



**The following *draft* Minutes of the meeting of the Toronto Police Services Board held on July 19, 2012 are subject to adoption at its next regularly scheduled meeting.**

**The Minutes of the meeting held on June 15, 2012, previously circulated in draft form, were approved by the Toronto Police Services Board at its meeting held on July 19, 2012.**

**MINUTES OF THE PUBLIC MEETING** of the Toronto Police Services Board held on **JULY 19, 2012** at 1:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

**PRESENT:**

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

**ALSO PRESENT:**

**Mr. William Blair**, Chief of Police  
**Mr. Albert Cohen**, City of Toronto - Legal Services Division  
**Ms. Deirdre Williams**, Board Administrator

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P163. SHOOTING – JULY 16, 2012 - 43 DIVISION**

The Board observed a moment of silence in memory of the two victims who were killed in a shooting which occurred on Danzig Street in 43 Division on Monday, July 16, 2012. The shooting also injured 23 people.

Following the moment of silence, Chair Mukherjee read a statement which the Board had issued on July 17, 2012. The statement is reprinted below:

The Toronto Police Services Board is saddened to learn of the loss of life and the injuries resulting from the horrible shooting incident last night in 43 Division.

The Board expresses its condolences to the families who have been so dreadfully affected by this senseless violence.

We fully support the efforts being made by the Toronto Police Service under Chief Blair's leadership and are confident that those responsible will be identified and charged.

Everyone's cooperation is required in order to solve this crime. Therefore, we strongly urge members of the community to cooperate with the police.

In consultation with the Chief and the community, the Board will continue to do all it can to support the police service in bringing the perpetrators of this violent crime to justice.

The Board also approved the following Motion:

THAT, given the Toronto Police Services Board's statutory responsibility for the provision of adequate and effective police service in Toronto and given the Board's record with respect to fostering and supporting anti-violence initiatives, the Board Chair correspond with Premier McGuinty to ask that he ensure that the Board is invited to participate in all consultations that he is holding in the aftermath of the recent, very tragic shootings.

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TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P164. INTRODUCTIONS**

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

Appointments:

Marianne Wright, Director of Legal Services  
Karen Kellman, Manager, Purchasing Support Services

Promotions:

To the rank of Staff Inspector:  
Peter Yuen

To the rank of Detective Sergeant:  
Jeffrey Attenborough

To the rank of Staff Sergeant:  
Donald Gerry  
Suzanne Redman  
David Sterling  
Mario Teixeira  
Susan Thorning

To the rank of Sergeant:  
Marcia Campbell  
Michele Campbell  
Ryan Drapack  
Robert Gris  
Lisa Higgitt  
Angelo Jansz  
Frederick Kozar  
Wayne O'Riordan  
Kathlin Seremetkovski  
Jeffrey Treusch  
Dimitrios Tsianos  
Mike Turnbull

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TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P165. EAST AFRICAN COMMUNITY VICTIM SERVICES INITIATIVE**

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

Subject: EAST AFRICAN COMMUNITY VICTIM SERVICES INITIATIVE

Recommendation:

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

Financial Implications:

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

Background/Purpose:

In October 2005 Dr. Mohamed Gilao established the Loyan Foundation in honour of his son Loyan Ahmed Gilao. Loyan was a 22 year-old third-year York University student who was the victim of a senseless shooting in Toronto in 2004. As a result of this tragic event, Dr. Gilao identified gaps in victim services programs being provided to the East African community in Toronto. Consequently, Dr. Gilao established the Loyan Foundation to respond to the community's need.

The Loyan Foundation has a unique mandate, being the first and only community-based agency with the mandate and commitment to provide culturally and linguistically appropriate services to survivors/victims of violence and other members of the East African community.

Recently, the Loyan Foundation gained project funding from the Ministry of the Attorney General to develop a comprehensive manual as part of a multifaceted, culturally appropriate victim services response program to the East African and continental African Canadian communities.

Dr. Gilao has worked tirelessly and has collaborated with a number of community organizations to establish the Loyan Foundation.

As Board members know, assistance to victims of crime is one of the core services prescribed in the *Police Services Act*. The Board has strongly supported the delivery of this core service through community-based agencies. In a city as diverse as ours, it is important that assistance to victims, be they individuals or affected communities, is provided in a manner that is culturally appropriate, taking into account the cultural, religious, linguistic and other needs of the victims.

The intent of the Loyan Foundation is to provide services consistent with this principle to Toronto's East African and continental African Canadian communities.

I have, therefore, invited Dr. Mohamed Gilao to make a presentation to the Board regarding this important community initiative.

Conclusion:

Therefore, it is recommended that the Board receive this report for information.

**The following persons were in attendance and delivered a deputation to the Board:**

**Dr. Mohamed Gilao, Founder and Chair, Loyan Foundation**  
**Mr. Nene Kafele, Executive Director, Loyan Foundation**  
**Mr. Evan Heise, Secretary of the Board, Loyan Foundation**

**A paper copy of the PowerPoint presentation is on file in the Board office.**

**The Board commended Dr. Gilao and Messrs. Kafele and Heise for their important work helping victims of crime in Toronto's East African and continental African Canadian communities.**

**The Board received the presentation and the foregoing report.**

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TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P166. REPORT BY THE HONOURABLE JOHN W. MORDEN –  
INDEPENDENT CIVILIAN REVIEW INTO MATTERS RELATING TO  
THE G20 SUMMIT**

The Board was in receipt of the following report July 05, 2012 from Alok Mukherjee, Chair:

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

Recommendation:

It is recommended that the Board:

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

Financial Implications:

At this time, there are no financial implications arising from the recommendation contained in this report.

## Background/Purpose:

On July 6, 2010, the Board approved a proposal by the Chair to carry out an Independent Civilian Review of the policing of the G20 Summit (ICR) held in Toronto on June 26 and 27, 2010. The purpose of the ICR was to undertake a comprehensive review of the issues and concerns raised by the public and the Board regarding oversight, governance, accountability, and transparency as they relate to the multi-jurisdictional model of policing applied at the Summit. The ICR was intended to carry out a review of these issues in the context of the governance role, legislated mandate and policies of the Board.

At its meeting of September 14, 2010, the Board approved the Terms of Reference for this review, as drafted by Mr. Doug Hunt, Q.C. In developing the Terms of Reference, Mr. Hunt used an inclusive, consultative process, incorporating input from the community as well as key stakeholders.

At its meeting on September 23, 2010, the Board approved the appointment of the Honourable John W. Morden to conduct the ICR.

On Friday June 29, 2012, Mr. Morden presented the Board with his report at a media event. The transmittal letter from Mr. Morden is attached for your information.

In my statement on behalf of the Board following the release of Mr. Morden's report, I emphasized the Board's commitment to taking expeditious action to implement his well thought-out recommendations and stated my expectation that the Board will move forward with implementation by October 2012.

As a Board, we believe that the Morden report presents us with an opportunity to enhance and make truly effective the Board's oversight and governance responsibilities in the public interest. The Board commissioned Mr. Morden's report at a significant cost and, now, our prompt and constructive response to it will give the public confidence that we have recognized the mistakes that were made and are now determined to take action to ensure that those mistakes will not be repeated.

As Mr. Morden points out in his report, considerably more time is allotted to the security planning for a major multijurisdictional international event such as a G20 Summit than the approximately four months available to the Toronto Police Services Board and the Toronto Police Service. In planning the policing arrangements in this time, mistakes were made for reasons that Mr. Morden sets out at length.

As well, he makes 38 recommendations designed to assist the Board in strengthening its oversight and governance roles through new or enhanced policies, practices and rules. These recommendations will enable the Board not only to provide better oversight of major events in the future but also to discharge its ongoing responsibilities more effectively.

It is, therefore, important that the Board act promptly and the intent of this report is to propose a roadmap for such action.

## Discussion:

Mr. Morden's full report entitled "*Independent Civilian Review Into Matters Relating to the G20 Summit*" is on file in the Board office. The Executive Summary of Mr. Morden's report is attached for your information.

This is undoubtedly a significant report for our Board. Its 38 recommendations cover a wide range of important subjects designed to better prepare the Board for such events in the future as well as to enhance the quality and effectiveness of the Board's governance and oversight generally. The report proposes a very helpful interpretation of the Board's role under the *Police Services Act* to manage the police service and set objectives and priorities. In this regard, it recommends the development and amendment of several Board policies. Lastly, it recommends the development of a formal communications protocol between the Chief of Police and the Board in order to facilitate decision-making through consultation.

I believe that it is critical that we consider these recommendations in a thoughtful and comprehensive manner with a view to their full implementation.

It is my expectation that the Board will be able to move forward with the implementation of these recommendations by October of this year. The suggested timeframe is quite tight, but it recognizes the public expectation that the Board will take necessary follow-up action reasonably promptly. The timeframe is also based on the assessment that the Board can implement several of Mr. Morden's recommendations immediately, while there are a handful that may need further consideration.

The attached "Proposed Implementation Plan" identifies 22 recommendations that can be implemented now and 16 that need additional work. For ease of reference, the 16 recommendations that require further work are shaded in the attached implementation plan. The document also identifies the action that needs to be taken with respect to each recommendation, suggests which entity should assume or be given responsibility for it and within what timeframe it should complete its work.

I am, therefore, proposing that the Board implement the recommendations in two steps. Step 1 is the immediate adoption of 22 of the recommendations with responsibility for follow up, as appropriate, assigned to the Chair. Step 2 is to accept the remaining 16 recommendations in principle and to review them in more depth and in consultation with others as appropriate, including the Chief, pursuant to the timeframe set out in the implementation plan

Thus, in my view there are three entities who should be assigned responsibility: the Board, the Chair and a Board Implementation Working Group (BIWG).

It is obvious that the Board has in its hands an extremely important and ambitious task. The successful and timely completion of this task requires dedicated effort and access to necessary expertise.

Therefore, I propose that the Board agree to constitute a Board Implementation Working Group (BIWG) to deal with those recommendations that require further consideration in terms of their implementation. Such careful consideration is necessary, in light of the following observation by Mr. Morden at page 37 of his report:

It is my intention that the conclusions and recommendations in this Report will strengthen the effectiveness of the Board's performance of its civilian oversight role. The Board and its staff in the past have increasingly shouldered a heavy burden in carrying out their responsibilities. If my recommendations are implemented, this burden will be increased. Likely, this will necessitate the devotion of further resources to support the Board's work.

The BIWG will carefully examine the recommendations assigned to it in order to bring forward to the Board proposals for implementation.

Membership of the BIWG will be open to all Board members; however, the attendance of at least four members will be needed for meetings to occur. At the same time, in view of the nature of the task, it is important that there be continuity of participation. As such, it is important that there be at least four members on the BIWG who are able to attend most, if not all, of the meetings of the working group.

It will be up to the BIWG to identify what expertise or resources it requires for its work, and seek the Board's approval for obtaining them. Staff support to the BIWG will be provided by Ms. Joanne Campbell, the Board's Executive Director, with the assistance of other Board staff as needed.

Board members will recall, as well, that on previous occasions, the Board has stated its intention to consider two other reports – the Toronto Police Service *After-Action Review* (Min. No. P177/11 refers), and the G20 Systemic Review report by the Office of the Independent Police Review Director (OIPRD) titled *Policing the Right to Protest* (Min. No. P140/12 refers) – in conjunction with Mr. Morden's report.

It is proposed that these two reports be referred to the BIWG for consideration and recommendation of appropriate action.

#### Conclusion:

Therefore, it is recommended that the Board:

- (1) receive the report from the Honourable John W. Morden entitled *Independent Civilian Review Into Matters Relating to the G20 Summit*, and accept all 38 recommendations for implementation;
- (2) approve the "Proposed Implementation Plan" attached to this report;
- (3) approve, in principle, the immediate implementation of Mr. Morden's Recommendations 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 28, 29, 30, 36, 37 and 38, and direct

the Chair to report back to the Board no later than October 2012 with proposed new policies, amendments to existing policies and changes to Board rules and practices as indicated in the Proposed Implementation Plan;

- (4) establish a Board Implementation Working Group (BIWG) of at least 4 Board members to take necessary action or to propose action to be taken by the Board with respect to Recommendations 1, 4, 5, 6, 20, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34 and 35;
- (5) direct the BIWG to provide status reports to the Board on its work on the Recommendations referred to it no later than October 2012;
- (6) refer to the BIWG for consideration in conjunction with Mr. Morden's report the Toronto Police Service's *After-Action Report* and the Ontario Independent Police Review Director's report titled, *Policing the Right to Protest*; and,
- (7) direct the BIWG to report back to the Board on the status of its consideration of these other G20 related reports by October 2012 or as soon thereafter as possible.

**The Board was also in receipt of the following correspondence:**

- **July 12, 2012 from Henry Jensen, President, Ontario Association of Police Services Boards**  
**Re: Justice Morden's Report**
- **July 11, 2012 from Roger Anderson, Chair, Durham Regional Police Services Board**  
**Re: Justice Morden's Report**

**Copies of the foregoing correspondence are on file in the Board office.**

**Vice-Chair Michael Thompson assumed the position of Chair for the consideration of this matter.**

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

- **Pam McConnell, Councillor, City of Toronto \***
- **John Sewell, Toronto Police Accountability Coalition \***
- **Vikram Mulligan \***

**\* written submissions also provided; copy on file in the Board office.**

**Chair Alok Mukherjee read a prepared statement in response to Mr. Morden's report entitled "*Independent Civilian Review Into Matters Relating to the G20 Summit.*"**

**cont...d**

**The Board approved the following Motions:**

- 1. THAT the Board approve the foregoing report with the following amendments:**
  - **That Recommendation No. 1 be revised by indicating that the Board will “receive all 38 recommendations;” as opposed to “accept all 38 recommendations for implementation;”**
  - **That Recommendation No. 3 be revised by deleting reference to Recommendation No. 3 from Mr. Morden's report;**
  - **That the Financial Implications section of the report be amended to read "At this time, the financial implications arising from the recommendations in this report are unknown. Further review and evaluation of the recommendations made by Mr. Morden will be required in order to assess the financial implications."**
- 2. THAT the Board direct the Chair to report back to the Board no later than October 2012 on the options and potential financial implications that would arise from approval of Mr. Morden's Recommendation No. 3; and**
- 3. THAT the Board receive the depositions, the written submissions and the correspondence from Mr. Jensen and Chair Anderson.**



**INDEPENDENT CIVILIAN REVIEW INTO  
MATTERS RELATING TO THE G20 SUMMIT**

**DATE RECEIVED**

JUN 28 2012

TORONTO  
POLICE SERVICES BOARD

June 28, 2012

Dr. Alok Mukherjee  
Chair  
Toronto Police Services Board  
40 College Street  
Toronto, Ontario  
M5G 2J3

Dear Dr. Mukherjee:

Having been appointed by the Toronto Police Services Board to conduct the Review described in the Board's Terms of Reference, dated the 23rd day of September, 2010, I submit to the Board the Review's Report.

Yours truly,

Hon. John W. Morden  
Reviewer

The Honourable John W. Morden  
Reviewer

Ryan Teschner  
Review Counsel

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**INDEPENDENT CIVILIAN REVIEW INTO MATTERS  
RELATING TO THE G20 SUMMIT**

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**REPORT**

**Honourable John W. Morden**

**June 2012**

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## EXECUTIVE SUMMARY AND RECOMMENDATIONS

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### CHAPTER ONE: THE LEGISLATION THAT GOVERNS THE TORONTO POLICE SERVICES BOARD AND THE TORONTO POLICE SERVICE

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Public police services are governed by law. In the case of the Toronto Police Services Board ("the Board") and the Toronto Police Service, the main legislative authority is the *Police Services Act*, R.S.O. 1990 c. P.15. The Board's basic mandate is expressed in the opening words of s. 31(1) as follows:

A board is responsible for the provision of adequate and effective police services in the municipality [the City of Toronto]...

These opening words of s. 31 (1) state the basic purpose of the Board and, necessarily, frequent references will be made to them in this Report. They provide the answer to many questions on whether a particular action or a response by the Board is warranted and appropriate. Indeed, they are the authority on which the Board relies in establishing this Review.

The first general statute for what is now the Province of Ontario that was concerned with delivery of police services by cities was the *Municipal Institutions Act of Upper Canada* 1858. This legislation was amended in many particular respects between 1858 and the present. In 1946, the provisions in it were removed from the *Municipal Act* to the newly enacted *Police Act*.

Section 1 (2) of the *Police Services Act* provides:

Police services shall be provided throughout Ontario in accordance with the following principles:

2. The importance of safeguarding the fundamental rights guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*.

The purpose of this provision is not to provide for the application of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code* because, from their own force, their terms apply directly to every case in which the facts makes them applicable. The purpose of the provision is, rather, to remind those acting under the *Police Services Act* of the constant bearing of the *Charter* and the *Human Rights Code* on the performance of their duties. This is critically important because the exercise of so many police powers, for example, those of arrest, detention, and search

and seizure, engage rights that are protected by the *Charter* or the *Human Rights Code*. These fundamental rights are highly valued in our society and must be protected from infringement by improper police action.

The main features of the *Police Services Act* are, as far as this Review is concerned, the changes made in the responsibilities and processes of police services boards. When the bill that became the *Police Services Act* was before the Legislative Assembly in 1989 and 1990, three features were stressed by the Solicitor General. The *Police Services Act* was intended: (1) to provide boards, police officers and chiefs of police with a "clear direction and a more precise definition of their roles and responsibilities"; (2) "to strengthen the role of the police services board"; and (3) it was to bring about "an enhanced level of interaction between the police and the community and to make our police services more reflective of the community they serve."

Before 1990, the statute did not provide clear direction or definition of the roles and responsibilities of boards and chiefs of police. There was a general understanding that matters of "policy" were for the board and matters of "operations" were for the chief of police and that the two must always be kept separate. As will be shown in parts of this Report, this general understanding has been carried forward after 1990 although there is no statutory foundation for it. In fact, it is clearly inconsistent with the provisions of the *Police Services Act* – in particular, sections 31 (1)(b), 31 (1)(c), and 41 (1)(a). Sections 31 (1)(b) and 31(1)(c) provide, respectively, that a board "shall generally determine, after consultation with the chief of police, objectives and priorities with respect to police services in the municipality" and shall "establish policies for the effective management of the police force." Section 41 (1)(a) provides that the duties of a chief of police include "administering the police force and overseeing its operation in accordance with the objectives, priorities and policies established by the Board under subsection 31 (1)."

Accordingly, the duties of the chief of police under section 41 (1)(a) dovetail with the board's responsibilities under section 31 (1)(b) and (c). The chief of police has the duty to administer the police force and oversee its operation "in accordance with the objectives, priorities and policies established by the board under subsection 31(1)." It is important to note that under section 31 (1)(b) there is to be a "consultation" between the board and the chief of police before the board determines the objectives and priorities with respect to police services in the municipality.

The matter of operations is addressed in the *Police Services Act*. Section 31 (4) provides:

The board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police force.

This provision is the only one in the *Police Services Act* that imposes a limit on a board's governance powers. It gives effect to the important principle of the independence of members of the police force in carrying out their law enforcement responsibilities. It is not infringed by the carrying out of the duties provided for in sections 31 (1)(b) and (c) and 41 (1)(a).

These statutory provisions are a clear reflection of the purposes of the *Police Services Act*, stated by the Solicitor General when it was before the legislature in bill form and also are fully consistent

with sound principles of civilian oversight. It is important to note that neither of the prohibitions in section 31 (4) prevent a board from obtaining any information, including operational information, from the chief of police nor from discussing any matter relating to policing in the municipality with the chief of police. These prohibitions also do not prohibit a board from expressing its opinions, or making suggestions, to the chief of police on any aspect of policing in the municipality.

As far as the meaning and scope of what a "policy" is, it is clear that it cannot breach section 31 (4). The review agrees with the general statement in the Ontario Association of Police Service Board's Handbook:

Section 31 (4) of the Act is intended to prevent direct Board interference in the actual policing function but not to prevent the Board from making decisions governing the structure and environment in which those policing functions occur.

Chief of Police William Blair in his interview with the Review said that he agreed with this general statement.

Chapter One sets out the complete text of six Toronto Police Services Board policies as examples of what, in fact, has been done under the Board's policy-making responsibilities. It may be noted that each one of them has some relevance to policing functions at the G20 Summit. A feature of some of these policies is that they do not state any policy. They merely provide what Ontario Regulation 3/99, made under the *Police Services Act*, requires – that the chief of police establish procedures and processes with respect to the subject in question. In other words, they provide no policy guidance to the police service, which was the clear intention of the statute.

It is not the standard practice for the procedures and processes made by the Toronto Police Service to be filed with the Board, whether made in relation to a matter covered by a Board policy or otherwise. Accordingly, having made a policy the Board does not see its consequences. The result is clearly inconsistent with the monitoring and oversight responsibilities of the Board.

Under the present arrangement for the provision of legal services to the Board, the Board is advised by a lawyer who is on the staff of the legal department of the City of Toronto and who also provides legal services to the Toronto Police Service. The Board's legal advisor should not be encumbered by the possibility of being in a position of conflict of interest.

**Recommendation No. 1: Improving the nature and quality of Board policies**

**The Board, the Chief of Police, and the Ministry of Community Safety and Correctional Services should engage in consultation with a view to devising a method of improving the general nature and quality of Board policies made under O. Reg. 3/99 and otherwise.**

**Recommendation No. 2: Filing police service procedures and processes with the Board**

All Toronto Police Service procedures and processes should be filed with the Board as a necessary step to strengthen the exercise of its monitoring and oversight responsibilities.

**Recommendation No. 3: Legal counsel to the Board**

The Board should have its own counsel whose legal services are not available to either the Toronto Police Service of the City of Toronto.

**CHAPTER TWO: CIVILIAN OVERSIGHT IN POLICING**

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Civilian oversight of our police is essential. It acts as a check and balance against the legal powers society has given the police to enforce the law. Effective oversight of the police is the way that the public and police remain partners in the preservation of public safety. For the police to be effective in our communities, the public must have respect for those that perform the policing function. The governance and accountability that civilian oversight creates work in tandem.

The Ontario Legislature has adopted a system where, for municipal police services, a board comprised of persons unconnected with the police consult with the chief of police to identify objectives and priorities for the police service. The board also creates the policy framework in which those objectives and priorities will be achieved. The responsibility of police boards is considerable. Through their policy-making and resource allocation powers, police boards shape the way in which policing is done. Therefore, effective fulfillment of the governance role that police boards play ensures that decisions made and actions taken by police are reflective of the community's values.

In establishing objectives and priorities for the police service, a police board must be mindful of only one, albeit one very specific prohibition: not to direct the chief of police with respect to *specific* operational decisions or with respect to the day-to-day operation of the police service. Unfortunately, despite the clear wording of the *Police Services Act*, the Board has defined its responsibilities in terms of a separation between matters of policy and operational matters. The Board has limited its consultative mandate and has viewed it as improper to ask questions about, comment on, or make recommendations concerning operational matters. The Board's approach in this regard has been wrong.

Consultation between a police board and the chief of police is the main process through which the police board can engage in an assessment of the adequacy and effectiveness of the policing services which have been or will be provided. The overall purpose of a consultation between a police board and the chief of police is to identify the elements that are required for the police service to deliver adequate and effective policing within the municipality. Sometimes, this consultation will take place *before* a particular police operation or event. The police board can use

the information to provide further guidance to the police service by creating policies that will frame the operation or event and assist in the achievement of identified outcomes. This consultation can also take place *after* a particular police operation or event and will take the form of deconstructing what happened and why, which can identify valuable lessons and lead to accountability for the decisions that were made.

I have designed a consultation protocol and recommend that the Board use this protocol in its interactions with the chief of police. This consultation protocol will help to ensure that the Board obtain relevant information that will assist it in identifying the objectives and priorities for the Toronto Police Service to achieve. There are three elements to the consultation protocol that I propose:

*First element – Information exchange between the Board and Chief of Police:* a reciprocal information exchange between the Board and Chief of Police must exist to ensure that each obtain information relevant to their respective roles. With this exchange, the Board will be provided with operational information that will inform its policy-making function and the Chief of Police will have an opportunity to provide his or her views on policy options the Board is considering. With this exchange, both policies and operations may be adjusted to address changing circumstances. Where sensitive law enforcement matters are concerned, the Board should resort to the appropriate statutory measures to maintain confidentiality of information where appropriate.

*Second element – Identifying the "critical points":* The Board should seek specific operational information from the Chief of Police where a "critical point" arises. These are policing operations (e.g. gun and gang operation), events (e.g. international summit of world leaders), or organizationally-significant issues (e.g. the use of Conducted-Energy Weapons, or TASERS, by the police) for which advance approval at the Toronto Police Service's highest levels of command is required.

*Third element – Board collaboration in defining the 'what,' but not the 'how,' of an operation:* The Board should use the operational information it obtains from the Chief of Police to determine what the Toronto Police Service's overall objectives and priorities will be for a particular operation, event, or organizationally-significant issue. With these established, the Toronto Police Service can create specific operational plans that will outline how the policing mission and objectives will be achieved. The Toronto Police Service must always maintain its autonomy to make and execute particular decisions during the operation. The Board should review the Toronto Police Service's operational plans to ensure they are consistent with the mission or objectives stated by the Board and that they have the benefit of an adequate policy framework.

Proper application of this consultation protocol will ensure that policy vacuums do not develop that could compromise the attainment of the Board's objectives and priorities. It will also permit

the Board to provide recommendations, but not direction, to the Toronto Police Service where it believes that a particular aspect of an operational plan is inconsistent with applicable legal requirements or community norms and values.

The consultation protocol that I recommend, while in harmony with the framework and provisions of the *Police Services Act*, is not consistent with the way in which the Board has generally applied its oversight role to date. To be successful, the application of this consultation protocol will require a mutual commitment on the part of the Board and the Toronto Police Service to engage with one another as true partners in the delivery of policing services in Toronto.

**Recommendation No. 4: Information exchange between the Board and the Chief of Police on all subject matters**

The Board and the Toronto Police Service should ensure that an open exchange of information on all matters of operations and policy is established and maintained. The purpose of this information exchange is to ensure that both the Board and the Toronto Police Service are aware of the details necessary to engage in consultation concerning Board policies and Toronto Police Service operational mandates.

This exchange must permit a two-way transmission of information between the Board and the Toronto Police Service: the Board is to be made aware of all information relevant to its statutory role to determine "objectives, priorities and policies" for policing in Toronto and the Toronto Police Service is to be made aware of information that may assist it in commenting on policy options the Board is considering. In particular, this information exchange must include the provision to the Board of relevant operational information by the Toronto Police Service before operations actually unfold.

**Recommendation No. 5: The Board should create a policy that defines "critical points"**

The Board should, in consultation with the Toronto Police Service, draft a policy that defines what will constitute a "critical point" in municipal policing and identifies criteria that will be applied in determining when a "critical point" has arisen. This policy will assist both the Board and the Chief of Police in determining when operational information should be provided to the Board in advance of the "critical point."

The Board should consider using the following definition of a "critical point": a policing operation, event, or organizationally-significant issue for which advance planning and approval at the Toronto Police Service's command level is required.

There should be clarity and consistency concerning the types of matters about which more detailed information, including operational information, should be provided to the Board by the Toronto Police Service. This policy should be reviewed by the Board with some frequency after it is established to ensure that it is enabling the Board to identify events and issues for which operational information should be provided in advance.

**Recommendation No. 6:** The Board should determine appropriate objectives, priorities, and policies for major events, operations, and organizationally-significant issues in which the Toronto Police Service will be involved.

Where critical points in the policing of Toronto arise, the Board and Toronto Police Service should apply the consultation protocol and engage in a consultation about the major event/operation or organizationally-significant issue at the earliest possible opportunity. The Board should be provided with relevant operational and other information in order to understand the details of the major event/operation/issue. The Board should then work with the Chief of Police to identify the mission, objectives and priorities for the particular event/operation/issue, the achievement of which will result in the provision of adequate and effective policing in Toronto.

Once the mission, objectives and priorities have been defined, the Toronto Police Service must maintain the autonomy to develop and execute the appropriate operational plans. The Board should conduct a review of the Toronto Police Service' operational plans to ensure that (a) they are consistent with the mission or objectives stated by the Board, (b) they are consistent with applicable Board policies, and (c) that no additional policies are required in order to provide guidance to the Toronto Police Service. Through this review process, the Board may provide recommendations to the Toronto Police Service where it believes that a particular aspect of the operational plan may result in the operational mission, objectives and priorities not being achieved. The Chief of Police, however, must remain entirely free to accept or reject the Board's recommendations.

### **CHAPTER THREE: PLANNING AND POLICING FRAMEWORK FOR THE G20 SUMMIT**

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The Toronto Police Service was forced to plan for a major policing event in far less time than would usually be available for a security operation the scope of the G20 Summit. The G20 Summit was the largest security operation in Canada's history. In Chief William Blair's view, the planning required of the Toronto Police Service was "extraordinary." The Toronto Police Service depended entirely on others for the information it required to undertake its planning process. Information about the details and requirements for the G20 Summit was passed from the federal government, to the RCMP, and then to the Toronto Police Service. Until the federal government selected and announced the location and official venue for the event, the Toronto Police Service could not properly begin its planning process. After the location (Toronto) and venue (Metro Toronto Convention Centre) for the G20 Summit had been announced, the Toronto Police Service had only four months to develop its plans. As the entities that would bear the brunt of the policing and security for the G20 Summit, the Board and the Toronto Police Service should not have been excluded from the federal government's decision-making with regard to the event. The hallmarks

one would expect to see in putting together a major international security event – deliberation, cooperation, and sufficient time to plan – were absent.

Three major areas of the Toronto Police Service's planning process became challenging because of the late point at which the federal government announced its location and venue decisions. In the area of funding, the Toronto Police Service was able to seek the Board's approval for a request to the City of Toronto for funds only five months before the G20 Summit. This funding request was unusual. The City was to pay millions of dollars up front with the expectation that it would be reimbursed by the federal government later. However, at the time, no arrangement for this funding had been entered into. Therefore, there was a risk that some of the funds provided by the City might not be recovered.

The Toronto Police Service also needed to acquire equipment and facilities for use during the event. It advised the Board that without certain equipment or facilities, its ability to deliver adequate and effective policing for the G20 Summit was compromised. Without, at least, knowing that Toronto was the location for the G20 Summit, the Toronto Police Service could not begin the process of securing the equipment and facilities. The process for these acquisitions and arrangements was shorter than would have been ideal.

Finally, the development of the Toronto Police Service's policing plans for the event was compromised. These types of plans would usually develop over the course of up to two years. In this case, the Toronto Police Service had only a matter of months. The planning process was made more complicated by the Toronto Police Service's reliance on the RCMP for information that was critical to its own planning. The short amount of time available for this process meant that operational and field commanders were not properly involved in the planning and did not develop an appropriate level of familiarity with the plans. It also meant that the Toronto Police Service was unable to test its plans in advance of the Summit.

The ability to deliver adequate and effective policing for the G20 Summit was put at risk by the short time made available to properly plan all components of the Toronto Police Service's operation. Had more time been available, the shortcomings of the Toronto Police Service's policing role at the event would have been minimized.

In reporting to the Board, Chief Blair identified the timing challenges faced by the Toronto Police Service only in general terms. The Board itself was concerned about the amount of time available to plan the policing for the G20 Summit. Had the Chief provided the Board with more detailed information about how the short timeline was affecting the Toronto Police Service's ability to properly plan and prepare for its policing role, the Board would have had a clearer picture of the potential risks to the Toronto Police Service's operations during the G20 Summit. With this awareness, the Board could have acted earlier in the process to obtain more detailed information from the federal government. This information could have assisted the Toronto Police Service in its planning.

The Integrated Security Unit ("ISU") was established to plan and coordinate security-related matters for the G8 and G20 Summits. For the G20 Summit, the ISU comprised five partners: the RCMP, the Ontario Provincial Police, the Toronto Police Service, Peel Regional Police and the

Canadian Forces. Each ISU partner was required to develop its own set of operational plans to cover its own functions during the G20 Summit. The ISU partners collaborated during the planning process to ensure the plans could function in coordination with one another. However, the short amount of time available to plan made full integration of all plans impossible.

The RCMP was the lead entity on all matters of security at the G20 Summit and had ultimate decision-making authority over all security operations. The ISU operated under the leadership of the RCMP. The ISU determined the security responsibilities that would be assumed by its various partners for the G20 Summit. This included the policing responsibilities and geographic areas of jurisdiction the Toronto Police Service would assume. The Toronto Police Service ultimately accepted these responsibilities and geographic areas.

Four security zones for the G20 Summit were established: the Controlled Access Zone; the Restricted Access Zone; the Interdiction Zone; and the Outer Zone. The Toronto Police Service was responsible for the Interdiction Zone and Outer Zone. Geographically, the Interdiction Zone fence became an important boundary between the G20 Summit's high-security areas and the rest of Toronto. The decision that the Toronto Police Service would assume responsibility for the Interdiction Zone had implications both in terms of where Toronto Police Service deployed its officers and specific tactical decisions that were made during the G20 Summit.

Under the federal *Foreign Missions and International Organizations Act* ("FMIOA"), the federal government may enter into an arrangement with a provincial government to "facilitate consultation and cooperation" for the policing of international events. Despite a request by the Province of Ontario for an arrangement, no arrangement was made. The decision by the federal government not to enter into an arrangement under the FMIOA was a missed opportunity. An arrangement could have brought clarity to the division of policing responsibilities. It could have also brought clarity with regard to the legal authorities on which each partners' role during the G20 Summit would be based. Had discussions concerning an arrangement under the FMIOA taken place early on, possibly different decisions would have been made on which policing partner would assume the responsibility for the various security zones. In particular, these discussions may have resulted in the RCMP assuming responsibility for the policing of the Interdiction Zone. In that event, a request by the Toronto Police Service for new legislative powers under the *Public Works Protection Act* would have been unnecessary.

The Toronto Police Service did not engage the Board in the planning process for the G20 Summit and the Board failed to obtain the detailed information it required to address its gap in knowledge. The Board was never aware of the process used to develop plans for G20 Summit policing. The Board's knowledge of the ISU and its actual role was inadequate. The Board was also not aware to what extent the Toronto Police Service was subject to the planning direction of the RCMP, including the ability of the RCMP to override planning decisions made by the Toronto Police Service. The Board's lack of knowledge in each of these areas is a matter of concern.

The Toronto Police Service's planning for the G20 Summit included the development of a mission statement, a "Concept of Operations," and a 26-chapter operational plan for the event. The Board never received or reviewed any of these important planning documents before the G20 Summit. As a result, the Board was never in a position to evaluate whether the Toronto Police Service

could fulfill its roles and functions for the G20 Summit adequately and effectively. The Board was also unable to engage in informed consultation with the Chief so that it could determine the Toronto Police Service's objectives, priorities, and policies for its policing role during the event. Without the information in these documents, and without even the knowledge that this information existed, the Board's oversight function was seriously impaired.

The short time for planning the policing for the G20 Summit and a failure on the Board's part to ask for information weakened the civilian oversight relationship between the Toronto Police Service and the Board. As a result, the Board did not have a clear sense of the framework and plan for the policing of the Summit. Instead of leading a consultative process with the Chief and setting the Toronto Police Service's objectives and priorities for the G20 Summit, significant matters were presented to the Board as 'done deals.' In general, the Board did not make the necessary inquiries to ensure it had the information it needed to fulfill its oversight function. In fact, even when Board members had questions or were unclear about a specific matter related to the policing of the G20 Summit, there is no evidence of any effort to pursue those matters and obtain responses that were available at the time.

**Recommendation No. 7: Board to negotiate framework for funding conditions**

In all cases where the Toronto Police Service will be involved in policing and security for a major event, the Board should, at a minimum, negotiate a framework funding agreement with the entity requiring the Toronto Police Service's assistance. This agreement should set out the funding and reimbursement conditions with respect to the Toronto Police Service's expenses associated with planning and policing the event.

**Recommendation No. 8: Board involvement in consultation**

Where the Board learns of the potential for Toronto to be selected as the host city for an event sponsored by the federal or provincial government, the Board should make a formal request that it be consulted, in advance of final decisions being made, on matters relevant to the Toronto Police Service's policing function at the event. In particular, the Board should request information that will enable it to understand the Toronto Police Service's role at the event, the legal framework applicable to the event's policing and other relevant matters.

**Recommendation No. 9: Confirmation concerning Toronto Police Service's planning process**

The Board should request regular updates concerning the progress of the Toronto Police Service in planning for the policing of a major event. In particular, the Board should seek information from the Toronto Police Service about (i) what mechanisms exist to capture, during the planning process, the input of those who will have operational decision-making

responsibilities during the event and (ii) what testing of the operational plans will be conducted before the event.

**Recommendation No. 10:** Time available for Toronto Police Service operational planning

Where the Toronto Police Service is required to develop operational plans for a major event, the Board should consult with the Chief of Police to determine whether there is a sufficient amount of time available for proper planning and, specifically, whether the adequacy and effectiveness of policing for the event may be compromised by the time available to plan.

If the adequacy and effectiveness of the Toronto Police Service's policing may be affected by the amount of time available for planning, the Board should communicate this to the government entity hosting the event and seek assistance to address challenges and gaps.

**Recommendation No. 11:** Board to be informed of possibility of major event

The Board should be informed, as soon as practicable, where a reasonable possibility exists that the Toronto Police Service may be involved in the policing of a major event hosted by a government entity. The Board should seek information and clarity concerning the proposed decision-making structure and process related to the policing of the event.

**Recommendation No. 12:** Board should insist on FMIOA agreement

Where the RCMP will be involved in an international event for which security arrangements are required, including the participation of the Toronto Police Service, the Board should encourage the federal and provincial governments to enter into an arrangement under section 10.1(4) of the *Foreign Missions and International Organizations Act*.

The Board should also seek an opportunity to provide input concerning the details of such an arrangement, including with respect to the policing functions the Toronto Police Service can fulfill for the event and the legal authorities on which the Toronto Police Service's involvement in the event's security will be based.

**Recommendation No. 13:** Toronto Police Service to provide information regarding planning structure to the Board

Where the Toronto Police Service is involved in a joint operation related to the policing of a major event, the Board should be provided with detailed information and briefings

concerning the planning structure, including information regarding the Toronto Police Service's role in that structure and whether planning decisions by the Toronto Police Service are subject to the approval of any other entity.

#### CHAPTER FOUR: TORONTO POLICE SERVICE OBJECTIVES AND PRIORITIES FOR THE G20 SUMMIT

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Although the *Police Services Act* requires the Board to set the objectives and priorities for the Toronto Police Service, this did not occur in advance of the G20 Summit. Instead, this role was assumed by the ISU, under the leadership of the RCMP. In the earliest days of the planning for the G20 Summit, a pattern was followed in which the ISU defined certain objectives, priorities, broad responsibilities, and geographic jurisdiction for the policing of the event and the Toronto Police Service adopted them. The Board was merely advised about general aspects of the Toronto Police Service's responsibilities at various points in time, without any specifics.

As a result, the Board was unaware of the specific policing functions that the Toronto Police Service had agreed to assume for the G20 Summit. At no point before the G20 Summit did the Board consult with the Chief concerning the details of the Toronto Police Service's role during the G20 Summit or what the full scope of policing required for the event would be. Board Chair Mukherjee confirmed this in his interview with the Review:

"...I don't think the Board understood. I mean, again, beyond the general sense that there'll be leaders to be protected and there will likely be protests and demonstrations, I don't believe there was any understanding of the full scope of policing that this would involve, or the nature of policing that would be involved."

One of the priorities for G20 Summit security was protection of the Interdiction Zone fence. This was the fence that served as a buffer between the G20 Summit site, which was controlled by the RCMP, and the rest of the city, which was policed by the Toronto Police Service. At no point was consideration given to the RCMP assuming responsibility for the Interdiction Zone rather than the Toronto Police Service.

The significance of this buffer to the overall security of the event, combined with the ISU's focus on the protection of Internationally Protected Persons, created a preoccupation with the Interdiction Zone fence. This preoccupation by the Toronto Police Service influenced its decisions concerning the allocation of resources and specific deployments. Officer notes made during the G20 Summit confirm that the Toronto Police Service's focus was protecting this fence:

MICC [Toronto Police Service Major Incident Command Centre] strategy to keep crowd away.

[L]eave units on fence but get them in a line.

OZ [Outer Zone] - plan to secure fence

The Toronto Police Service's preoccupation with protecting the Interdiction Zone detracted from its ability to police the rest of the city and caused a policing vacuum in the Outer Zone. On the afternoon of Saturday, June 26, the Toronto Police Service was unable to adequately and effectively manage the violence and property damage taking place in the city. Despite this violence and property damage, officers assigned to police the Outer Zone were often deployed near the Interdiction Zone fence. Ultimately, the Toronto Police Service lost control of the Outer Zone – the very area it had a statutory obligation to police.

It was a mistake for the Toronto Police Service to prioritize policing the Interdiction Zone. As a result of this mistake, a significant redeployment of resources was required. RCMP and OPP officers still at the G8 Summit in Huntsville were sent to Toronto. The Toronto Police Service also requested that the RCMP take over command of the Interdiction Zone. The request was made so that the Toronto Police Service could redeploy its resources to the Outer Zone. Unfortunately, there was no plan in place for a large reallocation of resources or the transfer of command from one ISU partner to another. This planning gap meant that redeployment and transfer of command plans had to be created at a time of crisis. It also meant that twelve hours passed before the RCMP agreed to assume command of the Interdiction Zone from the Toronto Police Service. This passage of time was unacceptable. Given that violence and property damage were reasonably anticipated by the Toronto Police Service in planning for the G20 Summit, a contingency plan for the reallocation of officers and the transfer of command to the RCMP should have been prepared in advance of the event.

The combination of short timelines and a Board that did not assert its oversight role resulted in a planning error. In accepting the objective of securing the Interdiction Zone, the Toronto Police Service left the Outer Zone exposed to some of the violence and property damage that have become the unfortunate images of the G20 Summit. Had the Board and Chief engaged in proper consultation on the Toronto Police Service's focus for the G20 Summit, a more balanced approach to the Toronto Police Service's objectives and priorities for G20 Summit policing may have been established. Certainly, the Board would have emphasized the need to make the Outer Zone the Toronto Police Service's first priority. This could have minimized the extent of the breakdown that occurred on June 26.

## CHAPTER FIVE: COMMAND AND CONTROL

In January 2010, a small working group of representatives from each of the ISU partners began meeting for the purpose of creating a document that would set out the command and control structure for the G20 Summit. Each ISU partner had the ability to raise particular concerns and suggest amendments to the draft document. Ultimately, the partners resolved all issues and produced a document that was "acceptable to all." The *2010 Summits Command and Control (C2) Document* ("C2 document") was approved on June 17, 2010.

The C2 document outlined the responsibilities of each of the ISU members. The RCMP was the "lead security agency" and was responsible for protecting the Internationally Protected Persons ("IPPs"), securing the G20 Summit site, and for supporting its policing partners. The Toronto

Police Service was responsible for "its mandated obligations under the *Police Services Act*" and for supporting the RCMP is its "federally legislated mandate."

There were four layers of command for the G8 and G20 Summits. The Unified Command Centre ("UCC") was located at the ISU headquarters in Barrie, Ontario and was the highest level of command and control for the G8 and G20 Summits. It was comprised of commanders from all ISU members, but was under the command of an RCMP commander. The UCC Steering Committee was a body comprised of senior officials from each of the ISU partners and was responsible for providing "senior executive oversight during the [G20 Summit]." The Steering Committee was not, however, "a decision making body in the chain of command."

The next entities in the command structure were the Area Command Centres: one for Muskoka (G8 Summit) and another for the Toronto Area (G20 Summit - "TACC"). The TACC was located at Lester B. Pearson International Airport and served as a link to the UCC. It was also under the command of an RCMP commander.

The Major Incident Command Centre ("MICC"), located at Toronto Police Service Headquarters, exercised command and control of all Toronto Police Service resources, including external officers recruited from other police services, who were deployed to the Interdiction Zone and the Outer Zone. The MICC was under the command the Toronto Police Service and reported to the TACC, not the UCC. Finally, the last level of authority with respect to the Toronto Police Service was a "site." Toronto Police Service Site Commanders were deployed on the ground and were responsible for making specific tactical decisions. RCMP sites located in the RAZ and CAZ reported directly to the TACC.

The C2 document began with the general premise that the police force with command of a particular security zone (the RAZ, CAZ, IZ, or OZ) was responsible for authorizing all tactical decisions made in that zone. An annex to the C2 prescribed the level of command (Site Commander, MICC, TACC or UCC) that had the power to authorize a particular action, including the deployment of public order units, arrest and detention, and the use of tear gas. Only one level of command had the power to authorize a particular action. Once an authorization had been given, all other levels of command were to be informed that the authorization had been given.

The C2 document fell short in two important aspects. First, resources deployed to the Outer Zone were to be under the command of the MICC, but, the C2 document did not contemplate a direct command link between the MICC and RCMP and OPP resources (site commanders) deployed to that zone. Instead, it provided that RCMP and OPP resources were under the direct command of the TACC. During the G20 Summit, at least one RCMP troop deployed to the Outer Zone on June 27 was taking orders directly from the TACC, rather than the MICC. This meant that for a period of time on June 27, there were, in effect, two chains of command operating simultaneously in the Outer Zone. This created confusion for the RCMP site commander and created the potential for conflicting orders being given to officers in the same security zone. Indeed, this gap in the C2 document led to fairly widespread confusion among RCMP and OPP commanders deployed to the Outer Zone on June 27. In debriefing sessions, both RCMP and OPP site commanders reported that it was difficult to determine *who* was in charge.

The second gap in the C2 document was the lack of any process or procedure for the transfer of command of a particular security zone from one ISU partner to another. The violence and property damage that occurred on June 26 prompted the Toronto Police Service to move the majority of its officers deployed to the Interdiction Zone to the Outer Zone. Those officers were replaced by RCMP and OPP officers redeployed from the G8 Summit. As part of that process, the Toronto Police Service requested that the RCMP take command of the Interdiction Zone. The lack of an existing process meant that transfer of command took more than 12 hours and delayed the Toronto Police Service movement of much-needed resources into the city. Ultimately, this impeded the Toronto Police Service's ability to adequately and effectively police the Outer Zone. Had the C2 document included a specific transfer of command process, many of those vital hours may not have been lost.

The more complex a police operation is the more essential it is that all of the police services involved have a clear understanding of the scope of their authority. The governing document that addresses this purpose should be clear, comprehensive, and sufficiently detailed. Given the size and complexity of the G20 Summit policing operation, these two gaps should have been addressed.

The Board received no information with respect to the command and control structure for the G20 Summit. Given its responsibility for the provision of adequate and effective policing in the City of Toronto, the Board should have sought sufficiently detailed information to be confident that mechanisms were in place to govern how the Toronto Police Service would give orders to the thousands of officers deployed to the areas under its command. In addition, given the multi-jurisdictional nature of the policing of the G20 Summit and the potential for police officers in the City of Toronto to become subject to the command of the RCMP, it was incumbent on the Board to understand what command and control structure was in place.

**Recommendation No. 14:**            **Board to obtain information concerning the command and control structure for multi-jurisdictional policing events**

The command and control structure for the policing of a particular event has a direct impact on the manner in which police services will be delivered. When the Toronto Police Service is involved in a multi-jurisdictional policing event in Toronto, the Board shall require information from the Chief of Police concerning the command and control structure for the event. The Board shall also ensure that the command and control structure will enable the Toronto Police Service to adequately and effectively provide police services for the event and for the City of Toronto generally.

## **CHAPTER SIX: BOARD'S KNOWLEDGE OF G20 SUMMIT MATTERS**

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The Board must obtain all relevant information so that it can ensure adequate and effective policing in Toronto. The Board should be well-informed on community issues, public safety concerns, and policing strategies and tactics so that it can identify the information it requires to

make a decision or recommendation, and to establish the Toronto Police Service's objectives and priorities.

The Board receives most of its information from the chief of police. This information is generally communicated during official Board meetings. All too often, the chief of police is required to act as the main "gatekeeper" of information transmitted to the Board. This places the chief of police in the position of having to regulate the flow and substance of information provided to the Board, as opposed to the Board having more control over what information it obtains. As a result, meetings between the chief of police and the Board often take the form of a one-way address as opposed to a consultation concerning issues and matters impacting the Toronto Police Service. True consultation – that is, an open exchange of information, ideas, and, sometimes, debate – is required if the Board is to meet its significant legislative duties.

There are two primary reasons why the chief of police has been unable to transition beyond this gatekeeper role. First, the Board, incorrectly, has the view that it is improper for it to seek information from the Chief on operational matters. However, correctly interpreted, the *Police Services Act* places no limit on the type of information the Board can obtain from the chief of police, including operational information. Second, the Board constantly struggles to identify what questions it needs to ask the chief of police to ensure it has sufficient information to perform its statutory functions. The Board's incorrect understanding of what information it is entitled to obtain and its challenge in asking the right questions have operated to unnecessarily constrict the flow of relevant information to the Board. This has weakened the Board's civilian oversight authority.

The recent experience with the G20 Summit in Toronto underscores the importance of developing a culture within the Toronto Police Service that is founded on the cooperative exchange of information, operational or otherwise, between the chief of police and the Board. The Board received very little information about the framework and plans for policing the G20 Summit. In certain instances, the Board was left completely in the dark on details of the Toronto Police Service's plans and priorities for the policing of the G20 Summit.

Some Board members felt that the Chief was quite "secretive" with the information he had about the G20 Summit. Certain Board members speculated that the Chief's handling of information stemmed from the Chief himself not being fully briefed on all relevant information pertaining to the G20 Summit. Other Board members indicated that the Chief felt that he could not disclose certain information to the Board because of its confidential or sensitive nature. Still other Board members suggested that the Chief did not share certain information with the Board because, in the Chief's opinion, the information concerned operational matters and were not the Board's concern. What is clear from the record is that the Chief's non-disclosure of certain information to the Board with respect to the G20 Summit led to confusion, or even a complete lack of understanding, among Board members on a number of important policing issues. While the Chief had considerably more information about the G20 Summit than what was communicated to the Board, the Board must take responsibility for its own lack of knowledge concerning the Toronto Police Service's plans and priorities for policing the Summit. In fact, it was the Board's action – and inaction – that resulted in its lack of the information it needed on the G20 Summit to effectively discharge its oversight responsibilities.

For example, in an e-mail from Chair Mukherjee to the Chief on March 16, 2010, the Board directed the Chief to report on only three items: (i) budget, procurement and other financial issues, (ii) community and media relations issues, and (iii) human resource issues. This was the only specific direction the Board provided to the Chief regarding the information it wished to have on the policing of the G20 Summit. In the e-mail, the Chair specifically advised the Chief that it was not seeking information about confidential operational matters. This direction unnecessarily limited the information that would be provided to the Board over the coming months to these three basic items.

The Board could have asked questions about how the plans for the G20 Summit were unfolding, what specific policing role the Toronto Police Service would be discharging during the G20 Summit, or how decisions about critical aspects of policing the event were being made, but it did not. By not asking these and other questions, the Board created significant gaps in its knowledge regarding essential matters relating to the Toronto Police Service's planning and policing of the G20 Summit. These gaps concerned: the legal framework for policing the G20 Summit; the role and function of the ISU; the Toronto Police Service's operational plans for the event; the command and control structure and the Toronto Police Service's role, duties, objectives, and operational authority within that structure; and the nature of the relationship between the Board and the external police officers seconded to assist with the policing the G20 Summit.

Without this information the Board rendered itself a virtually voiceless entity. To a large extent, the Board became irrelevant throughout the G20 Summit planning process. In addition, without specifics about the Toronto Police Service's role within the larger security framework for the event, the Board did not have the information it needed to fulfill its oversight responsibilities under the *Police Services Act*.

There is one example of a Board member who attempted to seek detailed information about G20 Summit policing matters. In particular, this Board member sought information on whether appropriate safeguards would be in place for the use of the Long Range Acoustic Device (the "LRAD"). The record shows that these efforts to obtain information were not supported, encouraged, or fully and sufficiently addressed by the Board as a whole. Instead, the Board member was criticized by the Chair for raising this issue. The work done by this Board member to obtain relevant information and ask detailed questions is an example of the standard Board members should meet. The Board should have encouraged and facilitated these efforts rather than shutting them down.

Another Board member and city councillor also encountered some issues regarding the sharing of information on G20 Summit matters. A complaint was initiated by the Chair against Councillor Vaughan in respect of a newsletter that he distributed to his constituents on February 11, 2010. In that newsletter, Councillor Vaughan referred to a "classified briefing" that he had received. According to Chair Mukherjee, this reference suggested that the newsletter contained information about matters that were discussed in a confidential Board meeting and, therefore, it was a breach of Councillor Vaughan's Board member oath of secrecy to have publically divulged this information. While Councillor Vaughan took responsibility for using the term "classified" in his newsletter and agreed that, in hindsight, the use of the term was inappropriate, he confirmed that the information contained in the newsletter was not information he received as a Board member.

Based on my review of the record, I find that the content of Councillor Vaughan's newsletter did not include any information that he received at a confidential meeting of the Board. Therefore, there was no breach of his oath of secrecy. Unfortunately, the complaint against Councillor Vaughan negatively impacted on the information-sharing situation between the Chief and the Board in the lead up to the G20 Summit.

Collectively, these challenges in the flow of information led some Board members to become disengaged from their duties during the planning of the G20 Summit. This disengagement meant that the Board failed to seek the information it needed to discharge its civilian oversight obligations.

The recommendations that I have made regarding the information sharing practices between the Board and the Toronto Police Service are intended to ensure that where critical points arise – such as a major policing event in which the Toronto Police Service will participate – a mechanism will be in place to encourage and preserve the flow of relevant information to the Board.

**Recommendation No. 15:           The Board should record confidential Board meetings**

Properly recording discussion and information provided during Board meetings is critical. It ensures that an accurate record of the questions asked and decisions or recommendations made is preserved. The Board should institute a practice of audio recording all confidential Board meetings.

**Recommendation No. 16:           The Board should develop a mechanism to ensure all Board members are canvassed in advance of pre-meeting agenda briefings**

The pre-meeting agenda briefings present a useful opportunity for the Chair and Board Staff to identify areas and issues that may be of concern or interest to the Board and that should be placed on the agenda, and to work with the Chief and his staff to obtain information the Board requires. The Board should develop a mechanism that requires canvassing all members in advance of these briefings to identify questions or requests for information that can be conveyed by the Chair during the briefings.

**Recommendation No. 17:           The Board should create a policy requiring open communication and sharing of information between all Board members**

The Board should develop a policy that sets guidelines for the exchange of information between Board members. Under this policy all Board members would be required to share, at the earliest opportunity, information he/she receives through informal communications

with the Chief on a particular matter or issue that is before the Board or that otherwise falls within the Board's statutory role and responsibilities.

**Recommendation No. 18:** Where time is of the essence for procurement, the Board must maintain a monitoring role

While specific timing issues may require the Board to pre-authorize certain expenditures in order to hasten the procurement of equipment and other supplies, the Board should maintain an oversight role with regard to this process. Where time is of the essence and the Board decides to suspend or alter its usual procurement practices, the Board should establish a process that will ensure it receives relevant information from the Toronto Police Service regarding the purpose and justification of all expenditures.

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

Where a contribution agreement with a government entity will determine the recovery of costs applicable to the Toronto Police Service's involvement in a policing event, the Board must be involved in the negotiation of the contribution agreement. The Board should also obtain legal advice concerning the Board's financial exposure as a result of the contribution agreement and, in particular, whether there are any provisions that may place at risk the Board's ability to recover all funds spent for the policing event.

**Recommendation No. 20:** Board policies and Toronto Police Service procedures should apply to police personnel seconded to assist the Toronto Police Service in a joint operation

Board policy and Toronto Police Service procedures should apply to external police officers seconded to assist in policing the city of Toronto where those officers are under the command and control of the Toronto Police Service. The home police services boards should be required to formally adopt the relevant Board policies and Toronto Police Service procedures as their own. In that regard, the Board should provide its policies and the Toronto Police Service procedures to the home police services board so that it can help ensure that its officers are familiar with these policies and procedures. If external police officers violate Board policies or Toronto Police Service procedures while carrying out their duties in assisting the Toronto Police Service, the home board or their complaints and disciplinary oversight body should have the authority to discipline those officers, thereby avoiding any jurisdictional dispute between the Board and the home boards.

**Recommendation No. 21:** The Board should receive information on any training developed by the Toronto Police Service for a major event

The Board should receive information related to the training of Toronto Police Service officers and other external officers seconded to assist the Toronto Police Service with policing a major event. The information the Board receives should permit it to determine whether the training accords with the Board's existing policies and give the Board an opportunity to identify any gaps in its policies that need to be addressed prior to the event. Such information should include, but is not limited to, any material developed to aid in the training, details concerning how the Toronto Police Service plans on monitoring compliance with the training and details concerning who is required to undergo the training and what form of training is being provided to the officers.

**Recommendation No. 22:** The Board should review the Toronto Police Service's continuity of service plans for major policing events

Where there is a large event that may impact upon the Toronto Police Service's ability to deliver regular policing officers in Toronto, the Board should consult with the Chief of Police concerning how continuity of service can be achieved. The Board should be provided with any plans developed by the Toronto Police Service to aid in the consultation.

**Recommendation No. 23:** The Board should amend its information sharing protocol with City Council

The Board should amend its existing information sharing protocol with City Council to include a mutual information sharing mechanism. This mechanism should address the type of information to be shared and the method and frequency for sharing such information. The Board should also work with City Council to develop a protocol that ensures there is a free flow of communication to and from the Board and City Council with respect to the policing of major events.

**Recommendation No. 24:** The Board should, with the assistance of the Ontario Association of Police Services Boards analyze the issues and concerns raised with respect to sharing confidential or classified information

Sharing confidential or classified information between different policing partners is a complex issue that requires further study. Accordingly, I recommend that the Board request that the Ontario Association of Police Services Boards examine this issue carefully and propose solutions that would ensure that sensitive information is protected without

detracting from the requirement that municipal police services share relevant information with the police services boards.

**Recommendation No. 25:**      The Board should develop an information sharing policy for major events

The Board should develop a specific information-sharing policy tailored specifically for major policing events. The policy should include a direction concerning the manner and frequency in which the information should be provided to the Board.

Under this policy, the Chief of Police would be required to provide the Board with information, at the earliest possible opportunity, with respect to the following matters, at a minimum: the nature of the event; the policing, security and other entities involved in planning the event; whether the Toronto Police Service is taking planning or operational direction from another entity; information about Toronto Police Service's proposed priorities and objectives; the need for any requests for legislative change to accommodate the Toronto Police Service's policing of event; and information about specific policing strategies or techniques that may be used during the event itself.

## CHAPTER SEVEN: TRAINING OF POLICE FOR THE G20 SUMMIT

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More than twenty thousand police, military, and security personnel across Canada came together to help police the G20 Summit in Toronto. All external police officers were generally required to abide by the Ontario *Police Services Act* and Toronto Police Service policies and operational guidelines. Officers from outside Ontario were appointed special constables for the purposes of ensuring they had the legal authority to enforce Ontario statutes that came into play during the policing of the G20 Summit.

Given the joint-operational nature of this event, the Toronto Police College developed and implemented a training program for all regular and special officers (e.g. Public Order Unit, or "POU") who would be under the operational command of the Toronto Police Service during the G20 Summit. The training program was aimed at providing these officers with a basic overview of the skills and tools they would require during the event.

The training was delivered through computer-based learning modules as well as face-to-face sessions. The computer-based training covered topics such as crowd dynamics and management; public order incidents; investigative detention; search and seizure the arrest process; and, the use of specialized equipment, such as the Long-Range Acoustic Device. Officers from outside Ontario who were deployed to police the G20 Summit received additional training on provincial laws they may have had to enforce during the event.

The face-to-face training focused on incorporating and reinforcing certain cognitive skills and providing practical instruction on use of force options. Training was provided on issues that might affect public and officer safety and included a review of crowd management protocols, operational considerations, and defensive and front-line tactics. Part of the training involved practical exercises which were evaluated and assessed by an instructor.

A separate, two-day training program was developed for the POU officers and used simulated scenarios to permit officers to practice specific skills, proper tactical formations, and arrests. POU teams also received training on the various legal authorities that could be engaged during the policing of the G20 Summit.

The substance of the training administered to officers covered a broad range of topics related to policing the G20 Summit, with a particular focus on crowd dynamics and management. Crowd management skills are a critical component of safety planning for any major event and were essential in the case of the G20 Summit given its unprecedented size, the thousands of police and security personnel involved, and the security requirements for the event. While the training materials developed were clearly presented and highly relevant to maximizing safety in mass protest situations, the training was lacking in several respects.

First, the training would have benefitted from a more detailed discussion of the relationship between the exercise of police powers, such as arrest, and the relevant *Charter* rights and freedoms engaged in policing mass public demonstrations, such as the freedom of peaceful assembly. There should have been a greater emphasis in training on the police officers' responsibility to protect and facilitate the public's exercise of their fundamental rights and freedoms under the *Charter*.

Second, many of the images and much of the language used in the training materials to depict protestors was unbalanced. Representations of rioting crowds, violent protestors, and anarchists left the impression that all protestors at the G20 Summit would engage in destructive protest activity and that police officers would be required to respond with aggressive crowd control measures.

Third, given the increased potential for violence and civil disorder in a mass protest situation, all officers deployed to the G20 Summit should have received more practical skills training than was offered. This should have included simulated scenario training with groups of non-violent and violent protestors that focus on the powers of police to detain or arrest, as well as the legal rights an individual has when the police engage in such conduct.

Overall, the lack of communication between the Board and the Toronto Police Service regarding officer training for the G20 Summit is a matter of concern. The Toronto Police Service did not consult with the Board before developing the training program and materials. The Board was also not advised of concerns raised by the Toronto Police Service Training Coordinator early in the development of the training program regarding the sufficiency and method of delivery of the training.

The Board itself made no effort to obtain specific information about the training that would be delivered. This is despite the fact that the Board was advised by Chief Blair on June 11, 2010 that

external officers seconded to assist with policing the G20 Summit would be required to follow Board policies and Toronto Police Service procedures. The Board's lack of engagement in relation to training caused it to have absolutely no information on what topics the training would cover, who would receive training, or the training methods developed for the G20 Summit. As a result, the Board was not aware of whether the training adequately reflected its policies or whether the training covered areas of policing for which a new Board policy may have been usefully created.

**Recommendation No. 26:**      **The Toronto Police Service and the Board should work together to develop the training materials for a major event**

The Toronto Police Service should share information with the Board on the training being developed for officers participating in a major event. This information should include: the topics to be covered, an overview of the general content, and any potential issues or concerns raised regarding the sufficiency of the training materials. The Board should examine the information provided with a view to maximizing the overall effectiveness of the training materials and ensuring that the materials properly reflect existing Board policies. This examination should include an assessment of the methods of delivery of the training (e.g. E-learning, practical exercises, etc.).

## **CHAPTER EIGHT: THE POLICIES AND PROCEDURE CONCERNING CROWD CONTROL AND MASS DEMONSTRATIONS**

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The Board had policies in place before the G20 Summit that dealt with aspects of crowd control and mass demonstrations. They were entitled "Arrest," "Public Order Units," and "Preliminary Perimeter Control and Containment." However, the Board did not have a policy that squarely and comprehensively addressed the general subject.

The same can be said with respect to Toronto Police Service procedures bearing on crowd control and mass demonstrations. Two of its procedures made it reasonably clear that they were intended to relate to protester demonstrations of a much smaller order than those which took place during the G20 Summit.

Chief Blair advised the Review that he had "every expectation that the procedures would be integrated into the training material," and that the police service "always monitors compliance" with procedures. Accepting that this latter statement may fairly relate to day-to-day policing, this was not the case during the policing on June 26 and 27, 2010.

The cases of ineffective policing and excessive use of force during the G20 Summit were not significantly the result of non-compliance with police service procedures but, rather, a host of other factors beginning with inadequate preparation time.

Crowd control and mass demonstrations is a policing function of increasing importance. To provide the Toronto Police Service with its guidance in this area the Board, working with the

Ontario Association of Police Services Boards and other bodies that would be of assistance, should prepare a comprehensive policy on crowd control at mass demonstrations.

**Recommendation No. 27:**        **Board to create a comprehensive policy on crowd control at mass demonstrations**

The Board, with the assistance of the Ontario Association of Police Services Boards and other bodies that would be of assistance, should prepare a comprehensive policy on crowd control at mass demonstrations. This policy should address the following subject matters, among others: necessary preparation times for adequate planning; command structures; the organization and dissemination of intelligence; incident management systems; the adaptation, if necessary, of existing services procedures for use during the contemplated event; and training.

## **CHAPTER NINE: POLICIES AND PROCEDURES ON THE WEARING OF NAME BADGES**

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The Board has a policy that has been in place since 2005 that requires police officers to wear name badges. Its only documentation is in the minutes of a board meeting held in September of 2005 that read: "It is recommended that: the Board approve the implementation of police identification uniforms in 2005." This is a very important policy that should be made expressly as such and included in the catalogue of Board policies.

The Toronto Police Service, at all relevant times, had a procedure in place that required the wearing of name badges.

The non-wearing of name badges by Toronto Police Service officers was not brought to the attention of the Toronto Police Service through its own monitoring system, even though the non-wearing of name badges could not have gone unnoticed by senior officers.

Twenty-eight other police services from across the country assisted the Toronto Police Service during the G20 Summit. Chief Blair informed the Review that these police services had different requirements regarding the identification of officers and, accordingly, the Toronto Police Services procedures did not apply to them. This was a result of a provision in the standard memorandum of agreement between the Board and the external police services for policing of the G20 Summit. The effect of this provision was that the external officers policing the G20 Summit would act contrary to the Board policy without consequence. This issue and others should have been examined closely by the Board before the memoranda of agreements were approved and executed.

In terms of penalties imposed, 66 breaches of the rule requiring identifiers to be worn by Toronto Police Service officers were substantiated and led to the loss of an eight hour day of pay. Separately, 53 breaches were substantiated that lead to a penalty of two eight hour days of pay.

The intentional non-wearing of a name badge by an officer carrying out his or her duties is an extremely serious offence. It is a fundamental breach of duty for police officers to remove their name badges so that they may exercise their powers with intentional anonymity. The inevitable effect is to undermine the public's trust in the police force, a trust that is essential to the provision of effective police services.

**Recommendation No. 28:** Board policy on the wearing of name badges and/or police badge numbers

The Board should express its policy on the wearing of name badges and/or police badge numbers in its standard policy format and include it in its catalogue of policies. The policy should require the chief of police to report to the Board on a regular basis concerning incidents of non-compliance with the policy.

## **CHAPTER TEN: THE PUBLIC WORKS PROTECTION ACT AND ONTARIO REGULATION 233/10**

Three weeks before the G20 Summit began the Lieutenant Governor in Council made O. Reg. 233/10 under the *Public Works Protection Act* ("PWPA"). The regulation designated parts of the area within the Interdiction Zone as "public works." That designation provided police officers with additional powers to search and arrest people without warrant and to refuse entry to those wishing to enter the Interdiction Zone.

The ISU considered it vital for the Toronto Police Service to establish a security perimeter around the Interdiction Zone. Early in the planning process, the Toronto Police Service Planning Team sought a legal opinion from City of Toronto Legal Services regarding the legal bases it could rely upon to establish a security perimeter and enforce an accreditation system. The opinion identified two potential sources of power: (1) police ancillary powers at common law and (2) an arrangement between the federal and provincial governments under s. 10.1(4) of the *Foreign Missions and International Organizations Act* ("FMIOA arrangement"). It concluded that neither would provide the "firm legal basis" the ISU or the Toronto Police Service was looking for. The opinion did not make any reference to the PWPA.

It appears that the PWPA was being considered as a possible source of power for the Toronto Police Service in April 2010. At that point, the PWPA and the FMIOA were being considered simultaneously as possible legal bases for the establishment of a security perimeter around the Interdiction Zone. On May 7, 2010, the Ontario Deputy Minister of Community Safety and Correctional Services wrote to the Deputy Minister of Public Safety Canada formally requesting that the provincial and federal governments enter into an FMIOA arrangement. The letter noted that such an arrangement would "enhance" the provision of security at the G20 Summit. On June 11, 2010, the federal Deputy Minister responded and denied the request. The Deputy Minister's letter stated that sufficient common law and statutory powers already existed.

The Toronto Police Service was not satisfied without some additional source of power to secure the Interdiction Zone. On May 12, 2010, Chief Blair wrote to the Ontario Minister of Community Safety and Correctional Services and requested that the area within the Interdiction Zone fence be designated as a "public work" under the *PWPA*. In his letter, Chief Blair explained that the Interdiction Zone security perimeter was a "cornerstone" of the G20 Summit security plans and that the provisions of the *PWPA* would "offer legal support for the extraordinary security measures being undertaken for this unusual event."

On June 15, 2010, the Ontario Minister of Community Safety and Correctional Services wrote to Chief Blair and informed him that O. Reg. 233/10 had been passed in response to the Chief's request. O. Reg. 233/10 was a regulation made under the *PWPA* and provided that specific areas within the Interdiction Zone were designated as "public works." The regulation came into force on June 3, 2010 and was revoked on June 28, 2010.

Chief Blair's request under the *PWPA* was made before any discussion took place with Board. The Chief's request was sent to the provincial government on May 12, 2010, eight days before the May 20, 2010 Board meeting at which the request was discussed for the first time. In addition, the information that was given to the Board at the May 20th meeting was unclear and incomplete. The agenda for the meeting said that the Toronto Police Service would be asking the Province "to designate various properties and/or spaces situated within the City of Toronto to ensure that they are properly protected subject to acts of violence." While the Chief made a passing reference to the *PWPA* during the meeting, the Board was not provided with a copy of the *PWPA* or Chief Blair's letter to the Minister. It was not advised that the "properties and/or spaces" in question related to the Interdiction Zone. As a result, Board members did not understand that the Toronto Police Service was requesting a change in legislation that, if granted, would give its officers additional enforcement powers. When asked during her interview if she understood nature of the Chief's request or its legal ramifications, one Board member answered simply, "No, not at all."

Effective consultation between the Board and Chief on this issue required a level of basic information. In this case, that information should have at least included express reference to the provisions of the *PWPA*, an explanation of the additional powers that would be granted to police officers, and details of the request itself. Moreover, the information should have been provided *before* the Toronto Police Service made the request of the Ontario Government. There is little point in the Chief consulting the Board on a matter *after* a decision has been made or specific action has been taken.

There is currently no statutory provision in Ontario or Board policy that prescribes the process through which a police service or police services board may seek legislative changes. Ontario Regulation 544/91, which concerns the political activities of municipal police officers, and the related Board policy, are not relevant and I note that Chief Blair's request under the *PWPA* did not contravene those authorities. The absence of a Board policy has led to confusion as to which entity – the Toronto Police Service or the Board – is responsible for seeking legislative changes that will affect law enforcement powers.

The Board is the proper entity to make requests of government for legislative change. Legislative action, including action that can result in the granting of additional law enforcement powers to

police officers, affects the very framework in which police services are delivered in Toronto. It is the Board's responsibility to maximize the delivery of adequate and effective policing within this framework and, where it believes the framework requires improvement in this regard, to seek those improvements.

On June 25, 2010, the day before G20 Summit began, Chief Blair was asked during a press conference about the boundaries of the area designated as a "public work" by O. Reg. 233/10. As part of his answer, Chief Blair told the reporters present that the *PWPA* applied within the Interdiction Zone and up to five meters *outside* of the Interdiction Zone fence. This interpretation of O. Reg. 233/10 was incorrect. Chief Blair answered the question on the basis of a briefing he had received from Toronto Police Service legal advisers before the press conference took place. There is no indication that this interpretation was offered as a result of any intention to mislead the public.

The source of the incorrect interpretation appears to have been a reference to "within 5 meters" in Schedule 2 to O. Reg. 233/10. To properly secure the Interdiction Zone, it was vital that its entire fence was located on a "public work." The majority of the fence was located on public property, which automatically fell under the definition of "public works." However, three small portions of the fence were located on private property. It was necessary, therefore, to designate specifically those strips of land as "public works" in Schedule 2 to O. Reg. 233/10 to ensure that the *PWPA* applied to the entire Interdiction Zone fence line. Reference to these five meter strips of land was included in Schedule 2. The confusion appears to have been caused by the complicated legal language Schedule 2 used to describe these three strips. The Toronto Police Service prepared for the G20 Summit on basis of the incorrect interpretation of O. Reg. 233/10 and officers were incorrectly advised that the *PWPA* applied up to five meters outside of the Interdiction Zone fence.

Following Chief Blair's press conference on June 25, the Toronto Police Service was contacted by the Ontario Ministry of Community Safety and Correctional Services and informed that its interpretation of O. Reg. 233/10 was incorrect. Chief Blair immediately directed his legal counsel to draft a clarification which could be distributed to officers to advise them of the limits of their authority. That clarification was distributed to officers in the early evening of June 25 as they were being deployed and was also transmitted by radio.

However, the Toronto Police Service took no steps to provide a correct interpretation of O. Reg. 233/10 to the public. While the Toronto Police Service should not generally be responsible for explaining legislation to the public, it was responsible for public dissemination of the incorrect interpretation. Therefore, the Toronto Police Service should have taken steps in this case to notify the public as soon as it became aware of its mistake. It was important for members of the public to understand what additional powers the police had been granted so that they could govern their conduct accordingly.

Chief Blair also addressed the "five meter rule" at a press conference after the G20 Summit had concluded. Following the conclusion of that press conference, he was asked in passing why the designation under the *PWPA* was required in the first place. Chief Blair responded that it was to

"keep the bad guys out." That comment referred to the need for O. Reg. 233/10 and not the Toronto Police Service's failure to correct its incorrect interpretation of the regulation.

The events surrounding the incorrect interpretation of O. Reg. 233/10 highlight the need for Board involvement in communicating to the public changes in legislation that relate to police powers. The Board played no role in correcting the Toronto Police Service's mistake because it played no part in communicating the effect of O. Reg. 233/10 to the public in the first place and was not aware that the "five meter rule" was incorrect until it was reported in the media. If a legislative change is made that affects the Toronto Police Service's powers, the Board has an important role to play in communicating those changes and their consequences to the public. The Board's role is particularly important where changes to the law have a direct impact on the scope of law enforcement powers that the police will have in their dealings with the public.

**Recommendation No. 29:**            **Creation of a Board policy concerning the seeking of legislative change**

The Board should make a policy on the process governing the seeking of changes to legislation on the provision of police services. Under this policy, the Chief of Police should be required to advise the Board when the Chief of Police is of the opinion that the current legislative powers are not sufficient for the purposes of carrying out any police responsibilities or otherwise should be amended.

Once advised, the Board should obtain legal advice concerning the type of legislative change that would be required to address the Chief of Police's concern and determine whether it wishes to make a request for change to the relevant level of government. All requests for legislative change that may affect the Toronto Police Service's delivery of policing services should be made by the Board.

Following the implementation of this policy, the Board should also remove as a standing item on its agenda the opportunity for the Chief to inform the Board of his attempts to secure legislative changes.

**Recommendation No. 30:**            **Communication of legislative changes to the public**

The Board should create a policy that addresses how legislative changes that may affect policing by the Toronto Police Service will be effectively communicated to the public in advance of major events. The policy must ensure that the public receive adequate and correct information concerning police powers in a timely manner.

## CHAPTER ELEVEN: THE PRISONER PROCESSING CENTRE

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The Prisoner Processing Centre ("PPC") was designed and built by the Toronto Police Service to be a central hub for the processing of persons arrested in relation to the G20 Summit. Early in the planning process, the Toronto Police Service analyzed its existing prisoner processing and holding facilities and concluded that they would be unable to handle the volume of arrests expected at the G20 Summit. The primary concern was that existing facilities were not large enough and that bottlenecks in prisoner processing would lead to delays. Because legal standards require prisoners to be processed in a timely manner, the Toronto Police Service determined that a new, large-scale facility was required for the G20 Summit.

The members of the Toronto Police Service Planning Team responsible for the PPC ("PPC Planning Team") were required to design and construct a mass prisoner processing centre in less than four months. The City of Toronto located and leased a vacant film studio at 629 Eastern Avenue in March 2010. The facility then required significant renovations and technical upgrades. The extent of the work meant that the PPC was completed only days before it began operations on June 18, 2010. At the same time, the PPC Planning Team was responsible for designing the prisoner management process at the PPC.

The PPC was a facility without precedent in Ontario and, as a mass detention facility, posed unique operational challenges that required expert planning. However, the members of the PPC Planning Team had no particular experience or expertise in designing a mass prisoner processing facility. While expert advice on the structural and technical aspects of the PPC was sought (e.g. compliance with building codes) available expert advice in relation to prisoner care and management at a mass detention facility was not. Most notably, the PPC Planning Team did not solicit the input of the Ministry of Community Safety and Correctional Services, the provincial ministry responsible for the operation of Ontario's jails and detention centres as well as the regulation of police services in Ontario. The Ministry was a readily available source of relevant expertise and the PPC Planning Team should have sought this out.

The PPC Planning Team intended that the PPC would operate in same manner as a Toronto Police Service divisional facility. It was designed to process – receive, book, investigate, and release – 500 prisoners within a 24-hour period, but was capable of housing in excess of 1,000 prisoners at one time. The PPC was intended to be a mass prisoner *processing* centre. Those arrested were supposed to be processed and released or transferred to a court facility for a bail hearing. It was not intended to be a *detention* centre where prisoners would be held for extended periods of time, and certainly not more than 24 hours.

The operational plan that governed prisoner care and management at the PPC ("PPC Plan") was intended to "capture the universe" of the procedures to be followed at the PPC. In an effort to save planning and training time, standard procedures used at Toronto Police Service divisional facilities were incorporated without adaptation. This reliance on standard procedures was problematic. Standard Toronto Police Service procedures are designed to meet the everyday demands of a divisional facility and not the unique demands of mass prisoner processing centre. In particular, they are not designed to facilitate the processing of a large number of prisoners at

one time. In certain instances, the PPC Plan incorporated multiple procedures that would apply to the same situation, making the plan internally inconsistent. Collectively, these shortfalls meant that the PPC Plan provided little more than an overview of the prisoner management process and was not complete or detailed enough to provide guidance to those who would operate the facility.

The Board had almost no involvement in the planning for the PPC. It received an initial report from Chief Blair during a closed Board meeting on January 21, 2010 and was informed that a new prisoner processing facility was required because existing Toronto Police Service facilities were insufficient. Following that meeting, the Board received only informal briefings from Chief Blair and it was not provided with any of the PPC planning materials. Chief Blair made clear during his interview with the Review that, in his opinion, the details of the PPC Plan were "operational in nature" and were not properly a matter for the Board to consider. For its part, the Board took no active steps to obtain any detailed information from Chief Blair. It also failed to undertake a review of its own policies to determine whether they were adequate for the purpose of a facility like the PPC, or whether further policy direction was required. Unfortunately, the Board was satisfied with the general assurance that it would be "business as usual" at the PPC.

It was not "business as usual." Under the *Police Services Act*, the Board was responsible for the provision of adequate policing facilities in Toronto. The express reason for building the PPC was that existing Toronto Police Service facilities were inadequate. This should have prompted the Board to question why existing facilities were inadequate and how the proposed facility would address those shortcomings. The need for Board oversight was particularly important in relation to the PPC. It was a unique, mass detention facility and the PPC Plan was a new procedure that had not undergone any operational testing. Had the Board engaged in a proper consultation with the Chief, shortfalls in the PPC Plan may have become evident. This may have helped to avoid some of the problems encountered during the G20 Summit.

While Toronto Police Service officers were responsible for the planning process, the PPC was commanded by a Court Services Superintendent ("PPC Incident Commander") and was operated primarily by Court Services officers. Court Services is the unit within the Toronto Police Service responsible for prisoner care and management, and security at court facilities. Court Services officers follow unit-specific procedures and are not usually familiar with standard procedures followed by police officers.

The short transition from the planning phase to the PPC beginning operations meant that the Court Services officers who were responsible for prisoner care and management received minimal training: an orientation weekend conducted on June 16 and 17 and a series of mock exercises which took place the following week, after the PPC had already begun operations. This meant that the Court Services officers were required to learn a complex operational plan within a matter of days, including numerous standard Toronto Police Service procedures with which they would not have been familiar. This short transition period and the shortfalls in the PPC Plan meant that the Court Services officers had almost no guidance as to how they were to run the PPC. This led the PPC Incident Commander to impose three changes to the prisoner management process at the very last minute: (1) the inclusion of a single pre-booking officer who was responsible for screening every prisoner that arrived at the PPC; (2) the introduction of prisoner tracking systems

in addition to the one already in place; and (3) the division of the PPC into four autonomous zones each under the command of a Court Services Supervisor.

The last-minute changes to the prisoner management process had a significant impact on the effective operation of the PPC and on those who were held at the facility. The inclusion of a single pre-booking officer resulted in a crippling bottleneck at the beginning of the prisoner booking process, which was precisely the situation the PPC was built to avoid. As prisoners were waiting to be screened by the pre-booking officer they were held in pre-booking cells. While in those cells, prisoners were, in effect, being held in procedural "limbo" and were not afforded the same care as prisoners who had been through the booking process and were being held in the main holding cells: they were held in restraints, they were not given access to lawyers or a telephone, there was no record of when they were fed, and young people were not able to contact a parent or guardian. Given the extent of the delays, some prisoners were kept in pre-booking cells for over 24 hours. The combination of multiple tracking systems and the division of the PPC into four zones caused confusion on the part of Court Officers. It also led to an inability to track prisoner information in "real time" effectively and, as a result, additional delays, overcrowding, and a breakdown in prisoner care occurred.

The high incident of Level 3 searches (strip searches) at the PPC merits further investigation by the Board. The Board should require that the Chief of Police's next quarterly report concerning Level 3 searches address the number of such searches at the PPC and the lack of proper documentation for many of those searches.

**Recommendation No. 31:      Early involvement of major event planning specialists and relevant experts**

The Board should create a policy governing circumstances where the Toronto Police Service is required to design and plan for a unique operational requirement, such as the PPC. The Board's policy should require that the Chief of Police ensure that major event planning specialists and other relevant experts are engaged to assist the Toronto Police Service with the development of operational plans and the design of specific processes associated with the operational plans. The event specialists should have a background and experience in planning for and overseeing large-scale security operations. Experts include relevant government ministries, agencies, and legal advisors. The input of planning specialists and experts should be solicited at the earliest possible opportunity.

**Recommendation No. 32:      Complete operational plan**

Where the Toronto Police Service has created an operational plan for a major event, the Board should seek confirmation that the operational plan constitutes a complete document that addresses all potentially applicable policies and procedures. Further, where different units within the Toronto Police Service have different procedures that relate to the same matter, the Board should seek confirmation regarding how the Toronto Police Service has reconciled these different procedures.

**Recommendation No. 33:** Procedures concerning mass arrest and detention

The Board should make a policy that directs the Chief of Police to create an operational plan for a temporary mass prisoner processing centre, if such a facility is required at major events are held in Toronto. The plan should address the design and processes for the facility, including procedures concerning to prisoner care and management.

The Ministry of Community Safety and Correctional Services should be consulted with respect to the development of this operational plan.

**Recommendation No. 34:** Board guidance on unique operational requirements

In situations where the Toronto Police Service must plan for a unique operational requirement, like the PPC, the Board ensure that adequate and complete policy direction is in place. The Board must ensure it is provided with relevant information, including operational information, to enable it to decide if its existing policies are adequate and to engage in an informed consultation with the Chief of Police.

**Recommendation No. 35:** Creation of a Board Policy on mass detention

Mass detention centres to be used at large policing events pose unique policy concerns and operational demands, and bears on the rights of a large number of prisoners. For these reasons, the Board should develop a specific policy pertaining to mass detention that highlights the specific procedural matters the Chief of Police should address in a related Toronto Police Service procedure on mass detention. The Board should also consult with legal and policy advisors to create a policy that is in accordance with current Canadian legal standards.

**Recommendation No. 36:** Board to require a report on Level 3 searches conducted during the G20 Summit

The Board should require that the Chief of Police's next quarterly report address the number of Level 3 searches conducted at the PPC and lack of proper documentation for many of these searches.

After the Board considers this report, it should determine: (i) whether it is necessary to direct the Chief of Police to undertake a review of the procedure governing Level 3 searches; and (ii) whether consultation with the Chief of Police is required concerning the use of Level 3 searches in the context of public demonstrations, and whether further direction to ensure

such searches are conducted only where specific justification for them exists would be necessary.

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

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

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

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

**INDEPENDENT CIVILIAN REVIEW INTO MATTERS  
RELATING TO THE G20 SUMMIT**

**RECOMMENDATIONS**

**PROPOSED IMPLEMENTATION PLAN**

<b>Recommendation #</b>	<b>Recommendation</b>	<b>Action</b>	<b>Responsibility</b>	<b>Timeline</b>
1	Improving the nature and quality of Board policies	The Board, the Chief of Police, and the Ministry of Community Safety and Correctional Services will engage in consultation with a view to devising a method of improving the general nature and quality of Board policies made under O. Reg. 3/99 and otherwise.	Board's Implementation Working Group (BIWG)	Starting immediately, with status report to the Board's October 2012 meeting
2	Filing police service procedures and processes with the Board	<ol style="list-style-type: none"> <li>1. Board direction to Chief of Police to implement recommendation</li> <li>2. Board direction to Chair to submit policy for Board approval to ensure the confidential custody of Service procedures by Board</li> </ol>	Board, Chair and Chief of Police	Immediate Board decision; Chair to propose policy for Board approval by October 2012
3	Legal counsel to the Board	<ol style="list-style-type: none"> <li>1. Board approval in principle of the concept of independent Legal Counsel to the Board</li> <li>2. Board direction to Chair to report back to the Board on options related to, the process for and resource implications of implementing recommendation</li> </ol>	Board and Chair	Immediate Board decision; Chair to report back to the Board's October 2012 meeting

4	Information exchange between the Board and the Chief of Police on all subject matters	BIWG to work with the Chief of Police to propose a process for implementing the “Consultation Protocol” recommended by the ICR	BIWG and Chief of Police	BIWG to provide a status report for the Board’s October 2012 meeting
5	The Board should create a policy that defines “critical points”	BIWG to deal with this recommendation in conjunction with its consideration of Recommendation 4	BIWG and Chief of Police	BIWG to bring policy to the Board for approval in October 2012
6	The Board should determine appropriate objectives, priorities, and policies for major events, operations, and organizationally-significant issues in which the Toronto Police Service will be involved	BIWG to deal with this recommendation in conjunction with its consideration of Recommendation 4	BIWG and Chief of Police	BIWG to provide a status report for the Board’s October 2012 meeting
7	Board to negotiate framework for funding conditions	Board direction to Chief of Police and advice to the City Manager that in all cases in future, where the Toronto Police Service will be involved in policing and security for a major event, the Board will, at a minimum, negotiate a framework funding agreement with the entity requiring the Toronto Police Service’s assistance.	Board	Immediate implementation
8	Board involvement in consultation	Board decision that where the Board learns of the potential for Toronto to	Board	Immediate implementation

		be selected as the host city for an event sponsored by the federal or provincial government, the Board will make a formal request that it be consulted, in advance of final decisions being made, on matters relevant to the Toronto Police Service's policing function at the event.		
9	Confirmation concerning Toronto Police Service's planning process	Board decision that it will request regular updates concerning the progress of the Toronto Police Service in planning for the policing of a major event. In particular, the Board will seek information from the Toronto Police Service about (i) what mechanisms exist to capture, during the planning process, the input of those who will have operational decision-making responsibilities during the event and (ii) what testing of the operational plans will be conducted before the event.	Board	Immediate implementation
10	Time available for Toronto Police Service operational planning	Board decision that where the Toronto Police Service is required to develop operational plans for a major event, the Board will consult with the Chief of Police to determine whether there is a sufficient amount of time available for proper planning and, specifically, whether the adequacy	Board	Immediate implementation

		and effectiveness of policing for the event may be compromised by the time available to plan. If the adequacy and effectiveness of the Toronto Police Service's policing may be affected by the amount of time available for planning, the Board will communicate this to the government entity hosting the event and seek assistance to address challenges and gaps.		
11	Board to be informed of possibility of major event	Board decision that it will seek to be informed, as soon as practicable, where a reasonable possibility exists that the Toronto Police Service may be involved in the policing of a major event hosted by a government entity. The Board will seek information and clarity concerning the proposed decision-making structure and process related to the policing of the event.	Board	Immediate implementation
12	Board should insist on FMIOA agreement	Board decision that where the RCMP will be involved in an international event for which security arrangements are required, including the participation of the Toronto Police Service, the Board will encourage the federal and provincial governments to enter into an arrangement under section 10.1(4) of the <i>Foreign Missions and International Organizations Act</i> .	Board	Immediate implementation

		The Board will also seek an opportunity to provide input concerning the details of such an arrangement, including with respect to the policing functions the Toronto Police Service can fulfill for the event and the legal authorities on which the Toronto Police Service's involvement in the event's security will be based.		
13	Toronto Police Service to provide information regarding planning structure to the Board	Board direction to the Chief of Police that where the Toronto Police Service is involved in a joint operation related to the policing of a major event, the Board will be provided with detailed information and briefings concerning the planning structure, including the Service's role in that structure and whether planning decisions by the Service are subject to the approval of any other entity.	Board	Immediate implementation
14	Board to obtain information concerning the command and control structure for multi-jurisdictional policing events	Board decision that when the Toronto Police Service is involved in a multijurisdictional policing event in Toronto, the Board shall require information from the Chief of Police concerning the command and control structure for the event. The Board shall also ensure that the command and control structure will enable the Toronto Police Service to adequately and effectively provide	Board	Immediate implementation

		police services for the event and for the City of Toronto generally.		
15	The Board should record confidential Board meetings	<ol style="list-style-type: none"> <li>1. Board approval in principle of instituting the practice of recording confidential Board meetings as recommended by ICR.</li> <li>2. Board direction to the Chair to report back on the feasibility as well as legal and resource implications of instituting the practice of audio recording all confidential Board meetings.</li> </ol>	Board and Chair	Immediate approval in principle; Chair to report to the Board's October 2012 meeting
16	The Board should develop a mechanism to ensure all Board members are canvassed in advance of pre-meeting agenda briefings	Board direction to the Chair to develop a mechanism to canvass all Board members in advance of agenda briefings to identify questions or requests for information that can be conveyed by the Chair during the briefings.	Board and Chair	Immediate implementation
17	The Board should create a policy requiring open communication and sharing of information between all Board members	Board direction to the Chair to propose a policy requiring all Board members to share, at the earliest opportunity, information he/she receives through informal communications with the Chief on a particular matter or issue that is before the Board or that otherwise falls within the Board's statutory role and responsibilities.	Board and Chair	Immediate direction by Board; Chair to propose policy for Board's consideration no later than October 2012
18	Where time is of the essence for procurement,	1. Board direction to the Chair to work with the Chief of Police to	Board, Chair and Chief of Police	Immediate direction by Board; Chair to report

	the Board must maintain a monitoring role	<p>make necessary changes to procurement processes to ensure that when normal processes are varied due to time constraints, the Board will receive relevant information from the Toronto Police Service regarding the purpose and justification of all expenditures related to procurements.</p> <p>2. Chair to report back to the Board when process established.</p>		back immediately upon completion of the change in process
19	The Board should be involved in the negotiation of contribution agreements pertaining to the Toronto Police Service's involvement in a policing event	Board direction to the Chair to communicate Board's intent to federal and provincial governments immediately and propose to the Board process to ensure Board involvement in the negotiation of contribution agreements in circumstances where a contribution agreement with a government entity will determine the recovery of costs applicable to the Toronto Police Service's involvement in a policing event, including provision for obtaining legal advice concerning the Board's financial exposure as a result of the contribution agreement and, in particular, whether there are any provisions that may place at risk the Board's ability to recover all funds spent for the policing event.	Board and Chair	Immediate direction by Board; Chair to provide a status report to the Board's October 2012 meeting
20	Board policies and	BIWG to examine feasibility,	BIWG and Chief	BIWG to provide a

	Toronto Police Service procedures should apply to police personnel seconded to assist the Toronto Police Service in a joint operation	logistical issues and possible options concerning implementation of this recommendation and report back to Board for its consideration.	of Police	status report to the Board's October 2012 meeting
21	The Board should receive information on any training developed by the Toronto Police Service for a major event	Board direction to the Chief of Police to provide to the Board information related to the training of Toronto Police Service officers and other external officers seconded to assist the Toronto Police Service with policing a major event, including, at least, any material developed to aid in the training, details concerning how the Toronto Police Service plans on monitoring compliance with the training and details concerning who is required to undergo the training and what form of training is being provided to the officers.	Board	Immediate implementation
22	The Board should review the Toronto Police Service's continuity of service plans for major policing events	BIWG to work with the Chief of Police to propose a process for the Board to consult with the Chief of Police on ensuring continuity of service when there is a large event that may impact upon the Toronto Police Service's ability to deliver regular policing officers in Toronto.	BIWG and Chief of Police	BIWG to provide a status report to the Board's October 2012 meeting
23	The Board should amend its information sharing protocol with City	BIWG, in consultation with City, to develop for Board's consideration amendments to the existing	BIWG, City Manager	BIWG to provide a status report to the Board's October 2012

	Council	information sharing protocol with City Council to include a mutual information sharing mechanism that addresses the type of information to be shared and the method and frequency for sharing such information to ensure a free flow of communication to and from the Board and City Council with respect to the policing of major events.		meeting
24	The Board should, with the assistance of the Ontario Association of Police Services Boards analyze the issues and concerns raised with respect to sharing confidential or classified information	BIWG work with the Ontario Association of Police Services Boards to examine this issue and propose solutions that would ensure that sensitive information is protected without detracting from the requirement that municipal police services share relevant information with the police services boards.	BIWG	BIWG to provide a status report to the Board's October 2012 meeting
25	The Board should develop an information sharing policy for major events	BIWG work with the Chief of Police to develop an information-sharing policy tailored specifically for major policing events, containing the elements recommended by ICR and including a direction concerning the manner and frequency in which the information will be provided to the Board.	BIWG and Chief of Police	BIWG to propose policy for Board's consideration by October 2012
26	The Toronto Police Service and the Board should work together to develop	BIWG work with the Chief of Police to develop a process to provide the Board with information related to the topics to be covered in the	BIWG and Chief of Police	BIWG to provide a status report to the Board's October 2012 meeting

	the training materials for a major event	training, an overview of the general content, and any potential issues or concerns raised regarding the sufficiency of the training materials in order to enable the Board to examine the information provided with a view to maximizing the overall effectiveness of the training materials and ensuring that the materials properly reflect existing Board policies, including an assessment of the methods of delivery of the training (e.g. Elearning, practical exercises, etc.).		
27	Board to create a comprehensive policy on crowd control at mass demonstrations	BIWG, with the assistance of the Ontario Association of Police Services Board and other relevant bodies, prepare a comprehensive policy on crowd control at mass demonstrations, that includes, among others: necessary preparation times for adequate planning; command structures; the organization and dissemination of intelligence; incident management systems; the adaptation, if necessary, of existing services procedures for use during the contemplated event; and training.	BIWG and Chief of Police	BIWG to propose policy to the Board by October 2012 or as soon thereafter as possible
28	Board policy on the wearing of name badges and/or police badge numbers	Board direction to the Chair to propose a policy that expresses in its standard policy format its policy on the wearing of name badges and/or	Board and Chair	Immediate Board decision; Chair to propose policy for Board approval no later than

		<p>police badge numbers and include it in its catalogue of policies. The policy should require the chief of police to report to the Board on a regular basis concerning incidents of non-compliance with the policy.</p>		October 2012
29	<p>Creation of a Board policy concerning the seeking of legislative change</p>	<p>Board direction to the Chair to:</p> <ol style="list-style-type: none"> <li>1. propose, in consultation with the Chief of Police, a policy on the process governing the seeking of changes to legislation on the provision of police services, including requirements for the Chief of Police to advise the Board when the Chief of Police is of the opinion that the current legislative powers are not sufficient for the purposes of carrying out any police responsibilities or otherwise should be amended and for obtaining legal advice concerning the type of legislative change that would be required; and,</li> <li>2. revise the confidential Board agenda format upon approval of policy.</li> </ol>	<p>Board, Chair and Chief of Police</p>	<p>Immediate Board decision; Chair to propose policy for Board approval no later than October 2012; Chair to revise the confidential Board agenda format upon approval of policy</p>
30	<p>Communication of legislative changes to the public</p>	<p>Board direction to the Chair to propose a policy that addresses how legislative changes that may affect policing by the Toronto Police Service will be effectively</p>	<p>Board, Chair and Chief of Police</p>	<p>Immediate Board decision; Chair to propose policy for Board approval no later than October 2012</p>

		communicated to the public in advance of major events, in order to ensure that the public receive adequate and correct information concerning police powers in a timely manner. This policy to be developed in conjunction with the policy required by Recommendation 29.		
31	Early involvement of major event planning specialists and relevant experts	BIWG to work with the Chief of Police to propose a policy governing circumstances where the Toronto Police Service is required to design and plan for a unique operational requirement, such as the PPC, in order to ensure that major event planning specialists and other relevant experts are engaged at the earliest possible opportunity to assist the Toronto Police Service with the development of operational plans and the design of specific processes associated with the operational plans.	BIWG and Chief of Police	BIWG to provide a status report to the Board's October 2012 meeting
32	Complete operational plan	BIWG to work with the Chief of Police to develop a mechanism for the Board to receive confirmation that the operational plan for policing a major event constitutes a complete document that addresses all potentially applicable policies and procedures, and, further, where different units within the Toronto	BIWG and Chief of Police	BIWG to provide a status report to the Board's October 2012 meeting

		Police Service have different procedures that relate to the same matter, confirmation regarding how the Toronto Police Service has reconciled these different procedures.		
33	Procedures concerning mass arrest and detention	BIWG to work with the Chief of Police to propose a policy directing the Chief of Police to create, in consultation with the Ministry of Community Safety and Correctional Services, an operational plan for a temporary mass prisoner processing centre, if such a facility is required at major events are held in Toronto, that addresses the design and processes for the facility, including procedures concerning to prisoner care and management.	BIWG and Chief of Police	BIWG to provide a status report back to the Board's October 2012 meeting
34	Board guidance on unique operational requirements	BIWG to work with the Chief of Police to develop a mechanism to ensure that in situations where the Toronto Police Service must plan for a unique operational requirement, like the PPC, adequate and complete policy direction is in place and the Board is provided with relevant information, including operational information, to enable it to decide if its existing policies are adequate and to engage in an informed consultation with the Chief of Police.	BIWG and Chief of Police	BIWG to provide a status report to the Board's October 2012 meeting

35	Creation of a Board Policy on mass detention	BIWG, working with the Chief of Police and in consultation with legal and policy advisors, to propose a specific policy pertaining to mass detention that is in accordance with current Canadian legal standards, highlighting the specific procedural matters the Chief of Police should address in a related Toronto Police Service procedure on mass detention.	BIWG and Chief of Police	BIWG to propose policy for Board approval by October 2012 or as soon thereafter as possible
36	Board to require a report on Level 3 searches conducted during the G20 Summit	<p>1.Board direction to the Chief of Police that the Chief's next quarterly report addresses the number of Level 3 searches conducted at the PPC and lack of proper documentation for many of these searches.</p> <p>2.Based on consideration of the Chief's report, Board to take further action as recommended by the ICR.</p>	Board	Immediate implementation with possible follow-up
37	Amendment to Board Policy LE-016 – Prisoner Care and Control to ensure compliance with the Youth Criminal Justice Act	Board direction to the Chair to propose, in consultation with the Chief of Police, amendments to Board Policy LE-016 – Prisoner Care and Control to provide that where young people may be detained in the same facility as adults specific measures are taken to guarantee compliance with the Youth Criminal Justice Act, S.C. 2002, c. 1.	Board, Chair and Chief of Police	Immediate Board decision; Chair to propose policy for Board approval no later than October 2012

38	Amendment to Board Policy LE-016 – Prisoner Care and Control to ensure separation of male, female, transgendered, and transsexual prisoners	Board direction to the Chair to propose, in consultation with the Chief of Police, amendments to Board Policy LE-016 – Prisoner Care and Control to provide that where male, female, transsexual, and transgendered persons are to be detained in the same facility specific measures are taken to separate completely male, female, transsexual, and transgendered prisoners.	Board, Chair and Chief of Police	Immediate Board decision; Chair to propose policy for Board approval no later than October 2012
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**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P167. BOARD POLICY: COMPLAINTS**

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

Subject: BOARD POLICY ON COMPLAINTS

Recommendation:

It is recommended that the Board approve the attached policy entitled “Complaints.”

Financial Implications:

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

Background/Purpose:

Bill 103, the *Independent Police Review Act, 2007*, amended the *Police Services Act* by establishing the new Office of the Independent Police Review Director [OIPRD] and creating a new public complaints process

Discussion:

As a result, a new Board policy has been developed that outlines the changes to the *Act* made with respect to the complaints process, and identifies the Board’s responsibilities with respect to this process.

As part of the development of the policy, Board staff has consulted with other police services boards, members of the Service and representatives from the City of Toronto – Legal Services Division.

This policy, as revised, as been appended to this report.

Conclusion:

Therefore, it is recommended that the Board approve the attached policy entitled “Complaints.”

**Ms. Abby Deshman, Director, Public Safety Program, Canadian Civil Liberties Association, was in attendance and delivered a deputation to the Board. Ms. Deshman also provided a written submission; copy on file in the Board office.**

**The Board approved the foregoing report and received Ms. Deshman’s deputation and written submission.**



## TORONTO POLICE SERVICES BOARD

### COMPLAINTS

<b>DATE APPROVED</b>		Minute No:
<b>DATE(S) AMENDED</b>		
<b>DATE REVIEWED</b>		
<b>REPORTING REQUIREMENT</b>		
<b>LEGISLATION</b>	<i>Police Services Act, R.S.O. 1990, c.P.15, as amended, s. 31(1)(c). Part V</i>	
<b>DERIVATION</b>		

The Toronto Police Services Board (the “Board”) is required to establish policies for the effective management of the police service (s.31(1)c). In particular, the Board has the responsibility to establish guidelines for dealing with complaints made under Part V of *the Police Services Act* (the “Act”) to review the Chief of Police’s administration of the complaints system under Part V, and to receive regular reports from the Chief of Police on his or her administration of the complaints system (s.31(1)(j)).

The discipline process has evolved over time. It is important that the discipline system and the complaints process be viewed as fair, consistent and transparent. There must be recognition of the public interest and the need to ensure public confidence in the internal discipline process. In addition, the Board is accountable to the public to oversee the complaints process.

Bill 103, the *Independent Police Review Act, 2007*, amended the *Police Services Act* by establishing the new Office of the Independent Police Review Director [OIPRD] and creating a new public complaints process. The Office of the Independent Police Review Director opened in October 2009.

The purpose of this policy is to ensure that:

1. The Chief of Police’s administration of the complaints system and the internal discipline process is effective, professional and efficient;
2. The Board’s oversight of the complaints system through reviews of service and policy complaints is fair, objective and timely; and,
3. Accountability to the public with respect to the complaints process is discharged in a manner that is meaningful and transparent.

## Public Complaint Process

Any member of the public can make a complaint about the policies of or services provided by the Toronto Police Service or the conduct of a police officer. All complaints must be filed with and reviewed by the OIPRD. Complaints must be signed and filed on a form prescribed by the OIPRD. The OIPRD reviews all complaints.

The OIPRD may refuse to deal with a complaint if:

- the complaint is made more than six months after the fact on which it is based occurred;
- the Independent Police Review Director is of the opinion that the complaint is frivolous, vexatious or made in bad faith, could be more appropriately dealt with, in whole or in part, under another Act or another law, or having regard to all the circumstances, dealing with the complaint is not in the public interest, or
- the complainant was not directly affected by the policy, service or conduct that is the basis of the complaint.

## Rules of Procedure

The Independent Police Review Director has the authority under the *Act* to make rules to govern its practices and procedures.. The purpose of these rules is to enable the OIPRD to fulfil its mandate under Part V of the *Act* by providing a fair, open and accessible process to deal with the complaints made by members of the public under the *Act*.

## Posting of Information about the Complaints Process

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

1. The Chief of Police is required to post or display information about the complaints process in an area that is readily accessible to the public and in the form provided by the OIPRD.

## Complaints about Conduct

If the complaint is about the conduct of a police officer, other than the Chief or Police or Deputy Chief of Police, the Independent Police Review Director will refer it to the Chief of Police of the Toronto Police Service, the Chief of Police of another police service or, retain it and deal with it.

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

2. The Chief of Police will develop and maintain procedures for processing complaints about the conduct of a police officer of the Toronto Police Service, in accordance with the directions of the OIPRD and the provisions of the *Act*, including reference to: the delegation of the Chief's authority to administer public complaints; the complaint intake process and the provision of information to the public about this process; the notification to complainants throughout the process; the informal resolution process; the holding of hearings; the

disposition of complaints; and the expunging of entries in a police officer's employment record, where appropriate; and

3. The Chief of Police will cause every complaint referred to him or her by the Independent Police Review Director to be investigated and the investigation to be reported on in a written report.
4. Upon the conclusion of the investigation, the Chief of Police, unless he or she decides that the complaint is unsubstantiated, may hold a hearing into the matter or may attempt to resolve the matter informally in specified circumstances.

A complainant may request that the Independent Police Review Director review certain decisions made by the chief of police, such as a decision that a complaint is unsubstantiated. In the alternative, the Independent Police Review Director may refer this type of complaint to a chief of police of a police force other than the police force to which the complaint relates for investigation, or may retain the complaint and conduct his or her own investigation into the matter.

Under section 72 of the *Act*, the Independent Police Review Director may, with respect to a complaint made by a member of the public about the conduct of a police officer, at any time after the complaint is referred to the Chief of Police and before a hearing is commenced, direct the Chief of Police to deal with the complaint as the Independent Police Review Director specifies, assign the investigation of the complaint or the conduct of a hearing to the chief of police of a police force other than the Toronto Police Service, take over the investigation of the complaint or take or require to be taken by the Chief of Police any other action with respect to the complaint that the Independent Police Review Director deems necessary in the circumstances .

#### Complaints about Policies or Services

If the complaint is about the policies of or services provided by the Toronto Police Service, the Independent Police Review Director may decide not to deal further with the complaint or may refer it to the Chief of Police, who must review the complaint and take any action, or no action, in response to the complaint as he or she considers appropriate. His or her decision may be reviewed by the Board.

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

5. The Chief of Police will develop and maintain procedures for processing complaints about policies of or services provided by the Toronto Police Service, in accordance with the procedural rules of the OIPRD, as provided for in s. 56.(1) of the *Act*, and the provisions of the *Act*, including reference to: the delegation of the Chief's authority to administer public complaints; the complaint intake process and the provision of information to the public about this process; the notification to complainants throughout the process; the local resolution process; and, the disposition of complaints;

6. The Chief of Police will ensure that, upon his or her disposition of the complaint, a written report is submitted to the Board and to the OIPRD respecting the disposition, with reasons;
7. Upon receipt of a request by a complainant for a review by the Board of a complaint, the Board will advise the Chief of Police of the request, review the complaint, take any action, or no action, in response to the complaint, as it considers appropriate;
8. The Board may appoint a committee of not fewer than three Board Members, two of whom constitute a quorum, to review a complaint and to make recommendations to the Board after the review, at which time the Board will take any action, or no action, in response to the complaint, as the Board considers appropriate;
9. In conducting a review, the Board or committee may hold a public meeting respecting the complaint; and
10. The Board will notify the complainant, the Chief of Police and the Independent Police Review Director in writing of its disposition of the complaint, with reasons.

#### Complaints against Chief of Police or Deputy Chief of Police

In the case of a complaint about the conduct of the Chief or Deputy Chief of Police, the OIPRD will refer the complaint to the Board.

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

11. The Board will review the complaint and if, in the Board's opinion, the conduct complained of may constitute a specified offence, misconduct or unsatisfactory work performance, the Board will ask the Independent Police Review Director to investigate the complaint.
12. In the case of an investigation by the Independent Police Review Director, the Board will pay the costs of the investigation.
13. Following the investigation, unless the Independent Police Review Director determines the complaint to be unsubstantiated, the Board may hold a hearing into the matter, refer the matter to the Ontario Civilian Police Commission to hear the matter, or attempt to resolve the matter informally (in specified circumstances).
14. Informal resolution may be used if, on a review of the written report by the Independent Police Review Director, the Board is of the opinion that there was misconduct or unsatisfactory work performance but that it was not of a serious nature and if the Chief of Police or Deputy Chief of Police and the complainant consent to the proposed resolution.
15. The Board will expunge an entry made into the Chief of Police or Deputy Chief of Police's employment record two years after it was made if, during that time, no other entries concerning misconduct or unsatisfactory work performance have been made.

## Directed Complaints

The Independent Police Review Director has the authority to direct complaints. In the case of a complaint against the Chief of Police or Deputy Chief of Police, the Independent Police Review Director may direct the Board to deal with the complaint as he or she specifies, assign the conduct of a hearing in respect of a complaint to the Commission or take or require to be taken by the Board any other action with respect to the complaint that he or she considers necessary in the circumstances.

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

16. If the Independent Police Review Director directs that a complaint is to be dealt with as specified, the Board will promptly so deal with the complaint.
17. If the Independent Police Review Director requires that the Board take an action with respect to a complaint, the Board will promptly cause such action to be taken.

## Exception to Six-Month Limitation Period

Section 83(17) of the *Act* imposes an important procedural responsibility on the Board with respect to the hearing process in the case of conduct complaints against officers.

A limitation period exists that prohibits a notice of hearing to be served if more than six months has elapsed since the day on which a) the Chief of Police received the conduct complaint referred to him or her by the Independent Police Review Director; b) the day on which the conduct complaint was retained by the Independent Police Review Director; c) the day on which the Board received the complaint about the conduct of the Chief of Police or the Deputy Chief of Police by the Independent Police Review Director or; d) where the complaint was made by a Chief or Board, the day on which the facts on which the complaint is based first came to the attention of the Chief or Board.

The Board may authorize the serving of the notice if it is of the opinion that it was reasonable, under the circumstances, for the Chief of Police to delay serving the notice of hearing. These requests for exceptions to the limitation period provided for in the *Act* are commonly referred to as “delay applications.”

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

18. Where the Chief of Police is requesting that the Board authorize the serving of the notice under section 83(17) of the *Act*, he or she will prepare a Board report requesting that the Board approve service of the notice of hearing.
19. In the Board report, the Chief of Police will provide a chronology of the investigation, and the reasons for the delay, from the date upon which the limitation period commenced, as outlined in section 83(17) of the *Act*, until the date upon which the Chief of Police made a delay application to the Board, in the form of a Board report.

### Accountability of the Chief of Police

The Chief of Police will provide to the Board all procedures related to this policy. The Board will hold these procedures in confidence, having satisfied itself that the procedures fully satisfy the requirements of this policy.

Further, the Chief of Police will provide a comprehensive public annual report to the Board detailing all public complaints made during a calendar year, including the grounds of the complaints, the nature of their disposition and an analysis of the trends in the number, grounds and disposition of the public complaints over a five-year period. This report will be due no later than March of the following year.

### Performance Audits

The Independent Police Review Director may, at any time, require the Board to submit to him or her a performance audit of the Board's administration of complaints, conducted by an independent auditor, at the Board's expense. The Independent Police Review Director may, from time to time, conduct a performance audit of any aspect of the administration of complaints by the Board.

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

20. Performance audits will be conducted in accordance with the directions of the OIPRD and section 91 of the *Act*.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P168. BOARD POLICY: SEARCH OF PERSONS**

The Board was in receipt of the following report June 25, 2012 from Alok Mukherjee, Chair:

Subject: BOARD POLICY: SEARCH OF PERSONS

Recommendation:

It is recommended that the Board approve the revised policy entitled “Search of Persons.”

Financial Implications:

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

Background/Purpose:

*Review of Service Procedure*

At its March 23, 2006 meeting, the Board considered a report from the Chief as well as submissions from Mr. John Sewell regarding the procedure governing search of persons. (Min. No. P77/06 refers). The Board referred the Chief’s report and Mr. Sewell’s submissions to the Chair along with a request that he review the search procedure in conjunction with Mr. Sewell’s recommendations. The Board also requested that the Chair provide a final report on this matter to the Board following his review.

In December 2001, the Supreme Court of Canada released its decision in the case of *R. v. Golden*, which imposed limitations on the right of police officers to search individuals. Over the last several years, the Board and the Service have been in the process of reviewing and amending both the Service procedure and the Board policy governing searches of persons (Toronto Police Service Policy and Procedure Directive 01-02, *Search of Persons*). The chronology can be found in “Appendix A.”

Another review process was initiated in response to a direction from (the then known as) Ontario Civilian Commission on Police Services (OCCPS) contained in an OCCPS Review Panel decision with respect to a complaint about a “strip search” of a 14-year old boy.

The Board has paid a great deal of attention to the issue of ensuring that the Service procedure is consistent with the decision in *R. v. Golden*. Following a comprehensive review by both Board staff and City of Toronto – Legal Services Division, which included a consideration of deputations and submissions made by the community, a recommendation was made that the existing procedure be amended to “...remove the automatic Level 3 search for persons held in custody pending a Show Cause hearing and insert, instead, a requirement that officers engage in a case-by-case analysis prior to a person being subject to a Level 3 search as a consequence of being introduced into the prison population.”

This amendment has since been made by the Chief and the revised procedure is now in use.

At its meeting on April 7, 2011, the Board heard a deputation from Mr. John Sewell with respect to the Search of Persons Procedure.

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

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

At its meeting of July 21, 2011, the Board considered a report from the Chief on this issue (Min. No. P183/11 refers). The report noted that, as requested, a review of the Search of Persons Procedure Information Sheet contained on the Service's website was conducted. It was determined that while the Service's Search of Persons Procedure addresses and complies with the direction provided by the Supreme Court of Canada in the matter of *R. v. Golden*, this was not reflected in the Procedure Information Sheet. In light of Mr. Sewell's comments, the Procedure Information Sheet was amended.

Mr. John Sewell, Toronto Police Accountability Coalition, was in attendance at this meeting and delivered a deputation to the Board. The Board approved a number of motions, including the following:

**THAT the Chief of Police provide a report to the Board on:**

- **whether or not there is an opportunity to use videotape when individuals are advised of the reasons for conducting a search**
- **the number of complaints that are filed about searches compared to the number of searches that are conducted**

**THAT the Board's policy and the Service Procedure regarding searches of persons be reviewed.**

At its meeting of October 20, 2011, the Board received a report from the Chief (Min. No. P265/11 refers). The report discussed the issue of videotaping of searches and includes a chart that shows the total number of level 3 and level 4 searches conducted during 2009 and 2010 and the number of complaints identified. It also noted that Procedure 01-02 "Search of Persons" was reviewed as a result of the Board's motion and that the procedure remains in compliance with the direction provided by the Supreme Court of Canada in *R. v. Golden*. The report also noted that Service Procedure 01-02 "Search of Persons" will continue to be reviewed and evaluated on an ongoing basis.

### *Review of Board Policy*

As noted above, one of the motions made by the Board at its meeting of July 21, 2011, in response to Mr. Sewell's deputation to the Board, which outlined concerns he had with the Board policy, including his belief that the current policy is not in compliance with the Supreme Court of Canada decision in *R. v. Golden*, was that the Board policy on this issue should be reviewed.

### Discussion:

As part of my review, I met with Mr. Sewell, along with other representatives of the Toronto Police Accountability Coalition (TPAC), to discuss these concerns.

As a result of this meeting and subsequent review and research, including consultation with Service members and representatives from City of Toronto –Legal Services Division, I have made some amendments to the current Board policy entitled "Search of Persons."

The revised policy is attached for your approval.

The original part of the policy is the first paragraph; all subsequent paragraphs have been added as a result of this review.

### Conclusion:

Therefore, it is recommended that the Board approve the revised policy entitled "Search of Persons."

**Mr. John Sewell, Toronto Police Accountability Coalition, was in attendance and delivered a deputation to the Board. Mr. Sewell also provided a written submission; copy appended to this Minute for information.**

**The Board noted that the Chair's report was prepared prior to receiving the benefit of the comments raised by Mr. Sewell in his foregoing deputation.**

**Chair Mukherjee said that there was consultation with Mr. Sewell and other representatives of the Toronto Police Accountability Coalition and that the proposed policy amendments arise from the consultation with TPAC.**

**The Board approved the following Motion:**

**THAT the Board defer further consideration of the foregoing report and Mr. Sewell's deputation to its next meeting and that, in the meantime, Chair Mukherjee undertake a further review of the policy in light of Mr. Sewell's deputation and written submission.**

## **Appendix A**

### **Chronology of Review of Search of Persons Procedure and Board Policy**

- December 2001 – Supreme Court of Canada releases decision in case of *R. v. Golden*, which states that the common law authority to conduct strip searches is subject to limitations. At this time, the Board requests that the Chief review all Service procedures pertaining to searches of the person and report back to the Board with respect to the Service’s compliance with the *Golden* decision (Min. No. P363/01 refers).
- At the Board meeting of May 30, 2002, the Board receives a report from the Chief entitled “Review of the Supreme Court Ruling in the Matter of *R. v. Golden*” (Board Minute No. P142 refers). Report indicates that it is the Chief’s belief that that “...all persons held in custody pending a Show Cause hearing are deemed to have entered the prison system, and will be treated as such. By making this distinction, I believe that we are justified in continuing the practice of conducting complete searches of prisoners being held for Show Cause hearings.” He notes that “the Supreme Court decision distinguishes between searches immediately incidental to arrest, and searches related to safety issues in a custodial setting. It acknowledges (at line 96) that where individuals are going to be entering the prison population, there is a greater need to ensure that they are not concealing weapons or illegal drugs on their persons.”
- December 2003 – Ontario Civilian Commission on Police Services (OCCPS) writes to the Service/Board with respect to an OCCPS Review Panel decision regarding a complaint about a “strip search” of a 14-year old boy. Decision expresses concern with the current Toronto Police Service Policy and Procedure Directive 01-02 entitled *Search of Persons* as it “...is so broadly worded that it appears that anyone entering into the cell area would be deemed to be entering the prison population and must be subject to a strip search.” Letter directs Board to deal with the matter “as a policy issue.”
- The Board, at its meeting of July 29, 2004, approves a report from the Chair that directs the Chief to review the Toronto Police Service Policy and Procedure Directive 01-02 entitled Search of Persons and report back to the Board (Min. No. P239/04 refers).
- At this time, the Board was in receipt of a report from the Chief that states that “[a] policy review was conducted and it was determined that the Toronto Police Service procedure entitled “Search of Persons” 01-02, conforms to the decision/philosophy of the Supreme Court of Canada and affords the rights of individuals in custody to be secure against unwarranted/unreasonable searches.”
- At the July 29, 2004 meeting, the Board also approves a motion “that the Board request City of Toronto – Legal Services to review the policies and procedures of the Toronto Police Service pertaining to searches of persons and provide a report to the Board with an opinion as to whether the interpretation as outlined by the Chief in his reports (dated February 26, 2004 and June 16, 2004) is consistent with the principles as set out by the Supreme Court of Canada in its decision in *R. v. Golden*.”

- At its meeting of March 8, 2005, the Board receives a report from Mr. Albert Cohen, Director, Litigation, City of Toronto – Legal Services Division, which states that, in his view, an amendment to the current procedure is appropriate (Min. No. 75/05 refers). The Board discusses the issue with the Interim Chief and emphasizes the need for a Service Procedure that is consistent with the principles set out in the December 06, 2001 Supreme Court of Canada decision in the matter of *R. v. Golden*.
- The Board also approves a motion that asks the Interim Chief "...to amend Toronto Police Service Procedure 01-02 entitled "Search of Persons" to remove the automatic Level 3 search for persons held in custody pending a Show Cause hearing and insert, instead, a requirement that officers engage in a case-by-case analysis prior to a person being subject to a Level 3 search as a consequence of being introduced into the prison population."
- Community submissions and deputations on the subject are received and referred to the Interim Chief for consideration during the amendment of the procedure.
- At its September 6, 2005 meeting, the Board receives a report from the Chief indicating that while the Chief was of the belief that the procedure, without amendment, was in compliance with the decision in *R. v. Golden*, the requested amendment has been made. The procedure, as revised, "...removes the direction of mandatory level 3 searches for those entering the prison population." (Min. No. P288/05 refers).
- At this time, the Board also receives a deputation from Mr. John Sewell, refers his submission to the Chief for review and requests the Chief to provide a report indicating whether Mr. Sewell's concerns are addressed in the revised Service procedure. The Board also asks the Chief to provide a report indicating whether portions of the new Service Procedure can be released publicly or whether an additional version of the Service Procedure can be produced which is suitable for releasing publicly.
- At its October 14, 2005 meeting, the Board receives a report from the Chief which includes excerpts from the search procedure and addresses Sewell's areas of concern. (Min. No. P317/05 refers). The Board also passes a number of motions at this time, including a motion that the Chief and Chair meet to discuss the importance of this public policy and a request for the Chief to review whether any additional excerpts of the search procedure could be released publicly.
- At its March 23, 2006 meeting, the Board considers a report from the Chief as well as additional submissions from Mr. Sewell. (Min. No. P77/06 refers). The Chief's report contains additional excerpts from the procedure deemed suitable for public release. At this time, the Board refers the Chief's report and Mr. Sewell's submissions to the Chair along with a request that he review the search procedure in conjunction with Mr. Sewell's recommendations. The Board also requests that the Chair provide a final report on this matter to the Board following his review.

- At its meeting on April 7, 2011, the Board hears a deputation from Mr. John Sewell with respect to the Search of Persons Procedure and requests the Chief to review the Search of Persons procedure posted on the Service's website to determine whether or not it should be modified in light of the comments raised by Mr. Sewell and provide a report on the annual number of searches that are conducted, including level 3 and level 4 searches, and including the procedure that must be followed by police officers prior to authorizing a search to be conducted (Min. No. P74/11 refers).
- At its meeting of July 21, 2011, the Board considers a report from the Chief noting that review a review of the Search of Persons Procedure Information Sheet contained on the Service's website was conducted (Min. No. P183/11 refers). It was determined that while the Service's Search of Persons Procedure addresses and complies with the direction provided by the Supreme Court of Canada in the matter of *R. v. Golden*, this was not reflected in the Procedure Information Sheet. In light of Mr. Sewell's comments, the Procedure Information Sheet was amended.
- At that meeting, the Board approves two motions
- At its meeting of October 20, 2011, the Board receives a report from the Chief (Min. No. P265/11 refers). The report discusses the issue of videotaping of searches and includes a chart that shows the total number of level 3 and level 4 searches conducted during 2009 and 2010 and the number of complaints identified. It also notes that Procedure 01-02 "Search of Persons" was reviewed as a result of the Board's motion and that the procedure remains in compliance with the direction provided by the Supreme Court of Canada in *R. v. Golden*. The report also notes that Service Procedure 01-02 "Search of Persons" will continue to be reviewed and evaluated on an ongoing basis.
- July 20, 2011 to the present- Board engages in consultation with respect to amendments to Board policy and revised policy developed for Board approval



## TORONTO POLICE SERVICES BOARD

### SEARCH OF PERSONS

<b>DATE APPROVED</b>	November 23, 2000	Minute No: P487/00
<b>DATE(S) AMENDED</b>	November 15, 2010	Minute No: P292/10
<b>DATE REVIEWED</b>	November 15, 2010	Minute No: P292/10
<b>REPORTING REQUIREMENT</b>	Chief to report to Board quarterly Toronto Police Service - Annual Statistical Report	
<b>LEGISLATION</b>	<i>Police Services Act</i> , R.S.O. 1990, c.P.15, as amended, s. 31(1)(c). <i>Adequacy &amp; Effectiveness of Police Services</i> , O. Reg. 3/99, s. 13(1)(h).	
<b>DERIVATION</b>	Adequacy Standards Regulation – LE-012	

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

1. The Chief of Police will establish procedures and processes regarding search of persons that address:
  - a. the compliance by members of the police service with legal and constitutional requirements relating to when and how searches of persons are to be undertaken;
  - b. the circumstances in which an officer may undertake a search of a person;
  - c. frisk/field searches;
  - d. strip/complete searches (Level 3 searches);
  - e. body cavity searches (Level 4 searches);
  - f. consent searches;
  - g. the supervision of searches of persons; and
  - h. the documentation of searches of persons.

With respect to Level 3 and Level 4 searches, in particular, it is the policy of the Toronto Police Services Board that:

2. The Chief of Police will establish procedures that accord with the judgment of the Supreme Court of Canada in *R. v. Golden*, and, in particular, ensure that procedures state that Level 3 searches:
  - a. cannot be carried out simply as a matter of routine policy

- b. are valid only where they are conducted:
    - as an incident to a lawful arrest for the purpose of discovering weapons in the detainee's possession, in order to ensure the safety of the police, the detainee and other persons, or for the purpose of discovering evidence related to the reason for the arrest, in order to preserve it and prevent its disposal by the detainee; or
    - when an individual is being introduced into the prison population because they are not being released from custody by the police, or due to an inability to detain the individual in police cells in a manner where he or she will not be mingling with the general prison population
  - c. must be based on reasonable and probable grounds justifying the search.
3. That the Chief of Police will establish procedures that ensure that each time a Level 3 or Level 4 search is conducted, an officer articulates to the individual being searched and records, in his or her memorandum book, the reasonable and probable grounds that are the basis for conducting the search.
  4. That the Chief of Police will report to the Board on an annual basis with respect to:
    - a. the total number of Level 3 and Level 4 searches conducted by members of the Toronto Police Service
    - b. in general terms, the reasons articulated as the bases for the searches
    - c. the number of times an item of concern (weapon, evidence, any item that could potentially cause harm to the individual or others, drugs, etc) were found as a result of the search

**Toronto Police Accountability Coalition**  
c/o Suite 206, 401 Richmond Street West, Toronto ON M5V 3A8.  
416 977 5097. [info@tpac.ca](mailto:info@tpac.ca) , [www.tpac.ca](http://www.tpac.ca)

July 18, 2012.

To: Toronto Police Services Board

We wish to be listed as a deputation at the Board meeting on July 19 in regard to Item 5, the Chair's report on amendments to the Board's strip search policy.

We have been before the Board at least half a dozen times in the past seven or eight years trying to get the Board to adopt a strip search policy which conforms to the Supreme Court of Canada's decision in the 2001 Golden case. The current practice of the Toronto police is an insult to those arrested, and does not conform to the court's decision.

The Chair's report of June 25, makes a few minor changes – it references the court's decision, which is good, and says the chief should report on how many times a search produces something of interest, which is a small improvement – but it does nothing to reduce the number of strip searches or to ensure that unnecessary strip searches do not take place.

Many strip searches are entirely unnecessary. Almost on a daily basis judges in Toronto throw out charges because of illegal or unnecessary strip searches by Toronto police. The chief's most recent report on strip searches was July 2011, when it was reported that Toronto police conducted 31,072 Level 3 searches (what's usually known as a strip search) in 2010. The number of individuals arrested annually in Toronto is about 50,000 which means that about 60 per cent of those arrested by Toronto police are subject to a strip search.

The number arrested annually for drug offences is about 6900; the number arrested for crimes of violence involving a weapon was probably less than 5000. The Court stated in the Golden decision that the strip search must be for evidence related to the grounds of arrest or for weapons. Then why were the other 18,000 individuals strip searched?

The court also stated that strip searches cannot be a matter of routine policy, yet strip searching almost two thirds of those arrested makes it seem routine.

It is entirely unfair and inappropriate that so many people in Toronto are subject to a procedure by Toronto police that is humiliating and degrading and is contrary to a decision of the Supreme Court of Canada.

The Board can and should stop this practice. It can be done by requiring an officer to first conduct a Level 2 search – which is an intensive frisk which may require removing outer clothing like a sweater, but not regular clothing. The existing police policy defines it as follows:

**Level 2 Search**

means a more thorough search that may include the removal of clothing which does not expose a person's undergarments or the areas of the body normally covered by undergarments. The removal of clothing such as belts, footwear, socks, shoes, sweaters, extra layers of clothing, or the shirt of a male would all be included in a Level 2 search.

If this search leads an officer to the reasonable belief that the individual is attempting to conceal evidence related to the grounds of arrest or weapons - or is concealing something which might be used to harm that person or someone else – then the officer should proceed to a Level 3 search. We think that in all but a handful of cases, the Level 2 Search will not provide any reasonable belief for thinking that something is hidden in underwear, and thus a Level 3 Search will not be required.

The Board policy should state:

Before a Level 3 strip search is undertaken the officer must first have conducted a Level 1 and Level 2 search, and those searches must have led the officer to believe that something was being concealed.

The officer must write down in an appropriate form what was learned in the Level 1 and 2 searches, why a Level 3 strip search is considered reasonable in this instance, and what probably will be found relating to the reasons for arrest or in the nature of a weapon – or something that will harm the person or others. Written approval of a senior officer should be required for such a search.

The officer should then record in writing the results of the Level 3 strip search, specifically identifying what was found, if anything.

One further point requires attention. The Search of Persons Policy found on the Toronto Police Service web site is not the real policy: it is a sanitized version of the real policy which the Police Service has tried to keep confidential - we obtained it from Toronto lawyers after the courts required the police to produce it. It is now listed on our web site [http://www.tpac.ca/show\\_bulletin.cfm?id=153](http://www.tpac.ca/show_bulletin.cfm?id=153) .It does not conform to the Golden decision. This kind of trickery must stop.

We urge the Board to adopt a policy which reduces unnecessary strip searches that appear to be done for the purpose of humiliation and belittlement. Requiring Level 2 searches first and then doing a Level 3 search only if reasonable grounds are revealed through it, will do the job and conform to the Golden decision.

Yours very truly,

A handwritten signature in black ink, appearing to read "J. Sewell". The signature is fluid and cursive, with a large initial "J" and "S".

John Sewell for  
Toronto Police Accountability Coalition.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P169. BOARD POLICY: PROTECTION FOR WHISTLEBLOWERS**

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

Subject: BOARD POLICY: PROTECTION FOR WHISTLEBLOWERS

Recommendation:

It is recommended that the Board:

- (1) authorize the Chair to propose a whistleblower policy for the Board no later than October 2012; and
- (2) forward a copy of this report to Mr. Joseph Pennachetti, City Manager, City of Toronto.

Financial Implications:

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

Background/Purpose:

On February 24, 2012, I received a memo (attached) from Mr. Joe Pennachetti, City Manager, City of Toronto, advising the Board that Toronto City Council has approved the City's Whistle Blower Protection Policy, which provides protection from reprisal for all City of Toronto employees, excluding accountability officers and elected officials. The memo includes key provisions of the City's policy.

Further, Mr. Pennachetti inquired as to whether there was any Board policy with respect to this issue and if not, requested a timeline for adopting a Board policy consistent with the Council policy.

Discussion:

*Current Procedure and Standards of Conduct*

The Toronto Police Services Board recognizes it is in the public interest to foster and maintain confidence in the honesty and integrity of the Service and its members. The Board places a very high value to organizational integrity and ethical practice at all levels of the organization and believes that every Service members has a role to play in this regard.

As an organization, the Toronto Police Service already has a number of protections in place to protect whistleblowers. A preliminary review of other police organizations across Canada has shown that our scheme is among the most comprehensive and robust. In fact, in many cases, police services in Canada have no procedures or governance scheme in place to protect whistleblowers in the workplace.

Toronto Police Service Procedure 13-18 entitled “Anonymous Reporting of Discreditable Conduct” allows for anonymous, good faith reporting of criminal activity or misconduct by members of the Toronto Police Service. The procedure, which is treated as confidential, also provides for a dedicated telephone line that may be used by Service members to report misconduct.

The Toronto Police Service’s Standards of Conduct document protects members of the Service who might report misconduct from reprisal. The Standards of Conduct, in accordance with the *Police Services Act*, also define what is considered to be misconduct. The Standards of Conduct set clear standards of the ethical behaviour expected of members. They set out to “establish mandatory conduct that is applicable to members in the performance of their duties and functions.” They also “establish standards for the Service concerning appropriate disciplinary or corrective measures in respect of members.” In addition, the Standards of Conduct aim to “maintain public confidence in the Service by ensuring that members are accountable to the community in a way that is fair to Service members and to the community.”

The Standards of Conduct clearly state that “[f]ailure by members to comply with any of the provisions of the Service or Legislative Governance without lawful excuse shall be deemed to be disobeying, omitting or neglecting to carry out a lawful order and will be subject to discipline, which may include suspension and/or dismissal.” In addition, Members are required to report any contravention of the Standards of Conduct.

The issue of reprisal is clearly addressed in the Standards of Conduct with the following provision: “Members shall not harass, intimidate, or retaliate against any person who makes a report or complaint about their conduct or the conduct of another Service member.” In addition, it is stated that “[a]ny member who, in good faith, reports a breach of Service or Legislative Governance or an act of misconduct shall not be subject to reprisal for making such report.

### *Role of the City in Board Policy-Making*

The *Police Services Act* creates a legal separation between the role of the municipality and that of the Board and establishes that the municipality will deliver adequate and effective police services through the police services board. The municipality lacks the legal authority to direct the development of new policies for the police services board and lacks the legal authority to scrutinize existing policies or procedures. It is the board, rather than the municipality that is required to establish policies for the effective management of the police service

However, this is a very important issue and I believe that the Board should entrench in policy the value it places on organizational integrity and ethical practices at all levels of the organization. To this end, I have begun to review examples of whistleblower policies from different

jurisdictions with a view to identifying good practices. As well, I have been identifying issues and considerations that are unique to our environment in order to be able to recommend a policy or policies that would serve our needs.

This exercise will consider whether any elements of the Service Procedure should be codified in Board policy as well as whether there are areas not currently covered by either the Procedure or the Standards of Conduct that should be addressed in such a policy.

It is my intention to bring back a further report to the Board no later than October 2012.

Conclusion:

It is, therefore, recommended that the Board:

- (1) authorize the Chair to propose a whistleblower policy for the Board no later than October 2012; and
- (2) forward a copy of this report to Mr. Joseph Pennachetti, City Manager, City of Toronto.

**The Board approved the foregoing report.**



Joseph P. Pennachetti  
City Manager

City Manager's Office  
City Hall  
100 Queen Street West  
East Tower, 11<sup>th</sup> Floor  
Toronto, Ontario M5H 2N2

## Memorandum

Tel: 416-392-3551  
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jpennac@toronto.ca  
www.toronto.ca

February 21, 2012

**TO:** Alok Mukherjee, Chair  
Joanne Campbell, Executive Director  
Police Services Board

**FROM:** Joseph P. Pennachetti, City Manager

**SUBJECT:** Whistle Blower Protection Policy

I am pleased to advise you of the City's Whistle Blower Protection Policy approved by Council on June 14, 2011. This policy is attached for your information and appropriate action.

The Whistle Blower Protection Policy provides protection from reprisal for all City of Toronto employees, excluding accountability officers and elected officials.

**The Whistle Blower Protection Policy includes the following provisions:**

- The policy protects from reprisal a whistle blower who, in good faith, reports wrongdoing to the appropriate authority in an attempt to have the activity brought to an end
- The policy provides that no employee, elected official or Council appointed accountability officer shall take any action in reprisal against an employee for making, or being suspected of making, a complaint or allegation of wrongdoing in good faith
- The employee responsible for the reprisal will be subject to disciplinary action up to and including dismissal
- An employee who knowingly makes a false complaint in bad faith or misleading statements that is intended to mislead the investigation of a complaint may be subject to disciplinary or legal action.

If you already have a Whistle Blower policy in place, please notify Vivien Leung at [vleung1@toronto.ca](mailto:vleung1@toronto.ca) and provide a copy of the policy by email, and we will follow up to discuss appropriate actions, including ensuring that the Board policy is consistent with this Council policy. If you do not have a policy, I would ask that you provide a timeline for adopting a Whistle Blower Policy consistent with this Council policy. Once the Policy is approved please submit a copy to Ms. Leung with the Board minute approving the policy.

Copies of the policy and other related City policies are posted on the City's Human Resources website at: <http://wi.toronto.ca/intra/hr/policies.nsf/9fff29b7237299b385256729004b844b/65d00989d81d83f8852578b80062fbd0?OpenDocument>. If you have any questions about the policy, please contact Brad Salavich of the

Human Resources Division at: 416-392-5020, [bsalavi@toronto.ca](mailto:bsalavi@toronto.ca).



Joseph P. Pennachetti  
City Manager

**Attachment:** City of Toronto Whistle Blower Protection Policy

cc: William Blair, Chief of Police  
Tony Veneziano, CAO, Police services  
Rosanna Scotti, Director, Strategic and Corporate Policy  
Bruce Anderson, Executive Director, Human Resources  
Barbara Shulman, Director, Strategic Recruitment, Compensation & Employment Services  
Brad Salavich, Human Resources Branch  
Fiona Murray, Strategic and Corporate Policy  
Martin Herzog, Strategic and Corporate Policy  
Karen Jones, Strategic and Corporate Policy

Human Resources Policies  
Whistle Blower Protection Policy

Category: Working Environment



**Policy Statement**

The City of Toronto is committed to open, ethical, accountable and transparent local government.

It is in the public interest to maintain and enhance public confidence in the City and its employees, by providing for the disclosure of wrongdoing with respect to the City's operations.

The purpose of this policy is to provide protection from reprisal to those employees who in good faith report wrongdoing.

**Background Information**

City of Toronto employees are expected to act with integrity as they apply judgement and discretion while serving the public and council. They are expected to use City property, services and resources responsibly in the execution of their duties. The Toronto Public Service Framework and Charter of Expectations for Employees, identify standards that are to be applied when carrying out their duties.

The Fraud Prevention Policy provides guidance and mechanisms for City of Toronto employees to report suspected misuses or misappropriation of city resources and assets. The effectiveness of any Fraud Prevention Program is dependent on employees being able to report suspected cases of wrongdoing without fear of reprisal for doing so.

**Application**

This policy provides protection from reprisal for all City of Toronto employees excluding the council appointed Accountability Officers (Auditor General, Integrity Commissioner, Lobbyist Registrar, and Ombudsman) and elected officials.

**Definitions**

**City of Toronto employees**

For the purpose of this policy, City of Toronto employees include all non-union management and exempt employees, all employees in the offices of elected officials and in the offices of the accountability officers, and all members of bargaining units.

**Wrongdoing**

Wrongdoing includes instances of fraud and waste and refers collectively to any illegal or inappropriate conduct including;

- A violation of a City policy or council direction,
- Breaches of the Lobbying by-law,
- The misuse of public funds or City assets,
- A gross mismanagement of City resources.

**Fraud**

City Solicitor, will recommend to the City Manager appropriate actions to take to stop, reverse or remedy a reprisal against an employee of the City of Toronto.

Any employee who knowingly makes a false complaint in bad faith or who knowingly makes a false or misleading statement that is intended to mislead an investigation of a complaint, may be subject to disciplinary or legal action as determined by the Executive Director of Human Resources and the City Solicitor.

**Approved by**

City Council

**Date Approved**

**Related Information**

Fraud Prevention Policy  
Conflict of Interest Policy  
Code of Conduct for Members of Council

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P170. CANADIAN ASSOCIATION OF POLICE BOARDS (CAPB) 2012  
RESOLUTIONS**

The Board was in receipt of the following report June 14, 2012 from Alok Mukherjee, Chair:

Subject: CANADIAN ASSOCIATION OF POLICE BOARDS (CAPB) 2012  
RESOLUTIONS

Recommendation:

It is recommended that:

1. The Board approve endorsing CAPB Resolutions 12-2, 12-5 and 12-6 as attached; and
2. The Board approve the ranking of CAPB Resolutions as proposed in this report.

Financial Implications:

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

Background/Purpose:

The Canadian Association of Police Boards (CAPB) is a national organization dedicated to civilian oversight of municipal police representing more than 75 municipal police boards and commissions across Canada that, together, employ more than 35,000 police personnel. The Toronto Police Services Board is a CAPB member and I sit on the Board of Directors of this organization.

Discussion:

At its forthcoming annual general meeting, due to be held in Victoria on August 16-18, 2012, the membership of the CAPB will consider a number of Resolutions submitted by member boards/commissions. The CAPB Resolutions Committee has asked that each CAPB member review the Resolutions with their Board, complete a ranking document and submit their commentary or feedback.

I have reviewed the Resolutions as approved by the CAPB Board of Directors. I am recommending that the Board support the following Resolutions:

- **12-2** – Crime Against Seniors
- **12-5** – Record All Firearm Transfers
- **12-6** – Reclassify Firearms

These are attached for your information.

I am recommending that the Board not support the following Resolutions:

- **12-1** – Funding for National Police
- **12-3** - Youth Criminal Justice
- **12-4** – Federal Funding for Independent Municipal Police Department
- **12-7** – Theft of Electricity
- **12-8** – National Protocol for the Management for Inter-Jurisdictional Offenders

These are also attached for your information.

In addition, my proposed ranking of the Resolutions is attached for approval.

Conclusion:

Therefore, it is recommended that:

1. The Board approve endorsing CAPB Resolutions 12-2, 12-5 and 12-6 as attached; and
2. The Board approve the ranking of CAPB Resolutions as proposed in this report.

**In response to questions by the Board, Chair Mukherjee said that the CAPB will consider a number of Resolutions at its annual conference and that police services boards have been asked to indicate whether or not they support each of the Resolutions in a consistent form, i.e. using a “supports” or “does not support” designation, and to rank the Resolutions in order of importance to the board.**

**The Board received the foregoing report and requested that Chair Mukherjee provide a revised report for its August 2012 meeting which removes the reference to the requirement to rank the Resolutions.**

## CAPB 2012 RESOLUTIONS

RESOLUTION NUMBER	RANKING FROM 1 TO 8	RESOLUTIONS
		Please mark in the column to the left the resolutions in order of importance. #1 being most important and #8 lowest priority.
<b>12-1</b>	8	Saskatoon Board of Police Commissioners Funding for National Police Service
<b>12-2</b>	3	Prince Albert Board of Police Commissioners Crime Against Seniors
<b>12-3</b>	5	Youth Criminal Justice Act
<b>12-4</b>	6	Delta Police Department Federal Funding for Independent Municipal Police Departments
<b>12-5</b>	1	Calgary Police Commission Record all Firearm Transfers
<b>12-6</b>	2	Reclassify Firearms
<b>12-7</b>	4	Theft of Electricity
<b>12-8</b>	7	National Protocol for the Management of Inter-Jurisdictional Offenders

**RESOLUTION 2012 – 1 Saskatoon Board of Police Commissioners Funding for National Police Service**

**WHEREAS:** The Federal Government under the Ministry of Public Safety, through the stewardship of the Royal Canadian Mounted Police (RCMP), funds National Police Service (NPS) for the following programs;

- Canadian Police College
- Criminal Intelligence Service Canada
- Forensic Science and Identification Area (Crime Laboratories and Criminal Records)
- Canada Firearms Centre
- National Child Exploitation Centre

**WHEREAS:** All municipal, provincial, and federal law enforcement agencies across Canada rely on the services under the National Police Service for daily activity related to; criminal records, Canadian Police Information Center (CPIC), training at the Canadian Police College, intelligence work through the Criminal Intelligence Service Canada, services provided through the crime laboratories, and information obtained from the National Child Exploitation Center;

**WHEREAS:** The RCMP is currently required to fund the shortfall of funding for the National Police Service through their operating budget and cannot continue to offset funding shortages through their operating budget;

**WHEREAS:** There is a risk to public safety and police officer safety, if there is reduced service from the NPS due to insufficient funding from the Ministry of Public Safety;

**BE IT RESOLVED:** That the Ministry of Public Safety ensure policing across Canada maintains a level of service currently received from National Police Service;

**AND BE IT FURTHER RESOLVED:** That the Ministry of Public Safety adequately funds the National Police Service, thus ensuring a sustainable standard required for police and law enforcement agencies throughout Canada.

**RESOLUTION 2012 – 2 Prince Albert Board of Police Commissioners Crime Against Seniors**

**Whereas** the Criminal Code of Canada recognizes the fundamental principle that a sentence must be proportionate to the gravity of the offence;

**Whereas** the age of the victim of a crime is currently recognized as a sentencing principle if they are under the age of eighteen or where the offender is in a position of trust;

**Whereas** the same principle should be applied to senior citizens as an aggravating factor considered in sentencing to reflect the gravity of offending against elderly persons;

**Therefore Be It Resolved** that the Canadian Association of Police Boards encourages the Government of Canada to amend the Criminal Code so that the objective of denunciation and deterrence of criminal conduct against seniors is addressed in sentencing.

### **RESOLUTION 2012-3 Youth Criminal Justice Act**

**Whereas** Canadian society requires a youth criminal justice system that ensures accountability through meaningful consequences;

**Whereas** the Youth Criminal Justice Act describes presumptive offences and occasions where an adult sentence shall be imposed on a young person;

**Whereas** many violent offences are committed by a young person do not meet the criteria for adult sentencing as currently set out in the Act;

**Whereas** in Canada there are many examples of a legislated increase in responsibility for a young person who has reached the age of sixteen years;

**Therefore It be Resolved** that the Canadian Association of Police Boards encourages the government of Canada to enhance this legislation so that an adult sentence is imposed for any violent offence committed by a young person who has reached the age of sixteen years.

### **RESOLUTION 2012-4 Delta Police Department Federal Funding for Independent Municipal Police Departments**

Whereas in the Province of British Columbia alone, the Federal Government transferred approximately \$57 million dollars to municipal RCMP forces in 2010;

Whereas municipal independent police forces do not receive any federal funding for policing;

Whereas municipal independent police forces contribute to integrated units, drug enforcement and port policing which are beyond the scope of municipal police departments;

Whereas 78% of municipalities in Canada , who are serviced by municipal independent police forces do not benefit from federal police funding;

Whereas Bill C-10 will impose changes to a number of previously debated *Acts* that will impact minimum sentencing for many crimes including child and immigrant sexual exploitation and Organized-Crime related drug charges as well as other victim-based reforms;

Whereas costs for the Provinces for Bill C-10, *Safe Streets and Communities Act*, will have a downstream effect on municipal independent police budgets;

Therefore be it RESOLVED, THAT the Canadian Association of Police Boards call on the provincial and federal governments to ensure that federal policing monies are equitably shared by all police forces in the Province of British Columbia.

#### **Background to Resolution 2012-4**

In its annual *Police Resources in British Columbia, 2010* publication, the Government of British Columbia produced a report on provincial and federal government contributions to policing. In the report, \$57 million in federal dollars was transferred to RCMP municipal forces in British Columbia with populations greater than 5000. An additional \$133 million in federal dollars funds policing in populations less than 5000. Changes in legislation and case law have had an impact on the increasing costs for policing at all levels of government. Local governments can no longer support the increasing costs that are placed on them through these increases and it is particularly difficult for those who do not receive funding from the Federal Government.

Delta Police Board applauds the Federal Government for ensuring the contents of Bill C-10<sup>1</sup> were brought forward to Parliament. Amending law in relation to sexual predators, organized crime and violent young offenders as well as focusing on victims of crime is exemplary. However, Delta Police Board is concerned that the changes to Federal law in Canada will have an impact on local police budgets. Historically, municipal police have participated in many initiatives and day-to-day policing that go beyond local scope including drug enforcement and border security. With amendments made through Bill C-10 and the impact on costs for provincial and municipal governments, it is necessary to request assurance from the Federal Government that additional costs will be funded through Federal funds, specifically in the form of direct funding to municipal independent police agencies.

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<sup>1</sup> Appendix A: Details of Bill C-10

Appendix A:

The *Safe Streets and Communities Act* re-introduces the following reforms which were debated by Parliament during the previous session but never became law:

The *Protecting Children from Sexual Predators Act* (former Bill C-54), which proposes increased penalties for sexual offences against children, as well as creates two new offences aimed at conduct that could facilitate or enable the commission of a sexual offence against a child;

The *Penalties for Organized Drug Crime Act* (former Bill S-10), which would target organized crime by imposing tougher sentences for the production and possession of illicit drugs for the purposes of trafficking;

*Sébastien's Law (Protecting the Public from Violent Young Offenders)* (former Bill C-4), which would ensure that violent and repeat young offenders are held accountable for their actions and the protection of society is a paramount consideration in the treatment of young offenders by the justice system;

The *Ending House Arrest for Property and Other Serious Crimes by Serious and Violent Offenders Act* (former Bill C-16), which would eliminate the use of conditional sentences, or house arrest, for serious and violent crimes;

The *Increasing Offender Accountability Act* (former Bill C-39), which would enshrine a victim's right to participate in parole hearings and address inmate accountability, responsibility, and management under the *Corrections and Conditional Release Act*;

The *Eliminating Pardons for Serious Crimes Act* (former Bill C-23B), which would extend the ineligibility periods for applications for a record suspension (currently called a "pardon") to five years for summary conviction offences and to ten years for indictable offences;

The *Keeping Canadians Safe (International Transfer of Offenders) Act* (former Bill C-5), which would add additional criteria that the Minister of Public Safety could consider when deciding whether or not to allow the transfer of a Canadian offender back to Canada to serve their sentence;

The *Justice for Victims of Terrorism Act* and related amendments to the State Immunity Act (former Bill S-7), which would allow victims of terrorism to sue perpetrators and supporters of terrorism, including listed foreign states, for loss or damage that occurred as a result of an act of terrorism committed anywhere in the world; and

The *Preventing the Trafficking, Abuse and Exploitation of Vulnerable Immigrants Act* (former Bill C-56), which would authorize immigration officers to refuse work permits to vulnerable foreign nationals when it is determined that they are at risk of humiliating or degrading treatment, including sexual exploitation or human trafficking.

Taken from: September 20, 2011 Media Release by Federal Government ([www.parl.gc.ca](http://www.parl.gc.ca))

## **RESOLUTION 2012-5 Calgary Police Commission Record all Firearm Transfers**

**WHEREAS** the current Federal Gun Registry is likely being abolished, and;

**WHEREAS** this abolition will remove all controls from non-restricted firearms, including the requirement for an owner to hold a registration certificate for such a weapon and for stores and individuals to record transactions, and;

**WHEREAS** non-restricted firearms include the Ruger Mini-14 semi-automatic rifle, the Steyr-Mannlicher HS .50 sniper rifle, the L115A3 Long Range sniper rifle and the IWI Tavor TAR021 5.56mm, and;

**WHEREAS** all firearms should be traceable in some manner;

**THEREFORE BE IT RESOLVED** that the Canadian Association of Police Boards urge the Federal Government of Canada to ensure point of sale and point of transfer recording of all firearm transfers, as defined in the Criminal code, including retail purchases, gifts, transfers and private sales so that non-restricted firearms are traceable in the hands of their owners and identifiable if lost, stolen or used in the commission of an offence;

**THEREFORE BE IT ALSO RESOLVED** that the Canadian Association of Police Boards urge the Federal Government of Canada to require the recording of all firearms at the point of entry into Canada and, therefore, that all wholesale imports of weapons into the country require a complete and accurate manifest including make, model and serial number of all guns in the shipment, the source of the guns imported and the identification of the exporter and importer.

### **Background to Resolution 2012-5**

Non-restricted firearms include all firearms that are neither restricted nor prohibited.

The Criminal Code, in section 2, defines a firearm as:

a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.

In Part III of the Criminal Code, Firearms and Other Weapons, section 84 defines a prohibited firearms as:

(a) a handgun that

(i) has a barrel equal to or less than 105 mm in length, or

(ii) is designed or adapted to discharge a 25 or 32 calibre cartridge,

but does not include any such handgun that is prescribed, where the handgun is for use in international sporting competitions governed by the rules of the International Shooting Union,

(b) a firearm that is adapted from a rifle or shotgun, whether by sawing, cutting or any other alteration, and that, as so adapted,

(i) is less than 660 mm in length, or

(ii) is 660 mm or greater in length and has a barrel less than 457 mm in length,

(c) an automatic firearm, whether or not it has been altered to discharge only one projectile with one pressure of the trigger, or

(d) any firearm that is prescribed to be a prohibited firearm;

and a restricted firearm as:

(a) a handgun that is not a prohibited firearm,

(b) a firearm that

(i) is not a prohibited firearm,

(ii) has a barrel less than 470 mm in length, and

(iii) is capable of discharging centre-fire ammunition in a semi-automatic manner,

(c) a firearm that is designed or adapted to be fired when reduced to a length of less than 660 mm by folding, telescoping or otherwise, or

(d) a firearm of any other kind that is prescribed to be a restricted firearm;

This section of the Criminal Code also defines a transfer. Transfer “means sell, provide, barter, give, lend, rent, send, transport, ship, distribute or deliver.”

The Royal Canadian Mounted Police Canadian Firearms Program Frequently Asked Questions website (<http://www.rcmp-grc.gc.ca/cfp-pcaf/faq/index-eng.htm#a3>) describes non restricted firearms as “ordinary rifles and shotguns” that are not included in the restricted or prohibited firearm definitions.

Bill C-19, *An Act to Amend the Criminal Code and the Firearms Act*, removes all references to registration of non-restricted weapons, including transfers and destruction, thereby removing all tracking of these firearms in Canada.

As stated by the Coalition for Gun Control, the abolition of the Gun Registry, “will allow a licenced individual to acquire an unlimited number of guns without even checking if their licence is valid. There will also be no means to know who owns these powerful guns, who sold them or how many are owned. When long guns are recovered in crime, police will not be able to trace them back to their owners, losing an important investigative tool.”

Further into their report, the Coalition for Gun Control states that:

Non-restricted rifles and shotguns are used in homicides, suicides and unintentional injury and account for a substantial proportion of firearms recovered in crime, even in large urban centres.

They are the guns most often used in suicide, domestic violence and the murder of police officers.

Screening and licensing firearm owners reduces the risks that dangerous people will have access to weapons and registration reinforces licensing, as it holds gun owners accountable for their firearms and reduces the chances that their guns will be diverted to unlicensed owners.

Registering firearms helps police enforce prohibition orders and remove guns from dangerous people.

The gun registry has aided police investigations, including the prosecution of accessories to the murder of four RCMP officers in Mayerthorpe, Alberta.

In Canada, rates of firearm death and injury have fallen with successively stronger firearms regulation, particularly those focusing on rifles and shotguns, the firearms most often in Canadian homes.

All illegal firearms begin as legal firearms. Controls over legal guns are essential to preventing diversion and choking off the illegal supply.

Most industrialized countries register firearms. The registry helps Canada meet its international obligations to trace firearms and combat the illegal gun trade.

This report states that:

Bill C-19 goes far beyond simply repealing elements of C-68, the 1995 legislation; it actually removes critical measures that have been in place since 1977. Bill C-19:

Makes verifying a firearms purchaser's licence voluntary, which increases the chances unlicensed individuals will be sold rifles and shotguns.

Erases data on 7.1 million rifles and shotguns currently registered, despite the fact that the data could be useful as an investigative tool for police officers for firearm tracing purpose. Several international treaties require that countries maintain firearm sales records for the purpose of tracing.

Omits provisions to reinstate the requirement that businesses keep records of sales. This has been a requirement since 1977, and was removed when the *Firearms Act* passed in 1995 as the information would be in the registry. Without this information there is no way for police to investigate the source of rifles and shotguns recovered from crime scenes or seized from suspects.

Destroys a tool widely used by police officers to remove guns from dangerous or suicidal people, enforce prohibition orders and take preventive actions.

(See: Coalition for Gun Control. (November 2011). *Discussion of Bill C-19: Brief to the Standing Committee on Public Safety and National Security*. p.2.)

## **RESOLUTION 2012-6 Reclassify Firearms**

**WHEREAS** the current Federal Gun Registry is likely being abolished, and;

**WHEREAS** this abolition will remove all controls from non-restricted firearms, including the requirement for an owner to hold a registration certificate for such a weapon and for stores and individuals to record transactions, and;

**WHEREAS** non-restricted firearms include the Ruger Mini-14 semi-automatic rifle, the Steyr-Mannlicher HS .50 sniper rifle, the L115A3 Long Range sniper rifle and the IWI Tavor TAR021 5.56mm, and;

**WHEREAS** these weapons are not typical hunting rifles or shotguns and should be traceable;

**THEREFORE BE IT RESOLVED** that the Canadian Association of Police Boards urge the Federal Government of Canada to have the Commissioner of Firearms/Canadian Firearms Program reclassify a number of non-restricted firearms as restricted firearms, through orders in council, to ensure they remain traceable in the hands of their owners at all times.

### **Background To Resolution 2012 - 6**

A number of non-restricted firearms are assumed to be restricted by most individuals as they are more powerful or include additional features or capabilities than many traditional hunting rifles and shotguns do not have.

Recently, a number of non-restricted weapons have been reclassified. There are a number of semi-automatic rifles on the non-restricted firearms list. Those that have been reclassified include the Armi Jager AP80, a semi-automatic rifle that is a member of the AK-47 family; the Walther G22 rifle, a semi-automatic rifle which resembles a Beretta Storm carbine; and other firearms that resemble assault weapons. (Davis, J. Jan 6, 2012. *Rcmp to Seize more 'scary-looking' guns before registry dies*. Postmedia News.)

This reclassification should continue and restrict additional weapons.

Non-restricted firearms include all firearms that are neither restricted nor prohibited. The Criminal Code, in section 2, defines a firearm as:

a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.

In Part III of the Criminal Code, Firearms and Other Weapons, section 84 defines a prohibited firearms as:

(a) a handgun that

(i) has a barrel equal to or less than 105 mm in length, or

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but does not include any such handgun that is prescribed, where the handgun is for use in international sporting competitions governed by the rules of the International Shooting Union,

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(i) is less than 660 mm in length, or

(ii) is 660 mm or greater in length and has a barrel less than 457 mm in length,

(c) an automatic firearm, whether or not it has been altered to discharge only one projectile with one pressure of the trigger, or

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(c) a firearm that is designed or adapted to be fired when reduced to a length of less than 660 mm by folding, telescoping or otherwise, or

(d) a firearm of any other kind that is prescribed to be a restricted firearm;

This section of the Criminal Code also defines a transfer. Transfer “means sell, provide, barter, give, lend, rent, send, transport, ship, distribute or deliver.”

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Further into their report, the Coalition for Gun Control states that:

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This report states that:

Bill C-19 goes far beyond simply repealing elements of C-68, the 1995 legislation; it actually removes critical measures that have been in place since 1977. Bill C-19:

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Erases data on 7.1 million rifles and shotguns currently registered, despite the fact that the data could be useful as an investigative tool for police officers for firearm tracing purpose. Several international treaties require that countries maintain firearm sales records for the purpose of tracing.

Omits provisions to reinstate the requirement that businesses keep records of sales. This has been a requirement since 1977, and was removed when the *Firearms Act* passed in 1995 as the information would be in the registry. Without this information there is no way for police to investigate the source of rifles and shotguns recovered from crime scenes or seized from suspects.

Destroys a tool widely used by police officers to remove guns from dangerous or suicidal people, enforce prohibition orders and take preventive actions.

(See: Coalition for Gun Control. (November 2011). *Discussion of Bill C-19: Brief to the Standing Committee on Public Safety and National Security*. p.2.)

## **RESOLUTION 2012-7 Theft of Electricity**

**WHEREAS** organized crime and illegal drug grow operations routinely steal utilities, and;

**WHEREAS** this utility theft often results in identifiable spikes on utility meters and safety threats, and;

**WHEREAS** utility companies are well placed to assist police in identifying organized crime and illegal drug grow operations through technology that can identify these operations, and;

**WHEREAS** there is a disincentive for utility companies to identify and eliminate utility theft due to the current utility marketplace;

**THEREFORE BE IT RESOLVED** that the Canadian Association of Police Boards urge the Federal Government to penalize the activities of utility companies who enable organized crime through inaction.

**THEREFORE BE IT ALSO RESOLVED** that the Canadian Association of Police Boards urge its members to lobby their Provincial Government to be part of a standardized national solution to:

consult with key stakeholders and other provinces on best practices;  
require utility companies to be transparent about line loss;  
implement and use current technology to identify line loss and theft; and  
monitor lines for theft, and disclose theft to police and other appropriate agencies/organizations, in an effort to reduce electricity theft and close down organized crime and illegal drug grow operations.

## **Background to Resolution 2012-7**

British Columbia and Ontario have legislation and codes that can be used as a guide for the development of legislation that requires monitoring and reporting of suspected utility theft. Note that after a court challenge, the BC legislation requires a warrant for an inspection to occur.

BC Example:  
SAFETY STANDARDS ACT, SBC 2003, c.39

### **Division 3 — Residential Electricity Information**

#### **Definitions**

19.1 In this Division:

"account information" means

- (a) the name of the account holder with respect to,
  - (b) the service address of and billing address for, and
  - (c) the electricity consumption data with respect to,
- a residence to which an electricity distributor distributes electricity;

"electricity consumption data" means available electricity consumption data

- (a) for the most recently completed billing period at the time a request is made under section 19.2 (1), and

- (b) for the previous 24-month billing period;

"electricity distributor" means

- (a) the British Columbia Hydro and Power Authority continued under the *Hydro and Power Authority Act*,

- (b) a public utility, within the meaning of the *Utilities Commission Act*, that owns or operates electricity equipment or facilities, and

- (c) a municipality that owns or operates electricity equipment or facilities and that would be a public utility within the meaning of the *Utilities Commission Act*, but for paragraph (c) of the definition of "public utility" in that Act;

"residence" means premises designed for use as a private dwelling, and any other building or structure adjacent to those premises that is intended for the private use of the owner or occupier of those premises;

"residential electricity information" means the available account information for all of the residences that

- (a) are within the jurisdictional boundaries of a local government that makes a request under section 19.2 (1), and

- (b) according to the current records of the electricity distributor distributing electricity to the residences, are consuming electricity at a level within a range prescribed by regulation.

#### **Residential electricity information**

19.2 (1) A local government may request, in writing, from an electricity distributor the residential electricity information with respect to the residences within its jurisdictional boundaries.

(2) If an electricity distributor receives a request under subsection (1), the electricity distributor must provide that residential electricity information to the local government within a reasonable time.

(3) A local government that receives residential electricity information from an electricity distributor under this section may disclose account information derived from that residential electricity information, or a portion of that account information, to

- (a) an authority to which the administration of the Act has been delegated under Part 2 or Part 12, and

(b) a provincial police force or a municipal police department, as those terms are defined in the *Police Act*.

### **Notice of inspection**

19.3 (1) If, after receiving account information under section 19.2 (3), a safety officer intends on the basis of that information to exercise the power granted under section 18 (1) (c) and (d) with respect to a residence identified in the account information, the safety officer must give a notice to the owner or occupier of that residence.

(2) The notice under subsection (1) must

(a) be in writing,

(b) state the safety officer's intention to enter the residence and conduct an inspection, and the reasons for the intended entry and inspection,

(c) set out the date by which the owner or occupier must reply to the notice to arrange a date and time for the safety officer to enter the residence and conduct an inspection,

(d) set out how to reply to the notice, and

(e) state that the safety officer may issue a compliance order if the owner or occupier does not

(i) reply to the notice within 2 days of the date on which it was received,

(ii) within a reasonable time complete arrangements to the satisfaction of the safety officer for the safety officer to enter the residence and conduct an inspection, or

(iii) allow the safety officer to enter the residence at the arranged date and time.

### **Compliance with notice**

19.4 An owner or occupier who receives a notice under section 19.3 (1) must

(a) reply to the notice within 2 days of the date on which it was received,

(b) within a reasonable time complete arrangements to the satisfaction of the safety officer for the safety officer to enter the residence and conduct an inspection, and

(c) allow the safety officer to enter the residence at the arranged date and time.

Ontario Example:

Ontario Energy Board. Distribution System Code, Last revised on October 1, 2011

#### 4.3 Unauthorized Energy Use

4.3.1 A distributor shall use its discretion in taking action to mitigate unauthorized energy use. Upon identification of possible unauthorized energy use, a distributor shall notify, if appropriate, Measurement Canada, the Electrical Safety Authority, police officials, retailers that service consumers affected by the unauthorized energy use, or other entities.

4.3.2 A distributor shall monitor losses and unaccounted for energy use on an annual basis to detect any upward trends that may indicate the need for management policies to moderate unauthorized energy use.

4.3.3 A distributor may recover from the customer responsible for the unauthorized energy use all reasonable costs incurred by the distributor arising from unauthorized energy use.

Editorial:

Time to take drug growers' power theft seriously

By Diane Colley-Urquhart, Calgary Herald, January 13, 2012

Much has changed over the past decade since deregulation of the retail electricity market, as the Herald recently profiled - including the theft of power.

I have one way of curbing utility rates in Alberta; stop organized crime from stealing power. Every month when you and I pay our utility bill, we are subsidizing organized crime operations. Outraged? You should be. Organized crime steals unbelievable amounts of power to run their marijuana growing farms in houses across our city.

The problem is much bigger than you could ever imagine.

As the magnitude of grow ops has escalated over the past 10 years, it is not uncommon for police to remove well over 1,000 plants in a single home. Over the past five years alone, joint operations of the Calgary Police Service, RCMP and Alberta Law Enforcement Response Teams have seized more than \$372 million worth of marijuana out of Calgary and area - that's 298,000 plants in 590 homes. Over the past eight years that I have been working on this issue, 95 per cent of the grow ops taken down were stealing power. This is a Criminal Code offence that raises the question as to where responsibility lies when utility companies know power is being stolen and either fail to act or disguise it as general line loss.

Gangs could be stealing power right beside you by bypassing the meter and running huge amounts of power through ballast boxes, set to automated timers, and powering their personal grid of 500-watt light bulbs. Organized crime can also monitor their timers remotely, running high-temperature lights reaching 500 F in 12-hour cycles every day of the year and harvesting three crops a year out of one house. An average grow op consumes roughly 10 times the power of a typical home. If they actually paid for this power, the bill would be substantial and utility companies would be able to readily detect the extreme over-consumption of power . . . but they don't.

These large-scale marijuana grow farms, run by gangs and organized crime, are lucrative and provide them with their primary revenue source to move drugs throughout the province and North America. Marijuana is an integral component of the drug trade and the drug problem many of our communities face, and the ecstasy our kids die from. If we stopped the theft of power, we could bring organized crime to its knees.

The problem is that utility companies don't take the theft of power seriously, or worse, they turn a blind eye.

They refuse to admit to the magnitude of the problem. Their ambivalence and failure to admit this theft is happening means we have no idea whether we have 500 grow houses or 5,000.

Whatever the number is, every grow op is stealing power, we are paying for it, and they are putting kids and first responders in harm's way. Remember the Citadel fires in December 2009 from a grow op stealing power? Five homes burned to the ground with two more damaged. Grow ops are 40 per cent more likely to catch fire than a regular house.

Rough estimates from experts such as retired Calgary police staff sergeant Roger Morrison put the theft of power well into the millions in Calgary alone.

The magnitude of the problem when viewed province-wide is staggering.

When Morrison was on the southern Alberta marijuana investigation team, he attended and investigated more than 750 marijuana grow operations and almost all were stealing power. He is recognized today as a qualified and sought-after court expert, and I agree with his view that, "in Alberta's deregulated electricity market, there is a disincentive to reduce generation, and a monetary benefit to increase it. The utilities are following the rules set in place, but they have a social responsibility to act."

You are probably wondering how this could be allowed to happen. Utility companies are able to operate in the generation and distribution side. They sell electricity into the pool from one subsidiary of the corporation and sell you the electricity in another. All power produced gets sold into the grid and doesn't incur theft losses at this stage. Utility companies get paid for all the electricity produced by selling it into the Alberta power pool.

The distribution side charges us for line loss, which is an all-encompassing figure reflective of theft, inefficiencies and statistical losses. So whatever is stolen just gets added automatically to your bill, and the utility incurs no loss. In fact, the more power stolen, the greater the "sales" of the distribution company.

The threat to public safety is significant and municipalities and the provincial government must demand this issue be addressed either through co-operation or regulation. Changes to legislation could require utility companies to be more transparent about line loss, monitor their lines for theft and disclose, or even better, make distribution companies bear financial losses from theft instead of us. The technology and monitoring equipment to detect gangs stealing power is remark-ably simple, proven, tested and available.

In two recent community pilot projects, more than a dozen grow ops stealing power were identified in a few minutes. With the recent landmark Supreme Court ruling in favour of using this technology, provincial legislation is timely and necessary to get utility companies to act.

We need to stop marijuana grow ops from ever starting up in the first place, rather than spending mil-lions in surveillance, taking them down and dealing with our city's drug problem.

We need better monitoring and accountability of line loss by utility companies and regulators. We need a smart metering sys-tem that readily identifies and analyses line loss. We need utility companies to be socially responsible.

At the end of the day, it is Calgarians who own the transmission wires and we should be able to demand that we don't want our assets being used to fund organized crime.

Diane Colley-Urquhart is the City of Calgary's alderman for Ward 13.

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## **RESOLUTION 2012-8 National Protocol for the Management of Inter-Jurisdictional Offenders**

**WHEREAS** the supervision of offenders in the community is a shared responsibility and is essential in preserving the public's safety, and;

**WHEREAS** a portion of federal offenders under the care of the Correctional Service of Canada are subject to detention during the period of statutory release and not paroled, however, sections 810.1 and 810.2 of the *Criminal Code of Canada* assist in securing the "good conduct" of persons feared, on reasonable grounds, to pose a risk of harm to the public, and;

**WHEREAS** there is no national protocol that provides clarity as to how police agencies and other responsible stakeholders in Canada make applications, monitor and transfer the supervision of offenders bound by 810.1 and 810.2 recognizance between agencies and Provinces, and;

**WHEREAS** without a national protocol there exists a gap in the inter-operability of offender management in Canada, particularly with offenders subject to detention during the period of statutory release, which elevates the risk to the community in that an offender may lack any supervision, appropriate supervision, or continuity of supervision.

**THEREFORE LET IT BE RESOLVED THAT** the Canadian Association of Police Boards urge the Canadian Association of Chiefs of Police to ratify a national protocol to set out a uniform process to coordinate an inter-jurisdictional response to offender release at the expiry of sentence, and promote a greater clarity in both the use of section 810.1 or section 810.2 and which jurisdiction will be responsible for the same.

### **Background to Resolution 2012-8**

Under the *Corrections and Conditional Release Act*, certain offenders can be detained during what would normally be their period of statutory release (ss. 129-131). Statutory release allows for an offender to be released back into the community in a controlled and supervised manner. A detention order for offenders under the care of the Correctional Service of Canada is confirmed by the Parole Board of Canada and is made in response to a reasonable belief that the offender will likely commit a serious offence prior to the expiry of that offender's sentence. Therefore the offender is not provided a gradual and controlled return to the community prior to the end of the offender's sentence (no parole).

Offenders subject to detention during their period of statutory release are frequently considered to be high-risk offenders.

Sections 810.1 and 810.2 of the *Criminal Code* allow for a court to issue a recognizance, to keep the peace and be of good behaviour, in respect of any individual who it is feared, on reasonable grounds, will commit a sexual offence or a serious personal injury offence. This allows an individual who is a potential threat to public safety to be placed under conditions for a period of no more than one year or no more than two years if they have a previous conviction for a sexual

offence against a person under the age of 16 or a personal injury offence. This provides for the supervision of offenders who did not have a controlled return into the community through parole but were held in custody under a detention order until the end of their sentence.

There is a lack of clarity around who is responsible for obtaining and enforcing a recognizance under sections 810.1 and 810.2 where an offender leaves the jurisdiction (province) in which he or she is released from custody and relocates to another jurisdiction (province), either at the time of release or at a later date. This confusion can have the result of an offender slipping through the cracks and not being placed under recognizance upon release and not being properly supervised in the community.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P171. INTERIM REPORT: DELIVERY OF TORONTO POLICE SERVICE  
ANTI-GRAFFITI EDUCATION PROGRAM**

The Board was in receipt of the following report July 03, 2012 from William Blair, Chief of Police:

Subject: INTERIM REPORT – DELIVERY OF TORONTO POLICE SERVICE ANTI-GRAFFITI EDUCATION PROGRAM

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

At its meeting of September 14, 2011, the Board received a report on the Toronto Police Service (TPS), Graffiti Management Program and inquired about the impact and benefits of having uniform officers involved in the graffiti initiative; and asked for statistical information with respect to the success of the initiative (Min. No. P221/11 refers). This report was compiled in partnership with the City of Toronto Public Realm Section that was developing a Graffiti Management Program for Toronto (City of Toronto Committee Report No. LS5.1/11 refers). Section 6 of the report requests the TPS to develop and provide details on the delivery of an anti-graffiti education program throughout Toronto's schools and a graffiti management strategy utilizing existing local resources to assist residents and businesses.

Discussion:

The TPS and the City of Toronto are working together as partners to reduce graffiti vandalism for a safer community. The presence of graffiti vandalism constitutes disorder and lawlessness. Graffiti vandalism can contribute to the decline in property value and, more importantly, generates the perception of increased crime and fear of gang activity.

The TPS is currently enhancing its Graffiti Management Program in partnership with the City of Toronto and local community counterparts. The program is a balanced approach to effectively manage graffiti vandalism by members of the TPS, its community partners, consultative groups and local City of Toronto councillors.

One of the key elements of the TPS Graffiti Management Program is an anti-graffiti education program that will be delivered to elementary and secondary schools throughout Toronto.

#### Delivery of TPS Graffiti Education Program:

The TPS Graffiti Management Program addresses youth and community education. Community and youth education will be administered by specialized officers at each of the 17 divisions, namely; Community School Liaison Officers (CSLO), School Resource Officers (SRO), Crime Prevention Officers (CPO), Community Relations Officers (CRO) and Divisional Graffiti Liaison Officers.

The TPS is developing graffiti vandalism lesson plans with local school boards. The primary learning objectives teach students to recognize that damaging someone else's property, public or private, is wrong and be able to identify how and where to get help. This program will be introduced into local schools commencing September 2012. CSLOs will deliver these graffiti vandalism lesson plans in elementary schools for grades 1 to 8. SROs will deliver graffiti vandalism presentations in secondary schools for grades 9 to 12.

Additionally, CPO and CRO officers will play a pivotal role within the community education component of the program. These officers will conduct graffiti vandalism presentations for local community stakeholders on how to respond to graffiti vandalism. The officers will incorporate and recommend various graffiti vandalism reduction resources that are available to community members.

#### Role of Divisional Graffiti Liaison Officers:

An existing officer in each of the 17 divisions has been designated as a contact/liaison for graffiti issues and will work with the Community Response Unit (CRU). The Divisional Graffiti Liaison Officer will:

- Liaise with the Divisional Policing Support Unit liaison officer;
- Identify and track local divisional graffiti issues;
- Act as a resource to divisional personnel and community members; and,
- Liaise with the local City of Toronto Councillor and staff by inviting them to attend Community Police Liaison Committee meetings to develop local graffiti strategies.

A range of resources available to combat graffiti in neighbourhoods include social media tools, graffiti crime prevention materials (electronic and print), Crime Prevention Association of Toronto resources and materials, and educational/diversion programs designed to address graffiti crime concerns.

#### Statistical Information:

In January 2012, a selected team of five Auxiliary officers were trained by members of the Corporate Planning, Business Intelligence Section, in the use of the Criminal Information Processing System (CIPS). The purpose of this training was to provide statistical information

regarding the number of criminal mischief arrests which specifically pertain to graffiti. The following chart breaks down the review with arrests and charges for each respective year.

<b>Year</b>	<b>Arrests</b>	<b>Charges</b>
<b>2010</b>	16	38
<b>January 1 – September 24, 2011</b>	8	10

Conclusion:

The TPS Graffiti Management Program is a balanced approach integrating youth education with actions and initiatives of police officers to motivate and enhance working relationships with youth, educators, local councillors and the community to deal more effectively with the root causes of graffiti vandalism.

Constructive partnerships and positive outcomes that occur as a result of community-police interaction remain the cornerstone of a successful police service, leading to a safer, more secure and healthier community.

This is an interim report. This report will be followed by a joint presentation to the Board at its November Board meeting by members of the Divisional Policing Support Unit and City of Toronto Public Realm Transportation Services.

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

**The Board received the foregoing report.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P172. REQUEST FOR A REVIEW OF A COMPLAINT INVESTIGATION  
PERTAINING TO THE SERVICE PROVIDED BY THE TORONTO  
POLICE SERVICE**

The Board was in receipt of the following report May 29, 2012 from William Blair, Chief of Police:

Subject: REQUEST FOR A REVIEW OF A COMPLAINT INVESTIGATION  
PERTAINING TO THE SERVICE PROVIDED BY THE TORONTO POLICE  
SERVICE

Recommendations:

It is recommended that:

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

Financial Implications:

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

Background/Purpose:

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

Legislative Requirements:

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

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

### Review by Board:

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

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

### Nature of Complaint and Discussion:

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

In the early part of 2009, the complainant submitted an application for employment with the Toronto District School Board (TDSB). As part of the pre-requisite conditions of employment, TDSB requested a Police Vulnerable Sector Check (PVSC). In response to the TDSB request, the complainant requested a search of the TPS records and received a response from the TPS in August 2009 to the PVSC enquiry. The response indicated that he was designated as a “person of interest” in relation to an occurrence of sexual exploitation alleged to have occurred in November 2000.

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

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

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

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

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

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

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

### The Chief's Decision

As indicated in the Report of Investigation, the OIPRD received a complaint that was forwarded to the TPS in relation to the services provided by the Toronto Police. Specifically the complainant alleges that his request to suppress or purge an occurrence in which he was identified as a person of interest during a sexual exploitation investigation was denied without sufficient reason and thorough review. The complainant alleges that there was a lack of procedural fairness provided to him by the TPS. The complainant alleges that his fundamental rights accorded to him under section 11(d) of the *Canadian Charter of Rights and Freedom* were infringed.

The service complaint was investigated by PRS and focused on the service provided by the TPS in response to the complaint. The investigation was in compliance with the direction of the OIPRD and pursuant to the *PSA*. The conduct and/or actions of individual Service members did not form part of the scope of the investigation.

The investigator from PRS analyzed the complaint against the following legislation and governing authorities as they relate to the nature of the complaint and records held by the TPS;

- *Canadian Charter of Rights and Freedoms*
- *Police Services Act and Regulations* (R.S.O. 1990)
- The Ontario Association of Chiefs of Police Learn Guideline for Police Record Checks
- Toronto Police Services Board Policy on the "Vulnerable Sector Screening Program – Police Reference Check Program", and
- *Ontario Human Rights Code* (R.S.O 1990)

Through this investigative process it was determined that the complaint was unsubstantiated and that the findings of the investigator are in accordance with the applicable guidelines, policies and legislated requirements.

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

### Conclusion

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

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

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

- Review the complaint and take action, or no action, in response to the complaint, as it considers appropriate; or
- Appoint a committee of at least three Board members who will review the complaint and provide recommendations to the Board; or
- Hold a public meeting with respect to the complaint.

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

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

**Mr. John Sewell, was in attendance and delivered a deputation to the Board with regard to this matter.**

**The Board approved the following Motions:**

- 1. THAT the Board receive Mr. Sewell's deputation;**
- 2. THAT the Board receive the complaint summarized in this report and appoint a committee of three Board members to review the complaint and provide recommendations to the Board;**
- 3. THAT, as part of the review noted in Motion No. 2, the committee meet with counsel for the complainant to discuss the complaint, and**
- 4. THAT the Board advise the complainant, the OIPRD and Chief Blair, in writing, of the Board's decisions.**

**Mr. Andy Pringle, Councillor Chin Lee and Ms. Marie Moliner agreed to participate on the committee and indicated that they would provide recommendations to the Board for its September 2012 meeting.**

**A copy of the Report of Investigation was considered by the Board during its *in-camera* meeting (Min. No. C214/12 refers).**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P173. CITY OF TORONTO PROTOCOL POLICIES: INDIVIDUAL AND  
CORPORATE NAMING RIGHTS, SPONSORSHIP AND HONOURIFIC  
AND STREET NAMING**

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

Subject: CITY OF TORONTO PROTOCOL POLICIES: INDIVIDUAL AND  
CORPORATE NAMING RIGHTS, SPONSORSHIP, AND HONOURIFIC AND  
STREET NAMING.

Recommendation:

It is recommended that the Chief of Police provide the Board with a report on current Toronto Police Service procedure and/or practices with respect to naming rights, sponsorship and honourific naming.

Financial Implications:

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

Background/Purpose:

In a letter dated February 1, 2012, from Ms Phyllis Berck, Director, Toronto Office of Partnerships, I was advised that Toronto City Council had approved three new protocol policies pertaining to naming rights, sponsorships and honourific and street naming. Following is a brief description of each City policy:

- The Naming Rights policy provides direction with respect to sponsorship in which an external partner receives the exclusive right to name a City property under specific terms. The naming right is sold or exchanged for cash or other valuable consideration. Corporate naming rights means a mutually beneficial business arrangement wherein an organization provides goods, services or financial support to the City in return for access to the commercial and/or marketing potential associated with the public display of the organization's name on a City property for a finite period. Individual naming rights means the naming of City property in return for a financial or in-kind contribution from an individual or his or her estate. Typically, such support is given to enhance the community and to help sustain the property in question for a negotiated period of time.

- The Sponsorship policy governs requests in which a mutually beneficial business arrangement, wherein an external party, whether for profit or otherwise, provides cash and/or in-kind services to the City in return for commercial advantage. This payback may take the form of publicity, promotional consideration, or merchandising opportunities.
- The Honourific and Street Naming policy outlines criteria and processes for the honourific or commemorative naming of property or streets without the receipt of consideration by the City. It is bestowed by the City to recognize the outstanding service, commitment or contribution of an individual or group.

The objective of the City policies is to ensure consistency of practice between agencies, boards and divisions with respect to these processes. The City is requesting that the Board adopt such policies to ensure consistency with the City of Toronto. Copies of Ms. Berck's correspondence and the City policies are attached to this report.

Discussion:

Currently the Toronto Police Services Board policy entitled "Donations and Sponsorships" governs donations and sponsorships within the Toronto Police Service (the Service). The policy provides broad principles to govern the acceptance of donations and sponsorships by the Service. However, the Board does not have policies that deal specifically with naming rights and honourific naming.

Conclusion:

Therefore, it is recommended that the Chief of Police provide the Board with a report on current Toronto Police Service procedure and/or practices with respect to naming rights, sponsorship and honourific naming.

**The Board approved the foregoing report.**



## TORONTO POLICE SERVICES BOARD

### DONATIONS AND SPONSORSHIP

<b>DATE APPROVED</b>	July 21, 1994	Minute No: P332/94
<b>DATE(S) AMENDED</b>	March 26, 1998 November 15, 2010	Minute No: P113/98 Minute No: P292/10
<b>DATE REVIEWED</b>	January 25, 2001 March 22, 2007 November 15, 2010	Minute No: P27/01 Minute No: P105/07 Minute No: P292/10
<b>REPORTING REQUIREMENT</b>	Chief to report to Board annually	
<b>LEGISLATION</b>	<i>Police Services Act</i> , R.S.O. 1990, c.P.15, as amended, s. 31(1)(c).	
<b>DERIVATION</b>	Rule 4.5.8 – Donations	

Donations from the community to the Service are a valuable form of public support. It is important that the acceptance of these donations be subject to a clear, transparent, and accountable process. Donations must not compromise the integrity, impartiality or objectivity of the Service and must not be seen to do so. It is critical that donations be consistent with the goals, objectives and priorities of the Service and that they be beneficial to the community at large. In addition, donations must not be made or accepted with any conditions attached to their use.

Donations include monetary gifts, service, donations in-kind and cultural property, as well as sponsorship, that is, a donation received from a person and/or organization which will be used to finance the costs of an event and/or activity organized by the Service.

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

1. The Chief of Police will ensure that Service members will not solicit or accept donations from any person, including any organization or corporation, for the benefit of the Service, without the consent of the Board in accordance with the established policy:
  - a. acceptance of donations valued at ten thousand dollars (\$10,000) or less, require the approval of the Unit Commander and the completion of a Donor's Declaration Form (TPS 668);
  - b. acceptance of donations valued at more than ten thousand dollars (\$10,000) require the approval of the Board and the submission of a completed Donor's Declaration Form (TPS 668); or

- c. where there is not sufficient time to seek Board approval for the donation, approval may be delegated to the Chair and Vice Chair.
2. If the donation takes the form of equipment, vehicle, furniture, computers etc., the appropriate unit must be contacted to ensure the product meets Service specifications prior to accepting the donation.



Toronto Office of Partnerships

Metro Hall, Main Floor  
55 John Street  
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Phyllis Berck  
Director

Tel: 416-392-6119  
Fax: 416-392-6118  
pberck@toronto.ca  
www.toronto.ca

February 1, 2012

Alok Mukherjee  
Chair, Toronto Police Services Board



Dear Mr. Mukherjee:

I am pleased to advise you that City Council has approved three new policies concerning naming rights, sponsorships and honorary and street naming.

These policies formalize the practices that have been used successfully by various City divisions for the past decade. They establish a fair, transparent and consistent process for reviewing these proposals.

These policies were established to benefit the City, and we want to make all agencies aware of them. I understand that as an agency of the City you may already have your own naming rights and sponsorship policies. City Council has requested that you adopt a policy consistent with the City's prior to entering into future sponsorship agreements to ensure that all City divisions and agencies adopt a consistent approach to this matter. We recognize that further consideration may be required in determining how these types of policies might appropriately apply to policing services and law enforcement functions. Please contact our office or staff in the Governance & Corporate Performance unit in the City Manager's Office if you wish to discuss this further.

**Sponsorship and Naming Right Policy Highlights:**

- The City welcomes proposals for naming rights while safeguarding against the undue commercialization of the public realm
- All naming right proposals require Council approval (subject to any previously delegated authority), and certain properties and assets (e.g. City Hall, Community Council locations, and others as determined by Council) are not available for naming rights
- Properties with names of historic or community significance will only be considered for renaming in exceptional circumstances and only after consultation with the local Councillor and the community





- Toronto also welcomes mutually-beneficial sponsorships that enrich the lives of residents by enhancing City properties and programs.

**Honourific and Street Naming Policy Highlights:**

- Honourific names shall normally be awarded posthumously to people who have been deceased for at least two years, with exceptions to be approved by Council
- Councillors may introduce honourific naming proposals affecting their wards at Community Council
- City Council retains the right to approve all street naming proposals

Copies of the policies and other details are posted on the Toronto Office of Partnerships website: <http://www.toronto.ca/top/index.htm>.

If you have any questions, please contact Phyllis Berck, Toronto Office of Partnerships, (416) 392-6119, [pberck@toronto.ca](mailto:pberck@toronto.ca).

Sincerely,

A handwritten signature in black ink that reads "P. Berck".

Phyllis Berck  
Director  
Toronto Office of Partnerships

c.c. William Blair, Chief of Police, Toronto Police Services  
Joanne Campbell, Executive Director, Toronto Police Services Board  
Martin Herzog, Governance & Corporate Performance, City Manager's Office  
Peter Remedios, Policy and Partnership Advisor, Toronto Office of Partnerships

**CITY OF TORONTO  
INDIVIDUAL AND CORPORATE  
NAMING RIGHTS POLICY**

**1. STATEMENT**

- 1.1. The City welcomes proposals for naming rights by encouraging individual and corporate giving while safeguarding against the undue commercialization of the public realm.
- 1.2. Granting the right to name a City of Toronto property to an external party provides a means of generating new revenues and alternative resources to assist in the construction, support and/or provision of City facilities and programs.

**2. OBJECTIVE AND PURPOSE**

- 2.1 The purpose of this policy is to establish a corporate and individual naming rights protocol that:
  - creates a systematic approach to soliciting, managing and reporting on naming rights;
  - provides guidance to those that have an interest in the naming of civic properties;
  - protects the reputation, integrity and aesthetic standards of the City of Toronto and its assets;
  - ensures alignment with the City's programs and services; and
  - advances Council priorities and enhances public services.

**3. SCOPE**

- 3.1 This policy is not applicable to philanthropic contributions, gifts, or donations in which no benefits are granted to the third party and where no business relationship exists. Donations are governed by the City's Donation's Policy.

- 3.2 This policy applies only to naming rights, which represent but one class of sponsorship activity. Other forms of sponsorship (i.e. signage, sampling, etc.) are governed by a separate policy.
- 3.3 Only corporate and individual naming rights are covered by this policy. Honourific or commemorative naming and the process for naming/renaming City streets are covered in a separate policy.
- 3.4 For purposes of corporate consistency, this policy shall apply to all City divisions and to those agencies, boards and commissions (ABCs) which are by law subject to the policies of City Council by requiring that those ABCs adopt policies which are consistent with this policy. Approval of proposals would continue to be by the ABC or, if such authority is not delegated to the ABC, by City Council. All other ABCs are requested to adopt policies which are consistent with this policy. This policy shall not apply to boards of management for business improvement areas..
- 3.5 Naming rights arrangements that pre-date this policy are not subject to its terms.
- 3.6 Naming right proposals will be reviewed on a case-by-case basis.
- 3.7 Certain City properties, such as City Hall, Community Council sites, Union Station and others, as determined by Council, are not available for naming rights proposals.
- 3.8 Any naming rights proposal which varies from the requirements of this policy shall be approved by Council.

#### **4. DEFINITIONS**

- 4.1 For the purposes of this policy, the following definitions apply:
  - "Broker" refers to an external agency responsible for assessing the naming rights value of City properties and negotiating with the potential naming rights holder on the City's behalf.
  - "Corporate Naming Rights" means a mutually beneficial business arrangement wherein an organization provides goods, services or financial support to the City in return for access to the commercial and/or marketing potential associated with the public display of the organization's name on a City property for a finite period. Examples include the City-owned Sony Centre for the Performing Arts and the Scotiabank Nuit Blanche arts event.

- ❑ "Donations" are cash or in-kind contributions which provide assistance to the City. Donations do not constitute a business relationship since no reciprocal consideration is sought. Donations generally qualify for a tax receipt. An example is the \$1 million donated by an individual for the creation of a playground designed for disabled children at Earl Bales Park.
- ❑ "Honourific" or "Commemorative Naming" means the naming of City property without return consideration. It is bestowed by the City to recognize the service, commitment or other type of contribution by an individual, group or organization. The J.J. Piccininni Community Centre is but one example.
- ❑ "Individual Naming Rights" means the naming of City property in return for a financial or in-kind contribution from an individual or their estate. Typically, such support is given to enhance the community and to help sustain the property in question for a negotiated period of time. An example is the Martin Goodman Trail.
- ❑ "Naming Rights Holder" means the party which has been awarded the Naming Rights opportunity.
- ❑ "Properties" refers to City assets including, but not limited to, events, services, programs, activities, real property, facilities, intellectual property, parks, features (e.g. rooms, ice pads, bridges, playgrounds, etc.), and other assets, but not including streets and lanes.
- ❑ "Sponsorship" is a mutually beneficial business arrangement wherein an external party, whether for profit or otherwise, provides cash and/or in-kind services to the City in return for commercial advantage. This payback may take the form of publicity, promotional consideration, merchandising opportunities, etc. Because of these marketing benefits, a sponsorship does not qualify for a tax receipt. An example of a sponsorship is the City's annual Winterlicious program, which is presented by American Express, or Glad sponsoring the 20 Minute Clean-Up.

## 5. PRINCIPLES

### 5.1. General

- 5.1.1 This policy repeals and supplants all existing in-force City policies and guidelines on the naming of civic properties, including the Naming and Renaming of Parks and Recreation Facilities Policy.

Properties with names of historic or community significance would be considered for renaming only in exceptional circumstances and only after

- consultation with the local councillor and the community. Such renamings require City Council approval.
- 5.1.2 The cost and impact of changing existing signage, rebuilding community recognition and updating records must be considered before a property is renamed.
  - 5.1.3 Charitable tax receipts shall be issued only in accordance with the *Income Tax Act* and the policies of the Canada Revenue Agency.
  - 5.1.4 The City shall retain ownership and control over any named property.
  - 5.1.5 Subject to the agreement, the naming right must not impair in any way the City's ability to manage the property.
  - 5.1.6 The City will consider all naming rights proposals but does not have an obligation to accept any. The City reserves the right to refuse any proposal, including, but not limited to, those submitted by third parties whose activities are perceived by the recipient division to be incompatible with the City's goals, values or mission.
  - 5.1.7 Unsolicited naming offers are exempt from the Unsolicited Proposal Policy. Divisions are not required to seek out competing bids when the naming opportunity is initiated by a third party.
  - 5.1.8 Unsolicited naming offers may only be recommended where, in the view of the recipient division, the benefits to the City are commensurate with the value of the naming right.
  - 5.1.9 All naming right agreements shall be confirmed by written contract containing terms and conditions satisfactory to the recipient division, in consultation with the Legal Services Division.
  - 5.1.10 All naming right agreements shall be reported and are subject to Council approval.
  - 5.1.11 All funds generated by naming rights agreements shall be allocated to the division administering the named property. Subject to the agreement, the proceeds received may be applied to the property itself or designated for another use within the division. Revenues generated through naming rights shall not reduce the recipient division's budget.
  - 5.1.12 Every naming right agreement shall conform to all applicable federal and provincial statutes, and to all applicable City of Toronto bylaws, policies, contracts and practices, including the Lobbyist Register.

- 5.1.13 While the physical display of the naming right shall be negotiated or decided upon on an individual basis, such recognition must not unduly detract from the character, integrity, aesthetic quality or safety of the property or unreasonably interfere with its enjoyment or use.
- 5.1.14 The naming rights opportunity must not confer a personal benefit to any particular City employee or City official.
- 5.1.15 The City does not endorse the products, services, or ideas of any naming right holder.
- 5.1.16 At its sole discretion, the City reserves the right to terminate the naming right prior to the scheduled termination date, without refund of consideration, should it feel it is necessary to do so to avoid the City being brought into disrepute.
- 5.1.17 The sale of a naming right must not result in incremental net costs to the City.

#### ***5.2 Individual Naming Rights***

- 5.2.1 All individual naming rights must be for a fixed term, not exceeding the useful life of the property. Every such agreement shall include a sunset clause specifying the duration of the naming opportunity. Individual naming rights may be subject to renewal on mutual agreement.

#### ***5.3 Corporate Naming Rights***

- 5.3.1 Parties that are disqualified from doing business with the City are not eligible for naming right opportunities.
- 5.3.2 The benefits to the naming rights holder are limited to those expressly stated in the naming rights agreement.
- 5.3.3 No form of indemnification will be provided to any naming rights holder without the express approval of the Legal Services Division.
- 5.3.4 Naming rights may only be transferred or assigned by a naming rights holder with the consent of the City. Where a company changes its name, the naming rights may, with the consent of the City and at the expense of the naming rights holder, be modified to reflect the new name.
- 5.3.5 All corporate naming agreements must be for a fixed term, not exceeding the useful life of the property. Every corporate agreement shall have a

sunset clause specifying the duration of the naming opportunity. Such agreements cannot be extended or automatically renewed without Council approval.

- 5.3.6 Naming rights holders are prohibited from implying that their products, services or ideas are sanctioned by the City.
- 5.3.7 The naming right must not result in, or be perceived to result in, any competitive advantage, benefit or preferential treatment for the naming rights holder, outside of the agreement.
- 5.3.8 There shall be no actual or implied obligation for the City to purchase the product or services of the naming rights holder.

## **6. PROCEDURE**

### ***6.1. General***

- 6.1.1 Issues regarding the interpretation or application of this policy are to be referred to the Toronto Office of Partnerships.
- 6.1.2 In accordance with the Councillor Code of Conduct, and the principles and criteria contained in this policy, the solicitation, negotiation and administration of naming rights are to be conducted by authorized City staff only.
- 6.1.3 All naming rights must be evaluated for compliance with this policy. Divisions are responsible for ensuring that all naming rights holders and executed agreements comply with this policy and that staff abide by the provisions of this policy.
- 6.1.4 The local councillor is to be advised immediately with respect to ward-specific naming right opportunities.
- 6.1.5 All naming rights agreements will be in the form of a legal contract. For such sponsorships, the recipient division shall consult with the Legal Services Division regarding appropriate terms and conditions and consider inclusion of the following provisions:
  - i) A description of the contractual relationship, specifying the exact nature of the agreement;
  - ii) The term of the agreement;
  - iii) Renewal options, if permitted;
  - iv) The value of the consideration and, in the case of in-kind contributions, the method of assessment;
  - v) The payment schedule;

- vi) Rights and benefits;
- vii) Release, indemnification and early termination clauses as appropriate;
- viii) Insurance clauses;
- ix) Confidentiality terms;
- x) A statement acknowledging that the sponsorship may be subject to provisions of the *Municipal Freedom of Information and Protection of Privacy Act*; and
- xi) A statement that all parties are aware of, and agree to comply with, the provisions of this policy.

Copies of all naming rights agreements are to be retained for audit purposes in accordance with the normal retention policy of the City.

As required under section 6.9 of the Sponsorship Policy, naming rights agreements are to be made available to the public.

- 6.1.6 The terms and conditions contained within a naming rights agreement are to be approved by the Division Head or a designate. If the agreement involves more than one division, approval will be obtained from the Heads (designates) of each division involved.
- 6.1.7 The relevant division(s) is responsible for preparing and presenting a report for Council on the content of the negotiated naming rights agreement. Upon Council approval, the division shall execute the agreement.
- 6.1.8 It is the responsibility of the recipient division to ensure that the respective parties are adhering to the terms of the agreement.

## **6.2. Unsolicited Proposals**

- 6.2.1. All unsolicited naming or renaming requests shall be made in writing.
- 6.2.2. Such offers are to be referred to the relevant Division Head (or designate) either directly or via the Toronto Office of Partnerships.
- 6.2.3. As part of its due diligence, prior to proceeding with an unsolicited naming rights offer, the recipient division is responsible for consulting with relevant stakeholders, including ward residents, where necessary, and for conducting a risk/benefit assessment of the opportunity.
- 6.2.4. In considering a naming rights proposal, divisions may, at their discretion, utilize additional criteria beyond those noted in this policy and may assess fees for the purposes of cost recovery.

6.2.5. If a naming offer is not accepted, the proponent shall be advised as to the reasons.

### **6.3. Soliciting Naming Rights**

#### **6.3.1 General**

- a) Subject to this policy, divisions are free to solicit and negotiate naming rights.
- b) For commercial naming rights opportunities, a competitive process such as a Request for Proposal is generally recommended to secure a broker with the requisite experience and expertise to identify, evaluate and negotiate with corporations.
- c) For individual naming rights opportunities, the recipient division shall develop a fund-raising campaign for the property. Factors to be considered in the development of the fundraising goal shall include capital costs, annual operating and maintenance costs, and desirability and marketability of the opportunity. Each campaign goal shall be developed on a case-by-case basis.

#### **6.3.2 Annual Plan**

- a) The Toronto Office of Partnerships shall maintain a master list of naming rights opportunities, in consultation with City divisions.
- b) In developing the naming-rights plan, the Toronto Office of Partnerships will, in conjunction with City divisions (including Facilities Management, Real Estate Services, Legal Services and Corporate Finance):
  - review the inventory of available properties;
  - assess the anticipated public response;
  - determine the impact on the community;
  - evaluate the desirability and marketability of the property; and
  - consult with councillors whose wards contain the assets identified.
- c) On an annual basis, the Toronto Office of Partnerships will bring forward for Council approval the naming-rights plan for the year. The plan will include at a minimum:
  - the properties available for naming;
  - City division(s) that own/occupy the properties;
  - target markets (e.g. corporate vs. individuals);

- intended use of funds generated by the naming agreements; and
  - a process for determining sponsors (e.g. RFP or direct solicitation)
- d) Upon approval of the plan, Division Heads are free to pursue the naming rights opportunity, in compliance with this policy.

## **7. RELATED POLICIES**

7.1 The City's Donations Policy can be found at:  
[http://www.toronto.ca/top/pdf/donation\\_policy.pdf](http://www.toronto.ca/top/pdf/donation_policy.pdf)

7.2 The City's Unsolicited Proposal Policy can be found at:  
<http://www.toronto.ca/calldocuments/pdf/unsolicited.pdf>

7.3 Lobbyist Code of Conduct, Municipal Code Chapter 140, Article VI  
[http://www.toronto.ca/lobbying/code\\_conduct.htm](http://www.toronto.ca/lobbying/code_conduct.htm)

7.4 Lobbying and Donations to Council member-Organized Community Events  
Joint Interpretation Bulletin  
[http://www.toronto.ca/lobbying/pdf/interpretation\\_bulletin.pdf](http://www.toronto.ca/lobbying/pdf/interpretation_bulletin.pdf)

## **8. CONTACT**

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## **CITY OF TORONTO SPONSORSHIP POLICY**

### **1.0 STATEMENT**

- 1.1 The City of Toronto welcomes mutually beneficial sponsorships that enrich the lives of residents by enhancing City properties and programs.

### **2.0 OBJECTIVE AND PURPOSE**

- 2.1 The purpose of this policy is to establish a City-wide sponsorship protocol that:
  - aligns with the City's programs and services;
  - provides guidelines which facilitate and support opportunities for sponsorship; and
  - creates a systematic approach to soliciting, managing and reporting on sponsorships.

### **3.0 SCOPE**

- 3.1 This policy does not apply to naming rights or advertising. These are governed by separate City policies.
- 3.2 This policy is not applicable to philanthropic contributions, gifts, or donations in which property is voluntarily transferred by a third party to the City without expectation of return. In such instances, no valuable consideration is provided to, and no business relationship exists with, the third party. Donations are governed by the City's Donation's Policy.
- 3.3 For purposes of corporate consistency, this policy shall apply to all City divisions and to those agencies, boards and commissions (ABCs) which are by law subject to the policies of City Council by requiring that those ABCs adopt policies which are consistent with this policy. Approval of proposals would continue to be by the ABC or, if such authority is not delegated to the ABC, by City Council. All other ABCs are requested to adopt policies which are consistent with this policy. This policy shall not apply to boards of management for business improvement areas.
- 3.4 This policy does not apply to internal sponsorships amongst the City's divisions and ABCs.

- 3.5 Grants obtained from other orders of government, foundations, trusts, etc. are exempt from this policy.
- 3.6 Sponsorship arrangements that pre-date this policy are not subject to it.
- 3.7 This policy does not apply to City sponsorship support of external projects where the City provides funds to an outside organization.
- 3.8 All City properties are subject to this policy.
- 3.9 Any sponsorship which varies from the requirements of this policy shall be approved by Council.

#### **4.0 DEFINITIONS**

4.1 For the purposes of this policy, the following definitions apply:

- "Advertising" denotes the sale or lease of advertising or signage space on City-owned property. Unlike sponsorship, it involves the use of public advertising contracted at pre-determined rates for a set period of time. Advertising does not imply any reciprocal partnership arrangement since the advertiser is not entitled to any additional benefits beyond access to the space.
- "Donations" are cash or in-kind contributions which provide assistance to the City. Donations do not constitute a business relationship since no reciprocal consideration is sought. Donations generally qualify for a tax receipt. An example is the \$1 million donated by an individual for the creation of a playground designed for disabled children at Earl Bales Park.
- "Naming Rights" are a type of sponsorship in which an external partner receives the exclusive right to name a City property under specific terms. The naming right is sold or exchanged for cash or other valuable consideration. Examples include the City-owned Sony Centre for the Performing Arts and the Scotiabank Nuit Blanche arts event.
- "Properties" refers to City assets. These include, but are not limited to, events, services, programs, activities, real property, facilities, intellectual property, parks, features (e.g. rooms, ice pads, bridges, playgrounds, etc.), and other assets, but not including streets and lanes.
- "Sponsorship" is a mutually beneficial business arrangement wherein an external party, whether for profit or otherwise, provides cash and/or in-kind services to the City in return for commercial advantage. This payback may take the form of publicity, promotional consideration, merchandising

opportunities, etc. Because of these marketing benefits, a sponsorship does not qualify for a tax receipt. An example of a sponsorship is the City's annual Winterlicious program, which is presented by American Express, or Glad sponsoring the 20 Minute Clean-Up.

## **5.0 PRINCIPLES**

### **5.1 General**

- 5.1.1 This policy supplements existing City policies and guidelines. However, in the event of conflict between this policy and other City protocols involving sponsorships, this policy will prevail.
- 5.1.2 Divisions are free to solicit, accept and negotiate sponsorships, subject to this policy.
- 5.1.3 Sponsorship funding may only be accepted to supplement Council-approved initiatives. Sponsorships must be for purposes consistent with the receiving division's mandate and must be considered to be in the public interest of the City.
- 5.1.4 Charitable tax receipts shall be issued only in accordance with the *Income Tax Act* and the policies of the Canada Revenue Agency.
- 5.1.5 The City shall retain ownership and control over any sponsored property.
- 5.1.6 Potential sponsors must not be canvassed in a manner that uses or implies coercion. Prospective sponsors that decline solicitations for contributions shall not be penalized.
- 5.1.7 Unsolicited sponsorship offers are exempt from the Unsolicited Proposal Policy. Divisions are not required to seek out competing bids when the sponsorship opportunity is initiated by a third party.
- 5.1.8 Benefits to the sponsor are limited to those expressly stated in the sponsorship agreement.
- 5.1.9 The City does not endorse the products, services, or ideas of any sponsor.
- 5.1.10 All sponsorship relationships shall be confirmed in writing or by contract as deemed necessary.
- 5.1.11 Since sponsorships are only intended to supplement direct City funding and to enhance City initiatives or properties, a division's normal funding must not be displaced by the sponsorship arrangement.

- 5.1.12 Subject to the agreement, proceeds received from a sponsorship in respect of a property shall be applied to the property.
- 5.1.13 In order to expedite partnership development, a formal competitive process is not required when soliciting sponsorship opportunities. While there is no obligation to test the market, in order to maximize the contribution, it is expected that several prospective sponsors will be approached when circumstances warrant.
- 5.1.14 Divisions are encouraged to bring forward recurring sponsorships through the budget process. However, for new sponsorships, Division Heads (or their designate) may, without prior Council approval, approve and enter into agreements where:
- the total value of the sponsorship does not exceed \$500,000 per year, which aligns with the financial signing authority of Division Heads.
  - cumulative sponsorships from a particular third party for the same purpose do not exceed \$500,000 in a given fiscal year;
  - the sponsorship does not involve naming rights, which is governed by a separate policy; and
  - the sponsorship complies with this policy.

## 5.2 *Sponsorship Criteria*

- 5.2.1 The City will consider all sponsorship proposals but has no obligation to accept any of them. The City reserves the right to refuse any proposal, including, but not limited to, those submitted by third parties whose activities are perceived to be incompatible with the City's goals, values or mission.
- 5.2.2 All sponsorship agreements must be arranged for a fixed term.
- 5.2.3 The sponsorship must not confer a personal benefit, directly or indirectly, to any particular City employee or official.
- 5.2.4 The sponsorship must not create an ongoing financial obligation for the City beyond the term of the agreement.
- 5.2.5 Sponsorships shall conform to all applicable federal and provincial statutes, and to all applicable City bylaws, policies and practices.
- 5.2.6 The sponsorship must not interfere with existing contractual obligations.
- 5.2.7 The sponsorship must not unduly detract from the character, integrity, aesthetic quality or safety of the property or unreasonably interfere with its enjoyment or use.

- 5.2.8 The sponsorship must not result in, or be perceived to result in any competitive advantage, benefit or preferential treatment for the sponsor outside of the sponsorship agreement.
- 5.2.9 Benefits to the sponsor are to be commensurate with the size and scope of the sponsorship. It is the responsibility of the recipient division to determine the appropriate level or manner of benefits.

### **5.3 Sponsor Eligibility & Restrictions**

- 5.3.1 Divisions shall decline sponsorship proposals from parties that are disqualified from doing business with the City.
- 5.3.2 To protect the privacy of Toronto's residents, sponsors are not to have access to personal information held by the City.
- 5.3.3 No form of indemnification will be provided to any sponsor without the express approval of the Legal Services Division.
- 5.3.4 Sponsors are prohibited from implying that their products, services or ideas are sanctioned by the City.
- 5.3.5 There shall be no actual or implied obligation to purchase the product or services of the sponsor.

## **6.0 PROCEDURE**

- 6.1 Issues regarding the interpretation or application of this policy are to be referred to the Toronto Office of Partnerships.
- 6.2 In accordance with the Councillor Code of Conduct, and the principles and criteria noted in this policy, the solicitation, negotiation and administration of all sponsorships are to be conducted by authorized City staff only. Division Heads have overall responsibility for oversight and control of sponsorship activities in their divisions.
- 6.3 All unsolicited sponsorship offers are to be referred to the relevant division either directly or via the Toronto Office of Partnerships.
- 6.4 All new sponsorships must be evaluated for compliance with this policy. Divisions are responsible for ensuring that all sponsors and executed agreements comply with this policy and that staff abide by its provisions.

- 6.5 As part of its due diligence, prior to proceeding with a sponsorship, the recipient division is responsible for consulting with: the Lobbyist Register, relevant stakeholders, where necessary, and for conducting a risk/benefit assessment of the opportunity.
- 6.6 If a sponsorship offer is not accepted, the proponent shall be advised as to the reason.
- 6.7 Divisions are responsible for ensuring that any use of the City of Toronto's name, logo and emblems are in accordance with the City's Identity Policy.
- 6.8 The recipient division is to notify the local councillor when a ward-specific sponsorship is being considered.
- 6.9 All sponsorships must be documented. The recipient division shall draft a written agreement (e.g. confirmation letter, memorandum of understanding, etc.) consistent with the size, complexity and scope of the sponsorship. All cash sponsorships with an estimated value over \$50,000 require a contract. For such sponsorships, the recipient division shall consult with the Legal Services Division regarding appropriate terms and conditions and consider inclusion of the following provisions:
  - i) the identity of all the parties in the arrangement;
  - ii) the type and estimated market value of the contribution;
  - iii) terms of payment and disposition of any surplus funds or goods;
  - iv) a waiver from liability and an indemnity clause for damages or losses incurred by the City;
  - v) responsibilities of the respective parties (e.g. installation and maintenance, permits, insurance, removal from and remediation to the site, etc.);
  - vi) benefits to be received by the sponsor (e.g. exclusivity rights, logos and signage, promotional opportunities, form of recognition, etc.);
  - vii) the duration of the sponsorship and delivery dates;
  - viii) a statement acknowledging that the sponsorship may be subject to provisions of the *Municipal Freedom of Information and Protection of Privacy Act*;
  - ix) an exit clause, conditions for termination and the remedies available to both parties upon cancellation; and
  - x) a statement that all parties are aware of, and agree to comply with, the provisions of this policy.

Copies of all sponsorship agreements are to be stored for audit purposes, in accordance with the City's normal retention policy.

Sponsorship and naming agreements are to be made available to the public.

- 6.10 The terms and conditions that form part of a sponsorship arrangement are to be approved by the Division Head or a designate. If the agreement involves more than one division, approval will be obtained from each Division Head (or designate).
- 6.11 Subject to 5.1.13, it is the responsibility of the recipient Division Head(s) to secure Council approval for all sponsorship arrangements.
- 6.12 Depending on the size and scope of the sponsorship, the recipient division may wish to refer the agreement to the Legal Services Division for review prior to execution.
- 6.13 It is the responsibility of the recipient division to review the effectiveness of the sponsorship and to ensure that the respective parties are adhering to the terms of the written agreement.
- 6.14 For purposes of financial control and accountability, sponsorship funds are to be credited to the appropriate accounts. As part of the quarterly budget variance reporting process, where they have not already been accounted for in the budget, each division shall disclose the amount of all sponsorships received to date and report on how the funds were used.
- 6.15 Divisions are responsible for providing details of sponsorship agreements to the Toronto Office of Partnerships on an annual basis for the purposes of tracking.
- 6.16 The Toronto Office of Partnerships shall provide Council with an annual report summarizing the City's sponsorship activity.

## **7.0 RELATED POLICIES**

- 7.1 The City's Donations Policy can be found at:  
[http://www.toronto.ca/top/pdf/donation\\_policy.pdf](http://www.toronto.ca/top/pdf/donation_policy.pdf)
- 7.2 The City's Policy on Income-Tax Receipts for Cash Donations and Gifts in Kind can be found in Policy & Finance Committee Report 11(3), adopted Dec 14, 15 and 16, 1999.
- 7.3 The Code of Conduct for Members of Toronto City Council is available at:  
[http://www.toronto.ca/city\\_council/pdf/members\\_code\\_conduct.pdf](http://www.toronto.ca/city_council/pdf/members_code_conduct.pdf)
- 7.4 Lobbyist Code of Conduct, Municipal Code Chapter 140, Article VI  
[http://www.toronto.ca/lobbying/code\\_conduct.htm](http://www.toronto.ca/lobbying/code_conduct.htm)
- 7.5 Lobbying and Donations to Council member-Organized Community Events Joint Interpretation Bulletin  
[http://www.toronto.ca/lobbying/pdf/interpretation\\_bulletin.pdf](http://www.toronto.ca/lobbying/pdf/interpretation_bulletin.pdf)

- 7.6 The City's Unsolicited Proposal Policy can be found at:  
<http://www.toronto.ca/calldocuments/pdf/unsolicited.pdf>
- 7.7 The City's Identity Policy is available at:  
[http://insideto.toronto.ca/strategic\\_comm/policies-protocols.htm](http://insideto.toronto.ca/strategic_comm/policies-protocols.htm)
- 7.8 The City's Advertising Policy is available at:  
[http://insideto.toronto.ca/strategic\\_comm/advertising.htm](http://insideto.toronto.ca/strategic_comm/advertising.htm)

## **8.0 CONTACT**

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**CITY OF TORONTO  
HONOURIFIC AND STREET  
NAMING POLICY**

**1. STATEMENT**

- 1.1 The City of Toronto honours and promotes the heritage and identity of the City in a number of ways, including through the naming or renaming of civic properties and streets, which is the subject of this policy.

**2. OBJECTIVE AND PURPOSE**

- 2.1 The purpose of this policy is to establish a naming protocol that:
- provides guidelines and a consistent process for the naming of civic properties and streets;
  - protects the reputation and integrity of the City of Toronto and its assets;
  - ensures alignment with the City's programs and services.

**3. SCOPE**

- 3.1 This policy does not apply to individual or to corporate naming rights which are covered by a separate policy.
- 3.2 Gifts or donations to such initiatives as the Commemorative Tree and Bench Program are not covered by this policy. Such philanthropic contributions are governed by the City's Donations Policy.
- 3.3 For purposes of corporate consistency, this policy shall apply to all City divisions and to those agencies, boards and commissions (ABCs) which are by law subject to the policies of City Council by requiring that those ABCs adopt policies which are consistent with this policy. Approval of proposals would continue to be by the ABC or, if such authority is not delegated to the ABC, by City Council. All other ABCs are requested to adopt policies which are consistent with this policy. The authority for street naming under this policy shall remain solely with the City.

3.4 This policy does not apply retroactively. Naming arrangements that pre-date this policy are not subject to its terms.

3.5 Subject to existing arrangements and this policy, any property or street may be considered for naming. Naming proposals will be reviewed on a case-by-case basis.

#### 4. DEFINITIONS

4.1 For the purposes of this policy, the following definitions apply:

- ❑ "Corporate Naming Rights" shall mean a mutually beneficial business arrangement wherein an organization provides goods, services or financial support to the City in return for access to the commercial and/or marketing potential associated with the public display of the organization's name on a City property for a finite period. Examples include the City-owned Sony Centre for the Performing Arts and the Scotiabank Nuit Blanche arts event.
- ❑ "Duplicate" as used in this policy refers to the name of a street, including its type designation and other qualifiers.
- ❑ "Honourific Naming" shall mean the honourific or commemorative naming of property or streets without the receipt of consideration by the City. It is bestowed by the City to recognize the outstanding service, commitment or contribution of an individual or group. The J.J. Piccininni Community Centre is but one example. Furthermore, an honourific or commemorative naming may be conferred on an organization that has made such a substantial donation that naming is considered to be an appropriate acknowledgement.
- ❑ "Individual Naming Rights" shall mean the naming of City property in return for a financial or in-kind contribution from an individual or their estate. Typically, such support is given to enhance the community and to help sustain the property in question for a negotiated period of time. An example is the Martin Goodman Trail.
- ❑ "Properties" refers to City assets. These include, but are not limited to, events, services, programs, activities, real property, facilities, parks, features (e.g. rooms, ice pads, bridges, playgrounds, etc.), and other assets.
- ❑ "Streets" as used in this policy shall refer to City streets or lanes and shall include private streets which the City has the legal jurisdiction to name or rename.

## 5. PRINCIPLES

### 5.1 General

- 5.1.1 This policy repeals and supplants all existing in-force City policies and guidelines on naming, including the City of Toronto Street Naming Policy, as amended, and the Naming and Renaming of Parks and Recreation Facilities Policy.
- 5.1.2 The names of properties and streets honouring individuals or organizations cannot be altered without the express authorization of the relevant Community Council. The re-naming of properties and streets will only be pursued in exceptional circumstances and be considered within the context of the historical and/or community significance of the existing name.
- 5.1.3 The cost and impact of changing existing signage, rebuilding community recognition and updating records must be considered before a property or street is re-named.
- 5.1.4 Property and street namings are at the sole discretion of City Council.
- 5.1.5 All ward-specific property and street namings in compliance with this policy require the approval of the relevant Community Council.
- 5.1.6 The City shall retain ownership and control over any named property, unless another party has explicit lawful rights to the property.
- 5.1.7 The City will consider naming proposals, but is under no obligation to accept them or to present them for consideration.
- 5.1.8 The duration of the property or street naming is at the sole discretion of the City and may be revoked and the property or street re-named at any time.
- 5.1.9 In considering the naming of a property or street after an individual, priority will be given to those who have made a sustained and lasting contribution to the local community or to the City in general.
- 5.1.10 The physical display of the name shall be at the purview of the City.
- 5.1.11 The City does not endorse the products, services, or ideas of any named party.
- 5.1.12 The local councillor shall be notified at the outset with respect to ward-specific property or street naming proposals.
- 5.1.13 Councillors may introduce honourific naming proposals affecting their wards at Community Council

5.1.14 Division Heads have overall responsibility for oversight and control of property and street naming and renaming in their units.

## **5.2 Eligibility and Criteria**

- 5.2.1 The City shall not grant a naming without the informed written consent of the named party (i.e. individual, group or organization) or the named party's representative (e.g. estate or next-of-kin).
- 5.2.2 Honourific names shall normally be awarded posthumously to those individuals who have been deceased for at least two years, with exceptions to be approved by City Council.
- 5.2.3 Named parties are prohibited from implying that their products, services or ideas are sanctioned by the City.
- 5.2.4 The naming must not result in, or be perceived to confer, any competitive advantage, benefit or preferential treatment to the named party.
- 5.2.5 There shall be no actual or implied obligation on the City's part to purchase the product or services of the named party.
- 5.2.6 Subject to the agreement, the naming must not impair the City's ability to manage the property, if the City has rights to manage the property.
- 5.2.7 The naming must not unduly detract from the character, integrity or aesthetic quality of the property or unreasonably interfere with its enjoyment or use.
- 5.2.8 The naming must not confer a personal benefit to any particular City employee or City official.
- 5.2.9 Naming must not result in additional costs for the City. Any costs associated with an unsolicited naming proposal will be the responsibility of the applicant.

## **6. PROCEDURE**

The following process has been established to ensure that the naming or renaming of a City property or street is approached in a consistent manner. Issues regarding the interpretation or application of this policy and process are to be referred to the Toronto Office of Partnerships, with the exception of matters respecting the naming of streets, which shall be referred to the City Surveyor.

### ***6.1 Naming of Properties and Streets***

- 6.1.1 In line with current practice, for the naming of ward-specific properties and streets, division staff shall only recommend names that:
- after consulting with the local community and councillor, are determined to have general public support;
  - engender a strong positive image;
  - have historical, cultural or social significance to the community, City or nation;
  - are unique, to avoid confusion;
  - do not lend themselves to inappropriate abbreviations or acronyms; and
  - comply with this policy;
- 6.1.2 Streets should generally be named after people, places, events and things related to the City and citizens of Toronto. Proposed names should meet one of the following criteria:
- a. to honour and commemorate noteworthy persons associated with the City of Toronto;
  - b. to commemorate local history, places, events or culture;
  - c. to strengthen neighbourhood identity; or
  - d. to recognize native wildlife, flora, fauna or natural features related to the community and the City of Toronto.
- 6.1.3. Consideration should be given to names of local area or historic significance.
- 6.1.4 Names of living persons should be used only in exceptional circumstances.
- 6.1.5 Only a person's last name should be used as a street name unless additional identification is necessary to prevent a duplication with an existing street name in Toronto and surrounding municipalities.
- 6.1.6 Upon concluding its due diligence, the division will report to the relevant Community Council with the recommended name.

### ***6.1 Requests for the Honourific Naming/Renaming of City Properties (Other than Streets)***

- 6.2.1 Any individual, group or organization may submit an honourific naming proposal to name or rename eligible City property.

- 6.2.2 Ward-specific honourific naming proposals will be considered by the appropriate Community Council.
- 6.2.3 Honourific naming proposals that are city-wide in scope will be considered by the Mayor's Office and will require City Council approval.
- 6.2.4 All requests for the honourific naming or renaming of a City property shall be made in writing to the appropriate Division Head (or designate) or the Toronto Office of Partnerships, which will then refer the request to the appropriate division.
- 6.2.5 In considering a naming request, divisions may, at their discretion, utilize additional criteria beyond those noted in this policy and may assess fees for the purposes of cost recovery.
- 6.2.6 Requests should contain the following minimum information:
- The proposed name;
  - Reasons for the proposed name, including documentation of that person or entity's significance and contribution to the community, city or country;
  - Written documentation indicating community support for the proposed name. For a proposal to be eligible for consideration, the applicant must secure the endorsement of at least two community organizations, as defined by the applicable division;
  - Description/map showing location and boundaries of the property; and
  - If proposing to re-name a property, include justification for changing an established name. Names that have become widely accepted by the community will not be abandoned unless there are compelling reasons and strong public sentiment from the broader community for doing so.
- 6.2.7 Upon receipt, community and other relevant stakeholders, including the local councillor, shall be consulted on all naming/renaming proposals.
- 6.2.8 Each proposal will then be considered by a staff-led review that, as part of its due diligence, shall at a minimum:
- review the proposed request for its adherence to this policy.
  - ensure that supporting information has been authenticated, particularly when an individual's name is proposed.
  - conduct an independent background check on the individual, group or organization presented for naming.
  - consult with, and take into consideration the comments of, all interested stakeholders.

- 6.2.9 Staff will then present, within 90 days of the submission, a recommendation to the Division Head (or designate) who may either accept or reject the proposal. The Division Head may also seek to convene a public meeting to gain additional information prior to making a decision.
- 6.2.10 The Division Head/designate shall communicate the recommendation and its reasons to the applicant.
- 6.2.11 Where a proposal is recommended, the division shall report it to the appropriate Community Council for consideration.

## **6.2 Requests for the Naming/Renaming of Streets**

- 6.3.1.1 Names may be proposed for the naming or renaming of streets, subject to the following:
  - 6.3.1.2 Similar sounding names such as Beach Avenue and Peach Avenue, or Apple Hill Road and Apple Road shall be avoided.
  - 6.3.1.3 Corrupted or modified names, or names which are discriminatory or derogatory from the point of view of race, sex, colour, creed, political affiliation or other social factors shall not be considered.
  - 6.3.1.4 The re-use of former street names shall not be permitted to avoid confusion in property records management.
- 6.3.2 All applications for naming or renaming streets shall be made in writing to the City Surveyor. The application should include the proposed name, the specific street location and brief but complete background information on the proposed name. The City Surveyor shall determine the appropriate street type designation (e.g. avenue, boulevard, trail, terrace, crescent, etc.) and/or qualifier (e.g. east, west, etc.) for a proposed name.
- 6.3.3 In the case of a name change, the application should also include a petition with name, address and signatures of the persons who reside on, or own property that fronts on or is adjacent to the subject street.
- 6.3.4 The City Surveyor shall circulate proposed names to the affected Councillors, Fire Services, Toronto Police Services and Emergency Medical Services, and preservation panels.
- 6.3.5 Where the name is proposed to be established by registration of a plan of subdivision, the following shall apply:

- 6.3.5.1 Should the proposed names of the new streets be acceptable to all parties referenced in 6.3.4, the City Surveyor may, where the name is to be established by registered plan of subdivision, authorize inclusion of the names on the plan of subdivision; and
- 6.3.5.2 If the proposed street names on a draft plan of subdivision application do not have approval from all parties concerned, the City Surveyor shall report on the recommended names to the Community Council for its consideration.
- 6.3.6 Where the name is proposed to be established by by-law, the City Surveyor shall report to the Community Council for consideration and approval. Note that Municipal Code Chapter 162, "Notice, Public", requires that notice be given of the Community Council meeting at which a by-law to name or rename a street will be considered.
- 6.3.7 Recommendations by City staff for naming or renaming proposals which are initiated by staff or are requests for the approval of property or street naming which are not within the scope of this policy shall be referred to Community Council for appropriate action, which may include recommendation to City Council for approval.

## **7.0 RELATED POLICIES**

- 7.1 The City's Donations Policy can be found at:  
[http://www.toronto.ca/top/pdf/donation\\_policy.pdf](http://www.toronto.ca/top/pdf/donation_policy.pdf)
- 7.2 The Code of Conduct for Members of Toronto City Council is available at:  
[http://www.toronto.ca/city\\_council/pdf/members\\_code\\_conduct.pdf](http://www.toronto.ca/city_council/pdf/members_code_conduct.pdf)
- 7.3 Lobbyist Code of Conduct, Municipal Code Chapter 140, Article VI  
[http://www.toronto.ca/lobbying/code\\_conduct.htm](http://www.toronto.ca/lobbying/code_conduct.htm)
- 7.4 Lobbying and Donations to Council member-Organized Community Events  
Joint Interpretation Bulletin  
[http://www.toronto.ca/lobbying/pdf/interpretation\\_bulletin.pdf](http://www.toronto.ca/lobbying/pdf/interpretation_bulletin.pdf)

## **8. CONTACT**

W. Kowalenko, City Surveyor  
City of Toronto, Technical Services  
Survey and Mapping Services  
18 Dyas Road, 4 th Floor, Toronto ON M3B 1V5  
Fax: 4163920081

[http://www.toronto.ca/mapping/street\\_naming/index.htm](http://www.toronto.ca/mapping/street_naming/index.htm)

Phyllis Berck  
Director, Toronto Office of Partnerships  
Phone Number: (416) 392-6119  
E-mail: [pberck@toronto.ca](mailto:pberck@toronto.ca)

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P174. ANNUAL REPORT – 2011 VICTIM SERVICES PROGRAM**

The Board was in receipt of the following report June 07, 2012 from William Blair, Chief of Police:

Subject: VICTIM SERVICES PROGRAM – 2011 ANNUAL REPORT

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

This report is submitted at the direction of the Toronto Police Services Board (Min. No. P343/93 refers). Established in Toronto in 1990, to assist Toronto police officers and victims of crime, the Victim Services Program of Toronto (VSPT) has been incorporated with charitable non-profit status since December 1996. The VSPT operates 24 hours a day, 365 days a year and is affiliated with the Divisional Policing Support Unit.

Discussion:

Charitable Status

The VSPT maintains its charitable status with Revenue Canada. The program continues to actively seek monetary contributions from individuals and corporations, for needed financial resources to support the program. During the 2011 fiscal year (April 1, 2010 to March 31, 2011) the VSPT raised a total of \$240,802 through fundraising efforts.

Annual General Meetings

VSPT's Sixteenth Annual General Meeting was held on Thursday, December 6, 2011. Board of Director elections were held and a total of 12 members were elected for the fiscal year 2011-2012. The Seventeenth Annual General Meeting is scheduled for Thursday, November 29, 2012.

## Personnel

The VSPT operates with close to 50 employees, representing 20 Full-Time Equivalent employees. Staff include an Executive Director, a Director, 2 Program Managers, 2 Program Coordinators and 12 full-time equivalent Crisis Counsellors supported by 135 volunteers. Additionally, the High Risk Support Services, previously known as Domestic Violence Emergency Response System (DVERS) and Support Link Program, is staffed by 2 full-time Coordinators. It should be noted that the VSPT could not maintain the current level of service to the police and the community without the tremendous support received from 5 student placements and the dedicated volunteers who unselfishly donate their time to benefit others.

During 2011, Victim Services conducted 2 volunteer classes and a total of 80 personnel graduated. The volunteer program concentrates on recruiting persons who represent the many ethnic communities within Toronto. Currently, Victim Services staff and volunteers are able to provide support to victims in over 35 different languages.

## Victim Response Rates (Statistics)

All programs and services provided by VSPT continue to respond to increasing demands for victim assistance. In 2011 fiscal year, VSPT provided assistance to victims through its core programs: the Victim Crisis Response Program assisted 16,787 victims; the High Risk Support Program, formerly DVERS and SupportLink, assisted 1,038 victims of domestic violence, sexual assault and criminal harassment; and the Victim Quick Response Program assisted 1,121 victims of major crimes.

Project T.E.A.R. - Teens Ending Abusive Relationships – an educational violence prevention workshop aimed at teenagers, conducted over 90 workshops in 60 high and middle schools, colleges and community agencies in Toronto.

## Financing

The Ministry of the Attorney General and the City of Toronto Community Service Partnerships Grant Program have continued to provide core funding for the VSPT. But for the one time funding increase in July 2007, the Ontario Ministry of Attorney General continues to provide flatlined funding. The City of Toronto provided flatlined funding from 1990 to 2008. For the first time in 2008 the City of Toronto began increasing core funding by 2% annually up to and including 2010. In 2011 the City of Toronto returned to flatlined funding.

## Victim Crisis Response Program

The Victim Crisis Response Program is the only program in Toronto specifically designed to provide immediate on-site crisis and trauma services for victims of crime, 24 hours a day, 365 days per year. A total of 12 Crisis Counsellors and 140 extensively trained community volunteers provide crisis intervention, assessment, counselling, support, referrals, linkages and advocacy services to over 16,000 victims annually. Approximately 98% of all referrals to this program are generated by members of the Service. Other referral sources include hospitals,

shelters, community service agencies, self-referrals, and on occasion the Ontario Provincial Police.

The Victim Crisis Response Program hosts a police-dedicated phone line to ensure direct and prompt access to service for victims. Once a request for service has been received, the Crisis Team, comprised of 2 people, will depart to the victim's location. On location with the victim(s), the Crisis Team provides trauma/crisis counselling and emotional support. In addition, an assessment of the victim's immediate needs is conducted. The availability of this service enables front-line officers to clear the scene quickly and return to their primary responsibility of answering calls for service. A further assessment of short and long-term needs is completed during the follow-up process. The follow-up process begins as soon as the initial contact has ended. Follow-up service responsibilities include: a re-assessment; counselling; advocacy; locating/linking/coordinating services; and providing practical assistance, such as assistance in making funeral arrangements, contacting out-of-town relatives, finding shelter, etc. The existence of the Victim Crisis Response Program is consistent with the Service's Priority of "Focusing on Violence Against Women" in that victims receive assistance and referrals as needed.

#### High Risk Support Services Domestic Emergency Response System (DVERS)

In 2010, VSPT merged the Domestic Violence Emergency Response System (DVERS) and SupportLink to eliminate duplication and improve efficiency and effectiveness. This program's mandate is to ensure the safety of individuals and their families who are at serious risk of bodily harm due to domestic violence, sexual assault and/or criminal harassment by known or unknown individuals. Victims are provided with either an ADT personal alarm system, which is connected to their home telephone or a 9-1-1 linked cell phone. The personal alarm is maintained on the victim's person at all times. Once activated, ADT automatically calls 9-1-1, where the victim's address is 'flagged' as a high-priority and police officers are dispatched immediately. The 9-1-1- linked cell phone enables a victim to press any button on the cell phone with a direct link to 9-1-1.

High Risk Support Services helps victims develop comprehensive safety plans. Safety planning includes not only the victim's own safety, but the safety of the victim's children, other family members, friends, colleagues, etc. is offered to over 1,000 victims each year. Case management services including safety monitoring, counseling, advocacy and linkages to community resources and agencies are provided to approximately 300 victims annually.

#### Volunteer Recognition

The Victim Services Volunteer Recognition Event for 2011 was held at the Holiday Inn. Save and except the 2011 event, the Toronto Police Services Board, through a donation from the Special Fund (Min. No. P212/08 refers), has been supporting this event since 1990. Volunteers were recognized for their support to victims of crime and their unselfish commitment to the community. Approximately 140 volunteers were invited to the event and over 100 attended.

For the past several years, the Board has funded a Volunteer Recognition Event in the sum of \$8,000.00 to demonstrate the Board's gratitude for the valuable contribution made by the volunteers of the Victim Services Program. The services provided by these volunteers is extremely valuable and merit recognition. Victim Services relies upon the Board's financial support when planning this worthwhile event.

The following table outlines the actual costs for the 2011 Volunteer Recognition Event. The proposed budget for this year's Volunteer Recognition Event has been maintained.

Item	2011 Actual Costs	Vendor
Holiday Inn	\$6,550.52	Courtyard Marriot
Awards	\$402.06	D&G Trophies
Gifts for Volunteers	\$1,587.77	Gifts & Door Prizes (varied)
Printing & Event Materials	\$1,000.00	The Fine Print
<b>Total</b>	<b>\$9,540.35</b>	

The 2012 Volunteer Recognition Event is tentatively scheduled for Thursday, November 29, 2012. The itinerary for the evening includes a dinner to be followed by the presentation of the Volunteer Awards. Members of the Police Services Board are always welcome and encouraged to attend.

Conclusion:

The VSPT provides an invaluable contribution, not only to the Service, but also to the citizens of Toronto. The VSPT fulfills statutory obligation under the *Police Services Act* on behalf of the Service in providing support to victims of crime. This partnership also provides significant benefits, as front-line officers and investigators alike are able to focus primarily on all relevant aspects of their investigations.

The Toronto Police Services Board recognizes the VSPT volunteers by way of a Volunteer Recognition Event. This is an excellent platform to acknowledge the valued contributions made by these volunteers. The VSPT is the only agency in Toronto providing immediate assistance for victims; its continued sustainability is of paramount importance.

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

**The Board received the foregoing report.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P175. ANNUAL REPORT – JUNE 2011 TO MAY 2012 IMPLEMENTATION OF  
INTERNAL AND EXTERNAL RECOMMENDATIONS**

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

Subject: ANNUAL REPORT ON THE IMPLEMENTATION OF INTERNAL AND EXTERNAL RECOMMENDATIONS FOR THE PERIOD JUNE 1, 2011 TO MAY 31, 2012

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

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

Discussion:

On July 21, 2011, the recommendations from the Ministry of Community Safety and Correctional Services' Report on the 2005 Inspection of the Toronto Police Service were reported as fully implemented (Min. No. P187/11 refers).

The Ministry of Community Safety and Correctional Services' Report on the 2009 Inspection of the Toronto Police Service was tabled at the June 2012 Board meeting. The Board approved the Ministry Inspection Report and recommendations directed to the Service will now be tracked by A&QA.

Conclusion:

Due to the fact that the Board Report was just recently tabled, the implementation status of the recommendations made will be provided to the Board in A&QA's 2013 annual report.

Chief Administrative Officer Tony Veneziano, Administrative Command, will be in attendance to answer any questions that the Board may have regarding this report.

**The Board received the foregoing report.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P176. ANNUAL REPORT – 2012 AUDIT OF THE GENERAL WAREHOUSE,  
PROPERTY AND EVIDENCE MANAGEMENT UNIT AND PROPERTY  
HELD AT OTHER SPECIALIZED UNITS**

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

Subject: AUDIT OF THE GENERAL WAREHOUSE, PROPERTY AND EVIDENCE  
MANAGEMENT UNIT AND PROPERTY HELD AT OTHER SPECIALIZED  
UNITS

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

Ontario Regulation 03/99, Adequacy and Effectiveness of Police Services, was created under the *Police Services Act* (PSA) to provide provincial standards for the delivery of policing services in six core areas. One of the requirements of the Regulation is that there are policies and procedures in place with respect to property and evidence control and the related collection, handling, preservation, documentation and analysis of physical evidence.

The provisions of the Regulation make the Board responsible for establishing policy and the Chief of Police responsible for creating processes and procedures that set the Board policies into operation.

At its meeting of August 10, 2006, the Board approved policy TPSB LE-020, Collection, Preservation and Control of Evidence and Property (Min. No. P244/06 refers). One requirement of this policy is that the Chief of Police “shall ensure that an annual audit of the property/evidence held by the Service is conducted by a member(s) not routinely or directly connected with the property/evidence control function, and report the results to the Board.” On December 13, 2006, Service Procedure 09-01, Property-General, was updated to include the requirement that the Unit Commander – Audit & Quality Assurance Unit “shall ensure that an audit of property/evidence held by the Service is conducted annually and that the results of the audit are reported to the Toronto Police Services Board.”

Discussion:

In 2012, Audit & Quality Assurance (A&QA) conducted an audit of the general warehouse of the Property and Evidence Management Unit (PEMU) and property held at other specialized units. The scope of the audit included an examination of the main systems and supporting documents along with storage, tracking and disposal of property.

Conclusion:

A&QA determined that the PEMU General Warehouse is in compliance with the relevant section of the *PSA* and Ontario Regulation 03/99. Internal control deficiencies that were noted during the audit of the specialized units have either been resolved or are in the process of being addressed.

Chief Administrative Officer Tony Veneziano, Administrative Command, will be in attendance to answer any questions that the Board may have regarding this report.

**The Board received the foregoing report.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P177. THEFT OF CELLULAR PHONES & ELECTRONIC DEVICES**

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

Subject: THEFT OF CELLULAR PHONES & ELECTRONIC DEVICES

Recommendations:

It is recommended that the Board receive this report.

Financial Implications:

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

Background/Purpose:

The Board was in receipt of correspondence dated March 19, 2012 from Frances Nunziata, Councillor, City of Toronto, and member, Toronto Police Services Board, advising that she has received many complaints about the thefts of cellular phones and iPods from young people in her constituency.

At its meeting of April 5, 2012, the Board requested a report on the No. 23 Division cellular phone registry pilot project (Min. No. P50/12 refers).

Discussion:

The theft of cellular phones and other hand-held electronic devices, from young people, especially thefts involving violence (robbery), is a significant issue across the country and the major cities chiefs of police consider it the greatest growing crime problem involving young people. There is technology which allows a cellular phone to be disabled after it is stolen and there is a proposal in the United States for new federal legislation that would compel cellular phone manufacturers to add this technology to their cellular phones. In Canada there is no such legislation.

The International Mobile Equipment Identity (IMEI) number is a unique identification or serial number assigned to mobile phones. The IMEI number allows the carrier to record that a particular phone is reported lost or stolen.

Currently, Canadian wireless telecommunications companies maintain their own database of IMEI numbers but there is no cross-communication with the databanks of other carriers. If a cellular phone is reported stolen to the issuing carrier, another individual would be blocked from

registering that phone with that carrier. However, if that phone is taken to a different carrier, and the individual claims it to be lawfully obtained, it could be activated because that carrier has no way of knowing it has been reported stolen.

To bridge this information gap and in efforts to enhance recovery, deter theft and reduce violence, No. 23 Division commenced a pilot project wherein members of the public could register their IMEI number with police. As the pilot project rolled out it became apparent that community members were not willing to participate because they were reluctant to provide their information to police.

The No. 23 Division pilot project was halted due to the lack of participation caused by these privacy concerns.

A private sector Canada-wide IMEI registry, populated with information gathered during the initial purchase process, requires support from the Canadian wireless telecommunication companies. This support is not currently being offered.

The call for legislation to compel communications companies to implement technology to disable stolen mobile communication devices is progressing in the United States and is being led by the Major Cities Chiefs Association (Appendix A refers).

On March 6, 2012, the Council of the District of Columbia passed a resolution declaring the sense of the Council that the Federal Government should require communication carriers to immediately disable electronic communications devices when they have been reported stolen (Appendix B refers).

On April 10, 2012, the Federal Communications Commission announced that they would work with U.S. mobile operators to set up individual databases to track unique device identification numbers. These databses would be coordindated by the CTIA, the wireless trade association, and made accessible to law enforcement agencies (Appendix C refers).

A bill has been introduced in Congress entitled the "Cell Phone Theft Prevention Act of 2012" requesting amendments to the Communications Act of 1934 to prohibit mobile service providers from providing service to phones that have been reported stolen (Appendix D refers). The bill has not yet been reported by Committee.

#### Conclusion:

The pilot project in No. 23 Division to deter cellular phone theft was not successful due to lack of public participation. However, the local scope of the project would have limited its impact even if the public had been fully supportive.

The problem of theft of electronic devices requires a broader approach, such as the one jointly supported by government, law enforcement agencies, and wireless device providers in the United States.

A functional cellular phone registry would serve to reduce victimization, promote recovery of stolen cellular phones and facilitate the apprehension of offenders. However, wireless telecommunication companies do not provide such a database and community members are not willing to register cellular phones with the police.

The Toronto Police Service will continue to respond to this issue with a focus on preventing and solving violent theft of cellular phones and other hand-held electronic devices. The Toronto Police Services Board may assist by taking the lead in advocating for legislative changes in Canada along the same line as those currently being explored in the United States.

Deputy Chief Peter Sloly, Divisional Policing Command, will be in attendance to answer any questions the Board may have concerning this report.

**The Board was also in receipt of correspondence dated July 18, 2012 from Frank DiGiorgio, Councillor, City of Toronto, with regard to the theft of cellular phones and electronic devices. A copy of Councillor DiGiorgio's correspondence is on file in the Board office.**

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

- **Larry Colle, Chair, Chaminade Catholic School Advisory Council**
- **Laura Albanese, MPP, York-South Weston**
- **Carmen Santino, Principal, Chaminade Catholic School**

**Councillor Frances Nunziata advised the Board that students are often physically assaulted, and sometimes seriously injured, when their cell phones or electronic devices are taken from them. Councillor Nunziata described how some schools are addressing the increase in the number of thefts that are occurring, including providing information to students on prevention awareness.**

**Councillor Nunziata expressed appreciation to the members of 12 Division for the way in which they have responded to concerns raised by the community about this matter and the work that they have done to assist the victims who have been assaulted during the thefts.**

**The following Motions were submitted to the Board:**

1. **THAT the Toronto Police Services Board correspond with the Federal Minister of Public Safety and the Minister of Industry to provide a copy of the foregoing report and to request that they introduce legislation changes in Canada that would compel cellular phone service providers to provide technology which would permit the disabling of a cellular phone after it is stolen and that the Ministries work with wireless telecommunication providers to facilitate the creation of a functional cellular device registry;**

2. THAT the Board also ask that the Ministries request that telecommunications service providers adopt the four strategies noted in Appendix C to deter smartphone theft and protect personal data;
3. THAT the Board request that the Canadian Association of Police Boards adopt the above-noted resolutions and include this issue in upcoming advocacy efforts at the Federal level;
4. THAT the Board forward a copy of this report to the City's Executive Committee with a request that it endorse these Motions; and
5. THAT the Board receive the foregoing report, the correspondence from Councillor DiGiorgio and the deputations.

A request for a recorded vote on the foregoing Motions was submitted in accordance with section 22 of the Board's Procedural by-Law.

The voting was recorded as follows:

<u>For</u>	<u>Opposed</u>
Chair Alok Mukherjee Vice-Chair Michael Thompson Councillor Frances Nunziata Councillor Chin Mr. Andy Pringle Dr. Dhun Noria Ms. Marie Moliner	nil

The Motions passed.



MAJOR CITIES CHIEFS ASSOCIATION

RESOLUTION

Albuquerque, New Mexico  
Arlington, Texas  
Atlanta, Georgia  
Austin, Texas  
Baltimore City, Maryland  
Baltimore Co., Maryland  
Boston, Massachusetts  
Buffalo, New York  
Calgary, Alberta  
Charlotte-Mecklenburg, North Carolina  
Chicago, Illinois  
Cincinnati, Ohio  
Cleveland, Ohio  
Colorado Springs, Colorado  
Dallas, Texas  
Denver, Colorado  
Detroit, Michigan  
Edmonton, Alberta  
El Paso, Texas  
Fairfax County, Virginia  
Fort Worth, Texas  
Fresno, California  
Honolulu, Hawaii  
Houston, Texas  
Indianapolis, Indiana  
Jacksonville, Florida  
Kansas City, Missouri  
Las Vegas Metro, Nevada  
Long Beach, California  
Los Angeles, California  
Los Angeles Co., California  
Louisville, Kentucky  
Memphis, Tennessee  
Mesa, Arizona  
Miami-Dade, Florida  
Milwaukee, Wisconsin  
Minneapolis, Minnesota  
Montgomery Co., Maryland  
Montreal, Quebec  
Nashville, Tennessee  
Nassau Co., New York  
New Orleans, Louisiana  
New York City, New York  
Newark, New Jersey  
Oakland, California  
Oklahoma City, Oklahoma  
Ottawa, Ontario  
Philadelphia, Pennsylvania  
Phoenix, Arizona  
Pittsburg, Pennsylvania  
Portland, Oregon  
Prince George's Co., Maryland  
Raleigh, North Carolina  
Sacramento, California  
Salt Lake City, Utah  
San Antonio, Texas  
San Diego, California  
San Francisco, California  
San Jose, California  
Seattle, Washington  
St. Louis, Missouri  
Suffolk Co., New York  
Toronto, Ontario  
Tucson, Arizona  
Tulsa, Oklahoma  
Vancouver, British Columbia  
Virginia Beach, Virginia  
Washington, DC  
Winnipeg, Manitoba

**WHEREAS**, the members of the Major Cities Chiefs Association are committed to identifying ways to deter crime and protect the public;

**WHEREAS**, nationwide there has been a sharp increase in the number of thefts and robberies of mobile communication devices, including cell phones, smart phones, and computer tablets, often through violent attacks;

**WHEREAS**, the technology exists and has been implemented in the United Kingdom to disable handsets remotely, and this reduces the potential profit through black market sales of these devices;

**WHEREAS**, the utilization of a tracking database and deactivation network would greatly assist police departments within the United States in reducing thefts of small electronic and mobile communication devices. Furthermore, if the database is made widely available, it would likely reduce the number of stolen electronics resold in pawnshops and on websites aimed at selling used products, thereby deterring the commission of these crimes.

**NOW, THEREFORE, BE IT RESOLVED** by the Major Cities Chiefs Association:

1. To call upon the Federal Communications Commission to require communication companies to implement technology to disable stolen mobile communication devices and deter the commission of these thefts.
2. To support objective and impartial research to determine the impact of the theft of mobile communication devices and the resulting market for stolen devices.
3. To work through its various member agencies to educate the general public on protective steps to follow to prevent them being a victim while operating mobile communication devices and to provide the public with information about technology resources that will deter criminals from profiting from the theft of small electronics and mobile communication devices.

The Major Cities Chiefs Association strongly endorses the above-listed strategies and pledge to support them whenever the opportunity presents itself.

Attest: Charles H. Ramsey, Commissioner  
Philadelphia Police Department  
President, Major Cities Chiefs Association

ENROLLED ORIGINAL

A RESOLUTION

19-396

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 6, 2012

To declare the sense of the Council that the Federal Communications Commission should require communication carriers to immediately disable electronic communications devices when they have been stolen and establish a tracking database and deactivation network to assist police departments within the United States in reducing thefts of small electronic and mobile communication devices.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Urging the Federal Government to Disable Stolen Electronic Communication Devices Emergency Resolution of 2012".

Sec. 2. The Council of the District of Columbia finds that:

(1) There has been a significant increase in the number of robberies in the District of Columbia. A significant number of these robberies involve electronic communications devices such as cell phones, I-phones, and tablets.

(2) Nationwide, there has been a large increase in the theft of electronic devices. Massachusetts Bay Transportation Authority reports an increase in thefts of 26%. Dallas reports that a cell phone is taken in one out of 3 individual robberies. New York City reports that almost half of its robberies in the first 10 months of 2011 involved electronic devices.

(3) The popularity of stolen electronic devices is due to the fact that they can be easily reused. When a cell phone is reported stolen, the carrier will deactivate the memory card, which contains the subscriber's information. However the memory card can be easily replaced, and thus the devices are still usable.

(4) Technology exists whereby communication companies, with the consent of the owner, can remotely activate tracking devices on stolen electronic devices to assist in the criminal investigation and recovery of these stolen devices.

(5) Technology exists, and has been implemented in the United Kingdom, to disable handsets remotely, which virtually removes the potential profit through black market sales of these devices.

**ENROLLED ORIGINAL**

(6) The utilization of a tracking database and deactivation network would greatly assist police departments within the United States in reducing thefts of small electronic and mobile communication devices. Furthermore, if the database is made widely available, it would likely reduce the number of stolen electronics resold in pawnshops and on websites aimed at selling used products. This provides an additional deterrent to the commission of these crimes.

(7) Given the significant increase in robberies where thieves target these devices, rendering these devices valueless should have a substantial effect in reducing robbery in the District.

Sec. 3. It is the sense of the Council that the Federal Communications Commission should:

(1) Require telecommunications carriers and manufacturers to disable electronic devices upon receiving a report that the unit has been stolen, thereby reducing their value; and

(2) Establish a tracking database and deactivation network to assist police departments within the United States in reducing thefts of small electronic and mobile communication devices.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Chief of Police, the District's Congressional delegate, and the Federal Communications Commission.

Sec. 5. This resolution shall take effect immediately.

**Working with the Federal Communications Commission and the Major City Police Chiefs, CTIA-The Wireless Association® and participating wireless companies voluntarily commit to the following four actions to deter smartphone phone theft and protect personal data:**

**1. Implement Databases to Prevent Reactivation of Stolen Smartphones.** Wireless providers will work to initiate, implement, and deploy database solutions, using unique smartphone identifying numbers, designed to prevent all smartphones reported by their customers as stolen from being activated and/or provided service on their own networks. U.S. GSM providers will participate in a common database, using unique smartphone identifying numbers, designed to prevent smartphones reported by their customers as stolen from being activated and/or provided service on the network of another U.S. GSM provider (“GSM database system”). The above databases solutions will be implemented by October 31, 2012. The GSM database system will, as operationally and technologically feasible, be made interoperable with appropriate international GSM stolen cell phone databases.

In addition, U.S. wireless providers will participate in a common database, where technologically feasible, of the unique identifying numbers of LTE smartphones reported by customers as stolen, and will implement systems to prevent such smartphones from being reactivated or reused on providers’ LTE networks (“LTE database system”). The LTE database system will, as operationally and technologically feasible, be made interoperable with appropriate international LTE stolen cell phone databases. Wireless industry representatives will continue to communicate with law enforcement representatives participating in industry standards bodies regarding implementation of these commitments.

**Milestone: Completion of blocking on own network by four largest U.S. providers (Verizon, AT&T, Sprint, and T-Mobile) and of common GSM database system by two largest U.S. GSM providers (AT&T and T-Mobile): October 31, 2012. Completion of all other deliverables above: November 30, 2013.**

**2(A). Notify Consumers of Features to Secure/Lock Smartphones with Passwords.** Smartphone makers will implement a system to notify users via the smartphone upon activation or soon after of the smartphone’s capability of being locked and secured from unauthorized access by setting a password.

**Milestone: Completion: April 30, 2013.**

**2(B). Educate Consumers About Features to Secure/Lock Smartphones with Passwords.** Smartphone makers will include information on how to secure/lock smartphones in-box and/or through online “Quick Start” user guides.

**Milestone: Completion: December 31, 2012.**

**3. Inform Consumers about Applications to Remotely Lock/Locate/Erase Data from Smartphones.** Wireless providers will inform consumers, including through email or text messages, about the existence of – and access to – applications that can lock/locate/erase data from smartphones. Wireless providers will educate consumers about how to access these applications, including applications preloaded onto smartphones, in an easy-to-find place.

**Milestone: Substantial Progress: December 31, 2012. Completion: April 30, 2013.**

**4. Educate Consumers about Smartphone Theft, Protections, and Preventative Measures.**

The wireless industry will launch a campaign to educate consumers regarding the safe use of smartphones and highlight solutions described in 1 through 3 above through a range of initiatives that will include Public Service Announcements, with media buys, and the use of unique websites, social media, and more.

**Milestone: Educational initiatives will begin by July 1, 2012.**

**Progress Benchmarks**

CTIA will publish quarterly updates on its publicly-available website beginning June 30<sup>th</sup>, 2012, and submit a copy to the Federal Communications Commission, detailing progress, benchmarking milestones and indicating completion by industry and provider of the following deliverables: implementation of databases, information about applications to locate/lock/erase data from smartphones, and efforts to educate consumers about smartphone theft, protections, and preventative measures.

The Commission may open a proceeding if progress on the above deliverables falls behind schedule.

.....  
(Original Signature of Member)

112TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend the Communications Act of 1934 to prohibit mobile service providers from providing service on mobile electronic devices that have been reported stolen and to require such providers to give consumers the ability to remotely delete data from mobile electronic devices, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. ENGEL introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Communications Act of 1934 to prohibit mobile service providers from providing service on mobile electronic devices that have been reported stolen and to require such providers to give consumers the ability to remotely delete data from mobile electronic devices, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Cell Phone Theft Pre-  
3 vention Act of 2012”.

4 **SEC. 2. STOLEN MOBILE ELECTRONIC DEVICES.**

5 (a) IN GENERAL.—Part I of title III of the Commu-  
6 nications Act of 1934 (47 U.S.C. 301 et seq.) is amended  
7 by adding at the end the following:

8 **“SEC. 343. STOLEN MOBILE ELECTRONIC DEVICES.**

9 “(a) PROHIBITION ON PROVISION OF SERVICE.—

10 “(1) IN GENERAL.—A provider of commercial  
11 mobile service or commercial mobile data service  
12 may not provide service on a mobile electronic device  
13 that has been reported to such provider as stolen—

14 “(A) by the person who holds the account  
15 with respect to such service, if such person sub-  
16 mits to such provider a copy of a report made  
17 to a law enforcement agency regarding the  
18 theft; or

19 “(B) by another provider of commercial  
20 mobile service or commercial mobile data serv-  
21 ice, in accordance with paragraph (2).

22 “(2) REPORTING BY SERVICE PROVIDERS.—A  
23 provider of commercial mobile service or commercial  
24 mobile data service to which a mobile electronic de-  
25 vice is reported stolen as described in paragraph

1 (1)(A) shall inform all other providers of such serv-  
2 ice—

3 “(A) that such device has been reported  
4 stolen; and

5 “(B) of any information necessary for the  
6 identification of such device.

7 “(b) REMOTE DELETION OF DATA.—A provider of  
8 commercial mobile service or commercial mobile data serv-  
9 ice on a mobile electronic device shall make available to  
10 the person who holds the account with respect to such  
11 service the capability of deleting from such device, from  
12 a remote location, all information that was placed on such  
13 device after its manufacture.

14 “(c) DEVICE STANDARDS.—A person may not manu-  
15 facture in the United States or import into the United  
16 States for sale or resale to the public a mobile electronic  
17 device unless such device is—

18 “(1) equipped with a unique identifier (such as  
19 a Mobile Equipment Identifier) that allows a pro-  
20 vider of commercial mobile service or commercial  
21 mobile data service to identify such device for pur-  
22 poses of complying with subsections (a) and (b); and

23 “(2) configured in such a manner that the pro-  
24 vider of commercial mobile service or commercial  
25 mobile data service on the device is able to make

1 available the remote deletion capability required by  
2 subsection (b).

3 “(d) DEFINITIONS.—In this section:

4 “(1) COMMERCIAL MOBILE DATA SERVICE.—

5 The term ‘commercial mobile data service’ has the  
6 meaning given such term in section 6001 of the Mid-  
7 dle Class Tax Relief and Job Creation Act of 2012  
8 (Public Law 112–96).

9 “(2) COMMERCIAL MOBILE SERVICE.—The term  
10 ‘commercial mobile service’ has the meaning given  
11 such term in section 332.

12 “(3) MOBILE ELECTRONIC DEVICE.—The term  
13 ‘mobile electronic device’ means a personal electronic  
14 device on which commercial mobile service or com-  
15 mercial mobile data service is provided, except that  
16 such term does not include a device—

17 “(A) for which the consumer purchases  
18 service by paying in advance for a specified  
19 amount of calling or data usage; or

20 “(B) with respect to which the consumer  
21 does not have a direct relationship with the pro-  
22 vider of commercial mobile service or commer-  
23 cial mobile data service.”.

24 (b) REPORT TO FCC.—Not later than 1 year after  
25 the date of the enactment of this Act, each provider of

1 commercial mobile service or commercial mobile data serv-  
2 ice that provides such service on a mobile electronic device  
3 shall submit to the Federal Communications Commission  
4 a report on—

5 (1) the efforts such provider is making in order  
6 to be prepared to comply, not later than the effective  
7 date described in subsection (c)(1), with the require-  
8 ments of subsections (a) and (b) of section 343 of  
9 the Communications Act of 1934, as added by sub-  
10 section (a) of this section; and

11 (2) the progress of such provider toward being  
12 prepared to comply with such requirements by such  
13 date.

14 (e) EFFECTIVE DATE.—

15 (1) IN GENERAL.—Such section 343 shall take  
16 effect on the date that is 2 years after the date of  
17 the enactment of this Act.

18 (2) DEVICES PREVIOUSLY MANUFACTURED OR  
19 IMPORTED.—In the case of a mobile electronic device  
20 that was manufactured in the United States (or im-  
21 ported into the United States, if such device was  
22 manufactured outside the United States) before the  
23 date that is 2 years after the date of the enactment  
24 of this Act, a provider of commercial mobile service  
25 or commercial mobile data service shall only be re-

1       quired to comply with subsections (a) and (b) of  
2       such section to the extent technologically feasible.  
3       (d) DEFINITIONS.—In this section, a term that is de-  
4       fined in such section 343 shall have the meaning given  
5       such term in such section.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P178. MEDAL OF MERIT – POLICE CONSTABLE JEFFREY STREIT (99880)**

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

Subject: MEDAL OF MERIT – POLICE CONSTABLE JEFFREY STREIT (99880)

Recommendation:

It is recommended that the Board grant the Medal of Merit to Police Constable Jeffrey Streit (99880) of 14 Division.

Financial Implications:

The Board delegated standing authority to the Chair to approve the payment of costs related to the presentation of Medals of Merit from the Board's Special Fund. Costs of the medal and the certificate are not expected to exceed \$383.30.

Background/Purpose:

The Board has established an award system that supports the Core Values and mission of the Toronto Police Service.

In order to review recommendations for awards, the Board created the Standing Awards Committee (SAC). The Board delegated to the SAC the authority to award Commendations, Teamwork Commendations and Merit Marks. The SAC is required to seek the approval of the Board in instances where the SAC decides that either a Medal of Merit or a Medal of Honour is warranted.

In accordance with the Board's policy, a Medal of Merit may be granted to a police officer or civilian member of the Service for outstanding acts of bravery or the highest level of performance of duty. This award requires the approval of the Board.

The following are the circumstances that lead to the award recommendation:

On October 22, 2010, Police Constable Jeffrey Streit (99880) and his partner, Police Constable Donald Claudio (9985) were in uniform when they attended an apartment looking for a suspect who was wanted on an outstanding warrant. They spoke with the man's grandmother who informed them that he was not at home. The officers attended the apartment the next day and were granted entry by the grandmother who directed them to a bedroom in the back of the apartment. The bedroom door was closed.

The officers announced themselves as police officers and moments later the door opened and the suspect presented himself. The bedroom was dimly lit so the officers asked to speak with the suspect in the hallway. The suspect was cooperative. The officers identified the suspect from a photograph provided to them in relation to the execution of the warrant. The suspect was then placed under arrest and informed that he was being taken to the police station. The suspect was calm and cooperative and requested permission to get dressed and to retrieve clothes from his bedroom.

The suspect entered his bedroom under the watchful eye of Constable Streit's partner, Constable Claudio. Suddenly the suspect's demeanour changed and he began shouting at the officers to leave him alone. The suspect reached under a bag of clothes and retrieved a large machete type knife. Although the room was dimly lit Constable Claudio, who had his flashlight on, was able to see the weapon. The suspect came at the officer attacking him with the knife. Constable Claudio backed out of the bedroom and tried to draw his firearm. As he retreated he bumped into the door frame, stumbled, fell to the floor and lost his grip on his firearm. He tried to locate the firearm but could not. The suspect advanced towards Constable Claudio holding the knife at his chest with both hands. Constable Claudio was on the floor scrambling to regain his footing as the suspect started to stab at him.

Constable Streit saw the machete in the suspect's hand and that it was being raised for a strike at Constable Claudio. Fearing for the life of his partner, Constable Streit immediately fired at the suspect. The suspect stopped his attack on Constable Claudio and turned towards Constable Streit still armed with the machete. Constable Streit fired again striking the suspect in the chest. The suspect dropped the machete and fell to the floor. Constable Streit kicked the weapon away from the suspect and called for assistance.

The suspect unfortunately succumbed to his injuries.

#### Conclusion:

The SAC recommends that the Board award a Medal of Merit to Constable Jeffrey Streit (99880) for his courage and presence of mind in the face of imminent danger to his partner and himself.

The actions of the officer have met the criteria for a Medal of Merit in this particular incident.

I therefore recommend that the Board grant the Medal of Merit to Constables Jeffrey Streit for his meritorious service.

Deputy Chief Mike Federico of Corporate Command will be in attendance to answer any questions the Board may have.

**The Board approved the foregoing report.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P179. HUMAN RESOURCES MANAGEMENT**

The Board was in receipt of the following report June 26, 2012 from Alok Mukherjee, Chair:

Subject: RE-ORGANIZATION - HUMAN RESOURCES MANAGEMENT

Recommendation:

It is recommended:

THAT the Chief of Police be authorized to make interim arrangements to ensure that the immediate staffing needs of Human Resource Management unit are met, pending the completion of the City's shared services review and the Chief's Internal Organizational Review (CIOR).

Financial Implications:

Funds are available in the Toronto Police Service's 2012 approved operating budget.

Background/Purpose:

At its meeting held on March 22, 2011, the Board considered a report recommending approval of job descriptions and classifications for new positions within Human Resource Management (HRM). The positions included Manager, Human Resource Support Services (Z32017); Assistant Manager, Human Resource Information Systems Administration (Z26016); and Assistant Manager, Compensation and Benefits (Z26015). The Board received this report and approved the following motions (Min. No. P93/11 refers):

1. THAT the foregoing report be returned to the Chief with the request that he review the proposed positions in the job descriptions as well as the names of the new units to ensure that they are accurate and consistent within the report/job descriptions and with the revised Service organizational chart approved by the Board in February 2011;
2. THAT an additional accompanying report be prepared detailing HRM's immediate and long term staffing needs and plans and further, that this report and a comprehensive presentation to the Board include the following:
  - the HRM mandate;
  - the current organizational structure for the HRM, including all units and number of individuals assigned to the unit by rank or title

- outline of the existing positions, any recently-approved positions and any proposed positions and the number of persons required for those positions;
- the process to be followed for developing new job descriptions in HRM, the process for arriving at the classification of the positions, the process for filling any new and/or proposed positions, including any previous positions that may have been amalgamated into new positions; and anticipated timelines for filling vacancies
- a financial analysis of the staffing restructuring that has occurred within Human Resources; and
- any human resource challenges that HRM may be facing; such as, retention, succession planning, recruitment; and the strategies that HRM is adopting in response to the challenge.

Subsequently, a follow-up report and presentation were considered by the Board at its meeting on July 21, 2011. This report also included new job descriptions for a Return to Work Transitions Specialist and an EFAP Liaison/Critical Incident Response Team Coordinator. At that time, the Board deferred consideration of the reports until a decision was made about a new organizational chart for the Toronto Police Service (Min. No. P/170 refers).

The Chief presented a new organizational structure arising from the retirement of nineteen Senior Officers on August 31, 2011. The Board approved the new organizational chart for the Toronto Police Service in October 2011 (Min. No. P252/11 refers).

At its meeting on February 16, 2012, the Board considered a report and an accompanying presentation with respect to the organizational structure of Human Resources Management which had been submitted by the Chief of Police in response to Motion No.2 approved at the Board's March 22, 2011 meeting (Min. P15/12 refers). After receiving the presentation and considering the report, the Board approved the following motion:

THAT the Board receive the foregoing report and request the Chief to meet with the Chair and Vice Chair to discuss the HRM organizational structure, efficiencies and the new positions requested today and that the Chair report back to the Board.

At the same meeting, the Board indefinitely deferred its consideration of new job descriptions for:

- Assistant Manger, Benefits and Employment (2 positions)
- Manager, Human Resources Support Services (1 position)
- EFAP Liaison/Critical Incident Response Team Coordinator (1 position) (Min. P16/12 and Min. P17/12 refer)

Discussion:

On June 25, 2012 Vice Chair Michael Thompson and I met with Chief Blair and Deputy Chief Federico to discuss the HRM organizational structure, efficiencies and the new positions for which Board approval had been sought.

The Vice Chair and I considered the Chief's recommendations with respect to the new position descriptions in light of the City of Toronto's ongoing shared services review and the Chief's Internal Organizational Review (CIOR).

We discussed the idea of HRM having a small number of managers with larger spans of control. Further, we explored the possibility of combining the requested position of EFAP Liaison/Critical Incident Response Team Coordinator with another existing coordinator position.

Vice Chair Thompson and I are of the view that we should not make any permanent decisions at this time as, to do so, would be to pre-determine the outcomes of the shared services review and the CIOR.

At the same time, we recognize that HRM may need some additional staff resources. Accordingly, we recommend that the Chief make interim arrangements until such time as these reviews are completed. The Board will be in a better position to make longer term decisions at that point.

Conclusion:

It is, therefore, recommended:

THAT the Chief of Police be authorized to make interim arrangements to ensure that the immediate staffing needs of Human Resource Management unit are met, pending the completion of the City's shared services review and the Chief's Internal Organizational Review (CIOR).

**The Board is also in receipt of the following report dated December 28, 2011 from William Blair, Chief of Police:**

**SUBJECT:                   JOB DESCRIPTION: ASSISTANT MANAGER, BENEFITS & EMPLOYMENT (TWO POSITIONS)**

Recommendation:

It is recommended that the Board approve the attached job description and classification for two positions of Assistant Manager, Benefits & Employment (Z26015) arising from the restructuring of Human Resources Management under Corporate Command.

### Financial Implications:

There are no financial implications relating to the recommendation contained within this report, as the 2012 operating budget has been established based on the new positions.

### Background/Purpose:

Effective September 1, 2011, Human Resources Management pillar was given responsibility for all human resources functions within the Service, under Corporate Command. As a result of the restructuring, and arising from efforts over the past three years to better align its functions and support structures to improve customer service in human resources throughout the Service, Human Resources Management conducted an operational review of its unit's job functions and workload, to examine and, where necessary, revise positions and functions within the unit, without impact to its current establishment. A number of positions have been identified for deletion or revision in order to create available establishment for newly created positions to support the expanded operational and functional capacities within the units.

### Discussion:

At its meeting on February 3, 2011, the Toronto Police Services Board (Board) approved the merging of the Compensation & Benefits Unit and the Enterprise Resource Management Systems Unit and renamed it to Compensation & Human Resources Information Systems Administration (CHRISA) (Min. No. P21/11 refers). The units were combined for the purposes of significantly improving customer service and responsiveness of the units to work collaboratively.

In September of this year, a further review was undertaken to reorganize the Service with the objectives of producing a leaner management structure, increased span of control and the consolidation of functions. At its meeting on October 5, 2011, the Board approved revisions to the Service Organizational Chart which included merging CHRISA with Employment and renaming the unit Benefits & Employment (Min. No. P252/11 refers).

Further to the recent restructuring initiatives, the Benefits & Employment Unit within Human Resources Management is comprised of three sections: Benefits, HRISA and Employment. This change has resulted in a significantly expanded scope of responsibility of the Manager, particularly with the additional responsibility for all functions of the former Compensation & Benefits subunit, the HRISA subunit, and the Employment subunit, which includes uniform recruitment and background checks. In order to properly supervise and maintain effective operations within the expanded unit, the Manager requires ongoing assistance, thereby resulting in an identified need for two new Assistant Manager positions, who will be members of the Senior Officers' Organization.

The establishment for the two new positions arises from the deletion of two other Senior Officer positions, one (1) at Z26 classification (Compensation Analyst) and one (1) at Z28 (Human Resources Senior Administrator). The first is vacant through resignation in 2009, and the second became vacant with a retirement in 2010.

The new job description for the Assistant Manager positions is attached. The positions were evaluated by the Joint Board/Senior Officers' Job Evaluation Committee within the Service's job evaluation plan, and it was determined that they are properly classified as Z26 (35 hour) within the Civilian Senior Officer Salary scales.

Both positions are currently being performed by members in a long term acting capacity. With the Board's approval of the job description, the positions will be posted and filled in accordance with the Civilian Senior Officer collective agreement.

Conclusion:

It is hereby recommended that the Board approve the job description and classification for the position of Assistant Manager, Benefits & Employment. Subject to Board approval, this position will be staffed in accordance with established procedure.

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

**The Board was also in receipt of the following report dated December 29, 2011 from William Blair, Chief of Police:**

**SUBJECT:                   JOB DESCRIPTIONS:   MANAGER, HUMAN RESOURCES  
SUPPORT SERVICES:   EFAP LIAISON/CRITICAL INCIDENT  
RESPONSE TEAM COORDINATOR**

Recommendation:

It is recommended that the Board approve the attached job descriptions and classifications for new positions within Human Resources Management that reflects a change of functions and significant reorganization in order to better support the human resources functions of the Service. The positions include Manager, Human Resources Support Services (Z32017) and EFAP Liaison/Critical Incident Response Team Coordinator (A06098).

Financial Implications:

There are no financial implications relating to the recommendation contained within this report, as the 2012 operating budget has been established based on the new positions.

Background/Purpose:

In 2009 and 2010, the Human Resources Management pillar of Human Resources Command undertook an operational review of its units for job function and workload, with a view towards improving its services and supports without changes to its current establishment. A number of efficiencies were identified that would better align workload and job function. Further, with the

Service engaging an external Employee and Family Assistance Program (EFAP) provider as at June 1, 2010, a number of positions were identified for deletion or revision.

At its meeting on February 3, 2011, the Toronto Police Services Board approved a new organizational chart for the Service, including the creation of a new unit called Human Resources Support Services within Human Resources Management (Min. No. P21/11 refers). This unit was created to provide the recognized support services required, including an EFAP Liaison/Critical Incident Response Team Coordinator.

Following the retirement of two Deputy Chiefs in 2011 and the Board-approved Voluntary Exit Incentive Program, a review was undertaken to reorganize the Service with the objectives of producing a leaner management structure, increased span of control, and the consolidation of functions. At its meeting on October 5, 2011, the Board approved revisions to the organizational structure in which the Staff Planning Unit was deleted and merged into Human Resources Support Services (Min. No. P252/11 refers).

While this restructuring has not impacted the overall civilian establishment, it has resulted in the creation of two new position descriptions to reflect the changes in job function and unit reorganization. Salary and classifications for these position descriptions are the same as or lower than the former positions resulting in no additional cost to the Board.

#### Discussion:

Further to the Human Resources Management restructuring initiative, a new unit has been created named Human Resources Support Services. The establishment of this unit within the pillar is in recognition that expanded employee support services are required. This change has resulted in a significant redeployment of staff currently reporting directly to the Director of Human Resources Management. Two (2) new positions were developed, the Manager of Human Resources Support Services and an EFAP Liaison/Critical Incident Response Team Coordinator.

Benefits & Employment has developed new job descriptions for the two positions. The Joint Board/Senior Officers' Job Evaluation Committee evaluated the managerial position within the Hay job evaluation plan and it was determined that it should be classified as a Z32 (35 hour) within the Civilian Senior Officer Salary scales. The establishment arises with the deletion of the position of Manager, Compensation & Benefits Z34 (35 hour) which became vacant with a retirement in 2010.

The EFAP Liaison/Critical Incident Response Team Coordinator position was evaluated within the Deloitte and Touche job evaluation process which placed it as an A06 (35 hour). The establishment for the new position arises from the deletion of the position of EFAP Referral Agent, which had a job classification of A07 (35 hour).

#### Conclusion:

It is hereby recommended that the Board approve the job descriptions and classifications for the positions of Manager, Human Resources Support Services and EFAP Liaison/Critical Incident

Response Team Coordinator. Subject to Board approval, these positions will be staffed in accordance with established procedure.

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

**Dr. Dhun Noria expressed concern at the continued delay in filling some positions within HRM and referred to the various internal and external reviews that are being conducted which have contributed to the delays.**

**In response to questions by the Board, Deputy Chief Mike Federico, Corporate Command, said that the approval of the job descriptions is required now so that key management positions can be filled to maintain operational efficiencies. Deputy Chief Federico also said that the results of the shared-services review will not have any affect on the actual structure of HRM, given that some functions would continue to be required due to the complex nature of the TPS.**

**Chair Mukherjee advised the Board that he had to leave the meeting in order to deal with an urgent matter and he requested Councillor Chin Lee to act as Chair for the remaining portion of the meeting. Dr. Noria requested Chair Mukherjee to remain at the meeting for a brief period of time and that he participate in the decision of the foregoing reports. Despite this request, Chair Mukherjee left the meeting. Councillor Lee then assumed the position of Chair.**

**The Board approved the following Motions:**

- 1. THAT the Board approve the Chief's reports dated December 28, 2011 and December 29, 2011; and**
- 2. THAT the Board receive the Chair's report dated June 26, 2012.**



**TORONTO POLICE SERVICE**  
**JOB DESCRIPTION**

Date Approved:  
Board Minute No.:  
Total Points:  
Pay Class: Z26

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<b>JOB TITLE:</b>	Assistant Manager, Benefits & Employment	<b>JOB NO.:</b>	Z26015
<b>BRANCH:</b>	Corporate Command	<b>SUPERSEDES:</b>	New
<b>UNIT:</b>	Human Resources Management	<b>HOURS OF WORK:</b>	35 <b>SHIFTS:</b> 1
<b>SECTION:</b>	Benefits & Employment	<b>NO. OF INCUMBENTS IN JOB:</b>	2
<b>REPORTS TO:</b>	Manager, Benefits & Employment	<b>DATE PREPARED:</b>	06 December 2010 Updated November 30, 2011

**SUMMARY OF FUNCTION:** Plans and organizes the activities of the Benefits & Employment functions; ensures the efficient and timely management and administration of all recruitment, hiring, background checks, compensation plans and benefit programs in accordance with established policies, collective agreements and legislated requirements.

**DIRECTION EXERCISED:** Directly supervises the activities of the Pension & Fringe Benefits, Work - Family Care, and Retirement/Leave Administrators, Employment Unit, Background checkers, and Recruitment, comprising a combined total of approximately 90 staff.

**MACHINES & EQUIPMENT USED:**  
Micro-computers/standard TPS workstations, associated software/computer applications and any other office related equipment that may be required.

- DUTIES AND RESPONSIBILITIES:**
1. Under the direction of the Manager, Benefits & Employment, both assistant managers will manage and supervise the development and maintenance of the Service's Benefits subunit, including pension and benefits administration and leave and retirement administration procedures, and the Employment subunit functions which include recruitment, hiring, background checks, .
  2. Participates as assigned by the Manager, Benefits & Employment, as management member and represents the TPSB on the Services' various joint union / management Job Evaluation Committees to ensure the provision of fair and accurate job evaluations and the maintenance of consistent internal equity within each of the civilian ranking structures.

**Note: Prior to submission for job evaluation, all signatures required.**

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



**TORONTO POLICE SERVICE**  
**JOB DESCRIPTION**

Date Approved:

Board Minute No.:

Total Points:

Pay Class: Z26

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<b>JOB TITLE:</b>	Assistant Manager, Benefits & Employment	<b>JOB NO.:</b>	Z26015
<b>BRANCH:</b>	Corporate Command	<b>SUPERSEDES:</b>	New
<b>UNIT:</b>	Human Resources Management	<b>HOURS OF WORK:</b>	35 <b>SHIFTS:</b> 1
<b>SECTION:</b>	Benefits & Employment	<b>NO. OF INCUMBENTS IN JOB:</b>	2
<b>REPORTS TO:</b>	Manager, Benefits & Employment	<b>DATE PREPARED:</b>	06 December 2010 Updated November 30, 2011

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**DUTIES AND RESPONSIBILITIES:** (con't)

3. Ensures the provision of appropriate TPSB representation with respect to the handling of compensation and job evaluation related issues in accordance with the confines of the Labour Relations/Police Services Act, Employment Standards Act, the Pay Equity Act and the various TPS Collective Agreements.
4. Assists, as assigned by the Manager, Benefits & Employment, with the conducting of job audits for description preparation, pay research, the resolution of classification grievances and complaints filed under Pay Equity etc; handles and resolves job evaluation and ranking disputes/arbitrations etc.
5. Manage, co-ordinate and supervise the efforts and activities of the various functional support groups within Benefits & Employment: Recruitment, Background, Civilian Hiring, Civilian Job Postings, Benefits, Pension Administration, Retirement/Leave Administration, Parental Family Care, Job Share, Reduced Hours etc.
6. Ensures the efficient and effective maintenance of employee benefits (current and retiree), the handling of day to day issues, medical/dental, sick bank (LTD/CSB) administration, the processing of retirements, employee resignations/terminations, as well as all work and family initiative (i.e. Leaves of absences, job shares etc.) and the administration of uniform recruitment and all civilian job competition and hiring initiatives.
7. Provides technical and costing analysis relating to compensation and benefits in support of negotiations, cost containment, etc; provides comparisons to the City and other police services and organizations to facilitate best practice and program competitiveness and ensures best practices in civilian hiring and promotional competitions.
8. Provides guidance in application and interpretations of Collective Agreements relating to job posting, promotional competitions and civilian hire, the benefit programs, salary administration and pensions.
9. Performs other related duties and responsibilities, as required

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



**TORONTO POLICE SERVICE**

**JOB DESCRIPTION**

**Date Approved:**

**Board Minute No.:**

**Total Points:**

**Pay Class:** Z32

<b>JOB TITLE:</b>	Manager, Human Resources Support Services	<b>JOB NO.:</b>	Z32017
<b>BRANCH:</b>	Corporate Command	<b>SUPERSEDES:</b>	New
<b>UNIT:</b>	Human Resources Management	<b>HOURS OF WORK:</b>	35 <b>SHIFTS:</b> 1
<b>SECTION:</b>	Human Resources Support Services	<b>NO. OF INCUMBENTS IN JOB:</b>	1
<b>REPORTS TO:</b>	Director, Human Resources Management	<b>DATE PREPARED:</b>	06 December 2010 Updated November 30, 2011

**SUMMARY OF FUNCTION:** Responsible for managing the development, administration, maintenance and delivery of those services provided by the Human Resources function specifically pertaining to Staff Planning & Uniform Deployment, Board Reports, budget tracking and allocation, administration of the Director's area, return to work programs, employee counseling and critical incidence response, employee records, and the processing of legal indemnifications as covered under the Service's collective agreements.

**DIRECTION EXERCISED:** Directly manages the efforts and activities of those Co-ordinators and Supervisors responsible for Staff Planning, Critical Incidence Response, Employee Records, and Legal Indemnification comprising a combined total of approximately 16 staff.

**MACHINES & EQUIPMENT USED:** Micro-computers/standard TPS workstations, associated software/computer applications and any other office related equipment that may be required.

**DUTIES AND RESPONSIBILITIES:**

1. As second-in-charge of the Director's area of Human Resources Management, oversees all budget tracking and allocations, at the direction of the Director, writes and/or reviews all board Reports for HRM prior to submission to the Director, and supervises, under the guidance of the Director, all office and administrative functions to Human Resources Management (director's area) generally;
2. Manages the development and maintenance of the service's disability management programs encompassing return to work for both occupational and non-occupational cases including both regular return to work and modified/permanent re-assignments; supervises and provides direction to the Co-ordinator, Return to Work.
3. Ensures the timely provision of emotional and situational support for all employees/family members with respect to all manner or type of situation or happening requiring the need for "critical incident response intervention" through overseeing the efforts and activities and providing direction/support to the Co-ordinator, Critical Incident Response Team in meeting all of their identified roles and responsibilities.

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



**TORONTO POLICE SERVICE**

**JOB DESCRIPTION**

**Date Approved:**

**Board Minute No.:**

**Total Points:**

**Pay Class:** Z32

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<b>JOB TITLE:</b>	Manager, Human Resources Support Services	<b>JOB NO.:</b>	Z32017
<b>BRANCH:</b>	Corporate Command	<b>SUPERSEDES:</b>	New
<b>UNIT:</b>	Human Resources Management	<b>HOURS OF WORK:</b>	35 <b>SHIFTS:</b> 1
<b>SECTION:</b>	Human Resources Support Services	<b>NO. OF INCUMBENTS IN JOB:</b>	1
<b>REPORTS TO:</b>	Director, Human Resources Management	<b>DATE PREPARED:</b>	06 December 2010 Updated November 30, 2011

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**DUTIES AND RESPONSIBILITIES:** (con't)

4. Responsible for managing the administration of TPS's corporate Employee Records involving all manner of personnel status changes, release of personal information (both inside/outside of the Service), the maintenance of the performance appraisal process, constable reclassifications/confirmation of Sergeants, deferral notification, provision of statistical information, records retention/storage, etc; provides supervision and direction to the Co-ordinator, Employee Records and ensures strict adherence to Service policy and procedures.
5. Oversees the Legal Indemnification function, as outlined under the provision of the Service's Collective Agreement(s) and ensures it is effectively administered and that all applications/accounts are processed accordingly and that due diligence is appropriately applied equally to all cases; provides direction and manages the efforts and activities of the Co-ordinator Legal Indemnification in achieving timely resolutions.
6. Oversees the functions of the Staff Planning subunit responsible for uniform deployment and accommodation.
7. Prepare reports to the Police Services Board and provide advice, input, and guidance on all such reports and communications to the Service prepared by other HRM Managers or staff.
8. Participate in and provide guidance to other Human Resources Managers, HR staff and Corporate Planning on the development of human resource programs, policies and procedures to ensure they reflect best practice in the human resources field.
9. Develop the budget for Human Resources, for the Director's approval and supervise unit budgeting activities to ensure effect cost control.
10. Perform any other duties and tasks as required.

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



**TORONTO POLICE SERVICE**  
**JOB DESCRIPTION**

**Date Approved:**  
**Board Minute No.:**  
**Total Points:**  
**Pay Class:** A06

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<b>JOB TITLE:</b>	EFAP Liaison / Critical Incident Response Team Co-ordinator	<b>JOB NO.:</b>	A06098
<b>BRANCH:</b>	Corporate Command	<b>SUPERSEDES:</b>	New
<b>UNIT:</b>	Human Resources Support Services	<b>HOURS OF WORK:</b>	35 <b>SHIFTS:</b> 1
<b>SECTION:</b>	EFAP/CIRT	<b>NO. OF INCUMBENTS IN JOB:</b>	1
<b>REPORTS TO:</b>	Manager, Human Resources Support Services	<b>DATE PREPARED:</b>	16 November 2011

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**SUMMARY OF FUNCTION:** Responsible for facilitating an EFAP liaison role which includes the timely and effective provision of emotional and situational support for TPS employee/family members through co-ordinating the efforts and activities of the peer support/critical incident response teams (CIRT) in accordance with the program's overall mandate and code of practice.

**DIRECTION EXERCISED:** Acts as liaison with external EFAP provider. Provides guidance and oversees team member adherence to Service Governance (Code of Conduct) and commitment to CIRT values.

**MACHINES & EQUIPMENT USED:** Standard TPS workstations with associated software and any other office related equipment that may be required.

**DUTIES AND RESPONSIBILITIES:**

1. Acts as liaison with EFAP provider to ensure an effective and efficient delivery of the program is fulfilled as required by the demands of the Service, its active members and eligible family members.
2. Co-ordinates the provision of timely peer support and critical incident response services for active members in the performance of their duties, if required. Liaises with contracted EFAP professionals and performs a troubleshooting role as necessary in support of the program, the Service members and families.
3. In conjunction with Toronto Police College, co-ordinates the core curriculum and training standards for the CIRT and voluntary Peer Support groups including the scheduling of Critical Incident Stress Management (CISM) training and updates and supervises maintenance logs, Duty Desk training.
4. Contributes to the development of formal criterion and protocols relevant to CIRT member for recruitment, the interview process, supervision and evaluation processes; co-ordinates standardized/ongoing training for peer support team/CIRT and develops and maintains a Service peer support network.
5. Liaises with the HQ Duty Desk and Unit Commanders regarding operational requirements, maintains CIRT schedules and co-ordinates on call responsibilities for all CIRT members.
6. Monitoring the obligations/services provided by the EFAP provider.

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



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P180. LEGAL INDEMNIFICATION- CASE NO. 1443/2011**

The Board was in receipt of the following report June 13, 2012 from William Blair, Chief of Police:

Subject: LEGAL INDEMNIFICATION CASE NO. 1443/2011

Recommendation:

It is recommended that Board deny a portion of the legal account from Ms. Joanne Mulcahy of Harry Black's office dated May 9, 2011 in the amount of \$932.25, for her representation of two officers in relation to a Special investigations Unit (SIU) investigation.

Financial Implications:

There are no financial implications in relation to the recommendation contained within this report. Funding for the legal indemnification cost of \$621.50 is available in the 2012 operating budget.

Background/Purpose:

Two officers have requested payment of their legal fees as provided for in the legal indemnification clause of the uniform collective agreement. The purpose of this report is to recommend denial of a portion of the invoice that City Legal has determined is not necessary and reasonable.

Discussion:

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

Conclusion:

Article 23:10 of the uniform collective agreement states:

*For the purposes of this provision, "necessary and reasonable legal costs" shall be based on the account rendered by the solicitor performing the work, subject initially to the approval of the City of Toronto Solicitor and, in the case of dispute between the solicitor doing the work and the City of Toronto solicitor, taxation on a solicitor and client basis by the taxing officer.*

The account totalled \$1,553.75 for legal services. City Legal deemed a portion of the invoice in the amount of \$932.25 not necessary and reasonable for payment. The balance of the account, \$621.50, being necessary and reasonable will be paid as recommended by City Legal.

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

**The Board approved the foregoing report and noted that it considered additional information during its *in-camera* meeting (Min. No. C221/12 refers).**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P181. TORONTO POLICE SERVICES BOARD – OPERATING BUDGET  
VARIANCE REPORT FOR THE PERIOD ENDING MAY 31, 2012**

The Board was in receipt of the following report June 27, 2012 from Alok Mukherjee, Chair:

Subject: OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO POLICE  
SERVICES BOARD – PERIOD ENDING MAY 31, 2012

Recommendations:

It is recommended that:

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

Financial Implications:

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

Background/Purpose:

The Board, at its October 20, 2011 meeting, approved the Toronto Police Services Board's 2012 operating budget at a net amount of \$2,251,600 (Min. No. P258/11 refers). Subsequently, Toronto City Council, at its January 17, 2012 meeting, approved the Board's 2012 Operating Budget at \$2,208,700 (the City-approved amount reflected a reduction of \$42,900 as the contract with the Service's Senior Officers' had not yet been ratified for 2011 or 2012).

The Board, at its February 16, 2012 meeting, requested the approval of a transfer of \$42,900 to the Toronto Police Services Board's 2012 net operating budget from the City's Non-Program operating budget, with no incremental cost to the City, to reflect the now-ratified contract with the Senior Officers' Organization (Min. No. P27/12 refers). Budget Committee has adopted this recommendation, and Council approval is pending. For reporting purposes, the 2012 budget of \$2,251,600 is used.

The purpose of this report is to provide information on the Board's 2012 projected year-end variance.

Discussion:

The following chart summarizes the variance by category of expenditure.

<b>Expenditure Category</b>	<b>2012 Budget (\$000s)</b>	<b>Actual to May 31/12 (\$000s)</b>	<b>Projected Year- End Actual (\$000s)</b>	<b>Fav / (Unfav) (\$000s)</b>
Salaries & Benefits (incl. prem.pay)	\$972.1	\$394.5	\$972.1	\$0.0
Non-Salary Expenditures	<u>\$1,279.5</u>	<u>\$487.0</u>	<u>\$1,279.5</u>	<u>\$0.0</u>
<b>Total</b>	<b><u>\$2,251.6</u></b>	<b><u>\$881.5</u></b>	<b><u>\$2,251.6</u></b>	<b><u>\$0.0</u></b>

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

As at May 31, 2012, no variance is anticipated. Details are discussed below.

*Salaries & Benefits (including Premium Pay)*

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

*Non-salary Budget*

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

The Toronto Police Services Board cannot predict or control the number of grievances filed or referred to arbitration as filings are at the discretion of bargaining units. In order to deal with this uncertainty, the 2012 budget includes a \$610,600 contribution to a Reserve for costs of independent legal advice. Fluctuations in legal spending will be dealt with by increasing or decreasing the budgeted reserve contribution in future years' operating budgets.

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

Conclusion:

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

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

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P182. TORONTO POLICE SERVICE – OPERATING BUDGET VARIANCE  
REPORT FOR THE PERIOD ENDING MAY 31, 2012**

The Board was in receipt of the following report June 29, 2012 from William Blair, Chief of Police:

Subject: OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO POLICE  
SERVICE – PERIOD ENDING MAY 31, 2012

Recommendations:

It is recommended that:

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

Financial Implications:

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

The Board, at its October 20, 2011 meeting, approved the Toronto Police Service's 2012 operating budget at a net amount of \$936.3M (Min. No. P257/11 refers). Subsequently, Toronto City Council, at its January 17, 2012 meeting, approved the 2012 Operating Budget at \$933.8M (the City-approved amount reflected an additional \$0.8M in Court Services provincial funding identified after Board approval, and a reduction of \$1.8M to reflect the fact that the contract with the Senior Officers' Organization had not yet been ratified for 2011 or 2012).

The Board, at its February 16, 2012 meeting, requested the approval of a transfer of \$1.8M to the Toronto Police Service's 2012 net operating budget from the City's Non-Program operating budget, with no incremental cost to the City, to reflect the now-ratified contract with the Senior Officers' Organization (Min. No. P28/12 refers). Budget Committee has adopted this recommendation, and Council approval is pending.

The Service has since been notified by City Finance staff of a further \$0.1M allocation from the Insurance Reserve Fund to the Service's 2012 operating budget. As a result of the reallocation, the Service budget has been restated upwards by \$0.1M to a total of \$935.7M. However, this change does not result in additional available funds to the Service, as there will be a corresponding charge from the City.

	<u>2012 Budget</u>	<u>Comments</u>
Board approved Oct. 20/11	\$936.3	
Council adjustments Jan. 17/12	<u>(\$2.5)</u>	Increased court services recovery, removal of Senior Officer contract settlement
Council approval	\$933.8	
Senior Officer contract settlement	\$1.8	Board approved adjustment Feb. 16/12
Insurance Reserve Fund	<u>\$0.1</u>	Notification from City Finance
2012 Revised Operating Budget	\$935.7	

Background/Purpose:

The purpose of this report is to provide information on the Service's 2012 projected year-end variance as of May 31, 2012.

Discussion:

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

<b>Category</b>	<b>2012 Budget (\$Ms)</b>	<b>Actual to May 31/12 (\$Ms)</b>	<b>Projected Year- End Actual (\$Ms)</b>	<b>Fav / (Unfav) (\$Ms)</b>
Salaries	\$678.4	\$258.8	\$677.0	\$1.4
Premium Pay	\$40.9	\$11.4	\$40.9	\$0.0
Benefits	\$182.0	\$77.8	\$181.3	\$0.7
Materials and Equipment	\$23.0	\$6.9	\$22.6	\$0.4
Services	<u>\$90.3</u>	<u>\$14.0</u>	<u>\$89.9</u>	<u>\$0.4</u>
<b>Total Gross</b>	<b><u>\$1,014.6</u></b>	<b><u>\$368.9</u></b>	<b><u>\$1,011.7</u></b>	<b><u>\$2.9</u></b>
Revenue	<u>(\$78.9)</u>	<u>(\$23.8)</u>	<u>(\$80.0)</u>	<u>\$1.1</u>
<b>Total Net</b>	<b><u>\$935.7</u></b>	<b><u>\$345.1</u></b>	<b><u>\$931.7</u></b>	<b><u>\$4.0</u></b>

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

As at May 31, 2012, a favourable variance of \$4.0M is anticipated. Details of each major expenditure category and revenue are discussed in the sections that follow.

*Salaries:*

A favourable variance of \$1.4M is projected in the salary category.

<b>Expenditure Category</b>	<b>2012 Budget (\$Ms)</b>	<b>Actual to May 31/12 (\$Ms)</b>	<b>Projected Year- End Actual (\$Ms)</b>	<b>Fav / (Unfav) (\$Ms)</b>
Uniform Salaries	\$515.7	\$198.7	\$514.9	\$0.8
Civilian Salaries	\$162.7	\$60.1	\$162.1	\$0.6
<b>Total Salaries</b>	<b>\$678.4</b>	<b>\$258.8</b>	<b>\$677.0</b>	<b>\$1.4</b>

Uniform staffing levels at year-end 2011 were slightly lower than what had been assumed at the time of Board budget approval, resulting in annualized salary savings for 2012. At this time, the Service is projecting 180 separations for the year, compared to the 200 included in the 2012 budget. The net impact of the annualized savings and the less-than-projected attrition in 2012 is projected to result in a \$0.3M favourable variance. Actual separations are monitored monthly and will continue to be reported on in future variance reports.

The Service is also experiencing an increased number of members on unpaid leaves (e.g. maternity, parental) compared to what had been estimated in the 2012 budget. As a result, uniform salaries are projected to be a further \$0.5M favourable to year-end, for a total projected surplus of \$0.8M.

Civilian salaries are projected to be \$0.6M less than budget. While the Service has deferred civilian hiring, there are some critical vacancies that need to be filled and these are being processed accordingly. However, hiring is occurring at a slower rate than planned, resulting in the projected savings. Similar to the uniform category, civilian attrition is monitored monthly and vacancies will continue to be reviewed and reported on.

*Premium Pay:*

A net zero variance is projected in the premium pay category.

<b>Expenditure Category</b>	<b>2012 Budget (\$Ms)</b>	<b>Actual to May 31/12 (\$Ms)</b>	<b>Projected Year- End Actual (\$Ms)</b>	<b>Fav / (Unfav) (\$Ms)</b>
Court	\$12.6	\$4.8	\$12.6	\$0.0
Overtime	\$5.4	\$1.7	\$5.4	\$0.0
Callback	\$4.7	\$1.6	\$4.7	\$0.0
Lieutime Cash Payment	\$18.2	\$3.3	\$18.2	\$0.0
<b>Total Premium Pay*</b>	<b>\$40.9</b>	<b>\$11.4</b>	<b>\$40.9</b>	<b>\$0.0</b>

\* Approx. \$1.1M is attributed to grant-funded expenditures (revenue budget has been increased by same amount)

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

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

*Benefits:*

A favourable variance of \$0.7M is projected in this category.

<b>Expenditure Category</b>	<b>2012 Budget (\$Ms)</b>	<b>Actual to May 31/12 (\$Ms)</b>	<b>Projected Year- End Actual (\$Ms)</b>	<b>Fav / (Unfav) (\$Ms)</b>
Medical / Dental	\$38.2	\$12.7	\$38.8	(\$0.6)
OMERS / CPP / EI / EHT	\$113.7	\$53.5	\$113.2	\$0.5
Sick Pay / CSB / LTD	\$16.4	\$7.2	\$16.4	\$0.0
Other (e.g., WSIB, life ins.)	\$13.7	\$4.4	\$12.9	\$0.8
<b>Total Benefits</b>	<b>\$182.0</b>	<b>\$77.8</b>	<b>\$181.3</b>	<b>\$0.7</b>

Medical/dental costs have been higher than anticipated for the first five months of this year. Based on year-to-date expenditures, an unfavourable variance of \$0.6M is projected. This is offset by savings in the payroll deductions (OMERS, CPP, EI and EHT) expenditures, which are projected to be \$0.5M favourable. The favourable variance in payroll deductions is a direct result of salary savings and the fact that there are more staff than anticipated that no longer contribute to OMERS (due to their length of service) and therefore, the Service does not need to contribute its share. In addition, based on year-to-date expenditures, a favourable variance of \$0.8M is projected in the “other” category (primarily due to WSIB costs).

*Materials and Equipment:*

A favourable variance of \$0.4M is projected in this category.

<b>Expenditure Category</b>	<b>2012 Budget (\$Ms)</b>	<b>Actual to May 31/12 (\$Ms)</b>	<b>Projected Year- End Actual (\$Ms)</b>	<b>Fav / (Unfav) (\$Ms)</b>
Vehicles (gas, parts)	\$13.9	\$4.4	\$13.5	\$0.4
Uniforms	\$2.9	\$1.0	\$2.9	\$0.0
Other Materials	\$4.7	\$1.1	\$4.7	\$0.0
Other Equipment	\$1.5	\$0.4	\$1.5	\$0.0
<b>Total Materials &amp; Equipment*</b>	<b>\$23.0</b>	<b>\$6.9</b>	<b>\$22.6</b>	<b>\$0.4</b>

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

The favourable variance is due to savings projected for gasoline. The Service is closely monitoring the cost of fuel and its impact on the budget. The Service obtains gasoline through a consolidated procurement with the City. Although gas prices have increased recently, the Service is still experiencing a favourable price variance. The Service budgets based on the cost per litre as provided by City Finance. The favourable variance is due to current prices being less

than budgeted.

*Services:*

Expenditures in this category are projected to be \$0.4M under spent.

<b>Expenditure Category</b>	<b>2012 Budget (\$Ms)</b>	<b>Actual to May 31/12 (\$Ms)</b>	<b>Projected Year- End Actual (\$Ms)</b>	<b>Fav / (Unfav) (\$Ms)</b>
Legal Indemnification	\$0.6	\$0.1	\$0.6	\$0.0
Uniform Cleaning Contract	\$1.4	\$0.2	\$1.4	\$0.0
Courses / Conferences	\$1.5	\$0.3	\$1.5	\$0.0
Clothing Reimbursement	\$1.4	\$0.0	\$1.4	\$0.0
Computer / Systems Maintenance	\$11.7	\$7.4	\$11.7	\$0.0
Phones / cell phones / 911	\$7.0	\$2.3	\$6.6	\$0.4
Reserve contribution	\$32.7	\$0.0	\$32.7	\$0.0
Caretaking / maintenance utilities	\$20.5	\$0.0	\$20.5	\$0.0
Other Services	\$13.5	\$3.7	\$13.5	\$0.0
<b>Total Services *</b>	<b>\$90.3</b>	<b>\$14.0</b>	<b>\$89.9</b>	<b>\$0.4</b>

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

Projected savings in the “Phones” category are a result of the actual spending experience to date in 2012 and projecting to year-end.

*Revenue:*

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

<b>Revenue Category</b>	<b>2012 Budget (\$Ms)</b>	<b>Actual to May 31/12 (\$Ms)</b>	<b>Projected Year- End Actual (\$Ms)</b>	<b>Fav / (Unfav) (\$Ms)</b>
Recoveries from City	(\$11.1)	(\$3.9)	(\$11.1)	\$0.0
CPP and Safer Comm'y grants	(\$16.1)	(\$2.1)	(\$16.1)	\$0.0
Other Gov't grants	(\$12.9)	(\$9.5)	(\$12.9)	\$0.0
Fees (e.g., paid duty, alarms, ref.)	(\$10.7)	(\$3.9)	(\$11.4)	\$0.7
Secondments	(\$3.6)	(\$1.6)	(\$4.0)	\$0.4
Draws from Reserves	(\$17.0)	\$0.0	(\$17.0)	\$0.0
Other Revenues (e.g., pris return)	(\$7.5)	(\$2.8)	(\$7.5)	\$0.0
<b>Total Revenues</b>	<b>(\$78.9)</b>	<b>(\$23.8)</b>	<b>(\$80.0)</b>	<b>\$1.1</b>

The favourable variance in the “Fees” category is based on the actual experience to date and projecting this to year-end using historical patterns. In addition, the Service has projected to receive greater than budgeted recoveries for overseas secondments.

Conclusion:

As at May 31, 2012, the Service is projecting a \$4.0M favourable variance by year-end. Expenditures and revenues will continue to be closely monitored throughout the year.

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

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

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P183. TORONTO POLICE SERVICE – PARKING ENFORCEMENT UNIT:  
OPERATING BUDGET VARIANCE REPORT FOR THE PERIOD  
ENDING MAY 31, 2012**

The Board was in receipt of the following report June 26, 2012 from William Blair, Chief of Police:

Subject: OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO POLICE  
SERVICE PARKING ENFORCEMENT UNIT – PERIOD ENDING MAY 31,  
2012

Recommendations:

It is recommended that:

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

Financial Implications:

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

Background/Purpose:

The Board, at its October 05, 2011 meeting, approved the Toronto Police Service Parking Enforcement (PEU) 2011 operating budget at a net amount of \$42.1 Million (M) (Min. No. P254/11 refers). Subsequently, Toronto City Council, at its January 17, 2012 meeting, approved the PEU 2012 net operating budget at the same amount.

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

The purpose of this report is to provide information on the PEU 2012 projected year-end variance as of May 31, 2012.

Discussion:

The following chart summarizes the variance by category of expenditure.

Category	2012 Budget (\$Ms)	Actual to May 31/12 (\$Ms)	Projected Year- End Actual (\$Ms)	Fav/(Unfav) (\$Ms)
Salaries	\$27.01	\$10.73	\$27.72	(\$0.71)
Premium Pay	\$2.61	\$0.68	\$1.72	\$0.89
Benefits	\$6.71	\$2.30	\$6.89	(\$0.18)
Total Salaries & Benefits	\$36.33	\$13.71	\$36.33	\$0.00
Materials	\$1.59	\$0.37	\$1.56	\$0.03
Equipment	\$0.10	\$0.00	\$0.10	\$0.00
Services	\$5.66	\$1.41	\$5.66	\$0.00
Revenue	(\$1.62)	(\$0.12)	(\$1.62)	\$0.00
Total Non-Salary	\$5.73	\$1.66	\$5.70	\$0.03
<b>Total Net</b>	<b>\$42.06</b>	<b>\$15.37</b>	<b>\$42.03</b>	<b>\$0.03</b>

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

As at May 31, 2012, a \$0.03M favourable variance is anticipated. Details are discussed below.

*Salaries & Benefits (including Premium Pay):*

An unfavourable projection of \$0.89M is reflected in salaries and benefits. PEU schedules one recruit class per year and hires the appropriate number of officers to ensure that, on average, it is at its full complement of officers during the year. The size of the recruit class is based on projected separations in 2012. Current trends indicate that the 2012 attrition will be less than the budgeted amount. As a result, PEU is projected to be over spent in salaries and benefits.

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

Due to the projected lower-than-budgeted staff attrition, more permanent staff are available for enforcement activities, so as a result, premium pay spending will be reduced to offset the shortfall in the salaries and benefits. Therefore, a surplus of \$0.89M is projected in premium pay.

*Non-salary Expenditures:*

Non-salary expenditures are projected to be \$0.03M under spent.

Although gas prices have increased recently, the Service is still experiencing a favourable price variance. This favourable price variance is a result of the City contract for gasoline purchases that allows the Service to pay significantly less than pump prices. Therefore, a \$0.03M favourable variance is now projected to year-end.

Conclusion:

As at May 31, 2012, a \$0.03M favourable year-end variance is projected for PEU.

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

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

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P184. WIRELESS PARKING SYSTEM – HAND-HELD COMPUTERS,  
PRINTERS AND MAINTENANCE AWARD**

The Board was in receipt of a report dated June 29, 2012 from William Blair, Chief of Police, with regard to the acquisition of hand-held computers and printing equipment for the wireless parking system. A copy of the report is on file in the Board office.

**The foregoing report was withdrawn at the request of Chief Blair.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P185. WIRELESS DATA SERVICES AND DEVICES AGREEMENT**

The Board was in receipt of the following report July 06, 2012 from William Blair, Chief of Police:

Subject: WIRELESS DATA SERVICES AND DEVICES AGREEMENT

Recommendations:

It is recommended that:

- (1) the Board approve Rogers Communications Partnership as the provider of wireless data services for a three year period (with two one year options at the discretion of the Board), commencing upon execution of a non-exclusive agreement, and at an estimated cost of \$1.3 Million (including taxes), over the three years;
- (2) the Board approve Rogers Communications Partnership as the Vendor of Record for the supply of modems and related hardware, software, technical services and equipment, for future requirements, for a three year period (with two one year options at the discretion of the Board), commencing upon execution of a non-exclusive agreement; and
- (3) the Board authorize the Chair to execute all required agreements and related documents on behalf of the Board, subject to approval by the City Solicitor as to form.

Financial Implications:

The estimated wireless data services cost for the Toronto Police Service (TPS) is \$1.3 Million (M) over the recommended three year contract period. The new rates will realize a savings of approximately \$185,000 annually for these services, which will be reflected in the TPS' 2013 operating budget request.

Wireless devices as specified within the Rogers Communications Partnership (Rogers) submission will be required for the Mobile Workstation (MWS) and Automatic Vehicle Location (AVL) lifecycles. The estimated cost for acquiring the 1,455 wireless devices and software for MWS and AVL is \$1.05M over the three year term. The purchase of these devices has been provided for and will be funded from the Service's Vehicle and Equipment Reserve.

Background/Purpose:

Wireless data services and devices are currently provided by Rogers under a three year contract that expires on August 12, 2012. This contract award was approved by the Board, at its meeting of July 17, 2009 (Min. No. P202/09 refers).

The current wireless network provides connectivity for 590 MWS, 865 AVL modems, 300 parking enforcement handheld devices, and 308 secure laptops.

The network provides connectivity to front-line officers through their MWS for Computer Aided Dispatch (CAD), Canadian Police Information Centre (CPIC) queries, driver licence queries, etc. It is a critical tool used to obtain information for both safety and law enforcement purposes.

The AVL system project, completed in 2008, focused on the installation of Global Positioning System (GPS) receivers in marked and unmarked police vehicles, along with the associated software solution on the MWS for the display of vehicle location. The GPS data is transmitted through the wireless network to the CAD system and displays the location of the police vehicles on computer maps.

The wireless network also provides connectivity to parking enforcement handheld devices. These devices enable parking enforcement officers to issue printed tickets for parking infractions, resulting in an overall reduction in spoiled/illegible tickets and a higher parking tag collection rate for the City of Toronto.

Since late 2011, the leading Canadian wireless network carriers started introducing 4th generation (4G) Long-Term Evolution (LTE) technology. The current TPS devices and wireless data services do not support LTE technology. However, the devices and wireless data services contained within the recommended contract are for LTE systems. By utilizing the LTE technology, improved wireless data communications will be realized. The required LTE solutions have been realized at a comparable or lower cost than current contract.

The purpose of this report is to establish a service provider for wireless data services and related devices for a three year period commencing upon execution of a non-exclusive agreement. This agreement will provide TPS with current technology, while maintaining compatibility and capabilities of current systems and enabling the performance and demands of the newer application requirements.

In addition to wireless data services, the proposed contract enables TPS access to the Ontario Vendor of Record pricing for voice and data plans. These plans provide for competitive rate plans for Blackberry and cellphone devices.

#### Discussion:

On February 29, 2012, the TPS Purchasing Support Services unit issued a Request for Proposal (RFP) #1126662-12, to select a vendor for high speed data wireless services and AVL/MWS modems. The RFP closed on April 4, 2012 and the three responses were received. The responses were from Bell Canada, Rogers and Telus.

*Proposal Evaluation Process:*

The three submissions were reviewed by an evaluation committee comprised of members from the TPS Telecommunications unit, using the following weighted evaluation criteria:

- Service 10%;
- Technical Architecture 25%;
- Problem Solution 35%;
- Pricing 20%; and
- Vendor Viability 10%.

The submissions were evaluated in two separate parts. The Part I requirements were for wireless data services, as required, for 865 AVL and 590 MWS modems, 300 parking handheld devices and 308 secured laptops. The Part II requirements were for the required wireless data devices (i.e. the AVL and modems hardware).

Conclusion:

Based on the evaluation of the three proposals, Rogers met of all of the requirements of the TPS, provided the best technical system design and overall services components, and submitted the lowest price for both Part I and Part II of the RFP. It is therefore recommended that Rogers be approved as the provider of wireless data services and devices for a three year period (with two one year options at the discretion of the Board), commencing upon the execution of a non-exclusive agreement.

To ensure that the Service continues to receive competitive pricing, the TPS reserves the right to verify pricing of equipment and services throughout the term of the agreement. The Service also requires Rogers to propose a suitable process that will ensure reductions in pricing, and that such decreases in prices are immediately passed on to the Service. The process is to include:

- immediate adhoc quotations using live manufacturer pricing;
- proactive roadmap (manufacturers' equipment lifespan) sessions and acquisition of equipment within their lifecycle; and
- technology reviews and pricing comparisons against similar manufacturers.

The recommended contract award to Rogers Communications Partnership will provide the TPS with network access for wireless data services and devices at competitive rates, while maintaining the highest level of reliability. A reliable wireless data service is crucial for information retrieval and location identification, and enables/maintains the performance of efficient law enforcement activities and officer safety.

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

**The Board approved the foregoing report.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P186. INDEPENDENT CIVILIAN REVIEW INTO MATTERS RELATING TO  
THE G20 SUMMIT – ACCOUNT FOR PROFESSIONAL SERVICES**

The Board was in receipt of the following report June 18, 2012 from Alok Mukherjee, Chair:

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

Recommendation:

It is recommended that the Board approve payment of an account dated June 7, 2012, in the amount of \$79,256.80 and that such payment be drawn from the Board's 2012 operating budget.

Financial Implications:

City Council approved the use of \$480,000 in 2011 surplus funds to continue funding the Independent Civilian Review of matters relating to the G20 Summit (ICR). Surplus funds from the Toronto Police Services Board's 2011 operating budget will be supplemented with surplus funds from the Toronto Police Service 2011 operating budget to make up the \$480,000. This surplus amount will be used to pay invoices received from the Reviewer in 2012.

The total amount invoiced to date is \$1,174,274.98.

Background/Purpose:

At its meeting on September 23, 2010, the Board approved the appointment of Justice John W. Morden to conduct the Independent Civilian Review (ICR) into matters relating to the G20 Summit.

Since September 2010, Justice Morden has submitted the following invoices for services rendered for the ICR:

<b>Period Ending</b>	<b>Amount</b>
October 14, 2010	\$24,008.99
November 14, 2010	\$45,402.32
December 17, 2010	\$42,462.62
January 14, 2011	\$19,899.15
February 10, 2011	\$43,165.19
March 14, 2011	\$84,775.57
April 14, 2011	\$64,935.58
May 13, 2011	\$28,365.43

June 13, 2011	\$64,385.37
June 28, 2011*	\$3,295.00
July 14, 2011	\$58,990.88
August 15, 2011	\$27,378.81
September 22, 2011	\$100,448.00
October 28, 2011	\$50,607.60
November 14, 2011	\$64,102.13
December 15, 2011	\$61,870.28
January 20, 2012	\$20,941.66
February 23, 2012	\$67,766.05
March 13, 2012	\$40,695.43
April 13, 2012	\$67,117.15
May 7, 2012	\$114,404.97
June 7, 2012	\$79,256.80

\* Invoice from the City of Toronto related to the rental of a room for the public hearings.

Discussion:

I have attached a copy of Justice Morden's most recent account for services rendered up to and including May 31, 2012, in the amount of \$79,256.80. A detailed statement is included on the in-camera agenda for information. It should be noted that a reduction of \$23,348.50 for fees and disbursements have been applied to this account.

Conclusion:

It is, therefore, recommended that the Board approve payment of an account dated June 7, 2012, 2012, in the amount of \$79,256.80 and that such payment be drawn from the Board's operating budget.

**The Board approved the foregoing report. A copy of the detailed statement of account was considered during the *in-camera* meeting (Min. No. C218/12 refers)**

# Heenan Blaikie

*Via e-mail and regular mail*

Of Counsel  
The Right Honourable Pierre Elliott Trudeau, P.C., C.C., C.H., Q.C., FRSC (1984 - 2000)  
The Right Honourable Jean Chrétien, P.C., C.C., O.M., Q.C.  
The Honourable Donald J. Johnston, P.C., Q.C., Q.C.  
Pierre Marc Johnson, G.O.Q., FRSC  
The Honourable Michel Bastarache, C.C.  
The Honourable René Dussault, O.C., O.Q., FRSC, Ad. E.  
The Honourable John W. Morden  
Peter M. Blaikie, Q.C.  
André Bureau, Q.C.

June 18, 2012

Dr. Alok Mukherjee  
Chair  
Toronto Police Services Board  
40 College Street  
Toronto, Ontario  
M5G 2J3

File No. 058057-0001

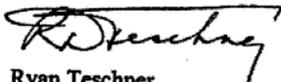
Dear Dr. Mukherjee:

**Re: Independent Civilian Review of Matters Related to the G20 Summit**

Enclosed please find our account for services rendered up to and including May 31, 2012, which we trust you will find satisfactory. Please note that we have provided the Toronto Police Services Board with a reduction of \$23,348.50 for fees and disbursements with respect to this account.

Yours truly,

Heenan Blaikie LLP



Ryan Teschner

RT/km  
Encl.

- c.c. Joanne Campbell [Toronto Police Services Board]  
[By email and regular mail]
- c.c. Sheri Chapman [Toronto Police Services Board]  
[By email and regular mail]

HBdoes - 12782838v1

Ryan Teschner  
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LAWYERS

**N° 23038730**

Page 1

June 7, 2012

**PRIVATE & CONFIDENTIAL**

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

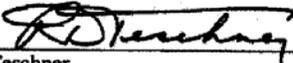
Attention: Joanne Campbell

Reference: File: 058057-0001 Confidential

**FOR PROFESSIONAL SERVICES RENDERED for the period ending May 31, 2012**

<b>FEES</b>	\$ 69,625.00
<b>DISBURSEMENTS (TAXABLE)</b>	\$ 378.90
<b>SUB-TOTAL</b>	<u>\$ 70,003.90</u>
HST (13%)	\$ 9,100.51
<b>DISBURSEMENTS (NON TAXABLE)</b>	\$ 152.39
<b>AMOUNT DUE</b>	<u>\$ 79,256.80</u>

**HEENAN BLAIKIE LLP**

  
\_\_\_\_\_  
Ryan Teschner

  
\_\_\_\_\_  
Toronto Litigation

Reference / File: 058057-0001

Initials: Tit

GST / HST N° 864865936  
GST N° 1090192490TQ0001

**PLEASE RETURN THIS COPY WITH YOUR REMITTANCE**

**Heenan Blaikie LLP**

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**N° 23038730**

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

Reference / File: 058057-0001

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GST / HST N° 864865936  
QST N° 1090192490TQ0001

Initials: Tlt

**PLEASE RETURN THIS COPY WITH YOUR REMITTANCE**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P187. REQUEST FOR EXTENSION OF TIME TO SUBMIT REPORT: COSTS  
AND OPERATIONAL IMPLICATIONS OF BOARD MOTIONS  
RELATING TO CONTACT CARDS AND QUARTERLY REPORTS TO  
THE BOARD**

The Board was in receipt of the following report July 06, 2012 from William Blair, Chief of Police:

Subject: REQUEST FOR EXTENSION OF TIME TO SUBMIT REPORTS; COSTS  
AND OPERATIONAL IMPLICATIONS OF BOARD MOTIONS RELATING  
TO CONTACT CARDS AND QUARTERLY REPORTS TO THE BOARD

Recommendation:

It is recommended that:

- (1) the Board approved a four-month extension of time for the submission of a report on the costs and operational implications of Board Motions Nos. 2 and 4 relating to contact cards; and
- (2) the Board approve delay in the implementation of the motion requesting that the Chief report quarterly on carding activities until after the submission of the Chief's report on the costs and operational implications of Board Motions Nos. 2 and 4 relating to contact cards.

Financial Implications:

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

Background/Purpose:

The Board, at its meeting of April 5, 2012, approved six motions relating to contact cards that required action by the Chief of Police (Min No. P56/12 refers). The sixth motion recommended that the implementation of Motions Nos. 2 and 4 be subject to a report from the Chief on the costs and operational implications of those motions. Motion No. 3 requested that Chief of Police report to the Board quarterly on carding activities, including information on race and ages of those carded.

The purpose of this report is to obtain an extension of time to properly comply with the Board's requests.

Discussion:

In February 2012, I appointed a team of Service members to commence an Internal Organizational Review (CIOR) with the task of examining all aspects of police operations in order to prioritize service delivery, improve efficiencies in operations, and realize cost-savings.

As part of my CIOR, the procedure relating to the contact card (Form 208) and Field Information Report (FIR) is being examined in detail. The CIOR is in a favourable position to gather and assess information relating to contact cards since it is presently engaged with all areas of the Service as part of its review.

Work addressing all issues relating to these forms, including those contained in the motions approved by the Board, is ongoing. However, the completion, submission, analysis, and reporting of contact cards is a significant operational activity that has an impact on many areas of the Service and on the public. Capturing a comprehensive picture of this activity with all of its impacts and implications takes time. At this time, the review is not complete.

Conclusion:

The subject of the Board's motions is under review. However, a complete response that would properly inform the Board on the costs and operational implications of its motions will not be available for the Board's 2012 July meeting. Therefore, a four-month extension of time is being requested.

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

**The Board was also in receipt of a written submission from Noa Mendelsohn, Equality Program Director, Canadian Civil Liberties Association. A copy of Ms. Mendelsohn's submission is on file in the Board office.**

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

- **Moya Teklu, Policy Research Lawyer, African Canadian Legal Clinic \***
- **John Sewell, Toronto Police Accountability Coalition \***
- **Miguel Avila**

**\* written submission also provided; copy on file in the Board office.**

**Following the deputations, Deputy Chief Mike Federico, Corporate Command, responded to questions by the Board.**

**In response to an inquiry by the Board about the reason for additional time to submit the report, Deputy Chief Federico said that it is complex issue and that the TPS is examining operational and public safety requirements, collecting information from various sources and is engaged in conversations with the Auditor General about opportunities that are available within his schedule to meet with him to discuss this matter.**

**The Board referred to Mr. Sewell's deputation and, specifically, Mr. Sewell's recommendation that TPS officers provide a copy of the contact card in a form similar to the receipts that are issued by officers in the Manchester (UK) and Metropolitan London (UK) police forces. The Board asked Deputy Chief Federico whether or not the TPS could issue receipts similar to the receipts issued by the UK police forces. Deputy Chief Federico said that copies of the contact card information cannot be provided by TPS police officers because the information that is obtained by officers is recorded electronically and that there is no paper document.**

**The Board approved the foregoing Motions:**

- 1. THAT the Board approve the foregoing report;**
- 2. THAT the Board receive the deputations and the written submissions; and**
- 3. THAT the Board request the Chief of Police to provide a walk-on report for the Board's August 15, 2012 meeting on the reasons why the TPS is unable to provide contact card receipts to individuals who are stopped.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P188. IN-CAMERA MEETING – JULY 19, 2012**

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

The following members attended the in-camera meeting:

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

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON JULY 19, 2012**

**#P189.       ADJOURNMENT**

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Dhun Noria  
Acting Chair