

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **MAY 30, 2002** at 1:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

PRESENT:

Norman Gardner, Chairman
Councillor Gloria Lindsay Luby, Vice Chair
A. Milliken Heisey, Q.C., Member
Benson Lau, M.D., Member
Allan Leach, Member

ALSO PRESENT:

Julian Fantino, Chief of Police
Albert Cohen, Legal Services, City of Toronto
Deirdre Williams, Board Administrator

- #P129.** The Minutes of the Meeting held on APRIL 25, 2002 were approved with the exception of Minute No. P104/02 which was amended by indicating that the Chief of Police had been asked to make a deputation to the Senate Committee on National Security and Defence rather than the Sub-Committee on National Security.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

#P130. MOMENT OF SILENCE

A moment of silence was held in memory of First Nations Police Constable Paul Neudert of the Walpole Island Police Service who died while on duty on Tuesday, May 7, 2002 and also for Detective Stephen McAteer of the Toronto Police Service Repeat Offender and Parole Enforcement Unit (R.O.P.E.) who passed away on Wednesday, May 29, 2002.

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TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

#P131. OUTSTANDING REPORTS – PUBLIC

The Board was in receipt of the following report MAY 14, 2002 from Norman Gardner, Chairman:

Subject: OUTSTANDING REPORTS - PUBLIC

Recommendations:

It is recommended that:

- (1) the Board request the Chief of Police to provide the Board with the reasons for the delay in submitting each report requested from the Service and that he also provide new submission dates for each report.

Background:

At its meeting held on March 27, 2000 the Board agreed to review the list of outstanding reports on a monthly basis (Min. No. 113/00 refers). In accordance with that decision, I have attached the most recent list of outstanding public reports that were previously requested by the Board.

The Board approved the foregoing.

Reports that were expected for the May 30, 2002 meeting:

Board Reference	Issue - Pending Reports	Report Status	Recommendation Action Required
#P551/00 #P135/01 #P158/01 #P202/01	<p>Compliance – Professional Standards Rpts.</p> <ul style="list-style-type: none"> • <u>Issue:</u> the Chief is requested to provide the Board with a date in which the Service will be in full compliance with the Board’s reporting requirements. • Limited report in 2002 • Complete Report in November 2002 	Report Due: May 30/02 Extension Reqs’d: Extension Granted: Revised Due Date: Status:.....Outstanding	Chief of Police
#P33/02	<p><i>Searches of Persons</i></p> <ul style="list-style-type: none"> • <u>Issue:</u> recommend a protocol and/or interim guidelines or policy that complies with the Supreme Court decision • include rules in other jurisdictions 	Report Due: May 30/02 Extension Reqs’d: Extension Granted: Revised Due Date: Status:.....Outstanding	Chief of Police

<p>#P199/96 #P233/00 #P255/00 #P463/00 #P440/00 #P255/00 #P26/01 #P27/01 #P54/01</p>	<p>Professional Standards</p> <ul style="list-style-type: none"> • <u>Issue:</u> interim report (for the period January – July) to be submitted in November each year • annual report (for the period January – December) to be submitted in May each year • see also Min. No. 464/97 re: complaints • see also Min. No. 483/99 re: analysis of complaints over-ruled by OCCPS • revise report to include issues raised by OCCPS and comparative statistics on internal discipline in other police organizations • note: police pursuit statistics should be included - beginning ... Nov. 2001 rpt. • note: annual report now to include the # of civil claims that occurred as a result of complaints (Min. No. 463/00 refers) • note: searches of persons statistics should also be included in annual report • revise format of report, based upon recommendation by Hicks Morley, so that tracking acquittals on or withdrawal of related criminal charges is possible • include OPAC information on lethal and non-lethal weapons • include evaluations of M26 Advanced TASER & Bean Bag & Sock Round Kinetic Energy Impact Projectiles 	<p>Next report Due: May 30/02 Extension Reqs'd: Extension Granted: Revised Due Date: Status:.....Outstanding</p>	<p>Chief of Police</p>
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**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
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#P132. DEMONSTRATIONS AND VIOLENCE

The Board was in receipt of the following report MAY 9, 2002, from Julian Fantino, Chief of Police:

Subject: DEMONSTRATIONS AND VIOLENCE

Recommendation:

It is recommended that: the Board receive a presentation with respect to demonstrations in the City of Toronto.

Background :

The level of violence at demonstrations has increased significantly in recent years throughout the world. The City of Toronto is no exception and violence sometimes occurs at demonstrations here. The Toronto Police response to all crowd events is to maintain the peace or restore public order, as the case may be.

Inspector Wes Ryan, of the Public Safety Unit, will make a brief presentation regarding the history of crowd events, some of the weapons seized during these events and the Toronto Police response to disorder.

The Board was also in receipt of correspondence dated MAY 8, 2002, from John Sewell, Toronto Police Accountability Coalition, with regard to demonstrations. A copy of Mr. Sewell's correspondence is appended to this Minute for information.

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

- **Lauraine Leblanc, Toronto Police Accountability Coalition**
- **Rob Mound, Ontario Secondary School Teachers' Federation Anti-Poverty Group ***
- **Phyllis Creighton, Toronto Raging Grannies ***
- **Steve Watson, National Representative, Canadian Auto Workers ***

* written submissions were also provided, copies are on file in the Board office.

The Board noted that in October 2001 it forwarded recommendations for amendments to the *Criminal Code* to the Minister of Justice for Canada with respect to persons who are participating in demonstrations while masked or disguised or are in possession of a weapon or an object that could be used as a weapon.

The Board approved the following Motions:

- 1. THAT the foregoing report from Chief Fantino be received;**
- 2. THAT the depositions and written submissions be received and referred to Chief Fantino for review and, following his review, that he forward any recommendations he may have to the Board for consideration;**
- 3. THAT Chief Fantino provide a report to the Board for the June 27, 2002 meeting with any additional or more comprehensive recommendations for the Board to approve and forward to the Minister of Justice regarding amendments to legislation; and**
- 4. THAT, the report noted in Motion No. 3, also include how the Service currently polices demonstrations.**

Toronto Police Accountability Coalition
c/o 50 Baldwin St., Toronto, ON M5T 1L4
www.tpac.ca



May 8, 2002

Mr. Norm Gardner
Chair
Toronto Police Services Board
40 College Street
Toronto, ON M5G 2J3

Dear Mr. Gardner:

At the May 30th meeting of the Toronto Police Services Board, our organization will be presenting a deputation on the principles that we wish the Board to adopt to govern police behaviour at demonstrations. A copy of our brief is enclosed.

Other police forces have already addressed this issue. Enclosed is the report prepared in mid-April by the Chief of Police for the Ottawa Police Force. Commentary on the investigation carried out on the behaviour of the RCMP at a demonstration in Saint-Sauveur in 1997, and the letter from Commissioner Zaccardelli regarding police identification and the use of dogs at demonstrations, is also enclosed.

We hope you will have a chance to read over this material before the May 30th meeting. We have forwarded the same material to all members of the Police Services Board. If there are any questions that we could address before the meeting, please contact Lauraine Leblanc, one of our members, at 416-351-0095, extension 237.

Yours very truly,

A handwritten signature in black ink, appearing to read "J. Sewell".

John Sewell
On behalf of
Toronto Police
Accountability Coalition

(Enclosures)

Toronto Police Accountability Coalition
c/o 50 Baldwin St., Toronto, ON M5T 1L4
www.tpac.ca

April 5, 2002.

To: Toronto Police Services Board

From: Toronto Police Accountability Coalition

Subject: **Police Behaviour at Demonstrations**

Our group wishes to be scheduled as a deputation at the April 25 meeting in order to present this brief. We understand that a number of other individuals and organizations also wish to speak to this matter at this time.

*

Police now assume most of those who attend political demonstrations are criminals, and that demonstrations are a criminal activity where marchers must be searched and confronted at virtually every turn. This is wrong, it is contrary to the freedoms enshrined in the Constitution, and it is naïve.

Most people in Toronto, if they saw what the police do, would be appalled. They would be surprised at how the police dress for demonstrations, at the force they exhibit, and the extent to which they brandish guns and other weapons on Toronto streets. We believe most people in Toronto would have difficulty realising that police are behaving in this fashion in their own city.

We need new rules for police behaviour at demonstrations to ensure that members of the public can attend these events without fear of consequences for their personal safety because of police action.

Better rules are also needed for police managers. Because of current police policies, demonstrations now eat up an inordinate amount of police time and resources. This is a poor expenditure of police resources and is as a general rule unnecessary.

As well, a more relaxed and sensible approach by police, where demonstrators would not be provoked by massive police presence and the use of intimidating equipment, would reveal that the majority of demonstrations were self-policing.

For these reasons, it is time to have a better set of guidelines for police behaviour at demonstrations. Our suggestions are as follows:

1. The greatest police concern should be to ensure that the rights and freedoms of all citizens are upheld, including the right to political dissent, and the freedoms of speech and assembly. Police should be familiar with court decisions regarding the rights of citizens in this area (including rulings on preventative searches and arrests, strip searches, reasonable proximity to protest sites, and the proper laying of charges), and act in accordance with them at all times.

2. Police should assume that demonstrations will be peaceful.

The ability to demonstrate is an important right in a democracy. Clear and convincing evidence that a demonstration will be violent should be required and assessed before anti-violent measures are engaged.

3. Police language and behaviour must be respectful of all demonstrators, and neither demeaning nor threatening. Police statements should be free of foul, racist, sexist, and homophobic language.

4. All police officers should be clearly identified, wearing police badges and numbers, and should identify themselves when requested. Undercover officers should not be deployed.

Most police officers at demonstrations are not clearly identified, and do not have badges or numbers that are clearly visible. At some demonstrations officers wear balaclavas.

5. Good communication on the part of the police is critical. This will only be possible if, from the beginning, police communicate in a non-hostile and co-operative manner. Police officers in charge should introduce themselves to demonstration organizers and inform them of police intentions at every step of the demonstration.

At some demonstrations there appears to be reasonable communication by the police with organizers and leaders. But in most demonstrations this communication is not evident and the police give arbitrary commands and push people around without warning.

6. Police presence and behaviour should be as limited and as unobtrusive as possible.

At many recent demonstrations police presence has been overwhelming. Often there have been more police officers than demonstrators.

7. 'Preventative' detentions, arrests, and searches of demonstrators are contrary to the law and must not be done.

At recent demonstrations there were a number of instances where police detained demonstrators by putting them into a police van for three or more hours, then taking them to a police station where they were held for several hours, and then releasing them without charge. There have also been instances where demonstrators have been searched without warning, and where demonstrators have been strip searched contrary to the existing Police Board policy that requires 'reasonable' grounds for a strip search, and contrary to the recent Supreme Court of Canada decision which requires 'reasonable and probable' grounds.

8. Street Medics should be treated as a positive resource by police at demonstrations, and should be treated with respect. Police should not confiscate their supplies.

9. Police should neither videotape or photograph demonstrations or demonstrators.

10. Neither horses nor dogs should be deployed at demonstrations. They are highly intimidating and can risk or cause serious injury to themselves and others.

11. Pepper spray, tear gas, and taser guns should not be used.

12. Guns should not be pointed at individuals.

There seems to be one instance during most demonstrations where heavily armed officers point guns at the crowd. During a recent demonstration police officers carrying very large guns were seen in the open doors of a police van pointing these guns at people on the sidewalk.

13. Police armaments should not be on display.

14. Helicopters should not be used since, given all the other controls police exercise, their use seems to be only to intimidate.

*

We request that Board adopt these guidelines for police behaviour at demonstrations in the city. In cases where the Chief feels these guidelines are not appropriate for a specific demonstration, board approval should be sought to set aside these guidelines in favour of others which the Chief clearly formulates for Board approval.

This brief will be presented on behalf of TPAC by Lauraine LeBlanc. She can be reached at 416 351 0095 x 237.

Respectfully submitted,

Toronto Police Accountability Coalition

Ottawa Police Service
Service de police d'Ottawa

REPORT/RAPPORT

DATE: April 16, 2002
TO: Executive Director, Ottawa Police Services Board
FROM: Chief of Police, Ottawa Police Service
SUBJECT: **AGENDA FOR EXCELLENCE FOR POLICING MAJOR EVENTS**

RECOMMENDATION

That the Ottawa Police Services Board receive this report for information.

BACKGROUND

Since November 2001, the Police Services Board has received reports and delegations following the 16-18 November 2001 meetings of the G-20, World Bank and IMF.

From that time, members of the Ottawa Police Service have undertaken to review all aspects of the events that took place in November 2001. The Service reported to the Board in January 2002 and indicated the recommendations that flowed out of the Operational Review were being considered and addressed. The Service committed to public consultation in January and the proposed Agenda is a discussion paper that will serve as a basis for the consultation. The opinions of all those who have an interest in these matters will be sought.

The draft Agenda for Excellence is designed to stimulate discussion inside the Service and in the community about how we police major events in Ottawa.

DISCUSSION

The Ottawa Police Service is committed to ensuring that the made-in-Ottawa OPS approach to policing major events is built on the experience and commitment of our members and reflects the best practices from around the world.

The OPS is privileged to serve a community that is part of Canada's national capital region. The presence of Canada's Parliament and other important national institutions means that our city is often the focus of national and international attention. As a result, the OPS is often called upon to provide police services around major events involving decision-makers and citizens (from our community and beyond) hoping to make their voices heard.

Because of the various jurisdictions involved in policing these types of events as well as their scale, the OPS often participates in joint operations with other law

enforcement agencies. The fact that the national capital region includes an inter-provincial boundary also contributes to this phenomenon, as do two separate economic trends: globalization and constraints on policing budgets.

The Ottawa Police Service's approach to Major Events policing flows from the following key objectives:

- to uphold the **democratic rights** of all individuals to freedom of opinion, expression, association and assembly as guaranteed under the Canadian Charter of Rights and Freedoms;
- to strengthen **community partnerships** through communication, consultation, collaboration and **transparency** in planning and operations; and
- to ensure the **safety** and security of our community and our members.

The OPS will optimize public safety, preserve the peace, enforce the law and provide quality service in partnership with the communities we serve while upholding the fundamental freedoms of peaceful demonstrators. We value the right of free expression in a lawful, peaceful and responsible manner and will maintain appropriate communication with the public on all safety and planning issues related to major events and demonstrations in Ottawa.

The Ottawa Police Service and the community we serve will face a number of challenges in dealing with Major Events in the future. These are in part a result of new widely held concerns for public and personal security.

As a dynamic, learning organization, the OPS is committed to meeting these challenges by advancing an *Agenda for Excellence for Major Events Policing*. The following key issues and considerations will serve as a starting point for seeking input both from within the OPS and from the Ottawa community, and for further discussion and dialogue.

The Agenda will help strengthen the partnership between the OPS and the community to face these challenges together.

A number of public events will be scheduled in advance of the next Major Event planned for Ottawa when G8 leaders meet in Canada in June. Public events surrounding the agenda include:

- Ø Relevant announcements of Agenda for Excellence approaches that can be utilized in advance of the G8 meetings scheduled for late June.
- Ø Three community meetings to discuss and receive comments on the Agenda for Excellence.
- Ø G8 Communication Plan roll out of public announcements concerning G8 matters.

By developing an Agenda for Excellence, the Ottawa Police Service is striving to put in place best practices for major events that will serve all those affected in the most effective way.

PUBLIC CONSULTATION

The Agenda for Excellence is a draft for discussion in the community through a number of options such as public meetings, written submissions, or submissions to the Police Services Board. As well, there will be an internal consultation approach undertaken through training days and meetings with specialty sections affected.

Copies of the Agenda for Excellence will be produced and distributed widely in the community. It will be available on the Ottawa Police website at www.ottawapolice.ca.

FINANCIAL STATEMENT

Funds are available in the public consultation budget to finance this approach leading up to the next Major Event in Ottawa. Where possible, external funding will be secured based on appropriate circumstances arising from specific events.

CONCLUSION

The Agenda for Excellence is an important next step for the Ottawa Police. An Agenda for Excellence will move to open lines of communication between all participants and service providers at Major Events. The Agenda for Excellence positions the Ottawa Police to prepare for both short and long term scheduled major events in our city.

As well, an Agenda for Excellence will allow us to police future major events with an increased capacity for public and officer safety. Finally, the Agenda for Excellence will ensure that Ottawa Police Service policies and procedures are consistent with and reflect organization and community values.

Vince Bevan
Chief of Police

An Agenda for Excellence for Major Events: Police and Community Challenges, 15 April 2002

A. The Ottawa Police Service: Core Values

The Ottawa Police Service operates on the basis of a commitment to a number of core values. These include the importance of respect for the Rule of Law, openness and accountability, and maintaining the highest ethical and professional standards.

The OPS is a learning organization that seeks out best practices and regularly reviews and renews its practices, skills-base and capacities. The OPS values innovation and seeks excellence in all areas of its mandate.

1. Our Mission: Serving our Community

The Ottawa Police Service (OPS) is dedicated to:

- safety and security of our community;
- working cooperatively with the members of our community; and
- supporting our members personally and professionally.

The Ottawa Police Service is committed to community-based policing which the Ontario Association of Chiefs of Police defines as:

* A means of police service delivery which recognizes that the maintenance of order, the prevention of crime and the resolution of crime and order problems are the shared concerns and responsibilities of the community and the police.

* Through extensive experience with cooperation, partnership, and dialogue, the OPS has become an acknowledged leader in seeking out collaborative, action-based solutions to police-community challenges.

The Community and Police Action Committee (COMPAC) and Partnership in Action (PIA) are two examples of collaboration with community partners based on six principles: respect and recognition; openness and sensitivity; commitment; active participation; patience with progress; and fairness.

2. Policing the National Capital: A Privilege and a Challenge

The OPS is privileged to serve a community that is part of Canada's national capital region. The presence of Canada's Parliament and other important national institutions means that our city is often the focus of national and international attention. As a result, the OPS is often called upon to provide police services around Major Events involving decision-makers and citizens (from our community and beyond) hoping to make their voices heard.

Because of the various jurisdictions involved in policing these types of events as well as their scale, the OPS often participates in joint operations with other law enforcement agencies. The fact that the national capital region includes an inter-provincial boundary also contributes to this phenomenon as do two separate economic trends: globalization and constraints on policing budgets.

3. Objectives for Policing Major Events

The Ottawa Police Services approach to Major Events policing flows from the following key objectives:

- to uphold the democratic rights of all individuals to freedom of opinion, expression, association and assembly as guaranteed under the Canadian Charter of Rights and Freedoms;
- to strengthen community partnerships through communication, consultation, collaboration and transparency in planning and operations;
- to ensure the safety and security of our community and our members.

The OPS will optimize public safety, preserve the peace, enforce the law and provide quality service in partnership with the communities we serve while upholding the fundamental freedoms of peaceful demonstrators. We value the right of free expression in a lawful, peaceful and responsible manner and will maintain appropriate communication with the public on all safety and planning issues related to major events and demonstrations in Ottawa.

B. Police and Community Challenges: Starting Points for Discussion

The Ottawa Police Service and the community we serve will face a number of challenges in dealing with Major Events in the future. These are in part a result of new widely held concerns for public and personal security.

As a dynamic, learning organization, the OPS is committed to meeting these challenges by advancing an Agenda for Excellence for Major Events Policing. The following key issues and considerations will serve as a starting point for seeking input both from within the OPS and from the Ottawa community, and for further discussion and dialogue.

1. Crowd Management

Planning for Major Events policing is a complex process and should therefore begin as early as possible and include input from as many public officials and community representatives as can be incorporated as well as direct dialogue with protest organizers.

Major Events policing and, in particular, policies for crowd management should reflect OPS core values. Planning guidelines and tactical decisions should take these values and the key objectives for Major Event policing into consideration. These values and objectives should be clearly communicated to all participants as well as to the general public.

In general, strategies and tactics employed at large-scale events should aim to minimize fear and uncertainty in order to create a safe and peaceful environment for all participants as well as the community at large.

Operational plans and decision-making should consider the potential for escalation through the use of specific strategies and tactics. These include the presence and profile of technical aids (including tear gas, rubber bullets and water) and support units (canine, tactical, etc.) and the use of specific techniques for arrests and other actions.

These additional points should also be considered:

- any decisions taken in the course of an operation should respect statutory requirements, be clearly communicated to OPS members and the public and consistently applied;
- clear instructions should be provided on the use and continuum of force (see Joint Operations);
- to allow for sufficient rotation of teams and officer downtime to minimize stress, adequate staffing levels for the OPS, and other services in the case of joint operations, should be determined and deployed;
- operational plans should include provisions for cooperation with individuals and groups providing voluntary services to the public around Major Events (e.g. health, food and legal services);
- a systematic process should be established for debriefing following Major Events, both within the police service and with the broader community.

2. Communications

Good communication is a critical prerequisite for effective major event policing. This includes communication of information within the police service, communication between different agencies in the case of joint operations, and perhaps most importantly, clear, consistent and timely communication of

information to the public, the media and all participants.

The importance of communication spans from operational planning, through the event itself and includes de-briefing after the fact. Key elements include:

- communications considerations should be central to the operational planning process;
- clear and timely information on the Operational Plan should be delivered to all assigned OPS members and important elements to the public, the media and all participants (street closures, transportation and emergency services information, etc.);
- the practice of communicating important information to the general public through the OPS internet site, the media and through other means should be maintained and improved. This should include the posting of health and safety tips and policy information;
- information should continue to be made available to the media through extensive briefings;
- communication with protest groups/organizers should be enhanced and regularized (see Liaison Function);
- lines of communication with protest organizers should remain open during operations (see Liaison Function).

3. The Liaison Function: an Open Lines Approach

In keeping with the critical importance of open lines of communication, sufficient attention and resources should be applied to liaison between police and event organizers.

For many years, the Ottawa Police has successfully liaised with organizers around labour disputes, demonstrations, and other large events. This positive achievement is attested to by many in the broader community. In order to build on this record, Major Event liaison in the future should meet the following criteria:

- the critical importance of liaison should be reasserted and its operation systematized under the responsibility of an OPS member of senior officer rank;
- the liaison mandate should be separate and independent from any intelligence gathering function;
- liaison protocol/policy should be developed with public input;
- officers assigned to the liaison function should receive adequate briefing and training (see Briefing and Training);
- the liaison function should be available 24/7 during critical periods around Major Events with proper organizational and technical support;
- at events, liaison officer(s) (ideally a team sized and equipped in relation to the scale of the event) should be onsite, easily accessible to event

organizers and participants and clearly identified (e.g. vests).

4. Intelligence Gathering

Intelligence gathering is a necessary element of policing around Major Events. Nevertheless, intelligence gathering should not undermine the potential for dialogue between police and protest organizers during the planning phase or replace ongoing communication during an event.

5. Use of Public Space

Ensuring that access to public spaces is subject to as few limitations as possible should be an operational priority in policing Major Events. This objective should be taken into consideration in the development of the Operational Plan (including but not limited to the choice of locations for command posts, officer downtime and staging areas) as well as in tactical decision-making during an event. Where limits to public access are required, information about these changes should be made broadly available at the earliest possible date.

6. Joint Operations

In the case of operations involving more than one police service, the overall command structure should be clear to all law enforcement personnel as well as to the public. In joint operations, efforts should be made to establish one set of policies and protocols for all agencies and officers involved. This is particularly important because each agency will bring with it the standards it is guided by within its own jurisdiction.

Specific examples where common policy is essential include: identification of officers, use of force guidelines, canine policy, etc. Common policy and implementation could be advanced through shared training materials and exercises and by advancing provincial standards.

7. Arrest, Search and Seizure

The handling of arrests in accordance with legal due process is a critical element of policing. Actions and tactics that will result in a police response and possible arrest should be communicated to protest organizers during pre-event dialogue and to participants during the event itself.

Decisions regarding arrests and search and seizure should be guided by statutory requirements as well as the overall objectives set out for Major Events policing. For example, the potential impact of an arrest on broader crowd

dynamics should be kept in view.

Other considerations include:

- the Public Order Unit and other police teams should be adequately staffed and trained to manage orderly arrests and preserve the continuity of evidence in the case of arrests;
- the health and safety of detainees should be considered in the planning of their release;
- all OPS members should be briefed on the statutory grounds for search and seizure;
- relevant facts concerning the event that might inform decision-making on search and seizure (e.g. gas masks, etc.) should be made available to all members.

8. Support and Specialty Units

Support and Specialty Units play important roles in Major Events policing. In order to be effective, the deployment of these Units should be judicious and reflect OPS core values and the overall operational objectives. Specifically, in recognition of the need to minimize fear and the potential for escalation, consideration should be given to maintaining a low profile for these units and their technical aids until deployment is required. In addition:

- the OPS policy on the use of canine units for crowd control should be maintained to ensure that these units are not used in a manner that will place handler and dog within a crowd;
- the type and manner of deployment of technical aids carried by the Public Order Unit and Tactical Units in crowd control situations should be reviewed to ensure safety and best practices;
- Support and Special Units should be trained in crowd management and negotiation techniques (see Briefing and Training).

9. Briefing and Training

OPS members participating in Major Events policing can benefit from specialized training in a number of different areas. These include familiarization with special equipment, information about protest groups and their issues of concern, and improved policing techniques. Specific examples include:

- OPS members should be familiarized with issues and concerns central to a protest through briefings and concise materials. Consider inviting representatives of organizing groups to provide briefings. Offer to brief

protest groups with background information on OPS policies, procedures and past practice.

- Training and information that might improve capacity to participate in effective crowd management should be provided, such as:

- civil rights and charter rights;
- non-violent civil disobedience techniques;
- arrest methodology;
- sensitivity training;
- anger and provocation management;
- negotiation techniques;
- mass-psychology and crowd behaviour; and
- collaborative management of crowd dynamics.

Background to Saint-Sauveur and Saint-Simon RCMP Complaints

From May 2-4, 1997 there were conflicts in the communities of Saint-Sauveur and Saint-Simon over the closure of local schools, after which many complaints were filed against the RCMP with respect to policing actions.

The RCMP Public Complaints Commission issued an interim report of an inquiry into complaints on March 8, 2000. Interim report, No. PC-5710-199801
Available at: <http://www.cpc-cpp.gc.ca/epub/Investigation/eStSauveur/eStSauveur.pdf>

On January 12, 2001, RCMP Commissioner G. Zaccardelli responded to Ms. Shirley Heafey, Chair of the Complaints Commission. Available at: <http://www.cpc-cpp.gc.ca/eInvestigation.asp> His letter contains comments with respect to the use of police dogs and inadequate identification of police officers, among many other issues raised by the inquiry. The following are excerpts:

Dear Ms. Heafey:

I acknowledge receipt of your interim report, No. PC-5710-199801 dated March 28, 2000, as well as supporting documentation relating to complaints filed in the wake of events that took place in the communities of Saint-Sauveur and Saint-Simon, New Brunswick.

On January 3, 2001, I reviewed all the relevant facts of this case, and perused the Commission's findings. The following constitutes my notice pursuant to subsection 45.46(2) of the Royal Canadian Mounted Police Act.

....

Following a complete and attentive review of this case, I wish to state my position with respect to the Commission's findings and recommendations:

With respect to the use of the canine unit, I endorse the Commission's findings and I particularly agree with the finding that the use of dogs in the Saint-Simon arrests was an error. In this connection, the Commission recommends that:

6. the RCMP ensure that a specific directive be included in the Tactical Operations Manual stating that **only in exceptional circumstances are police dogs to be in direct contact with demonstrators during rallies and riots**;

7. dog handler training policies be reviewed and amended, as required, to ensure that dog handlers are properly trained to intervene in demonstration or riot situations. Special emphasis should be put on the use of police dogs as a defensive rather than offensive weapons. Furthermore, dog handlers must clearly know the rights of Canadian citizens not to be subjected to threats of corporal punishment

or suffering, and must be aware of their responsibility to justify all direct contact between their dog and a citizen.

I endorse these recommendations. The Policy Centre will amend the policy on tactical operations as it relates to dog handlers in order to facilitate joint training with tactical troops. Moreover, a certification course on the use of police service dog teams during demonstrations will be given to dog handlers. The Commanding Officer of "J" Division has indicated that a senior police service dog trainer is already on staff with "J" Division and that he will give orders to this end.

.....

Regarding the absence of badges or distinctive markings identifying the members of the tactical troop squad I endorse the Commission's recommendations that:

16. the policy preventing members of the tactical troop from wearing any distinctive badge or markings for identification purposes be revised immediately. Regardless of their activities, members of the RCMP are always accountable to their superiors and the general public. If a badge were worn, members of arrest/identification teams would be able to identify arresting police officers. Furthermore, individuals who are arrested would know the name of the person who arrested them. Lastly, **this means of identification would prevent police officers from acting under the cover of anonymity;**

17. all police officers taking part in the deployment of special units during demonstrations (tactical troop, ERT, police service dog team, soft hats, identification team) be identified, and that the operations NCO or his/her subordinate make a list of these officers before deployment of the squad.

As the Commanding Officer of "J" Division has indicated, this is a national issue requiring the input of Clothing and Kit in order to come with "flexible" name or number badges that cannot be used as a weapon nor broken or lost in a brawl. When appropriate badges have been adopted for use, it will be possible to develop a matching system.

Considering the foregoing, I will advise the Policy Centre of the need for amending the Uniform and Dress Manual in such a way as to provide for members of special units to wear a identification badge or other distinctive mark.

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**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P133. BY-LAW NO. 142: AMENDMENTS TO SERVICE RULES AND
ORGANIZATIONAL CHART**

The Board was in receipt of the following report APRIL 9, 2002 from Julian Fantino, Chief of Police:

Subject: AMENDMENTS TO SERVICE RULES AND ORGANIZATIONAL
CHART

Recommendation:

It is recommended that the Board approve draft By-law No. 142 regarding amendments to Service Rules and to give effect to the new organizational chart for the Service.

Background:

At its meeting dated February 25, 1999, the Board requested that amendments to Service Rules be submitted for approval on an annual basis (Minute No. 66/99 refers).

At its meeting on January 25, 2001, the Board requested that all organizational charts be submitted on an annual basis (Minute No. P5/01 refers). At its meeting on February 28, 2002, the Board approved a new organizational chart (Minute No. P39/02 refers).

Appended to this Board report is draft By-law No. 142 containing three amendments to Service Rules, one of which amends the organizational chart.

Organizational Chart Change

The Sexual Assault Squad has undergone significant restructuring with the addition of new sections that broaden the type of occurrences investigated. The new sections include the Child Prostitution Section, Sexual Exploitation Section and Unsolved Cases/DNA Review. In order to reflect these changes, the Sexual Assault Squad has been renamed Sex Crimes Unit.

Although the next update to the organizational chart is not due for submission to the Board until February, 2003, I am requesting approval at this time to coincide with the newly approved mandate for the Sexual Assault Squad.

Rule Changes

At its meeting on December 14, 2000, the Board approved a new working uniform for police officers (Minute No. P531/00 refers). The new uniform consisted of cargo pants for constables, sergeants and staff sergeants and dark blue shirts for constables and sergeants. Staff Sergeants continued to wear white shirts. Appendix "B" of the Service Rules was amended at that time accordingly.

Since that time, staff sergeants have now also been issued dark blue shirts. Appendix “B” of Service Rules has been amended to reflect this change.

Also, included in By-law No. 142 is a revision to Service Rule 6.6.10 entitled “Police Officers to be Visited”.

The existing rule imposes an unnecessary operational restriction as it stipulates that only supervisory officers from the pay duty officer’s home unit may supervise that pay duty officer while performing a special pay duty. It is feasible that a special pay duty occurring in one division may potentially be allotted to another division for distribution to their officers.

To enable the Service this operational flexibility, the Rule must therefore be amended so that supervisory officers in a division within which the special pay duty is occurring, have the authority to visit these pay duty officers, regardless of their home division. Service Rule 6.6.10 must therefore be amended accordingly.

For the Board’s convenience, attached to this report is a chart with the current Rule on the left and the proposed Rule on the right. The rationale explaining the change is included just below the applicable Rule.

Therefore, it is recommended that the Board approve draft By-law No. 142 to formalize the revisions to the Rules identified in this report and to formalize the amendments to the organizational chart.

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

Marilyn Oladimenji, Toronto Rape Crisis Centre, Multi-Cultural Women Against Rape, was in attendance and made a deputation to the Board. Ms. Oladimenji also provided a written submission; copy on file in the Board office.

Detective Sergeant Elizabeth Byrne, Sex Crimes Unit, was also in attendance and responded to questions by the Board.

The Board received Ms. Oladimenji’s deputation and written submission and approved the foregoing report from Chief Fantino.

Current Rule	Proposed Rule
6.6.0 SPECIAL PAY DUTIES	6.6.0 SPECIAL PAY DUTIES
Current Rule	Proposed Rule
6.6.10 POLICE OFFICERS TO BE VISITED	6.6.10 POLICE OFFICERS TO BE VISITED
When practicable, police officers performing special pay duties shall be visited by a supervisory officer from their unit and both members shall record the visit in their memorandum book.	When practicable, police officers performing special pay duties shall be visited by a supervisory officer from the unit within which the special pay duty occurs and both members shall record the visit in their memorandum book.
<p>Rationale: The existing rule imposes an unnecessary operational restriction as it stipulates that only supervisory officers from the pay duty officer's home unit may supervise that pay duty officer while performing a special pay duty. It is feasible that a special pay duty occurring in one division may potentially be allotted to another division for distribution to their officers.</p> <p>To enable the Service this operational flexibility, the Rule must therefore be amended so that supervisory officers in a division within which the special pay duty is occurring, have the authority to visit these pay duty officers, regardless of their home division.</p>	

File name: Chart By-law No 142.doc

TORONTO POLICE SERVICES BOARD

BY-LAW NO. 142

**To amend By-law No. 99 establishing rules
for the effective management of
the Metropolitan Toronto Police Service**

The Toronto Police Services Board HEREBY ENACTS as follows:

1. By-law No. 99, a by-law “To make rules for the effective management of the Metropolitan Toronto Police Service” (hereinafter called the “By-law”) is amended by deleting section 6.6.10 of the Rules attached as Schedule “A” to the By-law and forming part thereof (hereinafter called the “Rules”) and substituting the following:

6.6.10.1 POLICE OFFICERS TO BE VISITED

When practicable, police officers performing special pay duties shall be visited by a supervisory officer from the unit within which the special pay duty occurs and both members shall record the visit in their memorandum book.

2. The Rules are amended by deleting page 13 of Appendix “B” to the Rules and substituting Schedule “A” attached hereto.
3. The Rules are amended by deleting Appendix “A” to the Rules, and substituting Schedule “B” attached hereto.
4. This by-law shall come into force on the date of its enactment.

ENACTED AND PASSED THIS 30th day of May 2002.

Norman Gardner
Chairman

SCHEDULE "A" TO BY-LAW NO. 142

**POLICE OFFICERS
ORDER OF DRESS**

ARTICLE OF ISSUED UNIFORM	ORDER OF DRESS		
	1	2	3
patrol jacket – (spring/fall only)			X
rainwear – optional			X
reefer – nylon (winter only)			X
ribbons (except in summer when Dress 3 is worn)		X	X
shirt – dark blue short sleeve	X	X	X
shirt – dark blue long sleeve	X	X	X
tie (year round except optional in summer when Dress 3 is worn)	X	X	X
tonfa stick			X
trousers (with red stripe for constables)	X	X	
trousers – cargo (with red stripe for constables)			X
tunic (with silver buttons for constables)	X	X	
Yukon hat with cap badge (winter only) – Optional			X

SCHEDULE "B" TO BY-LAW NO. 142

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P134. EXTENSION OF LEGAL SERVICES CONTRACT WITH HICKS,
MORLEY, HAMILTON, STEWART & STORIE**

The Board was in receipt of the following report APRIL 25, 2002 from Norman Gardner, Chairman:

Subject: EXTENSION OF LEGAL SERVICES CONTRACT WITH HICKS,
MORLEY, HAMILTON, STEWART & STORIE

Recommendation:

It is recommended that:

- (1) the Board authorize an extension of the agreement with the law firm of Hicks, Morley, Hamilton, Stewart & Storie to provide supplementary legal services in the area of employment and labour law to the Board for a further three (3) year term from October 1, 2002 to and including September 30, 2005;
- (2) the Board authorize the extension of the agreement on the same terms and conditions save and except an increase of \$10.00 to the hourly rates set out in the agreement;
- (3) the Board authorize the Chairman to execute an addendum to the agreement to reflect the \$10.00 per hour increase and the extended term.

Background:

At its meeting on December 9, 1999 (Board Minute No. 541/99 refers), the Board approved the selection of the law firm of Hicks, Morley, Hamilton, Stewart & Storie to provide supplementary legal services in the area of employment and labour law issues to the Toronto Police Services Board. The Board authorized the Chairman to execute an agreement between the Board and the law firm for a period of three (3) years from October 1, 1999 up to and including September 30, 2002.

Hicks, Morley, Hamilton, Stewart & Storie was selected due to their expertise and extensive experience with employment and labour practices of Police Services Boards. After reviewing the services provided by this law firm, we have determined that Hicks, Morley, Hamilton, Stewart & Storie has represented the Board successfully in 17 of the last 20 arbitration cases. Arbitrators have issued 17 awards upholding the Board's position, one award favoured both parties and two awards favoured the Association's position.

Having considered the exemplary service the Board has received from Hicks, Morley, Hamilton, Stewart & Storie and the complexity of the issues currently going forward to arbitration, it is hereby recommended that the Board approve the extension of the agreement with Hicks, Morley, Hamilton, Stewart & Storie to provide supplementary legal services in the area of labour and employment law issues to the Board. It is further recommended that the agreement be extended on the same terms and conditions save and except an increase of \$10.00 to the hourly fees of the firm and that the Chairman be authorized to execute an addendum to the agreement to reflect the extended term and fee increase. A copy of the current agreement with Hicks, Morley, Hamilton, Stewart & Storie is attached hereto for reference purposes.

Mr. William Gibson, Director, Human Resources, and Ms. Maria Ciani, Manager, Labour Relations, will be in attendance to respond to any questions the Board may have in regard to this matter.

The Board received the foregoing report and agreed that a request for proposals be issued for legal services in the area of employment and labour law.

February 1, 2000

Hicks Morley Hamilton Stewart Storie
Barristers & Solicitors
P.O. Box 371
Toronto-Dominion Centre
30th Floor, Toronto-Dominion Tower
Toronto, Ontario
M5K 1K8

Attention: Mr. Michael A. Hines

Dear Sirs:

Re: Retention of Hicks Morley – Employment and Labour Law Services

Under the authority of Minute No. 541/99 of the Toronto Police Services Board, adopted by the Board at its meeting held on December 9, 1999, I have been authorized to retain Hicks Morley to provide legal services to the Board and the Toronto Police Service in respect of employment and labour law matters for the term from October 1, 1999 up to and including September 30, 2002.

A description of the services which your firm is to perform is set out in paragraph 1 of Schedule "A", attached hereto.

Hicks Morley will receive fees in accordance with Schedule "B" for professional services rendered, which amounts exclude any amounts payable for GST. Hicks Morley will all be reimbursed for any necessary disbursements. Invoices will be submitted by your firm to the Board monthly. Hicks Morley acknowledges that the fee estimates set out in paragraph 1 of Schedule "B" are the maximum amounts authorized to be paid by the Board and any invoiced amount for fees in excess of this will require further Board authorization, which may or may not be forthcoming.

Your firm may be dismissed by the Board at any time prior to the completion of the term with or without cause. In either case your firm will receive payment proportionate to the services satisfactorily performed to the date your firm's services are terminated or it is dismissed.

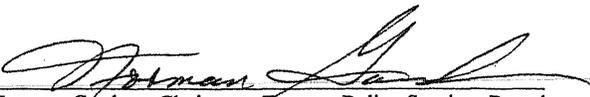
Your firm will be required to indemnify the Board against claims, actions, demands and expenses which are made or brought against it because of your firm's failure to exercise the reasonable care, skill or diligence expected of solicitors in the performance of the services. A complete description of the indemnity which your firm is required to provide to the Board is set out in paragraph 2 of Schedule "A".

Upon completion of the term, early termination of the term or your firm's dismissal, all material, information, studies, reports, designs, drawings and plans, including all copyright therein, prepared by your firm in performance of the services shall become the sole property of the Board, subject to any requirements of the Rules of Professional Conduct of the Law Society of Upper Canada. A complete description of the copyright provisions is set out in paragraph 3 of Schedule "A".

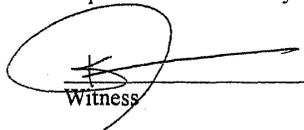
Confidential information obtained in connection with the fulfilment of the services shall not be disclosed in any manner without my approval, as set out in paragraph 4 of Schedule "A".

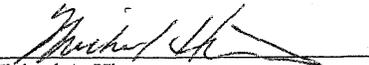
Schedules "A" and "B" form part of this Letter of Retention.

If you are in agreement with the foregoing conditions, would you please execute and return one original copy of this Letter of Retention to me as soon as possible. Please ensure that each page of Schedules "A" and "B" are initialled. I look forward to working with you and your firm.


Norman Gardner, Chairman, Toronto Police Services Board

On behalf of Hicks Morley Hamilton Stewart Storie, I am in agreement with the preceding requirements and hereby agree to the terms of retention.


Witness


Michael A. Hines
Hicks Morley Hamilton Stewart Storie

SCHEDULE "A"

1. Hicks Morley agrees to furnish and perform legal services in respect to the following matters, as requested by the Board and representatives of the Toronto Police Service:

Collective Bargaining	Human Rights	Workers' Compensation
Collective Agreement	Duty of Accommodation	Occupational Health & Safety
Administration	Pensions and Benefits	Attendance Management
Arbitrations	Executive Compensation	Pay Equity
Employment Standards	Judicial Review	Diversity Management
Wrongful Dismissal	Injunctions	Workplace Harassment
Restructuring	Charter Litigation	Policy Assistance
PSA Administration & Compliance	PSA Prosecutions	Freedom of Information
	Coroner's Inquests	

2. Hicks Morley hereby agrees, from time to time and at all times hereafter, to well and truly save, keep harmless and fully indemnify the Board, its successors and assigns, from and against all actions, claims and demands whatsoever which may be brought against or made upon the Board and against all loss, liability, judgments, claims, costs, demands or expenses which the Board may sustain, suffer or be put to resulting from or arising out of Hicks Morley's failure to exercise reasonable care, skill or diligence in the performance or rendering of any work or service required hereunder to be performed or rendered by Hicks Morley, its employees or any of its subconsultants or agents.

Without limiting the generality of the foregoing, Hicks, Morley hereby agrees to well and truly save, keep harmless and fully indemnify the Board, its successors and assigns, from and against all actions, claims and demands whatsoever which may be brought against or made upon the Board, its successors and assigns, for the infringement of or use of any intellectual property rights including any copyright or patent arising out of the reproduction or use in any manner of any plans, designs, drawings, specifications, information, negatives, data, material, sketches, notes, documents, memoranda or computer software furnished by Hicks Morley in the performance of the services.

For the purposes of this paragraph, "costs" includes those costs awarded in accordance with the order of a court of competent jurisdiction, the order of a board, tribunal or arbitrator or costs negotiated in the settlement of a claim or action.

3. Upon termination of the retainer for any reason whatsoever, all information, computer software, notes, documents, memoranda or other paperwriting gathered, assembled or prepared by Hicks Morley, its employees, subconsultants or agents, for the purpose of the services, (the "Material"), shall thereupon become the sole property of the Board including any copyright with respect to the Material, subject to Hicks Morley's requirements to retain for its records such documents or copies thereof, pursuant to the Rules of Professional Conduct of the Law Society of Upper Canada. Hicks Morley

represents and warrants to the Board that it owns and/or shall own all copyright in the Material and no other person shall own any copyright therein. Hicks Morley does hereby transfer and assign, and agrees to transfer and assign, and to sign all documents to give effect to such transfer and assignment, to the Board all right, title and interest of Hicks Morley, including all copyright, in all the Material. Hicks Morley shall forthwith deliver the Material to the Board, subject to the conditions set out above, and the Board may use such Material as it sees fit.

Hicks Morley waives in whole and in part any and all moral rights arising under the *Copyright Act* or common law in the Material as against the Board and anyone claiming rights in the Material from or through the Board. Further, Hicks Morley represents and warrants that its employees, subconsultants and agents have waived, or shall waive, in whole and in part any and all moral rights arising under the *Copyright Act* or common law in the Material as against all parties including Hicks Morley and the Board and anyone claiming rights in the Material from or through the Board.

4. "Confidential Information" shall mean

- (i) information disclosed to or obtained by Hicks Morley in connection with the provision of services under this retainer and which has been identified by the Board as information which should be treated as confidential; and
- (ii) the Material.

Upon termination of this retainer for any reason whatsoever and upon the request of the Board, Hicks Morley shall return to the Board all papers, documents or any other material which contain any Confidential Information, subject to Hicks Morley's requirements to retain for its records such documents or copies thereof pursuant to the Rules of Professional Conduct of the Law Society of Upper Canada.

Except as may legally be required, no Confidential Information shall be disclosed in any manner whatsoever without the approval in writing of the Chair of the Board, and

- (i) Hicks Morley shall hold all Confidential Information obtained in trust and confidence for the Board and shall not disclose any such Confidential Information, by publication or other means, to any person, company or other government agency nor use same for any other project other than for the benefit of the Board as may be authorized by the Chair in writing;
- (ii) any request for such approval by the Chair shall specifically state the benefit to the Board of disclosure of Confidential Information;
- (iii) any use of the Confidential Information shall be limited to the express purposes as set out in the approval of the Chair;

- (iv) Hicks Morley shall not, at any time during or after the term of this retainer, use any Confidential Information for the benefit of anyone other than the Board.
5. Upon the request of the Chair, Hicks Morley shall provide evidence to the Board that Hicks Morley has Professional Errors and Omissions Insurance coverage.

SCHEDULE "B"

The hourly rates, exclusive of any applicable taxes, for the first year of the term of the retainer for Hicks Morley personnel who provide services to the Board are as follows:

Lawyer	Hourly Rate	Current Toronto Police Services Board Rate
Senior Partner – 15+ years of experience	\$290-\$325	\$290.00
Partner – 8 to 14 years of experience	\$250-\$280	
Intermediate Lawyer	\$185-\$245	
Junior Lawyer	\$125-\$175	

The current rate for Senior Partners will be maintained through the first year of the retainer and will only be increased with Board approval.

The ranges for hourly rates will not be changed during the period of the retainer without the approval of the Board. Any request for an increase may only be made on an annual basis and will be limited to the amount of any increase in the cost of living for the preceding year. However, as individual lawyers gain experience, their rate will be increased within the ranges shown.

Hicks Morley will not charge any cancellation fees (eg, if a case is settled the morning of a hearing) and will only charge for services rendered or time actually expended. No supplemental or premium rate will be charged for evening or weekend service or for professional services undertaken on an urgent or emergency basis.

Incidental disbursements will be passed along to the Board at cost.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P135. SUPPLY AND DELIVERY OF 32 LATEST MODEL 4-DOOR
SEDANS**

The Board was in receipt of the following report MAY 1, 2002 from Julian Fantino, Chief of Police:

Subject: AWARDING OF QUOTATION FOR THE SUPPLY AND DELIVERY
OF 32 LATEST MODEL 4-DOOR SEDANS

Recommendation:

It is recommended that: The Board award the quotation for the supply and delivery of 32 (thirty-two) Chevrolet Cavaliers with option 8.6 (full-size spare) and three sets of service manuals, to Alex Irvine Motors at a total cost of \$635,572.80, including options listed and all applicable taxes.

Background :

A request for quotation for the supply and delivery of thirty-two (32) latest model 4-door unmarked sedans was recently issued by the City of Toronto, Purchasing and Materials Management, on behalf of the Toronto Police Service. These vehicles are required to replace current vehicles that have deteriorated to the point where they impact on the operational activities of the Service.

Quotations have now been received, as outlined on the attached summary, and reviewed by appropriate Service personnel. Based on this review, the overall low bid from Courtesy Chev Olds did not comply with mandatory specification 4.11 (power, outside rear view mirrors) and therefore could not be considered. As a result, I recommend that the quotation be awarded to Alex Irvine Motors, being the lowest bid meeting specifications and conditions.

The distribution of the 32 replacement vehicles will be 22 to Parking Enforcement and the remainder distributed to various Units based on the Service's vehicle replacement strategy. These quantities are consistent with the Service's vehicle replacement strategy and funding is available from the City Vehicle and Equipment Reserve for the purchase.

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

The Board approved the foregoing.

SUMMARY OF PRICES
6112-02-3160
APRIL 4, 2002

SUPPLY AND DELIVERY OF THIRTY-TWO (32) LATEST MODEL AUTOMOBILES: 4-DOOR COMPACT SEDAN (STANDARDIZED) TO THE TORONTO POLICE SERVICE

DESCRIPTION	COURTESY CHEV OLDS	ALEX IRVINE MOTORS	SURRIARY/DOOR THE OLDSMOBILE LTD	BRAMPTON CHRYSLER	BILL HOUBRON FORD LIMITED
BASE PRICE FOR THIRTY-TWO (32) LATEST MODEL AUTOMOBILES, 4-DOOR COMPACT SEDAN (STANDARDIZED) COMPLETE AS SPECIFIED, DELIVERED, INCLUDING FEDERAL EXCISE TAX FOR AIR CONDITIONING AND RUSTPROOFING, EXCLUDING GST AND PST	\$18,511.00	\$17,051.00	\$17,360.00	\$17,368.00	\$18,757.00
TOTAL FOR 32 UNITS	\$528,352.00	\$445,632.00	\$555,200.00	\$555,776.00	\$600,224.00
FUEL TAX FOR CONSERVATION (EACH VEHICLE)	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00
YEAR, MAKE & MODEL OF COMPACT CARS OFFERED	2003 CHEV CAVALIER - 1JC069	2002 CHEV CAVALIER LS /JF99	2003 CHEV CAVALIER VLX	2002 CHRYSLER NEON	2002 FORD FOCUS SEDAN SE
GUARANTEED DELIVERY AFTER RECEIPT OF A PURCHASE ORDER	AUG 02 EST	APP 00	SEPT 2003	5 WEEKS	60 DAYS
LAST DATE TO PLACE A FACTORY ORDER	2003 MODEL	ANY DAY NOW-TIME IS OF THE ESSENCE	EXPIRED FOR 2002	JUNE	NOW OPEN
STATE THE PERIOD FOR WHICH PRICES ARE VALID IN YOUR SUBMISSION:	TBA	UNTIL CHANGED BY GM	60 DAYS	AS LONG AS NEEDED	90 DAYS
OPTIONS: (see specification 8.0 page 5 TO 8)					
Specify the additional cost per vehicle to add the following options, excluding all taxes:					
CURRENT LICENCE PLATES	EXTRA	@COST @ DELIVERY	\$100.00	AT TIME OF DELIVER	EXTRA AT TIME OF DEL
EXTENDED WARRANTY	EXTRA BASED ON KM'S	POWERTRAIN 5 YR 100,000KM INCL NO CHARGE	NOT STATED	BASED ON LENGTH	STANDARD 3 YR 60,000
EXTENDED POWER TRAIN WARRANTY	EXTRA BASED ON KM'S	INCL. N/C	NOT STATED	BASED ON LENGTH	STANDARD 5 YR 100,000KM
ONE SHOP MANUAL	NO PARTS \$120.00	\$250.00	\$450.00 IF AVAIL. FOR 2003	\$48.00	CD - ROM \$499.00
ONE CD-ROM DISC PARTS MANUAL	N/A	N/A	\$450.00 IF AVAIL. FOR 2003	TBA	CD - N/A
FULL SIZE SPARE TIRE QR RIM IN LIEU ON MINI SPARE TIRES	N/A	\$145.00	\$175.00	\$127.00	\$150.00
TILT STEERING WHEEL	INC.	INC. N/C	INC.	N/C STANDARD EQP.	INCLUDES SPEED CONTROL, MAP LIGHTS & REAR SEAT HEAD \$919.00
FOUR WHEEL ANTI LOCK BRAKES	STD.	INC. N/C	INC.	\$877.00	\$892.00
SIX CYLINDER 3.0 L ENGINE	N/A	N/A	NOT STATED	N/A	N/A ON FOCUS WOULD HAVE TO GO TO TAURUS
POWER DOOR LOCKS	INC. CW KEYLESS ENTRY	INC. N/C	NOT STATED	\$598.00 PACKAGE	FACTORY STANDARD
POWER WINDOWS	N/A	INC. N/C	NOT STATED		FACTORY STANDARD
TRUNK LOCK RELEASE	STD.	INC. N/C	NOT STATED		FACTORY STANDARD
DASH MOUNTED HOUR METER	\$225.00	HOURS ELECTRIC \$110.00	NOT STATED	NUMBER \$188.00	\$190.00
8.14.1 MANUALS (parts/service/emissions) State below the price excluding all taxes for the various manuals available for the model offered.					
STATE TITLES					
1. _____	NOT STATED	GM SERVICE MANUAL SET \$250.00	NOT YET DISCLOSED FOR 2003 MODEL YEAR	NOT STATED	CD-ROM INCLUDES ALL INFO SERVICE - \$350.00
2. _____	NOT STATED			NOT STATED	EMISSION - INCL. IN SERVICE
3. _____	NOT STATED			NOT STATED	PARTS - N/A
DEVIATIONS FROM SPECIFICATIONS	4.3, 4.11, FIGURE 1: A TO D	FIGURE 1: A TO D	3.1	COMPLY	FIGURE 1: A
STATE IF ENVIRONMENTALLY PREFERRED PRODUCTS/SERVICE IS BEING OFFERED:	YES	YES	YES	NO	YES
STATE BRIEFLY THE ENVIRONMENTAL BENEFIT OF THE PRODUCT/SERVICE OFFERED:	NOT STATED	GM EXCEEDS GUIDELINES	NOT STATED	NOT STATED	RECYCLE TOTAL
TERMS	NET	NET	NET	NET	NET 15
CANADIAN CONTENT	100%	100%	100%	100%	100%

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P136. AMENDMENTS TO THE HUMAN RESOURCES STRATEGY:
2002 - 2006**

The Board was in receipt of the following report MAY 6, 2002 from Julian Fantino, Chief of Police:

Subject: HUMAN RESOURCES STRATEGY - 2002 to 2006

Recommendation:

It is recommended that: the Board approve the following:

- (1) a revised uniform deployment target of 5,255 and projected year-end separations of 425;
- (2) reimbursement of OPC recruit training costs as set out in this report, effective from January 1st, 2002; and,
- (3) granting of 80 hours of lieu time for re-hires and lateral entries during their first year of service, not inclusive of the pay-out option.

Background :

The Board at its meeting on December 13, 2001 (Minute No. P335) adopted the Human Resources Strategy for 2002 – 2006. As the experience for the first quarter of this year has concluded, the present report is being submitted to advise the Board on revisions to the Strategy, taking into account the following considerations:

- City Council approval of the 2002 Operating Budget, including 13 uniform personnel for a new anti-gang unit
- an increase in the projection of uniform separations by year end as a result of our first quarter experience
- enhancements to our hiring strategy to support the Service's hiring goals
- discussions with the Ontario Police College regarding a possible change to their intake schedule and accreditation of the Toronto Police Service to address our training needs
- a review of our uniform positions to ensure optimal deployment of sworn personnel

Uniform Strength Target

The Strategy report adopted by the Board in December last year identified a deployed target strength of 5,242 officers but noted that there were several new initiatives proposed in the 2002 Operating Budget that would increase that number. City Council has now passed the Operating Budget and given approval for an increase of our target strength by 13 for an anti-gang unit, resulting in a new deployed target of 5,255. The new sub-unit has been assigned to Special Investigations Services and preparations for staffing this function have been commenced.

Projected Separations

One hundred and forty-nine officers separated in the first quarter, including 105 retirements, 42 resignations, and 2 deaths. In addition, a further 41 officers signed up during this quarter for retirement at later dates in the year. The resignations in the first quarter included 34 joining other police services, including 18 who were hired by the Durham Regional Police. As noted in previous reports to the Board, the Service has a comprehensive retention program. However, the majority of the officers who joined the Durham Service live in that region, and it is difficult to counteract the advantages such members see in working closer to home, benefiting from lower house prices, and perhaps experiencing a less demanding workload. A number of steps are being taken to enhance our hiring program, as indicated below, to help offset these losses.

The original Strategy report projected a year end total of 322 separations for 2002. Developed in October 2001, this projection assumed a more moderate rate of retirements during 2002 due to the phase-out of the lower OMERS factors being confirmed, and a corresponding reduction in the pressure of resignations, particularly to other services. Our experience in the first quarter, however, was a significantly higher volume of separations than expected. This appears to be attributable, in part, to members signing up in the late fall for retirement early in the new year, in order to meet the advance notice requirements of the medi-pak benefit. In addition, the high rate of hiring by other services early in the year appears to be a spike which has not been experienced for this period in previous years. Although these initial trends may ultimately taper, it is felt advisable at this time to revise our projected total losses for this year to 425. This would still be a lower result than our 2001 actual experience, which amounted to 476 separations.

Hiring/Deployment Strategy

Current and pending deployment in 2002 includes 122 new recruits hired last August and deployed in January; 6 lateral entries deployed in February and 5 others pending; 111 new recruits hired in December and due for deployment in late May; and 144 new recruits scheduled for hire in mid-April, to be deployed in September. Hiring of additional lateral entries and classes of 144 new recruits in August and 144 in late December are also targeted in the present Strategy.

Taking into account the increases to our target strength and projected separations, the *actual* strength variance at year end (with the cadets-in-training included) will be a favourable one of +50, although the *deployed* strength variance will be -261. The deployed strength variance is a result of the fact that new recruits are not counted as “deployed” until they have completed their first five months of training. Hence, a portion of the recruits hired in 2002 are not counted as deployed until 2003.

The Service is confident that its hiring strategy and commitment of resources are producing the pools of well-qualified recruits needed to meet our staffing demands. In addition, the following initiatives are being explored to further support this program:

Hiring Incentives Requiring Board Approval:

Payment of Recruit Training Costs

Of the 327 officers who resigned from the Service from 1999 to 2001, 212, or 65%, left to join another police service and of these, 84, or 40%, had less than five years of service with our organization. As an incentive to retain our new hires, it is recommended that the Board reimburse the OPC recruit training costs of these members, which they currently pay themselves, based on the following formula:

- reimbursement of 40% of their costs after completing 3 years of service as a constable
- reimbursement of the remaining 60% of their costs after completing 5 years of service as a constable

The financial impact of implementing this proposal is anticipated to be \$0.2 million in 2002, with the first payments to recruits commencing in 2005. This proposal will eventually annualize to a cost of about \$1.2 million per year, based on the current Human Resource strategy estimates to 2006, and assuming that all recruits will remain on the staff for five years to qualify. It is further recommended that this program be made retroactive to January 1st, 2002 to include those recruits hired in January. In order to facilitate payments in 2005, a liability will have to be established. Gapping savings will fund the liability in 2002, and the requirements for subsequent years will be built into the operating budgets for those years.

Granting of Lieu Time

Currently, the Uniform Collective Agreement does not provide for a vacation period during the first year of employment, which acts as a disincentive for re-hires and lateral entries who may apply with significant past service. Being an entitlement covered in the working agreement, the Board is limited in its ability to vary this provision, but the Board does have the authority to grant lieu time. Accordingly it is recommended that the Board grant 80 hours of lieu time to re-hires and lateral entries upon hire, to be taken during their first year of service. Although this benefit will not include the pay-out option, there is an estimated financial impact of \$0.2 million per year for each year of the program.

This is due to the fact that it will allow the member to preserve other lieu time entitlements that are eligible for pay-out.

Other Initiatives

Recruiting Award

The Service will be implementing a 4 hour lieu time award for Service members who recruit a candidate who is successfully appointed to the Service. Members of the Employment Unit staff will not be included in the program, and the candidate may not be a member of one's immediate family (i.e. parents, sons/daughters or siblings) or extended family (i.e. cousins, in-laws, aunts and uncles).

Intakes at the Ontario Police College

Discussions with the OPC have resulted in their considering the implementation of a "staggered" intake system which would effectively increase their number of intakes per year from three to six. This change, if approved, is not likely to commence until the summer so its impact on our hiring this year would be minimal. However, it would allow an increase in our hiring in future years, keeping in mind that an upper limit would still remain due to program requirements and the physical capacity of the C.O. Bick College for our own pre- and post-Aylmer recruit training program.

Part-Time Officers

The Service has an agreement with the Police Association to permit the hiring of former TPS officers on a part-time basis. Surveys have been distributed to separating and former members to determine their level of interest, and preliminary feedback suggests the interest level is only very modest at this time. This is a matter of further negotiations with the Association, however, and the final results will be included in a future update report to the Board.

Contract Assignments

The Service has commenced a survey of Unit Commanders as to whether any non-front line duties currently being performed by uniform personnel might be performed by qualified former officers in a civilian capacity. This survey is still on-going at this time, but a number of duties have been suggested which might meet this criterion. This matter will also be included in a future update report to the Board.

Uniform Position Review

A review of uniform positions is being undertaken to ensure optimal deployment of sworn personnel and identify potential opportunities for civilianization. The review will assess whether positions are mission-critical, require police powers, and are deployed in a manner that achieves maximum efficiency. Should any tasks be open for transferral to a civilian role, the Board will be updated accordingly.

Conclusion

The Human Resources Strategy is subject to continual monitoring, and in addition to updates on the surveys noted above, the Board will be advised if our experience indicates any significant changes to the Strategy are required.

Attached for the Board's information are statistical charts pertinent to the above.

Mr. Frank Chen, Chief Administrative Officer, will be in attendance to respond to any questions the Board may have with respect to this report.

The Board approved the foregoing.

**UNIFORM STAFFING STRATEGY
2001 TO 2006
Prepared April 12th, 2002**

2001					2002					2003				
In-year Changes		Totals			In-year Changes		Totals			In-year Changes		Totals		
Separations	Deployed Officers	Deployed Target	Deployed Strength	Variance to Dep Target	Separations	Deployed Officers	Deployed Target	Deployed Strength	Variance to Dep Target	Separations	Deployed Officers	Deployed Target	Deployed Strength	Variance to Dep Target
		5,261	5,139	-122			5,242	5,006	-236			5,255	4,994	-261
-28	1	5,261	5,112	-149	-72	124	5,242	5,056	-184	-19		5,255	4,975	-280
-65	111	5,261	5,168	-93	-34	6	5,242	5,030	-212	-34	144	5,255	5,086	-169
-32	4	5,261	5,140	-121	-43		5,242	4,987	-255	-20	7	5,255	5,072	-183
-49		5,261	5,091	-170	-43		5,255	4,944	-311	-27		5,255	5,045	-210
-46	108	5,261	5,153	-108	-43	111	5,255	5,012	-243	-28		5,255	5,017	-238
-42	8	5,261	5,119	-142	-42		5,255	4,970	-285	-25	144	5,255	5,136	-119
-61		5,242	5,068	-174	-42		5,255	4,928	-327	-25	7	5,255	5,118	-137
-36	1	5,242	5,033	-209	-32	14	5,255	4,910	-345	-21		5,255	5,097	-158
-40	101	5,242	5,094	-148	-31	144	5,255	5,023	-232	-23		5,255	5,074	-181
-31	9	5,242	5,072	-170	-21		5,255	5,002	-253	-16	100	5,255	5,157	-98
-32		5,242	5,040	-202	-11		5,255	4,991	-264	-7	6	5,255	5,158	-99
-34		5,242	5,006	-236	-11	14	5,255	4,994	-261	-9		5,255	5,147	-108
-476	343	5,242	5,006	-236	-425	413	5,255	4,994	-261	-255	408	5,255	5,147	-108
year 2001					year 2002					year 2003				
OMERS 75 & 76 Factors close this year					Jan-March data are actuals					OMERS 79 Factor applies this year				
Deployment target reduced in July by 19 due to amalgamation of 21 & 22 Division.					Deployed target increased by 13 for anti-gang unit approved in 2002 Operating Budget.									
Deployed strength at Jan. 1/01 decreased by 19 positions for 12 officers on CSB, and 7 officers seconded to the TPA.					OMERS 77 Factor applies this year									
Strength nos. include 9 in Pkg. Enf. 1 Supt, 2 S/Sgts, 3 Sgts, & 3 P.C. for this year and the balance of the Strategy period														
Hiring					Projected Hiring					Projected Hiring				
Cadet Hires					Cadet Hire Dates					Cadet Hire Dates				
April	101				April	144	(Projected)			April	100	(Projected)		
August	126				August	144	(Projected)			August	100	(Projected)		
December	110				December	144	(Projected)			December	100	(Projected)		
	337					432					300			
Laterals					Laterals					Laterals				
March	5				March	14	(Projected)			March	7			
June	8				July	14	(Projected)			July	7			
October	9				November	14	(Projected)			November	6			
	22					42					20			
Total Hires	369				Total Hires	474				Total Hires	320			

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P137. POLICY GOVERNING CONSTABLE RECLASSIFICATIONS &
CONFIRMATIONS OF SERGEANT RANK**

The Board was in receipt of the following report MAY 13, 2002 from Julian Fantino, Chief of Police:

Subject: CONSTABLE RECLASSIFICATIONS AND CONFIRMATIONS OF
SERGEANT RANK

Recommendation:

It is recommended that: the Board give standing authority to the Chairman and Vice-Chair, or their designates, to sign, authorize and approve all appointments of Constable Reclassifications and Confirmations of Sergeant rank.

Background:

The Board at its meeting on December 15, 1994 (Minute No. 583) delegated approval of uniform and civilian appointments to the Chairman and Vice-Chair, or their designates, pursuant to the authority granted under section 34 of the Police Services Act. This action was taken, in part, to address concerns about processing these appointments in a timely fashion. A similar concern is now becoming apparent with respect to finalizing approval for constable reclassifications and confirmations of sergeant rank, and the purpose of this report is to recommend that comparable procedures be adopted for such changes in status.

A review has indicated that a total of 21 reports on constable reclassifications were submitted to the Board in 2001, involving 486 officers. In 2002, as of the meeting on April 25th inclusive, 7 reports have been submitted, involving 310 officers. In addition, 6 reports were submitted in 2001 to confirm the sergeant rank for 111 officers, and to April 25th this year, inclusive, 3 reports have been submitted involving 26 officers. This represents a combined volume of 37 reports to process 933 members, and with the considerable hiring and promotional processes needed to address on-going attrition, reports on such changes will continue to present a very significant workload.

The process for vetting these changes in status is very extensive. Unit Commanders are required to submit a performance appraisal for each member, and their names are checked through a total of ten Service units who have responsibility for various aspects of members' performance and conduct. An outline of the vetting processes are attached (Appendices A and B). Although considerable lead-time is allowed for these activities, the volume of names involved and complexity of co-ordinating and verifying all the information have made it increasingly difficult to meet the advance deadlines for achieving full Board approval in a timely manner.

The process for approving appointments involves a document with relevant information, which is reviewed and signed off by the Chairman and Vice-Chair. Forms with a similar sign off format have now been developed for approval of constable reclassifications and confirmations of sergeant rank. In essence, these forms will reflect the same type of information that is currently contained in reports to the Board, and if the Chairman or Vice-Chair have a concern about a particular case, a report can be prepared for consideration at a full Board meeting. Adopting this process will significantly improve the ability to secure final review and approval before the effective date of these status changes.

Section 34 of The Police Services Act currently reads as follows:

“Delegation

34. A board may delegate to two or more of its members any authority conferred on it by this Act, except,

(a) Repealed: 1997, c. 8, s. 23.

(b) The authority to bargain under Part VIII, which the board may delegate to one or more members. R.S.O. 1990, c. P.15, s. 34; 1997, c. 8, s. 23.”

Toronto City Legal has been consulted and has advised that this section provides the legal authority for the Board to delegate these approvals. Accordingly, it is recommended that the Board give standing authority to the Chairman and Vice-Chair, or their designates, to sign, authorize, and approve all appointments of Constable Reclassifications and Confirmations of Sergeant rank.

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

The Board approved the foregoing.

Constable Reclassifications

<i>Step</i>	<i>Action</i>	<i>From</i>	<i>To</i>
1.	Employee Records (ER) prepares monthly notifying list of Constables due for reclassification.	Employee Records	
2.	ER forwards list to Compensation & Benefits to obtain members' sick records	Employee Records	Compensation & Benefits
3.	ER forwards names and sick records to Unit Commanders requesting that performance appraisals be completed and returned.	Employee Records	Member's Unit Commander, and to HRP section of Employment Unit for 4 th Class to 3 rd Class.
4.	ER forwards lists for internal background checks.	Employee Records	Professional Standards, Internal Affairs, Information Security, Prosecution Services, Legal Services, Public Complaints, Complaints Review, Detective Services (re SIU cases), Human Rights Co-ordinator, Occupational Health & Safety
5.	Performance Appraisals are returned to ER.	Unit Commanders	Employee Records
6.	Results of background checks are returned to ER.	Units listed in No. 4 above	Employee Records
7.	ER prepares and routes the reclassification list for sign off approvals..	Employee Records	Director, Human Resources, Chief Administrative Officer, Corporate Support Command, Chairman & Vice Chair
8.	Reclassification sign off list is returned to ER.	Board Office	Employee Records
9.	ER forwards Personnel Action Notices (PAN) - Job & Salary Changes to Payroll Services for data entry.	Employee Records	Payroll Services
10.	Payroll Services returns PANs to ER for central filing.	Payroll Services	Employee Records

02.04.30

Confirmation of Sergeant/Detective Rank

<i>Step</i>	<i>Action</i>	<i>From</i>	<i>To</i>
1.	Employee Records (ER) prepares monthly notifying list of probationary Sgts/Dets. due for appraisal.	Employee Records	
2.	ER forwards names to Unit Commanders requesting that performance appraisals be completed and returned.	Employee Records	Unit Commanders
3.	ER forwards lists for internal background checks.	Employee Records	Professional Standards, Internal Affairs, Information Security, Prosecution Services, Legal Services, Public Complaints, Complaints Review, Detective Services (re SIU cases), Human Rights Co-ordinator, Occupational Health & Safety
4.	Performance Appraisals are returned to ER.	Unit Commanders	Employee Records
5.	Results of background checks are returned to ER.	Units listed in No. 4 above	Employee Records
6.	ER prepares and routes the confirmation list for sign off approvals..	Employee Records	Director, Human Resources, Chief Administrative Officer, Corporate Support Command, Chairman & Vice Chair
7.	Confirmation sign off list is returned to ER.	Board Office	Employee Records
8.	ER prepares a Routine Order to publish names approved for confirmation.	Employee Records	Routine Orders
9.	Employee Records updates HRMS with the confirmation date.	Employee Records	HRMS

02.04.30

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P138. CONFIRMATION OF RANK: SGT. DENISE GALLANT (3913) &
DET. KAREN SMYTHE (106)**

The Board was in receipt of the following report APRIL 9, 2002 from Julian Fantino, Chief of Police:

Subject: CONFIRMATION OF SERGEANT/DETECTIVE

Recommendation:

It is recommended that the Board confirm the members outlined below in the rank of Sergeant/Detective.

Background :

The following members have satisfactorily completed their probationary period in their rank in accordance with the Service Rules. They have been recommended by their Unit Commander for confirmation in rank, as of the dates shown.

GALLANT, Denise	3913	33 Division	2002.04.01
SMYTHE, Karen	106	Public Complaint Investigation Bureau	2002.04.01

The employment equity analysis indicates that the above are white females.

The Service's files have been reviewed from the date of their original promotion to the date of this report to ascertain whether the members concerned have any outstanding allegations of misconduct or *Police Services Act* charges. Background investigations have revealed that these officers have no record on file pertaining to these issues.

It is presumed that these officers shall continue to perform with good conduct between the date of this correspondence and the actual date of the Board meeting. Any deviation from this will be brought to the Board's attention forthwith.

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

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

#P139. RECLASSIFICATION OF POLICE CONSTABLES

The Board was in receipt of the following report APRIL 9, 2002 from Julian Fantino, Chief of Police:

Subject: RECLASSIFICATION OF POLICE CONSTABLES

Recommendation:

It is recommended that: the Board approve the reclassifications outlined below.

Background :

The following constables have served the required period in their current classification and are eligible for reclassification as indicated. They have been recommended by their Unit Commander as of the dates shown.

First Class Constable

DHATT, Rubinder	5189	54 Division	2002.04.02
FYNES, Bronagh	5213	22 Division	2002.04.30
HO, Kenny	5221	33 Division	2002.04.30
KALATZOPOULOS, Nikolas	5229	55 Division	2002.04.30
MIZZONI, Johnny	5235	12 Division	2002.04.30
STOLF, Robert	99656	14 Division	2002.04.30
SUMAISAR, Tom	99447	41 Division	2002.04.30
TAYLOR, Andrew	99635	22 Division	2002.04.30
TREUSCH, Jeffrey	99426	51 Division	2002.04.30
UEBERHOLZ, Thomas	99681	51 Division	2002.04.30

Second Class Constable

BEATTIE, Christopher	7656	54 Division	2002.04.08
BORSBOOM, Marcelinus	7603	55 Division	2002.04.08
DAMASO, Rodney	7629	12 Division	2002.04.08
EAGLESON, Lisa	99434	55 Division	2002.04.08
ELLIS, Robert	7653	33 Division	2002.04.08
HUTCHINGS, Daniel	7640	51 Division	2002.04.08
JOCKO, Todd	7654	11 Division	2002.04.08
JOSEPH, Trevor	7668	41 Division	2002.04.08
MACDUFF, Jeffery	99630	55 Division	2002.04.08
MCCALL, Jayant	99766	54 Division	2002.04.08

MCCOMB, Carol	7649	42 Division	2002.04.08
MCDONALD, Spencer	7616	11 Division	2002.04.08
MENARD, John	99812	51 Division	2002.04.08
SANCHUK, Edward	7613	22 Division	2002.04.08
SILVA, Melissa	7679	13 Division	2002.04.08

Third Class Constable

ADAMOWICZ, Kelly	7954	42 Division	2002.04.23
ALI, Asif	87298	51 Division	2002.04.23
BAMJI, Zubin	8038	11 Division	2002.04.23
BAUS, Joseph	7987	13 Division	2002.04.23
BHARDWAJ, Ella	7942	42 Division	2002.04.23
BUGGEA, Rosario	7971	33 Division	2002.04.23
BURKE, Darryl	8009	42 Division	2002.04.23
BURLEAU, Michael	7968	42 Division	2002.04.23
CAMBRIDGE, John	86789	42 Division	2002.04.23
CASSIDY, Sean	7956	14 Division	2002.04.23
CHUNG, Rodcliff	8037	33 Division	2002.04.23
CORREIA, Bryan	8000	14 Division	2002.04.23
DAVIES, Richard	7960	22 Division	2002.04.23
DE JAGER, Audry	8010	14 Division	2002.04.23
DOUGLAS, Stephen	8002	54 Division	2002.04.23
DRAKE, Kevin	7959	33 Division	2002.04.23
DRAPACK, Ryan	7982	14 Division	2002.04.23
EMERY, Brian	8022	51 Division	2002.04.23
EVELYN, Joel	8018	55 Division	2002.04.23
FLEMING, James	8034	55 Division	2002.04.23
GOWAN, Todd	8011	55 Division	2002.04.23
GRANELL, Kelly	7950	54 Division	2002.04.23
HIGGINS, Andrew	7969	54 Division	2002.04.23
HUTCHINS, William	7989	42 Division	2002.04.23
HYATT, Nadine	8007	42 Division	2002.04.23
JANES, Jeffrey	8032	14 Division	2002.04.23
JOHNSTON, John	8024	14 Division	2002.04.23
JONES, Michael	99777	42 Division	2002.04.23
JUDD, Richard	7996	42 Division	2002.04.23
KARGES, Bradley	7975	23 Division	2002.04.23
KELLY, Michael	7999	54 Division	2002.04.23
KELLY, Ryan	7974	42 Division	2002.04.23
LANDRY, Adam	7939	14 Division	2002.04.23
LENCHUCK, David	7964	22 Division	2002.04.23
LEVESQUE, Martin	8046	22 Division	2002.04.23
MARSHALL, Shawn	8003	33 Division	2002.04.23
MOI, Natalie	8035	42 Division	2002.04.23
MYERS, Emerson	7984	33 Division	2002.04.23

NENNSTIEL, Britta	7980	32 Division	2002.04.23
NICHOLS, Sheylene	8008	42 Division	2002.04.23
PETERS, Cornelius	7979	14 Division	2002.04.23
PILGRIM, Shannon	8026	41 Division	2002.04.23
PITTERS, Glenn	99580	41 Division	2002.04.23
POOLE, Richard	8028	33 Division	2002.04.23
QURESHI, Ajwaid	99877	23 Division	2002.04.23
REID, Glen	7992	13 Division	2002.04.23
RICCIARDI, Marco	8016	14 Division	2002.04.23
ROWE, Paul	7940	42 Division	2002.04.23
SABADIN, Michael	8039	42 Division	2002.04.23
SOUKATCHEV, Konstantin	8042	32 Division	2002.04.23
STAMP, Jason	8043	42 Division	2002.04.23
STEPHENSON, Katherine	7947	41 Division	2002.04.23
STEWART, Christopher	8006	23 Division	2002.04.23
SWARTZ, Christopher	8029	14 Division	2002.04.23
TAMBER, Moe	65525	33 Division	2002.04.23
THOMAS, Jennifer	7951	14 Division	2002.04.23
THORNTON, Amanda	8041	41 Division	2002.04.23
TRAVERS, Robert	7961	54 Division	2002.04.23
VANDER MEER, Elena	7948	42 Division	2002.04.23
VENIERIS, Vasilios	8027	54 Division	2002.04.23
VILLERS, Scott	7977	13 Division	2002.04.23
WALLER, Jennifer	7991	41 Division	2002.04.23
WEHBY, Peter	7965	14 Division	2002.04.23

As requested by the Board, the Service's files have been reviewed for the required period of service to ascertain whether the members recommended for reclassification have a history of misconduct, or any outstanding allegations of misconduct/*Police Services Act* charges. The review has revealed that these officers do not have a history of misconduct, nor any outstanding allegations of misconduct on file.

It is presumed that the officers recommended for reclassification shall continue to perform with good conduct between the date of this correspondence and the actual date of Board approval. Any deviation from this will be brought to the Board's attention forthwith.

The Chief Administrative Officer has confirmed that funds to support these recommendations are included in the Service's 2002 Operating Budget submission.

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

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

#P140. RECLASSIFICATION: PC CHARLES DOUGLIN (7734)

The Board was in receipt of the following report APRIL 18, 2002 from Julian Fantino, Chief of Police:

Subject: RECLASSIFICATION OF POLICE CONSTABLE

Recommendation:

It is recommended that: the Board approve the reclassification outlined below.

Background :

The following constable has served the required period in his current classification and is eligible for reclassification as indicated. He has been recommended by his Unit Commander as of the date shown.

Second Class Constable

DOUGLIN, Charles	7734	32 Division	2002.05.01
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As requested by the Board, the Service's files have been reviewed for the required period of service to ascertain whether the member recommended for reclassification has a history of misconduct, or any outstanding allegations of misconduct/*Police Services Act* charges. The review has revealed that this officer does not have any history of misconduct, nor any outstanding allegations of misconduct on file.

It is presumed that the officer recommended for reclassification shall continue to perform with good conduct between the date of this correspondence and the actual date of Board approval. Any deviation from this will be brought to the Board's attention forthwith.

The Chief Administrative Officer has confirmed that funds to support this recommendation are included in the Service's 2002 Operating Budget. The Service is obligated by its Rules to implement this reclassification.

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

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P141. COST RECOVERY FROM THE CITY OF TORONTO –
WOODBINE RACETRACK**

The Board was in receipt of the following report APRIL 24, 2002 from Julian Fantino, Chief of Police:

Subject: COST RECOVERY FROM THE CITY OF TORONTO - WOODBINE
RACETRACK

Recommendation:

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

Background :

The Board at its meeting in June, 2001, received a report from the Chief Financial Officer regarding a cost recovery for policing at the Woodbine Racetrack. (Board Minute P176/2001 refers.)

As a result of the report, the Board requested an additional report as to whether the Solicitor General, OCCPs or the P.S.A. Adequacy Standards could be utilized to compel the City of Toronto to fund increased policing needs at Woodbine Racetrack. (Board Minute P251/2001 refers.)

The Board received and approved the following motions:

1. That Chief Fantino bring the foregoing report back to the Board if adequate funds are not provided in the Service's 2002 approved Operating Budget for cost recovery purposes; and
2. That, in the interim Mr. Jerome Wiley, Criminal and Corporate Counsel, provide comments to the Board on the alternatives that may be available if the Service is not successful in obtaining cost-recovery for police services at Woodbine Racetrack.

The Service has not been successful in obtaining cost-recovery for police services at Woodbine Racetrack.

There is no legal obligation on the municipality to direct the revenue received from the Ontario Lottery and Gaming Corporation (Woodbine Racetrack Slots) to the Police Service. The revenue can be used by the municipality at its discretion.

Section 4(1) of the Police Services Act provides that a municipality “shall provide adequate and effective police services in accordance with its needs.”

“Adequacy and effectiveness” is governed by Ontario Regulation 3/99 to the Police Services Act. The regulation mandates the services that must be provided by a municipal police service and the standards that must be met in providing those services.

The combination of s.4 (1) O.R. 3/99 require that the municipality provide “adequate and effective” policing services for the Woodbine Racetrack area.

What constitutes “adequate and effective” policing is an operational decision for the Chief.

Section 39 of the P.S.A. provides that the Board shall submit operating and capital budgets to Municipal Council.

Section 39(5) provides that “...if the Board is not satisfied that the budget established for it by the Council is sufficient...the Board may request that the Commission determine the question.”

It would appear that requesting OCCOPS to review the budget established by Council is the only alternative that the Board could pursue at this time.

Mr. Frank Chen, C.A.O. – Policing, Corporate Support Command, and Mr. Jerome Wiley, Q.C. will be in attendance to answer any questions or concerns you may have.

The Board deferred the foregoing report to its June 27, 2002 meeting and requested that the Chief provide an accompanying report identifying the costs associated with the policing of Woodbine Racetrack.

**Ontario Lottery and
Gaming Corporation
COMMUNICATIONS**

To: Detective Anthony Young
From: Jim Cronin-OLGC
CC: Ingrid Peters
Date: August 20, 2001
Re: Municipal Allocation from Slot Operations

I would like to respond to your enquiry regarding the use of the municipal allocation of slot revenue from Woodbine Racetrack Slots.

Municipalities that host our various racetrack slot operations in Ontario are eligible for five percent of the gross slot revenue for the first 450 slot machines, and two percent on any additional machines. The money is paid quarterly through an electronic funds transfer to the municipality.

The money can be used by the municipality at its discretion. The Ontario Lottery and Gaming Corporation (OLGC) places no legal obligations on the use of the money by the municipality.

I should also make you aware that the OLGC does not provide direct funding for the provision of police services at any of the charity casino or racetrack slot locations.

I hope this information has been helpful.

Jim Cronin
Director of Communications.



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P142. SEARCH OF PERSONS - REVIEW OF THE SUPREME COURT
OF CANADA DECISION**

The Board was in receipt of the following report MAY 13, 2002 from Julian Fantino, Chief of Police:

Subject: REVIEW OF THE SUPREME COURT RULING IN THE MATTER OF
R. V. GOLDEN

Recommendation:

It is recommended that: the Board receive this report.

Background:

At its meeting of February 28th, 2002, the Board approved a recommendation to seek legislative changes from the Federal government, that will assist police officers in discharging their duties, by establishing clear and unequivocal rules to police officers with respect to when, where and how complete searches incident to arrest should be conducted. Further, the Board approved a recommendation that it write to the Solicitor General of Ontario requesting that police officers, court officers and custodial officers (matrons) be given the same powers of search when detaining a person as have been given to correctional service officers when detaining a prisoner.

The Board also recognized that legislation in this area could take some time to be enacted, and requested that I provide a report outlining the interim guidelines that have been put in place, to ensure the safety of police officers, prisoners and others, while complying with the ruling handed down by the Supreme Court of Canada in the matter of R. v. Golden [Board Minute #P33/2002 refers].

On April 18th, 2002, a meeting was held to identify interim complete search guidelines, which would allow the Toronto Police Service to meet its obligations of ensuring the safety of its members, and the prisoners in our care, while conforming to the decision handed down by the Supreme Court of Canada in the matter of R. v. Golden. Attending the meeting were the Staff Superintendents of Central Field Command, Area Field Command, Professional Standards, the Director of Corporate Planning, several supervisory members representing both Area and Central Field Commands, both counsel from Legal Services, and members of Training and Education, and Corporate Planning.

Prisoners held at police facilities operated by the Toronto Police Service fall into two distinct categories; those held in short term detention, and those being held pending transportation to court for a Show Cause hearing.

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.

Prisoners being held for Show Cause hearings are typically repeat offenders, those previously charged with or convicted of Fail to Appear or Fail to Comply, and those charged with indictable offences, many of which include violence and/or drug possession. Whatever the reason, these prisoners will be held at a police facility until they are transported to court. These prisoners will be directly exposed to other prisoners during transportation, and will be lodged together with other prisoners in common cells while at court. Many of the prisoners in court cells will have arrived directly from correctional institutions.

In light of this process, and the increased risks of exposure to assault, robbery, and other persons, the need to ensure these persons have been properly searched is greatly increased. Furthermore, Part X of the Police Services Act of Ontario directs that the Board is responsible for ensuring the security of judges and persons taking part in or attending proceedings. As such, the unanimous decision of the committee, which I endorse, is 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.

I have directed that, in order to ensure the safety of all persons, and to address the heightened safety concerns in relation to persons who are entering the prison population, the Officer in Charge (OIC) shall ensure that all persons held for a Show Cause hearing are subject to a complete search, prior to entering the cells or being transported to court, or to another facility.

Where a prisoner is held in short-term detention and will be released from the station by the OIC (Promise to Appear, Provincial Offences Ticket, etc.), the Golden decision requires that reasonable grounds exist for conducting a complete search. In these circumstances, officers contemplating complete searches are instructed to consider all the circumstances including, but not limited to:

- the details of the current arrest;
- the history of the person;
- any items already located on the person during a general search;
- the demeanour or mental state of the individual; and
- the risks to the individual, the police or others associated with not performing a complete search.

A Routine Order (2002.04.25 - 0712) outlining this policy direction was published on the Service Intranet. A copy of that Order is appended to this report.

The Board also passed the following motion.

“That the report noted in Motion No. 3 also include whether the British search rules referenced in the R. v. Golden decision and the rules in other jurisdictions and the possible application of the legislative model in other jurisdictions in Toronto, satisfy the requirements of the Supreme Court of Canada.”

I believe that in terms of authority to conduct a complete search, our revised policy regarding complete searches is in keeping with the Supreme Court of Canada decision. In terms of how a complete search is conducted, our existing Service procedure on Search of Persons is compliant with the Supreme Court decision, with the exception of complete searches conducted in the field. The Supreme Court ruled at line 102 that:

“Strip Searches should generally only be conducted at the police station except where there are exigent circumstances requiring that the detainee be searched prior to being transported to the police station. Such exigent circumstances will only be established where the police have reasonable and probable grounds to believe that it is necessary to conduct the search in the field rather than at the police station. Strip searches conducted in the field could only be justified where there is a demonstrated necessity and urgency to search for weapons or objects that could be used to threaten the safety of the accused, the arresting officers or other individuals.”

In effect, this ruling prohibits officers from conducting complete searches in the field for the purpose of discovering evidence. At the time of writing, a Routine Order reflecting this change has been drafted, and is pending publication. Procedure 01-02 entitled "Search of Persons" will be amended accordingly.

As referenced at line 101 of the Supreme Court decision, the Court found that the guidelines contained in the English legislation, P.A.C.E. (Police and Criminal Evidence Act) concerning the conduct of strip searches to be in accordance with the constitutional requirements of section 8 of the Charter. Our Service procedure on Search of Persons clearly addresses each of the issues highlighted from the British legislation, which the Supreme Court has stated, "provide a framework for the police in deciding how best to conduct a strip search incident to arrest in compliance with the Charter."

It is my sincere belief that our current procedure, when applied using the direction provided in the Routine Order, will offer us the highest level of security possible, without violating the Supreme Court decision in the matter of R. v. Golden. Nonetheless, I encourage you to move forward in your effort to secure legislation in this matter that will greatly enhance our ability to protect the people who we are responsible for, and ourselves, and give officers and the courts a clearer sense of their rights and duties in this matter.

It is recommended that the Board receive this report.

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

The Board was also in receipt of a report MAY 9, 2002 from John Sewell, Toronto Police Accountability Coalition, with regard to search of persons. A copy of Mr. Sewell's report is appended to this Minute for information.

Mr. Jerome Wiley Q.C., Criminal and Corporate Counsel, advised the Board of a Routine Order, related to the conduct of complete searches in the field, which was issued on May 17, 2002, subsequent to the preparation of the foregoing report.

Chief Fantino advised the Chairman that a copy of the May 17, 2002 routine order could be provided to Mr. Sewell through the Chairman's office.

The Board received the foregoing report.

2002.04.25-0712

SEARCH OF PERSONS

In keeping with the Supreme Court of Canada decision in the matter of R. v. Golden, the Service has taken the position that persons who are held in custody pending a Show Cause hearing, are entering the prison population. As such, **the Officer in Charge (OIC) shall ensure that all persons held for a Show Cause hearing are subject to a complete search, prior to entering the cells or being transported to court or to another facility.**

Officers are reminded that where a person is held in short-term detention and will be released from the station by the OIC (i.e. Form 10, POT, etc...), that reasonable grounds are required prior to conducting a complete search.

Officers contemplating complete searches of this nature shall consider all the circumstances including but not limited to:

- the details of the current arrest
- the history of the person
- any items already located on the person during a general search
- the demeanour or mental state of the individual
- the risks to the individual, the police or others associated with not performing a complete search

Unit commanders shall ensure that all members under their command are made aware of and comply with the contents of this Order.

Per: Policing Operations

TORONTO POLICE ACCOUNTABILITY COALITION

C/O 50 BALDWIN ST., TORONTO, ON M5T 1L4

www.tpac.ca

May 9, 2002

The Chair and Members
Toronto Police Services Board
40 College Street
Toronto, ON

Attention: Dierdre Williams, Secretary

Re: Strip Searches

At the meeting of the Toronto Police Services Board in December 2001, I brought to the attention of the Board the recent decision of the Supreme Court of Canada regarding the strip search policy of the Toronto Police Services.

The Chief was asked to report on this matter and he did so at the January 2002 meeting, at which time he was asked to prepare a further report to bring the Toronto Police Services strip search policy into conformity with the Supreme Court decision. It is now almost four months later and we have not seen that report. This means that the Toronto Police Service is still operating under policies that the Supreme Court has stated are inappropriate.

For the information of the Board, I enclose a copy of the recent article in the law journal Criminal Reports on the Supreme Court decision and its impact on existing policy. You will note the conclusion of the article:

For the Crown to justify a strip search as reasonable when it is conducted incident to arrest, it must now establish that the strip search was

- 1) not conducted as a matter of routine policy;
- 2) based on reasonable and probable grounds; and
- 3) conducted in a reasonable manner, having regard to the new *Golden* rules

in addition to the established requirements that the arrest was lawful and that the search was truly incidental to the reasons for arrest.

The citizens of Toronto are entitled to a policy that is in conformity with the current law.

We would ask that this matter be scheduled on the May 30 agenda so that a decision can be made on an appropriate policy regarding strip searches.

Yours very truly,

John Sewell for
TPAC

The Golden Rules: Raising the Bar Regarding Strip Searches Incident to Arrest

Eric V. Gottsch

Introduction

The Supreme Court of Canada has often struggled to address key issues related to defining the scope of the common law power of police to search incident to arrest. In 1990, the Court first discussed the content and scope of that power in Canadian law in *Chissey v. Layton*.¹ In recent years, the Court has attempted to define the boundaries of the power more clearly. In *R. v. Caslake*,² in an effort to balance the rights of the accused against the compelling interests of law enforcement, the Court held that searches incident to arrest must be "truly incidental." The 1997 decision of the Supreme Court, *R. v. Sullivan*,³ prohibited law enforcement authorities from conducting such searches for the purpose of obtaining bodily tissue samples as evidence.

The Supreme Court of Canada's first pronouncement on the legality and constitutionality of strip searches in *R. v. Golden*,⁴ reported over p. 1, is a landmark decision. Jacobson and Arbour JJ., for a 5-4 majority, provide clear guidelines and stringent limitations on the common law doctrine of searches incident to lawful arrest, with regard to highly invasive strip searches. The Court has defined what will constitute a lawful strip search and laid down strict guidelines on when and how strip searches may be implemented. However, the majority's ultimate failure to rule directly on the issue of excluding evidence under section

¹Third year law student, Queen's University, Kingston, Ontario. I would like to thank Professors David Stuart and Gary Trotter, as well as Ian Carter, for their invaluable input and their assistance in the preparation of earlier drafts of this article.

²[1990] 1 S.C.R. 158, (sub nom. *Chissey v. Layton*) 74 C.R. (3d) 216 (S.C.C.) (hereinafter *Chissey*).

³[1998] 1 S.C.R. 51, 13 C.R. (5th) 1 (S.C.C.) (hereinafter *Caslake*).

⁴[1997] 1 S.C.R. 407, 5 C.R. (5th) 1 (S.C.C.) (hereinafter *Sullivan*).

⁵[2001] 1 S.C.J. No. 81 (hereinafter *Golden*). The decision in *Golden* is the first pronouncement on strip searches conducted as an incident to arrest. The Court has addressed the constitutionality of a strip search and "body cavity" and the strip searches of prisoners in a *Chissey* context: *R. v. Sullivan*, [1997] 1 S.C.R. 407, 5 C.R. (5th) 297 (S.C.C.) (hereinafter *Sullivan*), and *R. v. Wossey*, [1999] 1 S.C.R. 652, 24 C.R. (5th) 97 (S.C.C.) (hereinafter *Wossey*).

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28(2) of the *Canadian Charter of Rights and Freedoms*⁵ may serve to undermine the impact of the carefully crafted majority opinion.

This assessment of *Golden* is divided into three Parts. Part I will explore what constitutes a "strip search" as defined by the Court and how it is differentiated from pat down/frisk searches and the more intrusive body cavity searches. Part II will examine the circumstances in which law enforcement officials are permitted to conduct a strip search "in the field" and when they are permitted to conduct a similar search at a police station. Part II will also explore the Court's guidelines for conducting strip searches in a reasonable manner, and will highlight some practical problems associated with some of the criteria. Part III will analyze some of the ambiguities inherent in the majority judgment itself, address concerns advanced by the minority dissent, and raise some questions regarding the impact of *Golden* in other search and seizure contexts.

Part I — The Spectrum of Intrusiveness

What constitutes a "strip search" in Canadian law?

The first issue addressed by the Supreme Court in *Golden* is the definition of a strip search in Canadian law. They articulate a "spectrum of intrusiveness"⁶ that includes frisk or pat down searches at one end of the spectrum, and more intrusive body cavity searches at the other. Between these two extremes lies the strip search. The Court defined a strip search as "the removal or rearrangement of some or all of the clothing of a person so as to permit a visual inspection of a person's private areas, namely genitals, buttocks, breasts (in the case of females), or undergarments."⁷ This broad definition of a strip search, which includes a visual inspection of a subject's undergarments, has been adopted in other jurisdictions as well.⁸ Furthermore, the majority held that less intrusive "pat down" or "frisk" searches will not involve the removal of clothing. This definition puts a limitation on "pat down" or "frisk" searches similar to that adopted in the U.K.⁹

⁶Part I of the *Constitution Act, 1982*, being Schedule B of the *Canada Act 1982* (S.R.S. 1982, c. 11) (hereinafter *Charter*).

⁷*Golden*, at para. 48.

⁸*Id.* at para. 47.

⁹*Id.* at para. 47. It has been adopted in statutory provisions in California, Washington and Colorado as well as in police manuals in Toronto.

¹⁰See the *Police and Criminal Evidence Act, 1984* (UK), 1984, c. 60, Codes of Practice (hereinafter *P.A.C.E.*), Section 55(4). The powers conferred by this section to search a person are not to be construed as authorizing a reasonable suspicion to search a person.

What constitutes a "body cavity search" in Canadian law?

While the Supreme Court was dealing squarely with the issue of a strip search in *Goldie*, the Court also took the opportunity to offer some clarification on the definition of what might constitute a "body cavity search." Described as far more intrusive, body cavity searches were held to "involve a physical inspection of the detainee's genital or anal regions." While mere physical contact with a detainee's buttocks during a strip search was held not to be enough to place the activity in the higher category of cavity searches, it would place the search further along the "spectrum of intrusiveness."¹⁰

The Court stated that searches of the mouth were not encompassed by the term "body cavity search" because they did not involve the same privacy concerns. However, the Court seemed to have left open the possibility that a search of the mouth might be unreasonable if it was seen as constituting a serious health concern for the detainee or for those conducting the search.¹¹

Part II. — New Charter Standards for Strip Searches Incident to Arrest

I. — Strip Searches Cannot be a Matter of Routine Policy

The first major new constitutional standard that the majority judgment sets out is that strip searches may no longer be carried out as a matter of routine policy.¹² Referring to the purpose of section 8 of the Charter as it was defined in *Hester*,¹³ *Iacobucci* and *Arbour J.* explain why routine strip searches are unconstitutional:

Given that the purpose of s. 8 of the Charter is to protect individuals from unjustified state intrusions upon their privacy, it is necessary to have a means of preventing unjustified searches before they occur, rather than simply determining after the fact whether the search should have occurred. . . . The importance of preventing unjustified searches before they occur is particularly acute in the context of strip searches, which involve a significant and very

any of his clothing in public other than an outer coat, jacket or gloves (but they do not include a search of the person's mouth). In *Asano* *A. v. P.A.C.E.*, a strip search is defined as "a search involving the removal of more than outer clothing".

¹⁰*Goldie*, at para. 44.

¹¹*Ibid.*

¹²*Ibid.*, at para. 30. It is implicit in the *Goldie* decision that the Court has overruled the decision in *E. v. Marceau* (1987), 58 C.R. (3d) 65, 39 C.C.C. (3d) 437 (Que. C.A.).

¹³*Hester v. Southam Inc.*, (1984) 7 E.C.R. 145, 248 203, *Canada (Director of Investigation & Research, Customs Investigation Branch) v. Southam Inc.* 41 C.R. (3d) 97 (S.C.C.) or 160 (E.C.R.) (hereinafter *Hester*).

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direct interference with personal privacy. Furthermore, strip searches can be humiliating, embarrassing and degrading for those who are subject to them, and any good facts remedies for unjustified strip searches cannot erase the arrestee's experience of being strip searched. Thus, the need to prevent unjustified searches before they occur is more acute in the case of strip searches than it is in the context of less intrusive personal searches, such as pat or frisk searches.¹⁴

The majority holds that, consistent with the twin rationales for search incident to arrest, a strip search must be for evidence related to the grounds for the arrest or for weapons. A "routine" strip search conducted in good faith or carried out in a reasonable manner will also violate section 8 where there is no compelling reason for performing a strip search in the circumstances of the arrest.¹⁵

2. — Reasonable and Probable Grounds for Strip Searches

Given the highly intrusive nature of strip searches, and the need to prevent unjustified searches before they occur, the Court created minimum constitutional standards that must be met as pre-conditions before a strip search may be conducted incident to arrest. Searches of the person incident to arrest are a recognized exception to the general rule that warrantless searches are *prima facie* unreasonable.¹⁶ The power to search incident to arrest arises from the fact of the arrest itself. In *Clawier*, the Supreme Court held that a common law search incident to arrest did not require additional grounds beyond the reasonable and probable grounds necessary for the arrest.¹⁷ However, *Iacobucci* and *Arbour J.*, speaking for the majority in *Goldie*, distinguished *Clawier* on the basis that it was a case concerning the reasonableness of a pat down or frisk search. Given the level of intrusiveness associated with a strip search, the Court held that:

[S]uch searches are only constitutionally valid as common law where they are conducted as an incident to a lawful arrest for the purpose of discovering weapons in the detainee's possession or evidence related to the reason for the arrest. In addition, the police must establish reasonable and probable grounds justifying the strip search in addition to reasonable and probable grounds justifying the arrest.¹⁸

¹⁴*Goldie*, at para. 89. The possibility that strip searches may be conducted as a matter of routine policy for individuals in a custodial setting was left open by the Court and will be discussed further in Part II, Section 2(2) of this article.

¹⁵*Ibid.*, at para. 95.

¹⁶See generally *Hester*, *supra* note 13.

¹⁷*Clawier*, *supra* note 1 at 185-186 (S.C.R.).

¹⁸*Goldie*, at para. 96.

The additional grounds required by the Court in these circumstances are a well-known safeguard given the absence of a requirement for prior judicial authorization with regard to searches incident to arrest. By rejecting the accused's argument for a warrant requirement, one could argue that *Iacobucci and Arbour II.* mystify strip searches as occupying a lower position on the spectrum of intrusiveness than the seizure of bodily samples¹⁹ or the search of an office or a home.²⁰ However, it is more likely that the majority saw Parliament as the more appropriate body to create a warrant requirement, in the absence of any *Criminal Code*²¹ provision for a search of the person, they elected only to delineate strict boundaries for the common law power to search incident to arrest.²²

3. — Reasonable Manner of the Strip Search

The Supreme Court has delineated when strip searches incident to arrest can be carried out and what criteria will be used to determine if they were carried out in a reasonable manner. *Iacobucci and Arbour II.* draw a distinction between circumstances which may allow strip searches to be conducted in the field and those in which a strip search can be conducted at the police station.

A. — Strip searches conducted "in the field"

In light of what the Court saw as "a disturbing trend"²³ in the law of search and seizure, the majority of the Court strictly limited the ability of police authorities to strip search suspects "in the field." Strip searches cannot be conducted in the field unless there are exigent circumstances, requiring the detainee to be

¹⁹See generally *Dillwyn*, *supra* note 3.

²⁰Justice Lamer (as he then was) observed in *R. v. Piquenberry*, [1987] 1 S.C.R. 965, 38 C.R. (3d) 113 (S.C.C.) that "a violation of the sanctity of a person's body is much more serious than that of his office or even his home."

²¹*Criminal Code*, R.S.C. 1985, c. C-46 [hereinafter *Criminal Code*].

²²The stark absence of any *Criminal Code* provisions for dealing with the search of a person has been noted by some academics: Y. Geigley, "Whitiplat Reform of Criminal Procedure" in D. Stuart, B.J. Delisle, & A. Mann, eds., *Towards a Clear and Just Criminal Law: A Criminal Reports Forum* (Toronto: Carswell, 1999) at 305-306 and D. Newman, "Striping Matters To Their Core: Intrusive Searches Of The Person In Canadian Law" (1999) 4 Can. Crim. L.R. 83 [hereinafter *Newman*]. Others have gone further to suggest that this legislative silence has led to "judicial reticence" on the part of the Court: see D. Stuart, *Charter Justice in Canadian Criminal Law*, 3rd ed. (Toronto: Carswell, 2001) at 230 [hereinafter *Stuart*].

²³*Ibid.*, at para. 72.

searched before being transported to the police station.²⁴ *Iacobucci and Arbour II.*, for the Court, held that such exigent circumstances

[will only be established where the police have reasonable and probable grounds to believe that it is necessary to conduct a search in the field rather than at the police station. Strip searches could only be justified where there is a demonstrated necessity and urgency to search for weapons or objects that could be used to threaten safety of the accused, the arresting officers or other individuals.²⁵

Iacobucci and Arbour II. agreed persuasively that there is a greater infringement of dignity and privacy interests and a greater threat to bodily integrity when such searches are conducted in the field, such that they should only be conducted when necessity and urgency is demonstrated.

B. — Strip Searches Conducted at the Police Station

According to the Court in *Goldie*, absent exigent circumstances, a strip search incident to arrest should generally be conducted at a police station.²⁶ Given that the level of intrusiveness is not as high as it would have been had the search been conducted in the field, the degree of justification required at the police station is lower. For example, the majority in *Goldie* held that, on the facts, there were reasonable and probable grounds to conduct a strip search at the police station. However, because the search was conducted in the field, in the absence of exigent circumstances, the search was unreasonable.²⁷

The Supreme Court also chose to distinguish between strip searches conducted because of safety concerns in the prison context and those conducted in short-term detention. The Court was alive to the practical reality that when individuals are about to be integrated into a custodial institution, there may be a need to search such persons for weapons and contraband before allowing them to mix with the general prison population. The Court left open the possibility that such strip searches might be conducted as a matter of routine police policy in a custodial setting. However, the majority clearly stated that:

The type of searching that may be appropriate before an individual is integrated into the prison population cannot be used as a means of justifying extensive strip searches on the street or routine strip searches of individuals

²⁴*See* *ibid.*, at para. 101-102.

²⁵*Ibid.*, at para. 102 (emphasis added). Some ambiguity regarding the meaning of this passage will be explored below in Part III.

²⁶*Ibid.*

²⁷*Ibid.*, at para. 112.

who are detained briefly by the police, such as intoxicated individuals held overnight in police cells.²⁸

In the wake of the Court's decision in *Golden*, police will not be permitted to strip search detainees as a matter of routine policy for short-term detention. Safety concerns regarding overnight detainees will have to be addressed on a case-by-case basis from now on.

C.—Further Judicial Guidelines

Besides ensuring that certain preconditions are met before a strip search is conducted incident to arrest, the Supreme Court also delineated several factors or criteria that could be used to determine if the strip search was conducted in a manner that does not infringe section 8 of the *Charter*.²⁹ The majority of the Supreme Court decided that certain "factors should be considered by the authority in deciding whether, and if so how, to conduct such a procedure (a strip search)."³⁰ Iacobucci and Arbour JJ. adopted several guidelines that were set out in the *Police and Criminal Evidence Act*,³¹ a U.K. statute codifying police search powers, ruling that such guidelines were "in accordance with the constitutional requirements of s. 8 of the *Charter*."³² According to the majority, the following questions, which draw upon the common law principles as well as the statutory requirements set out in the English legislation, provide a framework for the police in deciding how best to conduct a strip search incident to arrest in compliance with the *Charter*:

1. Can the strip search be conducted at the police station and, if not, why not?
2. Will the strip search be conducted in a manner that ensures the health and safety of all involved?
3. Will the strip search be authorized by a police officer acting in a supervisory capacity?
4. Has it been ensured that the police officers carrying out the strip search are of the same gender as the individual being searched?
5. Will the number of police officers involved in the search be no more than is reasonably necessary in the circumstances?

²⁸*Ibid.*, at para. 96-97 (emphasis added).

²⁹*Charter*, supra note 3.

³⁰*Golden*, at para. 101.

³¹*P.A.C.E.*, supra note 9.

³²*Golden*, at para. 101.

6. What is the minimum of force necessary to conduct the strip search?
7. Will the strip search be carried out in a private area such that no one other than the individuals engaged in the search can observe the search?
8. Will the strip search be conducted as quickly as possible and in a way that ensures that the person is not completely undressed at any one time?
9. Will the strip search involve only a visual inspection of the detainee's genital and anal areas without any physical contact?
10. If the visual inspection reveals the presence of a weapon or evidence in a body cavity (not including the mouth), will the detainee be given the option of removing the object himself or of having the object removed by a trained medical professional?
11. Will a proper record be kept of the reasons for and the manner in which the strip search was conducted?³³

The majority's adoption of these guidelines was strongly criticized by Bastarache J., in the minority judgment, as an attempt to use foreign legislation to reinvent the common law. However, as Lauges C.J.C. (as he then was) stated in *Condeak*, it is "the court's responsibility to set precedents which allow the state to pursue its legitimate interests, while vigorously protecting individuals' right to privacy."³⁴ The courts have always looked to other common law jurisdictions for guidance when deciding what the law should be in the Canadian context. These standards are consistent with statutory provisions in Australia, England, and the United States.³⁵

The real tension that remains in the wake of *Golden* is the question of how stringently these guidelines should be applied by the courts. The majority concluded that the search in the stairwell, while less intrusive than the search in the restaurant, was a strip search that interfered with the "privacy, dignity and integrity" of the accused.³⁶ Both searches were held to be violations of the accused's

³³*Ibid.*

³⁴*Condeak*, supra note 2 at 62 [S.C.R.].

³⁵The Court was provided with examples of similar statutory guidelines from California, Colorado, Connecticut, Florida, Illinois, Iowa, Maine, Michigan, Missouri, New Jersey, Ohio, Virginia, Washington and Wisconsin. The *Australia Crimes Act 1914*, s.22 (1)(b) and the *P.A.C.E.* were also argued before the Court as examples of common law jurisdictions that employed similar standards see D. Tasovitch, Appellant's Written Submissions (12 September 2006) at 36 (hereinafter *Appellant's Written Submissions*).

³⁶*Golden*, at para. 106. Iacobucci and Arbour JJ. rejected the Crown's argument that the three searches had to be examined individually. They stated that the search in the stairwell could not be looked at in isolation and had to be assessed in the complete context of the events that took place after the accused's arrest.

Charter rights by the majority because "he was strip searched in a public place, and in a manner that showed considerable disregard for his dignity and his physical integrity, despite the absence of reasonable and probable grounds or exigent circumstances."³⁷ *Bastarache I*, for the minority, held that the three searches had to be looked at individually, and concluded that the first search in the stairwell was "perfectly justified."³⁸ Unfortunately, the majority failed to rule directly on section 24(2), while the minority held that the evidence would be admissible despite the Charter violation.³⁹

For the Charter right to be free from unreasonable search and seizure to have any real meaning, the courts must ensure that evidence obtained in contravention of such important Charter standards is excluded if it will bring the administration of the criminal justice system into disrepute. It is hard to imagine a more egregious violation of an individual's section 8 rights than that which occurred in *Goldes*. In addition, those individuals whose Charter rights are violated in such a manner have little effective recourse outside of Charter remedies.⁴⁰

Part III.— Areas of Ambiguity in *R. v. Goldes*

While the judgment of the majority in *Goldes* is commendable in its attention to detail, there are certain areas of ambiguity. The strong dissent of *Bastarache J.* raises some doubt as to the exact meaning of certain propositions set out in the majority judgment. In this section, I will explore: (1) the state of the law with regard to body cavity searches; (2) the question of whether searches for evidence "in the field" have been abolished; (3) potential practical problems with the *P.A.C.E.* guidelines adopted by the majority; (4) the twin rationales for and the scope of the power to search incident to arrest in the wake of *Goldes*; and (5) whether *Goldes* will affect strip searches conducted in other contexts.

³⁷*Id.*, at para. 116.

³⁸*Id.*, at para. 10.

³⁹*Id.*, at para. 118-119. In preference to ruling on section 24(2), the majority allowed the appeal and entered an acquittal, but *Goldes* had already served his 18 month sentence in full.

⁴⁰*Id.*, at para. 67. The majority of the court in *Goldes* itself recognized the "damage search is less for individual strip searches remain low, and the cases of bringing a civil action would be exceed the minimal damages awarded: *Narve v. Canada* (1997), 132 F.T.R. 311 (Fed. T.D.); *Blois v. Canada* (1991), 31 F.T.R. 194 (Fed. T.D.)."

2.— Body Cavity Searches

While the Supreme Court has previously addressed the issue of strip searches in the context of customs searches at border crossings,⁴¹ the Court has left open the constitutionality of body cavity searches, "in which customs officers might resort to medical doctors, x-rays, enemas or other highly invasive procedures."⁴² Speaking for the majority in *Goldes*, *Jacobucci* and *Arbour JJ.* stressed the fact that the reasoning regarding intrusive searches such as strip searches and body cavity searches in the customs context was of little direct value in the circumstances of a common law power to search incident to arrest:

... (T)he court also made it quite clear that its conclusion that s. 8 was not violated in the circumstances was based upon the "unique factual circumstances" that border crossings present. . . . Given the unique context of border crossing searches, the reasoning in customs cases is not directly applicable to the present case.⁴³

By distinguishing the cases of *Simsone* and *Morvey*, it can be argued that the Court has raised the standards that will be applied in the context of body cavity searches conducted incident to arrest. There is no reduced expectation of privacy in the context of an individual searched incident to arrest, therefore the bar to be set for body cavity searches will necessarily be higher than the enhanced standard already in place for strip searches.

The Court, arguably in *obiter*, also referred to body cavity searches in relation to the progression of a search along the spectrum of intrusiveness:

For greater clarity, if it appears during the course of a strip search that the detainee is concealing a weapon or evidence in a body cavity, and the detainee refuses to co-operate, then in order to obtain the object in question the police officer must first enter the rectum of the strip search and enter the rectum of the body cavity search. Many intrusive searches of the person such as this involve a higher degree of infringement of personal dignity and privacy as well as additional medical concerns and, accordingly, a higher degree of justification will be required before a search can be carried out. In addition, some intrusive searches will be subject to greater constraints as to the manner in which they may be lawfully performed.⁴⁴

⁴¹See *Morvey*, supra note 4 and see *Simsone*, supra note 4.

⁴²*Id.*, supra note 22 at 249.

⁴³*Goldes*, at para. 73-74.

⁴⁴*Id.*, at para. 87.

The Court held that a body cavity search was analogous to an "intimate" search under the P.A.C.E. (accusati) and *Arbour II*, referred to the fact that:

[S]uch a search may only be carried out at a hospital or other medical premises, or a police station, in the case of a weapon, and it must be carried out by a registered medical practitioner or registered nurse unless this is not practicable. In addition, no person of the opposite sex who is not a medical practitioner or nurse shall be present.⁴⁵

It could be argued that the Court has indicated that the procedural safeguards adopted in the U.K. should form the basis of the Canadian approach to body cavity searches in the future.

3. — Have Searches For Evidence "In the Field" Been Abolished?

In a strong dissent, Bastarache J. condemned the majority judgment in part because he believed that, as a result, searches conducted "in the field" for evidence had been abolished. He argued that

[B]y stating that exigent circumstances will only exist where there is a demonstrable necessity and urgency to search for weapons or objects that could be used to threaten safety, my colleagues have in fact abolished the right to search for evidence upon arrest.⁴⁶

While there is some evidence in the majority judgment to support this interpretation, when one examines how the majority applied the law to the facts of the case in *Golden*, it becomes evident that Iacobucci and Arbour JJ. intended strip searches, made in the field for the purposes of preserving evidence, to be capable of justification by the Crown, on the basis of exigent circumstances:

Furthermore, the circumstances surrounding the discovery of the drugs dropped close to the appellate would have provided strong circumstantial evidence of the appellant's possession of the evidence. As such, we conclude that the case was not one involving an arrest and necessary need to conduct a strip search "in the field" for the purpose of preserving evidence.⁴⁷

This closer reading of the majority judgment shows that a demonstrated necessity and urgency, in the context of a strip search for evidence, will be governed by the need to prevent the loss or fraudulent destruction of evidence.⁴⁸

⁴⁵*Ibid.*, at para. 59.

⁴⁶*Ibid.*, at para. 9.

⁴⁷*Ibid.*, at para. 108 (emphasis added).

⁴⁸*Ibid.*, at para. 92.

3. — The Court's Adoption of the P.A.C.E. Guidelines

One possible problem with the majority judgment lies in the subjective nature of the criteria that they adopted from the U.K. legislation and its effect on the ability of police to do their job. One of the requirements of a reasonable strip search is whether a "senior officer" authorized the action. What constitutes a senior officer? Is it someone acting in an official supervisory capacity or can it merely be another officer who has been on the force for a longer period of time? How should an officer proceed if no senior officer is available at the police station? Bastarache J., in his dissent, criticizes the need for and the effectiveness of prior authorization that is not judicial in nature.⁴⁹ Surely, however, there is some utility in requiring police officers to declare their intention to strip search an individual to a superior and thus only to proceed if authorization is forthcoming.

The most compelling question that remains in this context is whether the Supreme Court was insufficiently attentive to the practical considerations of their judgment. Bastarache J. raised the particular question of searches conducted by solitary officers in remote regions of Canada.⁵⁰ Have police, in such circumstances, been put in an untenable position by the judgment in *Golden*? It would appear that the majority decision provides sufficient flexibility for judges to take such factors into account when determining the existence of exigent circumstances in a particular case. Much will depend on how *Golden* is interpreted and applied.

4. — The Scope of All Searches Conducted Incident to Arrest

A careful reading of the recent jurisprudence on the scope of the power to search incident to arrest reveals a subtle attempt by the Court to distance itself from the broad interpretation of the common law power relied on by L'Heureux-Dubé J. in *Cloutier*.⁵¹ In *Salinas*, after affirming the principles in *Cloutier*, Cory J. made the following statement:

Searches made incidentally to arrest are justified so that the arresting officer can be assured that the person arrested is not armed or dangerous and

⁴⁹*Ibid.*, at para. 12.

⁵⁰*Ibid.*, at para. 7.

⁵¹*Cloutier*, supra note 1. The traditional power of the police to search an individual upon arrest was originally intended for self-protection, to prevent the accused from escape or to prevent the imminent loss or destruction of evidence. As pronounced by L'Heureux-Dubé J., the common law power to search incident to arrest was expanded to include the seizure of anything in the suspect's possession, or immediate surroundings. The dual purposes for the doctrine — to guarantee the safety of the police and the accused, and to prevent the suspect's escape — were suggested by a third.

arrests are justified in possessing evidence that may go out of existence or be otherwise lost. . . . In any event, the power to search and seize does not extend past these purposes.⁵²

Of note in the above passage is that *Cory J.* does not mention the mere discovery of evidence as one of the justifiable purposes inherent in the twin rationales. The tension arises from the fact that he refers to only two legitimate purposes for the exercise of the search power, as opposed to the three purposes set out by L'Heureux-Dubé J. in *Crowley*.⁵³

The decision of the Court in *Goldens* seems to provide more evidence for this restrictive interpretation of the acceptable purposes that police may use to justify a search incident to arrest. The Court discusses only two justifications for conducting a search incident to arrest: (1) for ensuring the safety of the police, the detainee and other persons; and (2) searching for evidence. However, Iacobucci and Arbour JJ. are quite specific about the underlying purpose of searching for evidence as incident to arrest:

The reasonableness of a search for evidence is governed by the need to preserve the evidence and to prevent its disposal by the suspect. Where the arresting officers suspect that evidence may have been secreted on or near the body that can only be exposed by a strip search, the risk of disposal must be reasonably assessed in the circumstances.⁵⁴

The Court in *Goldens* rejected, on its facts, the argument of the Crown that there was an element of risk of disposal or destruction of evidence between the sub-shop and the police station.⁵⁵ Given the restrictive nature of the recent jurisprudence, the obiter statement of Cory J. in *Sillman* and the recent pronouncement of the law in *Goldens*, it may be open to debate whether to argue that searches for the purposes of the mere discovery of relevant evidence cannot be conducted incident to arrest, unless there is a present risk of disposal or destruction. If this argument does not apply to all searches conducted incident to arrest, it should apply to strip searches in particular.

5.—The Effect of *Goldens* on Strip Searches in Other Contexts

The guidelines set out by the Court regarding strip searches conducted incident to arrest raise the question of the effect of *Goldens* on strip searches in other

⁵²*Goldens*, *supra* note 3, at para. 41.

⁵³*Id.*, L'Heureux-Dubé J. held that police were also allowed to search for the purpose of discovering evidence to be used against the suspect, thus expanding the common law doctrine.

⁵⁴*Goldens*, at para. 97 (emphasis added).

⁵⁵*Id.*

contexts. Police are entitled to search for weapons as an incident to an investigative detention according to the British Columbia Court of Appeal in *R. v. Ferris*.⁵⁶ Are they entitled to strip search detained individuals, and, if so, will the search have to be conducted according to the guidelines set out in *Goldens*? If the power to strip search were to be incorporated into legislation such as the *Controlled Drugs and Substances Act*,⁵⁷ would the search have to meet the new *Charter* standards? These questions were not answered by the Court in *Goldens*. It seems likely from the judgment that, with the exception of strip searches in the customs context, such searches will only meet section 8 standards if they are conducted in accordance with the safeguards put in place by the majority in *Goldens*.

Conclusion

The majority judgment in *Goldens* is a victory for those concerned about the overuse of strip searches. Iacobucci and Arbour JJ., in a clear and articulate judgment, have laid down specific guidelines and strict limitations on the scope of the common law power of strip searches incident to arrest. For the Crown to justify a strip search as reasonable when it is conducted incident to arrest, it must now establish that the strip search was

1. not conducted as a matter of routine police policy;
2. based on reasonable and probable grounds; and
3. conducted in a reasonable manner, having regard to the new *Goldens* rules

in addition to the established requirements that the arrest was lawful and that the search was truly incidental to the reasons for arrest.

In the wake of its decision in *Goldens*, it seems clear that the Court has raised the bar considerably with regard to strip searches, and with regard to personal searches in general. This decision is made all the more important by the Court's recognition that warrantless searches pursuant to the power to search incident to arrest constitute the vast majority of searches actually conducted in Canada.⁵⁸

The decision is also significant in other ways. For example, the Court recognized that African-Canadians and Aboriginal peoples are overrepresented in the criminal justice system and are therefore more likely to be subject to an over-

⁵⁶*R. v. Ferris*, [1988] B.C.J. No. 3413, 162 D.L.R. (3d) 47, 16 C.R. (5th) 287 (B.C. C.A.) at para. 35.

⁵⁷S.C. 1996, c. 19.

⁵⁸*Norras*, *supra* note 22 at 96.

reasonable search. The Court also suggested that Parliament should legislate police powers to search the person. The majority judgment is quite specific and therefore Parliament may choose to legislate the judgment, following a path similar to their legislative interpretation of the Supreme Court's decision in *R. v. Feroz*.³⁹

The case of *R. v. Golden* involves an egregious violation of an individual's section 8 Charter rights. A majority of the Supreme Court has added clarity to and carved out limitations for one of the most sweeping common law police powers in Canada. The major question that may still remain in the wake of *Golden* is whether the Court is prepared to give its new guidelines any teeth. Unfortunately, the majority's failure to rule directly on the exclusion of evidence in this case under section 24(2) does nothing to answer the nagging question of whether, in the future, police officers will have to live by the *Golden* rules.

³⁹*R. v. Feroz*, [1997] 2 S.C.R. 13, 7 C.R. (5d) 101 (S.C.C.). Parliament cannot do away with search powers altogether as the decision of the Court in *Feroz*. However, Parliament also added an exigent circumstances exception to the warrant requirement. The question with regard to the present case is how closely Parliament will follow the Court's direction in *Golden*.

Toronto Police Accountability Coalition
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May 28, 2002. – CORRECTED COPY

To: Chair and Members
Toronto Police Services Board

Subject: Strip Search of Persons, Item 15, May 30 agenda.

This letter requests the opportunity to address the Board on Thursday on the Chief's May 13th report on the Supreme Court of Canada's decision about searches.

The Chief's report divides those held in police facilities into two categories: those held in short-term detention and those held pending transportation to court for a Show Cause hearing. The Chief proposes that since the latter group are to all intents and purposes prisoners they should be subject to a complete search on a regular basis. He believes that this would not be contrary to the Golden decision.

The other group in police control are those who have been arrested and have not yet been before a judge. The Chief says that the Supreme Court decision says that "reasonable grounds exist for conducting a complete search" of these individuals, but in fact the court decision requires "reasonable and probable grounds" before a complete (or strip) search can be done.

In the case of these short-term detainees, the Chief proposes:

`In these circumstances, officers contemplating complete searches are instructed to consider all the circumstances including, but not limited to:

- the details of the current arrest;
- the history of the person;
- any items already located on the person during a general search;
- the demeanour or mental state of the individual;
- and the risks to the individual, the police or others associated with not performing a complete search.'

Apparently the chief has embodied this in a Routine Order issued April 25, 2002.

There is no question but that these are important factors to be considered before making a decision to undertake a strip search. But the over-riding question, according to the Court, is whether there are `reasonable and probable grounds' to expect that the search will reveal something that could lead to trouble. `Probable' means that there is a likelihood of discovering something – it is more than a thought that maybe something will be found. Further, the Court is insistent that strip searches may not be done as a matter of course. The Court is very clear that this cannot be a routine practise.

We are asking the Board to adopt a policy which says that in determining reasonable and probable grounds for undertaking a strip search, an officer should review these factors and if the officer believes that there are reasonable and probable grounds - that the person has items that will put the person or other persons at risk - then the search can be undertaken. This should only be done after the officer has written out a form and received permission of the officer in charge to undertake this search.

The new policy must capture these issues. It appears the April 25 Routine Order does not. We urge the Board to adopt the following amendments to the Routine Order regarding the strip search of individuals who have been arrested and not yet brought before a judge.

- a) inclusion of a statement that strip searches are not a routine police practise but are done only in exceptional circumstances.
- b) deleting the consent of a person as an authorization for a strip search, since any consent will most often be given under duress;
- c) requiring that in advance of any complete search, the officer fill out a form designed for this purpose, specifying the reasonable and probable grounds making the search necessary, and that these grounds be approved by a supervisor before a strip search may take place.
- d) forwarding the search authorization forms to the Chief on a monthly basis so the chief may report monthly to the Board to ensure the Supreme Court decision is being complied with;
- e) ensuring that where it is necessary and there are proper grounds to conduct a strip search, it is conducted by a member of the same sex outside the presence of members of the opposite sex; and that transgender/transsexual people must be accommodated and their Charter rights protected, which will require consultation with this community before a final decision is made regarding searches of such individuals;
- f) advising anyone subject to a strip search of available complaint procedures; and given the extreme violative nature of an illegal complete search (as recognized in the Golden decision), the complaint procedures be improved to address such complaints.

We urge the Board to take effective action to comply with the Supreme Court decision. We believe the new Routine Order does not address the critical issues as set out by the Court.

The deputation will be presented by John Sewell, who can be reached at 416 977 5097.

Respectfully submitted,

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 MAY 30, 2002**

**#P143. POLICING GAY PRIDE PARADES AND OTHER SIMILAR
PUBLIC EVENTS**

The Board was in receipt of the following report APRIL 23, 2002 from Julian Fantino, Chief of Police:

Subject: POLICING GAY PRIDE PARADES AND OTHER SIMILAR PUBLIC
EVENTS

Recommendation:

It is recommended that: the Board receive this report.

Background:

At the Board meeting of February 28, 2002, the Board concurred with the decision of the Chief of Police that no further action should be taken with respect to the complaint about police service at the Gay Pride Parade (Board Minute P37/02 refers).

The Board also requested that the Chief provide a report on how police services in other jurisdictions deal with similar events.

A survey of eight police services was conducted. The police services selected include: San Francisco, New York, Los Angeles, Vancouver, Ottawa, Winnipeg, Edmonton, and Calgary Police.

All of the police services contacted stated that nudity was not a major concern at their city's gay pride parades. Four of the police services have had no incidents of nudity to date at their parades. Those cities that did have incidents of public nudity stated that it most commonly involved bare breasts and buttocks but not genitalia. As genital nudity is not a frequent occurrence at these parades it is dealt with on a case-by-case basis with an on-site management approach. This approach could vary from something as simple as asking the participant to put some clothes on to enforcement, where applicable.

The feedback received from each of these police services was very similar, as was their approach on how they chose to police their parades. The key point that each of these police services emphasized was their positive rapport with the organizing committees.

Several of the police services consulted felt that a level of responsibility should be placed on the parade's organizing committee. During these parades, if a participant's behaviour is of concern, the police may choose to bring it to the attention of the organizing committee for them to address. Placing a level of responsibility for proper conduct at the parade on the organizing committee helps avoid the need for conflict between the police and parade participants. San Francisco also places what are called 'reasonable requirements' on the parade permit; no genital nudity is considered one of the reasonable requirements.

These suggestions and practices are consistent with the Toronto Police Service operational plan.

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

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

#P144. HATE CRIME UNIT – 2002 PLAN OF ACTION

The Board was in receipt of the following report APRIL 18, 2002 from Julian Fantino, Chief of Police:

Subject: Intelligence Support - Hate Crime, 2002 Plan of Action

Recommendation:

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

Background:

At its meeting of February 28, 2002 the Board was in receipt of the 2001 Annual Hate/Bias Crime Statistical Report (**Board Minute #P50/02 refers**). Officers from Intelligence Support, Hate Crime sub-section were in attendance and responded to several concerns and comments raised by the Board members. Mayor Mel Lastman was particularly concerned with the hate crimes committed utilizing the Internet and the 66% increase in the number of hate crimes committed between 2000 to 2001. The Board requested that *'the Chief of Police develop a plan of action which outlines a more aggressive approach to reduce the number of hate crimes in the City of Toronto'*.

Response:

All areas of the Service play a contributory role in the investigation, deterrence and suppression of hate crimes within our community. Our efforts are undertaken in co-operation and consultation with numerous community stakeholders, and this Service has, and continues to be an international leader in this field.

Our recognition of the growing challenges in this field pre-dates the 2001 Annual Hate/Bias Crimes Statistic Report, and as a result our efforts to create a broader organizational response to this issue are currently underway.

Community Policing Support in consultation with community advisory groups, educators, Boards of Education and experts in the field of youth violence have come together to produce a new core curriculum for our School Liaison Officers that has been completed and is undergoing final review. The Grade 8 portion of that program addresses hate crimes, and provides students with an understanding of the definition of a hate crime, signs of organized groups, their criminal methodologies, and actions to take when they, as a student, become aware of a hate/bias crime. The curriculum takes students through various scenarios to help them understand the nature and damage that hate crime perpetrates upon our communities.

Intelligence Support, in keeping with the mandate of the Hate Crime sub-section, have proposed a plan of action that will aggressively tackle hate crimes by reinforcing and enhancing the preventative and investigative techniques, activities and programs that are already in place. In addition, the Hate Crime sub-section will continue to work in co-ordination with other police services, government agencies, local and national media and community partners to assess the continuing impact of hate crimes and information gathering mechanisms to develop strategies for the fight against hate crimes.

Mandate of the Hate Crime sub-section:

- Providing assistance and expertise to all investigations and prosecutions of hate crimes,
- Maintaining an information base of hate/bias occurrences and arrests to assist divisional analysts and investigators,
- Assisting in developing public education programs in partnership with other members of the Service and the community and;
- Acting as the central focus for the dissemination of information and support to divisional hate crime investigation co-ordinators, other police services, government agencies and the community.

Action Plan:

Education:

Community Policing Support will ensure the delivery of the new core curriculum to Grade 8 students in the 2002-2003 school year to provide greater public awareness of the issue, and provide guidance for reporting and response to hate/bias crimes.

Target date: To start September 2002.

Working Group:

The Hate Crimes sub-section of Intelligence Services will undertake to develop a 'working group' consisting of representatives from other police services, government agencies, school boards, community partners and stakeholders. In conjunction with the stakeholders, the focus of the working group will be the establishment of a plan of action for the year 2003.

Research Assistant:

Establish a one-year pilot project creating the position of a civilian Research Assistant. The person filling this full-time position will be responsible for monitoring the Internet for hate sites and information about hate mongers and maintaining a database of this information. Where applicable, the Service will lay appropriate charges under the various sections of the Criminal Code in relation to Hate Propaganda. The duties will include: maintaining the hate crime occurrence database system and unit files, assisting with the annual statistical report, producing reports for the divisional hate crime co-ordinators, creating intelligence profiles of individuals and organizations involved in hate and

assisting with meetings and on-going liaison with police and community partners. The position will be filled by an existing researcher from the Records, Research and Analysis Sub-section of Intelligence Support. The researcher will relieve the Hate Crime investigators of these responsibilities, allowing them to do more pro-active intelligence gathering and enforcement. At the conclusion of the one year pilot project, Intelligence Support will evaluate the success of the information gathered on the database system and determine the feasibility of establishing a full time civilian Research Assistant position. Funding for this position will be addressed at this time.

Target date: May 1, 2002.

Secondments:

Examine the possibility of seconding officers to the Hate Crime sub-section. Qualified officers will be selected from field units and will assist the Hate Crime investigators in all aspects of their educational, preventative and investigative work. In addition, the seconded officers will enable the Hate Crime sub-section to provide a more timely and thorough response to incidents, investigations and joint ventures with our police and community partners.

Target date: May 1, 2002.

Deputy Chief Michael Boyd, Policing Support Command, will be in attendance to answer any questions that the Board may have.

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P145. RELATIONSHIP BETWEEN THE TORONTO POLICE SERVICE
AND INSPECTORS WITH THE ALCOHOL AND GAMING
COMMISSION**

The Board was in receipt of the following report APRIL 25, 2002 from Julian Fantino, Chief of Police:

Subject: RELATIONSHIP BETWEEN THE TORONTO POLICE SERVICE AND
INSPECTORS WITH THE ALCOHOL AND GAMING COMMISSION.

Recommendation:

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

Background:

The Board at its meeting on February 28, 2002, approved the following Motion:

THAT Chief Fantino provide a report to the Board on the responsibilities of the Service with respect to enforcement of the Liquor Licence Act and the relationship between the Service and Inspectors with the Liquor Licence Board of Ontario (LLBO). (Board Minute #C53/02 refers)

Response:

One of the major responsibilities of a Divisional Plainclothes Office is the enforcement of the Liquor Licence Act. There are approximately 6,400 (estimated) licenced premises within the City of Toronto.

Plainclothes officers are responsible for policing establishments within their division through strict enforcement of the Liquor Licence Act thereby reducing the number of assaults and alcohol related incidents in the area. The licence holder and managers of establishments are aware that they will receive regular visits from plainclothes officers. Because of this, they have made major changes to the way they provide security and serve alcohol on their premises.

Plainclothes officers routinely receive complaints from citizens either by telephone, letter or through our Communications Services about disorderly conduct and/or criminal behaviour at various licenced establishments.

Relationship with Alcohol and Gaming Commission:

The Alcohol and Gaming Commission (AGCO), formerly the Liquor Licence Board of Ontario, presently have 10 inspectors assigned to the City of Toronto. Each inspector is assigned to a specific area. Divisional plainclothes officers have an excellent rapport with the inspectors, having called on them numerous times for advice and assistance. The Service has used them for undercover enforcement inside of bars and for additional enforcement support on weekends.

The Service has assisted the Liquor Inspectors with seizures of liquor at premises that have not renewed their licence, or who are still operating under expired licences.

When a plainclothes officer issues a warning to an establishment, the warnings are forwarded to the AGCO through our Licenced Premise Report (TPS 266). In the past even if the police do not lay charges against the establishment, the AGCO has ordered the licence holder to appear before them for a hearing, which may result in a suspension of their licence.

An example of this occurred at a sports facility in April 2001, when a plainclothes officer was prevented from entering the premise. This is an offence against the Liquor Licence Act, as all licenced premises must admit any police officer for the purpose of conducting an inspection.

It was decided that the facility would receive a caution, and a meeting was held with the Senior Vice-President to ensure that it did not occur again. The caution was sent through to the AGCO. The AGCO issued a notice to the sports facility that it intended to suspend their licence for a period of time for the caution that was issued. The sports facility had agreed to the suspension even though the police had not laid charges.

The Enforcement of Special Occasion Permits

All Special Occasion Permits are faxed to the division where the event is to be held for our notification and follow-up inspections if required. The majority of Special Occasion Permits do not present a problem as they are held within hotels or convention centres.

The main problems encountered at Special Occasion Permits are; serving past last call (only valid until 1:00 a.m.), fail to have sufficient security, obtained for unlawful means or to advance a function that would not normally receive a permit, and failing to comply with conditions of the Special Occasion Permit (e.g.: no food or non-alcoholic beverages).

Enforcement

A plainclothes officer investigates all breaches of the Liquor Licence Act, whether they occur at a bar, restaurant or other large venue where liquor is provided. Charges have been laid against breweries, restaurants, bars, theatres, and sports facilities.

The Liquor Licence Act allows the police to closely monitor licenced establishments and keep them under control. All reports of charges against a licenced premise are forwarded through the AGCO, who then make a decision on whether or not to bring the establishment in for a Hearing to suspend or revoke their licence.

In 2001, approximately 760 premises in Toronto had their licence suspended, revoked or returned to the AGCO. A suspension of a licence for even just one weekend has the potential to create a \$30,000 loss to some of the larger clubs in the Division.

One of the best examples for the continued enforcement of the Liquor Licence Act is the recent revocation of a license at a restaurant on Dundas Street East. This restaurant has been a problem for the division for well over 10 years, with occurrences at the premises ranging from; receiving stolen property, a sudden death, assault calls, and numerous drug arrests. This establishment has been the source of numerous complaints to the police and to City Hall.

Mr. Richard Koulis, Lead Prosecutor for the Alcohol and Gaming Commission, believes that the Liquor Inspectors at his office would not be able to keep control of the number of licenced establishments without the assistance of the Toronto Police Service.

Without a unit enforcing the Liquor Licence Act, there would be a large increase in the number of calls for service, especially within the Entertainment District.

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

Deputy Chief Steven Reesor, Policing Operations Command will be in attendance to answer any questions that the Board may have.

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P146. TORONTO POLICE SERVICES BOARD - 2002 OPERATING
BUDGET VARIANCE REPORT AS AT MARCH 31, 2002**

The Board was in receipt of the following report APRIL 22, 2002 from Norman Gardner, Chairman:

Subject: 2002 OPERATING BUDGET VARIANCE REPORT FOR THE
TORONTO POLICE SERVICES BOARD, AS AT MARCH 31, 2002

Recommendation:

It is recommended that:

- (1) The Board receive this report, and
- (2) The Board forward a copy of this report to the City Chief Financial Officer and Treasurer for information.

Background:

Toronto City Council, at its meeting of March 4 to 8, 2002, approved the 2002 Toronto Police Services Board Operating Budget at a net amount of \$1,291,000, an increase of 2.4% over the 2001 Net Operating Budget. The Council-approved budget provides sufficient funding to maintain current services.

2002 Operating Budget Variance

As at March 31, 2002, the Board is projecting a zero variance.

STAFFING

The staffing budget for the Board office is \$726,900, or 56.3% of the total net budget. At this time, all positions are fully staffed, and no variance is anticipated.

NON-SALARY ACCOUNTS

The non-salary budget for the Board office is \$564,100. The majority of the Board's costs are related to arbitration and grievance hearings. No variance is anticipated in these accounts at this time.

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P147. TORONTO POLICE SERVICE - 2002 OPERATING BUDGET
VARIANCE REPORT AS AT MARCH 31, 2002**

The Board was in receipt of the following report APRIL 22, 2002 from Julian Fantino, Chief of Police:

Subject: 2002 OPERATING BUDGET VARIANCE REPORT FOR THE
TORONTO POLICE SERVICE AS AT MARCH 31, 2002

Recommendation:

It is recommended that:

1. the Board receive this report, and
2. the Board forward a copy of this report to the City Chief Financial Officer and Treasurer.

Background:

Toronto City Council, at its meeting of March 4 to 8, 2002, approved the TPS Operating Budget at a net amount of \$587.2 Million (M), an increase of 1.5% over the 2001 Net Operating Budget. The Council-approved budget provides sufficient funding to maintain current services. The budget also provides additional funding for the creation of an Anti-Gang Unit in the amount of \$0.7M as well as funding for costs related to the City taking over Provincial Offences Act courts. In addition to the approved budget, City Council also approved one-time funding for World Youth Days at a net amount of \$2.7M bringing the Service's total operating budget to \$589.9M.

2002 Operating Budget Variance

As at March 31, 2002 the Service is projecting a year-end surplus of \$0.2M.

STAFFING

The Service continuously evaluates staffing data and the related impact on the Service's expenditures. Based on 1st quarter trends, Human Resources recently revised their projected separations to 425, compared to an original budget estimate of 322. As at March 31, 2002 there were 149 separations compared to 115 at the same point in time last year. This is due mainly to an increase in members retiring on a reduced pension and partially due to an increase in resignations (42 to date). Of the resignations to date, 34 have left to join other police services, citing lifestyle issues.

The increase in separations results in a projected year-end salary savings of \$3.8M. However, these salary savings have been largely offset by in-year strategies designed to cope with the staffing shortfall caused by the increase in separations. These strategies include increased use of overtime and call backs and granting fewer days off. In addition, the Service is attempting to increase the number of lateral entries through aggressive recruiting, exploring offering incentives to attract and retain new hires (e.g. lieu time credits) and pursuing the hiring of part-time police officers. These actions have an approximate 2002 cost of \$2.6M. As a result, net staffing savings are projected at \$1.2M. Details of separations and hiring along with staffing strategies will be provided in the Human Resource Strategy report at the Board meeting of May 30th.

OTHER PRESSURES

Staffing savings have provided the Service with the ability to address other pressures while maintaining a \$0.2M surplus. These pressures have a total impact of \$1.0M.

The Service incurred \$0.2M in premium pay costs (and \$0.1M in on duty costs) related to protests at the PC Convention. Service staffing at the PC Convention reached as high as 256 officers (March 21st – 199, March 22nd – 256, March 23rd – 253 and March 24th – 25). In addition, there were teams of officers from neighbouring police services assisting the Service at the PC Convention.

The Service was able to avoid several major crimes, including homicides, and solve others through the increased proactive use of detective support staff in several policing investigations (\$0.5M).

The OPSEU strike has had a significant impact on Court Services staff. Due to the difficulties occurring at provincial jails, the Service has had to keep prisoners overnight and on weekends, at facilities that were designed only for weekday use, at an added average cost of approximately \$7,000 per day. The Service will be invoicing the Province for all costs incurred as a result of the OPSEU strike, currently projected at \$0.3M, which may offset some or all of the costs. This estimate assumes the strike will be resolved by the end of April; if the strike continues, then the projection will have to be revised accordingly.

SUMMARY

As at March 31, 2002 a favourable variance of \$0.2M is projected. The Service continues to monitor and control expenditures and is committed to delivering an effective and efficient policing operation within the approved funding level. It is therefore recommended that the March 31, 2002 Operating Budget Variance report be received and that the Board forward a copy of this report to the City Chief Financial Officer and Treasurer.

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

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P148. TORONTO POLICE PARKING ENFORCEMENT UNIT - 2002
OPERATING BUDGET VARIANCE REPORT AS AT MARCH 31,
2002**

The Board was in receipt of the following report APRIL 23, 2002 from Julian Fantino, Chief of Police:

Subject: 2002 OPERATING BUDGET VARIANCE REPORT FOR THE
TORONTO POLICE PARKING ENFORCEMENT UNIT AS AT
MARCH 31, 2002

Recommendation:

It is recommended that:

1. the Board receive this report; and
2. the Board forward a copy of this report to the City Chief Financial Officer and Treasurer.

Background :

Toronto City Council, at its meeting of March 4 to 8, 2002, approved the Parking Enforcement Operating Budget at a net amount of \$26.5 Million (M) which is the same amount approved by the Toronto Police Services Board at its meeting of December 13, 2001 (Board Minute #P334/01 refers). The Council-approved budget provides sufficient funding to maintain current services and also provides additional funding for the hiring of an additional 48 Parking Enforcement Officers.

As at March 31st no variance is projected.

Salaries & Benefits

Attrition is in line with what was projected during the budget process. Plans are still in place for the staggered hire of 48 additional Parking Enforcement Officers.

Non Salary

No variance is projected.

Parking Tag Revenue

Projected revenue from parking tags for 2002 is \$69.9M, which includes additional revenue of \$3.2M due to additional staff.

Deputy Chief Mike Boyd, Policing Support Command will be in attendance to answer any questions the Board may have.

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P149. QUARTERLY REPORT: TORONTO POLICE SERVICES
BOARD'S SPECIAL FUND: JANUARY 01 – MARCH 31, 2002**

The Board was in receipt of the following report APRIL 26, 2002 from Julian Fantino, Chief of Police:

Subject: TORONTO POLICE SERVICES BOARD'S SPECIAL FUND
STATEMENT FOR THE PERIOD 2002 JANUARY 01 TO 2002
MARCH 31

Recommendation:

It is recommended that: the Board receive the report on the Toronto Police Services Board's Special Fund statement for their information.

Background:

Enclosed is the statement of receipts and disbursements with respect to the Toronto Police Services Board's Special Fund for the period 2002 January 01 to 2002 March 31.

As at 2002 March 31, the balance in the Special Fund was \$136,500. During the quarter, the Special Fund recorded receipts of \$31,427 and disbursements of \$4,412.

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

The Board received the foregoing.

				0				
SEIZED LIQUOR CONTAINERS	1,800	0	0	0	0	0	1,737	
OTHER	0	8,351	0	0	0	8,351	0	
TOTAL REVENUE	206,400	31,427	0	0	0	31,427	206,762	
BALANCE FORWARD BEFORE EXPENSES	315,885	140,912	0	0	0	140,912	297,413	

CATERING	0	0	0	0	0	0	0	
DINNER TICKETS (RETIREMENTS/OTHERS)	0	0	0	0	0	0	3,120	
OTHER	0	25	0	0	0	25	21	
GST REBATE	(1,500)	0	0	0	0	0	(1,495)	
					0			
TOTAL DISBURSEMENTS	204,200	4,412	0	0	0	4,412	187,927	
SPECIAL FUND BALANCE	111,685	136,500	0	0	0	136,500	109,486	

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P150. INTERNATIONAL ASSOC. OF CHIEFS OF POLICE
CONFERENCE, TORONTO 2001 – FUNDS RETURNED TO THE
BOARD**

The Board was in receipt of the following report APRIL 5, 2002 from Julian Fantino, Chief of Police:

Subject: INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
CONFERENCE

Recommendation:

It is recommended that: the Board receive this report.

Background:

From October 27 – 31, 2001, the Toronto Police Service hosted the 108th Annual Conference of the International Association of Chiefs of Police (IACP). The conference was a resounding success and accolades were received from around the world.

As requested by the Board at its meeting on September 28, 2000 (Minute No. 425/00 refers), attached is a list of sponsors who donated cash or in-kind products valued at \$1,500 or more.

For the Board's information, the total cost of the conference was \$1,431,185, and in addition, in kind donations valued at \$560,759 were received. The Board advanced \$50,000 for pre-conference planning (Minute No. 315/99 refers) and \$50,000 to sponsor two events, Sponsor Appreciation Event and Volunteer Appreciation Event (Minute No. 167/2000 refers). These two events totalled \$84,535.

In accordance with Board Minute No. 315/99, paperwork has been initiated to return \$50,000 to the Board Special Fund.

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

The Board received the foregoing.

COMPANY
Accident Support Services Intl. Ltd.
Ad Lib Publishing Systems Inc.
Addison on Bay Ltd.
Air Canada
Any Track Solutions
Bacardi Canada Inc.
Blauer Manufacturing Co., Inc.
Blue Bins
Blue Line Magazine
Bramic Creative Business Products Ltd.
Budget Car and Truck Rental
Business Watch International
Canadian Association of Chiefs of Police - Police Futures Group
Canadian Bankers Association
Canpar Transport Ltd.
Carter-Horner Inc.
Centennial Sweeping Co.
Cinram New Media Group
City of Toronto
Coca-Cola Bottling Co.
Colio Estate Wines
Community Programs Group
Daimler Chrysler Canada
Dataradio Corp.
Dufferin Sheet Metal Ltd.
Dunlop Architects Inc.
Fido
Ford Motor Company of Canada Ltd.
Galls Incorporated/Under Armour

COMPANY
General Motors of Canada Ltd.
Government of Ontario - Ministry of the Solicitor General
Grant Custom Products Inc.
Graphic Artist, Mr. Frank Ryan
Halton Regional Police Services Board
Hamilton Police Services Board
IBM Canada Ltd.
Intergraph Public Safety Canada Ltd.
John Vince Food Company
JP Towing Service & Storage Ltd.
Kidz Printz
Kinwood Audio Visual Inc.
Konica Business Technologies Canada Inc.
KPMG Investigation and Security Inc.
Labatt Breweries Ontario/Anheuser-Busch Companies
LCBO
Loblaw Companies East
Marathon Developments Inc.
Maxell Canada
Mayhew & Associates/Steelcase Canada
McDonald's Restaurants of Canada Limited
Microsoft Canada
Motorola
Motorola Canada Limited
MSM Transportation
National Telecrime Corporation
NBC Team Ltd.
Niche Technology Inc.
Nick's Shoes and Custom Made Footwear

COMPANY
OLFA Products Group
Ontario Power Generation
Ontario Special Olympics
Outdoor Outfits
Panasonic Canada Inc.
Para-Ordnance
Peel Regional Police Services Board
Polaroid Corporation
PolarWrap
ProFac Facilities Management Services Ltd.
R. Nicholls Distributors Inc.
Regional Municipality of York Police Services Board
Rogers AT&T Wireless
Rogers Communications
Royal Canadian Mounted Police
SAP Canada
Shoppers Drug Mart
Sigarms Inc.
Staples Business Depot
Sunoco, Inc.
TELUS mobility
The Brick
The Cadillac Fairview Corp. Ltd.
The Master Lock Company
The Police Credit Union
The Regional Municipality of Peel Police Services Board
The Weather Network
ThorLo Inc.
Toronto Crime Stoppers

COMPANY
Toronto Police Amateur Athletic Association
Toronto Police Senior Officers Organization
Toronto Police Services Board
U.S. Currency Protection
U.S. Department of Justice
Unilever Canada Ltd.
VCR Active Media Ltd.
Versaterm Inc.
Wescam
XML Global
Yorkdale Shopping Centre
Young Presidents' Organization

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

#P151. PARKING TAG ISSUANCE 2001 – BY OFFENCE CODE

The Board was in receipt of the following report APRIL 22, 2002 from Julian Fantino, Chief of Police:

Subject: PARKING TAG ISSUANCE 2001 - BY OFFENCE CODE

Recommendation:

It is recommended:

- (1) That the Board receive this report for information; and
- (2) That the Board forward a copy of this report to Policy and Finance Committee for its information.

Background:

At its meetings on March 4, 5, 6, 7 and 8, 2002, and during the Toronto Police Service budget deliberations (specifically the Parking Enforcement Unit budget deliberations), City Council held discussions around the enforcement of the three hour-limit parking bylaw in relation to the hiring of the 48 new Parking Enforcement Officers (PETs).

Councillor Walker suggested that the hiring of the 48 new PETs was being requested to enhance the overall enforcement of the three-hour limit parking bylaw. There have been no discussions in relation to the 48 new PETs being utilized for enhanced three-hour limit parking enforcement. In fact, the policy governing three-hour limit enforcement remains unchanged.

Three-Hour Limit Policy

Officers shall enforce the three-hour time limit (where no signs are required) upon complaint only by chalking vehicles. A complaint is required through the dispatcher, a municipal office or directly from a citizen (in this case, the PET is to log the complaint with the dispatcher and obtain the event number). The event number, the area chalked and the enforcement action taken must be recorded on the officer's Activity Log Sheet. Area Supervisors are required to review all three-hour limit enforcement taken to maintain awareness of three-hour enforcement activity in a given area and to determine if further action is required. For example: address the problem with the appropriate City Councillor to determine other possible resolutions, i.e. bylaw change.

In the year 2001, enforcement of the three-hour limit parking bylaw represented 115,093 tags out of the 2.46 million tags issued by the Parking Enforcement Officers of the Toronto Police Service. Three-hour limit enforcement equates to only 4.7% of the overall enforcement.

It is recommended that the Board receive this report for information and the Board forward a copy of this report to Policy and Finance Committee for its information.

Deputy Chief Michael Boyd, Policing Support Command, will be present at the Board meeting to address any questions.

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P152. APPOINTMENT OF SPECIAL CONSTABLES FOR THE
TORONTO TRANSIT COMMISSION (TTC)**

The Board was in receipt of the following report MAY 1, 2002 from Julian Fantino, Chief of Police:

Subject: APPOINTMENT OF SPECIAL CONSTABLES FOR THE TORONTO
TRANSIT COMMISSION (T.T.C.)

Recommendation:

It is recommended that: the Board approve the appointment of the individuals listed in this report as special constables for the T.T.C.

Background:

Under Section 53 of the Police Services Act, the Board is authorized to appoint special constables subject to the approval of the Minister of Public Safety and Security.

Pursuant to this authority, on May 9, 1997, the Board entered an agreement with the TTC for the administration of special constables. Essentially, the special constables are appointed to enforce the Criminal Code, and other federal and provincial legislation on TTC property within the City of Toronto.

At its meeting on January 29, 1998, the Board approved that requests for appointment of special constables, who are not members of the Service, be forwarded to the Board with the Chief's recommendation, for the entire Board's consideration (Board Minute 41/98 refers).

The T.T.C. has requested that the following individuals be appointed as special constables for a five-year term.

Samuel James BINGHAM
Michael Ronald CZARNOTA
Shari HANLEY
Steven Kennedy MARCUZ
Gregor John REID
Edward A. WINGER

Shane Andrew BUDGELL
Michael GRANT
Jerison LAWRENCE
Zachary NETTLETON
Kristin SAUVE
John WRAY

The agreement between the Board and the T.T.C. requires that background investigations be conducted on individuals recommended for appointment as special constables. Background investigations have been successfully conducted on the aforementioned individuals.

The T.T.C. has conducted character, reference and credit checks, as well as psychological assessments on the individuals listed. It is hereby recommended that these individuals be appointed as special constables for a five (5) year term. This term to be effective upon the approval of the Minister of Public Safety and Security.

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

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P153. TORONTO COMMUNITY HOUSING CORPORATION (TCHC)
SPECIAL CONSTABLES APPOINTMENT – EXTENSION
REQUEST**

The Board was in receipt of the following report MAY 22, 2002 from Julian Fantino, Chief of Police:

Subject: TORONTO COMMUNITY HOUSING CORPORATION (TCHC)
SPECIAL CONSTABLES APPOINTMENT EXTENSION REQUEST

Recommendation:

It is recommended that:

- (1) subject to the approval of the Ministry of Public Safety and Security (formerly the Ministry of the Solicitor General), the Board approve a three-month extension of the appointments of special constables currently employed by the Toronto Community Housing Corporation; and
- (2) the Board authorize the Board Chair to execute an agreement with the Toronto Community Housing Corporation in respect to the special constables for the period of the extension of the appointments, in a form acceptable to the City Solicitor.

Background :

On March 8, 2000, the Board entered into an Agreement with the Metropolitan Toronto Housing Authority, now called the Toronto Community Housing Corporation (TCHC), for the appointment of a maximum of 55 special constables.

At the request of the Ministry of the Solicitor General, now the Ministry of Public Safety and Security (the “Ministry”), the appointments of the TCHC special constables were made for the period until May 31, 2002, for the purpose of then allowing an evaluation of the appointments and a determination of whether to renew the appointments.

In February 2002, the Ministry formed a Review Team, which consisted of members from the Ministry, the Service and a member of the Toronto Transit Commission. This Review Team analysed the data provided by the TCHC and also met to discuss the success of the pilot project.

In March 2002, an audit of the TCHC special constable program was conducted. At that time, the TCHC was found to be in total compliance with all aspects of the Agreement with the Board.

Subsequently, the Review Team held a focus group regarding the pilot project and heard from tenant representatives as well as police officers.

In April 2002, the TCHC sent a letter to the Ministry indicating that they wished to meet with the Review Team. However, due to a labour dispute involving the Ontario Public Service Employees Union, Ministry staff did not review the letter until mid-May, 2002.

In light of the delay caused by the labour dispute, it is now the intention of the Review Team to complete the analysis of the pilot project, provide its findings and provide direction to the Board at the July 2002, Board meeting.

It is therefore recommended that, subject to the approval of the Ministry, the Board approve an extension to the TCHC special constable appointments until August 31, 2002. This is an urgent request for an extension as the current appointments are due to expire on May 31, 2002. In addition, it is recommended that the Board authorize the Chair of the Board to execute an agreement with the TCHC in regards to the special constables for the period of the appointment extension, in a form acceptable to the City Solicitor.

This report has been reviewed by staff at City Legal who are satisfied with its content.

Deputy Chief Michael Boyd, Policing Support Command, will be in attendance to respond to questions from Board members.

Sandra Nimmo was in attendance and made a deputation to the Board about the Toronto Community Housing Corporation's Special Constables program.

The Board amended recommendation (1) in the Chief's report to read as follows:

“subject to the approval of the Ministry of Public Safety and Security (formerly the Ministry of the Solicitor General), the Board approve a six-month extension of the appointments of special constables currently employed by the Toronto Community Housing Corporation; and”

The Board approved the foregoing report as amended.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

**#P154. AWARD OF MECHANICAL AND STRUCTURAL STEEL
CONTRACTS FOR THE CONSTRUCTION OF THE NEW No. 51
DIVISION**

The Board was in receipt of the following report MAY 14, 2002 from Julian Fantino, Chief of Police:

Subject: AWARD OF MECHANICAL AND STRUCTURAL STEEL
CONTRACTS FOR THE CONSTRUCTION OF THE NEW 51
DIVISION.

Recommendation:

It is recommended that:

1. The Board approve the award of the mechanical contract to Lockerbie and Hole Contracting Limited in the amount of \$3,029,170 inclusive of all taxes, and an additional 10% to cover any unforeseen extras to the contract.
2. The Board approve the award of the structural steel contract to M&G Steel Limited in the amount of \$1,076,1933.30 inclusive of all taxes, and an additional 10% to cover any unforeseen extras to the contract.

Background:

The Toronto Police Service Board as part of the approval process for the 2001 to 2005 Capital Budget approved funding to construct a New 51 Division at 296 Front Street.

On February 22, 2002 at the request of the Toronto Police Service, Purchasing Support Services, the City of Toronto, Management Services, Purchasing and Materials Supply Division issued a "Request for Quotation" (RFQ 4305-02-5050) for mechanical services. The tender closed on March 21, 2002 and five (5) quotations were received.

Lockerbie and Hole Contracting Limited being the lowest bidder was found to be in compliance with the mechanical services tender documents.

On February 19, 2002 at the request of the Toronto Police Service, Purchasing Support Services, the City of Toronto, Management Services, Purchasing and Materials Supply Division issued a "Request for Quotation" (RFQ 3907-02-5041) for structural steel. The tender closed on March 14, 2002 and seven (7) quotations were received.

The three- (3) lowest bidders for this tender did not comply with the mandatory requirements of the structural steel tender package. Therefore, the next bidder, M&G Steel Limited is the lowest bidder and found to comply with the tender documents.

The Chief Administrative Officer, Corporate Support Command has certified to the availability of funds in the TPS Capital Program to complete this part of the project. Therefore, it is recommended that the Board approve the award of the above work for the new 51 Division.

Following this award, the Contractor will start work immediately. The planned completion is June 2003.

Mr. Frank Chen, CAO Corporate Support Command will be in attendance to answer any questions.

The Board approved the foregoing.



EASTERN CONSTRUCTION
COMPANY LIMITED

April 12, 2002

Toronto Police Services
40 College Street
Toronto, Ontario
M5G 2J3

Attention: Mr. Brad Rumsey, Project Supervisor

Re: 51 Division – Mechanical Tender Package,
Contractor Recommendation

Dear Mr. Rumsey:

We have reviewed the three tenders received for Mechanical Services at New 51 Division, Toronto Police Services at 296 Front Street and recommend the acceptance of the low bidder, Lockerbie & Hole Contracting Ltd., in the amount of \$2,791,000. Lockerbie & Hole Contracting Ltd. meet the requirements of the tender documents. Lockerbie & Hole have shown 2 separate prices for automated fueling system, \$15,000.00 and snow melting, \$25,000.00 which are not included in the base price. Smith and Andersen, mechanical consultants have indicated concerns with the incomplete supplementary tender form, copy attached.

We are returning herewith the originals of the received tenders.

We trust that the above is satisfactory. Should you wish to further discuss the above please do not hesitate to call us.

Yours truly,
EASTERN CONSTRUCTION COMPANY LIMITED

Jochen Stein, P.Eng.
Project Manager

CC: Wayne Moss – City of Toronto – Corporate Services, Facilities & Real Estate
Tom Kyle – Dunlop Architects
Hank Lem – Smith and Andersen

-50-
FIFTY YEARS



Finance

Purchasing and Materials Management Division

TO: Joe Martino, Toronto Police Services
FROM: John McNamara, Manager of Purchasing
DATE: March 26, 2001
SUBJECT: Quotation Sheet No. 4305-02-5050

Enclosed are the undernoted quotations received for all labour, equipment and material necessary for **Mechanical Services, New 51 Division, 296 Front Street East, for Toronto Police Services**, as per Requisition # 1018068.

<u>Firm Name</u>	<u>Total Lump Sum</u>
Lockerbie & Hole Contracting Ltd.	\$ 2,791,000.00
The State Group Commercial Ltd. *	\$ 2,904,515.00
Dunford-Liscio (Ont.) Inc. *	\$ 3,398,175.00
LCD Mechanical Inc.	\$ 3,575,137.50
Ram Mechanical Contractors Limited *	\$ 3,629,306.00

Seventy five (75) firms were invited to bid.

* These firms did offer Environmentally Preferred Products/Services

When reviewing quotations for construction/service work you are to give consideration to the occupational health and safety issues detailed in the specifications and satisfy yourself as to the ability of the recommended contractor to perform the work in accordance with your specifications and the Occupational Health and Safety Act. Also please give consideration to Environmentally Preferred products/services, which may be offered in accordance with the Environmentally Responsible Procurement Statement attached to your Quotation Request. Should you not recommend environmentally preferred products/services that may be offered, please advise in detail your reasons.

Please ensure that your specifications for future acquisitions are expanded to ensure the inclusion on environmentally preferred products/services, wherever possible, as required by the City of Toronto Environmentally Responsible Procurement Policy.

The documents attached are original quotation documents and are to be kept confidential and in your possession at all times. Please do not write on the documents or make any changes to the information provided by the bidders.

Please examine these quotations, considering only the quotations submitted with this letter, and let me have your recommendation. Should you recommend the acceptance of a quotation which is not the lowest in price, please advise in detail your reasons for doing so, being sure to return all documents to this office to Purchasing and Materials Management, 19th Floor, West Tower, Attention: Ms. Solsky.

Any questions on this request should be directed to Ms. Janet Solsky, telephone 416-338-5585.

Enclosure

JS/tl



EASTERN CONSTRUCTION
COMPANY LIMITED

April 16, 2002

Toronto Police Services
40 College Street
Toronto, Ontario
M5G 2J3

Attention: Mr. Brad Rumsey, Project Supervisor

Re: 51 Division – Structural Steel Tender Package,
Contactor Recommendation

Dear Mr. Rumsey:

We have reviewed the seven tenders received for **Structural Steel for New 51 Division, Toronto Police Services at 296 Front Street** and recommend the acceptance of the fourth bidder, M & G Steel Ltd., in the amount of \$1,005,788.23. M & G Steel meets the requirements of the tender documents, has submitted a complete tender and has not qualified the bid.

The bids were reviewed in consultation with Purchasing and Materials Management Division.

The low bidder, Metro Custom Steel & Design Ltd. did not fulfill the requirements of the specifications, namely specification 05120.2.1, in that Metro Custom is not a member of The Canadian Institute of Steel Construction. The second bidder, Benson Steel Ltd. did not submit unit prices with their tender and as a result was informal. The third bidder, Protosteel Fabrication Ltd. is not a member of CISC and does not meet the specifications.

We trust that the above is satisfactory. Should you wish to further discuss the above please do not hesitate to call us.

Yours truly,
EASTERN CONSTRUCTION COMPANY LIMITED

Jochen Stein, P.Eng.
Project Manager

CC: Wayne Moss – City of Toronto – Corporate Services, Facilities & Real Estate
Enrico Pera – Toronto Police Services
Tom Kyle – Dunlop Architects Inc.





*Rec'd
J. Martino
02.03.18*

Finance

Purchasing and Materials Management Division

TO: Joe Martino, Toronto Police Services
FROM: John H. McNamara, Manager of Purchasing
DATE: March 18, 2002
SUBJECT: Quotation Sheet No. 3907-02-5041

Enclosed are seven (7) quotations received for the supply of all labour, equipment and material necessary for **Structural Steel for New 51 Division, 296 Front Street East, for Toronto Police Services as per Req: #1018023.**

There were 71 firms invited for this project.

<u>Firm Name</u>	<u>Total Lump Sum including all Charges & Taxes</u>
Metro Custom Steel & Design Ltd. +	\$ 888,750.56 (corrected total)
Benson Steel Ltd. +	\$ 918,466.60
Protosteel Fabrication Ltd.	\$ 982,494.33
M & G Steel Ltd. * +	\$ 1,005,788.23 (corrected total)
Mariani Metal Fabricators Ltd. * +	\$ 1,096,157.00
TrentFab Inc. * +	\$ 1,103,176.42 (corrected total)
Tower Steel Company Ltd. *	\$ 1,222,461.62 (corrected total)

- * These firms did offer Environmentally Preferred products.
- + These firms did not supply Statutory Declaration form.

When reviewing quotations for construction/service work you are to give consideration to the occupational health and safety issues detailed in the specifications and satisfy yourself as to the ability of the recommended contractor to perform the work in accordance with your specifications and the Occupational Health and Safety Act. Also please give consideration to Environmentally Preferred products/services, which may be offered in accordance with the Environmentally Responsible Procurement Statement attached to your Quotation Request. Should you not recommend environmentally preferred products/services that may be offered, please advise in detail your reasons.

Please ensure that your specifications for future acquisitions are expanded to ensure the inclusion on environmentally preferred products/services, wherever possible, as required by the City of Toronto Environmentally Responsible Procurement Policy.

The documents attached are original quotation documents and are to be kept confidential and in your possession at all times. Please do not write on the documents or make any changes to the information provided by the bidders.

Please examine these quotations, considering only the quotations submitted with this letter, and let me have your recommendation. Should you recommend the acceptance of a quotation which is not the lowest in price, please advise in detail your reasons for doing so, being sure to return all documents to this office to Purchasing and Materials Management, 19th Floor, West Tower, Attention: Ms. Solsky. Any questions on this request should be directed to Ms. Solsky, telephone 416-338-5585.

Enclosure
JS/sc

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

#P155. CORRESPONDENCE

The Board was in receipt of a summary of the public correspondence received in the Board office between April 9, 2002 and May 14, 2002. A copy of the summary is on file in the Board office.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 30, 2002**

#P156. ADJOURNMENT

Norman Gardner
Chairman