



The following *draft* Minutes of the meeting of the Toronto Police Services Board held on OCTOBER 21, 2004 are subject to adoption at its next regularly scheduled meeting.

The Minutes of the meeting held on SEPTEMBER 23, 2004 previously circulated in draft form were approved by the Toronto Police Service Board at its meeting held on OCTOBER 21, 2004.

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **OCTOBER 21, 2004** at 1:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

PRESENT:

Ms. Pam McConnell, Councillor & Chair
Dr. Alok Mukherjee, Vice-Chair
Mr. John Fillion, Councillor & Member
The Honourable Hugh Locke, Q.C., Member
Mr. Case Ootes, Councillor & Member

ALSO PRESENT:

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

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

#P333. SWEARING-IN PROCEEDINGS: DR. ALOK MUKHERJEE

Acting Chair Pam McConnell administered the oath of office and oath of secrecy to Dr. Alok Mukherjee who was appointed to the Board by Toronto City Council for a period of time commencing September 28, 2004 and ending November 30, 2006, and until a successor is appointed.

A copy of the Dr. Mukherjee's appointment is appended to this Minute for information.

The Board received the foregoing.



City Clerk's Office

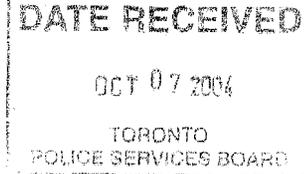
Secretariat
Helen Smith
Nominating Committee
City Hall, Main Floor, West
100 Queen Street West
Toronto, Ontario M5H 2N2

Ulli S. Watkiss
City Clerk

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September 30, 2004

Deirdre Williams, Administrator
Toronto Police Services Board
40 College Street, 7th floor
Toronto ON M5G 2J3



Dear Ms Williams:

This is to inform you that City Council, at its meeting on September 28, 29 and 30, and October 1, 2004, by adopting Nominating Committee Report 5 Clause 1, appointed Alok K. Mukherjee to the Toronto Police Services Board for a term of office at the pleasure of Council ending November 30, 2006, and until a successor is appointed.

Contact information is on the attached confidential sheet. It would be appreciated if you would contact Mr. Mukherjee with information about the Board and a schedule of meetings.

If you have any questions about this appointment, please contact Helen Smith, Nominating Committee Administrator at 416-392-0146. I hope that the next few years will be rewarding for the Toronto Police Services Board and its board members and staff.

Yours truly,


for Ulli S. Watkiss
City Clerk

Helen Smith/lr

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
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#P334. ELECTION OF THE CHAIR AND VICE CHAIR

Election of the Chair, Toronto Police Services Board

Given the vacancy in the position of Chair, Toronto Police Services Board, the Board Administrator requested nominations for the position of Chair of the Toronto Police Services Board.

Councillor John Filion nominated Councillor Pam McConnell. There were no further nominations and the Board Administrator announced that nominations were closed.

The Board voted and, based upon one nomination for the office of Chair, Toronto Police Services Board, Councillor Pam McConnell was declared elected Chair of the Board for the remainder of 2004 and until her successor is appointed.

Election of the Vice-Chair, Toronto Police Services Board

Given the vacancy in the position of Vice-Chair, Toronto Police Services Board, the Board Administrator requested nominations for the position of Vice-Chair of the Toronto Police Services Board.

Councillor John Filion nominated Dr. Alok Mukherjee. There were no further nominations and the Board Administrator announced that nominations were closed.

The Board voted and, based upon one nomination for the office of Vice-Chair, Toronto Police Services Board, Dr. Alok Mukherjee was declared elected Vice-Chair of the Board for the remainder of 2004 and until his successor is appointed.

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#P335. MOMENT OF SILENCE

The Board observed a moment of silence in memory of Detective William Bradley Townsend (7036) of No. 22 Division who passed away while on duty on Tuesday, September 21, 2004. Detective Townsend had been a member of the Toronto Police Service for 28 years.

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#P336. RETIREMENT: ACTING DEPUTY CHIEF DAVID DICKS

Chair Pam McConnell noted that this was the last police services board meeting for Acting Deputy Chief of Police David Dicks, Policing Support Command, and indicated that he will be retiring from the Toronto Police Service in November. The Board congratulated Acting Deputy Dicks on his forthcoming retirement and extended appreciation to him for his 33 years of exemplary service.

The Board also announced that it had designated Staff Superintendent Emory Gilbert to fulfil the position of Acting Deputy Chief – Policing Support Command following Acting Deputy Dicks' retirement and until the Board appoints a new Deputy Chief of Police in 2005.

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#P337. INTRODUCTIONS

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

Mr. Celestino Gianotta, Director, Information Technology Services
Mr. Jose Ferreira, Manager, Enterprise Resource Management Services
Staff Sergeant William Lithgow
Staff Sergeant Suzanne Walsh
Sergeant Jason Cole
Sergeant Scott Ferguson
Sergeant Jim Giczi
Sergeant Janet Hall
Sergeant Bernard Hawco
Sergeant Sandra Jones
Sergeant Neil Madill
Sergeant Larry Reballato
Sergeant Darryl Talbot
Sergeant Darren Townley

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
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#P338. OUTSTANDING AND PENDING PUBLIC REPORTS

The Board was in receipt of the following report OCTOBER 07, 2004 from Pam McConnell, Acting Chair:

Subject: OUTSTANDING & PENDING REPORTS - PUBLIC

Recommendations:

It is recommended that:

- (1) the Board receive the attached list of pending and outstanding public reports; and
- (2) the Board provide direction with respect to the reports noted as outstanding.

Background:

At its meeting held on March 27, 2000 the Board agreed that the Chair would be responsible for providing the Board with a list of the public reports which had previously been requested but which had not been submitted and were, therefore, considered as "outstanding". The Board further agreed that when outstanding reports were identified, the Chair would provide this list to the Board for review at each regularly scheduled meeting (Min. No. C70/00 refers).

I have attached a copy of the current list of all pending and outstanding public reports required from both the Chief of Police and representatives from various departments of the City of Toronto.

A review of this list indicates that there are outstanding reports; these reports are emphasized in bold ink in the attachment.

The Board approved the foregoing.

Public Reports

Requested by the Toronto Police Services Board

Updated: October 07/04

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P291/02 P34/03	<p>Alternatives to the Use of Lethal Force</p> <ul style="list-style-type: none"> • Issue: recommendations from the conference forwarded to Chairman for comments and response • Recommend's 1, 2, 4, 19, 20, 21, 22 & 23 have been referred to the Board/Service Race Relations Joint Working Group 	<p>Report Due: May 29/03</p> <p>Extension Reqs'd:</p> <p>Extension Granted:</p> <p>Revised Due Date:</p> <p>Status:.....outstanding</p>	Chair, Police Services Board
P111/01 P301/01	<p>Framework – Governance & Business Plan 2005 – 2007</p> <ul style="list-style-type: none"> • Issue: submit a report for approval re: 2005-2007 business plan that complies with the <i>PSA</i> & Adequacy & Effectiveness of Police Service Regulation • should also include policing priorities approved by the Board • Board members to participate in the development of the business plan 	<p>Report Due: not later than Dec. 2004</p> <p>Extension Reqs'd:</p> <p>Extension Granted:</p> <p>Revised Due Date:</p> <p>Status:</p> <p>Report for the 2008-2010 Governance and Business Plan due: December 2007</p>	Chief of Police

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P283/02 P315/02 P33/03 P34/03 P35/03	Race Relations <ul style="list-style-type: none"> Issue: the Board/Service Race Relations Joint Working Group final report will address on race relations issues, some recommend's from the <i>Saving Lives</i> report, third-party complaints & City Council Motions 	Report Due: Sept. 23/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:outstanding	Joint Working Group
P216/03	Follow-Up Review of Parking Enforcement Unit <ul style="list-style-type: none"> Issue: results of follow-up review of the Parking Enforcement Unit 	Report Due: Oct. 16/03 Extension Reqs'd: Extension Granted: Revised Due Date: Status: matter is still being reviewed by Auditor General (May 2004)	Auditor General, City of Toronto
P225/03	Policy Governing Non-Acceptance of Fees, Gifts or Personal Benefits <ul style="list-style-type: none"> Issue: review, in consultation with Mr. Albert Cohen, the policy noted above 	Report Due: Feb. 26/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:outstanding	Chair, Police Services Board
P276/03	Conditions of Appointment for Chair, TPSB <ul style="list-style-type: none"> Issue: to review conditions of appointment for the Chair, TPSB 	Report Due: Feb. 26/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:outstanding	Board Staff

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P298/03	Fee Structure for External Legal Services <ul style="list-style-type: none"> Issue: to identify a proposed fee structure for the Board to approve with regard to external legal services 	Report Due: Jan. 22/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:.....outstanding	City of Toronto – Legal Services
P77/04	Potential for Federal Funds <ul style="list-style-type: none"> Issue: investigate possibility of obtaining funds related to: intelligence and national security; coast guard responsibilities, consulate protection; and drug money seizures 	Report Due: July 29/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status: matter is pending a meeting of the Board's Budget Task Force.	Chief of Police, report through the Board Budget Task Force
P85/04	Format Guidelines – Board Reports <ul style="list-style-type: none"> Issue: report on the changes made to the format for Board reports, including technical improvements 	Report Due: June 21/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status: meetings on-going, waiting for response from Information Technology.	Chair, Police Services Board
P135/04	Towing and Pound Services Contracts <ul style="list-style-type: none"> Issue: to report in a timely manner outlining a process on how to deal with various towing issues prior to the next contract 	Report Due: June 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:	City of Toronto – Legal Services

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
C99/04	<p>Attendance at Public Events - Political</p> <ul style="list-style-type: none"> Issue: develop a policy identifying the specific activities or events, or circumstances, in which the Chief and Deputy Chiefs may participate when the attendance at those activities or events may also involve elected public officials or be sponsored by a specific political group 	<p>Report Due: Aug. 26/04 Extension Reqs'd: Extension Granted: Revised Due Date: Sept. 23/04 Status:.....outstanding</p>	<p>Chair, Police Services Board</p>
P215/04	<p>Mobile Crisis Intervention Team</p> <ul style="list-style-type: none"> <u>Issue:</u> identify the status of the agreement and/or the potential for renewal of the agreement between the Board and St. Michael's Hospital 	<p>Report Due: February 2006 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	<p>Chief of Police</p>
P239/04	<p>Search of Persons Procedures</p> <ul style="list-style-type: none"> <u>Issue:</u> review the Service policies and procedures pertaining to searches of persons and provide an opinion as to whether they are consistent with the decision in <i>R. v. Golden</i> 	<p>Report Due: Oct. 21/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	<p>City of Toronto – Legal Services Division</p>

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
C156/04	Criminal Court – Special Pay Update <ul style="list-style-type: none"> Issue: prepare a report for the public agenda on criminal court – special pay issues 	Report Due: Oct. 21/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:.....outstanding	Chief of Police
P134/04 C162/04	Professional Standards – Statistical Analysis of Allegations <ul style="list-style-type: none"> Issue: provide a report, updated monthly, including a statistical analysis of all allegations of misconduct against members, include open cases, closed cases, cases opened and closed since last reported, and identify the unit conducting the investigation identify any trends noted by the Service prepare for public consideration 	Report Due: Each Month Extension Reqs'd: Extension Granted: Revised Due Date: Status:	Chief of Police
C170/04	Criteria for Confidential Reports <ul style="list-style-type: none"> Issue: identify the differences between section 35 of the <i>Police Services Act</i> followed by the Board and the policy followed by the City. 	Report Due: Dec. 16/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:	City of Toronto – Legal Services Division

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P278/04	Pedestrian Safety – Use of Radar <ul style="list-style-type: none"> • <u>Issue:</u> criteria that is used to determine where radar sets will be deployed 	Report Due: Dec. 16/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:	Chief of Police
P279/04	Destruction of Fingerprints & Photographs <ul style="list-style-type: none"> • <u>Issue:</u> review concerns raised by the IPC Commissioner and deputant regarding the proposed policy and provide revised report to the Board 	Report Due: Dec. 16/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:	Chief of Police
P279/04	Destruction of Fingerprints & Photographs <ul style="list-style-type: none"> • <u>Issue:</u> review issues related to the levying of a new fee 	Report Due: Dec. 16/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:	City of Toronto – Legal Services Division
P280/04	“CALEA” <ul style="list-style-type: none"> • <u>Issue:</u> review impact to the 2005 operating budget and future operating budgets, including estimates of potential soft dollar costs • also include the differences between the Adequacy Standards Regulation and CALEA standards of excellence 	Report Due: Nov. 18/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:	Chief of Police

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P284/04	<p>Municipal Freedom of Information</p> <ul style="list-style-type: none"> • <u>Issue:</u> develop a workplan to achieve a much higher rate of compliance for the balance of 2004 and a minimum 80% compliance rate in 2005 • Include total number of <i>MFIPPA</i> requests that are currently overdue divided into categories of 30, 60, or 90 days, or longer 	<p>Report Due: Nov. 18/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
P284/04	<p>Municipal Freedom of Information</p> <ul style="list-style-type: none"> • <u>Issue:</u> feasibility of assuming the legislated authority for MFIPPA and include all budget implications 	<p>Report Due: Dec. 16/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chair, Police Services Board
P285/04	<p>Employment Equity Plan</p> <ul style="list-style-type: none"> • <u>Issue:</u> in consultation with the Chief, review the inventory of TPS employment equity policies, procedures and programs 	<p>Report Due: Nov. 18/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chair, Police Services Board
P294/04 P328/04	<p>Advanced TASERS</p> <ul style="list-style-type: none"> • <u>Issue:</u> use of Advanced TASERS by supervisors in accordance with guidelines established by the Ministry of Community Safety and Correctional Services 	<p>Report Due: Nov. 18/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P326/04	Police Charitable Foundation <ul style="list-style-type: none"> Issue: provide an update on the status of the Police Charitable Foundation 	Report Due: Dec. 16/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:	Chief of Police
P329/04	eCOPS <ul style="list-style-type: none"> Issue: the results of a review of the eCOPS system to be conducted by the Auditor General 	Report Due: Dec. 16/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:	Auditor General, City of Toronto
P212/04	Downloading from Fed. & Prov. Govt. <ul style="list-style-type: none"> Issue: number of responsibilities that have been downloaded from the prov. & fed. gov't. and the impact those have had upon the TPS, including financial equivalent 	Report Due: during 2005 operating budget Extension Reqs'd: Extension Granted: Revised Due Date: Status:	Chief of Police

Quarterly Reports

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P529/00 P91/01 P167/01 P119/02 P338/02	<p>CIPS enhancements – Searches of Persons</p> <ul style="list-style-type: none"> <u>Issue:</u> to provide quarterly reports on the implementation of CIPS enhancements into the new Records Management System and advise the Board if the Service is unable to provide electronic gathering of statistics by the third quarter of 2001 	<p>Report Due: Jan. 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
P304/01 P356/01 P121/02	<p>Enhanced Emergency Management</p> <ul style="list-style-type: none"> <u>Issues:</u> to periodically report to the Board with respect to the Service's role in the City's enhanced emergency management initiative quarterly commencing Apr. 2002 	<p>Report Due: Jan. 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
P208/04	<p>Domestic Violence Training</p> <ul style="list-style-type: none"> <u>Issues:</u> quarterly submissions on the domestic violence quality control reports 	<p>Report Due: date of 1st report to be determined Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
P284/04	<p>Municipal Freedom of Information</p> <ul style="list-style-type: none"> <u>Issues:</u> identify the Service's MFIPPA compliance rate 	<p>Report Due: Feb. 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
	Special Fund <ul style="list-style-type: none"> • <u>Issues:</u> unaudited quarterly reports on the status of the Board's special fund. 	Report Due: Dec. 16/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:	Chief of Police

Semi-Annual Reports

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P199/96 P233/00 #255/00 P463/00 P440/00 P255/00 P26/01 P27/01 P54/01	Professional Standards <ul style="list-style-type: none"> • <u>Issue:</u> interim report (for the period January – July) to be submitted in November each year • annual report (for the period January – December) to be submitted in May each year • see also Min. No. 464/97 re: complaints • see also Min. No. 483/99 re: analysis of complaints over-ruled by OCCPS • revise report to include issues raised by OCCPS and comparative statistics on internal discipline in other police organizations • note: police pursuit statistics should be included - beginning ... Nov. 2001 rpt. 	Next report Due: Nov. 18/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:	Chief of Police

Semi-Annual Reports

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
	<p>Professional Standards – cont'd</p> <ul style="list-style-type: none"> • note: annual report now to include the # of civil claims that occurred as a result of complaints (Min. No. 463/00 refers) • note: searches of persons statistics should also be included in annual report • revise format of report, based upon recommendation by Hicks Morley, so that tracking acquittals on or withdrawal of related criminal charges is possible include OPAC information on lethal and non-lethal weapons • include evaluations of M26 Advanced TASER & Bean Bag & Sock Round Kinetic Energy Impact Projectiles • this report should now include information on when the Service will be in full compliance with the Board's reporting requirements which is dependent upon implementation of PSIS (P551/00, P135/01, P158/01, P202/01, P178/02 & P341/02 refer) • identify and include an appropriate comparator or baseline, if possible, in future reports to better assess the complaints data (P209/03 refers) 		

Semi-Annual Reports

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P5/01	<p>Legal Indemnification</p> <ul style="list-style-type: none"> • <u>Issue</u>: a report relating to the payment of all accounts for labour relations counsel, legal indemnification claims and accts relating to inquests that are approved by Human Resources and Labour Relations • reports will be submitted in August and February each year 	<p>Next report Due: Feb. 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	<p>Manager, Labour Relations</p>
P5/01	<p>Tracking Implementation of Board Directions</p> <ul style="list-style-type: none"> • <u>Issue</u>: pertains to recommends 17 and 18 in Chief's response to OCCPS • <u>Reference</u>: OCCPS Review 	<p>Report Due: Feb. 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	<p>Chief of Police</p>

Semi-Annual Reports

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P337/98 P491/99 P8/00 P476/00 P121/01 P289/01 P111/03	Audit – Sexual Assault Investigations <ul style="list-style-type: none"> • <u>Issue:</u> to provide semi-annual updates on the implementation of the City Auditor's recommendations • Report in November (for May to Oct) and May (November to April) Follow-Up Audit <ul style="list-style-type: none"> • <u>Issue:</u> a follow-up review of the investigation of sexual assaults will be conducted and reported to the Board 	Report Due: Nov. 18/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:	Chief of Police
P66/02	Grant Applications & Contracts <ul style="list-style-type: none"> • <u>Issue:</u> semi-annual summaries of all grant applications and contracts initiated by the Service and approved by the Chairman • reports will be submitted in April and Oct. 	Report Due: Apr. 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:	Auditor General, City of Toronto

Annual Reports

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P343/93 P344/97 P156/00 P5/01	<p>Victim Services Program</p> <ul style="list-style-type: none"> • <u>Issue:</u> be submitted in June each year 	<p>Next Report Due: June 2005</p> <p>Extension Reqs'd:</p> <p>Extension Granted:</p> <p>Revised Due Date:</p> <p>Status:</p>	Chief of Police
P200/96 P89/99 P156/00 P5/01	<p>Hate Crime Statistics</p> <ul style="list-style-type: none"> • <u>Issue:</u> to be submitted in Feb. each year • include mechanism to evaluate effectiveness of Service initiatives • report annually now rather than semi-annually – Min. No. 156/00 refers 	<p>Next Report Due: Feb. 2005</p> <p>Extension Reqs'd:</p> <p>Extension Granted:</p> <p>Revised Due Date:</p> <p>Status:</p>	Chief of Police

Annual Reports

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P156/00 P264/03	<p>Audit Recommendations</p> <ul style="list-style-type: none"> • <u>Issue:</u> tracking implementation status of external and internal audit recommendations • to be submitted in a format suitable for the public agenda, any matters which conform with s.35 of the <i>PSA</i> can be provided in a separate conf report. 	<p>Next Report Due: July 2005</p> <p>Extension Reqs'd:</p> <p>Extension Granted:</p> <p>Revised Due Date:</p> <p>Status:</p>	Chief of Police
P333/95 P97/01 P89/03	<p>Training Programs</p> <ul style="list-style-type: none"> • <u>Issue:</u> annual reports which evaluate the effectiveness of internal Service training programs • include results of the review of the Advanced Patrol Training course • to be submitted in June each year 	<p>Next Report Due: June 2005</p> <p>Extension Reqs'd:</p> <p>Extension Granted:</p> <p>Revised Due Date:</p> <p>Status:</p>	Chief of Police
P292/96	<p>Special Constables - Univ. of Toronto</p> <ul style="list-style-type: none"> • <u>Issue:</u> to be submitted in April each year 	<p>Next Report Due: Apr. 2005</p> <p>Extension Reqs'd:</p> <p>Extension Granted:</p> <p>Revised Due Date:</p> <p>Status:</p>	Chief of Police
P39/96	<p>Special Constables – TTC</p> <ul style="list-style-type: none"> • <u>Issue:</u> to be submitted in April each year 	<p>Next Report Due: Apr. 2005</p> <p>Extension Reqs'd:</p> <p>Extension Granted:</p> <p>Revised Due Date:</p> <p>Status:</p>	Chief of Police

Annual Reports

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P414/99	<p>Special Constables – MTHA (now TCHC)</p> <ul style="list-style-type: none"> • <u>Issue:</u> to be submitted in April each year 	<p>Next Report Due: Apr. 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
P80/02 P249/02 P45/03	<p>Professional and Consulting Services</p> <ul style="list-style-type: none"> • <u>Issue:</u> semi-annual reports on all consulting expenditures, sorted into project categories • include recommendation that the reports be forwarded by the Board to the City CFO & Treasurer • include each consultant contract individually, specific project, total dollar amount, particular company or individual hired and any over expenditures for individual contracts • will now be submitted annually rather than semi-annually – in February 	<p>Report Due: Feb. 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
P107/97 P27/01	<p>Program Review of R.I.S. (now C.I.S.)</p> <ul style="list-style-type: none"> • <u>Issue:</u> status of staffing changes • financial statement with savings to-date including staffing • report to be submitted in October 	<p>Next Report Due: Oct. 21/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status: report will be considered at the Nov. 18/04 meeting.</p>	Chief of Police

Annual Reports

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P65/98 P51/01 P195/03	<p>CPLC Committees/Divisional Activities</p> <ul style="list-style-type: none"> • <u>Issue:</u> summary of all activities funded by the Board • Chief will be responsible for all requests for funds related to the CPLC annual conference • to be submitted in January each year 	<p>Next Report Due: Jan. 2005 Extension Req's'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
P195/03	<p>CPLC Annual Conference</p> <ul style="list-style-type: none"> • <u>Issue:</u> request for funds for the annual conference to be submitted in March 	<p>Next Report Due: March 2005 Extension Req's'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
P66/99	<p>“Rules” Changes</p> <ul style="list-style-type: none"> • <u>Issue:</u> changes to existing rules to be submitted annually • policy amended (Min. No. 264/99) so that changes can be submitted on an as-needed basis if necessary 	<p>Next Report Due: May 2005 Extension Req's'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
P27/01	<p>Community & Corporate Donations</p> <ul style="list-style-type: none"> • <u>Issue:</u> to identify all the donations that were provided to the Service based upon approvals by the Board and Chief of Police. • to be submitted in April each year 	<p>Next Report Due: April 2005 Extension Req's'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police

Annual Reports

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P4/01 P5/01 C31/01	<p>Secondments</p> <ul style="list-style-type: none"> • <u>Issue:</u> annual reporting of all secondments approved by the Chief of Police • to be submitted in February each year • include RCMP-UN Peacekeeping secondments 	<p>Next Report Due: Feb. 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
P156/00	<p>Annual Review of Reports to be Submitted</p> <ul style="list-style-type: none"> • <u>Issue:</u> to review the quarterly, semi-annual and annual reports submitted to the Board at the first meeting in each new year. 	<p>Next Report Due: Jan. 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chair, Police Services Board
P106/96 P450/00 P55/01	<p>Secondary Activities</p> <ul style="list-style-type: none"> • <u>Issue:</u> <i>Police Services Act</i> indicates that annual reports must be submitted re: secondary activities by members • include a preamble describing policy, reporting requirements & criteria 	<p>Next Report Due: Feb. 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
P173/96 P139/00	<p>Use of Police Image & Crest</p> <ul style="list-style-type: none"> • <u>Issue:</u> a summary of the requests for use of the Toronto Police image that were approved and denied during the year • to be submitted in April each year 	<p>Next Report Due: April 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police

Annual Reports

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
	<p>Audited Reports</p> <ul style="list-style-type: none"> • Issue: audited financial statements of the Board's Special Fund and Trust Funds • to be submitted in August each year 	<p>Next Report Due: Aug. 26/04</p> <p>Extension Reqs'd:</p> <p>Extension Granted:</p> <p>Revised Due Date: Sept. 23/04</p> <p>Status:.....outstanding</p>	Chief of Police
P4/01 P27/01 P74/01 C59/04	<p>Operating & Capital Budgets</p> <ul style="list-style-type: none"> • Issue: annual operating and capital budgets to be submitted for approval • Operating budget to include special activities • Policy & Finance Cttee requested that operating budget be submitted in alignment with business plan and include performance indicators • operating budget to include opportunities for the Board to request funding support from the provincial and federal governments and also at any time during the year as issues arise • beginning 2005 detailed cost element breakdowns to be provided to the Board on a confidential basis when the Board first considers the operating budget request for the next year 	<p>Next Report Due: capital 2005 operating Nov. 29/04</p> <p>Extension Reqs'd:</p> <p>Extension Granted:</p> <p>Revised Due Date:</p> <p>Status:</p>	Chief of Police

Annual Reports

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
	<p>Operating & Capital Budgets – cont'd</p> <ul style="list-style-type: none"> feature category summaries be made available publicly when the Board first considers the operating budget request for the next year 		
	<p>Human Resources Strategy</p> <ul style="list-style-type: none"> <u>Issue</u>: annual strategy, coinciding with annual operating budget, to be submitted to the Board for approval 	<p>Next Report Due: Nov. 29/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
	<p>Police Services Board – Office Budget</p> <ul style="list-style-type: none"> <u>Issue</u>: to review and approve the operating and capital estimates for the Board's operations 	<p>Next Report Due: Nov. 29/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
	<p>Parking Enforcement Unit Budget</p> <ul style="list-style-type: none"> <u>Issue</u>: to review and approve the Parking Enforcement Unit annual operating budget 	<p>Next Report Due: Nov. 29/04 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
P160/99 P192/00 P83/02 P122/03	<p>Race Relations Plan</p> <ul style="list-style-type: none"> <u>Issue</u>: to report annually on the status of the Service's multi-year race relations plan and adjustments where necessary to be submitted in March each year 	<p>Next Report Due: March 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police

Annual Reports

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
City Council request	<p>Parking Tag Issuance</p> <ul style="list-style-type: none"> • <u>Issue</u>: annual parking tag issuance statistics 	<p>Next Report Due: Feb. 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
P5/01	<p>Organizational Chart</p> <ul style="list-style-type: none"> • <u>Issue</u>: to provide current organizational charts to the Board on annual basis • to be submitted in February each year or at other times as required 	<p>Next Report Due: Feb. 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
P177/02 P198/03	<p>Service Performance Year-End Report</p> <ul style="list-style-type: none"> • <u>Issue</u>: an annual report on the activities of the previous year, results of the measurement of Service priorities and an overview of Service performance • compare data to specific identifiers, if possible 	<p>Next Report Due: June 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police

Annual Reports

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P106/00 P156/00 P211/00 P486/00 P61/01 P111/03 P151/03	<p>Annual Audit Work Plans</p> <ul style="list-style-type: none"> <u>Issue:</u> annual audit work plan to be approved by the Board note: 2002 Audit Workplan to include audits of the enhanced HRMS system and/or PSIS system also include follow-up audit - review of the investigation of sexual assaults 	<p>Next Report Due: under review Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Auditor General, City of Toronto
C30/03	<p>Grievances</p> <ul style="list-style-type: none"> <u>Issue:</u> to provide an annual statistical summary report outlining the status of grievances, costs & successful party for review at the February Board meeting each year 	<p>Next Report Due: Feb. 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Manager, Labour Relations
P136/03	<p>Promotions</p> <ul style="list-style-type: none"> <u>Issue:</u> to provide an annual summary report on all uniform promotions to the ranks of Sgt. or Det. and S/Sgt. or D/Sgt. to be submitted in February each year 	<p>Next Report Due: Feb. 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police
P284/04	<p>Municipal Freedom of Information & Protection of Privacy</p> <ul style="list-style-type: none"> <u>Issue:</u> provide the year-end statistical report so that the Board can forward it to the IPC 	<p>Next Report Due: March 2005 Extension Reqs'd: Extension Granted: Revised Due Date: Status:</p>	Chief of Police

Required every 2 years

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P464/97 P534/99	<p>Complaints – Board’s Policy Directive</p> <ul style="list-style-type: none"> • <u>Issue:</u> review policy Directive every two years • policy approved – Dec. 1999 	<p>Report Due: Dec. 2005</p> <p>Extension Reqs’d:</p> <p>Extension Granted:</p> <p>Revised Due Date:</p> <p>Status:</p>	Chair, Police Services Board

Required every 3 Years

Board Reference No's.	Issue - Pending Reports	Report Status	Recommendation Action Required
P254/00	<p>Adequacy Standards Compliance</p> <ul style="list-style-type: none"> • <u>Issue:</u> to review and update Board policies and Service procedures and processes at least once every three years in accordance with the Adequacy Standards Regulation 	<p>Report Due: 2006</p> <p>Extension Reqs’d:</p> <p>Extension Granted:</p> <p>Revised Due Date:</p> <p>Status:</p>	Chair, in consultation with Chief of Police

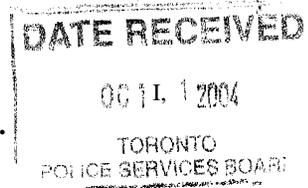
**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

**#P339. UPDATE ON THE PROGRESS OF THE RECOMMENDATIONS
CONCERNING VARIOUS ASPECTS OF POLICE MISCONDUCT –
MEETINGS WITH JUSTICE GEORGE FERGUSON Q.C.**

The Board was in receipt of correspondence, dated October 01, 2004, from The Hon. George Ferguson, Q.C., on the progress of the recommendations contained in the report *Review and Recommendations Concerning Various Aspects of Police Misconduct*. A copy of the correspondence is appended to this Minute for information.

The Board received the foregoing.

HON. GEORGE FERGUSON, Q.C.
ONE BENVENUTO PLACE, SUITE 405
TORONTO, ONTARIO
M4V 2L1



October 1, 2004

Councillor Pam McConnell, Acting Chair
Toronto Police Services Board
40 College Street
Toronto, ON
M5G 2J3

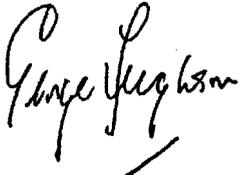
Dear Councillor McConnell:

The Implementation Committee continues to meet on a weekly basis and discussions are continuing on all of the outstanding recommendations. Important progress has been made in all areas including the development of the Covert Source Management Unit, the "Whistle-blower" procedure and the testing programs for high-risk/sensitive units. With that said, the following highlights should be noted since my last update to the Board:

- The Recruiting Coalition Committee met on September 14, 2004. While the committee has been in existence for quite some time, its mandate was recently updated to come in-line with my recommendation for the implementation of a recruitment advisory committee. Ms. Erin Sweeney attended the meeting on my behalf and was impressed by the professionalism, dedication and enthusiasm of the members. The Committee will be meeting again in October 2004.
- The Service has made the necessary arrangements to establish an independent telephone line for members of the Service to report misconduct on an anonymous basis. Further consideration of a similar telephone line for members of the public has, however, been deferred until the conclusion of the report by the Honourable Mr. Patrick Lesage, Q.C.
- Following in-depth discussions, and with my full support, the recommendation to afford special recognition to members who serve in Internal Affairs shall neither be implemented nor considered further at this time.

Should you or any member of the Board have any questions or comments, I would invite you to contact me by telephone at (416) 922-2170 or by email at gfergiudge@sprint.ca. Alternatively, you may contact my research assistant, Ms. Erin Sweeney, by telephone at (416) 808-7807 or by email at erin.sweeney@torontopolice.on.ca.

Yours truly,

A handwritten signature in black ink that reads "George Ferguson". The signature is written in a cursive style with a large initial "G" and a long, sweeping underline.

George Ferguson

Cc: Dr. Benson Lau, Member
Councillor Case Ootes, Member
Councillor John Filion, Member
The Honourable Mr. Hugh Locke, Member

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

#P340. BUSINESS PLAN 2005 to 2007

The Board was in receipt of the following report OCTOBER 04, 2004 from Pam McConnell, Acting Chair”

Subject: BUSINESS PLAN 2005 TO 2007

Recommendation:

It is recommended that:

1. the Board extend the 2002 to 2004 Business Plan to December 31, 2005; and,
2. beginning in mid-2005, the Board convene meetings with the Chief and Command to work in consultation to establish the objectives, performance measures and indicators for inclusion in a 2006 to 2008 Business Plan.

Background :

In accordance with the "Adequacy and Effectiveness of Police Services Regulation" to the Police Services Act and in accordance with the policy of the Toronto Police Services Board, a business plan must be prepared at least once every three years. A copy of the Board's policy is attached to this report.

The business plan shall address:

- (a) the objectives, core business and functions of the police service, including how it will provide adequate and effective police services,
- (b) quantitative and qualitative performance objectives and indicators;
- (c) information technology,
- (d) resource planning and
- (e) police facilities.

Current Status of the 2005 to 2007 Business Plan

Under the direction of Chief Fantino, staff of the Service's Corporate Planning Unit has synthesized information acquired through a variety of internal and external consultations and information developed through the environmental scanning process and developed draft objectives for the 2005 to 2007 Plan. Within the past few weeks, former Chair Alan Heisey convened two meetings with Chief Fantino, Board Members and Service staff, with the purpose

of reviewing the draft objectives under consideration for inclusion in the 2005 to 2007 Business Plan. It became clear in those meetings that Board input was required immediately in order to meet the objective of approving a Business Plan at the December 16, 2004 Board meeting.

The current business plan represents Board-adopted objectives for the policing of Toronto during the period 2002 to December 31, 2004 and those objectives remain valid. In fact, the Service's 2005 operating budget request has already been prepared to reflect the current business plan. I have appended the objectives from the current plan for your information.

I believe that, at this time of transition, it would be prudent to extend the current Business Plan for a one year period. This extension would allow the Board to work with the Chief and Command, to review the Environmental Scan, to review the results of both community and internal consultations and to understand the operational exigencies that impact upon objective-setting and development of performance measures. In this way, the Board will be best positioned to approve a business plan that truly reflects priorities that will shared by the community and the Service alike.

The Board approved the foregoing.

ADEQUACY STANDARDS REGULATION

ADMINISTRATION AND INFRASTRUCTURE

TPSB AI-001 Board Business Plan

<input type="checkbox"/>	New	Board Authority:	BM 254/00
<input type="checkbox"/>	Amended	Board Authority:	
<input checked="" type="checkbox"/>	Reviewed – No Amendments		August 2003

BOARD POLICY

It is the policy of the Toronto Police Services Board with respect to the preparation of its business plan for the Toronto Police Service that: (Section 30(1))

Consultation (Section 32(2))

1. The Board, in partnership with the Chief of Police, shall prepare a strategy for the development of a business plan, consistent with the requirements of the Adequacy Standards Regulation, that will include consultation with the City Council, school boards, community organizations and groups, businesses and members of the public including Service personnel: (Section 32(2))
 - a) during the development of an environmental scan of the community that highlights policing issues that may include crime highlights, crime prevention initiatives, calls for service, public disorder trends or any other policing and public safety matter within the community; (Section 30)
 - b) regarding the results achieved by the Service with respect to the current business plan; and (Section 30)
 - c) regarding the business plan with respect to the Service's objectives, core business and functions including performance objectives and indicators relating to: (PSA section 31(1)(c), Section 30(2)(a)(b))
 - i. the Service's provision of community based crime prevention initiatives, community based patrol and criminal investigative services;
 - ii. community satisfaction with the Service;
 - iii. emergency calls for service;
 - iv. violent crime and clearance rates for violent crime;
 - v. property crimes and clearance rates for property crime;
 - vi. youth crime and clearance rates for youth crime
 - vii. police assistance to victims of crime and re-victimization rates; and
 - viii. road safety

Performance Objectives (Section 30(2)(b))

2. The Board, in partnership with the Chief of Police, shall develop performance objectives and indicators consistent with the Adequacy Standards Regulation.

Information Technology (Section 30(2)(c))

3. The Board, in partnership with the Chief of Police, shall develop an information technology plan. Consistent with the Adequacy Standards Regulation, the plan shall be noted in the business plan.

Resource Planning (Section 30(2)(d))

4. The Board, in partnership with the Chief of Police, shall develop a resource plan and methodology which takes into account policing service demands. Consistent with the Adequacy Standards Regulation, the plan shall be noted in the business plan.

Police Facilities (Section 30(2)(e))

5. The Board, in partnership with the Chief of Police, shall develop a police facilities plan that provides adequate policing services 24 hours a day (Section 4(1)). Consistent with the Adequacy Standards Regulation, the plan shall be noted in the business plan.

REPORTING: At least once every three years

LEGISLATIVE REFERENCE

Act	Regulation	Section
Police Services Act R.S.O. 1990 as amended		31(1)(c)
	Ontario Regulation 3/99, Adequacy and Effectiveness of Police Services	4(1), 30 and 32(2)



Service Priorities

The core services or responsibilities of all police services within the Province of Ontario are set out in the *Police Services Act* and its accompanying regulations, including community-based crime prevention, emergency response, law enforcement, and assistance to victims. Each year, the Toronto Police Service determines where, within the context of these mandated responsibilities and within the framework provided by the Service's own Vision and Mission Statements, our resources and activities will be focused. Our Priorities represent those areas within our mandated responsibilities to which we will give special emphasis. Within each of these Priorities, there are specific goals we wish to achieve.



The Priorities and Goals are the result of extensive consultation, with both members of the community and members of the Service, as well as from a comprehensive analysis of ongoing trends and anticipated challenges to the delivery of police services within coming years. This analysis is outlined in the Service's Environmental Scan document.



Partnerships will continue to play a major role in our work. Many issues and problems cannot be addressed solely by the Police Service. We will continue to work with other City departments and services (such as Toronto Transportation, the Toronto Transit Commission, and the Fire and Ambulance Services), with schools and school boards, with community members and groups, including youth, with the business community, with agencies and departments of the Provincial and Federal governments, with other police services and law enforcement agencies, with community service organisations, and with many others.





Youth Violence and Victimization of Youth

Concerns about youth, crime, and 'disrespectful' attitudes have been common throughout history. This should not, however, minimise concern about the effects of violence and crime by youth in our society, nor should it be allowed to act as an easy response and explanation for not taking action. In particular, violence committed by and upon youth continues to be an issue of great concern to the Toronto Police Service. It is also vital that we work to address the safety and security needs of those most vulnerable to victimisation, including children and youth. Particular issues of concern relating to the commission of crimes by and the victimisation of young people were identified in the 2000 Environmental Scan and consultations.

Priority

→ Goal

→ Performance
Objective/
indicator

→ **In partnership with the school boards, work to encourage reporting by students of crimes occurring on school premises, particularly violent crimes.**

- increased perception of safety in schools
- increased student comfort with reporting to police
- increase in proportion of students who say they reported victimisation to police/decrease in proportion who say they did not report
- increase in number of schools with Student Crime Stoppers programs

→ **Increase education and outreach efforts targeting 'at-risk' youth to deter and prevent involvement in violent crimes.**

- decrease in number of youths charged with violent crimes
- decrease in number of violent crimes
- STOP program rolled-out Service-wide
- number of youth enrolled in STOP program, after roll-out
- increase in number of violence prevention initiatives/presentations carried out
- increase in number of children under 12 years referred for assistance

→ **Increase enforcement activities and education initiatives to encourage the reporting of sexual exploitation of children and child abuse.**

- creation of a dedicated investigative child abuse unit
- increase in number of persons charged with child exploitation offences
- increase in number of reported child abuse and sexual exploitation offences
- number and type of education initiatives carried out



- **Increase enforcement activities and prevention initiatives that focus on decreasing the victimisation of youth by robberies (in particular, those involving swarming) and sexual assaults.**
 - decrease in number of youth victimised youth by robbery, including those involving swarming
 - decrease in number of youth victimised by sexual assault
- **Focus on disbanding and disrupting the activities of youth street gangs.**
 - creation of a dedicated youth street gang unit
 - decrease in number of youth street gangs, members, and associates
 - number of victimisations where suspect believed to be affiliated with a youth gang
- 3 Increase efforts to educate Service members about issues relating to youth street gangs, including the link between street gangs and organised crime.**
 - number of training sessions offered
 - number of Service members trained

→ **Achieving the Goals:**

The Service will work towards achieving these goals using a diverse array of strategies and activities. These strategies will include, but by no means be limited to:

- prevention techniques and lectures by School Liaison officers;
- educating teachers, administrators, and parents on the consequences of child sexual exploitation and abuse and how to recognise symptoms of abuse;
- providing information on how to report crime and victimisation;
- continuation of programs such as School Watch, Never be a Victim, Students with a Target, etc.;
- continuing and expanding the Serious Teen Offender Program targeting 'high risk' youth;
- ensuring that all secondary schools have active Crime Stoppers programs;
- maintaining liaison with school staff to allow early intervention in any trouble areas;
- enforcement and high visibility patrols in and around schools during lunchtimes and after school;
- high visibility patrol and enforcement in areas where street gangs congregate;
- provision of intelligence information relating to street gangs to divisional officers through training sessions and analyst reports;



- identification of youth street gang members, associates, hangouts, and graffiti; and,
- continued liaison with Crown Attorneys to obtain stiffer sentences for those involved in gang-related offences.

Organised Crime

Organised crime today can assume different forms, from lower-level street gangs to highly sophisticated trans-national criminal organisations. Their activities are just as wide-ranging, from lower-level drug trafficking, prostitution, and gambling to quasi-corporate operations of large-scale insurance fraud, environmental crime, and migrant smuggling. The social, economic, and political impacts of organised crime on society are far-reaching, yet unknown to most people. Recognising the threats posed by organised criminal groups to our social, political, and economic institutions, the Service is committed to addressing the critical issue of organised crime.

Priority

- **Goal**
- Performance Objective/Indicator

- **Continue to educate members of the Service, the community, political representatives, and legislators on the actual impact and consequences of organised crime.**
 - number of communications/education initiatives made to Service members, political representatives, legislators, and community members
 - increased public awareness of organised crime

- **Continue to develop and improve the processes by which the Service responds to all organised crime.**
 - OACP organised crime risk/threat assessment process used to determine enforcement priorities
 - number of enforcement initiatives targeting non-traditional organised crime groups
 - number of enforcement initiatives targeting traditional organised crime groups
 - number of enforcement initiatives dealing with connected organised crime groups and number of groups involved
 - increased co-ordination/collaboration between commodity-oriented investigative units (e.g. Fraud, Drug Squad) and person/group-oriented investigative units (e.g. Intelligence)

2002 - 2004 Business Plan

Toronto Police Service



- **Through increased training, improve the Service's ability to respond to organised crime.**
 - develop a broader base of expertise in relation to organised crime by increasing the number of officers trained and the types of training received
 - increased communication to front-line officers regarding their role in addressing organised crime
- **3 Continue partnerships with other law enforcement agencies (international, national, and regional) to work co-operatively to disrupt and dismantle organised crime groups.**
 - increase in the number of joint (enforcement) projects targeting organised crime
 - increase in number and value of seizures of assets/properties from organised crime groups
- **Improve the Service's ability to identify and disrupt international and domestic terrorist groups active within the City.**
 - creation of a unit to work with the nation-wide Joint Intelligence Group to focus on terrorists
 - identification of active terrorist groups within the City or those with links to active terrorist groups
 - identification of potential terrorist targets and possible ways of diminishing the threat
- **Achieving the Goals:**

The Service will work towards achieving these goals using a diverse array of strategies and activities. These strategies will include, but by no means be limited to:

- continuing educational sessions for members of the Service, members of government, the community, etc.;
- continuing to contribute resources to the Provincial Special Squad to enhance enforcement against organised motorcycle gangs in Toronto;
- detectives from centralised squads participating in training sessions at the divisions for front-line officers;
- enhancing existing or establishing new partnerships with external agencies to target organised crime groups; and,
- co-ordinating activities and exchanging information with local, national, and international agencies to focus on suspected terrorists and terrorist activities.



Traffic Safety

The traffic on Toronto's roadways affects almost everyone within our City and is a consistent theme at public meetings. It is evident that the people of Toronto see traffic safety and congestion as priority issues. The safe and efficient flow of traffic, and the safety of our drivers, passengers, cyclists, and pedestrians, is, therefore, of significant concern to the Toronto Police Service. By focusing our efforts on increased enforcement of traffic offences and safety education for those most at risk, we will seek to improve conditions on our roadways for everyone.

Priority
 → Goal
 → Performance Objective/ Indicator

- **Increase enforcement of aggressive driving offences.**
 - increase number of relevant charges (e.g. follow too close, unsafe lane change, fail to signal lane change, careless driving)
 - decrease in number of traffic-related fatalities
 - decrease in number of traffic-related injuries
 - decrease in number of traffic collisions

- **Increase focus on pedestrian safety, especially seniors.**
 - decrease in number of pedestrian traffic-related injuries
 - decrease in number of senior pedestrian injuries
 - decrease in number of pedestrian traffic-related fatalities
 - decrease in number of senior pedestrian fatalities

- **Increase education and safety efforts that target high risk drivers.**
 - increase in number of times existing programs are delivered to high risk drivers
 - increase in number of programs for high risk drivers
 - decrease in number of collisions involving high risk drivers

- **Use a crime analysis or intelligence-driven approach to identifying traffic safety issues to be addressed.**
 - number and type of traffic safety issues/problems identified
 - number of programs/projects implemented to address identified issues/problems

2002 - 2004 Business Plan
Toronto Police Service



- **Form or strengthen partnerships with community and government agencies to improve traffic safety.**
 - increase in number of partnerships that deal with traffic safety issues
 - number of traffic safety programs/initiatives carried out with partners

→ **Achieving the Goals:**

The Service will work towards achieving these goals using a diverse array of strategies and activities. These strategies will include, but by no means be limited to:

- enforcement of drinking and driving offences;
- targeting motorists who restrict the free flow of traffic;
- continuing to work with the Community Traffic Liaison Committee in addressing community traffic safety concerns;
- focusing on pedestrian safety through education, awareness, and enforcement campaigns; and,
- continuing a senior citizen pedestrian safety awareness program, in partnership with other community services/agencies.

Drug Enforcement and Education

There is an undeniable need to address ongoing problems related to drugs within Toronto. Not only do these problems affect the quality of life and safety in some of our neighbourhoods, but the associated social, health, and economic impacts of drug use also have implications for the City as a whole. We must make efforts to reduce both the supply of drugs and the demand. Our investigative and enforcement activities must continue and improve, along with efforts to educate high risk populations about the dangers of drug use.

<p>Priority → Goal → Performance Objective/Indicator</p>	<p>→ Improve quality of life in neighbourhoods through increased enforcement of street-level drug activities.</p> <ul style="list-style-type: none"> → increase in training for officers involved in drug enforcement → increase in number of drug-related arrests at the street level → increase in public perception of safety in neighbourhood → decrease in number of crimes associated with drugs which affect quality of life in neighbourhoods – break & enters, theft from auto, robberies → improve co-ordination and communication between centralised units involved in drug enforcement and divisions
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- **Broaden Service response to drug enforcement by increasing referrals to diversion programs.**
 - number of people arrested for drugs recommended for the Drug Treatment Court
- **Strengthen partnerships with local, regional, and national law enforcement agencies to deal with high-level drug enforcement.**
 - creation of a GTA Major Drug Squad
 - number of law enforcement agency partnerships dealing with drug enforcement
 - increase number of joint enforcement projects
 - number of joint enforcement projects which target organised crime groups involved in drug importation, cultivation, and/or manufacturing
- **Increase and strengthen partnerships with local agencies to provide a multi-faceted response to drug issues.**
 - number of partnerships with health, education (including schools), and/or treatment agencies
 - number of joint initiatives developed
 - number of joint initiatives implemented
- **Educate community and Service members on the connection between high-level drug activities, organised crime, and problems in neighbourhoods.**
 - number of education/awareness initiatives carried out
 - increased public awareness of impact of organised crime
- **Achieving the Goals:**

The Service will work towards achieving these goals using a diverse array of strategies and activities. These strategies will include, but by no means be limited to:

- identifying current and evolving trends associated with the sale and distribution of illicit drugs, co-ordinating investigations with divisional personnel;
- co-ordinating specific enforcement activities and exchanging information with other law enforcement agencies;
- divisional training sessions to ensure officers consider drugs as a possible motivating factor in relation to certain types of criminal occurrences; and,
- continuing the delivery of a comprehensive drug investigators training course at the Service's CO Bick College.



Human Resource Development

Human resources are central to our organisation. Although the members of the Toronto Police Service generally enjoy the good opinion of the communities we serve, we must always strive to preserve and improve this positive regard. The Service must ensure that members have the skills and abilities they need to provide effective, professional services to our diverse communities.

Priority

→ Goal

→ Performance
Objective/
Indicator

→ **Increase training dealing with ethics and professional behaviour.**
→ changes made to relevant officer training
→ decrease in number of public complaints dealing with officer conduct
→ increase in public perception of professionalism, courtesy, and conduct during contact with police

→ **Continue efforts to have the membership of the Toronto Police Service reflect the community we serve.**
→ increase in number of women, racial minorities, aboriginals, and people with more than one language hired

→ **Given Service demographics and expected retirement levels, develop succession planning processes for units requiring specialised skills.**
→ units requiring specialised skills identified
→ proportion of these units for which succession planning process implemented

→ **Achieving the Goals:**

The Service will work towards achieving these goals using a diverse array of strategies and activities. These strategies will include, but by no means be limited to:

- training of divisional personnel to reinforce professional conduct;
- identification and recruitment of qualified individuals, including aboriginals, women, and members of racial/ethnic minorities; and,
- holding mentoring and information sessions to explain the hiring process and to alleviate real or perceived concerns of potential applicants.



Service Infrastructure

A sound infrastructure is essential to any vital organisation and supports the best possible service delivery to the community. Organisational infrastructure includes not only technology and information systems, but also equipment and planning for the provision of specialised services. Through the implementation of infrastructure change and investment, we will maintain excellence in the delivery of our core policing activities.

Priority

→ Goal
→ Performance
Objective/
Indicator

- **In partnership with other City emergency services and agencies, improve and expand disaster management response.**
 - regular on-going liaison with other City emergency response agencies
 - mock/practical disaster exercises held
- **Standardise and improve information systems and production of information within the Service.**
 - standard definitions and parameters produced and used Service-wide for the production of crime and related statistics and analysis
 - integrated, adaptable statistical database established
 - implement records management and financial control/reporting systems
 - implement the Professional Standards information system
- **Improve information available to allow accurate, reliable measurement of response times to emergency calls.**
 - increase in MDT 'at-scene' compliance rate for priority 1 calls
 - rollout of Automatic Vehicle Location technology and begin use of AVL data to improve dispatch
 - decreased response times to priority 1 calls following implementation of AVL technology
- **Improve the Service's response to crimes that involve computers.**
 - formation of a computer crime unit or section, including acquisition of necessary equipment, staffing, and training
 - maintenance of funding at a level that allows the Service to acquire technology as needed to address emerging issues
 - types of crimes addressed by unit, if established

2002 - 2004 Business Plan
Toronto Police Service



- **Develop and implement a formal special event planning process.**
 - standardisation of operational plans for special events
 - development of staffing requirements by level of involvement
 - development of strategies for service delivery

→ **Achieving the Goals:**

The Service will work towards achieving these goals using a diverse array of strategies and activities. These strategies will include, but by no means be limited to:

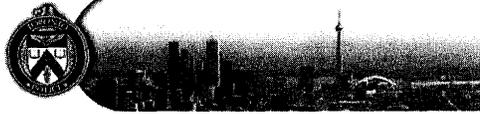
- continuing to extend the police business/information systems integration that began with Occurrence Re-engineering;
- enhancing the Service's capability for forensic data recovery through training for dedicated Service members;
- reinforcing direction to officers to use the MDT 'at-scene' button when appropriate;
- continuing to provide unit commanders with 'at-scene' button compliance rates; and,
- developing a standardised operational plan, including staffing requirements and service delivery strategies, for responding to special events within the City.

Community Safety and Satisfaction

Effective policing is a partnership between the police and the community. Community issues cannot be dealt with solely by police, and community members often have a better understanding of the problems and concerns in their neighbourhoods. As part of the community, it is important that police be visible. Visibility is an effective form of crime prevention, can offer the opportunity for police and public to get to know each other, and generally makes those in our communities feel safer. Effective police response and the community's input and co-operation are vital to the prevention and investigation of violent crimes and property crimes, both of which can have a negative impact on the community's perception of safety and quality of life. Effective policing, oriented to the needs of the community, should not only reduce crime, but also decrease fear of crime and enhance the quality of life in the community.

<p>Priority → Goal → Performance Objective/indicator</p>
--

- **Increase public awareness of crime prevention through environmental design (CPTED) principles.**
 - # CPTED audits performed by divisional Crime Prevention officers
 - CPTED pamphlet developed for community



→ **Increase the visibility of officers in neighbourhoods through directed and proactive patrols.**

- increase in the proportion of time spent by divisional front-line officers on proactive patrol
- increase in perceived visibility by the community
- number of targeted/directed patrol initiatives carried out by divisions

3 Ensure officers continue to display a high level of professionalism during any type of contact with members of the public.

- increase satisfaction of those who had contact with police during the past year
- increase general satisfaction with the delivery of police service to neighbourhoods
- increase in perception of professionalism during contact with police

→ **Strengthen the confidence of the public and Service members in the impartiality and the integrity of the Service's administration of Part V of the *Police Services Act* - the complaints system.**

- increased perception of public confidence in the impartiality of the system
- increased satisfaction with the complaints process for members of the public who had experience with the complaints system
- officer perception of confidence in the complaints system

3 Increase public awareness of the Crime Stoppers program to encourage information to police to help solve violent crimes.

- increase in number of tips to Crime Stoppers
- increase in number of tips to Crime Stoppers that result in arrests/charges
- increase in clearance (by charges laid) rates for violent crimes

3 Focus resources on addressing residential break & enters, particularly in relation to apartments.

- decrease in number of residential break & enters
- decrease in number of break & enters into apartments
- increase in clearance (by charges laid) rate for residential break & enters

2002 - 2004 Business Plan

Toronto Police Service



- **increase feeling of safety and security within the community by addressing violent crime.**
 - decrease in number and rate of violent crimes
 - decrease in number and rate of property crimes
 - increase in general perception of safety in neighbourhoods
 - increase in number of arrests for violent crimes

- **Ensure victims receive assistance and referrals as needed.**
 - increase in number of requests to the Victim Services Program for support, information, and intervention

- **Achieving the Goals:**

The Service will work towards achieving these goals using a diverse array of strategies and activities. These strategies will include, but by no means be limited to:

- holding education sessions on Crime Prevention through Environmental Design for community and business groups;
- ensuring that all secondary schools have active Crime Stoppers programs;
- encouraging members to park marked cars and walk within the community whenever possible to increase visibility;
- continuing to use the crime management process and weekly meetings to prioritise 'beats' and assign officers to where they are most needed for directed patrols and foot patrols;
- continuing training of personnel at the divisional level to reinforce professional conduct;
- continuing to produce a public semi-annual report on public complaints;
- providing new officers with the 'code of ethics' in their orientation packages;
- focusing patrol resources on times and places with the highest risks of violent or property crimes;
- targeting potential victims for crime prevention seminars (e.g. youth, seniors, women, taxi drivers, etc.); and,
- continuing to remind officers, through divisional visits on a regular basis, of the services offered by the Victim Services Program.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

**#P341. STRATEGIC TRAFFIC ENFORCEMENT MEASURES (“STEM”) –
STATUS OF QUARTERLY REPORTS TO CITY COUNCIL**

The Board was in receipt of the following report OCTOBER 05, 2004 from Pam McConnell, Acting Chair:

Subject: STRATEGIC TRAFFIC ENFORCEMENT MEASURES - QUARTERLY
REPORTS TO CITY COUNCIL

Recommendation:

It is recommended that:

1. the Board receive the attached correspondence, dated September 1, 2004, from the Budget Advisory Committee; and,
2. the Chair, or a designate, and a member of the Service designated by the Chief of Police attend the November 12, 2004 meeting of the Budget Advisory Committee meeting to discuss the STEM initiative and the Board’s decision to curtail the practice of submitting quarterly reports to the City.

Background :

The Budget Advisory Committee, at its meeting of February 14, 2003, during consideration of the Capital and Operating Budgets for the Toronto Police Service, requested that the Chair of the Board provide quarterly reports to the Policy and Finance Committee regarding the “Traffic Enforcement Test initiative, such report to include an update on the number of traffic safety infractions, issued weekly as well as how the program, if successful, would impact on the resource requirements dedicated to the program.”

At its meeting on May 27, 2004 the Board considered the quarterly report for the period January to March 2004 with respect to the Toronto Police Traffic Services’ Strategic Traffic Enforcement Measures (STEM) initiative. At that meeting, it was reported that, after a year of operations, the STEM program has been integrated into the Service’s traffic enforcement activities and has proven to be an effective tool. The Board was also advised that the Service will factor any relevant enforcement data into its annual budget process (Min. P152/04 refers). For these reasons, the Board determined that quarterly reporting was no longer required and forwarded a request to the Budget Advisory Committee and to the Policy and Finance Committee to eliminate the requirement to provide quarterly reports.

Budget Advisory Committee

At its meeting on September 1, 2004, the Budget Advisory Committee deferred consideration of the Chair's report forwarding the January to March 2004 quarterly report and the Board's recommendation that the practice of forwarding quarterly reports to the City be curtailed (report dated September 1, 2004 attached).

The Budget Advisory Committee requested that a member of the Board be in attendance when the Budget Advisory Committee considers the report and, in the interim, requested that the Chair "continue providing quarterly reports to the Budget Advisory Committee on traffic enforcement measures pending the Budget Advisory Committee's consideration of this matter".

The Board approved the foregoing.



Secretariat
Betty Henderson
Budget Advisory Committee
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City Clerk
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bhender1@toronto.ca
Web: www.toronto.ca

September 1, 2004

CHAIR, TORONTO POLICE SERVICES BOARD:

[This letter sets out:
the action taken by the Committee on September 1, 2004, on its own authority which
does not require Council's approval;
a background summary of material considered.]

**Subject: Toronto Police Service - Traffic Services "Strategic Traffic
Enforcement Measures" - Quarterly Report: January to March 2004**

Action taken by the Committee:

The Budget Advisory Committee:

- (1) deferred consideration of the report (July 15, 2004) from the Chair, Toronto Police Services Board, until the next Budget Advisory Committee meeting and requested that a member of the Toronto Police Services Board be in attendance at the meeting to discuss this item;
- (2) requested the Chair, Budget Advisory Committee, to forward a communication to the Chair of the Toronto Police Services Board requesting Toronto Police Service staff to be in attendance at Committee to answer questions when an item is listed on the Agenda relating to the Toronto Police Service; and
- (3) requested the Chair, Toronto Police Services Board, to continue providing quarterly reports to the Budget Advisory Committee on traffic enforcement measures pending the Budget Advisory Committee's consideration of this matter.

Background:

The Budget Advisory Committee on September 1, 2004, considered the report (July 8, 2004) from the Chair, Toronto Police Services Board, responding to the Toronto City Council request for quarterly reports containing information on traffic enforcement initiatives by the Toronto Police Service.

Staff Recommendation:

It is recommended that the Budget Advisory Committee and the Policy and Finance Committee receive this quarterly report and agree to eliminate the requirement to submit any future regular reports on the S.T.E.M. initiative given that relevant traffic enforcement data will be considered during the annual budget process.

Betty Henderson
for City Clerk

B. Henderson/ms

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Sent to: Chair, Budget Advisory Committee
Chair, Toronto Police Services Board

ATTACHMENT

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON MAY 27, 2004

**#P152. STRATEGIC TRAFFIC ENFORCEMENT MEASURES (S.T.E.M.)
QUARTERLY REPORT – JANUARY TO MARCH 2004 AND REQUEST
TO ELIMINATE THE REQUIREMENT FOR FUTURE QUARTERLY
REPORTS**

The Board was in receipt of the following report APRIL 30, 2004 from Julian Fantino, Chief of Police:

Subject: STRATEGIC TRAFFIC ENFORCEMENT MEASURES (S.T.E.M.) 4TH
QUARTER REPORT – JANUARY, FEBRUARY, MARCH 2004

Recommendation:

It is recommended that the Board:

- (1) receive this report for information;
- (2) forward a copy to the City of Toronto Budget Advisory Committee and the Policy and Finance Committee;
- (3) send a request to the City of Toronto Budget Advisory Committee and the Policy and Finance Committee to eliminate the requirement to submit quarterly reports; and
- (4) require no further regular reports on the S.T.E.M. initiative as relevant Service enforcement data will be considered in annual budget preparations.

Background:

The Budget Advisory Committee at its meeting held on February 14, 2003, during consideration of the 2003 Capital and Operating Budgets for the Service, requested:

- (b) the Chair, Toronto Police Services Board, to:
 - (i) provide a quarterly report to the Policy and Finance Committee regarding the Traffic Enforcement Test initiative, such report to include an update on the number of traffic safety infractions, issued weekly as well as how the program, if successful, would impact on the resource requirements dedicated to the program.

At its February 26, 2004 meeting, the Board received a consolidated report on the Strategic Traffic Enforcement Measures (S.T.E.M.) initiative for the period of October to December 2003 (Board Minute P51/04 refers).

The Toronto Police Service (TPS) identified traffic safety as a Service Priority for 2002-2004. To address this important issue, the Service developed a road safety strategy designed to reduce the unacceptable number of traffic deaths and injuries occurring as the result of collisions, poor driving behaviour and the careless actions of pedestrians.

During the last quarter of 2002, Traffic Services implemented the Traffic Enforcement Safety Team (T.E.S.T.) pilot project. Working within the framework of the corporate 'Calm Down-Slow Down' campaign, the T.E.S.T initiative created public awareness of traffic safety, reinforced that poor driving behaviour would not be tolerated and that such behaviour would be subject to strict enforcement.

Building on the success of the T.E.S.T. initiative, the S.T.E.M. team was created on April 1, 2003.

Enforcement Results

The following table represents the enforcement activity for the four quarterly reporting periods since the creation of the S.T.E.M. team:

Reporting Period	Offence Notices	Weekly Average
April 1 – June 30/2003	9,562	735
July 1 - September 30/2003	11,034	820
October 1 – December 31/2003	8,976	704
January 1 - March 31/2004	9,518	724
Total	39,090	752

An analysis of the enforcement totals for the first twelve months of operation indicate the following breakdown of offences:

Offence Type	% of Total
Laser or radar speed enforcement	80.0
General Highway Traffic Act	17.5
Insurance Offences	2.5

Analyses of the first twelve months of operation indicate a number of staffing issues had an impact on the team's operational effectiveness. While the S.T.E.M. team focused on their primary function, operational detractors have impacted the team's ability to maintain 100% staffing on a regular basis. The most notable factors are:

- annual leave
- lieu time days off
- statutory holidays
- mandatory and legislated training requirements
- court
- sick leave

The following table reports the break down of hours worked for three main areas that impact on the team's operational effectiveness:

Reporting Period	Patrol	Court	Training
April 1 – June 30/2003	2,146	311.5	110
July 1 - September 30/2003	2,247	263.5	95.5
October 1 – December 31/2003	1,807	343.5	302
January 1 - March 31/2004	2,298	474.5	85.5
Total	8,498	1,393	593

Patrol hours represent the actual number of hours team members are on the road dedicated to S.T.E.M. related duties. Court and training hours represent the number of on-duty hours spent by team members attending court and mandatory training.

The following factors impacted on 4th quarter results:

- On-duty court attendance has begun to impact on officer availability as a result of the high volume of offence notices issued since the inception of the team. On-duty court hours recorded in the 4th quarter represent the highest number of hours since the inception of the team.
- Scheduling of the mandatory training requirements for the yearly Use of Force and the Subject Apprehension Pursuit course generally occurs in the Fall, taking into consideration court scheduling and vacation entitlements.

Program Expenditures

The business case put forward to the City of Toronto Budget Advisory Committee and the Policy and Finance Committee to inaugurate the S.T.E.M. team identified initial capital costs and ongoing operational costs.

The following information is representative of the capital and operational costs projected to 2005:

CAPITAL COSTS		
Cost Element	2003	2004
5 - Police Vehicles - Stealth Class	\$155,000 (\$31,000 per vehicle)	\$ 0
Decals & Emergency lighting	\$10,000 (\$2,000 per vehicle)	\$ 0
5 - Police Radios & Mobile Work Stations	\$80,000 (\$16,000 per vehicle)	\$ 0
5 - Lidar (laser) Speed Measuring Units	\$42,500 (\$8,500 per unit)	\$ 0
5 - Dual Head Moving Radar Units	\$35,000 (\$7,000 per unit)	\$ 0
Total Cost Elements	\$322,500	\$ 0

OPERATIONAL COSTS		
Cost Element	2003 (9 months)	2004 (full year)
Salary- Sergeant (1)	\$55,229	\$75,848
Benefit package @ 21% of salary	\$11,598	\$15,928
Salary- Constable (10)	\$484,447	\$665,307
Benefit package @21% of salary	\$101,733	\$139,714
Premium Pay @10% of Constable salary level	\$48,500	\$66,500
Total Cost Elements	\$701,507	\$963,297

Measuring Effectiveness

Enforcement levels for 2003 reflected an 18% increase Service wide. This increase, which included a 54% increase at TSV alone, equated to 74,969 more offence notices being issued, Service wide, over the 2002 year end totals. Enforcement is a key component to achieving a reduction in deaths and injuries caused through preventable collisions and poor driving behaviour. However, the success or failure of any traffic enforcement strategy cannot be measured solely on the volume of offence notices issued.

Collision statistics are a better indicator that highly visible directed enforcement is a more effective method of preventing collisions and changing driver behaviour. The following table notes comparative statistics for the periods April 1, 2002 to March 31, 2003 and April 1, 2003 to March 31, 2004:

Collision Type	2002/2003	2003/2004	+/- % Change
Fatal	94	69	-26.6
Injury (life threatening)	95	120	+26.3
Injury (non-life threatening)	14,591	12,158	-16.7
Property Damage	34,966	29,091	-16.8

Collision statistics recorded in the twelve month period indicate enforcement programs, including initiatives such as S.T.E.M., have had a positive impact with respect to reducing the number of collisions involving traffic deaths, non-life threatening injuries and property damage.

Projections

Eighty percent of TPS enforcement for the first twelve months of the program consisted of laser or radar speed enforcement. The fine for a speeding violation is dependent upon the offending motorist's speed, as measured by the officer. As the differential between the posted speed and the measured speed increases, the associated fine also increases incrementally.

The majority of speeding violations are for 15km/h over the posted limit, representing a minimum fine of \$42.50. As this offence carries no loss of demerit points, the majority are paid without disputing the charge. Motorists charged with higher speed violations face fines up to and including \$299.00 and often apply to have the matter dealt with at trial. Generally, most other Highway Traffic Act (HTA) offences carry a fine of \$90.00, which can be paid out of court or dealt with at trial.

The table below represents the issuance of provincial offence notices for the first twelve months of the S.T.E.M. program and minimum revenue generation on the basis of 80.0% issued for speeding, 17.5% issued for general HTA and 2.5% issued for insurance offences:

OFFENCES	Yearly Average	Base Fine Amount	Projected Minimum Annual Fines
Speeding	31,272	\$42.50	\$1,329,060
General HTA	6,841	\$90.00	\$615,690
Insurance Infractions	977	\$55.00	\$53,735
Total	39,090	N/A	\$1,998,485

RECONCILIATION	2004
Capital Budget	\$ 0
Operational Budget	-\$963,297
Fines	\$1,998,485
Differential	\$1,035,188

Further Reporting

The S.T.E.M. program has demonstrated its effectiveness in positively impacting road safety in the City. The S.T.E.M. program has now been in operation for one year and has become integrated into Service traffic activity. It is believed that it is no longer necessary to provide regular reports to the Board on the programs effectiveness. In future annual budget preparations the Service will factor in any relevant enforcement data from across the organization.

Conclusion

The results from the first full year of operation of the S.T.E.M. team clearly indicate that the team's performance, combined with other traffic safety initiatives, has had an impact on the attitude and behaviour of drivers, cyclists and pedestrians, as indicated by the collision statistics for 2003. The team's overall effectiveness factored in the operational impacts, both positive and negative, which affected the team during the course of a full year.

The S.T.E.M. team has become an integral component in the ongoing efforts to make our roads safer and is a sought after resource for field units requiring assistance with localized traffic issues.

Traffic enforcement has been designated as a core responsibility for all police officers during the course of their daily duties. Traffic Services will continue to closely monitor the S.T.E.M. team activities to ensure their continued contribution to the Service's goal of reducing collisions and incidents of poor driving behaviour, thereby reducing needless deaths and injuries occurring daily on Toronto's roadways. Through innovative initiatives such as S.T.E.M., the City's roadways will become safer and the quality of life for all Toronto's citizens will be significantly improved.

Acting Deputy Chief David Dicks, Policing Support Command, will be in attendance at the Board meeting to answer any questions with respect to this report.

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

#P342. LEGAL INDEMNIFICATION – SGT. RODERICK LAWRENCE (5901)

The Board was in receipt of the following report SEPTMEBER 13, 2004 from Julian Fantino, Chief of Police:

Subject: LEGAL INDEMNIFICATION – SGT. RODERICK LAWRENCE (5901)

Recommendation:

It is recommended that: the Board deny payment of an account from Mr. Gary Clewley, Barrister and Solicitor, in the total amount of \$243,725.32 for his representation of Sergeant Roderick Lawrence #5901.

Background :

Sergeant Roderick Lawrence has requested payment of legal fees under the legal indemnification clause of the Uniform Collective Agreement. The statement of account from Mr. Gary Clewley, Barrister and Solicitor, in the amount of \$243,725.32 for representing the aforementioned officer has been received.

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

It is recommended that this account be denied.

Mr. William Gibson, Director, Human Resources, will be in attendance to respond to any questions the Board may have in regard to this matter.

The Board approved the foregoing report.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

#P343. INCREASING FOOT AND BIKE PATROLS

The Board was in receipt of the following report SEPTEMBER 16, 2004 from Julian Fantino, Chief of Police:

Subject: INCREASING FOOT AND BIKE PATROLS

Recommendation:

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

Background:

During the 2004 budget review process the Budget Task Force identified a number of items that were to be reported back through the Budget Sub-Committee of the Police Services Board. One item was as follows: "Increasing Foot and Bike Patrols – Chief of Police to identify whether the Service can increase the number of foot and bike patrol officers (Board Minute P77/04 refers)".

Recently I have reviewed the foot patrol beats in each of the 16 Uniform Divisions throughout the city. Upon review each Division identified a "priority" beat. I have directed that these "priority" beats will be staffed by a Uniform Primary Response Officer. This means that a minimum of 16 Primary Response Officers are assigned to foot patrol on priority beats 7 days per week, 52 weeks per year. In addition, at full budgeted staffing, 326 Divisional Community Response Officers are assigned primarily to foot and bike patrol duties throughout the 16 Divisions as part of their regular duties.

In an effort to ensure that response time to calls for service are optimized, I have initiated a shift re-assignment to provide the maximum staffing level possible during peak service demand hours. This initiative provides that 25% of those front line officers who would normally have worked a "midnight" shift are assigned to a 7:00 pm to 3:00 am shift in lieu of the regularly scheduled "midnight shift"

The Service has an on-going process of evaluating staffing levels, workload, calls for service, demographics and other internal and external factors that influence officer availability. This process provides that, where possible, officers are assigned in the most efficient way possible to maximize the Service's ability to respond to the public.

Based on current staffing levels and demands for response to calls for Service, additional officers cannot be assigned foot or bike patrols at this time, without having a negative impact on the staffing of Primary Response cars and response times.

Deputy Chief S. Reesor, Policing Operations Command, will be in attendance to respond to any questions the Board may have in regard to this matter.

Councillor Sylvia Watson, Ward 14, Parkdale-High Park, City of Toronto, was in attendance and made a deputation to the Board.

Councillor Watson recommended that the Service consider changing the proportion of officers in cars compared to the number of officers assigned to foot and bicycle patrols in particular areas of some divisions based upon community issues or circumstances that are unique to those areas and that the locations of the foot and bicycle patrols be determined by the division unit commander in consultation with the local city councillor(s) and members of the community.

Deputy Chief Steven Reesor, Policing Operations Command, described the various initiatives that have been developed by the Service to achieve maximum deployment efficiency based upon current limited staff resources in divisions, including strategically assigning primary response officers to foot patrols in areas where they will be highly visible.

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

- 1. THAT the deputation by Councillor Watson be received;**
- 2. THAT Chief Fantino provide the Board with a report on additional alternative deployment models that could be implemented, over a period of time, with the intention of increasing foot and bicycle patrols that result in better allocation of staff resources and identify the advantages or disadvantages of each model;**
- 3. THAT the report noted in Motion No. 2 also include:**
 - the interchange between foot, bicycle and vehicle patrols with regard to their impact on community safety; and**
 - the factors to be considered in altering the ratio of foot, bicycle and vehicle patrols on a community specific basis, and who should be consulted in achieving the appropriate ratios within each community;**
- 4. THAT Councillor Watson be invited to attend the November 18, 2004 meeting when the Board considers a report from Chief Fantino on community policing, and that the Board give further consideration to Councillor Watson's recommendation to increase the number of foot and bicycle patrols in specific areas at that time.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

**#P344. RESPONSES TO QUESTIONS RAISED BY THE VICE-CHAIR,
TORONTO POLICE SERVICES BOARD, PERTAINING TO THE
POLICE COMPLAINTS SYSTEM**

The Board was in receipt of the following report SEPTEMBER 16, 2004 from Julian Fantino, Chief of Police:

Subject: RESPONSE TO REPORT REGARDING THE SEPTEMBER 2002 EXTERNAL
AUDIT OF THE TORONTO POLICE SERVICE PUBLIC COMPLAINTS
PROCESS

Recommendation:

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

Background:

The Board, at its meeting held on November 21, 2002 requested that, with the exception of recommendations #3 and #20, the recommendations contained in the City Auditor's Report on the Audit of the Toronto Police Service's Public Complaints Process be referred to the Chief of Police for consideration and, with respect to recommendation #27, a report be provided to the Board in six months containing a response to each of the recommendations, including a specific work plan and timetable for the implementation of the recommendations, as appropriate (Board Minute No. P292/02 refers).

In compliance with the City Auditor's recommendation # 27 and the Board's request, the Service response to the City Auditor's recommendations was submitted to the Board at its meeting of July 17, 2003 (Board Minute No. P193/03 refers). The Board moved to defer consideration of the Service's response until its October 16, 2003 meeting, when the Board would be able to also consider the final recommendations of the Board/Service Race Relations Joint Working Group.

At its meeting of February 26, 2004, the Board received two reports; one from Chair A. Milliken Heisey, Q.C. entitled, "Review of the Complaints System"; and one from Councillor Pam McConnell, Vice Chair entitled, "Moving Forward from the September 2002 External Performance Audit of the Toronto Police Public Complaints Process" (Board Minute No. P34/04 refers). Chair Heisey's discussion paper reviewed several other national and international police complaints systems and Vice Chair McConnell's report presented a series of questions based on the recommendations made in the City Auditor's Report on the Audit of the Toronto Police Service's Public Complaints Process.

As a result of these two reports, the Board approved several motions including; that the Board host a special public meeting in April 2004 to receive deputations based on Chair Heisey's report; the Chief be requested to provide his views as to an appropriate alternative complaints system following the April meeting; and, the Chief include in his report a response to each of the recommendations contained in Vice Chair McConnell's report (Board Minute No. P34/04 refers).

The special public meeting was held on June 16, 2004. The Board received nineteen deputations/written submissions from the public and made the following motions; that the deputations and written submissions be referred to the Chief of Police for review and he provide a report to the Board with his comments following the review along with his views as to an appropriate alternative complaints system; and, given that the Board had to provide a submission to the Honourable Mr. Patrick LeSage, Q.C. as part of the provincial review of the complaints system by August 16, 2004, Chief Fantino be requested to submit the fore mentioned report by July 12, 2004 (Board Minute No. P178/04 refers).

As requested by the Board on June 16, 2004, a report from Chief Fantino was prepared and submitted for consideration. This report was included in the agenda for the Board's meeting on July 29, 2004 (Public Agenda Item No. 8B refers). In addition, the Service's Response to the City Auditor's Report on the Audit of the Toronto Police Service's Public Complaints Process deferred from the July 17, 2003 meeting was included in the agenda (Public Agenda Item No. 35 refers). Both Public Agenda Item No. 8B and No. 35 were deferred by the Board to its next scheduled meeting on September 2, 2004.

This report addresses the questions raised by Vice Chair McConnell in her report entitled, "Moving Forward from the September 2002 External Performance Audit of the Toronto Police Public Complaints Process" and the subsequent motions approved by the Board on February 26 and June 16, 2004 (Board Minute No. P34/04 and P178/04 refers). For reasons of clarity, the Service's responses to the City Auditor's recommendations from July 17, 2003 have been re-stated. The questions from Vice Chair McConnell and the reply to those questions follow each of the recommendations.

Recommendation 1:

The Chief of Police ensure that information on the public complaints process and the standard complaint forms be available in languages other than English. Such materials be available in languages appropriate to the cultural makeup of the City.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

Complaint pamphlets in various languages are available through the Ontario Civilian Commission on Police Services (OCCPS). Police divisions across the City were canvassed to determine the predominant languages in their area. Pamphlets were obtained in English, French, Greek, Italian, Chinese, Urdu, Punjabi, Spanish, Portuguese, Vietnamese, Korean, Hindi, Arabic, Somali, Tamil and Russian. These pamphlets were then distributed and are readily available in public areas of all divisions across the Service. Standard public complaint forms and instructions

on how to complain are available at the divisions. Unit Commanders have been instructed to ensure that a supply of these forms continue to be readily available to the general public. This information is also available on the Service web site. The logistics of providing the standard complaint form in different languages is still being studied by the Province.

Vice Chair McConnell: What languages other than English have the complaint forms been translated into?
What other languages are anticipated will be needed?

Please see above. The Province of Ontario, through OCCPS, has translated the public complaints information pamphlets into 23 languages, including English, Amharic, Arabic, Chinese, Cree, French, German, Greek, Hindi, Italian, Korean, Ojibway, Oji-cree, Polish, Portuguese, Punjabi, Russian, Somali, Spanish, Tagalog, Tamil, Urdu, and Vietnamese. The standard provincial complaint form provided by OCCPS is available in English and French. The responsibility and costs associated with translating the forms into languages other than Canada's two official languages belongs to the Province. Any identified language issues are addressed through the various language skills of Service members, existing translation services and the provincial information pamphlets.

Recommendation 2:

The Chief of Police give consideration to making informational material on the public complaints process available at convenient locations throughout the City, such as City of Toronto civic centres and public libraries. In addition, the Chief of Police ensure that information on the complaints process is readily accessible at all police divisions.

Response (from July 17, 2003, Board Minute No. P193/03): **Implemented**

Pamphlets on the complaint process are available in the public areas of all police divisions throughout the City. These pamphlets are available in the various languages that reflect the cultural diversity that is unique to each division. Each division has been contacted and supplied with pamphlets in different languages for distribution to diverse community groups, libraries and cultural centres throughout their areas. Unit Commanders have been instructed to ensure that a supply of these forms continue to be made available to the general public. The public complaint form and instructions on how to complain are also readily accessible through the Service and Board web site.

Vice Chair McConnell: Where are the complaint forms now available?
When is the Scadding Court pilot program expected to be implemented?
How will this be implemented?

The complaint form is available at all police facilities and the Ontario Civilian Commission on Police Services (OCCPS), on the web sites of the Toronto Police Service, Toronto Police Services Board (TPSB) and OCCPS. The Unit Complaint Co-ordinators have been reminded to ensure that there are sufficient forms and information pamphlets at the front desk area of their

divisions and their compliance is reviewed by the Professional Standards Inspections Unit. The Service makes the forms and pamphlets available to libraries, community groups and civic centres through the divisional and corporate level Community Police Liaison Committees. The Scadding Court pilot program has been delayed pending provincial government participation (Board Minute P178/04 refers).

Recommendation 3:

The Toronto Police Services Board include information on the public complaints process on its internet web site. In addition, the Toronto Police Service and the Toronto Police Services Board make public complaint forms available on their respective web sites.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

Information on the public complaint process and complaint forms with instructions on how to complain are readily available on the Service and Board internet web sites.

Vice Chair McConnell: Has this been implemented?

Yes. Please see above.

Recommendation 4:

The Chief of Police ensure that all officers, particularly officers in charge, are aware of:

- a) their responsibility in providing information on the public complaints process to members of the general public; and**
- b) the importance of creating an environment where the reporting of police officer misconduct is as stress free as possible for members of the general public.**

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

Training has been provided to ensure that officers, particularly officers in charge, are aware of their responsibilities in respect to providing information on the public complaints process to members of the general public. Members of Professional Standards conduct ongoing training sessions with management and recruit classes at C.O. Bick College. Quarterly training sessions are held with Unit Complaint Coordinators and the importance of compliance with the audit recommendations has been stressed. Unit Commanders have also been in attendance to ensure that they are well versed in the necessity of ensuring that officers are aware of their responsibilities in respect to the public complaint process and ensuring that a stress free environment for making complaints is afforded to the general public. Pamphlets on the public complaint process in various languages are available in the public areas of all police divisions across the Service. Complaint forms and instructions on how to complain are also readily available on the Toronto Police Service web site.

Vice Chair McConnell: How was this accomplished?

Please see above. The importance of professional conduct during all interactions with the public has been a consistent message from the Chief and Command officers for more than two years as evidenced by internal publications and presentations from the Chief and senior management. Professionalism and courteousness is emphasized during recruit training, divisional parades, advanced patrol training, investigative and supervisory courses, at management meetings and is a topic included in the current promotional exam study packages. Members of Professional Standards review the role of an officer in charge or supervisor when providing information on the complaints process or receiving a complaint on every supervisor's course and at every unit complaint co-ordinator training session.

Recommendation 5:

The Chief of Police establish clear written guide lines (sic) for the classification of all complaints and direct senior staff of the Professional Standards Division to review the classification of complaints on a random basis.

Response (from July 17, 2003, Board Minute No. P193/03): **Implemented**

Professional Standards is currently being reorganized and enhancements have been made to the classification of complaints. Duty Inspectors will now be responsible for the classification of complaints. Written guidelines have been provided and their classifications will be subject to a random audit by a senior member of Professional Standards. Complaints are classified as serious or less serious. Serious complaints involve an element of criminality or conduct which would discredit the Service. Serious complaints are assigned to Professional Standards - Criminal and Conduct Investigation Section. Less serious complaints are investigated at the unit level. In accordance with the Police Services Act, complaints are classified as being about conduct, service or policy. The Police Services Act also permits the Chief of Police or his designate to deem some complaints as being frivolous, vexatious, made in bad faith, indirectly affected or made beyond the six months limitation. Complaints of this nature are not generally investigated unless they are alarming in nature. Once classified, complainants are notified accordingly but have the option to appeal this classification to the Ontario Civilian Commission on Police Services. Although, guidelines exist, there is an element of subjectivity in determining classifications. It is important to note that an appeal to the Ontario Civilian Commission on Police Services is an option for all complainants and they are notified accordingly with explicit directions on how to appeal these decisions.

Vice Chair McConnell: What are the written guidelines for classifications of all complaints including the serious complaint definition?
How are these decisions being reviewed?

Please see above. There are no standard provincial written guidelines for the classification of complaints. The Service has previously sought clarification from the Ontario Civilian Commission on Police Services (OCCPS) regarding this issue. At present, each police service in Ontario determines whether or not a complaint is serious or less serious on a case by case basis,

based on past decisions from OCCPS reviews. Service Procedure Chapter 13, Conduct, also provides direction as to what is viewed as serious and less serious misconduct. More recently, the Service has requested clarification from the Province regarding the classification categories of complaints, particularly the serious complaint definition, as part of its submission to the review being conducted by the Honourable Mr. Patrick LeSage, Q.C. The role of the duty inspector has been removed and Complaint Administration is again responsible for reviewing classifications, liaising with unit commanders, unit complaint co-ordinators and OCCPS regarding any issues. Senior management from Professional Standards, Risk Management also conduct random file reviews. As Professional Standards continues to evolve, impacted by the Ferguson Report, the Service will be seeking to establish a senior officer position in the Complaint Administration Section by year end to enable a more consistent level of classification and file review.

Recommendation 6:

The Chief of Police clarify the roles and responsibilities of officers in charge with respect to the complaints process, ensure they have the necessary knowledge of the process, and emphasize the importance and benefits of their active involvement in informally resolving less serious complaints as soon as they are reported.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

Ongoing training has been afforded to management personnel in respect to the complaint process and the importance of informally resolving less serious complaints as soon as they are reported. Personnel from Professional Standards provide ongoing management training on the complaint process at C.O. Bick College. Quarterly training sessions are also held with Unit Complaints Coordinators (sic) who are tasked with training divisional personnel on the public complaint process. The importance of informal resolutions in the first instance has been stressed to all Unit Commanders. Unit Commanders have been directed to conduct customer service audits of all complaints involving informal resolutions and these dispositions are subsequently reviewed by Professional Standards to ensure compliance and consistency.

Vice Chair McConnell: How has the Chief clarified the role of officers in charge with respect to the complaints process and what are the substantive results?

Please see above. Members of Professional Standards review the role of an officer in charge or supervisor when providing information on the complaints process or receiving a complaint on every supervisor's course and at every unit complaint co-ordinator training session. The methods of resolving or concluding a complaint, including the informal resolution process, is also addressed. It should be noted that due to the subjective interpretation of the complaints categories, many complaints that have been classified as "withdrawn" could also be classified as "informal resolution" as there is often just as much interaction and explanation of police processes involved in a complaint that is informally resolved as there is in a complaint that is withdrawn. Notwithstanding the concerns related to the classification of complaints, there has

been a steady increase in the number of complaints resolved informally (2003 Annual Report – Professional Standards, Board Minute No. P200/04 refers).

Recommendation 7:

The Chief of Police direct that all complaint files relating to informal resolutions be forwarded to the Professional Standards Division for review. Deficiencies identified during the review process be communicated to the respective officers in charge for follow-up with the appropriate Unit Complaints Coordinator. Corrective action be communicated to the Professional Standards Division.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

All complaints involving informal resolutions are reviewed by Professional Standards and a data base is maintained. Unit Commanders have been directed to conduct customer service audits of all complaints involving informal resolutions. Feedback is obtained, enhancements are made and the results are noted. Ongoing management training is provided to field personnel by members of Professional Standards to ensure accuracy and compliance with the public complaints process, particularly in respect to complaints involving informal resolutions.

Vice Chair McConnell: With regards to informal resolutions, how has this been operationalized?

Please see above. All complaint files, including those involving informal resolutions, are first reviewed by the Unit Commander and if complete, forwarded to Complaint Administration for another review. The Unit Commander conducts a complainant satisfaction survey for all informal resolutions and records the results in the complaint file. Any concerns regarding the complaint investigations and/or conclusions are brought to the attention of Professional Standards senior management and appropriate action is taken.

Recommendation 8:

The Chief of Police direct that information from complaint files which have been subject to informal resolution be retained such that problem areas can be readily identified and appropriate action taken.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

The current policy of the Toronto Police Service is that complaint files involving informal resolutions are destroyed and identifiers removed from the data base maintained by Professional Standards. *Policy 13-02*, in part, states:

Unit Commander

Upon receiving a TPS 901 indicating that an informal resolution has been achieved shall

- *detach and destroy “Part C” of the form, along with the attachments and/or investigative file, except the TPS 904.*

The TPS 901 is the initial form which is used to indicate the complaint as being about policy, service or conduct. The TPS 904 is a complaint statistical report which is used to track the type of complaint allegation and other descriptors such as location, precipitating factors and years of service. The current practice has been ongoing as a result of an informal agreement reached between the Toronto Police Service and the Toronto Police Association when amendments to Part V of the Police Services Act involving public complaints were enacted in 1997. The Professional Standards Information System is anticipated to be operational during the third quarter of the year and will provide a more accurate data base for the recording of this information. The current policy is in the process of being revised to ensure that identifiers and dispositions of these matters are properly recorded and will be retained for a period of two years.

Vice Chair McConnell: Have the informal resolution files (sic) been retained?
What areas have been identified and what actions have been taken?

The information from the informal resolution cases has been retained in a data base, without the officer identifiers as per the arrangement with the Toronto Police Association (please see above). The number of complaints concluded with informal resolutions is gradually increasing. In 2003, approximately 14% of concluded complaint cases were resolved by an informal resolution (2003 Annual Report – Professional Standards, Board Minute No. P200/04 refers). Overall, one area that has been identified is that approximately half of the public complaints against officers relate to allegations of incivility. There has been an aggressive approach to this issue from the Chief of Police, senior management, Training and Education and Professional Standards. In-house publications such as, “From the Chief”, “Badge”, Routine Orders and Service procedures have addressed the Service concern regarding professional behaviour and uncivil conduct, as well as the repercussions of engaging in such conduct. The reduction and prevention of uncivil conduct is discussed during recruit training, divisional parades, advanced patrol training, investigative and supervisory courses. Once there is sufficient data from 2004, a comparison will be made to assess the Service’s progress in this area.

Recommendation 9:

The Chief of Police postpone the destruction of files relating to complaints, which have been informally resolved, until completion of the annual audit of the public complaints process.

(See Recommendation 8) Files involving informal resolutions will be captured by the Professional Standards Information System, which will become operational in the third quarter of this year. These dispositions will be retained for a period of two years and will be available on an annual basis for the audit of the public complaint process.

Response (from July 17, 2003, Board Minute No. P193/03): **Implemented**

No questions from Vice Chair McConnell.

Recommendation 10:

The Chief of Police direct the Professional Standards Division to monitor the withdrawal of public complaints in all police divisions to ensure that withdrawals are not used as a means of expeditiously resolving complaints. Where withdrawn complaints at certain divisions are inordinately out of line, the Professional Standards Division determine the reasons and where appropriate, take corrective action.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

All complaints are reviewed by Professional Standards. An interim review process has been established to track withdrawals and if certain divisions have inordinate numbers of complaints that are withdrawn, a review will be conducted. The new Professional Standards Information System which will be operational during the third quarter of the year has the capacity to track this type of information more efficiently. Most divisions are consistent in respect to the withdrawal of complaints and Unit Commanders must concur with these final dispositions.

Vice Chair McConnell: How many informal complaints have been withdrawn by division?
What further actions are needed?

An informally resolved complaint is a separate classification than a withdrawn complaint. A withdrawn complaint often occurs as a result of an explanation provided by the unit complaint co-ordinator to the complainant. A withdrawn complaint can take as much time and interaction between a police officer and complainant as does an informally resolved complaint. In 2003, the Service concluded 548 external complaints (2003 Annual Report – Professional Standards, Board Minute No. P200/04 refers). Of those, 93 were withdrawn and 77 were resolved informally. Since the preparation of the 2003 Annual Report, additional public complaint files have been concluded resulting in the following numbers per unit with respect to the informal resolution and withdrawn categories:

2003 External Complaint - Informal Resolutions and Withdrawal Statistics By Unit Assigned

Unit Assigned	Total Complaints	Informal Resolutions	Withdrawn
11 Division	13	3	1
12 Division	13	2	4
13 Division	26	4	8
14 Division	24	7	4
22 Division	17	4	7
23 Division	12	4	1
31 Division	18	4	4
32 Division	17	4	4
33 Division	20	17	1
41 Division	26	11	6
42 Division	27	1	7
51 Division	24	2	8
52 Division	46	1	21

Unit Assigned	Total Complaints	Informal Resolutions	Withdrawn
53 Division	11	7	2
54 Division	11	1	1
55 Division	21	4	6
Communications Centre	5		4
Communications Services	4		3
Corporate Planning	2		
Duty Operations Centre	4		2
Emergency Task Force	1	1	
Employment	1	1	
Forensic Identification Services	1	1	
Fraud Squad	1		
Intelligence Services	1		1
Marine	1		
Mounted and Police Dog Services	3	2	
Police Services Board	3		
Professional Standards	2		
Professional Standards - Complaints Administration	210		2
Professional Standards - Conduct Investigations	132		19
Professional Standards - Criminal Investigations	6		1
Public Safety	1		
Special Investigation Services	1		
Toronto Drug Squad	2		1
Traffic Services	16	10	
Grand Total	723	91	118

The unit commanders of those divisions/units with exceptional numbers in either of the two categories were contacted and have taken action as required. It should be noted that the Conduct Section of Professional Standards only investigates more serious complaints, which are not suitable for the informal resolution option. Members of Complaint Administration continue to provide training and support to increase the number of informal resolutions where appropriate.

Recommendation 11:

The Chief of Police ensure that all Unit Complaint Coordinators are aware of the level of documentation required for investigative files, and that such files are clear, concise and presented in a manner that supports the final conclusions of the investigations. Where appropriate, training be provided to meet this objective.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

All complaint files are reviewed by Professional Standards to ensure completeness, consistency and accuracy. Deficiencies are noted, individual investigators are counselled and guidance is provided where necessary. Ongoing training sessions are provided to Unit Complaint Coordinators and other members of the Service involved in complaint investigations. Management personnel are lectured by members of Professional Standards at C.O. Bick College and training sessions are held with Unit Complaint Coordinators on a quarterly basis. Ongoing training is necessary because of turnover and new members constantly entering the field of complaint investigation. Generally, deficiencies are the result of inexperience. Appropriate training and tenure appear to enhance the calibre and completeness of investigations.

Vice Chair McConnell: What training has been undertaken to ensure the level of documentation required for investigative files?

Please see above. Earlier this year, Professional Standards developed a standardized template for complaint investigation reports which has been sent to all complaint investigators.

Recommendation 12:

The Chief of Police direct Unit Commanders to review all public complaint investigation files in their respective divisions before signing off, to ensure that files are complete, that all appropriate investigative procedures were performed, and that the investigations are free of bias. This review should be conducted prior to the final adjudication of the complaint.

Response (from July 17, 2003, Board Minute No. P193/03): **Implemented**

Unit Commanders have been instructed to ensure that all complaint files are complete, that all appropriate investigative procedures were performed and the investigation is free of bias. Professional Standards reviews all complaint files, deficiencies are identified and Unit Commanders are notified accordingly. Ongoing training sessions are held with management personnel and members involved in complaint investigations to ensure that all investigations are complete, in compliance with existing procedures and free of bias.

Vice Chair McConnell: How has the Chief of Police ensured that all complaint files are complete?

Please see above. Complaint Administration, in collaboration with Legal and Prosecution Services, has developed and disseminated an investigative report template to all complaint investigators. Procedure 13-03, Complaint Management, outlines the responsibilities of Unit Commanders with respect to reviewing complaint files and reports. Complaint Administration performs a second review prior to closing a file and the senior management of Professional Standards conducts random file reviews of these cases.

Recommendation 13:

The Chief of Police direct the Professional Standards Division that interviews with complainants be audiotaped where possible. Audiotaping of interviews only be conducted with the written approval of the complainant. If a complainant does not wish to be audiotaped, this fact be included in the complaint file.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

Investigators have been directed by Professional Standards to comply with this recommendation. Audiotaping is a best practice and most interviews are in fact audiotaped. However, there are circumstances where interviews are not taped, often at the behest of complainants. Investigators have been directed to obtain written approval from complainants where interviews are audiotaped and maintain accurate records, particularly in respect to instances where interviews are not subjected to audiotaping. All files are reviewed by Professional Standards to ensure compliance and consistency.

Vice Chair McConnell: How many complaints have been audiotaped?

The Service does not track this information, however, all complainants making serious allegations and any related witnesses are audiotaped, with their consent. Professional Standards, Conduct Investigators audiotape their interviews as a standard operating practice.

Recommendation 14:

The Professional Standards Division, on a sample basis, review audiotape recordings of interviews to ensure that investigations are complete, thorough and free of bias. Any problems identified during this process be communicated to senior staff and appropriate action, including training, be initiated.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

Professional Standards conducts reviews of all complaint files, including random audits of audiotape interviews. Problems are identified and senior staff are notified regarding concerns and deficiencies. These areas are noted and investigators are counselled accordingly. Training issues are constantly being identified because of the changing landscape of complaint investigations. Ongoing training is provided to management personnel and particularly members involved in the investigation of public complaints. Professional Standards is constantly refining its methods of review and the new Professional Standards Information System will greatly enhance the efficiency of the complaint process.

Vice Chair McConnell: What training has been implemented in the use of audiotaping of public complaints(sic)?

All Professional Standards complaint investigators must be Ministry accredited criminal investigators. Accredited investigators must successfully complete a general investigations

course that has a strong focus on interviewing and the importance of audiotaping. It is an accepted practice that all interviews for serious matters be audiotaped. This practice is reinforced by management at Professional Standards Investigations.

Recommendation 15:

The Chief of Police direct that a conflict of interest declaration be signed by investigative officers on appointment to the Public Complaints Investigation Bureau or assignment to a Unit Complaint Coordinator position. Specific guidelines relating to what constitutes a conflict of interest should be developed and communicated to investigators.

Response (from July 17, 2003, Board Minute No. P193/03): Not Implemented

The importance of declaring a conflict of interest has and continues to be emphasized to all members of the Toronto Police Service. All police officers are compelled to swear an oath of office upon appointment as police constables with the Service. Integrity is an integral part of policing and is one of the core values and competencies necessary for effective performance. Officers selected to perform investigative functions relating to public complaint investigations are carefully screened and only the most suitable are placed in these positions of trust. It would be redundant to expect officers of this calibre, in addition to all these other requirements, to also swear to a declaration of trust. Based on the foregoing this recommendation has not been implemented.

Vice Chair McConnell: What are the conflict of interest guidelines and is this recommendation now operationalized?

This recommendation was not implemented as indicated above. Conflict of interest is addressed in Service Procedure 14-22, Conflict of Interest involving Related Members.

Recommendation 16:

The Chief of Police develop, where public complaints are substantiated, internal controls to ensure that the appropriate and necessary disciplinary action is imposed on police officers. In addition, the Chief of Police ensure that the information pertaining to disciplinary action is retained for the required time period in the subject officer's file. Disciplinary action taken be reported to the Professional Standards Division.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

In the past a data base was maintained to track all complaint files and dispositions. However, this system became antiquated and the accuracy of the data was dependent on information that flowed from the field units in respect to public complaint outcomes. Professional Standards currently reviews all files for accuracy and action is taken on incomplete files. A new Professional Standards Information System has been developed and will be operational during the third quarter of the year. This system will more efficiently track public complaints and red flag files that are outdated or not acted upon. This will alleviate previous problems that existed

and ensure that in all cases where disciplinary action is necessary, the penalty will be imposed in a timely manner and a record properly retained in officers' personnel files for the requisite period.

Vice Chair McConnell: What are the internal controls now in place to ensure that appropriate discipline was imposed and served when complaints are substantiated and that records kept (sic)?

The Complaint Administration section of Professional Standards has a gateway and quality control function in relation to the processing of complaints. This role is reinforced by TPS Procedures, Chapter 13, Conduct. The Professional Standards Information System is designed to track complaint dispositions, including any disciplinary penalties. In keeping with strengthening the existing internal controls and consistent with this recommendation and those from the Ferguson Report, the Service will be seeking to establish a senior officer position in the Complaints Administration Section by year end.

Recommendation 17:

The Chief of Police disclose the range of discipline imposed on police officers in the Professional Standards Division Annual Public Report prepared by the Professional Standards Division.

Response (from July 17, 2003, Board Minute No. P193/03): **Implemented**

Misconduct is classified as being serious or less serious. Less serious misconduct is handled at the divisional level and disciplinary action can range from a reprimand to a loss of three days pay. These penalties are imposed by Unit Commanders. A Police Services Act Hearing is conducted when serious misconduct has been identified and the range of discipline imposed can range from a reprimand to dismissal. The new Professional Standards Information System will provide an accurate picture of the types of discipline imposed in (sic) respect to police officer misconduct. Statistics will be easily compiled and the range of discipline imposed on officers will be reflected in the annual report provided by Professional Standards.

Vice Chair McConnell: In the semi-annual public report by Professional Standards, the range of discipline imposed was not given. Will this be in the annual report as recommended?

Currently the range of discipline applied after a Police Services Act hearing is reported to the Board through the Professional Standards Annual Report (2003 Annual Report – Professional Standards, Board Minute No. P200/04 refers). Penalties for less serious misconduct, that are dealt with at the unit level, are not yet fully captured by the Professional Standards Information System (PSIS). When the PSIS data collection for this item is complete, it will be included in the Professional Standards annual and semi-annual reports.

Recommendation 18:

The Chief of Police give consideration to the retention of outside legal representation for the complainant at formal disciplinary hearings, where appropriate.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

All complainants are granted standing at all formal disciplinary hearings held in accordance with the Police Services Act for cases of serious misconduct. Members of the Legal and Prosecution Section are tasked with the preparation and prosecution of these matters, which are presided over by senior members of the Service acting in the capacity of hearing officers. The interests of the complainants in these matters are represented by members of the Service acting as prosecutor. This is similar to the Criminal Court process where the interests of the complainants are represented by crown prosecutors. In more complex cases Service solicitors assigned to the Legal and Prosecution Section are called upon to fulfill the role of prosecutor and act for the complainant. Police Services Act Hearings vary in degree of complexity and are addressed on a case by case basis. Legal representation for complainants is viewed in this context as being provided on an ad hoc basis by the Service. It should be noted that the costs involved for the retention of outside legal counsel for these cases is prohibitive.

Vice Chair McConnell: In how many instances has legal council (sic) been retained for the complainants in 2003? How were they chosen?

There were no instances in 2003 where the Service retained legal representation for a complainant at a Police Services Act hearing. The Police Services Act does not provide a funding mechanism for complainants to be represented by legal counsel and no police service in Ontario provides funding for the legal representation of public complainants.

Recommendation 19:

The Chief of Police develop a plan to measure the performance of the Toronto Police Service relative to its business plan as it relates to the complaints process. Such a plan to include a recommendation relating to the report of results of this process.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

The Service currently has in place a process for the measurement of all performance objectives/indicators listed in the Business Plan, as well as for the reporting on the results of this measurement. Such measurement and reporting are required of the Service under Ontario Regulation 3/99 (Adequacy Standards), section 31:

31. Every chief of police shall prepare an annual report for the board relating to the activities of the police force during the previous fiscal year, including information on,

(a) its performance objectives, indicators and results;

(b) public complaints; and

(c) the actual cost of police services.

Since 2000, the Service has produced an annual report on its performance that includes performance relating both to the Priorities, Goals, and Performance Objectives outlined in the Business Plan, and to general indicators relative to police services. This year-end performance report is typically presented to the Police Services Board in the first half of the following year.

Since 1999, the Service has included funding in its operational budget to conduct an annual survey of the community. The survey focuses on community perceptions of quality of TPS service delivery, suggestions for improvement to service, and perceptions of safety in neighbourhoods, as well as perceptions Toronto (sic) as a safe city, perceptions regarding the Service's complaints process, and issues of concern (e.g. crime, gangs, drugs, etc.). Beginning in 2000, the questions relative to the complaints process were asked of all respondents, rather than just of the subset of respondents who'd had contact with police in the preceding 12 months.

The questions dealing with public complaints ask how confident respondents are that the Toronto Police Service can impartially investigate public complaints against officers and if respondents have ever had any experience with the police complaints process. If respondents answer 'yes' to the latter questions, they are asked both how satisfied they were with the process and how satisfied they were with the outcome (sic). The responses to these questions are outlined in the Service's annual performance report.

Provided following (sic) are the results as reported in the 2001 Service Performance report. In the section reporting on performance related to the Service Priorities (sic):

Priority: Infrastructure

Goal: Strengthen the confidence of the public and Service members in the impartiality and the integrity of the Service's administration of Part V of the Police Services Act - the complaints system.

Performance Objectives/Indicators:

- ◆ ***INCREASED PERCEPTION OF PUBLIC CONFIDENCE IN THE IMPARTIALITY OF THE SYSTEM***

Results of general community telephone surveys showed increased confidence in 2001 compared to 2000, that the Service can impartially investigate public complaints against officers:

felt very or somewhat confident that the Toronto Police Service could impartially investigate public complaints against officers in 2000 – 57%

felt very or somewhat confident that the Toronto Police Service could impartially investigate public complaints against officers in 2001 – 66%

◆ ***INCREASE IN SATISFACTION WITH THE COMPLAINTS PROCESS FOR MEMBERS OF THE PUBLIC WHO HAD EXPERIENCE WITH THE COMPLAINTS SYSTEM***

In 2000, 23% of the 1,200 respondent community telephone survey said that they'd had experience with the complaints process; 12% said they'd had experience in 2001. In both years, respondents were more satisfied with the process than the outcome, with more satisfaction with both expressed in 2001 over 2000:

of those who'd had experience with the police complaints process:

very or somewhat satisfied with the process in 2000 – 65%

very or somewhat satisfied with the process in 2001 – 69%

very or somewhat satisfied with the outcome in 2000 – 56%

very or somewhat satisfied with the outcome in 2001 – 64%

And, in the section reporting on performance related to general policing indicators:

As part of the general community survey conducted for the police in 2000 and 2001, respondents were asked about public complaints and the Service's complaints system. In 2001, two-thirds (66%) of respondents were somewhat or very confident that the Toronto Police Service could impartially investigate public complaints against officers, up from 57% in 2000. One-quarter (25%) of respondents in 2001 were not very or not at all confident the police could impartially investigate complaints, down from 32% in 2000.

Only about 1 in 10 (12%) respondents in 2001 had ever had any experience with the police complaints process. Of those few who had, 69% said they were very or somewhat satisfied with the process, and 64% said they were very or somewhat satisfied with the outcome. In 2000, 23% had ever had experience with the police complaints process; 65% said they were very or somewhat satisfied with the process, but only 56% said they were very or somewhat satisfied with the outcome.

Results from the community survey questions on the complaints process will continue to be reported in the Service's annual performance report. Information from the 2002 community survey will be presented in the 2002 Service Performance report.

Vice Chair McConnell: What is the plan recommended for monitoring the measurement of performance?
What performance measurement tools are being used?

Please see above.

Recommendation 20:
The Toronto Police Services Board:

- a) **consider the concerns raised by the general public with respect to the complaints process, specifically, the administration of the public complaints process by the police and the ability to investigate complaints filed by third parties; and**
- b) **take the necessary action to deal with these issues, including communicating these concerns to the Ministry of the Attorney General for consideration and appropriate action.**

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

The current public complaint process does not permit third parties to file complaints against police officers. *Section 57(1)* (sic) of the Police Services Act expressly prohibits the Chief of Police from accepting complaints from third parties who are not directly affected and not involved parties. Legislative changes need be sought to the existing Police Services Act before third party complaints could be entertained by the Service. This recommendation was discussed at the Board meeting on February 20, 2003 (BM #P39/03 refers). At that meeting it was decided that this issue would be referred to the Board/Service Race Relations Joint Working Group for consideration.

Vice Chair McConnell: Submit a copy of the letter to the Attorney General and his reply?

Please see above, the matter was referred to the Board/Service Race Relations Joint Working Group for consideration and is still under review.

Recommendation 21:

The Chief of Police review the complaint investigation process to ensure that the concerns identified by both the general public and complainants, as outlined in this report, are appropriately addressed.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

The Professional Standards is currently undergoing a reorganization, which will enhance the level of customer service provided to the general public. Duty Inspectors are being introduced to the complaint process and will be tasked with the classification of all complaints. This will provide entry level training for officers promoted to the rank of Inspector who may later become Unit Commanders. Duty Inspectors will acquire a more in depth knowledge of the complaint process and will be in a better position to handle these situations upon assuming field responsibilities. The new Professional Standards Information System which will be implemented in the third quarter of the year will provide a more accurate data base. This data base will provide an early warning system to identify problem areas and potential risks. Unit Commanders have been directed to conduct customer service audits of all complaints so that feedback will be obtained from the general public on how the Service can do things better. Surveys have also been distributed by Corporate Planning to Service members on a random basis to gauge their levels of satisfaction and to solicit their feedback and concerns.

Vice Chair McConnell: How has this recommendation been implemented?

The Police Services Act outlines the process by which public complaints are received, classified, investigated and concluded. The Toronto Police Service's complaint investigation process continues to be reviewed regularly through the analysis and implementation of the City Auditor's recommendations, the Ontario Civilian Commission on Police Services reviews of individual complaints, the Corporate Planning Annual Customer Satisfaction Survey, the Unit Commander complainant surveys and issues brought forward by officers and the Toronto Police Association. Where the legislation permits, the Service makes improvements to the complaints investigation process. Examples include an increased focus on the complaints investigation process through in-service training, the establishment and training of unit level complaint co-ordinators, the issuance of a templated complaint investigation package and increased accountability for the quality of complaint investigations through Complaint Administration and the Professional Standards Information System (PSIS).

Recommendation 22:

The Chief of Police direct the Professional Standards Division to solicit feedback from complainants and police officers involved in public complaints, and that the survey results be returned directly to the Complaints Review Unit for analysis and the identification of any issues or deficiencies that need corrective action.

Response (from July 17, 2003, Board Minute No. P193/03): **Implemented**

Unit Commanders have been directed to conduct random customer service audits of all complaints. Feedback obtained from complainants will then be directed to Professional Standards so that enhancements can be made to the current complaint process to better serve members of the general public. Random surveys have been sent out to a broad cross section of police officers to gauge their overall satisfaction with how the Toronto Police Service conducts its business. Corporate Planning is currently tasked with reviewing the results of these surveys and directing concerns involving the complaints process to Professional Standards. The Professional Standards - Complaints Administration is constantly soliciting feedback from officers in the field by conducting quarterly training sessions with Unit Complaint Coordinators, attending management training sessions at C.O. Bick College and also lecturing to new recruit classes. Valuable feedback is obtained from Service members directly involved in the intake and investigation of public complaints and recruits who, not so long ago, were members of the general public. Feedback obtained from these sources is constantly being analysed by members of the Professional Standards - Complaints Administration, deficiencies are identified and enhanced levels of training are being provided to Service members.

Vice Chair McConnell: Recommendation 22 suggests a process to identify issues and deficiencies needing corrective action. Has a quality of service survey to complainants been instituted? How are objectives and goals being measured and what strategy is in place to determine achievement?

Please see above. Since the end of December 2002, the TPS has implemented a quality of service process in which all Unit Commanders conduct a telephone survey for all informally resolved complaints. The results are recorded on the back of the TPS 901 (Policy, Service or Conduct Report) and are reviewed by Professional Standards, Complaint Administration. Any deficiencies are addressed by either the Unit Commander or Professional Standards. On a corporate level, the process described in Recommendation 19 annually addresses the Service's goals, objectives and performance levels in relation to public complaints.

Recommendation 23:

The Chief of Police review the concerns of officers relating to the public complaints process as identified in this report, and take appropriate action to address these concerns.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

The auditors have indicated in their report that officers have suggested that complainants sign an affidavit attesting to the accuracy of their complaints and further that repercussions should be forthcoming for complainants who file frivolous and vexatious complaints. The Police Services Act provides that all complaints must be signed by complainants. In this respect, the signing of a complaint is in a sense an endorsement by the complainant attesting to the accuracy of the complaint. The auditors have also raised concerns about the Service taking any action, which will potentially deter the general public from filing complaints against police officers and do not support this course of action, which has been suggested by field officers. It should also be noted that the Police Services Act, section 59(3), provides that the Chief of Police is not required to investigate complaints that he determines are frivolous, vexatious or made in bad faith. Random surveys are currently being conducted across the Toronto Police Service to solicit feedback from officers of all ranks to determine their levels of satisfaction. Feedback on the complaint process will be directed to Professional Standards so that concerns and deficiencies in current practices are identified, and addressed accordingly.

Vice Chair McConnell: What actions have been taken to address officers concerns?

Aside from the issue of sanctions being imposed on those complainants filing frivolous/vexatious complaints discussed above, the remainder of the the officers' concerns have been addressed through education and exposure to the Service's complaints process. Detailed information regarding the Service's complaints procedures and general issues are available on the intranet, are part of most inservice training courses and form a significant component of every promotion study package. This education and exposure has gone a long way to improving officers' perceptions regarding the public complaint system, so much so that now officers are advocating for the current system to remain in place with a few minor adjustments.

Recommendation 24:

The Chief of Police expedite the implementation of the Professional Standards Information System and ensure that the informational requirements of the system are clearly defined to meet the needs of the Professional Standards Division.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

The requirements for the Professional Standards Information System have been identified through a number of information sessions conducted with members of Professional Standards and field units. This system will provide a centralized data base which will provide statistical information on all complaints of officer misconduct. Trends will be identified and it will provide an early warning system so that preventative measures or training can be provided to Service members. In the past, several stand alone data banks were maintained by the various units, which comprise Professional Standards. These systems did not necessarily communicate with each other and members needed to consult these various data banks, which were often duplicitous and time consuming. The new Professional Standards Information System will provide a one stop source for all information concerning officer misconduct and will ensure accurate, and timely information. It is anticipated that this new system will be up and running by the third quarter of 2003.

Vice Chair McConnell: At what stage is this implementation at and what results have been accomplished?

The Professional Standards Information System (PSIS) continues to evolve. Although it is not a Toronto Police Service specific program (owned by the Service), adjustments are ongoing and Version 4 will be issued by year end. The tasks for which PSIS was initially designed to do are being accomplished as demonstrated in the 2003 – Professional Standards Annual Report. However, information analysis demands on the Service are increasing and change over time. As PSIS is not a Service specific program, new databases continue to be developed to meet these information and analysis requests.

Recommendation 25:

The Chief of Police direct Toronto Police Service Legal Services to maintain information on civil litigation that relates to public complaints and to report this information to the Professional Standards Division, such that the risk and cost of not effectively dealing with public complaints is monitored on a regular basis.

Response (from July 17, 2003, Board Minute No. P193/03): Implemented

The Complaint Administration maintains an ongoing liaison with the Legal and Prosecution Section so that public complaints that lead to civil litigation can be identified and monitored. The new Professional Standards Information System will enhance this monitoring capability in that all units of Professional Standards will provide input to the system data base. Complaints involving civil litigation will be identified on the system and monitored on a regular basis by the new analyst position, which is to be part of the reorganization of the Professional Standards Unit.

Information will then be communicated to the involved units so that cost effectiveness of all public complaint investigations can be monitored and addressed accordingly.

Vice Chair McConnell: What are the costs of litigation in 2003?
How are these costs reported?

The City of Toronto has purchased liability insurance, however, there is a high deductible. This deductible results in litigation costs relating to the defence of civil actions commenced against the Board and named members of the Service. These costs are paid for from an insurance reserve fund, which is managed by the City's Insurance and Risk Management Section. All City departments contribute to this insurance reserve fund. In 2004, the Service's annual contribution to the fund was 1.7 million dollars. This amount was designated at the time of the City of Toronto amalgamation and will soon be up for adjustment. The City's Insurance and Risk Management Section presents an Annual Financial Claims Activity Report to the Board, which provides a statistical review of insured claims involving the Toronto Police Service, including information on trends or policy impacts (Board Minute No. C194/03 refers). Information regarding litigation costs relating to individual cases is retained by the City. It should be noted that complete litigation costs can only be determined once a case has been concluded. It is not uncommon for some civil actions to take several years to resolve.

Professional Standards reports on civil actions in two ways. Details of recently commenced actions and significant developments from previously reported actions are provided to the Board at its confidential meetings. Professional Standards also reports on the number of civil actions in its annual report (2003 Annual Report – Professional Standards, Board Minute No. P200/04 refers). A breakdown of the number of civil actions that have a public complaint component will be included in future Professional Standards semi-annual reports to the Board.

Recommendation 26:

The Chief of Police direct the Professional Standards Division to develop a time tracking system to capture the amount of time investigators spend on investigation of public complaints, such that the resources deployed in performing these investigations can be more effectively managed.

Response (from July 17, 2003, Board Minute No. P193/03): Ongoing

Complaint investigators maintain detailed log notes in respect to the investigation of all complaints. The amount of time investigators spend on these investigations can easily be recorded in the log notes, which form an essential part of each case file. Supervisors who are tasked with reviewing these investigations can easily monitor the time spent on each investigation and ensure that investigators effectively manage their time. A new Time Reporting Management System (TRMS) is currently being studied for implementation across the Toronto Police Service. This new system will provide a time tracking tool, which will effectively monitor officer performance. The system should be fully operational by the third or fourth quarter of 2003.

Vice Chair McConnell: Has Professional Standards developed a time tracking system and how has that improved efficiency?

Professional Standards has not developed its own time tracking system, rather it uses the one in place for the entire Service. The Service's Time Reporting Management System (TRMS) is a time tracking tool used by supervisors to effectively manage their staff and maximize the efficient use of time for all tasks, including the investigation of public complaints. The use of TRMS does not provide the detail resulting from a supervisor's review of the case manager's log notes described above. Professional Standards supervisors use a combination of TRMS and the individual case log notes to optimally deploy their personnel.

Recommendation 27:

The Chief of Police report to the Toronto Police Services Board, within six months, with a response to each of the recommendations contained in this report, including a specific work plan and timetable for the implementation of the recommendations, as appropriate.

Response (from July 17, 2003, Board Minute No. P193/03): **Implemented**

The foregoing report contains a comprehensive response on the status of all public complaint process audit recommendations. The majority of these recommendations have been implemented with the exception of the few as indicated. A timetable for implementation or a rationale for non implementing (sic) can be found in the body of this report.

Vice Chair McConnell: Has the Chief reported on these matters and could he resubmit the report for the information of new members?

The Service response to the City Auditor's recommendations was submitted to the Board at its meeting of July 17, 2003 (Board Minute No. P193/03 refers). The Board moved to defer consideration of the Service's response until its October 16, 2003 meeting, when the Board would be able to also consider the final recommendations of the Board/Service Race Relations Joint Working Group. This report was re-submitted to the Board at its meeting of July 29, 2004 (Board Minute No. P240/04 refers).

Acting Staff Superintendent Richard Gauthier and Staff Inspector Jane Wilcox of Professional Standards will be in attendance to answer any questions that the Board members may have.

The Board received the foregoing and agreed to forward a copy to the City of Toronto – Auditor General for information.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

**#P345. ANNUAL REPORT: IMPLEMENTATION OF INTERNAL AND
EXTERNAL RECOMMENDATIONS: JUNE 2003 – MAY 2004**

The Board was in receipt of the following report AUGUST 16, 2004 from Julian Fantino, Chief of Police:

Subject: ANNUAL REPORT ON THE IMPLEMENTATION OF INTERNAL AND
EXTERNAL RECOMMENDATIONS FOR THE PERIOD JUNE 01, 2003 TO
MAY 31, 2004

Recommendation:

It is recommended that: the Board receive the following for information.

Background:

At the Board meeting on May 24, 2001, the Board received and approved a report containing the Quality Assurance 2001 Workplan from the Chief of Police (Board Minute P140/01 refers). To comply with the Board's direction, the workplan contained the requirement that the Chief of Police provide the Board with an annual report that tracks the implementation status of internal and external audit recommendations emanating from the Ontario Civilian Commission on Police Services (OCCPS) recommendations, Chief's Administrative Review recommendations, Coroner's Jury recommendations and City Auditor General's recommendations (Board Minute P156/00 refers). Professional Standards-Quality Assurance is responsible for preparing this annual report. Contained below is the annual report which tracks the implementation status of ongoing recommendations originating from Chief's Administrative Reviews, Coroner Jury Inquests, City Auditor General Reviews and the Ontario Civilian Commission on Police Services.

Part I: Chief's Administrative Reviews

Chief's Administrative Reviews are conducted in compliance with sections 11(1) and 11(2) of Ontario Regulation 673/98, made under the Police Services Act, which state as follows:

- 11(1) The Chief of Police shall also cause an investigation to be conducted forthwith into any incident with respect to which the Special Investigations Unit has been notified, subject to the Special Investigations Unit's lead role in investigating the incident.
- 11(2) 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.

The 2003 Annual Report to the Board (Board Minute P264/03) indicated that there were three ongoing recommendations. Following is an update for these recommendations.

Recommendation originating from a Chief's Administrative Review concerning an injury resulting from arrest (2001-09-P1). (Board Minute C233/01 refers)

The Unit Commander of Corporate Planning should be apprised of apparent contradictions with the warrant process and should consider amending the procedure.

Status: Ongoing

Corporate Planning is currently reviewing warrant procedures. It is anticipated that the amendments will be completed and published by October 31st, 2004.

Recommendation originating from a Chief's Administrative Review concerning a death resulting from arrest (2002-05-P1). (Board Minute C173/02 refers)

That the "company property page" within the Human Resources Management System be approved as the "form" for keeping the officer's firearm information and the Unit Commander of Training and Education be charged with the responsibility of ensuring that, with the implementation of the updated Human Resource Management System People-soft program, members of the Armament Office enter or amend firearm information on the database at source.

Status: Ongoing

All new issues of firearms, such as issues to new recruits, are being entered on the database by the Armament Office at source. The Armament Office does not have the necessary personnel to re-enter all previously recorded data onto the database at source; therefore, this recommendation is not fully implemented at this time. In order to fully comply with the recommendation, the Service is in the process of preparing a Request for Proposal for an application that would track all firearms issued and provide a link to the Human Resource Management System People-soft program.

Recommendation originating from a Chief's Administrative Review concerning a death resulting from arrest (2002-05-P2). (Board Minute C173/02 refers)

It is anticipated that within the next six months, Human Resource Management System People-soft will be enhanced to include firearm(s) election and gun locker information. The Unit Commander of Corporate Planning should amend Procedure 15-04 (Service Firearms) to compel Unit Commanders to have the Human Resource Management System revised, at source, to list the firearm election and gun locker information for each member within the unit.

Status: Ongoing

Procedure 15-04, Service Firearms has been amended; however, several new issues arose that are affecting its scheduled publication. The delay stems from the creation of Firearm Discharge Investigators and the investigation/reporting process dealing with intentional firearm discharges by police officers. Once the amendments have been approved, the revised procedure will be published.

Part II: Coroner's Jury

There are no outstanding or ongoing Coroner's Jury Recommendations approved by the Board at this time.

Part III: City Auditor General's Recommendations

In the 2003 Annual Report to the Board (Board Minute P264/03 refers), the following two recommendations were reported as ongoing:

Recommendation 1(a) from the Revenue Controls Review (Board Minute P38/02 refers)

That the Chief of Police implement more stringent monitoring and collection processes over accounts receivable that remain outstanding 90 days and older, including that paid duty small event customers be required to make advance payment to the Toronto Police Credit Union and/or secure payments by credit card authorization for administration fees, equipment rental and taxes, and that Unit Commanders be directed to withhold services until an outstanding account is settled.

Status: Implemented

As a result of the following initiatives within Financial Management (FMT) and Service-wide, this recommendation has been implemented:

- *A unit specific procedure regarding the monitoring of older accounts receivable. The procedure governs the weekly and monthly analysis performed and the procedures to be followed should the account be deemed uncollectible, including the criteria regarding what is considered uncollectible. Staff monitor according to the procedures laid out within this document.*
- *By-law 147, approved by the Board in May, 2003 allows the write-off of older accounts at TPS, which are deemed uncollectible. This will allow a cleaning up of the A/R subledger, which previously could not be done.*

- *The Time Resource Management System paid duty data entry system allows FMT staff to match signed customer documentation with officer time entry for administrative fee billing purposes, eliminating duplicate billings, which can never be collected. Billings will also be more timely as complete data entry can now be monitored. More timely billings is a factor in the non-collection of accounts, particularly with the film industry.*
- *FMT is contacting the two collection agencies presently being piloted through the City of Toronto to assist in collection efforts.*
- *The Toronto Police Credit Union (TPCU) as a payment method has been offered to customers and is being utilized wherever possible; however, the TPCU is charging a fee of 1.75% of the billing total, which inhibits some customers from using this method of payment.*
- *Older accounts and past billing errors have been written off in an effort to clean up the A/R listing.*
- *FMT sends a delinquent customer listing to Paid Duty Coordinators and Unit Commanders on a bi-weekly basis.*

Recommendation 26 from the City Auditor General's Audit of the Toronto Police Service's Public Complaints Process (Board Minute P265/02 refers)

The Chief of Police direct the Professional Standards Division to develop a time tracking system to capture the amount of time investigators spend on the investigation of public complaints, such that the resources deployed in performing these investigations can be more effectively managed.

Status: Implemented

This recommendation pre-dates the restructuring of the Professional Standards Unit, the implementation of the Professional Standards Information System (PSIS, IAPro) and the implementation of the Time and Resources Management System (TRMS). Since the Service is able to track the time spent on public complaint investigations, this recommendation has been complied with.

Part IV: Ontario Civilian Commission on Police Services

In July 1999, the Ontario Civilian Commission on Police Services issued a report containing a total of 28 recommendations, directed to the Board and the Chief of Police, which required a detailed response to each of its recommendations. In response, a report was submitted in May 2000 containing the 28 recommendations and 11 Board priorities (Board Minute P156/00 refers). Since many of the recommendations were in the process of being implemented, the Ontario Civilian Commission on Police Services requested that the Board provide periodic updates on results achieved (Board Minute P290/00 refers). The Professional Standards - Quality Assurance unit was tasked with tracking the 28 recommendations for the Service. As of the 2003 Annual

Report to the Board, there were five recommendations whose status was still ongoing. Following is an update for these recommendations:

Recommendation 2

That the Chief of Police be directed to develop a single system that captures all employment/personal data. This objective can be achieved either through an enhanced Human Resource Management System or the development of a PSIS system that fully interfaces with Human Resource Management System.

Status: Implemented

The PSIS system became operational on October 27, 2003. Historical data entries are being completed for all of 2003, with the assistance of a temporary clerk. The interface between Human Resource Management System and PSIS is functional, which gives a direct link between the personnel files and the behavioural indicator system. This recommendation has been fully implemented.

Recommendation 10

That the Chief of Police be directed to deploy resources, from the existing budget, to ensure PSIS is developed, maintained and made fully operational.

Status: Implemented

Effective November 08, 2003, an analyst was successfully placed within the Analysis and Assessment section of the Professional Standards-Risk Management Unit. PSIS is being maintained and is operational.

The following three recommendations originating from the Report on a Fact-Finding into Various Matters With Respect to the Disciplinary Practices of the Toronto Police Service (1999) remain ongoing:

Recommendation 6

That the enhanced Human Resource Management System system and/or PSIS system be audited once in the year 2001 and once in the year 2002.

Status: Ongoing

This recommendation remains deferred since PSIS has only been operational since October 2003. The Auditor General has determined that an audit of the PSIS system will be conducted after a period of usage and has agreed to include this item in his future workplan.

Recommendation 9

That the Chief of Police develop guidelines for Unit Commanders to use when they impose discipline.

Status: Ongoing

Proposed guidelines for Unit Commanders to use when they impose discipline have been developed and are being reviewed by senior management. Once discussions have concluded, the guidelines will be forwarded to the Command for final approval.

Recommendation 13

That the Chief of Police revise the Professional Standards report to include a report on the issues raised by the Ontario Civilian Commission on Police Services.

Status: Ongoing

The PSIS program became operational in October 2003 and a temporary clerk has been tasked with entering the historical data for 2003. A full complement of data will be available by the last quarter of 2004. The Professional Standards semi-annual report will be modified to meet the recommendation for the Board meeting in November 2004 (the next scheduled reporting date following data entry).

Acting Staff Superintendent Richard Gauthier of Professional Standards will be in attendance to answer any questions the Board may have in regard to this matter.

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

**#P346. SEMI-ANNUAL REPORT: GRANT APPLICATIONS & CONTRACTS:
APRIL – SEPTEMBER 2004**

The Board was in receipt of the following report SEPTEMBER 15, 2004 from Julian Fantino, Chief of Police:

Subject: SEMI-ANNUAL REPORT: APRIL 2004 TO SEPTEMBER 2004: GRANT
APPLICATIONS AND CONTRACTS

Recommendation:

It is recommended that the Board receive the following report.

Background:

At its meeting of February 28, 2002, the Board granted standing authority to the Chair of the Police Services Board, to sign all grant and funding applications and contracts on behalf of the Board (BM #P66/02 refers). The Board also agreed that a report would be provided on a semi-annual basis summarizing all applications and contracts signed by the Chair.

During the current reporting period, April 1, 2004 to September 30, 2004, the Chair of the Police Services Board was not required to sign any grant applications and two grant contracts were signed by the Chair. Grant applications submitted and grant agreements signed or awarded during this period are included in Appendices A and B, respectively.

Currently, the Toronto Police Service has a total of six active grants, including:

- Community Policing Partnership Program (C.P.P.)
- Joint Emergency Preparedness Program (J.E.P.P.) – Police Command Centre
- Reduce Impaired Driving Everywhere Program (R.I.D.E.)
- Assisting and Preventing Child Victims of Sexual Abuse through Focused Investigation of Child Pornography Cases
- Assisting Victims by Enduring Maximum Compliance to Christopher's Law and Effective Sex Offender Management
- Municipal Police Service Technology Grant

The provincial government funds five of the programs and administers one (J.E.P.P.) on behalf of the federal government. The current grant inventory totals in excess of \$10,000,000 in revenues for the Service, with the majority of the funding (i.e. \$7.53M) received through the C.P.P. Grant.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command, will be in attendance to answer any questions the Board may have.

The Board received the foregoing and agreed to forward a copy to the Board's Budget Subcommittee for information.

Appendix A
New Grant Applications
April 1, 2004 to September 30, 2004

Name and Description of Grant	Amount of Funding Requested	Grant Term	Status
<p>New Initiative Fund (NIF) Program (2005/2006) – Search & Rescue Improvement</p> <ul style="list-style-type: none"> The Toronto Police Service Marine Unit submitted an application for funding from the above noted federal grant program for Search & Rescue equipment and training. <p><i>Although the Chair is not required to sign the funding application for this program, the application for grant funding is included here for the Board's information. Staff Sergeant John Badowski, Toronto Police Service Marine Unit, signed the application as project manager.</i></p>	<p>\$528,000</p>	<p>April 1, 2005 to March 31, 2006</p>	<p>The program has been recommended to the National Search and Rescue Secretariat by Emergency Measures Ontario, Ministry of Community Safety Correctional Services Grant awards are expected in the Spring.</p>

**Appendix B
New Grant Contracts
April 1, 2004 to September 30, 2004**

Name and Description of Grant	Amount of Funding Approved	Grant Term	Status
<p>Victim's Justice Fund - Assisting Victims by Ensuring Maximum Compliance to Christopher's Law and Effective Sex Offender Management</p> <ul style="list-style-type: none"> The TPS applied for funding for this program in June 2003; the Chair signed the contract in June 2004. 	\$700,000	September 1, 2004 to August 31, 2006	Program initiated on September 1, 2004
<p>Reduce Impaired Driving Program (R.I.D.E.)</p> <ul style="list-style-type: none"> The TPS applied for funding from the 2004/2005 R.I.D.E. Program in March 2004; the Chair signed the contract in August 2004. 	\$87,001.18	April 1, 2004 to February 28, 2005	Program is on-going.
<p>Joint Emergency Preparedness Program (J.E.P.P.) - Police Command Centre</p> <ul style="list-style-type: none"> Project to provide for the renovation and installation of state-of-the-art technology to allow the TPS to assume a centralised command in the event of a disaster or major terrorist event in the City of Toronto or GTA. Total Project Cost: \$725,000. <p><i>Although a contract is not required for the J.E.P.P. program, the approval of this grant funding is included here for the Board's information.</i></p>	\$30,000	April 2004 (or upon notification) to March 31, 2005	Project is on-going; funding for Toronto Police share of costs approved in 2004 Capital Budget

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

**#P347. QUARTERLY REPORT: DEVELOPMENT OF TECHNOLOGY TO
ELECTRONICALLY GATHER STATISTICS ON SEARCHES: APRIL –
JUNE 2004**

The Board was in receipt of the following report SEPTEMBER 24, 2004 from Julian Fantino, Chief of Police:

Subject: QUARTERLY REPORT: APRIL TO JUNE 2004: REPORT ON COMPLETE SEARCHES

Recommendation:

It is recommended that: the Board receive this report.

Background:

At its meeting of December 14, 2000, the Board directed quarterly status reports (Board Minute P529 refers), as follows:

“THAT the Chief provide the Board with quarterly reports on the implementation of CIPS enhancements into the new Records Management System and advise the Board if the Service is unable to provide electronic gathering of statistics by the third quarter of 2001.”

CIPS (Criminal Information Processing System) is the computerized case preparation system used by the Service to record all arrest information and has been identified as the best medium for collecting data relating to complete searches.

Information Technology Services (ITS) advises that CIPS functionality will be incorporated into the Service’s new Records Management System called eCOPS (Enterprise Case and Occurrence Management System).

The Board was advised at the meeting of September 24, 2004 that the delivery of the Case Management component of eCOPS, which includes the CIPS functions, has been deferred pending the preparation and evaluation of a business case. The statistical component will be evaluated and assigned a priority within that business case.

As an interim measure, a complete search template has been added to the CIPS application. This interim template allows the Service to record complete search events, however, it does not allow for the automatic query and reporting functions requested by the Board.

It is recommended that the Board receive this quarterly status report. Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command, will be in attendance to answer questions from Board members.

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

**#P348. TORONTO POLICE SERVICES BOARD'S SUBMISSION – POLICE
COMPLAINTS REVIEW**

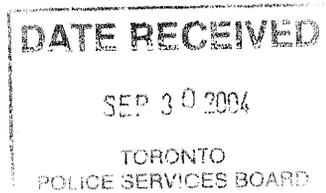
The Board was in receipt of correspondence, dated September 27, 2004, from The Hon. Patrick J. LeSage, Q.C., acknowledging receipt of the Board's submission on the police complaints review. A copy of the correspondence is appended to this Minute for information.

The Board received the foregoing.

**REVIEW OF THE SYSTEM FOR COMPLAINTS BY
THE PUBLIC REGARDING THE POLICE**

The Wicket, 777 Bay St.
P.O. Box 46119
Toronto, ON
M5G 2P6

The Hon. Patrick J. LeSage, Q.C.



September 27, 2004

Mr. A. Milliken Heisey
Chair
Toronto Police Services Board
40 College Street
Toronto, ON
M5G 2J3

Dear Mr. Heisey:

Thank you for your submission dated September 20, 2004. I appreciate that you took the time to provide me with your views on this issue. Please be assured that your opinions are valued and will be given consideration in the formulation of my report for the Attorney General. I also look forward to any further information that you may wish to provide to me.

If you have any questions about this review, please feel free to contact John Lee at (416) 326-2530. You can also find updates on the consultation process on the Review's website at: www.policcomplaintsreview.on.ca

Yours truly,

The Hon. Patrick J. LeSage, Q.C.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

**#P349. RESPONSE TO BOARD'S REQUEST FOR INFORMATION ON
DOMESTIC VIOLENCE TRAINING FOR POLICE OFFICERS**

The Board was in receipt of correspondence, dated September 29, 2004, from The Hon. Monte Kwinter, Minister of Community Safety and Correctional Services, in response to the Board's earlier request for information on domestic violence training for police officers. A copy of the correspondence is appended to this Minute for information.

The Board received the foregoing.

**Ministry of Community Safety
and Correctional Services**

Office of the Minister

25 Grosvenor Street
18th Floor
Toronto ON M7A 1 Y6
Tel: 416-325-0408
Fax: 416-325-6067

**Ministère de la Sécurité communautaire
et des Services correctionnels**

Bureau du ministre

25, rue Grosvenor
18^e étage
Toronto ON M7A 1 Y6
Tél.: 416-325-0408
Télééc.: 416-325-6067



DATE RECEIVED

OCT 04 2004

TORONTO
POLICE SERVICES BOARD

CU04-03031

SEP 29 2004

Mr. A. Milliken Heisey
Chair
Toronto Police Services Board
40 College Street
Toronto ON M5G 2J3

Dear Mr. Heisey:

Thank you for your letter requesting an overview of domestic violence training at the Ontario Police College and a compliance report for the Toronto Police Service. I am pleased to respond.

Domestic violence training for police officers is provided by the Ontario Police College at three levels:

- Basic Constable Training Program (Recruit Training);
- Advanced Patrol Training; and,
- Senior and Special Courses.

The Basic Constable Training (BCT) program has seven **90-minute** periods. These periods focus on topics such as the dynamics of abuse, needs of the victim, relationship violence myths, immigration, police procedure, victim and officer safety issues, the ministry's guideline on Domestic Violence and the Domestic Violence Supplementary Report Form. The recruit program concludes with a half-day dynamic simulation of police intervention in relationship violence.

In addition, domestic violence training is integrated into the instruction areas of interviewing, federal and provincial statutes, arrest, officer safety and use of force judgement training. The BCT program is designed to provide new officers with the basic skills for first responders. A coach officer and supervisor then reinforce and supplement the training received by the new officers.

Domestic violence training is also included as part of the Advanced Patrol Training curriculum. At present, a **90-minute** module on domestic violence is included in the one-week course. Inclusion of this module is at the discretion of police services.

Beginning in 2004, the revised front-line supervisor course includes a module on the responsibilities and coaching skills a new supervisor requires in the area of domestic violence. This topic was identified through field consultation as a mandatory subject for training.

Mr. A. Milliken Heisey
Page two

Furthermore, since 2001, the college offers a one-week senior course: "Domestic Violence Investigator – Train the Trainer." The course curriculum addresses compliance by police services with the ministry's guideline on domestic violence. It also covers adult education techniques to facilitate the in-service police training of designated domestic violence investigators. This course is currently being revised to address new investigative approaches and information.

Issues related to domestic violence, victim needs and policing responsibilities are also addressed as part of the sexual assault and general investigations training courses.

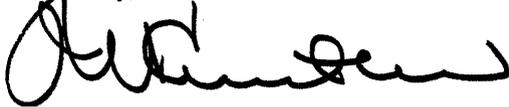
With respect to your other request, the ministry did not produce a compliance report. Toronto was one of 18 police services taking part in a ministry evaluation of its Model Police Response to Domestic Violence. This model focuses on investigating criminal harassment and domestic violence occurrences. The evaluation reviewed policies and procedures to identify best practices in addressing domestic violence. The result of the evaluation was a compilation of findings from all the participating police services. This was shared with the Toronto Police Service. Individual evaluations were not prepared.

In the case of Toronto, interviews were conducted with the Domestic Violence Co-ordinator. I understand that the level of co-operation was excellent. The evaluation report cited the Toronto Police Service for its best practice on changing the definition of domestic violence to include intimate relationships such as dating. Toronto has also increased the level of training for the front-line officers and produced a video called "Domestic Violence Updates."

If you require additional information or clarification, please feel free to contact Mr. Rudy Gheysen, Director, Ontario Police College, at (519) 773-4200.

Again, thank you for writing.

Sincerely,



Monte Kwinter
Minister

c: Mr. Ron Bain, Assistant Deputy Minister
Policing Services Division

Mr. Rudy Gheysen, Director
Ontario Police College

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

**#P350. REQUEST FOR EXTENSION OF TIME TO SUBMIT REPORT:
ANNUAL REPORT ON THE REORGANIZATION OF CORPORATE
INFORMATION SERVICES**

The Board was in receipt of the following report SEPTEMBER 29, 2004 from Julian Fantino, Chief of Police:

Subject: REQUEST FOR A TWO-MONTH EXTENSION TO SUBMIT AN ANNUAL
REPORT ON THE REORGANIZATION OF CORPORATE INFORMATION
SERVICES

Recommendation:

It is recommended that: the Board approve a request for a two-month extension to submit a report on the reorganization of Corporate Information Services.

Background:

Following the program review of Records and Information Security (RIS) in 1996, the Board made a motion that in October of each year, the Chief of Police will provide a report to the Board on the status of staffing changes within RIS (BM#P107/97 refers) and progress towards Occurrence Re-engineering.

Subsequent to the program review, RIS was restructured and renamed Corporate Information Services (CIS).

This annual report was due for the October 21, 2004 Board meeting. Given the staff reduction commitment within CIS associated with the Enterprise Case and Occurrence Processing (eCOPS) implementation, as outlined to the Board at the September 23, 2004 meeting (BM #P329/04 refers), the total restructuring package has not yet been finalized.

A revised organizational structure is required to manage CIS beyond 2004. New positions have been created to manage, support, and administer eCOPS, associated applications, and functionality in the new decentralized, data entry environment. Job descriptions are currently before the evaluation committee and a complete restructuring package, including the proposed organizational chart reflecting a total reduction of seventy (70) staff, will be presented to the Board for approval at the December 2004 meeting.

Therefore, it is recommended that the Board approve the request for a two-month extension to submit the report on the reorganization of Corporate Information Services.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command, will be in attendance to respond to any questions the Board may have in regard to this matter.

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

#P351. CORRESPONDENCE

The Board was in receipt of a summary of the public correspondence received in the Board office between September 09, 2004 and October 4, 2004. A copy of the summary is on file in the Board office.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

**#P352. RE-LOCATION OF PROFESSIONAL STANDARDS – INVESTIGATIVE
SECTION – CONSTRUCTION SERVICES**

The Board was in receipt of the following report OCTOBER 12, 2004 from Pam McConnell, Acting Chair:

Subject: RE-LOCATION OF PROFESSIONAL STANDARDS – INVESTIGATIVE
SECTION – CONSTRUCTION SERVICES

Recommendation:

It is recommended that the Board ratify a decision made by a quorum of the Board through a telephone poll confirmed on Friday, October 08, 2004 which approved the recommendation contained in a report, dated September 07, 2004, from the Chief of Police that A.G. Reat Construction Company be awarded the contract to renovate the building at 791 Islington Avenue at a total cost of \$1,647,800 (including costs).

Background:

At the meeting held on September 23, 2004, the Board was in receipt of a report, dated September 07, 2004, from Chief of Police Julian Fantino regarding the construction services related to the re-location of Professional Standards – Investigative Section from Toronto Police Headquarters to 791 Islington Avenue (the location of the former No. 21 Division). The report requested that A.G. Reat Construction Company be awarded the contract to renovate the building at a total cost of \$1,647,800 (including taxes).

The Board noted at that time that Mayor David Miller had sent correspondence to the Board indicating his willingness to facilitate a meeting to determine whether there is any space in facilities owned by the City of Toronto that would be suitable for the Professional Standards – Investigative Section. The Board, therefore, deferred further consideration of Chief Fantino's report until a meeting could be scheduled with representatives of the Board, Service and City of Toronto to identify, if possible, an alternative suitable location for this unit (Min. No. P293/04 refers).

The Board also agreed that, if it is determined that there is no alternative facility, the Board will give consideration to the Chief's report, via a telephone poll, as quickly as possible.

Results of Meeting:

A meeting was held on Tuesday, October 06, 2004 at City Hall and the following persons were in attendance:

Toronto Police Services Board:

Councillor Pam McConnell, Acting Chair
Councillor Case Ootes, Board Member
The Honourable Hugh Locke, Board Member
Ms. Joanne Campbell, Executive Director
Ms. Sandy Adelson, Senior Advisor, Policy & Communications

Toronto Police Service:

Mr. Frank Chen, Chief Administrative Officer
Deputy Chief Steve Reesor, Acting Chief of Police
Acting Staff Supt. Rick Gauthier, Professional Standards

City of Toronto:

Ms. Shirley Hoy, Chief Administrative Officer
Mr. Joe Pennachetti, Chief Financial Officer & Treasurer
Ms. Joan Anderton, Commissioner of Corporate Services
Mr. Bruce Bowes, Executive Director of Facilities and Real Estate
Mr. Ziyaad Mia, Office of the Mayor

Following a discussion, no other viable alternative location for the Professional Standards- Investigative Section was identified. It was determined, by those persons attending the meeting, that the most suitable location for this unit remains to be 791 Islington Avenue.

Action by the Board:

In accordance with the direction of the Board, I then authorized a “telephone poll” to be conducted to resolve this matter as quickly as possible.

Board members were provided with copies of Chief Fantino’s report on October 06, 2004 and by October 08, 2004 a quorum of the Board had approved his report. I have placed this matter before the Board now and recommend that the Board formally ratify the decision that was approved through the telephone poll completed on October 08, 2004.

A copy of the September 07, 2004 report from Chief Fantino is attached for information.

The Board approved the foregoing.

Report dated September 7, 2004 from Chief Fantino:

To: Chair and Board Members
Toronto Police Services Board

From: Julian Fantino
Chief of Police

Subject: RELOCATION OF PROFESSIONAL STANDARDS (PRS) –
INVESTIGATIVE SECTION

Recommendation:

It is recommended that the Board award construction services, required at 791 Islington Avenue to relocate the Investigative Section of PRS, to A.G. Reat Construction Company for a total amount of \$1,647,800 (including taxes).

Background:

The Board at its meeting of April 29, 2004 (BM #P134/04 refers) received a report dated March 26, 2004 entitled “Response to Recommendations of the Honourable Justice George Ferguson”. The Board also received a report dated April 26, 2004 on “Supplementary Report – Response to Recommendations of the Honourable Justice George Ferguson.” The supplementary report included information on the relocation of the Investigative Section of PRS. Discussions with the City of Toronto concluded there was no available space within City-owned facilities to meet the space requirements. Service staff identified three (3) options for facilities that would meet the space requirements, and would be available for occupancy by year-end 2004 (the target date identified by the Service to implement the recommendations of Justice George Ferguson). The supplementary report recommended that the facility at 791 Islington Avenue (22D Sub-station) was the preferred location for the Investigative Section of PRS because it was the lowest cost option with the earliest implementation date.

The Board approved the following motions on the relocation of the Investigative Section of PRS.

“8. (a) THAT the Board request the Chief to provide a report for the June 29th Board meeting on the implementation of the following recommendation made by Justice Ferguson, to be implemented by January 2005:

Aside from having a representative at Headquarters, the entire operation of Internal Affairs must be moved to a separate, independent location.

(b) THAT the Board write to the Mayor and request that he convene a meeting with the City Chief Administrative Officer, City Chief Financial Officer and Treasurer, Commissioner of Corporate Services and the Executive Director of Facilities and Real Estate to determine whether there are any available facilities at Metro Hall and report back to the Board.”

In response to motion 8(a) above, the Service has been reviewing various options, and the following provides a response to the motion. In regards to motion 8(b) above, correspondence was sent by the Board to the Mayor's Office dated June 3, 2004. The Service has not been advised of any response to this correspondence.

In early May 2004, I initiated a weekly meeting of the Command Officers, Justice Ferguson, representatives of the Toronto Police Association, the Board Liaison Officer, and key Service staff. This group was tasked with implementing all of the outstanding recommendations from the Justice Ferguson report. Judge H. Locke, and Councillor C. Ootes, also attended some of the weekly meetings. Justice George Ferguson also provides the Board members with weekly updates on the status of the recommendations contained in his report. The relocation of the Investigative Section of PRS has been an agenda item at each meeting.

Service staff examined a number of potentially suitable locations for the Investigative Section of PRS to accommodate their operational requirements, and to meet the year-end target date. These locations include City-owned facilities, other facilities that could be leased, and existing Service facilities that could be renovated.

City-owned Facilities

The Service requested City Real Estate to review any City-owned facility that would meet our operational needs and would be available for occupancy by year-end 2004. City Real Estate identified a former Hydro Commission building located at 1652 Keele Street. No other City-owned properties were identified (including a specific request for Metro Hall). Service and City staff examined the Keele Street location but determined that, to bring the facility to appropriate working conditions, an estimated \$2.3M (Million) would be required immediately, and an additional \$2.5M of state-of-good-repair funding would be required over the next 3 years. Additionally, the on-site parking was inadequate to meet operational needs.

Leased Facilities

The Service is aware of City Council's direction to move away from leased premises, and has been quite successful in moving operations from leased facilities over the past few years. However, this option was examined as a potential interim measure if no other alternatives would satisfy the Ferguson recommendation at this time. A leased facility would cost approximately \$500K (Thousand) per year for a minimum term of three years, for a total lease expense of \$1.5M. Additionally, the Service would have to pay tax escalation, maintenance escalation, and the cost of renovating the space to meet operational requirements. It is estimated that the total cost of a leased facility would reach \$3M over the three-year period.

Current Toronto Police Service (TPS) Facilities

Service staff examined current facility inventory to determine if there were any opportunities that would satisfy Judge Ferguson's recommendation. The only option that was identified is the current 22 Division Sub-station (i.e. formerly 21 Division) located at 791 Islington Avenue. Currently, there is a small contingent of staff operating at the 22 Division Sub-station. Most of this staff could be relocated to 22 Division, and the entire facility would be available. A small 22 Division operational element could be moved to the Property Unit located at 799 Islington Avenue. The 791 Islington Avenue facility would require infrastructure work (which has been deferred in previous years), internal renovations (e.g. removing cells, a modified garage space, etc.), an enclosed courtyard, and a small extension to the building. The enclosure and extension would be required to meet the space requirements for the PRS Investigative Section staff. The estimate for the infrastructure and internal renovations is \$0.9M, and a further \$0.9M is estimated for the enclosure and extension, for a total estimate of \$1.8M.

As a result of the review and analysis of each option, the Service determined that the 791 Islington Avenue facility was the most cost-efficient solution meeting the requirements and time frame. Moreover, it provides a permanent location for the PRS Investigative staff.

Currently, the majority of the PRS Investigative staff is located at Police Headquarters. The other staff is located at 951 Wilson Avenue. The relocation to 791 Islington Avenue would free up space at Police Headquarters. This space could then be utilised to bring any remaining PRS staff at 951 Wilson Avenue to Police Headquarters, and accommodate initiatives such as Major Case Management (which will be legislated by the Province) and other special projects. The end result is the Service would be able to turn 951 Wilson Avenue back to the City. However, given the co-ordination of moves required, the 951 Wilson Avenue facility would not be available to turn back to the City until mid-2006. The current estimated sale value for the City of 951 Wilson Avenue is \$200,000.

Community Impact

I met with Councillor Grimes (the local Councillor) to describe the Service's plans for the use of the facility at 791 Islington Avenue, and to assure him that the policing service being provided to his constituents would not be affected. We also agreed that a community meeting would be arranged to discuss this plan.

The Service held a community meeting on August 16, 2004 at Humber College on Lakeshore Boulevard. This meeting was advertised in the local paper, and 12,000 notices were distributed to residents. The purpose of this meeting was to provide the residents with information on the Service's plan for the 791 Islington Avenue facility, and to ensure them that the current level of police service would be maintained. From the questions asked and the comments made by residents at the meeting, it was quite clear that their main concern was the maintenance of the current level of policing service. I reassured the residents that there would be no reduction to the level of policing service they now receive, particularly in the areas of regular patrol and beat assignments. Moreover, a reporting function formerly staffed by 22 Division officers at 791 Islington Avenue would be relocated to the Property Unit (located at 799 Islington Avenue).

Renovations

The Toronto Police Service (TPS) retained the services of Mayhew & Associates to design the facility at 791 Islington Avenue. TPS Professional Standards staff, TPS Facilities Management staff, City of Toronto staff, and Mayhew & Associates personnel, met on several occasions to develop and finalise the facility design. Following finalisation of the design, Mayhew & Associates proceeded with the completion of working drawings and specifications.

Construction Services RFP

The City of Toronto, Management Services, Purchasing and Materials Supply Division, on behalf of the TPS, issued a "Request for Proposal" (RFP #3907-04-5216) for the supply of construction services. The RFP was issued to the five (5) TPS approved "Vendors of Record" (BM #P317/03 refers). Three (3) vendors responded with proposals meeting the requirements, one vendor submitted an informal response, and one vendor did not respond. The three qualified proposals were evaluated on the costing submitted, and the ability of the contractor to meet the completion date. The final evaluation of the service providers was:

1. A.G. Reat Construction - \$1,647,800
2. DPI Construction Management - \$1,739,158
3. West Metro Contracting Inc. - \$1,797,600
4. Cloke-Kirby Builders Limited – informal response
5. J. Cafisco Renovations – no response

Funding for the renovations to the 791 Islington Avenue facility would come from the 2004 Operating and Capital budgets. A reprioritisation of the Operating Tenant Renovation budget would occur to accommodate the renovations. Also, given that some of the renovations to be completed are state-of-good-repair work, a reprioritisation of the 2004 Capital State-of-Good-Repair project would occur to absorb these costs. Funding is available for 2004, however; if the renovations extend beyond year-end, the portion attributable to 2005 would be requested as additional funding in the Service's 2005 budget requests.

It is recommended that the Board award construction services, required at 791 Islington Avenue to house the Investigative Section of PRS, to A.G. Reat Construction Company for a total amount of \$1,647,800 (including taxes).

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command will be in attendance to answer any questions the Board may have.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

#P353. REPORTING PROCESS REQUESTS FOR LEGAL INDEMNIFICATION

The Board was in receipt of the following report OCTOBER 08, 2004 from Albert H. Cohen, Director, Litigation, City of Toronto – Legal Services Division:

Subject: Reporting Process Requests for Legal Indemnification

Recommendations:

It is recommended that the current practice for submitting requests for legal indemnification to the Board be changed to remove the personal identifiers of the police officer requesting indemnification in the public report submitted to the Board

Background:

At its meeting held on July 29, 2004, the Board requested that City Legal Division review the manner in which the Police Service is currently reporting legal indemnification requests to the Board and, if the current practice is not consistent with the requirements for reporting issues as set out in the Police Services Act and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), recommend an appropriate reporting process whereby legal indemnification requests will be considered in a manner that ensures the Board is meeting its legislative reporting obligations.

Discussion:

The current reporting process for legal indemnification requests is based on recommendations adopted by the Board that were contained in a report to the Board from former Board Chair Susan Eng considered at its meeting held on February 16, 1995 (Minute No. 59/95 refers).

The former Chair's report was predicated on legal advice received from the former Metropolitan Toronto Legal Department, which is on the file in the Board office.

Staff members of the City Legal Division have reviewed the report of the former Chair and the previous legal opinion provided by the Metropolitan Toronto Legal Department in light of legal developments over the decade since the Board adopted its current process. In our opinion, with one exception, discussed below, the recommendations adopted by the Board in 1995 continue to be legally acceptable.

In our opinion, one change to the process should be made in light of developments in the interpretation of the MFIPPA over the past decade. Both the previous opinion and the former Chair's report concluded that information about an individual's request for legal indemnification was akin to information regarding a request for reimbursement of an individual's expenses incurred in their professional capacity. Therefore, in light of the case law at the time, the conclusion was reached that this was not personal information and could be placed on the public agenda.

A review of the current state of the law under MFIPPA suggests that legal indemnification requests would be different than a simple request for reimbursement of expenses incurred during the course of carrying out duties. This difference arises because the legal indemnification request suggests something about the situation of the individual who is making the request and his or her conduct as a police officer which, arguably, is the officer's personal information. Therefore, it is recommended that the process for reporting on legal indemnification matters to the Board be changed so as to remove personal identifiers in the public report identifying the officer requesting legal indemnification.

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

#P354. A POLICE OFFICER'S DUTY TO REPORT

The Board was in receipt of the following report OCTOBER 01, 2004 from Julian Fantino, Chief of Police:

Subject: A POLICE OFFICER'S DUTY TO REPORT

Recommendation:

It is recommended that: the Board receive this report.

Background :

On September 23, 2002, an internal correspondence was submitted outlining a conversation that took place between Service members and a member of the Toronto Police Services Board. Several months later a copy of this document along with a related e-mail message was leaked to the media. Chief Fantino instructed Professional Standards to investigate the leak of the Service documents to the media. In addition, the Honourable Sydney L. Robins was retained by the Board to conduct a review of the "facts and circumstances regarding the alleged conversation".

Professional Standards conducted an investigation the results of which were that no evidence to support laying any charge against any member of the Toronto Police Service or anyone else was identified. (Minute No. C90/04 refers)

The Honourable Sydney L. Robins, Q.C. subsequently reviewed and reported on the circumstances of this issue to the Board. On April 16, 2004 the Board received a report from Mr. John Sewell of the Toronto Police Accountability Coalition responding to Judge Robins' report.

At its meeting of June 21, 2004, the Board requested that Chief Julian Fantino prepare a report in response to Mr. John Sewell's correspondence. The following two motions were directed to the Chief (Board Minute P282/04 refers):

1. *"THAT recommendation No. 1 in Mr. Sewell's correspondence be referred to Chief Fantino for a response in the form of a report to the Board;*
2. *THAT while preparing the report noted in Motion No. 1, Chief Fantino take into consideration the two recommendations made by The Honourable Sydney Robins, Q.C., in his report Alleged Communication Between Police Services Board Member and Members of the Police Service (Min. No. C73/04 refers)."*

Response:

Recommendation No. 1 of Mr. Sewell's correspondence requests a report on where the duty originates for officers to report on concerns they have about the conduct or statements of Board members and others.

The Toronto Police Service does not have a policy, practice or requirement for its members to report on the conduct or statements of Board members. There is a requirement however, within Toronto Police Services Board rules for officers to report on any unusual occurrence during a tour of duty. Specifically, there are three rules which direct constables, sergeants/detectives, and staff sergeants/detective sergeants on reporting unusual occurrences during a tour of duty. These rules read as follows:

Police Services Board Rule 3.12.6, "Reporting Unusual Circumstances"

"Constables shall report to their respective staff sergeant, detective sergeant, sergeant or detective, any unusual occurrence during their tour of duty."

Police Services Board Rule 3.9.3, "Unusual Occurrences"

"Sergeants and detectives shall report to their staff sergeant, detective sergeant or unit commander any unusual occurrence during their tour of duty."

Police Services Board Rule 3.6.14, "Reporting Unusual Circumstances"

"Staff sergeants and detective sergeants shall report to their unit commander any unusual occurrences during their tour of duty."

Each of the above rules makes reporting a mandatory course of action by the use of the word "shall". In addition, the second paragraph of Rule 3.6.1, "Conduct of Members" prescribes a mandatory course of action for supervisors as follows:

"Staff sergeants and detective sergeants shall, upon becoming aware of a member who has:

- contravened or apparently contravened section 74 of the Police Services Act;
- committed or apparently committed a breach of any provision of this By-Law;
- failed or apparently failed to follow a mandatory course of action prescribed in the Policy and Procedure Manual, other manual issued by the Chief of Police or their unit commander, or Routine Order;
- contravened or apparently contravened the Code of Conduct, Ontario Regulation 123/98 report such, as soon as practicable, to their unit commander."

The Code of Conduct Schedule, as set out in Part V of Ontario Regulation 123/98 of the Police Services Act, reinforces the above Police Service Board rules. Section 2.1(c) states that: “Any Chief of Police or other police officer commits neglect of duty, in that he or she:

- (i) without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force,
- (v) fails to report a matter that it is his or her duty to report,
- (vii) omits to make any necessary entry in a record.”

There is no statutory law, common law, rule, policy or established practice that specifically limits or guides the police on who or what can be the subject of note to police officers. They should not consider the rank, position or reputation of a citizen when deciding to report. All police officers are considered to be independent agents of the Crown. Therefore, if the officer is prejudiced by the status, rank or economic power of an individual, he or she has failed their oath of office and the expectations of the public. Officers by their independent status, treat all members of the public equally.

The two recommendations made by the Honourable Sydney Robins, Q.C. as outlined are (Board minute C73/04 refers):

- 1) The Board may wish to consider formulating a set of guidelines defining the boundaries appropriate to the Police-Board Member relationship and, among other things, indicating permissible and impermissible topics of conversation.

This recommendation is within the Board’s purview and is not commented on within this report.

- 2) Protocols and procedures dealing with the collection of unfounded, unsubstantiated and unproven information should be developed if the present practice is to continue. This requires addressing issues such as whether the incoming information should be subject to some screening process to determine whether it should be recorded at all; the confidentiality obligations of reporting officers; how many officers should be told of it; must the whole chain of command know; where the information is to be filed, how access to it is to be secured, and how long the information is to be retained.

The confidentiality requirement for officers is clearly stated in the Police Services Act, Toronto Police Services Board Rule 4.3.0 Confidential Information, and the Oath of Secrecy. Details of this governance are outlined below.

Police Service Act, Ontario Regulation 123/98, Part V, Code of Conduct

“2. (1) Any chief of police or other police officer commits misconduct if he or she engages in,

- (e) Breach of Confidence, in that he or she,
 - (i) divulges any matter which it is his or her duty to keep secret,
 - (ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of the warrant or service of the summons

- (iii) without proper authority, communicates to the media or to any unauthorized person any matter connected with the police force,
- (iv) without proper authority, shows to any person not a member of the police force or to any unauthorized member of the force any record that is the property of the police force;”

Police Services Board Rule 4.3.1, “Business To Be Confidential”

“Members shall treat as confidential the official business of the Service and shall not speak for purposes of publication, give interviews, make public speeches nor divulge information relating to police business, except:

- as required by and in accordance with the law or a court order;
- as directed by, or with the permission of, the Board or the Chief of Police
- as required by this By-law and established practices.”

Police Services Board Rule 4.3.6, “Access To Official Information”

“Members shall not release or provide access to any unauthorized persons, or non-members, any authorized form, memorandum book, statement obtained as a result of an investigation, police photograph, videotape, audiotape or other recorded information, or copy thereof, except:

- as required by and in accordance with the law or a court order;
- when authorized by the Board or the chief of police;
- when otherwise provided for in this By-law.

Written requests under the Municipal Freedom of Information and Protection of Privacy Act, 1989, shall be dealt with in accordance with the established practice.

Affirmation / Oath of Secrecy

Every member of the Toronto Police Service, upon employment, takes an affirmation/oath of secrecy to not disclose any information obtained by them during their employment with the Service, except as may be authorized or required by law.

The development of protocols and procedures dealing with the collection of unfounded, unsubstantiated and unproven information is problematic. Police services are only as effective as the information they receive, correlate and share amongst themselves. Many investigations start with the comment of a witness, victim or observant citizen. Pieces of information are put together like a puzzle to form the substance of an investigation, and only when enough information presents itself can any determination be made as to its relevance, accuracy and validity.

Screening information recorded or unrecorded requires some background knowledge of the subject matter in order to make a balanced decision. New leads in undiscovered crime cases, new suspects, new modus operandi, by their nature have no background information for the screening officer. Screening information is not practical and unrecorded information is lost information.

While the Service has developed policies and practices on how to deal with routine information obtained in accordance with the above, unusual occurrences such as this one are dealt with on a case by case basis, keeping in mind the issues of confidentiality, sensitivity and the public interest.

Conclusion:

It is recommended that the Board receive this report.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command will be in attendance to answer any questions the Board members may have.

Ms. Kristina Kijewski, Director, Corporate Planning, was in attendance and discussed this report with the Board.

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

- 1. THAT the Chief's report be referred to Mr. Albert Cohen, City of Toronto – Legal Services Division, and that Mr. Cohen be requested to review the two recommendations proposed by Justice Robins and, following the review, develop the necessary guidelines or protocols and procedures as outlined in the recommendations and submit them to the Board in the form of a report for consideration; and**
- 2. THAT, during the preparation of the report noted in Motion No. 1, Mr. Cohen be authorized to consult with Justice Robins as he deems necessary.**

The two recommendations contained in *Report – Alleged Communication Between Police Services Board Member and Members of the Police Service*, written by The Honourable Sydney Robins, Q.C., which was received by the Board at its meeting on March 25, 2004 (Min. No. P102/04 refers), are reprinted below:

**[t]he Board may wish to consider formulating a set of guidelines defining the boundaries appropriate to the Police/Board Member relationship and, among other things, indicating permissible and impermissible topics of conversation.
(Page 22)**

**Protocols and procedures dealing with the collection of unfounded, unsubstantiated and unproven information should be developed if the present practice is to continue. This requires addressing issues such as whether the incoming information should be subject to some screening process to determine whether it should be recorded at all; the confidentiality obligations of reporting officers; how many officers should be told of it; must the whole chain of command know; where the information is to be filed, how access to it is to be secured, and how long the information is to be retained.
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**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

**#P355. RECRUITMENT OF CHIEF OF POLICE AND DEPUTY CHIEF –
POLICING SUPPORT COMMAND**

The Board was in receipt of the following report OCTOBER 18, 2004 from Pam McConnell, Acting Chair:

Subject: RECRUITMENT OF CHIEF OF POLICE AND DEPUTY CHIEF – POLICING
SUPPORT COMMAND

Recommendation:

It is recommended that:

1. The Board approve the list of consulting firms, pre-qualified by the City of Toronto's Human Resources Division for executive level recruitment, appended to this report,
2. The Board distribute a Request for Proposals to the pre-qualified consulting firms with the objective of engaging a firm, on a fee for service basis, to assist the Board in conducting a recruitment process for the position of chief of police,
3. The recruitment process include: internal consultations, community consultations, internal and external postings and searches,
4. The Board approve the draft Request for Proposals appended to this report,
5. The Board delegate the authority for selecting a consulting firm to a Sub-Committee comprised of the Chair, the Vice Chair and one other member of the Board; however, all Board members will be notified and invited to participate fully in Sub-Committee meetings; and,
6. The Board issue the job call for the position of Deputy Chief – Policing Support Command as soon as a new Chief of Police has been selected by the Board.

Issue:

At Section 31(1), the *Police Services Act* establishes that:

*A board is responsible for the provision of adequate and effective police service in the municipality and shall,
(d) recruit and appoint the chief of police and any deputy chief of police, and annually determine their remuneration and working conditions, taking their submissions into account*

The Board must determine the process that it wishes to use in the recruitment and appointment of a new Chief of Police.

Based on the timelines included in the attachment to the draft request for proposals (RFP), if the Board initiates the search process at the October 21, 2004 Board meeting, the Board could expect to be in a position to name a new chief by March 2005. This timeline has been accelerated and is a very ambitious schedule when compared with the Board's experience in past command-level recruitment processes. I would anticipate that special Board meetings, in addition to our regularly scheduled monthly meetings, will have to be called.

The important inclusion of community consultation in the process, and the fact that the Holiday season fall in the midst of the process also impact upon the length of the selection process. I believe that it will be extremely important for the consultants to develop a draft competency profile to form the basis for community discussion around the competencies the Board should seek in its next chief of police. In this way, the Board can be assured that the criteria that the Board uses to assess candidates reflect community interests.

Background:

The Board most recently administered the selection of command officers in 1994 and again in 1995 and 1999.

Earlier this year the Board initiated the process to select a new Deputy Chief – Policing Support Command and engaged the firm of Ray & Berndtson/Lovas Stanley. Board and Service consultations have been completed in this process and a job call is ready for release; however, that process was halted by the Board pending any decision with respect to the selection of a new Chief of Police.

I recommend that the Board not resume the deputy chief selection process until the Board has named its new chief. In this way, the Board will be able to consult with, and involve, the Chief in the selection process. Based on the estimated timelines appended to the draft RFP, the Board would likely be able to issue the job call for the Deputy Chief by March 2005.

Selection Process

The processes used by the Board to fill command level vacancies in the past have included, among others, the elements outlined in the following table:

1994 Deputy Chiefs	1995 Deputy Chief	2000 Chief of Police
All board members participate in all aspects of selection process including selection of consultants	All board members participate in all aspects of selection process including selection of consultants	All board members participate in all aspects of selection process including selection of consultants
Use of consulting firm to integrate Deputy Chief selection criteria and leadership competencies, organize consultations, draft final competency model, pre-	Use of consulting firm to intake applications, conduct initial screening of candidates, conduct assessments of candidates, provide written reports regarding each	Use of consulting firm to conduct a search, create job description, organize consultations, pre-screen applications, develop short list, provide interview

screen applications, conduct pre-interviews, candidate summaries and interview questions	candidate as well as written interview questions, develop short list, conduct reference checks, provide final written report on the recruitment and selection process	techniques and options
Application open to internal and external candidates, uniformed and civilian senior officers	Application open to internal candidates who are sworn police officers, regardless of rank	Application open to internal and external candidates.
Use of competency model	Use of competency model	Use of job description, competency profile
Community consultations	No community consultations	Public consultation forum, internal focus groups
Management assessments of candidates not conducted	Management assessments of candidates conducted	Management assessments of candidates not conducted
Chief consulted with the Board on the selection process to be used	Chief a full participant in final interviews and decision-making.	Not applicable

Proposed Selection Process – Chief of Police

I am recommending that, rather than issuing a broad Request for Proposals, that the Board target those consulting firms that have been pre-qualified by the City of Toronto's Human Resources Division.

In December 2003, the City issued a Request for Proposals with the intention of developing a roster of consulting firms qualified to provide executive recruitment services for the City of Toronto. The City received approximately 19 responses to its RFP, responses were screened by a committee of Human Resources staff, a shortlist was developed and firms were interviewed. I am advised that the firms were screened rigorously and that very specific criteria were used to evaluate the proponents. A copy of the RFP, including the evaluation criteria, will be provided to members at the October 21, 2004 Board meeting.

From that RFP process, 5 firms were deemed to be pre-qualified firms and entered into a contract for the period March 1, 2004 to March 1, 2005. A list of the firms is appended to this report.

I would further recommend that the authority to select a consulting firm be delegated to a Sub-Committee comprised of the Chair, Vice Chair and one other member of the Board. All Board members would be encouraged to participate in Sub-Committee meetings.

It is my strong recommendation that the Board must move expeditiously to identify a new chief of police. The appointment of command officers is a critical, legislated responsibility of the Board. The community and the members of the Toronto Police Service need to know that the Board is moving forward to ensure that a chief of police is appointed in a timely manner.

Mr. George Tucker, Director - Uniform Field Services, Toronto Police Association, was in attendance and made a deputation to the Board.

The Board approved the following Motions:

3. THAT the Board approve the foregoing report with the following amendments:

(a) that recommendation no. 1 in the report be amended by adding "... and any other consulting firms requesting to be considered", so that the recommendation now reads as follows:

The Board approve the list of consulting firms, pre-qualified by the City of Toronto's Human Resources Division for executive level recruitment, appended to this report, and any other consulting firms requesting to be considered.

(b) that item no. 2 under "Objective" in the RFP also include consultation with the Toronto Police Association and the Senior Officers' Organization;

2. THAT, with regard to recommendation no. 5, the sub-committee will be composed of the Chair, Vice-Chair and The Hon. Hugh Locke, Q.C.; and

3. THAT the Board receive the deputation by Mr. Tucker.

A copy of the Request for Proposal issued by the City of Toronto for the purpose of developing a roster of consulting firms qualified to provide executive recruitment services referred to in the foregoing report is on file in the Board office.

**City of Toronto Human Resources Division
Executive Recruitment Services Consultants
March 2004 to March 2005**

Wallace & Partners Inc.

The Phelps Group Inc.

Lovas Stanley/Ray & Berndtson

Crawford de Munnik

Organization Consulting



Toronto Police Services Board

Request for Proposal

Background

The Toronto Police Services Board, is responsible under the Police Services Act (s.31(1)(d)), for "recruiting and appointing the Chief of Police and any Deputy Chief of Police".

The Toronto Police Service consists of approximately 5,000 sworn officers and 2,000 civilian employees.

Objective

To assist the Board in updating the competency profile, recruiting and conducting assessments of candidates for the position of Chief of Police.

The consultant will report to the Board and will be responsible for the following:

- (1) drafting a job description including updating the existing competency profile,
- (2) consulting with the Toronto community, members of the Police Services Board, members of the Toronto Police Service and others as necessary,
- (3) conducting an external search for potential candidates,
- (4) developing an application package, conducting the initial screening of the candidates and developing a short list of candidates,
- (5) providing the Board with a methodology to assess the candidates,
- (6) providing a final report to the Board summarizing the recruitment and selection process; and,
- (7) providing any necessary follow-up support to the Board during the first three months following appointment.

Phase one - creation of position description

The consultant will be responsible for creating a position description including updating the competency profile. This phase will require community consultation, as well as consultation with the members of the Toronto Police Services Board and members of the Toronto Police Service.

Phase two - development of recruitment process

The consultant will be responsible for the following:

- conducting an external search for potential candidates,
- development of a job posting, and
- development of an application package according to the timetable appended to this RFP.

Phase three - initial screening

The consultant will be responsible for the following:

- intake of all applications;
- conducting the preliminary pre-screening of applications;
- recommending to the Board a short list of eligible candidates, and
- according to the timetable appended to this RFP.

The consultant will also be required to prepare a written report summarizing the initial screening.

Phase four - interviews

While the consultant may or may not participate in the actual interview, the consultant will be required to provide the Board with:

- options regarding interview techniques and tools (e.g., assessment center and psychological testing);
- guidance with regard to interview techniques, and
- according to the timetable appended to this RFP.

Phase five - reports to the Board

The consultant will be required to provide the Board with a final report upon the completion of the search process summarising the recruitment process and results. The Board may release some (or all) of this report publicly.

Phase six – follow up with Board

The consultant will be available in the first three months following appointment to provide any support that the Board may require during this period of transition.

Selection Criteria

Proposals will be evaluated on the following list of criteria each weighted at 25%:

- demonstrated understanding of the purpose and scope of the project
- demonstrated progressive experience in senior management recruitment and selection
- competitiveness of the budget for the work proposed (consulting firms are urged to provide public sector rates)
- references for relevant projects that have been undertaken

Submission of Proposal

The proposal should include:

- a description of your understanding of the project;
- the names, qualifications and experience of all personnel assigned to the project;
- an outline of the approach that will be taken to the project;
- descriptions of similar projects which your firm has carried out for each client, along with references;
- the per diem (public sector) rates of each of the personnel to be assigned and the number of days that each will work on the project;
- an accounting of your costs and a description of your method of charging, including invoicing and payment procedures;
- declaration of any conflict of interest.

Any questions pertaining to the content of the RFP may be asked in writing, up to 5 business days before the final date for Bidders submissions. The Toronto Police Services Board will respond in writing to requests for clarification as soon as possible and at its discretion. The Toronto Police Services Board reserves the right to make any or all questions and answers available to all other Bidders at its discretion. Generally speaking, only answers to issues of substance will be distributed to all Bidders. The name of the Bidder asking a question will not be identified.

All questions must be in writing and sent to the attention of:

Ms Joanne Campbell
Executive Director
Toronto Police Services Board
Tel 416-808-8081
Fax 416-808-8082
E-mail joanne.campbell@torontopoliceboard.on.ca

Evaluation of Proposals

The Toronto Police Services Board will review the proposals to prepare a list of proponents who may be selected to be interviewed. The final decision with respect to retention will be made by the Board.

Time Line

The deadline for submissions shall be the 8th of November, 2004, by 10:00 AM at the Toronto Police Services Board, 7th Floor, 40 College Street, Toronto, Ontario, M5G 2J3.

Late submissions or proposals sent by facsimile will not be accepted.

Administrative Requirements

Proposals submitted to: Councillor Pam McConnell
Acting Chair
Toronto Police Services Board
40 College Street
Toronto, Ontario
M5G 2J3

General Information: Ms Joanne Campbell
Executive Director
Toronto Police Services Board
Tel 416-808-8081
Fax 416-808-8082
E-mail joanne.campbell@torontopoliceboard.on.ca

Time-line for recruitment of Chief of Police

MILESTONES	ESTIMATED DATE OF COMPLETION
Issue Request for Proposal (RFP) to pre-qualified consultants	October 25, 2004
Return date for RFPs from consultants/consulting firms	November 8, 2004
Approve the selection of consultant/consulting firm	November 12, 2004
Community Consultation, Development of competency profile and applicant package	December 22, 2004
Deadline for receipt of Applications	January 10, 2005
Candidate Assessments	January, 2005
Candidate Short-list (Board Meeting)	Late January, 2005
Further Candidate Assessments, if required	January/February 2005
Board Interviews	February 2005
Announcement of selection of new Chief (Board Meeting)	March 2005

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

#P356. LOCATION OF POLICE SERVICES BOARD MEETINGS

The Board was in receipt of the following report OCTOBER 18, 2004 from Pam McConnell, Acting Chair:

Subject: LOCATION OF POLICE SERVICES BOARD MEETINGS

Recommendation:

It is recommended that:

- (1) the Board continue to alternate its meetings between Police Headquarters and City Hall, as it has done since the beginning of 2004; and
- (2) the Board reserve two special meeting times in 2005 in different locations around the city to engage in community consultation on specific issues.

Background:

At its February 16, 2004 meeting, the Board considered a report from Chair Heisey entitled "Location of Board Meetings" and approved the following motion:

THAT the Board conduct its next four meetings on a rotating basis between Police Headquarters and Toronto City Hall and that in July 2004, the Board assess whether a permanent program can be developed based upon the experiences of Board and Service staff and the public who attend the meetings.

As a result, the Board held its April 29th and June 21st meetings at Police Headquarters and its March 25th and May 27th meetings at City Hall.

Pilot Project Results

I am pleased that the Board took the opportunity to vary its meeting locations. City Hall provided a forum that was convenient and accessible. While no formal assessment of public reaction was made, there is anecdotal evidence to suggest that members of the public were pleased with the Board's decision to hold meetings at City Hall. Several deputants also commented positively to the Board about the change in meeting location.

In addition, city councillors expressed appreciation for the fact that Board meetings were being held at City Hall. Councillors could come to meetings at their convenience, attending when issues of importance to them or their constituents were being discussed.

Rationale for Continuing to Alternate Meetings Between Police Headquarters and City Hall

As indicated above, the feedback regarding the Board's decision to hold some of its meetings in 2004 at City Hall has been well-received by many members of the public as well as members of Council. City Hall is viewed as the focus of local government of Toronto, a forum that is open and accessible to all. Many members of the public are familiar with City Hall. In addition, as noted above, holding Board meetings at City Hall allows for the consistent attendance of city councillors in Board meetings. This is important as the Service and Board strive to meet the needs of members of the public from across the city.

I recognize, too, that there is a value to holding some Board meetings in Police Headquarters. It is a convenient location for many Service members who are attending Board meetings. In addition, many of the members of the Service who attend Board meetings, including the Chief and Command, as well as Board staff have their offices located within Headquarters, making it easier to deal with informational requests and administrative issues.

Considering all of this, I believe that the arrangement of alternating meetings between Police Headquarters and City Hall best meets the requirements and concerns of all participants.

Additional "Issue Specific" Community Meetings

In addition, I am recommending that two special meeting times be reserved in 2005 to allow the Board an opportunity to consult with the community in a meaningful way on specific issues. These meetings could be promoted as an opportunity for the Board to focus on particular communities and deal with local issues and concerns. The Board would also work with city councillors as well as local MPs and MPPs to advise residents of upcoming Board meetings in their area and to encourage their participation. I believe that this plan would allow the Board to better connect with members of the community.

The Board was also in receipt of the following report OCTOBER 18, 2004 from Julian Fantino, Chief of Police:

Re: LOCATION OF POLICE SERVICES BOARD MEETINGS

The Board was in receipt of the following report OCTOBER 18, 2004 from Julian Fantino, Chief of Police:

Subject: LOCATION OF BOARD MEETINGS

Recommendation:

It is recommended that: the Board hold all of its meetings at Police Headquarters.

Background :

At its February 26, 2004 meeting, the Board considered a report from Chair A. Milliken Heisey entitled "Location of Board Meetings" and approved the following motion:

THAT the Board conduct its next four meetings on a rotating basis between Police Headquarters and Toronto City Hall and that in July 2004, the Board assess whether a permanent program can be developed based upon the experiences of Board and Service staff and the public who attend the meetings. (B. M. #P46/04 refers)

As a result, the Board held its April 29 and June 21 meetings at Police Headquarters and its March 25 and May 27 meetings at City Hall.

As was reported previously to the Board, the Ontario Police Services Act, in Section 31, establishes police services boards as the primary governor of municipal police forces and provides specific powers enabling boards to fulfil their role as an instrument of public oversight of the police. The Toronto Police Services Board is a governing body independent and separate from City Council as provided for in the Police Services Act. The presence of the Board in Police Headquarters, including convening its meetings in Headquarters, reinforces to the public and Service members that the Board is the governing authority of the Toronto Police Service.

The Toronto Police Services Board and the Service pride themselves on the progress that has been made in developing community partnerships that are the cornerstones of community based policing. Over the years numerous community groups have frequently chosen Police Headquarters to hold high profile events. In 2003 Police Headquarters hosted a total of 264 public events where 27,788 members of the public attended Headquarters for a specific event. These events include such functions as; Black History Month, Caribana Kick-off, Civilian Police College, Pumpkin Patrol Kick-off, National Aboriginal Day Celebration, Remembrance Day Ceremonies, United Way Presentations, Community Christmas Tree Displays and numerous other events such as charity fund raising events for community purposes. Headquarters has also hosted award presentations for School Crossing Guards, Community members, civilian citation and Service member awards. This type of open involvement with the Community at Police Headquarters is one of the mainstays of ensuring that the police and community work together on the issues on today's society and not creating a fortress mentality where the community is not involved in its own policing.

There are numerous benefits to holding the Police Board Meetings at Police Headquarters. Aside from sending a visible message to all that there is civilian governance of the police, there are practical issues that make it the ideal place to hold such public meetings.

- Board and Service staff and resources (e.g. reference material, historical documentation, statutes and policies, photocopiers, phones, workstations, fax machines etc) are on hand to assist the Board and the Service in carrying out its role in as efficient a manner as possible.
- All such staff and resources are familiar with and suitable for handling often extremely sensitive and confidential matters that could expose the Board and Service to criminal and civil liability if confidentiality was not maintained.

- Police Headquarters offers a secure environment for the public, Board members and staff should a situation arise, as it has in the past, where the security of the participants and observing public has been jeopardized. In addition Police Headquarters has both the facilities and trained staff to deal with such eventualities.
- Police Headquarters is easily accessible by public transit and in addition is fully accessible for the handicapped.
- Police Headquarters has always provided preferred parking for members of the community who require assistance.
- Meeting at Police Headquarters permits staff to continue their regular work, attending the Board Meeting for the time period when a specific agenda item relevant to them is being dealt with.
- Having the Board Meetings at Police Headquarters allows greater work efficiencies to be obtained for both Service and Board staff which results in cost savings.

Public Perception

While no formal assessment of public reaction was made, there is some anecdotal evidence to suggest that while some members of the public were pleased with holding Board meetings at City Hall the majority were not. Service member received complaints about confusion over which room the meeting was being held in, the lack of quick and easy access to the subway, particularly for those physically challenged members of the public, complaints over parking and other issues.

Policing is a provincial responsibility mandated under the Police Services Act. If all the Board Meetings were to be held at City Hall then the perception of the public might be that policing is a department of the City such as Works or some other similar entity, which it clearly is not. Occasionally, holding Board Meetings outside of Headquarters could be a logistical problem in which the costs both in monetary value and in lost efficiencies and productivity would far outweigh the benefits. To separate the Board from the Service would be to create an aura of exclusion and would be counter-productive to the goals of the Board and the Service. The aim of the Service and the Board should be to make the public included in the decisions that are made by the Board about policing in Toronto. This is achieved in both a perception and realistic fashion by having the Board meetings in the location where both the Board and the Service discharge their respective roles.

Additionally Service Members did not observe that the City Hall meetings were better attended, either by members of the public, members of the media or by city councillors.

Service Experience

In general the Service does not see any distinct advantage to holding Board meetings at City Hall as opposed to Police Headquarters. In fact distinct disadvantages and inefficiencies were observed.

In general, the Service experienced administrative difficulties and reductions in work efficiency. Service members attending the Board meeting have to arrange for catering, parking and secure meeting areas. Holding Board meetings at City Hall is difficult in terms of administration. At Police Headquarters, both Service and Board staff members have immediate access to resources, such as reference data and historical files as well as secure computer, photocopying and fax facilities. This can present a problem in the discussion of Board-related issues, as the Service or Board may have to request additional time to provide information that is not on-site, but which would have been easily accessible at Police Headquarters. Service staff that are requested to respond to a Board request do not have immediate access to files, databases or other materials which results in delays and other inefficiencies with the resulting costs. This lack of access to resources and information can also be a serious impediment when an urgent operational situation occurs during the day of a Board meeting. This is compounded by the lack of reliable reception and transmission for cellular communications within City Hall

In addition, the Service is concerned about the impact that holding meetings at City Hall has upon work production. Service members who are scheduled to appear in front of the Board often face lengthy and unpredictable delays before their agenda item is heard. When the Board meeting takes place at Police Headquarters, members who work there can be called down to the Board meeting at the appropriate time to address their respective agenda items. However, when the Board meeting is held at City Hall, Service members may spend much of their afternoon simply waiting. This problem is even greater when officers, in accordance with Board policy, who have recently been promoted are being introduced to the Board as there are can be a great number of these officers.

It must also be noted that the Board routinely deals with highly sensitive information, the release of which would be extremely detrimental. Working within Police Headquarters allows the Board and Service to control where the discussion of this confidential information takes place and provides both Board and Service staff the opportunity to prepare confidential documents in a secure environment. While City Hall staff have always provided the Board with rooms in which to hold confidential meetings, it is, nevertheless, more difficult to deal with the associated issues such as the preparation and destruction of confidential information in this location.

Media Experience

While it is preferable to have direct public involvement in policing, given today's society, a significant portion of Public perception is based upon media coverage. With that in mind it must be noted that currently the Media are provided facilities at Police Headquarters. To facilitate their coverage of the Board meetings material and facilities have been made available to the media to ensure prompt and efficient coverage of the meetings. No comments were received by the Service indicating a desire by the media to change the practise of holding Board Meetings at Police Headquarters

Conclusion:

In determining the correct venue where to have Board Meetings, the Board must seek to balance several concerns. These include but are not limited to, the public access to participate and observe the Service's need for efficiencies, the Board's ability to effectively and efficiently discharge its role and the building of a sense of partnership for all segments of society in accomplishing a safe community. Policing is a provincial responsibility and while the Toronto Police Service is a municipal police agency it must never be seen to be a part of any particular level of government but must be seen to be a servant of the law and the greater good of society. To equate the role of civilian governance of police to being that of a City departmental meeting is to reduce that role and diminish the security and assurance that the public needs and wants to have in their police and in the Board, as is legislated in the Police Services Act.

Therefore it is recommended that the Board hold all of its meetings at Police Headquarters.

The Board approved the report from Chair McConnell and received the report from Chief Fantino.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

**#P357. COPY OF TORONTO POLICE SERVICE SUBMISSION – REVIEW OF
POLICE COMPLAINTS SYSTEM**

The Board noted that in addition to the submission it provided to The Honourable Patrick LeSage, Q.C., during his review of the police complaints system in Ontario (Min. No. P271/04 refers), the Toronto Police Service also provided a submission to Justice LeSage. A copy of that submission is appended to this Minute for information.

The Board received the foregoing.



INTERNAL CORRESPONDENCE

TPS 649 1998/011

DATE RECEIVED

OCT 14 2004

TORONTO
POLICE SERVICES BOARD

TO: Pam McConnell FROM: Julian Fantino
Acting Chair Chief of Police
Police Services Board DATE: 2004/10/14
YYYY/MM/DD

RE: SUBMISSION TO THE HONOURABLE PATRICK LeSAGE Q.C.

As requested in Chair Heisey's memorandum dated September 9, 2004, please find attached the submission from the Toronto Police Service that was made to Justice LeSage with respect to changes to Part V of the Police Services Act.

A handwritten signature in cursive script, appearing to read "Julian Fantino".

Julian Fantino
Chief of Police

JF:sb

COPY

September 22, 2004

The Honourable Patrick J. LeSage, Q.C.
Police Complaints Review
The Wicket
777 Bay Street
P.O. Box 46119
Toronto, ON
M5G 2P6

Dear Mr. LeSage:

Submissions on Changes to Part V of the Police Services Act

Further to the meeting held between yourself and members of Professional Standards, enclosed are the written submissions of Mr. Julian Fantino, Chief of Police.

Enclosed also find the Professional Standards Unit structure, dated **2004.05.19** and the package of complaints material that we spoke of at our meeting.

Should you have any questions, please feel free to contact me by telephone at (416) 808-7804, by cell phone at (416) 804-9768, by email at george.cowley@torontopolice.on.ca or by fax at (416) 808-7802.

Yours truly,

Erin K. Sweeney
Legal Researcher
▪ *on behalf of* -
Staff Inspector George H. Cowley, LL.B., LL.M.
Counsel
Professional Standards
Risk Management (Legal & Prosecutions)

Encl.

Submissions to The Hon. Patrick J. LeSage, Q.C.
Regarding Suggested Changes to
Part V of the ***Police Services Act***

Julian Fantino
Chief of Police
Toronto Police Service
July, 2004

OVERVIEW:

The issue of public complaints and the manner in which they are dealt with has been a contentious issue not only here in Ontario, but in other parts of Canada, and, in fact, throughout the world.

Various different public complaint models exist and there appears to be no consensus either in Canada, or in other parts of the world, on which is the best.

A review of the various public complaints models that have been tried and abandoned in Ontario within the past two decades is a reflection of this phenomenon. In Toronto, changes to the police complaint process began in 1981 with the *Metropolitan Toronto Police Force Complaints Project Act, 1981*. Subsequently this initiative was rolled out to the rest of the Province with the establishment, and later disbanding in 1997,¹ of the Public Complaints Commission.

The factors at play which make the selection of the ideal public complaints model elusive include the following:

- Accountability;
- **Impartiality and separation** from political interference;
- **Competence of the staff**, especially the investigators, and;
- Control: civilian v. police.

It is the position of the Toronto Police Service, that, with some discrete changes, the current complaints process contained in Part V of the *Police Services Act*² is fundamentally sound.

RECOMMENDATIONS:

Recommendation 1:

It should be clearly stated that all police officers, including those who are on secondment or leave of absence to a Police Association, are bound by Part V of the Police Services Act.

Rationale

Police officers performing duties at a Police Association are seen by the public to be police officers, and to represent the interests of other police officers. It is inconsistent to permit these police officers to engage in activities that other police officers cannot.

¹ See *Police Services Amendment Act, 1997* (Bill 105).

² R.S.O. 1990, c. P.15, as amended.

Recommendation 2:

Sections 2(2) and 2(3) of the Schedule Code of Conduct contained in Ontario Regulation 123/98 to the *Police Services Act* should be repealed. These provisions permit Police Association representatives to communicate with the media and other unauthorized persons (s. 2(2)) and to solicit and receive gratuities (s. 2(3)), matters, which if committed by other police officers would be contrary to the Code of Conduct.

Rationale:

Consistency of application and in line with Recommendation 1.

Recommendation 3:

Ontario Regulation 554/91 (Political Activities of Municipal Police Officers) should be amended to prevent a Police Association from endorsing political candidates.

Rationale:

In line with Recommendations 1 and 2, in the eyes of the public, there is no distinction between a Police Association and an individual police officer. In reality, the Board of Directors of a Police Association is made up of both police officer and civilian directors: the latter not being governed by Part V of the Act. A Police Association should not be permitted to engage in activities that a police officer cannot.

Recommendation 4:

Section 68(4) should be amended to remove the ability to satisfy a discipline penalty by using sick leave credit.

Rationale:

Use of sick leave credit in this manner is inconsistent with the rationale for the provision of such credits, and is contrary to the notions of specific and general deterrence.

Recommendation 5:

Section 42(1) should be amended to include the positive duty to report misconduct on the part of another member of a police service.

Rationale:

A positive duty has to be created so that police officers are required to report the misconduct of other police officers. Such a duty would: be consistent with the required high standards of integrity and ethics, and; enhance the complaints process and reduce the likelihood of allegations that a citizen when complaining faces a “code of silence” or an impenetrable “blue wall”.

Recommendation 6:

Following along from Recommendation 5, the Act should be amended to include what is often referred to as “whistle blower protection”.

Rationale:

“Whistle blower protection” would enhance: peer reporting of police misconduct, and; the complaints process. Protection of this nature would prevent discrimination and victimization of a police officer who has performed their required duty.

Recommendation 7:

Section 68(9) should be amended to permit a Chief to take outstanding allegations of misconduct into consideration when making decisions for employment purposes.

Rationale

The proposed amendment would prevent a Chief from being forced into promoting or transferring a police officer who is either under investigation or facing allegations of criminal or professional misconduct. While acknowledging the presumption of innocence, a Chief should be permitted to withhold such a promotion or transfer until either the investigation or court or tribunal proceedings are concluded. In most cases, once granted, a promotion can only be overturned following a finding of misconduct.

Recommendation 8:

Section 67(1) only permits suspension with pay. This section should be amended to permit, in certain serious circumstances, suspension without pay. These circumstances would be limited to the following situations:

- Allegations of wrong-doing: Prior to suspending an officer without pay in these circumstances, a Chief is required to consult with a Crown Attorney and be advised that a *prima facie* case exists against the officer.

- Inability to perform required duties: Where, by virtue of a court order or statutory provision, a police officer is prohibited from performing his/her full duties. This would include circumstances when an officer is prohibited from carrying a firearm or has had their driver's licence suspended

The amendment should contain procedural protections as follows:

- A decision to suspend without pay should be subject to appeal to the Ontario Civilian Commission on Police Services, with the onus resting on the Chief to justify, to the civil standard of a balance of probabilities, that such suspension was warranted in the circumstances.
- If the decision to suspend without pay was based on an allegation of wrongdoing, then an acquittal on that charge would result in the officer being reimbursed for lost salary.

Rationale:

Currently, a police officer can only be suspended without pay after a conviction has been registered and a term of imprisonment imposed. Not being the holders of office, civilian members of a police service can be suspended without pay. With procedural protections, a Chief should, in certain specified circumstances, be permitted to suspend all employees (uniform and civilian) without pay. Such a provision would, it is suggested, be welcomed by the public and enhance the ability of the Chief to control service members and raise public confidence.

The ability to suspend without pay exists in other jurisdictions in Canada, see for example:

British Columbia: section 56.2(5) of the *Police Act*³ grants the Board the authority to impose a suspension without pay, "if the allegation in response to which the suspension was imposed, would, if proved, constitute a criminal offence." The legislation also sets out an appeal process within specified time limitations.

Alberta: a Regulation to the *Police Act*⁴ allows a Chief to impose a suspension without pay in exceptional circumstances, provided that the direction is confirmed by the Police Commission within a prescribed time period.

Quebec: section 64 of the *Police Act*⁵ provides the director general with the authority to suspend a member without pay, subject to authorization by the Minister.

³ R.S.B.C., 1996 c.367

⁴ A.R. 356/90

⁵ R.S.Q. 2000, c.P.13.1

Saskatchewan: Regulation.8 require that an officer can be suspended with pay for 30 days; however, any suspension without pay beyond that time is at the discretion of the Police Board of Commissioners.

Federally: the *Royal Canadian Mounted Police Act* allows for regulations respecting the withholding of pay from those who are suspended from duty for contravening the Code of Conduct, an Act of Parliament or an Act of a provincial legislature.

Recommendation 9:

The offence of “Causing Disaffection” should be reinstated and included in section 75 of the Act.

Rationale:

Police officers and others who seek to undermine the efficient and effective provision of police services should be held accountable for their actions.

Recommendation 10:

The threshold that currently exists for when a Chief has to order a hearing into misconduct is too low: “conduct [that] may constitute misconduct”.

Rationale:

“*May* constitute misconduct” would fit almost all situations. A better standard would be based, as in criminal law, on reasonable grounds to believe.

Recommendation 11:

The Act should contain definitions of what constitutes “serious” and “less serious” misconduct.

Rationale:

The Act directs a Chief to take certain actions in regard to “serious” misconduct, but nowhere in the Act is serious misconduct defined. Such definitions are needed to provide consistency of application as well as clarity to a Chief, public complainants and police officers.

⁶ *Municipal Discipline Regulations*, 1991, s. 26(1)

Recommendation 12:

Formal hearings should be reserved for serious misconduct.

Rationale:

The police complaints process is to be distinguished from penal proceedings, and the emphasis should be placed on a more remedial philosophy. A Chief should be provided with more options to exercise, other than ordering a hearing, in order to more effectively and efficiently manage the workplace, uphold public confidence and deal with a specific complaint from a member of the public. One way to achieve this would be to increase in the Act the penalties that can be imposed upon an officer at a unit level.

Recommendation 13:

A record should be made of both review and appeal hearings at the Ontario Civilian Commission on Police Services, with transcripts available. Additionally, the Act should require reasons to be given for decisions in review hearings.

Rationale:

While the Commission provides reasons for an appeal decision, no reasons are provided when the Commission conducts a review of a Chiefs decision in a public complaint. A requirement to provide reasons would enhance transparency in the system and increase public confidence in the role of the Commission as a civilian oversight body.

Recommendation 14:

The role and independence of the Ontario Civilian Commission on Police Services should be better communicated to the public. Use of the acronym OCCPS should be discontinued as it erroneously connotes an allegiance to the police and creates confusion.

Rationale:

Significant civilian oversight of the public complaints process already exists in Ontario. However, due to a lack of pro-active communication and promotion, this fact is unknown to the majority of the population, especially those whose first language is not English.

Recommendation 15:

Provisions to prevent abuse of the complaints process and multiplicity of proceedings should be incorporated into the Act.

Rationale:

Currently individuals have an ability to commence proceedings in relation to one incident in multiple forums. It has been observed that counsel retained by complainants will play one process off against another, and seek to gain advantage from the various and different discovery and disclosure provisions. Currently a public complainant can choose from one or all of the following avenues:

- Public complaint;
- Swearing to a private criminal infomation;
- Civil action by issuing a Statement of Claim;
- Human Rights complaint;
- Criminal Injuries Compensation Board, and;
- A complaint to the Special Investigations Unit.

Recommendation 16:

The existing provisions in the Act concerning third party complaints are adequate and do not require any amendment.⁷

Rationale:

A mechanism already exists for a Chief to launch an internal investigation into an allegation of misconduct. However, the provision of the full range of procedural protections of the complaints process does not need to be extended to someone who has not been directly affected by the actions of an officer.

Recommendation 17:

The existing time limitation of six months for making a complaint are adequate and should not be increased.

Rationale:

Limitation provisions are common in law, and provide certainty. The six month period already in the Act is sufficient and adequately balances the rights of a public complaint and an accused police officer.

The existing time period acknowledges the deterioration of memory with the passage of time and permits the timely collection of evidence.

⁷ Note: *the Government Efficiency Act, 2002*, S.O. 2002, c. 18 (Bill 179, 2000) amended section 57 of the Act to permit third party complaints where the person affected is a minor.

Recommendation 18:

A Tribunal hearing an allegation of misconduct should have the ability to make a non-publication order.

Rationale:

Police misconduct hearings are held in accordance with the provisions of the *Statutory Powers Procedure Act*.⁸ Section 9 of that Act states that hearings are presumptively open to the public, however, there exists an ability, in certain defined circumstances, to hold an *in camera* hearing. Neither this Act nor the *Police Services Act* provides a Hearing Officer with the ability to make a non-publication order of, for example, the name of a public complainant in a matter involving allegations of a sexual nature. The only way in which a Hearing Officer can protect the identity of the complainant is by having the hearing held *in camera*. Providing a Hearing Officer with the ability to make a non-publication order would enhance the complaints process.

Recommendation 19:

The Act should incorporate provisions enabling a police officer to expunge his/her discipline record after a specified discipline free period.

Rationale:

There currently exists no provision in the Act for an officer to expunge a Tribunal finding of misconduct from their record. The inclusion of provisions permitting this would assist in the rehabilitation of an officer and would be in line with federal legislation in relation to criminal convictions.⁹

Recommendation 20:

Section 70(1) of the Act should be amended to allow a Chief to appeal a decision made after a hearing to the Ontario Civilian Commission on Police Services.

Rationale:

Currently only the police officer and public complainant, if one, have a right of appeal to the Commission. All parties to a hearing should have an equal right of appeal.

⁸ R.S.O. 1990, c. S.22, as amended.

⁹ See the *Criminal Records Act*, R.S.C. 1985, c. C-47, as amended.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

#P358. STATISTICAL ANALYSIS OF CONDUCT COMPLAINTS

The Board was in receipt of the following report SEPTEMBER 29, 2004 from Julian Fantino, Chief of Police:

Subject: STATISTICAL ANALYSIS OF CONDUCT COMPLAINTS

Recommendation:

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

Background:

At its meeting of April 29, 2004, the Board requested that, as part of the monthly Professional Standards report, it receive a statistical analysis report on all allegations of misconduct against members of the Toronto Police Service. This analysis is to include open cases, closed cases, cases opened and closed since last reported, and should identify the unit conducting the investigation. Further, the categories of investigations listed must be in a format consistent with the Professional Standards bi-annual report and such an analysis also include any identifiable trends noted by the Service (Board Minute P134/2004 refers).

At its meeting of September 23, 2004, the Board sought to separate the monthly reporting of serious misconduct issues from complaint statistics. Further, the Board directed that the separate monthly complaint statistical report be produced at its regular public meeting (Board Minute C162/2004 refers).

The statistics contained in this document are extracted from the Complaints Administration database as near as practicable to the Board report submission date, and therefore may not reflect a full calendar month.

Information extracted on September 29, 2004 shows a 10% increase over the total external conduct complaints received compared to the same timeframe in 2003 (635 versus 572). However, this can be contrasted to the change in external complaints received between 2002 and 2003, which had a 14% rise over the same period.

External complaints received to the end of July 2004 stood at 433, rising to 508 in August and as indicated above, resting at 635 for September. Twenty-eight investigations were completed between July and August and when added to the 145 matters concluded over the last month, yields the current figure of 429 closed cases.

In terms of internal matters initiated against police officers, the difference between 2004 and 2003 is insignificant (474 versus 465 respectively). From the initial figure of 330 internal complaints in July, the numbers rose by 42 in August and again by 102 reported incidents during September. Of the 474 internal complaints arising to date, 317 have been closed.

Caution must be exercised in using the absolute number of complaints received as an indicator for changes in behavioural patterns. The figures listed for complaints received reflect the information in its raw format before the complaints are either classified or investigated. As each complaint may contain several different allegations, it would be more prudent to analyze the identified allegation types for patterning and not the broad category of complaints received. The Service has standardized the allegation categories by formulating its reporting structure based on the specific offences that a police officer may commit as contained in the Schedule Code of Conduct within Ontario Regulation 123/98. Given that an investigation may take upwards of six months to conclude, and may be further delayed while awaiting an appeal to the Ontario Civilian Commission on Police Services, the number of concluded matters may fluctuate extensively when comparing monthly statistics.

As detailed above, of the 635 external conduct complaints received, 429 have been concluded through investigation. Between 2003 and 2004, there has been a marked drop in the number of allegations from 530 to 337 respectively. Each allegation category, including discriminatory practices, incivility, neglect of duty and unnecessary force was significantly reduced. However, allegations of unlawful arrest rose by seven over the same comparison period.

A review of the internal allegation types for 2003 and 2004 shows a similar marked decrease (407 to 351 respectively). The categories of discreditable conduct, insubordination and neglect of duty were reduced, with allegations of insubordination showing the most noticeable decline from 156 to 36. Allegations of damage to clothing or equipment rose by nine over the comparable period and may be partially attributable to the increased focus on Service vehicle collisions.

Acting Staff Superintendent Richard Gauthier of Professional Standards will be in attendance to answer any questions the Board members may have.

The Board received the foregoing.

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TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 21, 2004**

#P359. IN-CAMERA MEETING – OCTOBER 21, 2004

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

The following members attended the in-camera meeting:

Chair Pam McConnell
The Honourable Hugh Locke, Q.C.
Dr. Alok Mukherjee
Councillor John Filion
Councillor Case Ootes

Absent: Mr. Norman Gardner *

* in accordance with subsection 14(1) of Ontario Regulation 421/97, as amended.

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#P360. ADJOURNMENT

Pam McConnell
Chair