencing with Katelynn demonstrating stubborn behaviours and refusing to brush her teeth and bathe. DI asked about getting support from a social worker through the school.

Katelynn was again absent on Monday, April 8, and during that week her teacher noticed bruising on her arms and legs. Both Katelynn and DI explained away the bruising as arising from playing ball hockey with DI's two young sons (aged 3 years 8 months, and 2 years 4 months at the time). No report was made to either CAST or NCFST at that time.

Katelynn missed school Friday afternoon, April 11, and then the entire next week of April 14-18. NCFST Prevention Services attempted to contact DI on April 7 and 16 about her request for resumption of voluntary Prevention Services, leaving voice messages on her answering machine. DI returned the latter call and indicated that the school was providing services, (which was not true,) and that NCFST involvement was not required. The file was closed by NCFST.

When Katelynn returned to school on Monday April 21, she was noted to have some obvious injuries. The school principal observed bruising on her face, red marks on her cheeks and redness on her hands, and he sought an explanation. Katelynn explained the hand injuries as having occurred when hot water spilled on her. When contacted, DI explained the bruising as being due to "roughhousing" with WJ and the boys. Unsatisfied with these explanations, the principal reported to CAST who referred the matter directly to NCFST. There were no records of NCFST receiving this referral and there was no investigation of the concerns.

Katelynn continued to attend school the weeks of April 21-25 and April 28- May 1. During this time, the school assumed that CAST was investigating the matter of the concerning injuries on Katelynn, and did not make further inquiries or reports. Katelynn was absent again on Friday, May 2nd, and never returned to the school thereafter. DI explained to school officials that Katelynn and the entire family would be relocating to the First Nations reserve that DI was from. The school prepared a homework package for Katelynn that was never picked up by DI.

On June 6, 2008, DI attended Family Court and provided inaccurate information in order to convince the presiding judge to finalize granting her custody of Katelynn. DI portrayed Katelynn as having developmental and behavioural issues at school, and did not reveal that Katelynn had been absent from school for over a month by that point. Custody was granted, with DI having discretion over Katelynn's natural mother (BS) having access to the child.

From that point, BS had less and less contact with Katelynn, even though she encountered DI and WJ on occasion in the neighbourhood. BS did not see her daughter any further after late June or early July, 2008. When she requested visits with Katelynn, BS was told by DI that the child was away, not available, or did not wish to see her mother. Similarly, Katelynn was not seen further in the community by anyone.

On August 3, 2008, DI called 911 at 2:30 a.m. to report that "her daughter" had choked on a piece of bread and was not breathing. Paramedics arrived at the apartment at 105 Westlodge Avenue at 2:36 a.m. and found Katelynn lying on the floor of the living room with vital signs absent. She had signs of obvious and multiple blunt force traumatic injuries. Death was pronounced at 3:04 a.m.

A post mortem examination revealed over 50 external and internal injuries of varying ages to Katelynn's body that the pathologist opined were due to multiple blunt force impacts inflicted over a period of time. None of her injuries had received any apparent medical treatment. Katelynn also had numerous complications from these various injuries, including infected wounds that led to staphylococcus aureus septicemia and septic shock, as well as pulmonary fat emboli, which combined were the final mechanisms of her death.

DI lied to police about the circumstances surrounding Katelynn's death, and indicated that she had been alone at the time of discovering the child not breathing. She reported that WJ had left the apartment with their two boys at 5:00 p.m. in the evening to attend a public event. WJ later told police that he had left the apartment closer to midnight after an argument with DI. Subsequent evidence confirmed that he had been in the apartment right up to approximately the time of the 911 call. Both DI and WJ were charged with Katelynn's murder, and both subsequently pled guilty to causing her death.

Verdict:

Name of Deceased: Katelynn Angel Sampson
Date/Time of Death: August 3, 2008 at 3:04 a.m.
Place of Death: 105 Westlodge Avenue, Apt # 210, Toronto ON
Cause of Death: Complications from multiple blunt force injuries
Manner of Death: Homicide

Recommendations:

Coroner's Comment:

It is common practice for the presiding coroner to comment on each recommendation made by the jury in order to provide both context and some of the relevant evidence the jury relied upon in making that recommendation. However, I have opted not to do this because most of the recommendations are quite clearly articulated and self-explanatory. I will comment briefly and periodically throughout this document on several themes, principles or issues that were explored in considerable detail at the inquest.

The first recommendation addresses what the jury adopted as “Katelynn’s Principle” – that services and supports provided to children should be child-centred, recognizing the child’s right to be seen, to be heard and to be respected with regards to all care, services and decisions that will affect them. This principle embodies the concepts of the United Nations Convention on the Rights of the Child, adopted by the General Assembly of the UN in 1989, and which Canada subsequently ratified.

1. That all parties to this inquest ensure that Katelynn’s Principle applies to all services, policies, legislation and decision-making that affects children.

KATELYNN’S PRINCIPLE

The child must be at the centre, where they are the subject of or receiving services through the child welfare, justice and education systems.

A child is an individual with rights:

- who must always be seen
- whose voice must be heard
- who must be listened to and respected

A child’s cultural heritage must be taken into consideration and respected, particularly in blended families.

Actions must be taken to ensure the child who is capable of forming his or her own views is able to express those views freely and safely about matters affecting them.

A child’s view must be given due weight in accordance with the age and maturity of the child.

A child should be at the forefront of all service-related decision-making.

According to their age or maturity, each child should be given the opportunity to participate directly or through a support person or representative before any decisions affecting them are made.

According to their age or maturity, each child should be engaged through an honest and respectful dialogue about how/why decisions were or will be made.

Everyone who provides services to children or services that affect children are child advocates. Advocacy may potentially be a child’s lifeline. It must occur from the point of first contact and on a continual/continuous basis thereafter.

PREMIER OF ONTARIO

2. The Premier of Ontario champion the implementation of the United Nations Convention on the Rights of the Child (UNCRC), to afford children and youth their rights under the UNCRC, and in particular, to recognize that children are individuals with rights, whose voices must be heard on matters affecting them, and their views must be given due weight in accordance with the age and maturity of the child.

GOVERNMENT OF ONTARIO, MINISTRY OF CHILDREN AND YOUTH SERVICES, MINISTRY OF EDUCATION, MINISTRY OF THE ATTORNEY GENERAL, FAMILY RULES COMMITTEE, ONTARIO ASSOCIATION OF CHILDREN’S AID SOCIETIES, ASSOCIATION OF NATIVE CHILD AND FAMILY SERVICES AGENCIES OF ONTARIO AND CHILDREN’S AID SOCIETIES OF ONTARIO

3. The Government of Ontario, Ministry of Children and Youth Services, Ministry of Education, Ministry of the Attorney General, Family Rules Committee, Ontario Association of Children’s Aid Societies, Association of Native Child and Family Services Agencies of Ontario and Children’s Aid Societies of Ontario implement a Child Rights Impact Assessment process for future reviews of legislation, regulations, directives, policies and procedures, to screen for the impact on children’s rights.

GOVERNMENT OF ONTARIO

4. The Government of Ontario consider offering a “Duty to Report” course (for example, online) for all Ontario Public Servants to show its commitment to public education on the importance of the “Duty to Report”.

MINISTRY OF CHILDREN AND YOUTH SERVICES (MCYS)

“Duty to Report”

Coroner’s Comment:

A recurrent theme throughout the inquest was a person's responsibility, as outlined in the Child and Family Services Act (CFSA) s. 72, to report to a Children's Aid Society where there are reasonable grounds to suspect that a child may be in need of protection. The duty to report is also an ongoing obligation. Evidence at this inquest suggested that these concepts are not universally understood or appreciated, and the following recommendations are meant to address those deficiencies.

5. The Ministry of Children and Youth Services review and consider raising the financial penalties in the Child and Family Services Act where a professional with knowledge of child abuse fails to report pursuant to s.72(1), and extend the penalty to the professional's employer when the individual was acting in their (official or employment) capacity and failed to report.

6. The Ministry of Children and Youth Services fund and carry-out a comprehensive, ongoing, public awareness campaign on the "Duty to Report". This campaign should reflect Ontario's cultural diversity as well as the experience of indigenous communities. In addition, there should be positive messaging around the work of Children's Aid Societies in Ontario.

7. The Ministry of Children and Youth Services consider revising the Child and Family Services Act to include penalties for non-professionals who have knowledge of child abuse and fail to exercise their "Duty to Report" as citizens.

8. The Ministry of Children and Youth Services establish a mandatory annual training program for those professionals with a higher responsibility surrounding the duty to report under s. 72.1(5) of the Child and Family Services Act.

Rights of the Child (United Nations Convention on the Rights of the Child)

9. The Ministry of Children and Youth Services amend the Child and Family Services Act to incorporate the United Nations Convention on the Rights of the Child (UNCRC), including in the purpose/interpretation sections, and in all areas where Article 12 of the UNCRC would apply.

Quality Improvement

10. The Ministry of Children and Youth Services conduct a study to determine the impact of stigma and systemic stereotypes held by Children's Aid Societies (CAS) and their workers with regard to indigenous clientele and the impact this may have on the effectiveness of service interventions they receive from both native and non-native CAS.

11. The Ministry of Children and Youth Services review its accountability framework to ensure that it is exercising the required oversight of Children's Aid Societies (CAS) so that:

- a) CAS adhere to the Child Protection Standards and Tools in the delivery of child protection services, by routinely performing, without advance notice, random file reviews and comprehensive audits (child protection files, staff interviews, etc.)
- b) workers understand that the Child Protection Standards represent legislated minimums
- c) differences between CAS do not lead to inconsistencies in child protection services throughout the province

12. The Ministry of Children and Youth Services consider implementing and funding a shared Intake Screening service in Toronto in order to simplify the process of contacting the appropriate Children's Aid Society.

13. The Ministry of Children and Youth Services require that all Children's Aid Societies review with their staff recommendations from inquests and key findings and recommendations from the Office of the Chief Coroner's Paediatric Death Review Committee (PDRC) relating to the deaths of children connected to the child welfare system. In particular, the Ministry circulate the recommendations from this Inquest touching the death of Katelynn Sampson to all Children's Aid Societies, to share the lessons learned from this tragedy.

14. The Ministry of Children and Youth Services ensure that Children's Aid Societies (CAS) of Ontario change their regular business hours from the current 9:00 a.m. to 5:00 p.m. to a 12-hour period such as 7:00 a.m. to 7:00 p.m., seven days per week. This will ensure greater availability of resources such as direct supervision, access to files and expertise. In addition, this will assist in having CAS provide service within 12 hours as prescribed in the Child Protection Standards.

15. The Ministry of Children and Youth Services in consultation with Children's Aid Societies (CAS) carry out an audit to determine what community resources are available, by region that assist or support CAS services. The audit should also consider any waiting lists to access these community resources

16. The Ministry of Children and Youth Services ensure that Children's Aid Societies provide Emergency After Hours Services (EAHS) from a society office, rather than at home, and all supervisors, intake screeners/intake

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workers providing EAHS should work from a society office that allows them to access all resources including databases, files and staff support.

17. The Ministry of Children and Youth Services provide for penalties to be imposed on any Children's Aid Society and/ or child protection worker that omits, destroys or alters a child protection referral.

18. The Ministry of Children and Youth Services fund and provide an infrastructure where all intake phone calls are to be voice-recorded in order to provide accuracy of information as well as for training purposes.

19. The Ministry of Children and Youth Services collaborate with third party accreditors to implement a process by which Children's Aid Societies (CAS) are accredited for quality (for example compliance with standards, staff training, protocols and client satisfaction) on a three-year basis. A CAS's accreditation standing should be made available to the public.

20. The Ministry of Children and Youth Service establish:

a) a consistent system to track Paediatric Death Review Committee recommendations and inquest recommendations that have been implemented or are in progress
b) processes for generating regular reports such as the Ontario Child Mortality Task Force - Final Report (1997) and information relating to child deaths, for Ministry use, in order to support evidence-based decision-making

21. The Ministry of Children and Youth Services ensure that Children's Aid Societies respond to all recommendations directed to them from child death reviews and inquests within a year. Responses should include:

- a) an outline of actions taken
- b) a timeline for implementation
- c) a rationale for any recommendations not implemented

22. The Ministry of Children and Youth Services consider the implications for blended families served by a child-focused child welfare system, and consideration be given to developing a standard to ensure that the child's identity and the child's views and preferences are important factors in determining service provision.

Coroner's Comment:

Katelynn was non-Native, and initially had received services from CAST, but came to be under the supervision of Native Child and Family Services of Toronto because her caregiver, DI, self-identified as a First Nations person. Since its inception, NCFST has determined whether it will be involved in a case based on the mother's native status. With the focus this inquest placed on making the child welfare system more child-centred, and hearing the voice of the child in any decisions affecting them, this recommendation suggests a need for a new direction.

Information Sharing

Coroner's Comment:

Another significant theme at this inquest was the need for better sharing of information between and within agencies and organization dealing with children. Too often, perceived barriers prohibit critical information sharing, often based on concerns about breaches in personal privacy, and which may not be in the best interest of the child for optimum service provision.

23. The Ministry of Children and Youth Services in consultation with Ontario Association of Children's Aid Societies, Provincial Advocate for Children and Youth and Office of the Children's Lawyer, provide a legislative framework for information sharing between Children's Aid Societies (CAS) that includes disclosure from CAS to third parties, and other government agencies to CAS. Subsequently, protocols should be developed in order to ensure consistency amongst CAS and to third parties and other government agencies.

24. The Ministry of Children and Youth Services direct Children's Aid Societies of Ontario to no longer restrict files (masked or sealed) to child protection workers by requiring additional approvals, either internally or between agencies within the provincial context, to allow for unfettered access to complete information for child protection workers. Accountability should be emphasized regarding rules and policies on use and disclosure of personal information contained in child protection files.

25. The Ministry of Children and Youth Services initiate the process of developing a province-wide protocol for the release of information and records from police services to Children's Aid Societies, and invite the participation of the Ontario Association of Children's Aid Societies, bargaining agents of the Societies, the Ministry of the Attorney General, the Ministry of Community Safety and Correctional Services, the Police Legal Advisors Committee of the Ontario Association of Chiefs of Police, the Royal Canadian Mounted Police and the Information and Privacy Commissioner of Ontario.

26. The Ministry of Children and Youth Services modify the FastTrack Information System Policy on Security and Sharing of Information which governs FastTrack to be checked in non-parental custody applications and direct Children's Aid Societies (CAS) to report child protection records in other CAS identified in FastTrack when responding to CAS record checks under the Children's Law Reform Act.

Training

Coroner's Comment:

The evidence suggested that there is variability between Children's Aid Societies in standards of training and authorization of child protection workers. The following recommendations address some of the needs related to standardization of training.

27. The Ministry of Children and Youth Services establish and fund an authorization process for all child protection workers, supervisors and directors including:
- a) Defining of core competencies for various child welfare roles
 - b) Determining the elements of the training curriculum required for authorization, and a testing or evaluation component to demonstrate that learning goals have been achieved
 - c) Imposing clear restrictions and limitations on practice for unauthorised workers
 - d) Setting continuing professional development requirements for maintaining authorization and a testing or evaluation component to demonstrate learning goals have been achieved
 - e) Ensuring consideration of the child protection needs specific to Indigenous children, families and communities
 - f) Emphasizing the importance of compliance with Child Protection Standards, Tools and Eligibility Spectrum
 - g) There should be a provincial oath taken and certificate provided when a child protection worker receives their child protection authorization to reinforce the important role they play in child welfare and society at large

Only authorized child protection workers will have the authority to provide child welfare services that include, but are not limited to conducting investigations, apprehending children or making child protection applications to a child welfare court.

28. The Ministry of Children and Youth Services work with Ontario Association of Children's Aid Societies to develop a mandatory training curriculum on risk assessment. This curriculum should include areas related to: child risk assessment, analysis of historical information, administration of risk assessment tools, critical analysis, development of a service plan and the changing nature of risk assessment.

29. The Ministry of Children and Youth Services direct the Ontario Association of Children's Aid Societies to develop a standard training module to provide child protection workers with appropriate assessments and intervention techniques for use when working with children and adults who experience mental illness, substance use disorders or developmental delay. This module should also include special considerations for diverse cultural groups.

30. The Ministry of Children and Youth Services introduce mandatory annual training regarding the provincial standards for child protection work under the Child and Family Services Act.

31. The Ministry of Children and Youth Services conduct consultations on certification/authorization and on-going training requirements that go beyond the Ontario Association of Children's Aid Societies, so as to include consultations with bargaining agents, the Provincial Advocate for Children and Youth and the Office of the Children's Lawyer.

32. The Ministry of Children and Youth Services in consultation with the Ontario Association of Children's Aid Societies, Association of Native Child and Family Services Agencies of Ontario, Ontario College of Social Work and Ontario Provincial Advocate for Children and Youth consider increasing educational requirements for child protection workers to require them to have a Bachelor of Social Work and that additional education such as a Master's degree in a related field be considered an asset in the hiring process. Following this, Children's Aid Societies will update their job descriptions accordingly.

Child Protection Information Network (CPIN)

Coroner's Comment:

There was a great deal of evidence focussing on the need to develop and implement a robust and effective system for capturing and maintaining child welfare information and records. The CPIN system is currently a "work-in-progress" that has been implemented in some CAS's and is scheduled to be rolled out to all societies within the next few years. Numerous revisions have been made to enhance the system based on user feedback. The following recommendations address some of the issues related to CPIN that were addressed during this inquest.

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33. The Ministry of Children and Youth Services (MCYS) provide a mechanism, such as an online survey, for front-line workers using the Child Protection Information Network (CPIN) to provide anonymous feedback directly to the MCYS to ensure it receives accurate user-experience data. The MCYS should provide the results to the Children's Aid Societies to be distributed to their front-line staff and indicate how issues will be addressed either through application amendments or additional training.

34. The Ministry of Children and Youth Services ensure the final version of Child Protection Information Network (CPIN) incorporates all of the information and functionality of the Child Abuse Register (CAR). Once CPIN is fully implemented, the CAR should be retired.

35. The Ministry of Children and Youth Services modify the Child Protection Information Network (CPIN) to include a flag that is specifically initiated/triggered for an individual who has been verified to have sexually or physically abused a child. This flag in CPIN should not be removable by a child protection worker.

36. The Ministry of Children and Youth Services amend the Child Protection Information Network (CPIN) to ensure that the system records that children's views have been solicited (individually, privately and as appropriate for their age and maturity) at all critical junctures such as investigation, safety/risk assessment, development of service plan/plan of care, regularly-scheduled home/community visits, at times of files transition and at closing.

37. The Ministry of Children and Youth Services provide dedicated resources for uploading legacy records into the Child Protection Information Network (CPIN) as PDF documents, so that they are accessible in full from the CPIN application.

38. The Ministry of Children and Youth Services consult with and involve the organizations representing front line workers in any operational review or assessment of the Child Protection Information Network (CPIN).

39. The Ministry of Children and Youth Services assess the utility of the current search function in the Child Protection Information Network (CPIN). Following this, MCYS will determine if the issue with the search function is a training issue or if a new search mechanism, similar to FastTrack, needs to be implemented.

Child Protection Standards

Coroner's Comment:

The Child Protection Standards (2007) and the updated version (2016) received a fair amount of attention at this inquest. Evidence suggested that these "standards" were often interpreted by workers in the field as "guidelines" that would not necessarily be strictly adhered to. The jury has focussed on a number of areas where they feel there should be further clarification.

40. The Ministry of Children and Youth Services review the Child Protection Standards to ensure that, where a person is entitled to access to a child, they are considered part of the assessment of risk and included in Children's Aid Society service planning.

41. The Ministry of Children and Youth Services (MCYS) undertake a workload study to examine the time required to conduct mandated services in accordance with the Child Protection Standards and use the results to inform the review of the funding formula currently underway. Subsequently, the MCYS should consider directing Children's Aid Societies to submit routine workload analysis reports to assess whether agencies are properly resourced.

42. The Ministry of Children and Youth Services amend the Child Protection Standards to include a provision that a child, at the start of a child protection investigation, be seen and assessed by a medical practitioner (physician/nurse practitioner). Confirmation from the practitioner should be sent to the child protection worker for inclusion in their file. Any expense incurred as a result should be borne by the respective agency.

43. The Ministry of Children and Youth Services update Child Protection Standard (2016) #8 so that all child protection files at closing include a review of all available records and databases in order to ensure that the concerns identified at file opening have been addressed and that additional concerns have not arisen.

44. The Ministry of Children and Youth Services revise the Child Protection Standards (2016) to provide conferencing and reconciliation in circumstances where there is disagreement among staff (including supervisors) regarding whether:

- a) a referral should be made to another society or another service provider
- b) there should be a change in coding

45. The Ministry of Children and Youth Services commission an independent study to evaluate whether the use of the Eligibility Spectrum (2006) enhances or detracts from compliance with Child Protection Standards (2016) and if it hinders workers decision making.

46. The Ministry of Children and Youth Services revise Child Protection Standard (2016) #1 to provide for:
- a) an immediate response where imminent harm is assessed by the intake screener;
 - b) the intake screener who determines an immediate response is required and is responsible for contacting 911 or initiating the joint investigations protocol prior to passing the referral to another agency or worker.

As an interim step, we recommend all Societies in Ontario adopt this procedure.

47. The Ministry of Children and Youth Services revise the Child Protection Standards (2016) to provide for the possibility of a less-than-12-hour response time, as specified by the child protection worker following the receipt of a referral, in consultation with his or her supervisor. The required response time shall be clearly specified in the intake/referral documents at the time the referral is coded under the Eligibility Spectrum. The supervisor shall then ensure and document that the referral is immediately assigned for investigation.

48. The Ministry of Children and Youth Services amend the Child Protection Standards (2016) to require that supervisors complete case notes of supervision meetings.

49. The Ministry of Children and Youth Services amend the Child Protection Standards (2016) to establish a requirement to record documents which have been reviewed by workers and supervisors at key points (referral, investigation, transfer to family service, supervision consultation, before file closed), and ensure that the Child Protection Information Network (CPIN) functionality tracks this requirement.

50. The Ministry of Children and Youth Services review the Child Protection Standards (2016) to require that persons with access to a child be notified when a child is the subject in an ongoing child protection file subsequent to a child protection investigation.

51. The Ministry of Children and Youth Services update and expand the use of the Ontario Child Protection Tools Manual (2007). In particular, update the contents of the Child Emotional Well-Being Screen (to make it more child-friendly) and lower the age for when the questionnaire may be used and provide direction that it is to be done directly with the child one-on-one and away from any caregiver or parent.

52. The Ministry of Children and Youth Services review and update the Ontario Child Protection Required Tools (2007) sections 1 through 4 used for risk assessment, by applying current research, data and related standards. This should include tools to ensure that every caregiver with access be equally assessed and that there be an age-appropriate, child-friendly tool to establish children's views. In addition, supplementary tools on alcohol use, substance abuse and mental health should be regularly updated to reflect current research and best practices.

53. The Ministry of Children and Youth Services amend the Child Protection Standards (2016) to specifically provide that the Children's Aid Societies (CAS) prepare a written synopsis of historical information of an individual's involvement with CAS and their risk history. The verified written synopsis should travel with the file and be updated as needed. It must be emphasized this should not replace more detailed record checks as required.

Child Abuse Register (CAR)

54. The Ministry of Children and Youth Services expand the circumstances in which the Child Abuse Register can be checked to include non-parental custody applications, by amending the Child and Family Services Act as well as updating the 1987 Interim Guidelines for Reporting to the Register.

55. The Ministry of Children and Youth Services sanction or fine any Children's Aid Society that fails to report verified abuse to the Child Abuse Register within the guidelines.

Funding

56. The Ministry of Children and Youth Services consult with the organizations that represent front-line workers during the review of the Child and Family Services Act and the funding formula.

57. The Ministry of Children and Youth Services (MCYS) immediately conduct a review of the services being provided by Children's Aid Societies (CAS), with a view towards determining whether the current funding model is limiting CAS' ability to effectively carry out child protection services. In addition, MCYS establish a goal for communicating rolling multi-year funding to provide greater certainty and long range planning by agencies and the entire sector; and a pre-budget process take place whereby CAS submit their budget needs to MCYS and that those needs are given considerable weight when undertaking the annual budget process.

Multiservice vs. Single Service Model

58. The Ministry of Children and Youth Services commission a third party to study the single service child protection model against the multiservice protection/prevention model in Ontario to determine if clients are better served through single or multiservice agencies. This study should examine:

a) whether child protection services are diminished in multiservice agencies because of a lack of delineation between protection and prevention services (for example the family may be moved to prevention services when child safety concerns are still present).

b) whether there are sufficient controls to ensure that funding for protection services is not re-allocated to prevention services

MINISTRY OF CHILDREN AND YOUTH SERVICES (MCYS), MINISTRY OF EDUCATION (ME)

Funding

59. The Ministry of Children and Youth Services and the Ministry of Education provide funding to Children's Aid Societies and Boards of Education to enable the development and sustainment of collaborative projects between them. This should include funding for co-location projects, such as the pilot project initiated by Children's Aid Society of Toronto with the Toronto District School Board at Parkdale Public School, as well as the development of protocols, mutual education and training.

MINISTRY OF CHILDREN AND YOUTH SERVICES, ONTARIO PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH (PACY)

60. The Ministry of Children and Youth Services in consultation with the Provincial Advocate for Children and Youth, develop a children's rights pamphlet for children, in a variety of formats geared for different developmental ages, for use by Children's Aid Societies (CAS) to inform all children in families receiving services of their rights under the United Nations Convention on the Rights of the Child.

MINISTRY OF CHILDREN AND YOUTH SERVICES, MINISTRY OF THE ATTORNEY GENERAL (MAG), FAMILY RULES COMMITTEE

Information Sharing

61. The Ministry of the Children and Youth Services work together with the Ministry of the Attorney General and the Family Rules Committee to require the results from searches of FastTrack and successor province-wide Children's Aid Societies (CAS) systems including the Child Protection Information Network (CPIN), as well as the Child Abuse Register (CAR), be placed before the court regarding CAS involvement in non-parental custody transfers. Searches should be done of all adult residents in the proposed new home, respondent(s) as well as the child who is the subject of the non-parental custody application. Any CAS receiving a request for child protection records from a provincial database should provide all records from the province listed, not just the records from that respective agency.

Coroner's Comment:

The Child Protection FastTrack Information System is a database application containing the names of children and families to whom an Ontario CAS is currently providing child protection services, or who are the subject of records extracted from a CAS on-line case management system.

The Child Abuse Register (CAR) is a centralized index of information about persons verified by a CAS to have abused a child, and also contains information about the children who are victims of that abuse.

MINISTRY OF CHILDREN AND YOUTH SERVICES, MINISTRY OF COMMUNITY AND SOCIAL SERVICES (MCSS), OFFICE OF THE CHIEF CORONER OF ONTARIO (OCC)

Information Sharing

62. The Ministry of Children and Youth Services, Ministry of Community and Social Services and the Office of the Chief Coroner of Ontario develop a protocol to ensure information is provided to parents and families (including a parent with access) following the death of their child to allow them early access to information about their child's death, contributing factors and corrective actions the parties have put in place to prevent future deaths.

MINISTRY OF CHILDREN AND YOUTH SERVICES, ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES (OACAS)

Training

63. The Ministry of Child and Youth Services with Ontario Association of Children's Aid Societies develop required training for all child welfare professionals (administrators, child protection workers, supervisors and prevention workers in multi-service agencies) regarding the rights of persons with access set out in section 20(5) of the Children's Law Reform Act (CLRA) that the entitlement to access to a child includes the right to

visit with and be visited by the child and the same right as a parent to make inquiries and to be given information as to the health, education and welfare of the child.

64. The Ministry of Children and Youth Services in collaboration with Ontario Association of Children's Aid Societies develop mandatory training for all child protection workers on crisis intervention and how to establish and maintain therapeutic relationships, for example, boundary setting and communication skills.

65. The Ministry of Children and Youth Services (MCYS) and the Ontario Association of Children's Aid Societies (OACAS) clearly establish the components of standard initial and on-going training required for child protection workers and supervisors. Compulsory training must be established for different worker roles. The MCYS should determine a cycle of training for workers to ensure they receive updated compulsory training, which should include testing and formal individual evaluation. The MCYS should ensure effective oversight of the content and delivery of required training by the OACAS.

MINISTRY OF CHILDREN AND YOUTH SERVICES, ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES, ASSOCIATION OF NATIVE CHILD AND FAMILY SERVICES AGENCIES OF ONTARIO (ANCFSAO), CHILDREN'S AID SOCIETIES OF ONTARIO

Quality Improvement

66. The Ministry of Children and Youth Services and Children's Aid Societies (CAS) of Ontario via Ontario Association of Children's Aid Societies and Association of Native Child and Family Services Agencies of Ontario should establish reasonable caseload benchmarks for front-line workers and they should collect information on caseloads in a format that allows comparisons in order to determine whether current CAS caseloads are appropriate.

67. The Ministry of Children and Youth Services and Children's Aid Societies of Ontario via Ontario Association of Children's Aid Societies and Association of Native Child and Family Services Agencies of Ontario develop and amend policies on drug assessment and testing, including the completion of unannounced home visits, where substance abuse is a potential concern.

MINISTRY OF THE ATTORNEY GENERAL (MAG)

68. The Ministry of the Attorney General amend section 24(4) of the Children's Law Reform Act to include neglect.

"Duty to Report"

69. The Ministry of the Attorney General (MAG) train all court staff, upon hire and annually thereafter, on the "Duty to Report" suspected child abuse or neglect under the Child and Family Services Act. In addition, MAG should post information on "Duty to Report" in areas visible to court staff.

70. The Ministry of the Attorney General consult with the judiciary or judicial training institutes respecting the "Duty to Report" suspected child abuse or neglect under the Child and Family Services Act by the judiciary, as well as training on the United Nations Convention on the Rights of the Child, and on how to elicit and give weight to the voice of the child.

Quality Improvement

71. The Ministry of the Attorney General (MAG) work with its justice partners such as the Family Rules Committee to identify ways to standardize custody and access orders to assist self-represented litigants and promote the development of orders that clearly speak to the rights and responsibilities of persons with custody of, or access to, a child. MAG should also increase the availability of information about the rights of parents with access under the Children's Law Reform Act, section 20 (5), for example, on their Ministry website.

72. The Ministry of the Attorney General amend the Children's Law Reform Act by incorporating a section similar to section 49 of the Child and Family Services Act, to provide that the court may, on its own initiative, summon a person to attend before it, testify and produce any document or thing, and may enforce obedience to the summons.

73. The Ministry of the Attorney General amend the Children's Law Reform Act, Regulation 24/10 and Form 35.1 to require all adults residing in the home of the person seeking custody of the child, as well as the respondents and the child who is the subject, to provide criminal record checks, CAS and court file checks in a non-parental custody transfer.

Rights of the Child (United Nations Convention on the Rights of the Child)

74. The Ministry of the Attorney General incorporate the United Nations Convention on the Rights of the Child into the purpose/interpretation sections of the Children's Law Reform Act.

75. The Ministry of the Attorney General consult with the Office of the Children's Lawyer (OCL) and the Provincial Advocate for Children and Youth, with the goal of amending the Children's Law Reform Act, with respect to children who are the subject of a non-parent custody proceeding, in order to ensure their best interests are met. The amendments should include the right of the child to:

- a) be informed at the beginning of the application process that they have a legal right to be heard
- b) express views and preferences freely, communicating and participating in a manner that works for them
- c) participate in any process affecting a change in their custody as an integral part of the determination of the child's best interest
- d) have their views considered in a substantive way and be informed of the result reached and the way in which their views have been taken into account

76. The Ministry of the Attorney General amend section 64 (1) of Children's Law Reform Act by removing "where possible" and adding: "The child has a right to express his or her views in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

77. The Ministry of the Attorney General amend section 30(1) of the Children's Law Reform Act to ensure any appointed neutral assessor has an obligation to directly obtain from the child their views and preferences and the Ministry establish regulations to clarify the role of the assessor in non-parental custody proceedings.

78. The Ministry of the Attorney General amend section 24(2) (b) of the Children's Law Reform Act so it reads: "The right of the child to express his or her views in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

79. The Ministry of the Attorney General (MAG) amend the Children's Law Reform Act to ensure that independent evidence as to the views and preferences of the child in non-parent custody transfer proceedings be elicited and brought before the court. In consultation with stakeholders, including the Provincial Advocate for Children and Youth and the Office of the Children's Lawyer, MAG should consider a variety of ways to facilitate the child's right to participate pursuant to Article 12 of the United Nations Convention on the Rights of the Child.

Information Sharing

80. The Ministry of the Attorney General revise the Children's Law Reform Act to provide that where a non-parent custody application has been filed, and the information received from a Children's Aid Society (CAS) or court file search reveals there has been a recent CAS investigation or multiple openings involving the proposed caregiver or adults residing in the proposed household, that the court advise the CAS of a pending custody transfer proceeding, and that CAS may be asked to appear before the court to provide information relevant to the custody of a child.

81. The Ministry of the Attorney General amend O. Reg. 24/10 of the Children's Law Reform Act (CLRA) regarding "Custody Claims by Non-Parents" to require:

- a) non-parents requesting a police records check use the prescribed form ("Consent Form for Police Record Check for Non-Parent Custody Applicants") to request this check as a means of ensuring that the police service is aware that the request is being made pursuant to section 21.1 of the CLRA and that all the records listed in the regulation must be produced
- b) the summary of the search results provided by the police explicitly identify that the check was made in response to a request pursuant to section 21.1 of the CLRA, a means of confirming that the check contains all of the records listed in the regulation.

MINISTRY OF THE ATTORNEY GENERAL, FAMILY RULES COMMITTEE

Rights of the Child (United Nations Convention on the Rights of the Child)

82. The Ministry of the Attorney General and Family Rules Committee, where appropriate, amend forms and affidavits to provide for an option that includes ascertaining and recording the views and preferences of the child in a non-parental custody transfer.

83. The Ministry of the Attorney General as well as the Family Rules Committee instruct the courts that a child must be heard by the court in all non-parental custody proceedings where appropriate (i.e. when age-appropriate and cognitively able).

Quality Improvement

84. The Courts should be required to make best efforts to notify respondent parent(s), for example sending a registered letter to the last known address of the parent(s), when a non-parent applicant is seeking permanent custody of a child and the respondent parent(s) are not present in court.

MINISTRY OF THE ATTORNEY GENERAL, FAMILY RULES COMMITTEE, OFFICE OF THE CHILDREN'S LAWYER

85. The Ministry of the Attorney General work in collaboration with the Office of the Children's Lawyer (OCL) and the Family Rules Committee to develop a protocol instructing the courts to send court documents, for all non-parental child custody transfers, to the OCL to determine their role, if any, in each case. This should be done in order to ensure the child's rights are protected.

MINISTRY OF EDUCATION

Rights of the Child (United Nations Convention on the Rights of the Child)

86. The Ministry of Education incorporate the United Nations Convention on the Rights of the Child into the purpose/interpretation sections of the Education Act.

Quality Improvement

87. The Ministry of Education circulate the recommendations from this Inquest touching the Death of Katelynn Sampson to all school boards, to share the lessons learned from this tragedy.

88. The Ministry of Education develop a Policy/Program Memorandum on internal and third party external reviews to be conducted and initiated by school boards where a child enrolled in school in Ontario has died as a result of suspicious circumstances, indicating abuse or neglect, including homicide.

89. The Ministry of Education consult with school boards, the College of Social Workers and the Consent and Capacity Review Board in Ontario to develop a policy or protocol with respect to the ability of school social workers to provide services directly to students who are capable to consent to service, without a requirement for parental consent.

90. The Ministry of Education reassess the number of social workers to Toronto District School Board schools and their ability to deliver mandated services. The Ministry should then consider decreasing the ratio of students to social workers by allocating more social work resources and appropriate funding.

Information Sharing

91. The Ministry of Education consult with school boards, the Provincial Advocate for Children and Youth, youth with lived experience in the child welfare system, the Information and Privacy Commissioner, the Ontario Association of Children's Aid Societies and the Association of Native Child and Family Services Agencies of Ontario with respect to its policies regarding Children's Aid Societies (CAS) and legal custody-related information being placed on the Ontario Student Record (OSR). The consultation should specifically consider the United Nations Convention on the Rights of the Child, Article 12 (the child's right to be heard) and Article 16 (the right to privacy).

The consultation should include the Education Act provisions and the Ontario Student Record Guidelines and:

a) Address records and information that may be kept in the OSR, including documentation of reports to, and consultations with, CAS about suspected abuse and neglect, as well as legal custody documents or legal custody decisions

b) Address if CAS-related information is not kept in the OSR, where the information should be retained

c) Address who is entitled to access an OSR

d) Ensure that the process for removing records from the OSR can be initiated by a student who is still a minor

Curriculum

92. The Ministry of Education work in consultation with school boards to create new K-12 curriculum that addresses human rights and the United Nations Convention on the Rights of the Child in an age-appropriate way. The curriculum should include explicit references to the rights afforded to children under the UNCRC, including but not limited to: their right to be protected from violence, to have their views considered when decisions are made about them, to education (including the right to regular attendance at school) and to health care (including the right not to be deprived of health care services). Learning expectations should also include explicit references to abuse and neglect within a familial context and identify neglect as an example of an exploitative behaviour. The new curriculum should also be subject to regular testing and evaluations to determine if students are learning key information regarding rights, harm (including neglect), reporting, finding help, consent, boundaries and self-care.

93. The Ministry of Education review the curriculum to establish a mandatory learning expectation that all students in Ontario receive instruction on their duty, as citizens, to report suspected child abuse and neglect under the Child and Family Services Act before the end of high school, and that the Ministry consider incorporating the "Duty to Report" in the civics course in high school. The Ministry of Education consult with Children's Aid Societies to develop resources to support teachers in providing appropriate instruction to students about the "Duty to Report".

MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES (MCSCS)

Information Sharing

94. The Ministry of Community Safety and Correctional Services consider amendments to the Police Services Act, O. Reg. 265/98, Disclosure of Personal Information, that would explicitly authorize the disclosure of any personal information about an individual to a Children's Aid Society (CAS) when;

- a) a member of the police service is reporting a reasonable suspicion that a child may be in need of protection to the CAS pursuant to section 72 of the Child and Family Services Act; or
- b) a CAS is conducting an investigation into allegations that a child may be in need of protection

MINISTRY OF HEALTH AND LONG TERM CARE

"Duty to Report"

95. The Ministry of Health and Long-Term Care ensure that Emergency Medical Service Providers, including paramedics, are provided with annual training on the "Duty to Report".

ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES

Training

96. The Ontario Association of Children's Aid Societies should provide training to child protection workers on critical thinking and how to appraise as well as document clinical summaries related to the level of risk to a child. Child protection workers must exercise clinical judgement when doing their work and not rely rigidly on rules and procedures.

97. The Ontario Association of Children's Aid Societies provide training on custody transfers in Ontario to ensure that all child protection workers have a strong understanding of custody issues. Training should emphasize that when child protection workers become aware of risks to a child posed by a formal or de facto change of custody, including non-parental custody transfer, the matter should become a child protection investigation. If there is a recent child protection opening with another society, the case should be referred to that Children's Aid Society for investigation.

98. The Ontario Association of Children's Aid Societies develop specific training to assist child protection workers in managing cases with complex (non-parent, access parent, disputes) custody issues that may impact upon service delivery, multi-agency involvement, collaborative case conferencing and risk assessment.

99. The Ontario Association of Children's Aid Societies review the adequacy and frequency of training for supervisors to ensure that training requirements are sufficiently robust particularly in the area of clinical supervision.

100. The Ontario Association of Children's Aid Societies address training issues surrounding sexual abuse with a focus on the assumptions that workers may have regarding sexual preference of verified sexual abusers when assessing the safety of a child.

Coroner's comment:

DI's partner, WJ had a verified incident in his past of sexual abuse of two female children (his nieces). This raised concerns for some child protection workers as to whether it was suitable for Katelynn to be residing in the same home with WJ. However, no concerns were apparently raised as to whether there was any potential safety risk for his two male children.

Eligibility Spectrum

101. The Ontario Association of Children's Aid Societies re-examine the Eligibility Spectrum (2006) to ensure that the child is at the centre of a referral. Current coding solely rates caregivers and this re-examination must ensure changes are made so that coding more accurately reflects the child's situation and to provide for the possibility that a file may be opened in a child's name.

102. The Ontario Association of Children's Aid Societies review and update the Eligibility Spectrum (2006). The language in the Eligibility Spectrum should be revised to be consistent with the language in the Child Protection Standards (2016) (e.g. verified vs. convicted). The Eligibility Spectrum should be routinely reviewed to ensure it reflects the most current approaches in the child protection field.

ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES, ASSOCIATION OF NATIVE CHILD AND FAMILY SERVICES AGENCIES OF ONTARIO, CHILDREN'S AID SOCIETIES OF ONTARIO

Quality Improvement

103. The Children's Aid Societies of Ontario via Ontario Association of Children's Aid Societies and Association of Native Child and Family Services Agencies of Ontario develop a policy dictating that a clear audit trail (worker name/number, date/time stamp) be available where there are changes to records after entry.

104. The Children's Aid Societies of Ontario via Ontario Association of Children's Aid Societies and Association of Native Child and Family Services Agencies of Ontario revise the Interagency Protocol to ensure direct consultation between two agencies' intake screeners and supervisors when an agency receiving a transferred referral changes an initial determination that an investigation must be done. A rationale for not doing an investigation should be documented in the case file.

105. The Children's Aid Societies of Ontario, Ontario Association of Children's Aid Societies and Association of Native Child and Family Services Agencies of Ontario develop a clear directive that no front-line worker is to carry out any mandated child protection service without appropriate training and supervision.

106. The Children's Aid Societies of Ontario, Ontario Association of Children's Aid Societies and Association of Native Child and Family Services Agencies of Ontario ensure the determination of a child's family constellation is accurate and routinely reassessed. Child protection workers must take great care when using and documenting familial terms in child protection files (e.g. aunt, uncle, father and mother). If the relationship between a child and other individuals is unclear it should be stated. This is necessary to ensure risk factors are properly determined.

ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES, ASSOCIATION OF NATIVE CHILD AND FAMILY SERVICES AGENCIES OF ONTARIO

Training

107. The Ontario Association of Children's Aid Societies and Association of Native Child and Family Services Agencies of Ontario consider working with educational institutions (Council of Ontario Universities) to inform them of the competencies required by the child protection sector in order to ensure they are available to students in the Social Work department.

CHILDREN'S AID SOCIETIES OF ONTARIO

108. The Children's Aid Societies of Ontario should work together in a spirit of cooperation and support of each other's efforts in recognition of the mandate to provide a unified child protection community, particularly in overlapping jurisdictions. Efforts could be made to encourage this through team building exercises such as joint conferences, staff exchange programs and other joint facilitative opportunities. A survey regarding perceived barriers between agencies could be done to identify areas where cooperation could be improved.

Quality Improvement

109. The Children's Aid Societies (CAS) of Ontario when dealing with referrals involving blended families, ensure the child's identity, views and preferences are important factors guiding the choice of which CAS is to deliver services.

110. The Children's Aid Societies (CAS) of Ontario adopt a policy that when a caregiver requests removal of a child, 12 years of age or under, from the home, the referral must be coded extremely severe with a mandatory 12-hour response time, during which the child must be seen.

111. The Children's Aid Societies of Ontario require that any designated child protection worker, as defined by s.37 (1) of the Child and Family Services Act, in their employ with the requisite degree or diploma, be registered with the Ontario College of Social Work.

112. The Children's Aid Societies of Ontario implement a partner system for initial child protection investigations to ensure individual interviewing of a child and of caregiver(s), to ensure worker safety, and to offer a second clinical point of view.

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113. The Children's Aid Societies of Ontario review policies relating to the abuse of children and youth to ensure those policies employ expansive language relating to child maltreatment so as to incorporate abuse, neglect, emotional harm and physical harm envisaged and articulated in section 37 of the Child and Family Services Act.

Training

114. The Children's Aid Societies of Ontario train their workers regarding the rights set in out in section 20(5) of the Children's Law Reform Act that the entitlement to access to a child includes: the right to visit with and be visited by the child and the same right as a parent to make inquiries and to be given information as to the health, education and welfare of the child.

OFFICE OF THE CHIEF CORONER OF ONTARIO, CHILDREN'S AID SOCIETIES OF ONTARIO

Quality Improvement

115. The Office of the Chief Coroner as well as all Children's Aid Societies ensure that when a child death occurs, all child protection workers that had any involvement with the child and/or family, be informed of their involvement and interviewed for any Agency-commissioned or Coroner's reports. Such worker interviews should be included in the reporting.

TORONTO CHILDREN'S AID SOCIETIES

Quality Improvement

116. The four Toronto Children's Aid Societies providing services to the children and families of Toronto, adopt a shared Intake Screening service, utilizing a single telephone number in order to prevent confusion resulting from different numbers, to minimize lost referrals, to increase accessibility and to provide for pooling of resources.

117. The four Toronto Children's Aid Societies ensure that in addition to requiring full attendance, training courses include a component to assess worker retention and understanding of course material.

TORONTO CHILDREN'S AID SOCIETIES, TORONTO POLICE SERVICES

Quality Improvement

118. The Toronto Police Services and the four Toronto Children's Aid Societies incorporate the "Addendum: Children's Aid Society and Police Protocols, Investigation of Suspicious Child Deaths" from the Ministry of Children and Youth Services and the Office of the Chief Coroner into the next revision of the Toronto Joint Protocol for Investigations of Child Abuse.

Information Sharing

119. The Toronto Police Services (TPS) and the four Toronto Children's Aid Societies (CAS) develop a protocol to govern the release of information and records from the TPS to the CAS. This protocol should address the process by which requests for information and records are made, the types of records that will be produced and any conditions or terms for the release of these records.

NATIVE CHILD AND FAMILY SERVICES OF TORONTO (NCFST)

120. Native Child and Family Services of Toronto understand that the onus in determining child protection needs rests on the agency. The agency should take initiative and engage actively in both the gathering and verification of information in child protection matters.

"Duty to Report"

121. Native Child and Family Services of Toronto (NCFST) provide an improved process for prevention workers and supervisors to report concerns to protection services under the "Duty to Report". In addition, NCFST should provide appropriate ongoing "Duty to Report" training to prevention workers and supervisors.

Quality Improvement

122. Native Child and Family Services of Toronto should review the recommendations from this Inquest touching the death of Katelynn Sampson with staff, to share the lessons learned from this tragedy.

123. Native Child and Family Services of Toronto develop/update a protocol regarding the assessment and management of risk arising from allegations of sexual abuse, including the identification of professional resources for the assessment of such risk.

124. Native Child and Family Services of Toronto review and update all outdated policies and manuals, for example, the 2004 manuals "Risk Assessment Model for Child Protection in Ontario", "Intake Services", "Telephone Intake", "Family Services" and "Emergency After Hours Service", to ensure that they are in line with the Child Protection Standards (2016) and reflect best practices and current research in the field. This process of updating policies and manuals should be done on an on-going basis.

Training

125. Native Child and Family Services of Toronto provide additional training to its workers and supervisors in the development of family service planning and service delivery to ensure that:

- a) Service plan development, interventions, action and contact are purposeful and relevant to addressing critical issues and risk factors. The plan should be clear in case documentation.
- b) Information from key collaterals regarding the progress of a service plan should be proactively sought, verified and documented.
- c) Case conferencing should be utilized where appropriate to ensure all current workers are apprised of recent risk assessment outcomes and service delivery plans.
- d) Supervisors should review and evaluate service plans for effectiveness and compliance with the Child Protection Standards in consultation with workers.

126. Native Child and Family Services of Toronto train its workers and supervisors on issues relating to accuracy and completeness of documentation, ensuring:

- a) Closing dispositions must relate to or address changes to opening disposition
- b) All documents must clearly indicate the name of author and/or source of information. Documents must be dated/time-stamped in a consistent manner
- c) Note-taking and documentation must be clear and comprehensive, including notes relating to parent/caregiver and child interviews
- d) Information in documents and reports which is cut and pasted from other reports must have the originating source clearly referenced with the date and name of the prior worker or report sourced
- e) All decisions should be documented along with their rationale. Any deviation from the Child Protection Standards (2016), internal protocols or identified service plan goals must have a clearly documented explanation with supervisor approval
- f) All documents reviewed by a worker or supervisor to inform decision making must be listed by name of report, author and agency, and date/time-stamped
- g) All files are checked to make certain that searches of all key available databases [i.e. the Provincial Database; the Society's internal database and the Child Abuse Registry (as applicable)] are completed upon referral in all cases. All individuals identified, including children, must be searched and maintained in the file

127. Native Child and Family Services of Toronto train its child protection workers (including supervisors) on issues of service plan goal abandonment with respect to mitigating risk in a child protection case, highlighting the following:

- a) A fully documented rationale must record both supervisor consultation and approval of abandoned goals. New service plan goals are to be developed and recorded in the file indicating how the new plan provides a better mitigation of risk to the child.
- b) Where a change in circumstances results in goal abandonment, the source of verification is to be identified and recorded on the case file. Self-reports are not sufficient evidence to abandon goals.
- c) Workers must not close a file with abandoned or incomplete goals unless the minimum criteria have been met, as stated in the Child Protection Standards (2016) #8, which includes that the risk factors identified no longer exist and have been reduced as to no longer pose concerns to the direct safety or well-being of the child.
- d) When a file is closed with abandoned goals, the supervisor must apply and prove their process of clinical judgement and document that the minimum criteria could not be met, as stated in the Child Protection Standards (2016) #8.

128. Native Child and Family Services of Toronto train its workers to ensure that upon internal case transfer between workers:

- a) The current case manager and/or supervisor must convene, attend and document case conferences when discharging or transferring a case
- b) The current case manager and/or supervisor provide an overview of critical issues regarding current involvement, risk factors past and present, overall progress and outcomes of goals established as part of service plan or risk assessment
- c) The current case manager and/or supervisor must convey all information that will assist new workers in developing relevant plans and the awareness of potential risks
- d) On receipt of a transferred file, workers must independently complete a thorough review of the files in order to verify whether there is missing and incomplete information. Following the review, if any discrepancies

are found, they should be corrected and changes documented to ensure the next case manager will see where changes and updates have been made

Child Abuse Register

129. Native Child and Family Services of Toronto report all instances of verified abuse to the Child Abuse Register in a timely manner in accordance with the Ministry of Children and Youth Services 1987 Interim Guidelines for Reporting to the Register

CHILDREN'S AID SOCIETY OF TORONTO, NATIVE CHILD AND FAMILY SERVICES OF TORONTO

Quality Improvement

130. The Children's Aid Society of Toronto and Native Child and Family Services of Toronto implement measures to routinely audit the type and frequency of supervision received by child protection workers during investigations to ensure the Supervision Standards are being followed.

131. The Children's Aid Society of Toronto and Native Child and Family Services of Toronto ensure information from internal and external reviews, including Paediatric Death Review Committee reports and inquests, following the death of a child are shared with staff, so action may be taken promptly to address issues emerging from such reviews.

132. The Children's Aid Society of Toronto and Native Child and Family Services of Toronto, in cases where an agency is suggesting a protection file be closed and the caregiver is asking for it to stay open, the agency should consider this a significant risk and engage both protection and prevention supports as well as initiate case conferencing prior to considering closure.

Training

133. The Children's Aid Society of Toronto and Native Child and Family Services of Toronto train their workers with respect to the importance of seeking police records in order to inform risk assessments when they become aware of criminal activity that could impact the safety of a child or risk to a child. When seeking collateral information from the Toronto Police Services (TPS), the best practice is to obtain consents for the release of this information as this will yield the most comprehensive information about police contacts with the family. Those records must be clearly documented in the protection file. Workers must review the information in order to determine the relevance of risk to a child and document the decision to use or not use such information in risk assessments. Information from the TPS should be sought at regular intervals when the protection concerns pertain to risks such as alcohol/substance misuse and domestic violence.

134. The Children's Aid Society of Toronto and Native Child and Family Services of Toronto train their workers to effectively utilize secondary coding from the Eligibility Spectrum when they become aware of additional concerns. All intake screeners should be trained to secondarily code when record searches, collateral inquiries or family history reveal new information which raises additional issues of risk.

CHILDREN'S AID SOCIETY OF TORONTO

Quality Improvement

135. The Children's Aid Society of Toronto review recommendations from this Inquest touching the death of Katelynn Sampson with staff, to share the lessons learned from this tragedy.

Child Abuse Register

136. The Children's Aid Society of Toronto report all instances of verified abuse to the Child Abuse Register in a timely manner, in accordance with the Ministry of Children and Youth Services 1987 Interim Guidelines for Reporting to the Register.

OFFICE OF THE CHIEF CORONER OF ONTARIO

137. The Office of the Chief Coroner (OCC) request that all organizations and institutions receiving these recommendations provide a report updating their responses within a year of receipt. The OCC make responses to this Inquest publicly available.

TORONTO DISTRICT SCHOOL BOARD (TDSB)

"Duty to Report"

138. The Toronto District School Board enhance the annual "Duty to Report" training of staff by expanding the component of the training that is devoted to group discussion and analysis of case scenarios, and potentially including representatives from a Children's Aid Society in this segment.

139. The Toronto District School Board require all persons volunteering at the school during school hours shall be provided with written material about their "Duty to Report" suspected abuse and neglect.

140. The Toronto District School Board enhance the annual "Duty to Report" training of staff by developing a case scenario based on Katelynn's circumstance to identify and discuss the possible indicators of abuse and neglect (i.e. absenteeism, questionable sites for bruises and behaviours or characteristics observed in adults who abuse children).

141. The Toronto District School Board enhance the annual "Duty to Report" training of staff by including specific training or case scenarios related to managing the ongoing caregiver/student/teacher relationship following the making of a report to a Children's Aid Society

142. The Toronto District School Board should require that all casual and temporary staff who will be acting in the role of Principal or classroom teacher receive information on the "Duty to Report" prior to the beginning of their contract and receive training about the "Duty to Report" within six weeks of commencing their duties.

"Duty to Report" (Operational Procedures)

143. The Toronto District School Board amend their Abuse and Neglect of Students Operational Procedure PR 560 (B.4 How to Report?) to include immediate notification of police whenever there is a perceived safety risk to a child due to delayed response by a CAS (for example: if the student may return home after school due to either an inability or delay in the CAS response).

144. The Toronto District School Board revise Operational Procedure PR560: Dealing with the Abuse and Neglect of Students as follows:

a) Paragraph 4, in section B.2: What to Report? be amended to clarify the meaning of "should not conduct an investigation" to prevent school employees from speaking with a caregiver or interviewing the child extensively, and the reasons for this

b) Paragraph 6, in section B.4: How to Report? to read "If it is not apparent that an investigation has commenced within 24 hours, it is the responsibility of the Principal, supervisor or designate to contact the Children's Aid Societies to ascertain the status of the investigation".

c) Section B.4: How to Report? include a provision that if a child is absent from school anytime within five school days after a report has been made to the CAS, then the Principal should report this absence to the Children's Aid Societies as a follow-up to the initial report

d) Section B.4: How to Report? include a provision that an elementary student's homeroom teacher should be advised by the Principal in a timely manner of any calls made to CAS by other school staff

e) Paragraph 7, in section B.3: When and To Whom to Report?, to add "a pattern of problematic attendance", when tied to any of the circumstances noted in (a) through (e) in the procedure, to prompt a call to the CAS

f) Paragraph 7, in section B.3: When and To Whom to Report?, be amended to provide that the Principal should notify the appropriate CAS when the Principal becomes aware that a child known to have been reported to be at risk, found to be in need of protection or who was the subject of a report to the CAS during the same school year, has ceased attending the school, transferred to a new school, or is receiving home- schooling.

145. The Toronto District School Board amend section B.6 of Operational Procedure PR560 to provide guidance to employees about what information can and should be conveyed to parents and guardians, including persons with entitlement to access to a child, following the making of a report to a Children's Aid Society.

Coroner's Comment:

Officials from Katelynn's school contacted CAST on a couple of occasions to "consult" or seek clarification on an issue concerning the child, in addition to reporting concerns. There was lack of clarity as to what information should be shared between CAS and the school, and how or where it should be documented. The following recommendations address some of these issues.

146. The Toronto District School Board amend form 560 B to include consultations with Children's Aid Societies' as well as a brief summary of the purpose for the report. Forms 560 A, B, and C should include the date and time of the incident and date/time/signature of the form completion.

147. The Toronto District School Board operational procedure PR 560 "Dealing with Abuse and Neglect of Students" should be revised to remove any statement that teachers should not provide the name of the student subject when calling Children's Aid Society for a consult.

148. The Toronto District School Board review the issue of how the school should track calls to a Society (including both calls to report abuse, and calls to consult), actions taken and direction provided by a Society.

and steps taken to follow up on calls to a Society where there is no apparent action, as well as where records relating to the above should be collected.

Rights of the Child (United Nations Convention on the Rights of the Child)

149. The Toronto District School Board incorporate the rights of the child under the United Nations Convention on the Rights of the Child, with development of and reference to learning resources/lesson plans geared toward the various grades and developmental levels of children.

150. The Toronto District School Board provide professional learning for teachers by providing information/lesson plans/resources and strategies that will better support teachers' understanding and enhance professional capacity around the following, but not limited to, teaching children about the rights of the child under the United Nations Convention on the Rights of the Child (for example: empathy, student voice, boundaries, consent and recognising acts of violence, "reporting and asking for help").

151. The Toronto District School Board (TDSB) ensure every TDSB student receives an agenda at the beginning of the school year that provides information in the common and/or school pages about the rights of the child under the United Nations Convention on the Rights of the Child. The common and/or school pages of the agenda should also have the numbers for the Kids HelpLine and the Student Safety Line. The Board should involve children and youth in the design of the common and school pages, and include where appropriate visual material and child-friendly language.

In addition to the student agenda, the Toronto District School Board disseminate information regarding the rights of the child under the United Nations Convention on the Rights of the Child throughout its schools in a variety of accessible and child-friendly formats.

Quality Improvement

152. Toronto District School Board (TDSB) social workers, where there is a claim by a guardian or parent that a child is using the social services of a Children's Aid Society, will verify the claim with that Society in order to gather information on the child in establishing whether TDSB social services are required.

153. Toronto District School Board amend its policies, training and forms related to persons with access to ensure they reflect the rights set out in Section 20(5) of the Children's Law Reform Act that the entitlement to access to a child includes the right to visit with and be visited by the child and the same right as a parent to make inquiries and to be given information as to the health, education (including attendance records) and welfare of the child.

154. The Toronto District School Board ensure greater visibility of social workers in the schools through such measures as:

- a) Introducing social worker to students at beginning of the year assemblies, or by visiting individual classrooms to discuss services offered
- b) Including material in the agenda about the role of the social worker as well as their contact information
- c) Posting of times/days when the social worker is at the school

155. The Toronto District School Board communicate to students of all ages, in appropriate child-friendly formats, the availability of support services provided by staff including social workers, guidance counsellors, and psycho-educational consultants.

156. The Toronto District School Board revise the Form 560C Checklist for Reporting to a CAS to include the telephone numbers of all Toronto Children's Aid Societies.

Information Sharing

157. The Toronto District School Board establish in its policies and procedures that the Principal act as a nexus of information between Children's Aid Societies, teachers, administration staff, social workers and Toronto Police Services. Principals are to be engaged with and relied upon when issues of child safety arise.

158. The Toronto District School Board work with the four Toronto Societies to develop better information-sharing practices between societies and schools to assist in identifying, reporting and monitoring concerns regarding abuse and neglect.

159. The Toronto District School Board determine how and where notes/documentation about individual students made by Principals, Vice-Principals, teachers, and staff are stored and shared among staff, in order to ensure:

- a) all staff involved with a student are aware of any potential issues of abuse or neglect
- b) incoming or coverage staff will have an accurate and complete picture of these issues

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c) when a child transfers to a new school within the TDSB, staff at that school will be aware of any issues of concern

d) information is maintained in a secure location and access is restricted to designated staff in order to protect the student's privacy

Training

160. The Toronto District School Board continue the annual training for administrators about their duty to follow up with the Children's Aid Societies if no apparent action is taken in response to a report to a Society, and the steps they may take in this regard, and should incorporate a case scenario based on Katelynn's circumstances to illustrate the importance of follow-up.

161. The Toronto District School Board conduct annual face-to-face training on abuse and neglect which should be completed within the first six weeks of the school year. In the event of job action, written materials should be distributed to all staff with direct contact with students within the first two weeks of the school year, and in-person training conducted within 12 weeks of the conclusion of the work stoppage.

Attendance

Coroner's Comment:

There was considerable evidence on the issue of Katelynn's poor attendance record, and the significance of her absences as a potential indicator of abuse/neglect. The following recommendations address some options for consideration.

162. The Toronto District School Board revise Operational Procedure PR707A, Student Attendance and Safe Arrival Procedures [Elementary], section C.2, to add a request for a home visit by an attendance counsellor (social worker) or call to Children's Aid Societies to ensure that a child is seen, as one of the key options in dealing with problematic attendance issues. This section of the policy should also indicate that absenteeism on its own may be reportable, given the circumstances, as an indicator of neglect or abuse.

163. The Toronto District School Board continue its efforts to implement an electronic system of attendance flag alerts (at the 5, 10, and 15 day points) in, or alongside, the Trillium program. Flag alerts should also capture missed half-days.

164. The Toronto District School Board Revise Operational Procedure PR707A, Student Attendance and Safe Arrivals Procedures [Elementary], section C, section C.2, subparagraph (e) to require that Principals in all cases request external confirmation (which might include a medical note, travel verification, or that the child be seen by a school official) to verify absences (actual or projected) that exceed 10 consecutive days or 10 out of 30 cumulative days. Section C.2 should also be amended to reflect the accumulation of half day absences in identifying an implementation plan.

TORONTO POLICE SERVICES (TPS)

"Duty to Report"

165. The Toronto Police Services develop a strategy to broadly distribute the pamphlet developed by the Ministry of Children and Youth Services on the public's "Duty to Report" child abuse and neglect, including training its members to provide this pamphlet to the person(s) who is interviewed as part of a child abuse or child homicide investigation.

166. The Toronto Police Services ensure all police officers are provided with ongoing, mandatory training at regular intervals on their "Duty to Report" and the recognition of the signs of child abuse and neglect, and should collaborate with the Toronto Children's Aid Societies in developing and delivering this training. There should be an emphasis on personal responsibility to report and the potential "Duty to Report" in domestic occurrences.

Quality Improvement

167. The Toronto Police Services consider identifying a single contact person or department within the Service who will respond to telephone inquiries from Children's Aid Society workers who are seeking personal information about individuals, as a means of ensuring that the member responding to the call has the training and experience to respond effectively and the information is provided in a consistent manner.

168. The Toronto Police Services, in cases involving possible domestic conflict when children are present in the home, should observe the children for signs of abuse and neglect and include a description of the children in the police report.

2016 CanLII 60525 (ON OCCO)

Information Sharing

169. The Toronto Police Services (TPS) take into account the potential importance of police record and occurrence report information to risk assessment and child protection. Upon the development of a protocol with the four Toronto Children's Aid Societies (CAS), the TPS should amend the Service Procedure on the disclosure of personal information pursuant to O. Reg. 265/98 of the Police Services Act to provide guidelines on the personal information that may be shared with a CAS when:

- a) a member of the police service is reporting a reasonable suspicion that a child may be in need of protection to the Children's Aid Society pursuant to section 72 of the Child and Family Services Act
- b) a CAS is conducting an investigation into allegations that a child may be in need of protection
- c) a CAS is seeking information about an individual in the course of providing ongoing service to a child and family, and the information would assist with risk assessment and protection of the child.

TORONTO POLICE SERVICES, TORONTO EMERGENCY MEDICAL SERVICES (EMS)

"Duty to Report"

170. The Toronto Police Services and Toronto Emergency Medical Services amend their policies and procedures to include that when a child under 16 years of age dies under suspicious circumstances, the relevant Children's Aid Society must be informed in circumstances where other children may also be at potential risk of harm.

LEGAL AID ONTARIO

171. Legal Aid Ontario instruct their staff/counsel that when filling out forms relating to non-parent custody transfers, the information, if not verified, is clearly stated as not substantiated and represents the opinion of the applicant only.

NATIONAL JUDICIAL INSTITUTE

172. The National Judicial Institute provide training to the judiciary with respect to their "Duty to Report" as well as training on the United Nations Convention on the Rights of the Child and on how to elicit and give weight to the voice of the child.

ONE AGENCY

173. Urge the Ministry of Child and Youth Services (MCYS), notwithstanding our previous recommendations, to strongly consider the incorporation of child protection services in Ontario under one provincial structure in consultation/partnership with Association of Native Child and Family Services Agencies of Ontario, Ontario Association of Children's Aid Societies as well as representatives from other cultural and religious agencies with a child protection mandate in order to:

- minimize jurisdictional barriers within and between communities and the variety of joint protocols including case conferences currently required for case transfer
- remove barriers to information sharing, such as ownership of information
- remove confusion over agency jurisdiction of children in blended families
- take advantage of economies of scale including the sharing of services such as finance and administration
- create the opportunity for worker mobility where specific competencies may be in demand
- ensure indigenous-specific competencies are available province wide
- ensure competencies province-wide regarding special needs, i.e. substance and alcohol abuse and parents/children with disabilities
- facilitate access to workers with diverse cultural competencies
- reduce duplication of efforts in the child protection system
- facilitate the adoption of best practices and ensure consistent application province-wide
- create one province-wide number for which to stream all referrals and consultations
- minimize the differences in organizational culture and nomenclature that currently exists between different agencies
- allow for quicker and more efficient widespread adoption of new technologies
- ensure that MCYS assume full responsibility for the delivery of child protection services

As the Child Protection Information Network (CPIN) is implemented across all Children's Aid Societies in the province, this may facilitate an opportunity for each agency to come under one provincial structure.

Closing comment:

In closing, I reiterate that this document has been prepared solely for the purpose of assisting interested parties in understanding the jury's verdict and providing some context for its recommendations so that their intent might be better understood. The comments are based on my personal recollection of the evidence, and on what I believe to be the jury's findings of fact. Should the reader contest any of my recollection of the evidence, I would defer to the official record maintained by the court reporter.

William J. Lucas, MD CCFP
Presiding Coroner

June 28, 2016

2016 CanLII 60525 (ON OCOO)



Brian Haley, LL.B, B.E.S.
Interim City Solicitor
Legal Services
Metro Hall, 26th Floor, Stn. 1260
55 John Street
Toronto, ON M5V 3C6
Tel. 416-392-8047
Fax 416-397-5624

Reply To: Michele Brady
Tel: (416) 338-5830
Fax: (416) 397-5624
Email: michele.brady@toronto.ca

Our File No. 8700.A60.9288.16

January 16, 2017

To: Chairs and Members
Toronto Police Services Board

From: Brian Haley, Interim City Solicitor

Re: Final Report: Inquest into the Death of Mr. David Andrew Doucette,
Verdict and Recommendations of the Jury

Recommendation:

We recommend that the Board receive the jury's verdict and request a report from the Chief of Police in relation to the feasibility, usefulness and implementation of those recommendations directed at the Toronto Police Service.

Background:

This report summarizes the outcome of the inquest into the death of David Andrew Doucette, who was shot by a Toronto police officer on February 18, 2015. The facts giving rise to the inquest are summarized in our initial report dated October 19, 2016 and considered by the Board at its meeting on October 20, 2016.

The inquest was held from December 5 to December 13, 2016. The inquest was presided over by Dr. John Carlisle, Coroner. The Chief of Police, the Board, and two involved Toronto police officers (each with separate counsel) were granted standing. The family of Mr. Doucette did not participate.

The jury heard from seventeen witnesses, including the subject officer who discharged his firearm, the subject officer's escort who was present at the time of the shooting, another officer who arrived a few seconds before the shooting, two Toronto Paramedic Services paramedics, and seven civilian witnesses. The jury also heard from the medical examiner who performed the autopsy, a use of force trainer from the Ontario Police College ("OPC"), and a use of force trainer from the Toronto Police College ("TPC").

A report was provided to the Chair of the Board at the end of the evidence and instructions were sought regarding proposed recommendations.

Summary:

The jury delivered a verdict of death from a gunshot wound to the neck by means of homicide, which is not a finding of legal culpability. On the basis of the evidence heard, all of the parties with standing also proposed suicide as a possible manner of death; however, the Coroner strongly urged the jury to be wary of making such a finding, stating that Mr. Doucette's death most certainly fit the definition of homicide, whereas suicide was only a possibility, on the evidence.

The jury made six recommendations. One of the recommendations was drawn, with amendment, from a recommendation put to the jury by the Board. A second recommendation was drawn from a recommendation put to the jury jointly by the Board and the Chief. A third recommendation was drawn, with amendment, from a recommendation put to the jury by Coroner's counsel. The jury also made three recommendations of its own.

The Verdict:

A copy of the jury's verdict, delivered on December 14, 2016, is attached for your review. We have summarized it below.

A. The Five Statutory Questions

The jury answered the five statutory questions as follows:

Name of Deceased:	David Andrew Doucette
Date and Time of Death:	February 18, 2015 at 21:55
Place of Death:	St. Michael's Hospital, Toronto
Cause of Death:	Gunshot wound to the neck
By What Means:	Homicide (this is not a finding of legal culpability but rather a characterization of the death as being caused by another person, which was not an accident)

B. The Jury Recommendations

In addition to determining the five statutory questions, the jury was authorized to make recommendations directed at preventing death in similar circumstances or respecting any other matter arising out of the inquest.

The jury's recommendations are:

To the Toronto Police Services Board and the Chief of Police:

1. The Toronto Police Service should actively and continuously explore new technologies in the area of less lethal use of force options. The findings should be available in a timely manner.
2. The Toronto Police Service should continue to explore the use of Conducted Energy Weapons by frontline officers who have been provided with proper training.

3. Whenever a sergeant is dispatched to a scene, to consider directing dispatchers and the sergeant to communicate, whenever circumstances permit, the estimated time of arrival.

To the Ministry of Health and Long Term Care and the Ministry of Community Safety and Correctional Services:

4. Conduct a review as to whether specific types of health information should be provided to police services, who are frequently the first to have contact with an individual. Information to consider as part of the review may include information that may cause an individual to be a risk to others. The review should include consultation with relevant stakeholders and include consideration of the best way to make the information available in a timely manner.

To the Ministry of Health and Long Term Care and the Ministry of Community Safety and Correctional Services, Toronto Police Services Board and the Chief of Police:

5. Consider building a repository of the locations of housing for those in need of social and psychiatric services and develop a process by which to access and disseminate the repository information at the time of dispatch.
6. Ensure that police officers are oriented to high risk housing locations within their assigned divisions.

Recommendation 1 was, with slight amendment, a joint recommendation made by the Board and the Chief. The jury heard a fair amount evidence, from the TPC trainer in particular, about training and research on alternate and emerging non-lethal use of force options, including less lethal shotguns and CEWs. The jury added wording to the recommendation to the effect that the findings should be available in a timely manner.

Recommendation 2 was a recommendation made by the jury. The jury heard from both trainers at the OPC and TPC that deployment of a CEW would not have been advised on the facts of this case, and that CEWs are not recommended in any case where the subject is demonstrating assaultive behaviour. Additionally, the subject officer said he would not have used a CEW in this case if he had one. Despite this, to the extent that recommendations can address future *similar* deaths, it seems the jury was persuaded that CEWs can be useful and wanted to address CEW deployment specifically, even though it is arguably addressed by Recommendation 1.

Recommendation 3 was, with slight amendment, a recommendation of the Board. The jury heard evidence that a sergeant with a taser was dispatched to the scene but that the estimated arrival time was not communicated to the officers. No evidence was provided as to why the arrival time was not communicated in this case. However, we submitted on behalf of the Board that this information could be useful in similar circumstances, particularly when officers are attempting to de-escalate and disengage from a potentially dangerous situation.

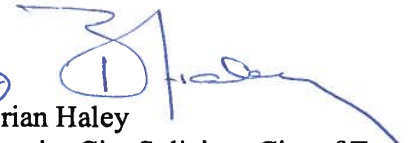
Recommendation 4 was proposed by Coroner's counsel. Mr. Doucette's psychiatrist gave evidence that she believed Mr. Doucette posed a threat to himself and others but, in the absence of a specific and immediate threat, she could not report him to the police. The jury also heard evidence from the subject officer, who wished he had more information about Doucette's mental health issues. This recommendation could raise a number of privacy issues, particularly for people like Mr. Doucette, who had mental health issues but no prior contact with TPS.

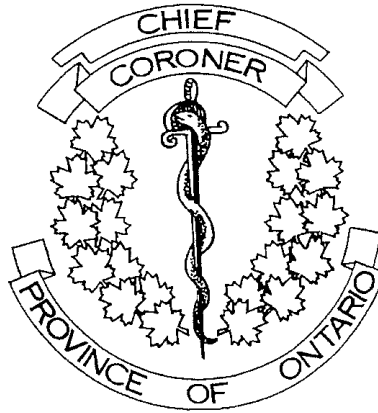
With respect to Recommendation 5, "building a general repository of locations of housing for those in need of social and psychiatric services" for the purposes of disseminating the information to police could raise potential privacy concerns. There was no evidence heard by the jury that would support this recommendation but the jury appears to have raised this to address the apparent lack of information that police had in respect of Mr. Doucette's mental health history.

With respect to Recommendation 6, the jury heard no evidence as to whether officers are oriented in respect of "high risk" housing in their assigned divisions. Aside from this, it is unclear what "high risk" housing actually means.

Conclusion

We recommend that the Board receive the jury's verdict and request a report from the Chief of Police in relation to the feasibility, usefulness and implementation of those recommendations directed at the Toronto Police Service.


Brian Haley
Interim City Solicitor, City of Toronto



INQUEST

TOUCHING THE DEATH OF

David DOUCETTE

JURY VERDICT AND RECOMMENDATIONS



Office of the
Chief Coroner
Bureau du
coroner en chef

Verdict of Coroner's Jury Verdict du jury du coroner

The Coroners Act – Province of Ontario
Loi sur les coroners – Province de l'Ontario

We the undersigned / Nous soussignés,

Deborah Price	of / de	Toronto
Magdalena Mazur Merkt-Caprile	of / de	Toronto
Sarah Smith-Johnson	of / de	Toronto
Averill Clarke	of / de	Toronto
Robert Duncan	of / de	Toronto

the jury serving on the inquest into the death(s) of / membres dûment assermentés du jury à l'enquête sur le décès de :

Surname / Nom de famille	Given Names / Prénoms
Doucette	David Andrew

aged / 49 years held at / 25 Morton Shulman Ave. , Ontario
à l'âge de / tenue à

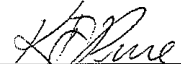
from the / 5th of December to the / 14th of December 20 16
du / au

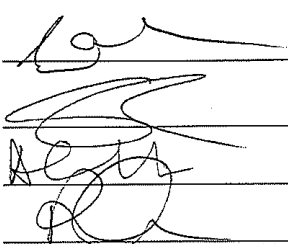
By / Dr. / Dr. J. Carlisle Coroner for Ontario
Par / coroner pour l'Ontario

having been duly sworn/affirmed, have inquired into and determined the following:
avons fait enquête dans l'affaire et avons conclu ce qui suit :

Name of Deceased / Nom du défunt
David Andrew Doucette
Date and Time of Death / Date et heure du décès
18th of February, 2015, at 21:55
Place of Death / Lieu du décès
St. Michael's Hospital, Toronto
Cause of Death / Cause du décès
Gunshot wound to neck

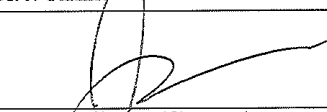
By what means / Circonstances du décès
Homicide


Original signed by: Foreman / Original signé par : Président du jury


Original signed by jurors / Original signé par les jurés

The verdict was received on the / 14th day of / December 20 16
Ce verdict a été reçu le (Day / Jour) (Month / Mois)

Coroner's Name (Please print) / Nom du coroner (en lettres moulées)	Date Signed (yyyy/mm/dd) / Date de la signature (aaaa/mm/dd)
Dr. J. Carlisle	2016/12/14


Coroner's Signature / Signature du coroner

We, the jury, wish to make the following recommendations: (see page 2)
Nous, membres du jury, formulons les recommandations suivantes : (voir page 2)



Office of the
Chief Coroner
Bureau du
coroner en chef

Verdict of Coroner's Jury Verdict du jury du coroner

The Coroners Act – Province of Ontario
Loi sur les coroners – Province de l'Ontario

**Inquest into the death of:
Enquête sur le décès de :**

David Andrew Doucette

JURY RECOMMENDATIONS RECOMMANDATIONS DU JURY

To the Toronto Police Services Board and to the Chief of Police:

1. The Toronto Police Services should actively and continuously explore new technologies in the area of less lethal use of force options. The findings should be available in a timely manner.
2. Toronto police services should continue to explore the use of Conducted Energy Weapons by front line officers who have been provided with proper training.
3. Whenever a sergeant is dispatched to a scene, to consider directing dispatchers and the sergeant to communicate, whenever circumstances permit, the estimated time of arrival.

To the Ministry of Health and Long Term Care and the Ministry of Community Safety and Correctional Services:

4. Conduct a review as to whether specific types of health information should be provided to police services, who are frequently the first to have contact with an individual. Information to consider as part of the review may include information that may cause an individual to be a risk to others. The review should include consultation with relevant stakeholders and include consideration of the best way to make the information available in a timely manner.

To the Ministry of Health and Long Term Care, the Ministry of Community Safety and Correctional Services, Toronto Police Services Board and the Chief of Police:

5. Consider building a repository of the locations of housing for those in need of social and psychiatric services and develop a process by which to access and disseminate the repository information at the time of dispatch.
6. Ensure that police officers are oriented to high risk housing locations within their assigned divisions.

Personal information contained on this form is collected under the authority of the *Coroners Act*, R.S.O. 1990, C. C.37, as amended. Questions about this collection should be directed to the Chief Coroner, 25 Morton Shulman Avenue, Toronto ON M3M 0B1, Tel.: 416 314-4000 or Toll Free: 1 877 991-9959.
Les renseignements personnels contenus dans cette formule sont recueillis en vertu de la *Loi sur les coroners*, L.R.O. 1990, chap. C.37, telle que modifiée. Si vous avez des questions sur la collecte de ces renseignements, veuillez les adresser au coroner en chef, 25, avenue Morton Shulman, Toronto ON M3M 0B1, tél. : 416 314-4000 ou, sans frais : 1 877 991-9959.



Toronto Police Services Board Report

December 14, 2016

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

**Subject: Request for a Review of a Complaint Investigation
Pertaining to a Service Provided by the Toronto Police
Service – Professional Standards Case Number PRS-
063498**

Recommendations:

It is recommended that:

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

Financial Implications:

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

Background / Purpose:

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

Legislative Requirements:

Section 63 of the *Police Services Act* (P.S.A.) directs the Chief of Police to review every complaint about the policies of or services provided by a municipal police force that is

referred to him or her by the Independent Police Review Director.

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

Board Review:

Section 63 of the P.S.A. directs that upon receiving a written request for a review of a complaint previously dealt with by the Chief of Police, the board shall:

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

Complaint:

On August 30, 2016, the complainant filed a complaint with the Office of the Independent Police Review Director (O.I.P.R.D.) in which he reported that on August 29, 2016, at approximately 21:07 hours he was in a coffee shop in the area of Yonge Street and Eglinton Avenue when he contacted 9-1-1 to report that a group of males had assaulted him and seven other guests.

The complainant advises that the Communications Operator informed him that there were no police officers available at that time to attend. He further states that the operator was rude to him and that it took 30-45 minutes for police to arrive.

The complainant believes that the attack on him was motivated by a hatred of foreigners or xenophobia as the attackers mostly attacked foreigners like himself.

The O.I.P.R.D. classified the complaint as a service complaint and on September 19, 2016, assigned the matter to the Service for investigation.

The investigator concluded the investigation on November 23, 2016, with the recommendation that no further action was required. On November 30, 2016, the Toronto Police Services Board received the complainant's request for a review of this matter.

The Chief's Decision:

This complaint arises from an incident which occurred on August 29, 2016.

The complainant and seven other patrons were in a coffee shop in the area of Yonge Street and Eglinton Avenue when they were confronted by a group of young people. The complainant reports that one patron was assaulted and another had her cell phone taken from her.

The complainant reports that he called 9-1-1 at 21:07 hours and was informed by the Communications Operator that there were no officers available to attend at that time. He states that the operator was rude to him and that it took 30-45 minutes for the officers to arrive.

The complaint investigator was unable to speak directly to the complainant as he changed his phone number after his complaint was filed and did not provide the investigator with an alternative number. The investigator and complainant did correspond by email and when asked for additional details, the complainant replied that he had clearly stated all the details in his complaint.

Service records show that the complainant called 9-1-1 at 21:09 hours and his call was cross-referenced with the original call regarding this event. The original call was received by the Service at 21:01 hours from an employee of the coffee shop reporting that a male was arguing with a customer and refusing to leave. This was classified as a priority 3 event and at the time that it was received there were no units available within 53 Division.

At 21:00 hours there were four outstanding calls in 53 Division. A car became available at 21:23 hours and was immediately dispatched to the coffee shop. The officers arrived at 21:26 hours, which is 17 minutes after the complainant's 9-1-1 call. A short time later the officers reported that the suspect was no longer on scene and because there were multiple victims and witnesses, additional officers attended to assist as they became available.

The complainant was one of five victims in this incident. The investigation resulted in the arrest of three young persons. The three are still before the courts with their next appearance scheduled for February 16, 2017, at the 311 Jarvis Street youth courts.

The complaint investigator also reviewed the 9-1-1 call in order to address the complainant's concern that the Communications Operator was rude to him. The investigator determined that the operator acted appropriately and was asking necessary questions to determine what had happened to him and the description and location of the suspect responsible.

The investigator concluded the investigation with the recommendation that no further action was required.

In this case I am satisfied with the investigator's findings and the review by Corporate Risk Management. Based on the facts available, I concur that the policing services provided for in this matter, were appropriate and that no further action was required.

Conclusion:

The complaint was classified by the O.I.P.R.D. as a complaint about the service provided by the Toronto Police Service.

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

In reviewing a policy or service complaint, subsection 63(7) of the P.S.A. directs that a Board that is composed of more than three members may appoint a committee of not fewer than three members of the Board, two of whom constitute a quorum for the purpose of this subsection, to review a complaint and to make recommendations to the Board after the review and the Board shall consider the recommendations and shall take any action, or no action, in response to the complaint as the Board considers appropriate.

Subsection 63(8) of the P.S.A. directs that in conducting a review under this section, the Board or the committee of the Board may hold a public meeting respecting the complaint.

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

Acting Deputy Chief Richard Stubbings, Operational Support Command, will be in attendance to answer any questions that the Board members may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

MS:mr

File name: prs-063498reviewpublic.docx



Toronto Police Services Board Report

January 6, 2017

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Proposed Internship Agreement to Replace the Current Co-operative Education Student Placement Agreement

Recommendation:

It is recommended that:

1. the Board approve the use of the attached agreement as the standard template for unpaid student and community placements with the Toronto Police Service; and
2. the Board authorize the Director, Human Resources to execute these agreements on behalf of the Board.

Financial Implications:

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

Background / Purpose:

For over twenty years, the Toronto Police Service (Service) has maintained professional relationships with various boards of education, individual schools and community organizations to offer temporary, unpaid placements with the Service for students and other individuals ('Interns'). The Intern Placement Programs have been successful and both the Interns and the Service have benefitted from this program. Evaluations are provided and shared at the conclusion of each work term by the Service, the student and the institution. The Service has been the recipient of annual awards from the Provincial Partnership Council because of our participation and our commitment to educational development.

In order for an individual to participate in the Intern Placement Program, each organization sending Interns to the Service is required to enter into a standard agreement with the Board. At the request of the Board, the City Solicitor drafted the current version of the agreement in 1993 for approval by the Board (Min. No. 56/1993 refers). This document was designed as a multi-purpose employment agreement that has been used for various paid and unpaid placements, such as summer employment, temporary employment and cooperative education programs.

Further, in 1994, at the request of the Service, the Board authorized the Unit Commander of the Employment Unit to execute student and social service placement agreements on behalf of the Board (Min. No. 20/1994 refers).

The purpose of this report is to request approval of an intern placement agreement template to replace the current co-operative education student placement agreement template, and to authorize the Director, Human Resources to execute the internship agreements on behalf of the Board, instead of the Manager of Employment.

Discussion:

Over the years, the Service has worked with many organizations that provide Internship opportunities, such as the Toronto District School Board, various colleges and universities, the Native Skills Centre and the Ontario March of Dimes.

Currently, the Employment Unit places an average of 100 interns annually in various units and divisions across the Service. Work terms vary in length, depending primarily on the requirements of each school program. Typical terms are from 1 semester to a full year. The program offers interns an opportunity to gain valuable work experience and an understanding of the unique role that police play within the community.

While the majority of agencies have entered into the existing agreement without issue, some have expressed concerns with the indemnification and liability provisions of the agreement. They believe these provisions are too onerous for the agencies, and the agreement is generally perceived as being imbalanced in favour of the Board and the Service. Some agencies have been so concerned with the agreement that they have chosen to not participate in the program.

Based on these concerns and recognizing the inherent value of its academic and community partnerships, the Service's legal counsel was requested to review the agreement. In its review, counsel noted that the existing agreement was originally drafted as a multi-purpose employment agreement. As such, there were a number of areas that did not specifically distinguish the unique circumstances presented by unpaid placements. In light of this, counsel asked the City Solicitor to review the existing

agreement and, if appropriate, to customize a document that would be specific to unpaid Intern placements. It was anticipated that this process would result in a more balanced agreement that the agencies would find more acceptable than the current version.

The City Solicitor drafted an entirely new agreement, which is attached to this report. The new agreement is substantially based on similar agreements that the City enters into for student placements in its Public Health Division and, in the opinion of the City Solicitor, adequately protects the Board and the Service while not being unduly onerous for placement agencies. Counsel for the Service also reviewed the new agreement and is satisfied that the interests of the Service are appropriately addressed.

Conclusion:

Based on the foregoing, the Service is recommending that the Board approve the intern placement agreement template and delegate the authority to execute the agreements to the Director, Human Resources.

Mr. Tony Veneziano, Chief Administrative Officer, Corporate Services Command, will be in attendance to answer any questions that the Board may have regarding this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police

MS:AH:md

Attach (1)

Proposed Internship Agreement Template.doc

This Agreement made in quadruplicate as of the _____ day of _____, 2017

Between:

Toronto Police Services Board

(the "Board")

- and -

(the "Institution")

Background:

- A. The Board oversees the provisions of policing services in the City of Toronto.
- B. The Institution operates a program that includes offering its students an opportunity for Internships at external entities and has asked the Board to participate in the program.
- C. The Board is willing to participate in the Internship program by accepting students of the Institution into its organization on the terms and conditions set out in this agreement.

Now, therefore, in consideration of the mutual covenants and other terms and conditions contained in this agreement and the sum of One Dollar (\$1.00) of lawful money of Canada now paid by each of the parties to the other, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Definitions

In this agreement, the following definitions apply:

- a. "Chief of Police" means the Chief of Police of the Toronto Police Service or his designate;
- b. "Intern" means a student registered in a program with the Institution participating in an Internship;
- c. "Internship" means a placement with the Board for an Intern; and
- d. "TPS" means the Toronto Police Service.

2. Term

Unless terminated in accordance with the provisions of section 10, this agreement shall be in effect from the date it has been executed by the parties.

3. Board's Responsibilities

The Board agrees that it shall, through the Chief of Police:

- a. Designate TPS members to liaise with representatives of the Institution respecting the content of the Internships, including the provision of information concerning the performance of an Intern's tasks;
- b. Upon obtaining a potential Intern's written consent, conduct a background investigation of the potential Intern to assess his/her suitability for an Internship with the TPS;
- c. Designate TPS members to coordinate and supervise an Intern's Internship;
- d. Provide any documents the Institution requires in order to arrange for workers' compensation coverage for the Intern;
- e. Use reasonable efforts to make available any reports, policies and procedures and any other materials relevant to the Internship that are in its possession and will make available, at reasonable times, TPS members for the purpose of any necessary consultation;
- f. Ensure that an Intern receives orientation, training and supervision appropriate to the Internship;
- g. Provide the Intern with sufficient equipment and space to carry out the Internship responsibilities; and
- h. If requested by the Institution, at the end of the Internship provide the Institution with a written evaluation of the Intern's performance.

4. Institution's Responsibilities

The Institution agrees that it shall:

- a. Designate a representative to liaise and consult with TPS members respecting the assignment of Interns and the content and scheduling of Internships on a timely basis;

- b. Inform any potential Intern that, with his/her written consent, a background check will be conducted by the TPS to assess his/her suitability for an Internship with the TPS;
- c. Direct Interns to comply with Board and TPS policies and procedures relevant to the Internship; and
- d. Use reasonable efforts to make available reports, policies and procedures and any other materials relevant to the Internship that are in its possession.

5. Expenses

Subject to section 8, the Board and the Institution agree that each party shall be responsible for its own expenses relating to the performance of its obligations under this agreement, provided that the Institution agrees that the Board shall not be responsible for any expenses related to this agreement that may be incurred by the Institution or by an Intern including, but not limited to, travel costs (including transit tickets/pass).

6. Performance Standards

- 1. If an Intern participates in an Internship, the Institution warrants that it and the Intern will possess all the approvals and licenses, if any, required by law to perform their obligations under this agreement.
- 2. The Institution agrees that it shall perform its obligations under this agreement:
 - a. In an appropriate and competent manner in accordance with the provisions of this agreement; and
 - b. In accordance with all applicable statutes, by-laws, regulations, orders, standards and guidelines of all municipal, provincial and federal authorities having jurisdiction.

7. Workers' Compensation

The Institution agrees that Interns are not covered by the Board's Workplace Safety and Insurance Board workers' compensation package. If an Intern suffers an injury during an Internship with the Board, the Institution agrees that the Intern will be covered by the Institution's workers' compensation package or arrangements.

8. Indemnity

- 1. The Institution agrees that it will, from time to time and at all times hereafter, well and truly save, keep harmless and fully indemnify the Board, its officers,

employees, representatives, successors and assigns, from and against all actions, claims and demands whatsoever that may be brought against or made upon the Board, and against all loss, liability, judgments, claims, costs, demands or expenses that the Board may sustain, suffer or be put to, resulting from or arising out of the Institution's failure to exercise reasonable care, skill or diligence in the performance or rendering of any work or service required to be performed or rendered by the Institution, its agents, officials, employees, Interns, agencies or any of them in accordance with the provisions of this agreement.

2. The Board agrees that it will, from time to time and at all times hereafter, well and truly save, keep harmless and fully indemnify the Institution, its officers, employees, representatives, successors and assigns, from and against all actions, claims and demands whatsoever that may be brought against or made upon the Institution, and against all loss, liability, judgments, claims, costs, demands or expenses that the Institution may sustain, suffer or be put to, resulting from or arising out of the Board's failure to exercise reasonable care, skill or diligence in the performance or rendering of any work or service required to be performed or rendered by the Board, its agents, officials, employees or any of them in accordance with the provisions of this agreement.
3. For the purposes of this section, "costs" shall mean costs awarded in accordance with the order of a court of competent jurisdiction, the order of a board, tribunal or arbitrator or costs negotiated in the settlement of a claim or action.

9. Insurance

1. The Institution agrees that it shall, at its own expense during the currency of this agreement, cause to be maintained Comprehensive General Liability and Automobile policies of insurance each containing a \$2,000,000.00 each occurrence limit of coverage. In respect of the Comprehensive General Liability coverage, such coverage shall include:
 - a. the Board as an additional insured, and
 - b. a cross liability/severability of interest clause.
2. If the Board, acting reasonably, requires the amount of coverage increased, if it requires the Institution to obtain other special insurance, or if it requires any policy to be extended in respect of the agreement, then the Institution shall obtain the extended, increased or special insurance.
3. The Institution will provide evidence of such insurance coverage in a form satisfactory to the Board upon written request of the Board.

10. Termination Clause

1. Either party may terminate this agreement upon giving the other party at least thirty (30) days' written notice, provided that an Intern who has started an Internship shall have the opportunity to complete the Internship unless otherwise agreed to by the Board and the Institution.
2. In addition to any other rights it may have, either party may terminate the agreement on the giving of written notice in the event that:
 - a. the other party in default of its obligations under this agreement in any material respect and such default is not rectified within a reasonable period after the default is brought to the defaulting party's attention;
 - b. the other party has provided false information to the party;
 - c. the other party ceases to operate or winds up or dissolves;
 - d. the other party is adjudged bankrupt or is insolvent; or
 - e. a receiver or trustee for the other party is appointed.
3. The Board shall, in addition to any other rights it may have, after consulting with the Institution, have the right to terminate this agreement and/or the Internship of any Intern:
 - a. If in the sole discretion of the Chief of Police, an Intern's performance is unacceptable; or
 - b. In the event of circumstances beyond the control of the Board, such as a community disaster, strike, fire or other situation, where such circumstances would interfere with the Board's obligations under this agreement.
4. In addition to any other rights it may have, the Institution shall, after consulting with the Board, have the right to terminate this agreement and/or an Internship in the event of circumstances beyond the control of the Institution, such as community disaster, labour disruption, fire or other situation where such circumstances would interfere with the Institution's obligations under this agreement.

11. Confidential Information

1. "Confidential Information" means information that an Intern obtains in the course of or incidental to participation in the Internship.
2. The Institution acknowledges that each Intern shall be required to take an oath of secrecy in the form attached as Schedule "A" to this agreement prior to the commencement of the Intern's Internship.
3. The Institution agrees to maintain in strict confidence all Confidential Information that comes to its attention in the course of or incidental to the performance of this agreement and not to disclose, make use of or otherwise deal with the Confidential Information without the express written permission of the Board, except in the ordinary and proper performance of its obligations pursuant to this agreement.
4. The Institution agrees to use reasonable efforts (and, in any event, efforts that are no less than the efforts it uses to protect its own Confidential Information) to protect the Confidential Information from disclosure.
5. The Institution acknowledges a duty to disclose to the Board any circumstances that may reasonably be interpreted as constituting a breach of this section of this agreement by the Institution or the Intern.
6. Nothing in this section shall prevent the Institution from making any future use of information which is public or which becomes public, in a manner not in breach of this agreement.

12. Ownership and Use

All information, computer software, data, material, sketches, plans, designs, notes, documents, memoranda, specifications or other paper writing gathered, assembled, received or prepared by the Intern during an Internship (the "Material") shall be the sole property of the Board, including any copyright and other intellectual property rights with respect to such Material, and the Institution acknowledges that each Intern shall be required to sign an acknowledgement of copyright and a waiver of moral rights in the form attached as Schedule "B" to this agreement prior to the commencement of the Intern's Internship.

13. Official Notification

Any notice herein required or permitted to be given under this agreement shall be delivered personally, by registered mail or by fax to the Board or to the Institution at the addresses listed in this subsection. Any notice sent by registered mail shall be deemed to be given on the fifth day after the day of mailing. Any notice sent by fax shall be deemed to be given on the day that it is sent.

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

Attention: Manager, Employment Unit

Facsimile: 416-343-9591

[Institution]

Attention:

Facsimile:

14. Interpretation

Words importing the masculine gender shall include the feminine and neuter, and words importing the feminine gender shall include the masculine and neuter, and the singular number shall include the plural and the plural number shall include the singular, where the context so requires.

15. Complete Agreement

1. This agreement constitutes the complete and exclusive statement of the agreement between the parties, which supersedes all proposals, oral or written, and all other communications between the parties relating to the subject matter of this agreement.
2. If one or more of the phrases, sentences clauses, paragraphs, sections or subsections contained in this agreement is declared invalid by the final and unappealable order, decree or judgment of any court of competent jurisdiction, the agreement will be construed as if such phrase(s), sentence(s), clause(s), section(s), or subsection(s) had not been inserted.
3. This agreement may be changed only by a written amendment signed and sealed by authorized representatives of both parties or by a court order pursuant to subsection (2) hereof.

16. Amendment

This agreement may be amended in writing by the mutual consent of the parties.

17. Governing Law

This agreement shall be governed and construed in accordance with the laws of the Province of Ontario and the parties irrevocably attorn to the courts of that province.

18. Successors and Assigns

1. This agreement shall ensure to the benefit of and be binding upon the parties, their successors and permitted assigns.
2. Neither the Institution nor the Board shall assign this agreement or any interest herein without the prior written consent of the other, and for the purposes of this agreement, assignment includes any transfer in the majority ownership or controlling interest in the Institution, whether through the sale of shares, direct acquisition of assets or otherwise.

19. Survival

Sections 7, 8, 11, and 12 of this agreement shall survive the termination of this agreement for any reason whatsoever.

In witness whereof the parties hereto have affixed their corporate seals attested to by the hands of their respective proper signing officers in that behalf duly authorized.

Toronto Police Services Board

Name:

Title:

[Institution]

Name:

Title:

Schedule "A"
to the Agreement Dated_____
Between
Toronto Police Services Board
And
[Institution]

Affirmation / Oath of Secrecy

I _____solemnly swear (affirm) that I will not disclose any information obtained by me in the course of my Internship with the Toronto Police Service, except as I may be authorized or required by law.

So help me God. (Omit this line in an affirmation.)

Affirmed/Sworn before me, at the City of Toronto, this ____ day of_____, 2017.

_____ X_____

Commissioner of Oath

Name:

Schedule "B"
to the Agreement Dated _____
between
Toronto Police Services Board
and
[Institution]

In consideration of my participation in an Internship at the Toronto Police Service, I, _____, acknowledge that all information, computer software, data, material, sketches, plans, designs, notes, documents, memoranda, specifications or other paper writing gathered, assembled received or prepared by me Intern during my Internship (the "Material") shall be the sole property of the Toronto Police Services Board, including any copyright and other intellectual property rights with respect to all such Material.

I also waive, unconditionally and irrevocably, in whole and in part any and all moral rights in the Material, whether under the Copyright Act or at common law, in favour of the Toronto Police Services Board and anyone claiming rights of any such nature from or through the Board.

By signing this document, I acknowledge having read, understood and agreed to it.

Dated at the City of Toronto, this _____ day of _____, 2017.

Name:

Date:

Witness Name:

Date:



Toronto Police Services Board Report

December 21, 2016

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Special Constable Appointments

Recommendation(s):

It is recommended that the Board approve the appointments of the individuals listed in this report as special constables for the Toronto Transit Commission, subject to the approval of the Minister of Community Safety and Correctional Services.

Financial Implications:

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

Background / Purpose:

Under Section 53 of the *Police Services Act of Ontario*, the Board is authorized to appoint and re-appoint special constables, subject to the approval of the Minister of Community Safety and Correctional Services. Pursuant to this authority, the Board now has agreements with the University of Toronto (U of T), Toronto Community Housing Corporation (T.C.H.C.) and Toronto Transit Commission (T.T.C.) governing the administration of special constables (Min. Nos. P571/94, P41/98 and P154/14 refer).

The Service has received a request from the Toronto Transit Commission to appoint the following individuals as special constables:

Table 1 Name of Agency and Special Constable Applicant

Agency	Name
Toronto Transit Commission	Pamela Jean ASHCROFT
Toronto Transit Commission	Arvydas Albinas BLAUZDZIUNAS
Toronto Transit Commission	Maceij CHOJECKI
Toronto Transit Commission	Terry Norman GRIMARD
Toronto Transit Commission	Brendan Hugh JOHNSON
Toronto Transit Commission	Iordanis (Jordan) Taane KATRANIS
Toronto Transit Commission	Seung Jun KIM
Toronto Transit Commission	Gagandeep Singh LIDDAR
Toronto Transit Commission	Jacob Joel MAHONEY
Toronto Transit Commission	Nir MAMANE
Toronto Transit Commission	Joshua James Emmett MCNAMARA
Toronto Transit Commission	Andrei MURESAN
Toronto Transit Commission	Tyler MURPHY
Toronto Transit Commission	Wendy Renee SCOTT
Toronto Transit Commission	Meng SHI
Toronto Transit Commission	Mark Patterson SMITH
Toronto Transit Commission	Fernand Omer TAILLEFER

Discussion:

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

The agreements between the Board and each agency require that background investigations be conducted on all of the individuals who are being recommended for appointment or re-appointment as special constables. The Service's Employment Unit completed background investigations on these individuals and there is nothing on file to preclude them from being appointed as special constables for a five year term.

The Toronto Transit Commission has advised the Service that the above individuals satisfy all of the appointment criteria as set out in their agreement with the Board. The agency's approved strength and current complement is indicated below:

Table 2 Name of Agency, Approved Strength and Current Number of Special Constables

Agency	Approved Strength	Current Complement
Toronto Transit Commission	N/A	39

Conclusion:

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

Deputy Chief of Police, James Ramer, Specialized Operations Command, will be in attendance to answer any questions that the Board may have with respect to this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police



Toronto Police Services Board Report

January 5, 2016

To: Chair and Members
Toronto Police Services Board

From: Mark Saunders
Chief of Police

Subject: Special Constable Appointment and Re-Appointments

Recommendation(s):

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

Financial Implications:

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

Background / Purpose:

Under Section 53 of the *Police Services Act of Ontario*, the Board is authorized to appoint and re-appoint special constables, subject to the approval of the Minister of Community Safety and Correctional Services. Pursuant to this authority, the Board now has agreements with the University of Toronto (U of T), Toronto Community Housing Corporation (T.C.H.C.) and Toronto Transit Commission (T.T.C.) governing the administration of special constables (Min. Nos. P571/94, P41/98 and P154/14 refer).

The Service has received a request from the Toronto Community Housing Corporation and the University of Toronto to appoint the following individuals as special constables:

Table 1 Name of Agency and Special Constable Applicant

Agency	Name
Toronto Community Housing Corporation	Kelly Christine BECK (Appointment)
Toronto Community Housing Corporation	Chad CHURCHILL (Appointment)
Toronto Community Housing Corporation	Liang (Colin) CUI (Appointment)
Toronto Community Housing Corporation	Jordan DOSWELL (Appointment)
Toronto Community Housing Corporation	Adam FLEMING-LOCKMAN (Appointment)
Toronto Community Housing Corporation	Sharoon GILL (Appointment)
Toronto Community Housing Corporation	Shane GOSINE (Appointment)
Toronto Community Housing Corporation	Shumail Ahmed MIAN (Appointment)
Toronto Community Housing Corporation	Robb NATHANIEL (Appointment)
Toronto Community Housing Corporation	Alexander SCHULZ (Appointment)
Toronto Community Housing Corporation	Matthew Peter SERINO (Appointment)
University of Toronto Scarborough Campus	Wendy HUGHES (Re-Appointment)
University of Toronto Scarborough Campus	Shahid ZAFAR (Re-Appointment)
University of Toronto St. George Campus	Sean Lewis TOMPA (Re-Appointment)

Discussion:

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

The agreements between the Board and each agency require that background investigations be conducted on all of the individuals who are being recommended for appointment or re-appointment as special constables. The Service's Employment Unit completed background investigations on these individuals and there is nothing on file to preclude them from being appointed as special constables for a five year term.

The Toronto Community Housing Corporation and the University of Toronto, have advised the Service that the above individuals satisfy all of the appointment criteria as set out in their agreement with the Board. The agency's approved strength and current complement is indicated below:

Table 2 Name of Agency, Approved Strength and Current Number of Special Constables

Agency	Approved Strength	Current Complement
Toronto Community Housing Corporation	112	82
University of Toronto, Scarborough Campus	19	13
University of Toronto, St. George Campus	50	30

Conclusion:

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

Deputy Chief of Police, James Ramer, Specialized Operations Command, will be in attendance to answer any questions that the Board may have with respect to this report.

Respectfully submitted,

Mark Saunders, O.O.M.
Chief of Police



Toronto Police Services Board Report

January 12, 2017

To: Members
Toronto Police Services Board

From: Andy Pringle
Chair

Subject: City of Toronto Council Decision – Member Motion – Re-Examining Toronto Police Service Scout Car Graphics

Recommendation(s):

It is recommended that:

- (1) the Chief of Police submit a report to the Board, in conjunction with the report requested in Min. No. P247/16, in response to City Council recommendations 1 to 3 arising from a Member Motion pertaining to the colour and graphics of the Toronto Police Service scout cars; and
- (2) the Board forward a copy of this report to the City Manager for information.

Financial Implications:

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

Background/Purpose:

At its meeting on November 8 and 9, 2016, City Council adopted a Member Motion pertaining to the colour and graphics of the Toronto Police Service scout cars.

Council's decision and the Member Motion are available at this link: [Agenda Item History: 2016.MM22.32](#)

Discussion:

In adopting the Member Motion, City Council approved the following recommendations:

1. City Council request the Toronto Police Services Board, due to growing public concern about the military-style “stealth” grey police cruisers proposed for purchase by the Toronto Police Service, to retain the current white with red and blue colour scheme pending further review;
2. City Council request the Toronto Police Services Board to clarify the reasons why a change in the scout car colour and graphics is necessary and why the proposed grey scheme was chosen; and
3. If a new colour scheme is required, City Council request the Toronto Police Services Board to initiate an independent, professional study, including consultations with community stakeholders, to determine the most appropriate colours and graphics for future police vehicles, and to have regard for City Council's expectation that the colours and graphics chosen will reflect the City's values of diversity, inclusiveness and mutual respect.

Prior to the foregoing City Council decision, the Board, at its meeting on October 20, 2016, approved the following Motion during a discussion regarding the TPS 2017-2026 capital program request (Min. No. P247/16 refers):

THAT the Chief report to the Board on the current inventory of Service vehicles according to the designs that he intends to have in service over the next five years as per the Service capital plan.

Conclusion:

It is recommended that:

- (1) the Chief of Police submit a report to the Board, in conjunction with the report requested in Min. No. P247/16, in response to City Council recommendations 1 to 3 arising from a Member Motion pertaining to the colour and graphics of the Toronto Police Service scout cars; and
- (2) the Board forward a copy of this report to the City Manager for information.

Respectfully submitted,

Andy Pringle
Chair

x:city_of_toronto_council_scoutcar_graphics



Toronto Police Services Board Report

January 17, 2017

To: Members
Toronto Police Services Board

From: Andy Pringle
Chair

Subject: City of Toronto Council Decision – Update on Information Sharing Between Toronto Community Housing Corporation and the Toronto Police Service

Recommendation(s):

It is recommended that the Chief provide a report to the Board on the status of the development of a Memorandum of Understanding with the Toronto Community Housing Corporation which would allow for more efficient information sharing between the Toronto Police Service and TCHC.

Financial Implications:

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

Background/Purpose:

At its meeting on November 8 and 9, 2016, City Council adopted a report from the City Manager (dated September 28, 2016) that provided an update on the status of an earlier City Council request that the Toronto Community Housing Corporation ("TCHC") and the Toronto Police Services Board expedite efforts to develop and implement a Memorandum of Understanding ("MOU") to allow for more efficient information sharing between the Toronto Police Service ("TPS") and TCHC.

Council's decision and the complete report are available at this link: [Agenda Item History: 2016.CC22.3](#)

Discussion:

In the September 2016 report, the City Manager advised that the MOU had not been executed by the parties. Both TCHC and the TPS had indicated that there is alignment on the main points of implementation and that TCHC anticipated the MOU would be executed in the fall of 2016.

On January 3, 2017, City staff advised that as of that date, the MOU remained unsigned by the parties (despite the aforementioned alignment on the main points of implementation).

Conclusion:

It is recommended that the Chief provide a report to the Board on the status of the development of a Memorandum of Understanding with the Toronto Community Housing Corporation which would allow for more efficient information sharing between the Toronto Police Service and TCHC.

Respectfully submitted,

Andy Pringle
Chair

x:city_of_toronto_council_update_infosharing



Toronto Police Services Board Report

December 29, 2016

To: Members
Toronto Police Services Board

From: Andy Pringle
Chair

Subject: City of Toronto Council Decision – Powers of the Chief of Police to Approve Properties for the Removal of Parked Vehicles

Recommendation(s):

It is recommended that the Board forward this report to the Chief of Police for information and any necessary follow-up.

Financial Implications:

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

Background/Purpose:

At its meeting on November 8 and 9, 2016, City Council adopted a report from the Licensing and Standards Committee containing proposed amendments to Toronto Municipal Code, Chapter 150, Municipal Law Enforcement Officers ("the Code"), to include new criteria for the approval of properties for enforcement and clarify the ability to revoke or suspend approvals.

Council's decision and the complete report are available at this link: [Agenda Item History: 2016.LS14.1](#)

Discussion:

The report from the Licensing and Standards Committee was based on a report from the City Solicitor (dated October 3, 2016) which recommended that the Code be amended to require as pre-conditions to the Chief of Police approving a property for the removal, towing, or impounding of vehicles by certain Municipal Law Enforcement Officers ("MLEOs") that:

- i. a commercial parking lot licence has been granted for the property by Municipal Licensing and Standards, if one is required; and
- ii. the property complies with all applicable laws, including zoning by-laws.

The City Solicitor's report also proposed an amendment to the Code to clarify that the power of the Chief of Police to approve a property for enforcement by certain MLEOs includes the power to suspend or revoke approval, if the property no longer complies with the criteria for approval set out in the Code, including the proposed new criteria.

Conclusion:

I recommend that the Board forward this report to the Chief of Police for information and any necessary follow-up.

Respectfully submitted,

Andy Pringle
Chair

x:city_of_toronto_council_chief_parking_power



Toronto Police Services Board Report

December 29, 2016

To: Members
Toronto Police Services Board

From: Andy Pringle
Chair

Subject: City of Toronto Council Decision – Mitigation Strategies to Address Projected Year-End Over-Expenditures

Recommendation(s):

It is recommended that the Board forward this report to the Chief of Police for information and any necessary follow-up.

Financial Implications:

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

Background/Purpose:

At its meeting on October 5, 6 and 7, 2016, City Council adopted a report from the Executive Committee regarding the operating budget variance for the six month period ending June 30, 2016. The report included a recommendation that City Council direct all City Programs and Agencies to continue to identify and undertake mitigation strategies to address projected year-end over-expenditures.

Council's decision and the complete report are available at this link: [Agenda Item History: 2016.EX17.15](#)

Discussion:

Council adopted a report that included a recommendation that it direct all City Programs and Agencies to continue to identify and undertake mitigation strategies to address projected year-end over-expenditures.

Conclusion:

I recommend that the Board forward this report to the Chief of Police for information and any necessary follow-up.

Respectfully submitted,

Andy Pringle
Chair

x:city_of_toronto_council_operatingvariance

Next Meeting: Thursday, February 23, 2017
1:00 PM