



The following *draft* Minutes of the meeting of the Toronto Police Services Board held on January 22, 2004 are subject to adoption at its next regularly scheduled meeting.

The Minutes of the meeting held on December 11, 2003 previously circulated in draft form were approved with the exception of No. P360/03 -the 2004 schedule of meetings - which was amended by approving the three dates originally proposed for the June, August and November 2004 meetings (June 29, August 26 and November 18) and that the Board consider re-scheduling these dates closer to the time, if necessary.

The Minutes of the meeting held on January 06, 2004 previously circulated in draft form were approved by the Toronto Police Service Board at its meeting held on January 22, 2004.

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **JANUARY 22, 2004** at 1:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

PRESENT:

A. Milliken Heisey, Q.C., Chair
Pam McConnell, Councillor & Vice Chair
John Fillion, Councillor & Member
Benson Lau, M.D., Member
Case Ootes, Councillor & Member

ALSO PRESENT:

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

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

**#P7. TORONTO POLICE ASSOCIATION – ENDORSING CANDIDATES FOR
ELECTED OFFICE**

The Board was in receipt of the following report DECEMBER 01, 2003 from Gloria Lindsay Luby, Acting Chair:

Subject: TORONTO POLICE ASSOCIATION - ENDORSING CANDIDATES FOR
ELECTED OFFICE

Recommendation:

It is recommended that the Board receive the following report.

Background:

At its meeting on November 13, 2003 the Board adopted a series of motions with respect to the Toronto Police Association and the endorsing of candidates for elected office (Min. P310/03 refers).

Board Direction

THAT the Board send correspondence to the Minister of Community Safety & Correctional Services requesting that the province review the legislation pertaining to political activity immediately and establish very clear legislation which will apply to all police services boards and police associations across the province.

Action

A letter dated November 19, 2003 was forwarded to the Minister of Community Safety and Correctional Services.

Board Direction

THAT the Board release the conclusions of the two legal opinions it received on whether or not police officers who are elected as members of the Board of Directors of the Toronto Police Association are considered to be police officers during the terms of their appointments to the Board of Directors; and whether they are permitted by the Police Services Act to endorse candidates for elected office.

Action

The conclusions were the subject of a media release dated November 21, 2003. A copy of the conclusions of the legal opinions is appended.

Board Direction

THAT the Board amend its Code of Conduct so that, in future, the elected members of the Board cannot seek or accept the endorsement of the Toronto Police Association.

Action

The new policy is appended for information.

Board Direction

THAT the Board send a recommendation to the City of Toronto, through the Administration Committee, that the Code of Conduct governing members of Council be amended so that, in future, members of Council cannot seek or accept the endorsement of the Toronto Police Association.

Action

This motion was forwarded to the City of Toronto's Administration Committee by way of letter dated November 19, 2003.

Board Direction

THAT the Board request Mr. Albert Cohen, City of Toronto – Legal Services Division, to provide a report to the Board for its next meeting on a course of action to pursue in order to receive an interpretation of the Police Services Act and Ontario Regulation 554/91 from the courts on whether members of the Executive Board of Directors of the Toronto Police Association are police officers and are prohibited from endorsing candidates for elected office.

Action

City Legal is preparing a confidential report for the Board's consideration.

The Board was also in receipt of the following:

- **correspondence dated December 02, 2003 from The Honourable Monte Kwinter, Minister of Community Safety and Correctional Services, responding to the Board's earlier request for the establishment of clear legislation regarding political activity; and**
- **correspondence dated January 12, 2004 from Christine Archibald, Administrator, City of Toronto – Administration Committee, requesting copies of the conclusions of the legal opinions.**

Copies of the abovenoted correspondence are appended to this Minute for information.

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

- **Mr. Rick McIntosh, President, Toronto Police Association ***
- **Mr. Paul Copeland, The Law Union of Ontario**
- **Mr. Vance Latchford, Latchford & Associates**

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

The Board approved the following Motions:

- 1. THAT the deputations and the written submission provided by the Toronto Police Association be received;**
- 2. THAT the Board receive the report from the former Acting Chair; and**
- 3. THAT, with regard to the correspondence from Ms. Archibald, the Board receive the correspondence and provide copies of the conclusions of the legal opinions as requested.**

The Board noted that during consideration of this matter in the confidential meeting earlier today, the Board approved two Motions which the Board decided to release publicly and are reprinted below (Min. No. C10/04 refers):

- 1. (a) THAT the Board request that the Lieutenant Governor in Council refer the following questions to the Court of Appeal for a hearing and its consideration: (i) are members of the Executive Board of Directors of the Toronto Police Association police officers; (ii) do section 46 of the *Police Services Act* and Ontario Regulation 554/91 prohibit the Executive Board of Directors of the Toronto Police Association from endorsing candidates for elected office; and (iii) do section 46 of the *Police Services Act* and Ontario Regulation 554/91 violate the provisions of the *Charter of Rights and Freedoms*?;**
- (b) THAT the Board also request that the Lieutenant Governor in Council advise the Court of Appeal that the Toronto Police Services Board is a party with interest in the hearing;**
- 2. (a) THAT the Board respond to the letter from The Honourable Monte Kwinter, Minister of Community Safety and Correctional Services, dated December 2, 2003, that requested the Board “to forward to this Ministry the Board’s views and concerns” concerning the issue of political activity of police officers and that the Board communicate its position taken and conveyed to then Solicitor General David Tsubouchi on September 29, 2000 which states:**

That the Solicitor General be advised that the Board has agreed to accept these legal opinions as a correct interpretation of the legislation and that, based upon the legal opinions indicating that the endorsement, or opposition, of candidates by the Toronto Police Association is prohibited by the *Police Services Act* and the Regulations made thereunder.

- (b) THAT the opinion expressed in 2(a) is supported by legal opinions received by the Board, that the legislation clearly states that the endorsement of political candidates by the Toronto Police Association is prohibited;**
- (c) THAT, given that others have expressed concerns that the relevant legislation is ambiguous, the Board ask the Minister of Community Safety and Correctional Services to review the *Police Services Act* and the relevant Regulations to ensure no ambiguity exists and to make amendments as required;**
- (d) THAT Board staff, in consultation with City Legal, be asked to develop a draft policy to implement the direction as outlined in Recommendations 2 (a) and (b) above with regards to the political activity of police officers; and**
- (e) THAT the Chair of the Board be directed to meet with representatives of the Toronto Police Association to seek input into this policy prior to the policy being adopted by the Board.**



Toronto Police Services Board

www.torontopoliceboard.on.ca

For immediate release

Friday November 21, 2003

Toronto Police Services Board Releases Legal Conclusions

Toronto: At its meeting held on November 13, 2003, the Toronto Police Services Board agreed to release the conclusions of the two legal opinions it received on whether or not the Board of Directors of the Toronto Police Association are permitted by the Police Services Act to endorse candidates for elected office.

The legal conclusions are available on the Board's website www.torontopoliceboard.on.ca

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Contact: Cindy Harrison
416-808-8090



Toronto Police Services Board

www.torontopoliceboard.on.ca

Legal Conclusion #1 - Mr. Michael Hines of Hicks Morley Hamilton Stewart Storie

Mr. Michael Hines of Hicks Morley Hamilton Stewart Storie, in an opinion dated September 13, 2000 concludes that endorsement of candidates by the Association and/or members of the Association's executive is prohibited by Section 46 of the Police Services Act. Further, Mr. Hines concludes that although in accordance with the Collective Agreement the executive of the Association are on leaves of absence from the Police Service, they remain subject to the Code of Conduct under the Police Services Act and are subject to the lawful direction of the Chief of Police.

The opinion also indicates that there are Charter of Rights and Freedoms issues; however, it was considered likely that the Act and Regulation would be upheld as being consistent with the Charter.

Legal Conclusion #2 - Mr. Ronald Manes of Torkin Manes Cohen Arbus

In an opinion dated September 26, 2000, Mr. Ronald Manes of Torkin Manes Cohen Arbus, concluded that the Police Services Act and its Regulations prohibit endorsement of candidates by the Police Association. Although the legislation does not explicitly discuss police associations, it would be contrary to the purpose of the legislation to allow associations greater latitude to participate in political activities than that provided to individual officers, the Chief or the Board.

The opinion mentions that there are Charter of Rights and Freedoms issues that could only be resolved by the courts.

TORONTO POLICE SERVICES BOARD

POLICY AND DIRECTIONS

TPSB POL - 009

Board Members – TPA Endorsements

<input checked="" type="checkbox"/>	New
<input type="checkbox"/>	Amended
<input type="checkbox"/>	Reviewed – No Amendments

Board Authority: BM#P310/03

Board Authority:

BOARD POLICY

It is the policy of the Toronto Police Services Board that elected members of the Board cannot seek or accept the endorsement of the Toronto Police Association.

REPORTING: N/A

LEGISLATIVE REFERENCE

Act	Regulation	Section
Police Services Act R.S.O. 1990 as amended		46
	Ontario Regulation 554/91 Political Activities of Municipal Police Officers.	

BOARD POLICIES:

Number	Name
POL 005	Board Members – Code of Conduct
POL 006	Complaints Against Board Members
POL 008	Board Members – Training Required

BOARD OFFICE PROCEDURES:

Number	Name

SERVICE PROCEDURES: Refer to service procedures.

**Ministry of Community Safety
and Correctional Services**

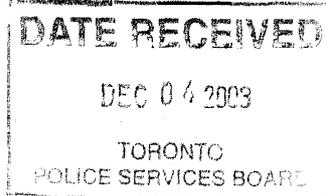
Office of the Minister

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

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CU03-00545

DEC 02 2003

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

Dear Mr. Heisey:

Thank you for your letter of November 19, 2003, concerning the issue of political activity of police officers.

As you are aware, I am already on record with the media as saying that there should be a separation of political activity and policing. It also appears from media reports that the City of Toronto Legal Services has offered an opinion on this issue.

At this time, I am not in a position to comment on the current political activity regulation for police officers. I have asked the ministry's Policing Services Division to continue their discussions, so that I may hear from all stakeholders on this issue. Therefore, I would encourage the Toronto Police Services Board to forward to this ministry the board's views and concerns regarding this topic.

Again, thank you for bringing this matter to my attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Monte Kwinter".

Monte Kwinter
Minister



City Clerk's Office

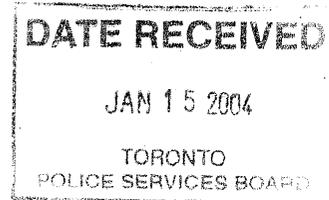
Secretariat
Christine Archibald
Administration Committee
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Ulli S. Watkiss
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January 12, 2004

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



Dear Mr. Heisey:

At its meeting on January 9, 2004, the Administration Committee gave consideration to your communication (November 19, 2003) advising of the Toronto Police Services Board's recommendation to amend the City of Toronto's Code of Conduct governing the elected members of the Board, regarding endorsements by the Toronto Police Association.

The Committee also had before it a communication (January 7, 2004) from Rick McIntosh, President, Toronto Police Association.

The Administration Committee deferred consideration of your communication to its April 29, 2004 meeting for deputations and requested the Committee Administrator to obtain from the Toronto Police Services Board the two legal opinions referred to in its communication, and from the Toronto Police Association the information they presented to the Police Services Board meeting of December 11, 2003 for inclusion on the April 29, 2004 agenda of the Administration Committee..

Could you, therefore, please provide me with the two legal opinions referred to in Point 2. of the Comments section of your communication dated November 19, 2004, for inclusion on the Administration Committee agenda when this matter is considered by the Committee on April 29, 2004. These opinions relate to whether or not police officers, who are elected as members of the Board of Directors of the Toronto Police Association, are considered to be police officers during the terms of their appointments to the Board of Directors; and whether they are permitted by the Police Services Act to endorse candidates for elected office..

Yours truly



Christine Archibald
Administrator
Administration Committee



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

**#P8. USE OF ILLEGALLY IMPORTED FIREARMS IN TORONTO AND
RECOMMENDATION TO PROHIBIT PLEA-BARGAINING OF SOME
FIREARM-RELATED CRIMES**

The Board was in receipt of the following report JANUARY 22, 2004 from Julian Fantino, Chief of Police:

Subject: USE OF ILLEGALLY IMPORTED FIREARMS IN TORONTO AND CO-OPERATIVE INITIATIVES THAT MAY BE UNDERTAKEN TO ADDRESS THIS ISSUE.

Recommendation:

It is recommended that:

- 1) the Board receive the following report.
- 2) the Board send a letter to the Attorney General of the Province of Ontario requesting that a directive be issued to all Crown Attorneys prohibiting the plea-bargaining of firearm related crimes when there is a reasonable prospect of conviction.

Background:

At its meeting of August 14, 2003, the Board requested that the Chief of Police report on the use of illegally imported firearms in Toronto crime; and whether there are initiatives that may be undertaken, in co-operation with the Federal government and possibly weapons manufacturers, to curb the illegal importation of firearms into Canada, from the United States (Board Minute No. P230/03 refer). This report will identify the nature and origin of known firearms used in Toronto crime, and provide a summary of actions currently undertaken by this Service to manage this issue.

The issue of illegally imported firearms, and indeed any firearm being used in the commission of criminal acts in the City of Toronto is of a paramount concern. I have requested the Special Investigation Services Firearms Enforcement Unit to research the issue of illegally imported firearms.

It is apparent, as identified in the attached report Appendix A, that although smuggled firearms have been positively identified as crime guns, there is an emerging trend toward the use of firearms of domestic origin by the criminal element. As set out in page 2 of Appendix A, only 24% of traceable crime guns have been traced to a United States origin. Initiatives developed through the Canada/United States Cross Border Crime Forum (set out on pages 5 – 7 of Appendix A); will assist all law enforcement efforts in reducing the number of firearms entering this country from the United States and help reduce the tragic human toll often associated with them.

This Service must continue to focus investigative efforts on illegally imported firearms, but must also give greater investigative emphasis to domestic crime guns. These firearms are being obtained in increasing numbers from residential and commercial break and enters as well as through diversion from manufacturers and apparent exploitation of the de-registration processes in place within the Canadian Firearms Registry System.

Interdicting these sources for domestic crime guns is within our capacity as a Canadian law enforcement agency. The collaborative initiatives set out in Appendix A, undertaken in partnership with all levels of government and other stakeholders will aid in restricting the opportunity for lawful Canadian firearms to fall prey to the criminal intention to convert them for use against citizens of the City of Toronto. Further, the plea-bargaining of firearm related crimes (set out on page 9 of Appendix A), must be discontinued in an effort to reaffirm the commitment of the criminal justice system to the protection of the public and therein re-establish public confidence and sense of safety and security.

Acting Deputy Chief David Dicks, Policing Support Command will be in attendance to respond to any questions.

The Board approved the foregoing.

Appendix A

Illegal Importation of Firearms

In order to respond to the Board's request with respect to the use of illegally imported firearms in Toronto crime, a clear definition of what constitutes a crime gun must be attained. For the purposes of this report, a crime gun is defined as any firearm that has been used in a crime, or due to the circumstances surrounding its seizure had the potential to be used in a crime, or for which the serial number has been obliterated.

It has been historically held that the majority of firearms used in criminal acts in Toronto were smuggled into Canada from the United States. Recent investigations by the Toronto Police Service have indicated that an equal number of these firearms were of a lawful Canadian origin prior to their use in a criminal act.

Although there are a number of firearms reportedly used in various criminal acts each year in the City of Toronto, these firearms do not routinely come into the possession of the police for examination and origin determination. Handguns are the preferred weapons for use in the commission of criminal acts. This preference is clearly represented in Toronto Police Service records for the period of 1998 to August 30, 2003, wherein there have been 325 homicides in Toronto, 133 involving the use of a firearm. Of this total, 124 murders, or 93% of firearm involved homicides, involved the use of a handgun. Nine homicides involved the use of a rifle or shotgun.

Toronto Police Service records show that in the period of January 01st to September 9th, 2003 a total of 1468 firearms have been submitted to the Property Evidence Management Unit for a variety of reasons, including evidence, held for investigation, safekeeping and destruction. Of these, 183 have been determined to meet the definition of a crime gun.

It is this number, one hundred and eighty-three (183) crime guns, that presents the only opportunity for analysis to determine how many smuggled firearms are actually used in Toronto crime. The Gang and Gun Task Force have determined that one hundred and thirty-nine (139) of these crime guns fall into the following categories:

- 26 long barrelled firearms
- 11 firearms registered in Canada
- 5 reported as stolen
- 4 firearms were never issued a serial number by manufacturer
- 16 were too old to be traced for ownership
- 32 had their serial numbers obliterated
- 45 are still under investigation

Investigative experience of the Gun and Gang Task Force and the Firearms Enforcement Unit has established that long barrelled firearms are primarily of Canadian origin. Long barrelled weapons are historically stolen from private citizens and converted for use in criminal acts. For this reason, long barrelled crime guns are not automatically submitted for tracing. Firearms with obliterated serial numbers have been historically believed to be of United States origin. A recent Provincial Weapons Enforcement Unit (PWEU) investigation has shed light on this historical assumption and it is now believed that these types of firearms may also be of Canadian origin. Local investigations suggest that many of the 32 crime guns with obliterated serial numbers are of Canadian origin. Investigations have identified that criminals are well aware of the absence of legislation requiring the registering of firearms in the United States. Armed with this knowledge they have developed a sense of confidence that the firearm will not be successfully traced back to them so there is less concern over removing the serial number.

Efforts are currently underway to determine the origin of some 26 firearms seized in relation to a recent investigation. It is suspected that the majority of these firearms will be traced to a Canadian source.

The remaining forty-four (44) of the one hundred and eighty-three (183) crime guns have been submitted for tracing to the United States Bureau of Alcohol Tobacco and Firearms and Explosives (BATFE). To date 30 of the 44 submitted guns have been traced to a United States based first retail purchaser. Therefore, assuming that all 44 submitted guns are successfully traced to a United States origin, only 24% of traceable known crime guns, as previously defined, have been smuggled into Canada. The origin of all other firearms that have been used in reported criminal acts but have eluded recovery is subject to conjecture.

While the use of smuggled firearms is a continuing concern, the aforesaid numbers identify an emerging issue for law enforcement agencies and that is the trafficking in domestic firearms and their subsequent use in criminal acts. The Firearms Enforcement Unit of Special Investigation Services, in partnership with the Provincial Weapons Enforcement Unit, recognize this emerging issue and have directed significant attention toward it in conjunction with efforts to curtail the smuggling of firearms. Examples of some of these collaborative efforts are detailed under the INITIATIVES section of this report.

The nature and scope of firearms trafficking, domestic and international, is beyond the investigative capacity of any one particular agency. In order to provide a more co-ordinated investigative effort in the Province of Ontario the Provincial Weapons Enforcement Unit (PWEU) was formed. This unit was established in 1994 to identify and take enforcement action against persons involved in the illegal movement of firearms, ammunition and explosives. The PWEU is comprised of forty-one representatives drawn from the Royal Canadian Mounted Police, Ontario Provincial Police, Toronto Police Service, Canada Customs and Revenue Agency and a number of other municipal police services in Ontario.

The formation of PWEU has allowed for enhanced information sharing between investigators with respect to trafficking in firearms. This unit has the resources and structure necessary to investigate a suspect firearm, determine its origin and the means by which a person came to be in possession of it. This type of investigative analysis allows law enforcement to continuously

examine the existing regulatory environment in place at all levels with respect to firearms, and identify any areas of concern that may need to be brought to the attention of the applicable level of government. One such concern is the issue of de-registration of firearms which will be discussed later in this report.

The S.I.S. - Firearms Enforcement Unit adopted the mandate of the PWEU for the City of Toronto. Recognizing that additional resources were required, a Gun Task Force was created within Special Investigation Services. This new unit was tasked with investigating the possession of the firearm while the Firearms Enforcement Unit focused on the smuggling, trafficking and origin tracing of the firearm. This internal co-ordination of effort allows the Firearms Enforcement Unit to continue to work in collaboration with an assortment of stakeholders in both Canada and the United States to curtail the trafficking of firearms.

Although the creation of the PWEU has aided in the investigation of firearms, there is still a need for a dedicated centrally co-ordinated body to monitor firearm related incidents across the Province and to report accurate and timely information to police agencies. The co-ordination and strategic analysis of all firearm incidents and seizures would allow investigators to clearly understand all aspects of the illicit firearms market and give investigative direction to special projects. The financing of such an endeavour is one of the primary obstacles to its successful implementation and therefore relegates the task of information co-ordination to the respective police agencies operating in Ontario. This type of fractured environment does not allow for an optimal useage of policing resources and may allow investigative links to go unseen.

Initiatives To Address Firearms Smuggling

Firearms Tracing and Enforcement Program

In 1994, Criminal Intelligence Services of Ontario, in response to policing standards mandating that all police services in Ontario trace seized firearms not registered in Canada, created the Firearms Tracing and Enforcement Program (FATE). The purpose of this program is to identify the sources of illegal firearms and to provide an investigative tool to the police services of the Province in identifying potential firearm traffickers. The program operates through the PWEU and works in a voluntary partnership, called the Collateral Investigations Program, with the BATFE to identify and prosecute persons involved in the illegal movement and trafficking of crime guns. There is no formal agreement in place between the respective agencies for the tracing of firearms. This partnership has been very successful given that it is solely based on good will and a solid spirit of teamwork and public protection on both sides of the border.

The tracing of a firearm can be quite complex. In Canada a firearm can be traced to the last registered owner as recorded by the Canadian Firearms Registry System (CFRS). There is no requirement in the majority of American states to register firearms. Therefore, the BATFE rely upon access to records that may only identify the first retail purchaser of that firearm. Any transactions subsequent to the original retail purchase in the United States are extremely difficult to account for. Agents from the BATFE must spend countless hours conducting investigations, locating documents and interviewing persons in order to provide investigators in Ontario with trace information.

Understanding the complexity and demands of tracing a firearm in the United States, investigators in Ontario must exercise good judgement in determining whether or not to submit a firearm for tracing and weigh the costs against any perceived investigative value that would result. The constitutional rights of American citizens with respect to the lawful possession of firearms, supported by political powers and special interest lobbying groups, present significant obstacles to be overcome in any effort to enhance investigative tracing abilities in the United States.

Bearing in mind the aforesaid complexity of tracing a firearm in the United States, the majority of firearms seized by the Toronto Police Service do not warrant tracing through the BATFE as an investigative aid. These firearms fall into one of the following categories:

- The firearm is registered in Canada and the lawful owner is known.
- The firearm may be too old to trace. Firearms that were manufactured prior to the United States Arms Control Act of 1968 were not required to have certain markings and are nearly impossible to trace.
- Long Guns (rifles) seized in Canada usually originate in Canada and may be very old. Prior to the new legislation in Canada there was no requirement for them to be registered.
- Serial numbers may be removed or obliterated making them impossible to trace.

The FATE program is an invaluable aid in the investigation of certain crime guns and must be sustained into the foreseeable future. A formal memorandum of understanding or other such instrument, between the Province of Ontario and the Bureau of Alcohol Tobacco Firearms and Explosives may eventually be required as a means of ensuring the continuation of this investigative tool.

Collateral Investigations Program

This voluntary program utilizes the information obtained from the FATE Program to conduct collateral investigations between the U.S. BATFE, the PWEU and other law enforcement agencies in Ontario to aggressively pursue the sources of crime guns arriving in Ontario from the United States. These investigations have identified several patterns and trends, which identify the methods of obtaining crime guns in the United States and smuggling them into Canada. The following are some recent trends:

- United States resident receives a licence as a Federal Firearms Licensee (FFL), lawfully acquires inexpensive firearms and then sells them for a large profit into the illicit crime gun market.
- Cross border truckers acquire firearms in the United States and smuggle them into Canada.

- Firearms are purchased at gun shows (secondary markets) in the United States and then smuggled into Canada.
- Canadian citizens obtain U.S. identification, purchase firearms and then smuggle them into Canada.
- STRAW purchases of firearms by U.S. residents, which are then smuggled into Canada.

A STRAW purchase occurs when a person such as a convicted felon or a non-resident of the United States or one who is not otherwise entitled to lawfully purchase a firearm in the United States enlists the aid of a third party to lawfully purchase a firearm. This is done in order to conceal the identity of the true purchaser. Firearms so purchased are often smuggled into Canada.

Canada/United States Cross Border Crime Forum

The Canada/United States Cross Border Crime Forum is a standing body involving the United States Department of Justice and the office of the Solicitor General of Canada. This body meets annually and invites stakeholders to participate in topical discussions. The following agencies participated in discussions focused on the methodologies employed in illegally trafficking firearms between the United States and Canada, issues related to removing guns from criminals and to put forward recommendations to curtail firearms trafficking:

CANADA

Canada Customs and Revenue Agency (CCRA)
 Criminal Intelligence Service of Canada (CISC)
 National Police Service (NPS)
 National Weapons Enforcement Support Team (NWEST)
 Royal Canadian Mounted Police (RCMP)
 Provincial Weapons Enforcement Unit (PWEU)

UNITED STATES

Department of Justice (DOJ)
 Department of State (DOS)
 Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE)
 U.S. Customs Service (USCS)

As a result of these discussions an exhaustive report, titled Canada and United States Firearms and Explosives Threat Assessment, was prepared in May 2003 for the Canada and United States Cross-Border Crime Forum. This report reinforced the value of some existing initiatives and recommended some new initiatives. Set out below are some of the initiatives discussed in this document:

- **Cross-Border Tracing Co-Operation.**
 FATE (Firearms Tracing Enforcement Program)

- **Integrated Border Enforcement Teams (IBET).**
Tasked to co-ordinate land based border enforcement initiatives between Customs authorities and law enforcement agencies.
- **Project Safe Neighbourhoods.**
Community partnerships with law enforcement.
- **Intelligence Collection and Analysis Team.**
Tasked to collect intelligence for enforcement measures within the United States and Canadian ports.
- **Operations Pipeline, Convoy and Jetway.**
Cross border vehicle interdiction (trucks, automobiles, airplanes, buses, trains)
- **Multiple Sales Reporting.**
U.S. requirement for Federal Firearms Licensees to report all purchases of two or more handguns that occur within 5 consecutive business days.
- **Education and Training.**
Since 1996, the U.S. BATFE (ATF) and the PWEU have sponsored a joint firearms trafficking school for law enforcement officers on both sides of the border.
- **Project North Star.**
A joint frontline enforcement management tool protecting border integrity.
- **National Integrated Ballistic Information Network and the Integrated Ballistics Identification System.**
This program allows for a digital image of a bullet or cartridge from a “crime gun” to be compared and matched to the same firearm.
- **U.S. Customs Container Security Initiative.**
Engages the ports sending large volumes of containers into the U.S. to proactively monitor in a way that will facilitate the earliest possible detection of potential problems.
- **High Intensity Drug Trafficking Area Program (HIDTA).**
U.S. law enforcement partnerships providing resources to respond to drug trafficking problems and disseminating information on drug and weapons trafficking to Canadian law enforcement agencies.
- **Border Blitzes.**
The PWEU in partnership with the Canada Customs and Revenue Agency and the police agency holding jurisdiction in the area of the targeted border crossing, continue with enforcement blitzes and investigative training.

Domestic Crime Guns

Outside of the lawful purchase and registration of a firearm, there are three (3) primary domestic sources of crime guns in Canada.

- Firearms acquired through thefts, reported missing following robberies, lost by owners and break & enters
- Diversion (from manufacturers)
- De-registration (deactivation)

Missing/Stolen Firearms

All stolen or missing firearms in Canada are required by law to be reported to the police. The police are required to report this information to the Canadian Police Information System (CPIC). Many of these firearms end up in the hands of the street criminal to commit crimes, provide protection, demonstrate status and intimidate or inflict violence on their peers, law enforcement, the community and innocent victims. According to the RCMP Annual Firearms Report to the Solicitor General of Canada, since 1978 over 97,000 firearms have been recorded on CPIC as stolen or missing, a large portion remain unrecovered, with more than 50% of this total being restricted firearms such as handguns. While annual reported incidents have slowly declined since 1997, these incidents still account for 2000 – 3000 firearms per year potentially entering the illicit market.

Diversion from Manufacturers

There are only three (3) manufacturers of firearms in Ontario. These companies do not sell directly to consumers. The PWEU identified employees of one such manufacturer that were engaged in the smuggling of firearms or parts thereof from the points of manufacture. The serial numbers were removed and these fully functional semi-automatic handguns were then sold on the street.

In the early 1990's these handguns were appearing on the streets with no serial numbers and then in the late 1990's with the serial numbers milled off (removed) in direct violation of federal statute. The investigation concluded in 2001 with the arrest of seven (7) persons charged with a variety of firearm offences and the seizure of over one hundred (100) semi-automatic handguns and over five hundred thousand (500,000) rounds of ammunition. There have been an additional fifty (50) of these handguns seized by police across Canada that were involved in a variety of crimes, including murder and attempted murder. These handguns will continue to surface indefinitely.

De-registration (Deactivation)

The Firearms Act requires that all firearms be registered on the Canadian Firearms Registry. If a firearm is deactivated (rendered inoperable) according to regulation, it is de-registered and removed from the Canadian Firearms Registry. This means that CPIC will not provide law enforcement with a previous registration. For all intent and purposes CPIC will show that there is no record found in response to an inquiry on a firearm coming into possession of police. The CPIC return does not reflect that this firearm has been de-registered. The criminal exploitation of this process has come to light in an investigation conducted by the PWEU.

This investigation identified a group of persons that were involved in the illegal possession and trafficking of firearms, restricted/prohibited handguns, ammunition and the unauthorized importation of parts exclusively for use in the manufacturing of automatic firearms.

The group were able to divert lawfully owned and registered firearms into the illegal crime gun market by exploiting the de-registration process of the Canadian Firearms Registration System. Once the firearm has been de-registered, the group would remove the serial number of the firearm and sell it as a crime gun. It is estimated that over 450 firearms reached the street via this process. There is currently no government agency that verifies the deactivation of firearms.

This absence of a verification and inspection process for firearms supposedly rendered inoperable must be addressed by all law enforcement agencies through the appropriate channels. The Canadian Firearms Registry have been alerted to the exploitation of the de-registration process. They have requested a formal written notification of this matter. The PWEU are reviewing the matter and will determine the most appropriate response.

Domestic Firearms Enforcement Initiatives

The issue of domestic firearms being used as crime guns is an emerging trend. The successful investigations to date have greatly assisted in identifying opportunities for law enforcement to work collaboratively with other stakeholders to address this issue. The following initiatives are underway at this time:

- Continued joint investigations between the PWEU and its Provincial partners. Giving a higher priority to break & enters where firearms have been stolen.
- Pursuit of legislative changes with respect to the deactivation and subsequent de-registration of firearms.
- Integrated Ballistic Identification System to go on line at the Centre of Forensic Science (CFS) to develop an ongoing link between the TPS and the RCMP.
- Succession planning of highly trained firearm investigators is critical to ensure the Service can continue to deliver effective investigations. A firearms investigators course has been developed for delivery through the Training and Education Unit. The focus is on ensuring that Service members are provided the most up to date information and investigative practices. This will ensure that there is a strong base of knowledge to draw upon in future years to replace existing investigators within the Gang and Gun Task Force or the Firearms Enforcement Unit.

- Utilization of the Crime Stoppers program to reach out to the public for investigative assistance.
- Continue to develop a joint awareness program campaign to educate the public on the importance of ensuring the security of their lawful firearms to prevent them from falling prey to criminals and being used in criminal acts.

Challenges

Part of the challenge in pursuit of successful deterrence for persons engaged in firearm trafficking and other related offences is the issue of plea-bargaining. A report by Toronto Police Intelligence Services, identifies that in the period between January 01st to July 31st, 2003, there were five hundred and fifty-four (554) persons charged with firearm offences. Of this number, fifty-five (55) cases have been concluded with a logged disposition. Thirty-two (32) of these cases, or 58%, were concluded by withdrawal of charges. The report identifies that the charges most often laid are also those that are most often withdrawn, those being Careless Use of A Firearm (Section 86), Unauthorised Possession (Section 91) and Prohibited or Restricted Firearm with ammunition (Section 95).

The withdrawal of such charges may occur not only as part of a plea bargain process but also as a result of other factors taken into consideration by the Crown Attorney in the determination that there is no reasonable prospect of conviction for those matters. Where a firearm charge is considered for withdrawal as part of a process to solicit a guilty plea for other charges, the ultimate arbiter is the Crown Attorney. The merits of such decisions may meet the need of the case at hand, however to the public, who are enduring a steady onslaught of violent gun crime on a daily basis, such deals are no longer palatable. An unintentional impact of the plea bargaining of firearm related charges is reduced public confidence in the ability of the Canadian Criminal Justice system to protect their fundamental right and need for safety in their communities. This sense of safety and public security must be reaffirmed and clearly established as a priority to ensure the continued well being of the community at large.

The Attorney General of Ontario must re-evaluate the plea bargain process with respect to firearm related crimes. It is recommended that, alongside an internal training program for firearm awareness for Crown Attorneys, a directive be issued from the office of the Attorney General that firearm charges are no longer to be subject to plea-bargaining. Such a directive will serve to recognize firearm related crimes for the serious societal issue that they are, the grave consequences they often result in and the paramount need of the public to be protected from persons who would engage in such criminal activity.

CONCLUSION

There are two main sources of illegal firearms that are turning up on the streets of Toronto - smuggled firearms from the United States and firearms lawfully in Canada but illegally diverted for use as crime guns. Both pose a significant threat to the safety of the citizens of the City of Toronto. Investigative resources are being expended to continue to monitor the use and trafficking of firearms in Toronto and across the Province. This report has sought to provide the Board with an understanding of the use of illegally imported firearms in Toronto crime.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

**#P9. NEW AGREEMENT WITH THE ONTARIO ASSOCIATION OF CHIEFS OF
POLICE TO DESIGNATE THE TORONTO POLICE SERVICE AS A MODEL
TWO AGENCY UNDER THE CONSTABLE SELECTION SYSTEM**

The Board was in receipt of the following report DECEMBER 29, 2003 from Julian Fantino, Chief of Police

Subject: NEW AGREEMENT WITH THE ONTARIO ASSOCIATION OF CHIEFS OF POLICE (OACP) TO DESIGNATE THE TORONTO POLICE SERVICE AS A MODEL TWO AGENCY UNDER THE CONSTABLE SELECTION SYSTEM.

Recommendation:

It is recommended that:

- (1) the Board approve the change in designation of the Toronto Police Service from a Model One Agency to a Model Two Agency; and
- (2) the Board authorize the Acting Chair to execute, on behalf of the Board, the attached new agreement between the Board and the OACP to be effective upon execution, subject to approval by the City Solicitor as to form.

Background:

In 1995, the Ministry of the Solicitor General developed and piloted a system of *bona fide* selection tools and standards to facilitate constable selection. The Ontario Association of Chiefs of Police (OACP) subsequently endorsed a revised Constable Selection System (CSS) and requested that police services in Ontario implement this system on January 1, 1999.

Previously, Model One Agencies utilized various testing components, specifically:

- (1) General Aptitude Test Battery (GATB), which is an occupational-oriented aptitude test that assesses a candidate's cognitive and analytical abilities.
- (2) Written Communication Test (WCT), which is designed to test an applicant's ability to organize information in a clear, coherent and comprehensive manner. The test involves describing details of a given scenario, then organizing the answer to include some conclusions from the applicant.
- (3) Physical Readiness Evaluation for Police (PREP), which measures an applicant's ability to perform the physical aspects of police work. The test is comprised of three separate stages. The first portion of the test simulates a police officer running in a pursuit. The second stage measures an applicant's strength through resistance machines and his/her

ability to drag a 150-pound weight, a total distance of fifteen metres. The last stage of the PREP test is comprised of a shuttle run that assesses an individual's cardiovascular fitness.

- (4) Video Behavioural Personnel Assessment Devices test (Video B-PAD), which measures an applicant's interpersonal skills in a variety of job-related situations.

Once the applicant had successfully completed all the testing phases, he/she would receive an OACP certificate that would identify the testing and expiration dates for each component. The applicant would then be eligible to apply to any Ontario police service by producing the certificate and paying the administrative fee of two hundred, eighty-eight dollars and ninety cents (\$288.90). The Service to which the application was made would then retain full authority and responsibility for the interviewing and background investigations.

The OACP provides two distinct licensing options to police services in Ontario. Both options required individual services to contract with the OACP and entitled them to administer the selection instruments and/or use the results of those instruments. The two models differed primarily in the agency's responsibility and level of control. The first licensing option, Model One, gave the signing agency full authority and responsibility for the administration of the entire CSS; specifically all applicant testing, interviewing and background investigations. The second licensing option, Model Two, gave the signing agency the right to accept the test results of applicants who had been assessed through Model One agencies.

At its meeting on December 15, 1998, the Board approved the contractual agreement with the OACP and the designation of this Service as a Model One agency (Board Minute 541/98 refers). The Service's current agreement with the OACP expires on January 10, 2004.

Initially, the Toronto Police Service, the Ontario Provincial Police, and the Applicant Testing Services (ATS), which is a privately owned and operated company licenced by the OACP, were the only Model One agencies licenced and endorsed by the OACP. The OACP endorsed and licenced ATS for the purpose of pre-interview testing only.

The Service is now seeking approval to change its designation to a Model Two agency. Under this model, the Service will no longer conduct any pre-interview testing of applicants, specifically, the written, physical and video testing. Instead, applicants will be referred to ATS. Applicants will be required to contact ATS, arrange their testing dates and pay ATS the provincially established testing fee (\$288.90), without any administrative encumbrance to the Service. The Service will retain full authority and responsibility for the other components of the CSS, namely, interviewing and background investigations. The standards for testing will remain unchanged. As well, the altered designation will not diminish the Service's role with the OACP.

This designation change is sought because the Service no longer has, or is able to identify, a suitable location for testing purposes. In February 2000, the Service leased a facility through Canada Lands at Downsview Park and established an applicant testing facility. This lease expired on March 31, 2003, and could not be renewed due to revitalization plans for Downsview Park.

The following is a financial analysis using the Downsview site and other alternatives as applicant testing sites.

Downsview Site

Cost analysis in the final year (2002) of the Downsview testing site revealed that the Service spent approximately \$748,000. This amount included salaries and benefits for members (\$340,000 for uniform members and \$62,000 for civilian staff). The site generated \$726,000 in revenue.

As a result of the expiry of the lease at the Downsview site, other options were examined.

Purchase Facility

Facilities Management explored the purchase cost of a permanent testing facility. As reported in the 2002-2006 Capital Project Applicant Testing Facility, the cost was estimated at approximately \$3.4 million dollars, excluding land costs. This alternative is cost prohibitive.

Lease Facility

a) Canada Lands Alternative

Canada Lands offered a lease option for another building within the same area. This site required renovations making it cost prohibitive. Expenses associated with this alternative were estimated at \$1,348,000. An operating cost of \$748,000 would include \$402,000 for uniform and civilian salaries. Costs proposed by Canada Lands staff for proposed renovations to improve the building for testing needs were estimated to be \$600,000. When compared to the 2002 revenue generated from applicant testing, this is not a cost effective alternative.

b) 23A Fasken Drive Alternative

The facility at 23A Fasken Drive, in the City of Etobicoke, was considered as an option. A financial analysis reveals that this location would require yearly expenses of \$580,360, including \$178,360 in yearly costs and \$402,000 in uniform and civilian salaries. A one-time start-up cost of \$457,000 (plus GST and any required furniture and equipment) would also be applied. When compared to the 2002 revenue generated from applicant testing, this alternative is cost prohibitive.

Summary

This analysis clearly illustrates that it is more economical to outsource the pre-interview testing to ATS. *There are no sites available at this time within the City of Toronto that would make it practical for the Service to continue as a Model One agency.*

ATS, a privately owned agency licenced by the OACP, has been conducting applicant testing for approximately five years. Since April 2003, ATS has been used as an interim measure while the Service sought a more cost neutral solution. This arrangement has proven to be more than satisfactory.

In addition, ATS has arranged for additional testing sites to be situated at local community colleges within Toronto as well as the surrounding Greater Toronto Area, to meet the needs of the Service. Testing will also be conducted on weekends. As a result, applicants will not be inconvenienced.

The Employment Unit recruiting officers will continue to conduct weekly physical practice sessions for applicants at C.O. Bick College. In addition, the recruiting officers will continue to provide mentoring and information sessions in the auditorium at Police Headquarters, at C.O. Bick College, and within the community.

The City of Toronto Legal Services Department has reviewed the attached agreement (Appendix 'A') with the OACP and has approved it as to form. It is recommended that the Board approve the change in the Service's designation to a Model Two agency and that the Board authorize the Acting Chair to execute this agreement, on its behalf.

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

The Board approved the foregoing.

THIS AGREEMENT made as of the _____ day of _____ 20____

BETWEEN ONTARIO ASSOCIATION OF CHIEFS OF POLICE
(the "OACP")

AND TORONTO POLICE SERVICES BOARD
(the "Board")

The Board is engaged in the process of recruiting candidates for the position of police constable with the Toronto Police Service;

OACP is the holder of a licence from the Queen's Printer for Ontario (Queen's Printer") and the Ministry of Public Safety and Security ("the Ministry") for the reproduction and use of the Ministry's Written Communication Test (**WCT**), Physical Readiness Evaluation for Police (PREP), the Pre-Background Questionnaire, the Background Reference Check, the B-Pad for Police Constable Video Simulation Test, the Applicant Information Package, the Post Assessment forms, the Interview Process, the Medical Evaluation of Police Constable **Applicants/Guidelines** for Examining Physicians, the Police Analytical Thinking **Inventory(PATI)**, the Guidelines for Psychologists, and the Guidelines for Optometrists, which have been developed as part of a comprehensive system for the recruitment of police officers..

OACP has the right to grant **licences** to police service boards for the use of the Ministry's constable selection system and the Board wishes to utilize the constable selection **system** for the recruitment of police officers;

In consideration of the sum of **ONE** (\$1.00) DOLLAR, the receipt of which is acknowledged, and other good and valuable consideration, OACP and the Board agree as follows:

1.0

LICENCE

1.1

The OACP hereby grants the Board a limited non-exclusive licence to use, in accordance with this Agreement:

- a) The Pre-Background Questionnaire and Pre-Background/Guide to Evaluating Questionnaire, which are attached as Schedule A to this Agreement.
- b) The Background Reference Check, consisting of:
 - 1. Employment Reference Report
 - 2. Education Reference Report
 - 3. Character Reference Report
 which is attached as Schedule B to this Agreement.
- c) ~~The~~ Interview Process, consisting of:
 - 1. Essential Competencies for Police Constable **Selection/Interview** Schedule
 - 2. Essential Competencies for Police Constable Selection/Interview Result Summary
 - 3. Developmental Competencies for Police Constable **Selection/Interview** Schedule
 - 4. Developmental Competencies for Police Constable Selection/Interview Result **Summary**
 - 5. Constable Selection System/Guide to the Interview Process: Essential Competencies, Developmental Competencies and Local Needs
 which is attached as Schedule C to this Agreement.
- d) The Medical Evaluation of Police Constable Applicants/Guidelines for Examining Physicians, attached as Schedule D to this Agreement.



- e) The Post Assessment forms, consisting of:
 1. Police Constable Selection /Employment Application Form
 2. Police Constable Selection/Candidate Personal History Form
 which is attached as Schedule E to this Agreement.

The Applicant Information Package; consisting of:

 1. Policing in Ontario/Applicant Information
 2. Police Constable Selection/Orientation and Pretest Guide
 3. Self-Assessment Questionnaire for Entry into Policing
 4. Police Constable Selection/Applicant Survey Form
 5. Police Constable Selection/Applicant Registration Form and Authorization For Release of Information
 which is attached as Schedule F to this Agreement.
 - g) Guidelines for Psychologists which are attached as Schedule G to this Agreement.
 - h) Guidelines for Optometrists which are attached as Schedule H to this Agreement.
- All of the above hereinafter referred to collectively as the "Tools".
- 1.2 The Board shall, within 12 months from the date of this licence, ensure that police constable candidates are assessed using all of the components of the Ministry's constable selection system including the Tools and the components referred to in paragraphs 1.8 and 1.11.
- 13
- a) OACP shall provide the Board with one copy of the Tools referred to in paragraph 1.1 of this Agreement. OACP may charge a fee to be paid by the Board for any additional copies of the Tools provided by OACP to the Board. The amount of the fee and any change in such amount is subject to the prior approval of the Ministry.
 - b) The Board is authorized to make such additional copies of the Tools referred to in paragraph 1.1(a), (b), (c), (d) and (g) in accordance with and during the term of this Agreement, provided the Board only makes as many copies as are reasonably necessary to assess candidates who have successfully met the pre-interview test requirements of the constable selection system
 - c) The Board is authorized to make such additional copies of the Tools referred to in subparagraph 1.1 (e) and (f) in accordance with and during the term of this Agreement, for the purpose of attracting candidates to participate in the constable selection system.
 - d) The Board hereby undertakes on behalf of the Board, its employees, agents and representatives not to make any additional copies of the Tools except in accordance with this Agreement. The Board shall not make any additional copies of the Tools under any circumstances upon expiry or termination of this Agreement.
 - e) On the fifteenth day of the month following the termination or expiry of this licence, the Board shall provide OACP and the Ministry with an accounting of the number of candidates assessed in accordance with this Agreement. Subject to the retention period in paragraph 18.0, the Board shall, on five (5) days notice, provide OACP and the Ministry with access to all records required by OACP and the Ministry, to verify, to satisfaction of OACP and the Ministry, the requirements in this section.
 - f) The Board shall safeguard the security of the Tools in its handling and storage of them

- 1.4 The Board shall utilize the Tools only for the purposes of recruitment of police constables within the Province of Ontario and only during the term of the licence granted herein and it shall not administer the Tools in any subsequent recruitment process without the written authorization of the OACP. The Board shall not cause or permit the Tools to be used in a manner inconsistent with this purpose.
- The Board acknowledges that the quality and composition of the applicant pool **significantly** affect the quality and diversity of recruits selected by use of the Tools. The Board therefore agrees to use its reasonable efforts to ensure that the Tools are used in combination with an effective outreach and recruitment program aimed at achieving an applicant pool which reflects all groups within the community.
- 1.6 The Board acknowledges that training will be required to enable staff to use the Tools appropriately and effectively. The Board shall make arrangements for training satisfactory to OACP and the Ministry prior to utilizing the Tools during the term of this Agreement. OACP agrees to make training sessions in respect of the use of the Tools available to the Board. The nature and frequency of such sessions shall be at the sole discretion of the OACP and the Ministry but it is recognized that the training will be satisfactory to permit the use of the Tools. All required training shall be at the Board's expense.
- The Board acknowledges that the accuracy of the Tools is dependent upon strict compliance with the instructions for the use of the Tools and hereby undertakes to comply with those instructions. If unable to comply **fully** with the instructions, the Board shall notify OACP and comply with any direction provided by the OACP.
- 1.8 The Board is **authorized** to contract with a third party, licensed by the OACP, for the provision of the Pre-Interview Assessment, including the
- a) WCT and PREP; and
 - b) PAT1 and B-Pad for Police Constable Video Simulation Test; and
 - c) Technician Hearing/Vision Screening.
- 1.9 The Ministry and/or OACP shall be entitled upon request to have a designated representative present during any portion of the recruitment process in which the Tools are used to **assess** any candidate's suitability.
- 1.10 In order that the Ministry and the OACP might assess adverse impact and evaluate the predictive validity of the Tools, the Board shall provide to OACP candidate data, selection test results and performance management data (if applicable) for each candidate assessed by use of the Tools in a format to be agreed upon by the parties.
- 1.11 The Board acknowledges that the constable **selection** system requires the use of the MINNESOTA MULTI-PHASIC **PERSONALITY INVENTORY II** (MMPI-II) assessment device. The Ministry and OACP have no proprietary interest in these devices and the licence granted herein does not include the right to use this device. It is the responsibility of the Board to acquire the right to use the MMPI-II **from** the owner of the copyright or their authorized licensee.
- 1.12
- a) The Board shall ensure that it uses the latest version of the Tools as provided **to** it by OACP, and the latest version of the other components of the constable selection system available to it provided the use of such version has been approved by the Ministry.
 - b) Where OACP provides the Board with a revised copy of the Tools or any component thereof, the Board shall no longer use the previous version of such Tools and shall use the revised copy during the recruitment process. The Board shall return immediately to OACP all copies of the previous versions of the Tools or components thereof that are being replaced and that are in the possession of the Board.

1.13 The Board shall be responsible for providing or acquiring at its sole expense all resources required for administering the Tools and the constable selection system including facilities and equipment.

2.0 **TIME**

2.1 The licence shall be effective from the date of the execution of this Agreement and for a period of 2 years thereafter up to and including December 31, 2005.

2.2 The Board shall not be entitled to use the Tools for any purpose after the expiry of the period provided for in clause 2.1 without the express written authorization of OACP.

2.3 Upon the expiry of the term of the licence granted herein the Board shall return all copies of the Tools to OACP except for completed copies of the Tools.

3.0 **INTELLECTUAL PROPERTY**

3.1 The Board acknowledges that it has acquired no intellectual property rights to the Tools by virtue of the granting of the Licence herein and acknowledges that the Tools and intellectual property rights in same shall remain the sole property of the Crown.

3.2 The Tools are protected by copyright laws and the Crown retains exclusive title to and ownership of the Tools. The Board shall not copy, print or transcribe the Tools or any component thereof, except in accordance with this Agreement, and shall not sub-licence, rent, lend or assign to another the Tools or any component thereof. The Board may not modify, re-enact or duplicate in any media the dialogues, actings, performances or depicted situations nor shall the Board permit anyone else to do so.

3.3 No Government of Ontario symbols or trademarks may be used for advertising or promotional purposes without the prior written permission of the OACP representative-as authorized by the Ministry.

3.4 The Board acknowledges and accepts that the granting of the licence under this Agreement does not confer on the Board any right, title or interest in the Tools other than the use permitted pursuant to this Agreement.

3.5 The Board acknowledges and accepts that no provision of this Agreement shall be construed as an assignment or transfer to the Board of any right, title or interest in the Tools other than the use permitted pursuant to this Agreement.

3.6 The Board acknowledges that the Crown owns all of the proprietary rights, including trade secrets, in the Tools and that the Tools contain valuable trade secrets owned by the Crown.

3.7 The Tools may be used for the purpose of conducting police constable candidate assessments for hiring purposes in the Province of Ontario and the Board shall not utilize the Tools in any manner inconsistent with that purpose. The Board shall not utilize the Tools in any way that discriminates against candidates on the basis of their race, ancestry, place of origin, colour, ethnic origin citizenship, creed, sex, sexual orientation, age marital status, family status, handicap or any other prohibited grounds of discrimination, except where such utilization has been shown to be job related and consistent with business necessity and a bona fide qualification of employment.

3.8 All copies of the Tools produced by the Board in accordance with this Agreement shall contain an acknowledgement that the copyright is owned by the Crown as follows:

"Copyright Queen's Printer for Ontario, 1998. Reproduced with permission."



4.0 WARRANTIES AND REPRESENTATIONS

4.1 The Board represents and warrants that it **shall** not infringe upon or violate any copyright, patent, trade secret, *or* any other intellectual property right of the Crown, OACP or any other third party.

4.2 The Board **warrants** and represents that it will not alter or amend the Tools in any way.

4.3 OACP represents and warrants that it has **full** power and authority to **grant** to the Board the licence provided for by this Agreement.

4.4 The parties acknowledge that the Tools have been designed as part of a comprehensive selection system. The OACP warrants the fitness of the Ministry's comprehensive selection system for the recruitment of police constables within the Province of Ontario when all components of the comprehensive selection system are used and when all such components are properly administered and **scored** by appropriately trained personnel. The Ministry and OACP shall defend the Tools by verifying the validity of the Tools referred to in paragraphs 1.8 (b) and 1.11, in the event of a challenge against the Board with respect to their fitness for recruitment purposes when all components of the constable selection system are used. Neither the Ministry nor the OACP warrant the fitness of the Tools for the recruitment of police constables when used as a stand-alone or otherwise than as a comprehensive selection system.

5.0 ASSIGNMENT

5.1 The Board shall have no authority to **assign**, transfer or otherwise dispose **of this** licence to any third party.

6.0 LIMITATION OF LIABILITY, INDEMNIFICATION AND **INSURANCE**

6.1 OACP shall not be liable for any injury, death or property damage to the Board, its employees or agents or for any claim by any third party against the Board, its employees or agents, arising out of or in any way relating to this Agreement, unless it relates to the fitness of the comprehensive selection system for the purpose of recruiting police constables in accordance with this Agreement.

6.2 OACP shall not be liable for any **incidental**, indirect, special or consequential damages or any loss of use, revenue or profit of the Board arising out of or in any way related to this Agreement.

6.3 The Board does hereby agree to indemnify the Ministry and OACP, their employees and agents, against all costs, losses, expenses or liabilities incurred as a result of a claim or proceeding related to this Agreement or the **Licence**, **unless** it-relates to the fitness of the comprehensive selection system for the purpose of recruiting police constables in accordance with this Agreement.

6.4 The Board shall maintain at the Board's expense comprehensive general liability insurance of at least One Million Dollars **(\$1,000,000)** per occurrence. At the request of the OACP, the Board shall provide satisfactory proof of such insurance.

6.5 Upon request, the Board shall provide the OACP with a certificate of insurance naming the OACP and the Ministry as an additional insured **in an** amount not **less** than **the amount** specified in paragraph 6.4. The certificate of insurance shall provide for thirty (30) days notice of cancellation by the insurer to the OACP. The policy shall include a cross-liability clause, a products and completed operations endorsement and a contractual liability endorsement.

The OACP reserves the right to require the Board to provide proof of such insurance coverage prior to execution of this Agreement or at any time during the term of this Agreement.

7.0 **TERMINATION**

7.1 Either OACP or the Board may terminate this Agreement at any time, without fault and **without** cost or penalty, upon three (3) months written notice of termination to the other.

7.2 Despite paragraph 7.1, violation of any provision of this Agreement shall entitle OACP, at its option, to terminate this Agreement immediately upon written notice.

7.3 Neither party shall, by exercising a right of termination, waive any rights or remedies in law or equity that it may have at the date of termination.

7.4 Upon termination, the Board shall:

- a) deliver to OACP all copies of the Tools in the possession of the Board **except for** completed copies of the Tools;
- b) no longer use or disclose the Tools and no longer administer any tests and assessments under this Agreement as of the date of termination.

8.0 **CONFIDENTIALITY AND SECURITY**

8.1 The Board shall not disclose or publish at any time, any of the information provided to it by OACP nor shall it disclose any copy of the Tools to any third party other than in the course of completing the Tools during the recruitment process, or as required by law.

8.2 OACP shall not disclose or publish at any time any identifying information it receives from the Board relating to a particular candidate's use of the Tools, except that such disclosure may be made by OACP to the Board or its agents **as** required by the Board, to the Ministry for test validation and research, or to other parties as required by law.

8.3 The Board agrees that the completed Tools whether in whole or in **part**, shall not be disclosed by the Board except in accordance with this Agreement or, as required by law. The Board shall advise OACP and the Ministry of any request it receives for disclosure of the Tools under the Municipal Freedom of Information and Protection of Privacy Act and provide OACP and the Ministry with the opportunity to make submissions with respect to access.

8.4 The Board acknowledges that the Ministry and OACP have invested substantial resources in the development of the Tools and that the Ministry and OACP would be irreparably harmed should the Tools be used by any person or agency other than in accordance with the terms of the **licence** granted herein. The Board undertakes not to disclose the Tools in their blank or completed form, in whole or in part, to any person or agency not in the employ of the Board except in accordance with this Agreement or as required by law.

8.5 The Board shall take **all** reasonable steps to ensure that the Tools are not disclosed to third parties not in the employ of the Board, except in accordance with this Agreement, and agrees to indemnify the Ministry and OACP with respect to all losses it may suffer as the **result** of any improper disclosure of the Tools by the Board, its employees and representatives. Under no **circumstances** shall any candidate for the position of police constable be allowed to remove a copy of the Tools from the Board's facilities.

8.6 The Board agrees to secure and protect the Tools in a manner consistent with the maintenance of the Ministry's rights therein by instruction or agreement with its employees and agents who are permitted access to the Tools to satisfy its obligations hereunder. The Board shall limit access to the Tools to those **persons** who are trained to use the Tools, and **shall** not use the Tools in any manner which compromises their security.

- 8.7 If the policy of the Board provides candidates for police constable with a right to appeal test results, and if this process provides that a candidate shall be permitted to see the test materials for the purpose of review, then and in that event the review shall be conducted under continuous monitoring and supervision of an appropriate official of the Board. Under no circumstances shall a candidate remove from the review site a copy of any of the examination materials.
- 8.8 The Board shall protect the Crown's intellectual property rights and take all available proceedings by way of injunction or otherwise to prevent its employees, agents or others from violating the non-disclosure obligations in this Agreement.
- 8.9 Despite any provision in this Agreement, the Board may acknowledge information that the Ministry has made available to the public in respect of the Tools.
- 8.10 Despite paragraphs 8.1, 8.4, 8.5 and 8.6, the Board may disclose, during the term of this Agreement, any blank component of the Tools referred to in paragraphs 1.1 (e) Post Assessment forms and 1.1 (f) Applicant Information Package, for the purpose of attracting candidates to participate in the comprehensive selection system.

9.0 **NOTICES**

- 9.1 Notices under this Agreement shall be in writing and sent by personal delivery, facsimile transmission ("FAX") or by ordinary prepaid mail.
- 9.2 Notices by mail shall be deemed to have been received on the fourth business day after the date of mailing.
- 9.3 Notices by personal delivery or by FAX shall be deemed to have been received at the time of delivery or transmission.
- 9.4 In the event of an interruption in postal service, notice shall be given by personal delivery or by FAX.
- 9.5 Notices to the parties shall be sent to the following addresses:

OACP: Ontario Association of Chiefs of Police
P.O. Box 193
Sault Ste. Marie, ON P6A 5L6
ATTN: Executive Director

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

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

10.0 **REPRESENTATIVES**

- 10.1 OACP's Representative is the Executive Director. The Board's Representative is _____ . Each party may designate a different representative by written notice to the other party.

11.0 SURVIVAL

11.1 All representations, **warranties**, covenants, limitations of liability and indemnities in **this** Agreement and in particular paragraphs 1.3 (d), (e) and **(f)**, and paragraphs 1.4, 1.11, 2.3 and 7.4 and sections 3.0, **4.0, 6.0, 8.0, 12.0, 15.0 and 18.0, shall** continue in full force and effect after the termination or **expiry** of this Agreement.

12.0 PUBLICITY

12.1 Any publicity or publications relating to this Agreement shall be approved by the OACP, however, the Board may engage in recruitment activities which include the use of advertising in accordance with this Agreement without such approval.

12.2 No advertising or promotional materials produced by the Board in any form **may** state or **imply that** OACP or the Board are agents or representatives of the Government of Ontario.

13.0 WAIVER

13.1 A waiver of any failure to comply with any term of this Agreement must be in writing and signed by the aggrieved party. Each waiver must refer to specific failure to comply and shall not have the effect of waiving any subsequent failures to comply.

14.0 AMENDMENTS, ALTERATIONS AND ADDITIONS

14.1 This Agreement may be amended, altered, extended or added to only by written agreement between the parties which agreement is supplemental to this Agreement and thereafter forms part of this Agreement.

15.0 GOVERNING LAW

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

16.0 HEADINGS

16.1 The parties agree that the headings in this Agreement form no part of the Agreement and have been inserted for convenience of reference only.

17.0 ENTIRE AGREEMENT

17.1 This Agreement, including the Schedules, constitutes the entire Agreement between **the** parties. **There** are no other agreements, understandings, representations or warranties, either collateral, oral or otherwise.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

**#P10. REPORT ON EXPENDITURES OF COMMUNITY POLICE LIAISON
COMMITTEES AND CONSULTATIVE COMMITTEES AND FUNDING
REQUEST FOR 2004**

The Board was in receipt of the following report NOVEMBER 28, 2003 from Julian Fantino, Chief of Police:

Subject: REPORT ON THE EXPENDITURES OF COMMUNITY POLICE LIAISON
COMMITTEES (CPLC'S), CONSULTATIVE COMMITTEES, AND
FUNDING REQUEST FOR 2004.

Recommendation:

It is recommended that:

(1) The Board continue to provide an annual grant of \$1,000.00 to each of the divisional Community Police Liaison Committees (CPLC's), the Traffic Service's CPLC, the Chief's Consultative Committees, and the Chief's Advisory Council for a total of \$24,000.00.

Background:

The Board directed in 1998 (Board Minute 65/98, refers):

That the Chief of Police provide an annual report to the Board on the activities which were funded by the police divisions using Board grants.

In addition, Board Chairman, Mr. Norman Gardner, submitted a report to the Board at its meeting on February 28, 2002 (Board Minute P51/01, refers). The Board approved the following recommendations from that report:

The Board continue to provide an annual grant of \$1,000.00 to each of the seventeen divisional Community Police Liaison Committees, the Traffic Service's CPLC, the six Chief's Consultative Committees, and the Chief's Advisory Council. That funding be provided from the Special Fund.

Community Police Liaison Committees

For the past six years, the Board, through its Special Fund, has provided funding to each division and to Traffic Services for the operation of the CPLC's. The Board has also provided funding to Community Policing Support for each of the six Consultative Committees (Aboriginal, Black, Chinese, South & West Asian, Gay Lesbian Bisexual Transgender (GLBT) and French) and the Chief's Advisory Council for its operation. Each of these units was allotted \$1,000.00 for total funding of \$24,000.00.

The following table compares the income and expenses for the divisional Community Police Liaison Committee account over the past year. All unused funds have been returned to the Board Special Fund as per request.

<u>Year</u>	<u>Income</u>	<u>Expense</u>	<u>Balance</u>	<u>% of Funds Spent</u>
2003	\$ 17,000.00	\$ 16,570.75	\$ 429.25	97.0%

The intent of the funding was to allow for expenses related to the operation of the committees, such as refreshments for meetings, rental of facilities and supplies. The committees could also use the money to assist with the funding of community-based projects such as workshops, seminars and training opportunities. The CPLC's continually provide support to the Service and the community they serve through these projects. The committees are proactive in community relations and are there to assist and problem solve in the local communities. The following are examples of funded activities in 2003.

No. 11 Division

No. 11 Division CPLC held 4 meetings. Additionally, No. 11 Division CPLC was involved in the following activities in 2003:

- Community Appreciation Day
- Child Seat Safety Clinic
- Gunplay No Way Toy exchange
- Ambulance and Fire Service displays
- Graffiti Paint-Overs partnered with C.A.V.E. (Communities Advancing Valued Environments).

No. 12 Division

No. 12 Division CPLC was involved in the following activities in 2003:

- Rail Crossing redesign
- Community Gardens Project (includes the Conversation Cafes)
- Mega Spring Clean Up
- Neighbours' Nights Out (various locations)
- Soccer Clinic
- Gun Play No Way Toy Exchange
- Community Festivals
- Weston Santa Claus Parade.

No. 13 Division

In 2003, due to a re-structuring of personnel, No.13 Division formed a new CPLC and created a banner with a logo. Additionally, No. 13 Division CPLC was involved in the following activities in 2003:

- Townhall meetings
- Annual homeless luncheon for the Community
- Golf shirts were purchased for CPLC members.

No. 14 Division

No. 14 Divisions CPLC continued its “Superintendent Walkabouts” program. These walkabouts highlighted a variety of local concerns. No. 14 Division worked closely with these communities using Crime Prevention Through Environmental Design (C.P.T.E.D.) directed patrol and target policing. Additionally, No. 14 Division was involved in the following initiatives.

- Graffiti Eradication Program.
- Second Annual New Years Levee.

No. 22 Division

No. 22 Division held Town Hall Meetings at Assembly Hall. One of the focuses of the C.P.L.C. has been the Youth Criminal Justice Act. Additionally, No. 22 Division was involved in the following activities in 2003:

- Police Week Open House at No. 22 Division Sub-Station
- Lakeshore Santa Claus Parade.

No. 23 Division

No. 23 Division CPLC was involved in the following activities in 2003:

- Car Seat inspections and installations at local malls
- Graffiti Eradication throughout No. 23 Division.
- CPLC community meetings
- Kidz Printz held on six different occasions at the Albion Mall and the Woodbine Shopping Centre
- Gun Play No Way Toy Exchange

No. 31 Division

No. 31 Division CPLC provided ten student bursaries (\$500.00 each) to students from local high schools in the division, to help defray the costs of their post-secondary education. Additionally, No. 31 Division was involved in the following activities in 2003:

- Graffiti Eradication Program
- A presentation display at the CPLC Conference on Saturday April 26, 2003
- The No. 31 Division Auxiliary Police Toy Drive.

No. 32 Division

No. 32 Division CPLC was involved in the following activities in 2003:

- Theft from Autos project at Yorkdale
- Anti-racism Poster Competition
- Divisional Traffic Safety Program - Pedestrian Safety
- Lawrence Heights Outreach Program
- Seniors Outreach Seminar in conjunction with the North York Seniors Centre

No. 33 Division

No. 33 Division CPLC was involved in the following activities in 2003:

- Child Car Seat Installation Clinics
- Child Fingerprinting Clinics
- Saddle Up for Success Riding and Animal Education Program for At Risk Youth.
- Divisional Open House and Community Day
- Divisional Canadian Automobile Association (C.A.A.) Child School Safety Patroller Program.

No. 41 Division

No. 41 Division CPLC was involved in the following activities in 2003:

- Annual CPLC Town Hall meetings
- Child Safety Seat clinics (fourteen safety seats were installed)
- CPLC members attended "Babyfest" at Toys R Us with regards to car seat information
- Kids and Cops Picnic
- Police Week BBQ
- Child Finger Print Program - approximately 170 children were finger printed
- Graffiti Paint Over - over 250 area residents were in attendance

No. 42 Division

The CPLC members meet on a monthly basis at No. 42 Division. Additionally, No. 42 Division CPLC was involved in the following activities in 2003:

- Yearly Community Picnic
- Domestic Violence /Robbery Prevention
- CPLC Stay Safe Program
- Police Week Fund Raiser Dinner
- First annual CPLC Golf Tournament to raise support and awareness of the committee
- Auxiliary Police Christmas Toy Drive
- Divisional CPLC Community Picnic
- CPLC Mall Walk

No. 51 Division

In 2003, No. 51 Division CPLC formed three sub-committees (Safety Committee, Special Events Committee and Harm Reduction Committee). Additionally, No. 51 Division CPLC was involved in the following activities in 2003:

- 911 Emergency Services day
- Divisional Police week Community Picnic
- Gun Play No Way Toy Exchange
- CPLC Christmas Party
- 26th Annual Cabbagetown Cultural Festival
- CPLC Pamphlets regarding CrimeStoppers and Weapons (creation and distribution)

No. 52 Division

In 2003, No. 52 Division CPLC members attended the “Partners Preventing Victimization” conference held at Georgian College in Barrie. Additionally, No. 52 Division CPLC held a Public Forum on “People On The Street, What Can Be Done?”

No. 53 Division

No. 53 Division CPLC was involved in the following activities in 2003:

- CPLC meetings
- Town Hall meetings
- March 21st International Day for the Identification of Racial Discrimination
- Candlelight March and Vigil held at Thorncliffe Park Public School Graffiti Eradication Program

No. 54 Division

No. 54 Division CPLC held six committee meetings. They also held two meetings with the Flemington CPLC sub-committee. The members were also involved in the Annual CPLC Conference. Additionally, No. 54 Division CPLC was involved in the following activities in 2003:

- Police Week/CPLC BBQ At this event, 60 children were fingerprinted by Child Find. The CPLC provided monetary support for the food and refreshments
- CPLC members conducted an information session for residents. They were responsible for staffing an information table that included the distribution of auto dialler forms and CPLC pamphlets.
- Graffiti Eradication Program (fall initiative)
- Monetary donations to the Crescent Town Children’s Reading Program

No. 55 Division

No. 55 Division CPLC was involved in the following activities in 2003:

- CPLC Youth sub-committee initiated a Youth Scholarship Program
- Youth Scholarship Presentation Ceremony
- Divisional Senior Link program

Traffic Services

The Traffic Services CPLC was involved in the following activities in 2003:

- Focus group with the Toronto Transportation Services Division to raise funds toward heightening the awareness of the “Red Light Camera” project. Accident Support Services Ltd., the Canadian Automobile Association and CPLC members spearheaded this pilot project to provide signage and visible markings for intersections monitored by red light cameras.
- Participation in the educational component for the E-RASE (Eliminate Racing Activity on Streets Everywhere) program in conjunction with the Road Safety Coalition of Greater Toronto.
- Community Partners Appreciation Night
- Provided funding and human resources to support the annual Traffic Charity Golf Tournament.

Consultative Committees

In 2003, the Board provided funds to six Consultative Committees (Aboriginal, Black, Chinese, South & West Asian, GLBT and French) and the Chief’s Advisory Council. Each was allotted \$1,000.00 for the year.

The following table compares the income and expenses for the Consultative Committees and the Chief’s Advisory Council over the past year. All unused funds have been returned to the Board.

	Income	Expense	Balance	% of Funds Spent
2003	\$ 7, 000	\$ 6,000.00	\$ 1,000.00	85%

Consultative Committee funds were spent primarily on the administration of meetings, as well as the purchasing of community outreach material (e.g. translation of posters and pamphlets to meet communities needs)

Conclusion:

The funding from the Toronto Police Services Board represents a valuable resource for the operation of the Community Police Liaison Committees, Consultative Committees, Chief Advisory Council and the Service. These funds provide assistance in the maintenance of the committees and are a resource for community projects. The funds are used for small projects, or, in conjunction with other sources of fund raising, for larger events. The CPLC’s have argued strongly, that funding for their activities should not be curtailed. The CPLC’s are dedicated to the local communities and are working toward a safer Toronto, through education and community partnerships.

As a result of the Service’s 90 Day Review, it has been recommended that the Service maintain funding for seventeen CPLC’s, which include Traffic Services, six Consultative Committees (Black, Chinese, French, South & West Asian, Aboriginal and GLBT) and one Chief’s Advisory Council. Overall funding of \$24,000.00 is requested.

It is therefore recommended that the Board continue to provide an annual grant of \$1,000.00 to each of the divisional Community Police Liaison Committees (CPLC’s), the Traffic Service’s CPLC, the Chief’s Consultative Committees, and the Chief’s Advisory Council.

Deputy Chief Steven Reesor, Policing Operations Command, will be in attendance to answer any questions that Board members 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 JANUARY 22, 2004**

**#P11. DINNER HONOURING MR. CRAIG BROMELL, FORMER PRESIDENT,
TORONTO POLICE ASSOCIATION**

The Board was in receipt of the following report JANUARY 07, 2004 from A. Milliken Heisey, Q.C., Chair:

Subject: DINNER HONOURING MR. CRAIG BROMELL, FORMER PRESIDENT,
TORONTO POLICE ASSOCIATION

Recommendation:

It is recommended that the Board approve the purchase of tickets for Board members who would like to attend the dinner honouring Mr. Craig Bromell, Former President, Toronto Police Association; at a cost of \$100.00 each from the Special Fund.

Background:

On Saturday, January 31, 2004 the Toronto Police Association will host a dinner honouring Mr. Craig Bromell, Former President of the Association. The dinner will begin at 6:30 PM at the Montecassino Ristorante, 371 Chesswod Drive, Toronto.

Mr. Bromell joined the Toronto Police Service in 1978 and then spent most of his career working at No. 51 Division until he was elected President of the Toronto Police Association in 1997. Mr. Bromell was later acclaimed President in 2000 and served a second term with the Association continuing to work tirelessly on behalf of the uniform and civilian members of the Association until his resignation on January 2, 2004.

In addition to his dedication to members of the Association he also supported many community and charitable organizations and was actively involved with raising funds for the Juvenile Diabetes Research Foundation.

I am, therefore, recommending that the Board approve the purchase of tickets for Board members who would like to attend the dinner honouring Mr. Bromell at a cost of \$100.00 each from the Special Fund.

Board members are requested to contact Ms. Leslie Koski, Toronto Police Services Board, at telephone 416-808-8083, to arrange the purchase of tickets for this dinner.

The Board approved the foregoing.



**TORONTO
POLICE
ASSOCIATION**

80 Yorkland Boulevard,
Toronto, Ontario,
Canada M2J 1R5

Telephone
(416) 491-4301
Facsimile
(416) 494-4948

Rick McIntosh
President

Al Olsen
Vice President

Terry Nunn
*Director
Legal Services*

Dennis Ewaniuk
*Director
Member Benefits*

Thomas Froude
*Director Civilian
Administrative Services*

Douglas Corrigan
*Director
Civilian Field Services*

Mike McCormack
*Director Uniform
Administrative Services*

George Tucker
*Director
Uniform Field Services*

Andrew Clarke
*Director
Uniform Field Services*

Retirement Dinner
for
Craig "Bro" Bromell

**January 31, 2004
6:30 p.m.**

**Montecassino Ristorante
371 Chesswood Drive
Downsview, Ontario**

\$100.00 – All Inclusive

**Tickets may be purchased
at the Toronto Police Association.**

**For further information,
please call 416-491-4301 ext. 227 or 231.**

**If hotel room is required,
please advise Association at time of calling
as limited number of hotel rooms are available.**



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

**#P12. LEGAL FEES – ONTARIO CIVILIAN COMMISSION ON POLICE
SERVICES INVESTIGATION**

The Board was in receipt of the following report JANUARY 09, 2004 from A. Milliken Heisey, Q.C., Chair:

Subject: LEGAL FEES - ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES
INVESTIGATION

Recommendation:

It is recommended that the Board approve payment of the account of Ms Trisha Jackson, Torys LLP, in the amount of \$313.66.

Background:

Attached is a statement of account from the legal firm of Tory's in the amount of \$313.66 for professional services rendered during the period October 3 - 31, 2003.

I recommend that the Board approve payment of this account from the Board's operating budget.

This report corresponds with additional information provided on the in-camera agenda.

The Board approved the foregoing.

November 28, 2003

Joanne Campbell
Toronto Police Services Board
40 College Street
Toronto, Ontario
M5G 2J3

Re: Independent Legal Advice

TO PROFESSIONAL SERVICES RENDERED, for the period ending October 31, 2003 as described on the attached Schedule.

Fee		\$282.50
<u>Disbursements Subject to GST</u>		
Copies	\$3.64	
Courier	6.00	
Laser Printing	<u>1.00</u>	10.64
GST		<u>20.52</u>
TOTAL		<u>\$313.66</u>

TORYS LLP

Per: _____

REF: 106604713243 S-200 1

Please return this copy
with your payment.

Interest at the rate of 3.30% per year, calculated on a daily basis,
will be charged on all accounts overdue one month or more.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

**#P13. TERMINATION AND APPOINTMENT OF SPECIAL CONSTABLES
FOR THE TORONTO COMMUNITY HOUSING CORPORATION**

The Board was in receipt of the following report NOVEMBER 27, 2003 from Julian Fantino, Chief of Police:

Subject: TERMINATION AND APPOINTMENT OF SPECIAL CONSTABLES FOR
THE TORONTO COMMUNITY HOUSING CORPORATION (TCHC)

Recommendation:

It is recommended that:

- (1) the Board receive the letter advising the Service that the Toronto Community Housing Corporation (TCHC) no longer requires special constable status for Jody Smith and is seeking the appointment of Aubrey Lindo as a special constable;
- (2) that the Board notify the Minister of Community Safety and Correctional Services of the termination of Jody Smith; and
- (3) the Board approve the appointment of Aubrey Lindo as a special constable for the TCHC, subject to the approval of the Minister of Community Safety and Correctional Services.

Background:

Under Section 53 of the Police Services Act of Ontario, the Board is authorized to appoint special constables subject to the approval of the Minister of Community Safety and Correctional Services (Minister).

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 Board's consideration (Board Minute 41/98, refers).

On March 8, 2000, the Board entered into an agreement with the former Metropolitan Toronto Housing Authority, now called the TCHC, for the appointment of special constables (Board Minute 414/99, refers). The Minister approved the request of the former MTHA to have some of its security officers appointed by the Board as special constables, pursuant to section 53 of the Act, upon certain amendments to the agreement.

At its meeting on October 26, 2000, the Board approved the requested amendment to the TCHC agreement to limit the number of appointments to a maximum of 55 applicants (Board Minute 480/00, refers).

Appended to this report is a letter dated November 3, 2003, from Mr. Rick Girard, Senior Security Planner, Security Services Unit, TCHC advising that Jody Smith resigned from the TCHC effective November 16, 2003 and requesting the appointment of Aubrey Lindo as a special constable.

Termination:

At its meeting on June 19, 2003, the Board approved the appointment of Jody Smith as a special constable, subject to the approval of the Minister (Board Minute 171/03, refers).

The appointing document for Jody Smith specifies that the appointment is valid until May 31, 2004 or until the appointee is no longer in the employ of the TCHC.

Appointment:

The agreement between the Board and the TCHC requires that background investigations be conducted on individuals recommended for appointment as special constables. The Service's Employment Unit completed background investigations on Aubrey Lindo and there is nothing on file to preclude him from becoming a special constable.

The TCHC advise that Aubrey Lindo has met the TCHC hiring criteria and has successfully passed TCHC special constable training. The appointment of this applicant will bring TCHC to the maximum authorized limit of 55 special constables.

It is therefore recommended that the Board approve the appointment of Aubrey Lindo as a special constable for the TCHC, subject to the approval of the Minister.

It is also recommended that the Board receive the letter advising the Service that the TCHC no longer requires special constable status for Jody Smith and that the Board notify the Minister of Community Safety and Correctional Services of this termination.

Acting Deputy Chief David Dicks, Policing Support Command will be in attendance to respond to any questions that Board members may have.

The foregoing report was withdrawn at the request of the Chief of Police.

8" Toronto Community
Housing Corporation
365 Bloor St E.
Floor
Toronto, ON M5B 1W2
Tel: 416-969-6000



Toronto
Community
Housing

2003. 245
Community Liaison Unit
Date Received : 03. 11. 27
Date Due : 03. 12. 10
Assigned to : A/S/Insp. Barratt
Approved by : [Signature]

November 3, 2003

Staff Sergeant Gordon Barratt
C.P.S.U. Special Constable Liaison Section
Toronto Police Service
40 College Street
Toronto, ON M5G 2J3

Dear Staff Sergeant Barratt:

Re: Appointment of TCHC Special Constables

The TCHC Special Constable extended pilot project, which was approved by the Police Services Board, commenced field operations on December 2, 2002. The approved complement of Special Constables was 55. In an effort to ensure that the Special Constable complement remains constant, we created a reserve pool of 12 staff to fill in any vacancies due to turnover, etc. We have had one of our Special Constables; **Jody Smith** resigned his Special Constable status effective 16 November 2003.

I am forwarding the name of one of our staff from the **reserve** pool, **Aubrey Lindo** with hopes that this staff person can be put on the agenda for the Next **Board** meeting. Aubrey met the hiring criteria and successfully passed the Special Constable training.

Aubrey will also need to be issued a TPS Identification Number.

Your assistance in this matter is greatly appreciated.

Yours truly,

Rick Girard
Senior Security Planner
Security Services Unit
Toronto Community Housing Corporation

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

**#P14. RESPONSE - AMENDMENTS TO THE AGREEMENT BETWEEN THE
BOARD AND THE TORONTO TRANSIT COMMISSION REGARDING
SPECIAL CONSTABLES**

The Board was in receipt of the attached correspondence, dated January 06, 2004, from Ron Bain, Assistant Deputy Minister, Policing Services Division, Ministry of Community Safety and Correctional Services, responding to the Board's earlier recommendation for amendments to the agreement between the Board and the Toronto Transit Commission regarding special constables (Min. No. P238/03 refers).

The Board received the foregoing.

Ministry of Community Safety
and Correctional Services

Ministère de la Sécurité communautaire
et des Services correctionnels



Policing Services Division

Division des services internes
de la police

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Telephone: (416) 314-3000
Facsimile: (416) 314-4037

Téléphone: (416) 314-3000
Télécopieur: (416) 314-4037

DATE RECEIVED

CU03-00191

JAN 12 2004

TORONTO
POLICE SERVICES BOARD

JAN 06 2004

Mr. Alan Heisey, Q. C.
Acting Chair
Toronto Police Services Board
40 College Street
Toronto ON M5G 2J3

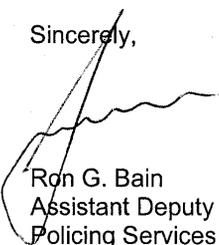
Dear Mr. Heisey:

I am writing with respect to amendments to the Toronto Transit Commission special constables' uniform, insignia and markings, as recommended by Chief Julian Fantino and approved by the Toronto Police Services Board on September 18, 2003.

The ministry has reviewed the proposed amendments in light of the best practices in the ministry's **Special Constables – A Practitioner's Handbook**. Arising from this review, I confirm that the ministry has no objection to the amendments,

Thank you for writing.

Sincerely,



Ron G. Bain
Assistant Deputy Minister
Policing Services Division

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

**#P15. COST RECOVERY OPTIONS FOR SEARCH, RESCUE AND
ASSISTANCE TO PRIVATE PLANES AND BOATS ON LAKE ONTARIO**

The Board was in receipt of the following report DECEMBER 23, 2003 from Julian Fantino, Chief of Police:

Subject: COST RECOVERY OPTIONS FOR SEARCH, RESCUE AND ASSISTANCE
TO PRIVATE PLANES AND BOATS ON LAKE ONTARIO

Recommendation:

It is recommended that the Board receive the following report.

Background:

At its meeting on October 16, 2003 the Board received an update from Chief Fantino regarding cost recovery options concerning boating or aviation situations occurring on Lake Ontario (Min. No. P275/03 refers).

At this meeting, the Board felt that, to fully assess this issue, further information would be required from the Chief in regard to current practises and procedures. Specifically, the Board addressed eleven questions to the Chief. These questions, and the Chief's responses are detailed below.

1. Current practises and procedures in place with respect to search and rescue.

Response:

The written mandate of the Marine Unit directs that the Unit shall respond to all inshore and offshore search and rescues. The *Canada Shipping Act* also places an onus on all vessel masters to assist other vessels in distress. It is the current practise of the Marine Unit to respond to all vessel emergencies in or near the geographical boundaries of Toronto.

2. Average number of incidents that the Marine Unit responds to (both emergency and non-emergency) and the nature of the incidents.

Response:

The Marine Unit responds to an average of 450 emergency and non-emergency calls for service each year. The major types of call include the transportation of sick or injured patients to the mainland, vessels assists and the recovery of cadavers.

3. Annual operating budget of the Marine Unit.

Response:

The 2003 budget of the Marine Unit is \$5,058,200.00

4. Cost recovery options that could be considered by the Board.

Response:

The Legal Services Branch of Professional Standards conducted an analysis of the cost recovery issue and presents the legal opinion that a cost recovery strategy for the Toronto Police Service's Marine Unit, for search and rescue or recovery operations is not a viable option.

This opinion is based on two principals. Firstly, under Canadian common law, the police are prevented from recovering costs in search and rescue operations. Secondly, the Safety of Life at Sea (SOLAS) convention, which Canada has adopted, prohibits charging for humanitarian aid.

Please refer to Appendix "A" for the detailed answer provided by Legal Services.

5. Number of times during the past season that the Marine Unit has provided towing services to boaters who have run out of fuel.

Response:

Marine Unit Policy #10 directs that a vessel will only be towed when circumstances exist that place the vessel or its occupants in imminent danger. There were ten occasions during the past boating season [April to October] in which a vessel that had run out of fuel was towed.

6. Total cost to the Toronto Police Service for the search, rescue and recovery of a private plane which crashed on Lake Ontario on July 7, 2003 and cost recovered and/or sought from the insurer or other sources.

Response:

The total cost to the Toronto Police Service for this two-week operation was \$132, 858.26

The law firm representing the deceased, in good faith, presented a cheque for \$100,000.00 to the Toronto Police Service to partially reimburse the Service for its expenses in this extensive search and recovery operation.

7. Existing cost recovery practices for search and rescue in the United Kingdom and the United States.

Response:

An examination of materials which have previously been provided to the Toronto Police Service from the United States, Australia, New Zealand and the United Kingdom indicate that international protocols dictate that police search and rescue efforts be executed without regard for cost recovery. The reasons given are “common law” and agreement with the SOLAS convention, referred to in Question (4) above.

8. The costs incurred by the Service as a result of the Marine Unit rescue of the pilot and passengers from the crash of a small privately-owned plane on October 09, 2003.

Response:

This six-hour operation resulted in a cost of \$4,609.43

9. A detailed breakdown of the costs associated with the October 9, 2003 rescue noted above, compared to the costs incurred by the Marine Unit for the search and recovery of the pilot and airplane from the July 7, 2003 crash.

Response:

The July 7, 2003 crash drained the resources of the Marine Unit for approximately two weeks as the plane and the deceased pilot came to rest at a depth of 220 feet, hampering search and recovery methods. External resources, such as salvage lifting equipment, had to be called in to assist.

In comparison, the October 9, 2003 crash was handled and resolved in a few hours using equipment readily available at the Marine Unit.

The detailed breakdown of the costs can be seen in Appendices “B” and “C”.

10. Any new search and rescue or policing operations that have been downloaded by the federal or provincial governments to the Toronto Police Service.

Response:

At the time of this report there are no additional policing responsibilities being downloaded by either the federal or provincial governments to the Toronto Police Service.

11. Procedures adopted by other jurisdictions with respect to cost-recovery following search, rescue and/or recovery involving police marine services.

Response:

A canvas of the other police services in the Greater Toronto Area that provide marine policing indicate that there are no procedures with respect to cost recovery following search and rescue operations.

Conclusion:

Historically, cost recovery of Marine Unit search, rescue and recovery operations has not been pursued by this Service, local police services in the Greater Toronto Area, or by other police agencies internationally.

It is the opinion of the Toronto Police Legal Services Branch that cost recovery should not be pursued.

Chair Alan Heisey commended the Service members involved with the preparation of this very informative report.

The Board received the foregoing.

Appendix A

Cost Recovery Legal Opinion

Further to your request, I have examined various materials in relation to the viability of the TPS initiating a cost recovery scheme for our efforts in search and rescue operations. (Note: this does not speak to salvage operations).

I believe that the following issues should be addressed:

1. What are our responsibilities in relation to policing waterways?
2. What recourse, if any, do we have with respect to cost recovery for our participation in search and rescues?

The short answer, I suggest, is that the Service cannot adopt a cost recovery strategy for our part in search and rescue operations for two reasons:

1. The TPS responsibilities for policing waterways are akin to those for policing on land. Our common law duty to protect life and property, a duty which has been broadly interpreted by the Courts to include the protection of life and property where no criminal activity is involved, prevents us from recovering costs in search & rescue situations.
2. Further, to our common law obligations, the Safety of Life at Sea (SOLAS) Convention, established by the International Maritime Organization (IMO) and adopted by Canada and other governments and organizations worldwide, prohibit charging for humanitarian aid. However, even if the authority existed to charge for search and rescue services, the IMO & the International Civil Aviation Organization (ICAO) have suggested that the possibility of incurring costs might discourage people from seeking assistance until they are in dire distress, thereby increasing the likelihood of loss of life.

Analysis:

The general issue of the TPS's responsibilities with respect to policing waterways (specifically Lake Ontario) has been raised, in varying forms, over the years, accompanied each time by at least one legal opinion. Staff Inspector Hegney was able to provide many examples of these, dating back as early as 1987. Each of the reports and opinions found that the Service's responsibility to provide policing services on Lake Ontario, within the Toronto boundaries, was similar to that of policing on land. It follows then, that the statutory and common law duties and responsibilities that apply to policing on land, would also apply to policing Toronto's waterways. I opine, therefore, that the TPS has a responsibility to assist victims who require marine or aviation search and rescue services, much in the same way that we would assist victims of accidents or victims of crime.

As stated above, our common law duties extend to policing Toronto waterways and therefore we are prevented from seeking cost recovery for search and rescue services. While, I acknowledge that it is the Canadian Coast Guard that has the primary responsibility for search and rescue services on all Canadian waterways, the TPS Marine Unit does work cooperatively with the Coast Guard (and other organizations) to coordinate marine services within the boundaries of the greater Toronto area. In light of this fact (and the varying levels of government & private organizations involved), I believe that it is especially important to maintain consistency in the application of search and rescue standards and delivery of search and rescue services. To this end, I found it instructive to examine some of the legislation that governs the Canadian Coast Guard, such as the *Oceans Act*, S.C. 1996, c. 31, the *Canada Shipping Act*, R.S.C. 1985, c. S-9, and the *Canadian Transportation Accident Investigation and Safety Board Act*, S.C. 1989, c. 3. It was noteworthy that none of the above legislation provides for cost recovery for search and rescue services.

In addition to the above, I also examined a number of international sources to determine the extent to which other organizations or governments charged for search and rescue. In doing so, I found that SOLAS (an international agreement to which Canada is a party) prohibits charging for search and rescue, since it is considered to be humanitarian aid. As previously stated, one concern held by the IMO and the ICAO is that charging for humanitarian aid will discourage individuals from seeking assistance until it is too late.

Further, in looking at materials from the United States, Australia, New Zealand and the UK (the majority of which was forwarded by Staff Inspector Hegney), I found that international protocols dictate that search and rescue efforts be executed without regard for cost recovery. The United States National Search and Rescue Plan confirms this premise. Sections 48 and 49 of the plan state:

Charging for SAR Services

48. The Participants agree that SAR services that they provide to persons in danger or distress will be without subsequent cost-recovery from the person(s) assisted.

49. In accordance with customary international law, when one nation requests help from another nation to assist a person(s) in danger or distress, if such help is provided, it will be done voluntarily, and the U.S. will neither request nor pay reimbursement of cost for such assistance.

Further, the United States National Search and Rescue Supplement to the International Aeronautical and Maritime Search and Rescue Manual states:

7.5 Charging for SAR Services

7.5.1 Customary practice worldwide is not to charge for SAR services. A long tradition exists of assisting persons in distress without regard for reimbursement.

With all of this in mind, I would suggest that seeking to implement a cost recovery strategy for the Toronto Police Service's part in search and rescue services is not a viable option.

Appendix B

TORONTO POLICE SERVICE RECOVERY OF AIRPLANE JULY 2003 FINANCIAL IMPACT

Staffing Impact

	Regular	OT
Staffing hours	348.5	516.5
Staffing - Average Cost per Hour	\$32.83	\$47.75
Staffing - Total Cost	\$11,441.26	\$24,662.88
add Fringe Benefits	35%	10%
Total Salary Cost	\$15,445.69	\$27,129.16
		\$42,574.86

Use of Marine Craft

Hours	288	
Cost per Hour	\$105.61	
Total Cost		\$30,415.68

Recovery (McNally Construction Inc.)

Days	2	
Cost per Day	\$29,933.86	
Total Cost		\$59,867.72

TOTAL COST

\$132,858.26

Appendix C

TORONTO POLICE SERVICE RECOVERY OF AIRPLANE OCTOBER 9, 2003 FINANCIAL IMPACT.

Staffing Impact

	Regular	Callback
Staffing hours	54	6
Staffing- Average Cost per Hour	\$32.83	\$47.75
Staffing- Total Cost	\$1,772.82	\$286.50
Add Fringe Benefits	35%	10%
Total Salary Cost	\$2,393.30	\$315.15
		\$2,708.45

Use of Marine Craft

Hours	18	
Cost per hour	\$105.61	
Total Cost		\$1,900.98

Recovery (Toronto Port Authority)

Use of barge and crane no cost to Police Service

TOTAL COST \$4,609.43

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

#P16. BICYCLE THEFTS

The Board was in receipt of the following report DECEMBER 05, 2003 from Julian Fantino, Chief of Police:

Subject: BICYCLE THEFTS

Recommendation:

It is recommended that: the Board receive this report.

Background:

At the Board meeting of October 16, 2003, the Board requested that the Chief of Police provide a report to the Board with respect to the Toronto Police Service's efforts to address bicycle theft (Board Minute P274/03 refers). Several points were identified for inclusion in this report. These points have been addressed and the following information is provided for the Board.

(a) The level of bicycle theft in 2003 as compared to previous years.

The number of bicycle thefts which have been reported between January 1, 2003 and September 15, 2003 is 3,957. In comparison, a year-end total of 3,914 bicycles were reported stolen in 2002, 4,044 in 2001, 3,911 in 2000, 5,268 in 1999 and 6,234 in 1998.

These statistics indicate that the number of reported bicycle thefts decreased by 3.2% between 2001 and 2002, and decreased by 37.2% between 1998 and 2002. While this five year comparison demonstrates a decline in reports of bicycle thefts, the number of reported bicycle thefts in the first nine months of 2003 was greater than the number of reported thefts in all of 2002. Bicycle thefts peaked in 1993 during which time 11,908 thefts were recorded.

(b) The initiatives that the Service has implemented to address bicycle theft and an assessment of the success of these initiatives; whether there are innovative programs in other jurisdictions that the Service is considering to better address bicycle theft.

The Toronto Police Service has a bicycle registration program, managed by Corporate Information Services, to assist in the recovery of stolen bicycles. This program is promoted through pamphlets and stickers, which are available in each public police facility. These are also distributed to the public through various other avenues such as mall displays, school presentations, and any public events that the police are involved in, where this would be appropriate. The pamphlets include information on protecting your bicycle, bicycle identification and registration, and protecting you as a cyclist. The last page of the pamphlet contains 2 copies of the bicycle registration form. One of these copies is to be retained by the owner for their records and the second copy is to be returned to the Toronto Police Service.

The bicycle registration program is also promoted through the Service's Internet website: the site contains preventive material outlined in the Bicycle Registration and Theft Prevention pamphlet. The registration form is also on-line for the public to print, complete and return to their local police division.

In 1999, the Community Policing Support Unit and the Property and Evidence Management Unit launched a poster campaign entitled "Operation Sign-Up". This campaign involved a partnership between the police and various stakeholders, namely, Wal-Mart, Toys R Us, Zellers, Canadian Tire, Sears, Independent Bicycle Dealers, and the City of Toronto Cycling Ambassadors. The Service's Bicycle Registration and Theft Prevention pamphlet was updated and an "Operation Sign-Up" poster was created.

The posters were displayed at the participating retailers and registration pamphlets were situated at the check-outs. When a consumer purchased a bicycle, they were encouraged to complete a bicycle registration card prior to leaving the store. Members of the Service would then visit these establishments on a weekly basis to collect the cards. The cards were then forwarded to Corporate Information Services (CIS) where the information was entered in the BIKE Registration System.

Unfortunately, this program was not as successful as was anticipated due to quality control issues. In many instances, the cards were not completed correctly, making it almost impossible for members of CIS to enter meaningful data into our systems. Key information such as serial numbers, owners' names, and contact phone numbers were not completed, rendering the forms inadequate for registration purposes. Attempts were made to try to rectify this problem. Service members liaised with the contact personnel from the participating establishments and provided training information on how the cards should be completed, in order to obtain meaningful information for registering. However, this proved to be a difficult process due to the turn over and number of part-time staff in the participating retail establishments.

Business Watch International (BWI) is a Canadian company that provides Internet-based applications to serve property owners, pawn and second hand stores, and police agencies. The Service is currently looking into a proposed partnership with BWI to develop a user friendly, on-line BIKE Registration System. This initiative will allow members of the public to register their bicycles on-line, no longer requiring the need to print, complete and mail the form into the Service. However, in the event that someone does not have access to the Internet, they will still have the option of completing and returning the form in hard copy.

This partnership would involve no cost to the Service or the public registering their bicycle. Also, although the information will be stored off site on a Business Watch International server, the Service will continue to maintain ownership of all data. If this partnership is successful, this service is expected to be available by the end of the year and should enhance the Service's ability to return located stolen bicycles. This on-line BIKE Registration System will be managed by Community Programs who will be responsible for monitoring any fluctuation in the number of people registering their bicycles.

According to the Crime Prevention Unit of Community Programs, the Service does exchange information with other police services in regard to bicycle theft prevention and other theft prevention initiatives. Through this information sharing the Service has determined that there are no new and innovative programs occurring in other jurisdictions for the Service to consider to better address bicycle thefts. However, should the Service become aware of any new initiatives to address bicycle thefts they would be considered at that time.

(c) Suggestions for the public to minimize their vulnerability to bicycle theft.

As outlined in the Bicycle Registration and Theft Prevention pamphlet, it is suggested that bicyclists use a good quality locking device, such as a hardened steel chain and padlock. It is also suggested that cyclists lock their bicycles and both wheels to an immovable object, which cannot be easily cut or broken.

When leaving a bicycle unattended, cyclists should remove all detachable accessories and take the accessories with them to prevent loss.

Cyclists should have a detailed description of their bicycles that can be provided to the police in the event that a theft occurs. This detailed description will assist in the investigation and, upon recovery, the return of the bicycle to its owner. The description should include as much detail as possible, including such things as serial number, make, model, colour(s), frame style, frame size, wheel size, type of gears, type of handle bars, seat style, and any accessories/identifiers etc. Providing all possible details assists in the investigation and the recovery, and the return of the stolen property to the rightful owner.

It also cannot be emphasized enough how important it is to register the bicycle with the Toronto Police Service to assist in the recovery of the bicycle.

(d) If practicable, an estimate of the cost to the Service of addressing thefts of bicycles.

At present, the Service does not keep track of processing times for every type of incident, due to resource constraints. However, conservative estimates by the Central Alternate Response Unit put the time spent on bicycle theft at approximately 30 minutes per incident. If the year 2002 is used as an example, the estimation would be as follows:

Time spent per incident (30 minutes) x Total Bicycle Thefts for 2002 (3,914) = 1,957 hours

According to Human Resources, the current hourly rate for a 1st Class police constable is \$30.94. Therefore, with the assumption that a 1st class constable is the Service member most likely to deal with a bicycle theft, the estimated cost to the Service for 2002 would be approximately 1,957 (hours) x \$30.94 (hourly rate) = \$60,549.58.

This estimate does not reflect the time it takes for the data to be entered onto the Service's Enterprise Case and Occurrence Processing System (eCOPS). This additional time is estimated at approximately 15 minutes per report. Depending on the circumstances, these reports may be entered onto the system by either a civilian member of CIS-Operations, or the officer taking the report. It is not possible to provide an estimate for the cost associated with this time because of the variation in salaries depending on who entered the report.

(e) A comparison of the level of bicycle theft to the level of automobile theft, if known.

A comparison of the level of bicycle theft versus automobile theft for the last five years is as follows:

<u>Year</u>	<u>Bicycle Thefts</u>	<u>Auto Thefts</u>
1998	6,234	15,189
1999	5,268	14,693
2000	3,911	13,954
2001	4,044	14,020
2002	3,914	12,954

(f) An estimate of the percentage of bicycle theft that is unreported.

There is no way for the Service to predict the percentage of bicycle theft that is unreported.

With regard to general levels of non-reporting of crime, the 1999 General Social Survey by Statistics Canada found that 67% of thefts of household property were not reported to police. (Theft of household property included such property as liquor, bicycles, electronic equipment, tools, and appliances.)

(g) A comparison of Toronto Police Service procedures governing response to bicycle theft versus response to automobile theft.

Theft of Vehicles

Item 3 of Service Procedure 07-12 'Theft of Vehicles' directs officers that:

- "3. When a vehicle has apparently been stolen shall*
- attend the scene promptly and conduct a preliminary investigation*
 - notify the communications operator of the relevant details*
 - generate an occurrence report by contacting Corporate Information Services - Operations (CIS-Ops) and provide all pertinent information including*
 - licence plate number, make, model, colour, VIN and any other vehicle descriptors*
 - insurance information*

- *whether the vehicle is equipped with a vehicle tracking system*
- *complainant's name, agency/dealership if applicable, and contact numbers*
- *any additional pertinent information to be entered on CPIC (e.g. cautions, obtained by fraud)*
- *advise the complainant to immediately notify police if the vehicle is found*

This procedure provides further direction to the officer for specific vehicle thefts, such as theft of a rental vehicle, police vehicle, or multiple stolen vehicles.

Theft of Bicycles

The Service does not have a specific procedure for theft of bicycles. However, there is a standard way to deal with theft of bicycles.

In the event that a bicycle is stolen, the general operating process involves an occurrence report (Property Report – Bicycle/Tricycle) being completed. This information is then entered on the Service's Enterprise Case and Occurrence Processing System (eCOPS) with a description of the bicycle.

When a bicycle is located, an officer submits a property report, which is again entered onto eCOPS. Once the bicycle is received at the Property and Evidence Management Unit, the bicycle is physically verified against the information contained on the property report and property receipt.

The serial number of the bicycle (or any other identifying number engraved on the bicycle) is checked on 3 separate databases in an attempt to ascertain ownership. These databases are CPIC (Canadian Police Information Centre), eCOPS, and the Service's BIKE Registration System.

The length of time a bicycle is held in storage is determined by the reason the bicycle was originally submitted to the Property and Evidence Management Unit. Found bicycles are held for 30 days in accordance with the Police Services Act. Seized bicycles are held until the conclusion of the investigation or judicial proceeding.

After 30 days, if the owner or finder does not claim the bicycle, the 3 databases would be re-checked in a final attempt to ascertain ownership before being offered up for auction. The checking of the databases is repeated because occasionally bicycles are reported stolen after they have already come into the possession of the Toronto Police Service.

Once ownership of found property is ascertained, a registered letter is sent to the owner notifying them that they have 21 days to claim their property. This property can either be claimed in person, at the Property and Evidence Management Unit, or the owner can request to have it delivered to a police station close to where they live or work. If this letter is not responded to within 21 days, the property would then be treated as unclaimed and would go for auction.

Conclusion

As with all theft, the Service recognizes the impact the loss of a bicycle can have on an individual. Therefore, the Service has been and will always be committed to assisting the public in theft prevention and the recovery of property to its rightful owner.

It is recommended that the Board receive this report.

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

Chair Alan Heisey commended the Service members involved with the preparation of this very informative report.

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

#P17. PRELIMINARY REVIEW OF 2003

The Board was in receipt of the following report JANUARY 06, 2004 from Julian Fantino, Chief of Police:

Subject: PRELIMINARY REVIEW OF 2003

Recommendation:

It is recommended that:

The Board receive this report for information.

Background

At the earliest possible time in this New Year, I thought that the members of the Police Services Board would appreciate receiving a preliminary overview of some of the more significant issues that have impacted the Service in 2003 and some of the operational strategies underway or being implemented for 2004.

The Service remains focused on the 2002 - 2004 priorities which continue to be a relevant and well defined strategy that I believe is achieving excellent results in all of the identified categories: Youth Violence and Victimization of Youth, Organized Crime, Traffic Safety, Drug Enforcement and Education, Human Resources Development, Service Infrastructure, Community Safety and Satisfaction. The accomplishments and overall performance, in these and other operational areas of the Service will be reported in greater detail at a later time.

Although we can celebrate some meaningful successes, I am very concerned about our ability to effectively tackle some of the more nagging issues, such as the proliferation of guns, gangs and drugs, and more especially the exponential gun violence that continues to plague the City. This violence involving guns is a real threat to our community and to the safety of our police officers.

Having said this however, I am pleased with the overall effectiveness of the various strategies we have put in place to deal with these challenges and, it goes without saying, can only imagine what would have happened and what situation we would be facing today were it not for the implementation of such initiatives as the Guns and Gangs and the Street Violence Task Forces, whose combined efforts are achieving some very impressive results.

Enforcement initiatives and the reactive response to violent crime in particular, albeit essential, are not the most effective long-term method to deal with crime. Collaboration with the entire spectrum of local, provincial and federal governments and their stakeholders must take place resulting in real proactive and effective strategies and programs. Until such time as other

meaningful societal problem solving and prevention strategies are employed and working, much of the public safety responsibility will continue to be shouldered by the police. In the circumstances that currently prevail, including the unacceptable killing of so many young men by their contemporaries, effective long term preventative solutions and programs are beyond the sole scope and capacity of the police.

On all fronts, and especially on critical public safety issues, most notably the guns, gangs and drugs subculture and traffic safety, the Service is fully engaged and not waiting for a long-term solution. During 2003 the Service has moved to become increasingly proactive and although the results in many areas are gratifying, there is a great deal more work to do. I am also pleased to see that our men and women are working flat out, that the morale of our people is high as is their commitment to the tasks at hand despite the danger and sometimes unfair criticism they face.

Furthermore, I know that the overwhelming majority of our personnel are firmly focused and committed to the Core Values of the Service: Honesty, Integrity, Fairness, Respect, Reliability, Team Work and a Positive Attitude. Intrinsic values that govern all that we do, all of the time. I am equally committed to dealing with all exceptions that deviate from these guiding principles.

Over the years, our officers throughout the city have established countless community-based partnerships with all aspects of our diverse community. Be it Community Policing Liaison Committees (CPLCs) at the local Unit level, the Recruiting Advisory Committee, the Chief’s Advisory Committee, the many youth, crime prevention and volunteer programs and services, the interaction with the community of Black Faith Leaders or the myriad of community bases partnerships underway within the Service, I can state unequivocally that the philosophy and practices of Community Policing continue to be a high priority for the Toronto Police Service.

During 2002 and into 2003 we also managed to redeploy more than 100 police officers into front line duties as well as ensuring 24/7 supervision on all platoons to provide added support for our fast growing junior workforce. For example, the number of police officers in 1998 with 0 to 5 years of service was 10%, that number in 2003 rose to 32%.

The Major Crime Indicators 2002 - 2003:

Crime	2002	2003	% +/-
Murder	60	65	8%
Sexual Assault	1799	1238	-31%
Assault	19962	17701	-11%
Robbery	4153	4384	6%
Break & Enter	13689	13168	-4%
Auto Theft	10871	11749	8%
Theft Over	1763	1411	-20%
Total	52297	49716	-5%

The Major Crime Indicators show an overall decrease of 5% from 2002, while at the same time violent crime, especially murder and robbery are up by 6.4%. Also, the preliminary calculations of the clearance rate indicates the solvability of crime is down about 7% to 35%.

There are many factors that influence the crime clearance rate, however, the available time and resources that can be dedicated to investigations along with the availability of witnesses are the most significant factors influencing the solvability rate of crime. In 2003 gun calls, calls for service including emergency 9-1-1 and dispatched calls were up significantly.

Breakdown of Calls For Service and Dispatched Calls:

Calls for Service	2001	2002	% +/-	2003	%+/-
Emergency 911	944930	998763	5.7%	1013888	1.5%
Non-Emergency	855195	855805	.1%	876754	2.4%
Dispatched	657818	681252	3.6%	709854	4.2%
Gun Calls	2632	2575	-2.2%	2896	12.5%

Throughout 2003 a number of enforcement and educational initiatives were implemented to respond to the high rate of traffic fatalities and collisions. I am pleased that these programs resulted in the number of traffic collisions, injuries and fatalities being reduced significantly this year. The enforcement strategies by our officers, especially in the area of Provincial Offences Notices consisting mainly of traffic enforcement citations is up considerably over last year: 374659 in 2002, and 449737 in 2003, an increase of 20%. Alcohol related driving offences are down, however in 2003, 11 persons were killed in alcohol related collisions as compared to 13 in 2002. During 2003 the Service took delivery of a 'state of the art' Mobile R.I.D.E. van thus enabling officers to carry out more effective R.I.D.E. programs year round.

Overall, the Service seized 2020 firearms during 2003, including the 80 guns seized by Gangs and Guns and Street Violence Task Forces during its 4 months existence. The Gangs and Guns Task Force and the Street Violence Task Force have arrested 353 persons facing 1,017 criminal charges, mostly dealing with firearms and drugs offences. There are 73 street level youth gangs of various descriptions operating in the City, involved in dealing drugs, intimidation, extortion, firearms crimes, and disputes and battles over territorial supremacy whose members are ruthless and predisposed to violence including gun play in very public places without regard for human life. In spite of the impressive success achieved by the Gangs and Guns and Street Violence Task Forces during 2003 gunplay in the City rose by an alarming 35% over the previous year.

During 2003, it became more obvious than ever that the current system of criminal justice is virtually broken and in need of a major overhaul. Be it the inadequate sentencing provisions, the high recidivism rate of violent criminals, the extraordinary labour intensive bureaucratic requirements and processes imposed on police, the unreasonable disclosure demands, the protracted criminal trials, the lax bail and parole provisions, and much more are all factors that compromise the effectiveness of the current criminal justice system.

I have requested the Federal Justice Minister undertake a review of the criminal justice system. 2003 was also a year of unanticipated major investigations that included the murder of Holly Jones and the kidnapping of Cecilia Zhang. The Service faced other significant challenges such as the SARS Rolling Stones Concert, the power outage and finishing off the year with a spate of gun related murders that brought the total murders for the year to 65, up from 60 in 2002.

I am pleased to advise the Board that in spite of the significant challenges faced throughout 2003 we have successfully managed our operating budget resulting in a surplus of approximately \$1 million dollars.

Throughout 2003 the Service has maintained a responsible and proactive approach in response to the allegations of racial profiling. In this regard, a great deal of work has been undertaken by the Board and the Service - Joint Working Group that was put in place to deal with the controversy. As you know, one media outlet and some police critics are very outspoken and critical of me for not acknowledging that the Service and our officers systemically engage in racial profiling. I have not agreed to those statements because they are not true and to state otherwise would do a terrible disservice to the vast majority of our officers who are true professionals putting their lives on the line daily to make our city a safer place. Our officers have millions of contacts with the public in this city each year. When we learn of any unprofessional conduct we deal with it in the appropriate manner.

It is worthy of note that in spite of this totally unjust portrayal of the Service we are gratified by the public support as was determined by the Ipsos-Reid poll in September 2003 which indicated that 85% of Torontonians are satisfied with our services.

During 2003 our recruiting and hiring strategy has enabled the Service to finally staff to our authorised strength of 5266 police officers.

Service Demographics	Minorities		Aboriginal		Female	
	1998	2003	1998	2003	1998	2003
Sworn Members	8.1%	11.7%	0.6%	0.8%	11.9	14.4%
Civilian Members	24.2%	22.1%	0.9%	0.5%	55.3%	54.9%

A number of significant projects were started in 2003 that I anticipate will result in significant short and long term benefits to the Service's operational efficiencies in 2004:

- 1) Re-alignment of patrol areas including walking beats,
- 2) Negotiations to attempt to implement a more efficient shift system which is intended to produce additional police presence in the community during peak demands,
- 3) Intelligence-led targeted enforcement in support of the Guns and Gangs and Street Violence Task Forces,
- 4) Another round of Town Hall Meetings across the city,
- 5) A community based problem solving summit to attempt to address the street violence, drugs and gangs and guns issues, greater emphasis on internal and external communications using the Internet and Intranet, etc.

I look forward to discussing with the Board our accomplishments and overall performance in greater detail at a later time.

The Board received the foregoing report and requested all future reports containing statistics of any kind, include a five-year representation of the pertinent statistics for comparative purposes.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

**#P18. REVIEW OF A COMPLAINT ABOUT POLICE POLICY – ROAD-SIDE
ALCOHOL SCREENING TESTS: RESPONSE FROM THE CHIEF
CORONER’S OFFICE**

At its meeting on November 13, 2003, the Board reviewed a policy complaint regarding the use of road-side alcohol screening devices. The complaint was made following an investigation into a traffic collision that occurred on October 11, 2002 and resulted in the death of a young woman, Ms. Magda Gryc.

Following a review of the policy complaint, the Board concurred with the decision of the Chief of Police that no further action be taken with respect to the complaint. The Board also decided to send correspondence to the Chief Coroner of Ontario recommending that he consider conducting an inquest into the death of Ms. Gryc (Min. No.s P311/03 and C216/03 refer).

The Board was in receipt of the following at its meeting today:

- copy of correspondence, dated December 08, 2003, from Alan Heisey, Q.C., Board Member, to David Evans, M.D., Office of the Chief Coroner of Ontario;
- correspondence, dated December 16, 2003, from James Edwards, M.D., Office of the Chief Coroner of Ontario, to Alan Heisey, Q.C., Chair;
- correspondence, dated January 12, 2004, from Scott Newark, Vice-Chair and Special Counsel, Office for Victims of Crime, Ministry of the Attorney General; and
- correspondence, dated January 15, 2004, from James Edwards, M.D., Office of the Chief Coroner of Ontario, to Alan Heisey, Q.C., Chair.

Copies of the foregoing correspondence are appended to this Minute for information.

Mr. Owen Mathias was in attendance and made a deputation to the Board. Mr. Mathias commented upon Dr. Edwards’ January 12, 2004 correspondence which indicated that he has no plans to call an inquest into the death of Ms. Gryc at this time. Mr. Mathias expressed disappointment that an inquest would not be held and indicated that he believed the Board’s December 08, 2003 correspondence should have included an explanation or the reasons for its decision to recommend that the Chief Coroner’s office consider conducting an inquest.

The Board asked Chief Fantino whether he thought the Board could do anything more at this time. Chief Fantino referred the Board to Dr. Edwards’ correspondence which advised that a member of Ms. Gryc’s family could contact the Coroner’s Office and request that an inquest be held. Chief Fantino also suggested that the Board could correspond with the Chief Coroner of Ontario, Dr. James Young, and request that he review this matter.

The Board approved the following Motions:

- 1. THAT the deputation by Mr. Mathias be received;**
- 2. THAT the correspondence from Chair Heisey, Dr. Edwards and Mr. Newark be received; and**
- 3. THAT the Board refer this matter to Chair Heisey for further review in light of Mr. Mathias' and Chief Fantino's comments and report back to the Board following the review.**



Toronto Police Services Board

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December 08, 2003

Dr. David Evans
Regional Supervising Coroner, Toronto West
Office of the Chief Coroner for Ontario
26 Grenville St.
Toronto, Ontario
M7A 2G9

Dear Dr. Evans:

Re: Death of Ms. Magda Gryc
Deceased: October 11, 2002 in the City of Toronto

At its meeting on November 13, 2003, the Toronto Police Services Board was in receipt of a report from Chief of Police Julian Fantino regarding the review of a decision about a complaint with respect to a Toronto Police Service policy.

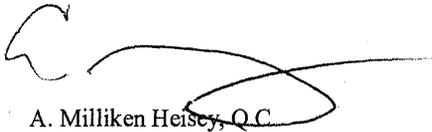
The complaint about a police policy was initiated following the death of Ms. Magda Gryc which occurred in the City of Toronto on Friday, October 11, 2002. Ms. Gryc was struck by a motor vehicle and the complainant's believe that the police officers who attended the scene should have administered a road-side alcohol-screening test upon the driver of the motor vehicle that struck Ms. Gryc.

Following consideration of Chiefs Fantino's report regarding the review of his decision regarding the policy complaint, the Board concurred with the Chiefs decision that no further action be taken with respect to the complaint. However, the Board also approved a Motion to send correspondence to the Chief Coroner of Ontario recommending that he consider conducting an inquest into Ms. Gryc's death.

cont.. .d

A copy of the Board Minute with respect to this matter is attached for information. It would be appreciated if you would keep me informed of any decisions that may occur as the result of the foregoing recommendation.

Yours truly,

A handwritten signature in black ink, appearing to read 'A. Milliken Heisey, Q.C.', with a large, sweeping flourish extending to the right.

A. Milliken Heisey, Q.C.
Board Member

attach: TPSB Minute No. P3 1 1/03



Office of the Chief Coroner

26 Grenville Street
Toronto ON M7A2G9
Telephone: (416) 314-4000
Facsimile: (416) 314-4030

bureau du coroner en chef

26 me Grenville
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December 16, 2003

A. Milliken Heisey, Q.C.
Toronto Police Services Board
40 College Street,
Toronto, Ontario M5G 2J3

Dear Mr. Heisey:

Re: Ms. Magda Gryc
Date of Death: October 11, 2002
OCC File # 2002/12759

I am writing in regard to your letter of December 8, 2003 and the Minutes of the Public Meeting of the Toronto Police Services Board held on November 13, 2003. As you know, the Toronto Police Services Board has recommended that the Chief Coroner of Ontario consider conducting an inquest into the death of Ms. Magda Gryc.

Please be advised that I will carefully consider your correspondence as I decide whether or not to call an inquest into the death of Ms. Gryc.

As I mentioned during our telephone conversation of December 12, 2003, the Coroners Act specifies the criteria to be used in deciding whether to call a discretionary inquest. I refer to *Section 20* of the Act, which states:

When making a determination whether an inquest is necessary or unnecessary, the coroner shall have regard to whether the holding of an inquest would serve the public interest and, without restricting the generality of the foregoing, shall consider,

- (a) whether the matters described in clauses 31(1)(a) to (e) are known;
- (b) the desirability of the public being fully informed of the circumstances of the death through an inquest; and
- (c) the likelihood that the jury on an inquest might make useful recommendations directed to the avoidance of death in similar circumstances.

The matters referred to in *Section 31* of the Act are:

- (1) Who the deceased was;
- (2) How the deceased came to his (her) death;
- (3) When the deceased came to his (her) death;
- (4) Where the deceased came to his (her) death; and



(2) By what means ~~the~~ deceased came to his (her) death.

Thank you for bringing the recommendation of the Toronto Police Services Board to my attention. Please contact me if you have any questions or concerns regarding this matter.

Yours truly,

A handwritten signature in cursive script that reads "James Edwards". The signature is written in dark ink and is positioned above the typed name.

James Edwards, M.D.
Regional Supervising Coroner
Toronto East

Ministry of the Attorney General

Office for Victims of Crime

3rd Floor
700 Bay Street
Toronto ON M5G 1Z6

Telephone (416) 326-1682
Facsimile (416) 326-4497

1-877-HELP-661

Ministère du Procureur général

Office des affaires des victimes d'actes
criminels

3^e étage
700, rue Bay
Toronto ON M5G 1Z6

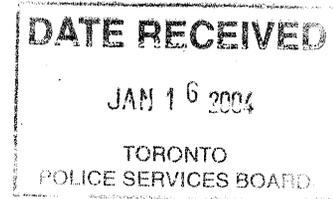
Téléphone (416) 326-1682
Télécopieur (416) 326-4497

1-877-HELP-661



January 12, 2004

Mr. Alan Heisey
Acting Chair
Toronto Police Services Board
40 College Street
Toronto ON M5G 2J3



Re: Complaint by Mr. Owen Mathias

Dear Mr. Heisey,

Our Office has been asked to write a letter of support with respect to a recommendation made by the Toronto Police Services Board for an inquest into the death of Magda Gryc. Mr. Mathias had originally contacted our Office in relation to his concerns regarding the actions, or lack of them, of members of the Toronto Police Service in investigating the matter that resulted in the death of his girlfriend. The only other issue raised by Mr. Mathias with us was his dissatisfaction with the conduct of prosecution including the absence of victim assistance. In short, we were unaware of any issues that would normally attract the attention of an inquest.

I've reviewed both the recommendation and the supplied minutes and have been unable to identify anything directly related to a concern of Mr. Mathias with respect to that which caused or contributed to the cause of death of his girlfriend. As I'm sure you know, Coroner's inquests in Ontario have a laudable history of considering such systemic issues but this was not anything identified to us, or, to our knowledge, raised by Mr. Mathias in his complaint to the Chief and then the Board. Mr. Mathias has confirmed that his complaint was with respect to police conduct and is unclear as to the origin of the Board's recommendation for a Coroner's inquest.

Accordingly, in order to assist Mr. Mathias in assessing his future actions, I would ask for the specific basis on which this recommendation was made and any supporting information pertaining thereto.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Newark".

Scott Newark
Vice-Chair and Special Counsel



Office of the Chief Coroner

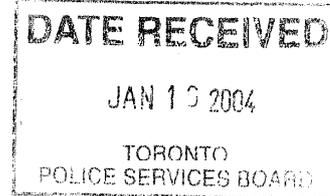
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January 15, 2004

A. Milliken Heisey, Q.C.,
Toronto Police Services Board,
40 College Street,
Toronto, Ontario M5G 2J3



Dear Mr. Heisey,

I am writing in regard to the recommendation by the Toronto Police Services Board that the Chief Coroner of Ontario consider conducting an inquest into the death of Ms. Magda Gryc.

In my letter to you of December 16, 2003, I specified the criteria to be used in deciding whether to call a discretionary inquest. Based upon a careful review of the information available to me, I have no plans to call an inquest into the death of Ms. Gryc at this time.

Please note that a member of Ms. Gryc's family may request in writing that I hold an inquest into her death, with his or her reasons. I would then reconsider my decision after reviewing the request and any supporting information, and advise him or her in writing of my final decision.

Sincerely,

James Edwards, M.D.
Regional Supervising Coroner
Toronto East

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

#P19. ANNUAL REPORT: 2004 ANNUAL REVIEW OF BOARD REPORTS

The Board was in receipt of the following report JANUARY 12, 2004 from A. Milliken Heisey, Q.C., Chair:

Subject: 2004 ANNUAL REVIEW OF BOARD REPORTS - PUBLIC

Recommendation:

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

Background:

It is the policy of the Board that the Board review, on an annual basis and at its first meeting in each year, the annual, semi-annual and quarterly reports it requires from the Chief of Police unless otherwise noted.

The Board currently receives:

- 3 reports on a quarterly basis:
 - Criminal Information Processing System Enhancements
 - *(with respect to Searches of Persons)*
 - Special Fund
 - Enhanced Emergency Management Plan

- 8 reports on a semi-annual basis:
 - Professional Standards
 - Parking Enforcement Absenteeism
 - Legal Indemnification
 - Implementation Status of Board Directions
 - Audit - Sexual Assault Investigations
 - Grant Applications & Contracts
 - Professional & Consulting Expenditures
 - "60/40 Staffing Model

- 25 reports on an annual basis
 - Annual Review of Reports *(submitted by Chair, Toronto Police Services Board)*
 - CPLC Committees and Divisional Activity
 - Community and Corporate Donations
 - Use of Police Image and Crest
 - Victim Services

- Hate Crimes
 - Race Relations Plan
 - Secondary Activities
 - Environmental Scan
 - Rule Changes
 - Secondments
 - Training Programs
 - Corporate Information Services Program Review
 - Special Constables Report (Toronto Transit Commission, Toronto Community Housing Corporation and University of Toronto)
 - Operating and Capital Budgets
 - Police Services Board Budget (*submitted by Chair, Toronto Police Services Board*)
 - Human Resources Strategy
 - Police Cooperative Purchasing Group
 - Parking Tag Issuance
 - Annual Audit Workplan
 - Audited Financial Statements of the Board's Special Fund and Trust Fund
 - Parking Enforcement Unit Budget
 - Toronto Police Service Annual Report
- 2 reports received every two years
 - Complaints – Board Policy Directive
 - Complaints against the Chief/Deputy Chiefs
 - (*both reports submitted by Chair, Toronto Police Services Board*)
- 2 reports received every three years
 - Business Plan
 - Environmental Scan

A list of all the current reports is appended as well as rationale for changes, if recommended, to the reporting requirements.

The Board received the foregoing.

Quarterly Reports

REPORT	BACKGROUND	CHANGES DURING 2003
<i>Special Fund</i>	The Board has asked for quarterly budget forecast of potential revenues and expenses.	
<i>CIPS</i>	As a result of the searches of persons data collection discussions, the Board asked for quarterly reports on the implementation of CIPS enhancements.	
<i>Enhanced Emergency Management Plan</i>	A report to the Board with respect to the Service's role in the City's enhanced emergency management plan.	
*Traffic Enforcement Test Initiative	The Board has asked for quarterly reports regarding the Traffic Enforcement Test initiative.	<i>The Chief will submit a consolidated report for the 1st and 2nd quarter (April, May and June) and (July, August, and September) for the November 2003 Board meeting. The 3rd quarter (October, November and December) will be submitted for the February 2004 meeting and the 4th quarter (January, February and March 2004) for the May 2004 Board meeting.</i>

SEMI ANNUAL REPORTS

REPORT	BACKGROUND	CHANGES DURING 2003
<i>Professional Standards</i>	The Board is required by legislation to review the Chief's administration of the complaints process. The Board receives statistical reports in May and November as well as monthly reports regarding allegations of serious misconduct.	
<i>Parking Enforcement Unit – Absenteeism</i>	Semi-annual statistics on absenteeism requested by the City of Toronto's Policy & Finance Committee.	
<i>Legal Indemnification</i>	A report relating to the payment of accounts for labour relations counsel, legal indemnification claims and accounts relating to inquests that are approved by HR and Labour Relations.	
<i>Audit - Sexual Assault Investigations</i>	The Chief is required to report on the implementation of the City Auditor's recommendations in his report – Review of the Investigation of Sexual Assaults.	
<i>Grant Applications & Contracts</i>	Grant applications and grant contracts require the signature of the TPSB Chairman through Board approvals. Many applications have short due dates for submission and, at times; contractual deadlines do not afford the opportunity for Board approval.	
<i>Implementation Status of Board Directions</i>	The Board requested this as a result of the OCCPS fact-finding mission. The Chief is required to report on the implementation status of the Board's directions.	
<i>“60/40” Staffing Model</i>	The Chief will provide semi annual reports to the Board on deployment figures.	

ANNUAL REPORTS

REPORT	BACKGROUND	CHANGES DURING 2003
<i>Annual Review of Reports to be submitted</i>	The Board has directed the Chairman to review all of the annual, semi annual and quarterly reports the Board has requested.	
*CPLC Committees & Divisional Activity	The Board has requested the Chief to provide an annual report on the activities that were funded by the police divisions using Board grants.	<i>THAT, effective 2004, the schedule for reporting the activities by the consultative and CPLC committees, including the request for annual funding, be revised from the current March due date to the January Board meeting each year. The request for funds related to the annual CPLC conference continues to be submitted to the Board for consideration at its March meeting. (Min. No. P195/03 refers.)</i>
<i>Community & Corporate Donations</i>	The report identifies all donations that were provided to the Service based upon approvals by the Board and Chief.	
<i>Use of Police Image and Crest</i>	The report is a summary of the requests for use of the Toronto Police image that were approved and denied during the year.	
<i>Victim Services Program</i>	The Board's (adequacy) policy on victim services requires annual reporting.	
<i>Hate Crimes</i>	The Board's (adequacy) policy on hate crimes requires annual reporting.	
<i>Race Relations Plan</i>	To report annually on the status of the Service's multi-year race relations plan and adjustments where necessary.	
<i>Secondary Activities</i>	The <u>Police Service Act</u> requires that the Board receive reports from the Chief regarding secondary activities.	

REPORT	BACKGROUND	CHANGES DURING 2003
<i>Environmental Scan</i>	The Scan has been incorporated into the business planning process. The business planning process is based on a three-year cycle.	
<i>'Rule' Changes</i>	The Board has established rules for the effective management of the police service. The purpose of the report is to ensure that the rules are being regularly updated. Changes can be submitted on an as-needed basis if necessary.	
<i>Training Programs</i>	Annual reports that evaluate the effectiveness of internal Service training programs.	
<i>Police Services Board Budget</i>	To review and approve the estimates for the Board's operations.	
<i>Secondments</i>	A report of all secondments approved by the Chief and submitted in February each year.	
<i>Program Review - CIS</i>	The Board requested updates regarding the status of staffing changes and financial statement with savings-to-date.	
<i>Special Constables Annual Report -TTC, TCHC & UofT</i>	The Board is the appointing body and has entered into legal agreements regarding special constables. The legal agreements require reporting.	

REPORT	BACKGROUND	CHANGES DURING 2003
<i>Operating and Capital Budgets</i>	Annual operating and capital budgets are submitted for approval.	
<i>Human Resources Strategy</i>	Annual strategy coinciding with annual operating budget to be submitted to the Board for approval.	
<i>Police Cooperative Purchasing Group (PCPG)</i>	The report is a summary of specifications for police-related goods and services, what has been purchased and any savings identified.	
<i>Parking Tag Issuance</i>	Annual parking tag issuance statistics.	
<i>Annual Audit Workplan</i>	It is the policy of the Board to develop an annual audit workplan in conjunction with the City Auditor.	
<i>Audited Financial Statements – Board’s Special & Trust Funds</i>	Audited financial statements of the Board’s Special Fund and Trust Fund by Ernst & Young.	

REPORT	BACKGROUND	CHANGES DURING 2003
<i>Parking Enforcement Unit Budget</i>	Annual budget for the Parking Enforcement Unit is submitted to the Board for approval.	
<i>Toronto Police Service Annual Report</i>	An annual report to the Board is required under the adequacy standards regulation.	
*Uniform Promotion	<p><i>The Chair and Vice Chair have standing authority to sign off on civilian promotions with the exception of promotions to senior level positions which continue to be submitted to the Board.</i></p> <p><i>The Board approved the Chief's request that a similar process be put in place for uniform promotions.)</i></p>	<i>The Board approved Standing authority to the Chairman and Vice Chair, or their designate to sign, authorize and approve all uniform promotions to the ranks of Sergeant/Detective and Staff/Detective Sergeant. The Board will receive a summary report at its February meeting each year on the promotions made to these ranks in the previous year.(Min. No. P136/03 refers)</i>
*Professional & Consulting Services	The City of Toronto Council requested all Agencies, Boards and Commissions (ABC's) review current policies and procedures to ensure they match the newly adopted City of Toronto policy (BM P80/02).	<i>The Board approved receiving the consulting expenditure report on an annual basis rather than a semi-annual basis. (Min No. P45/03 refers)</i>
*Implementation of Internal and External Audit Recommendations	Annual report which tracks the implementation status of ongoing internal & external audit recommendations originating from Chief's Administrative Reviews, Coroner's Jury Inquests	<i>The Board approved that future annual reports be submitted in a format suitable for the public agenda and if necessary, any matters which the Service determines should not be contained in a public report be provided to the Board in a separate confidential report to be considered in conjunction with the public report. (Min. No. P264/03 refers)</i>

REQUIRED EVERY 2 YEARS

REPORT	BACKGROUND	CHANGES DURING 2003
<i>Complaints - Board Policy Directive</i>	Review policy directive every two years. The policy was approved in December 1999.	
<i>Complaints – Against Chief/Deputy Chiefs</i>	Review Board policy directive every two years.	

REQUIRED EVERY THREE YEARS

REPORT	BACKGROUND	CHANGES DURING 2003
Business Plan	The Board is required to approve a business plan every three years.	
<i>Environmental Scan</i>	A full Environmental Scan is completed every three years.	

**Indicates new report or amendment to existing reports*

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

**#P20. SEMI-ANNUAL REPORT: IMPLEMENTATION OF THE BOARD'S
INSTRUCTIONS: JULY – DECEMBER 2003**

The Board was in receipt of the following report JANUARY 02, 2004 from Julian Fantino, Chief of Police

Subject: SEMI-ANNUAL REPORT ON THE IMPLEMENTATION STATUS OF THE
BOARD'S INSTRUCTIONS

Recommendation:

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

Background:

To comply with Recommendation #18, from the Ontario Civilian Commission on Police Services (OCCPS) report dated July 1999, a semi-annual report is a required from the Chief of Police to update the Board on the status of the Board's directions that otherwise would not require a report to the Board. (Board Minute #156/00 refers).

A review of the Board's public and confidential minutes for the period of July 1 – December 31, 2003, indicates that there were no directions to the Chief of Police for which the aforementioned recommendation would be applicable.

Superintendent Wayne Cotgreave of the Chief's Office will be in attendance at the Board meeting to respond to any questions, if required.

The Board received the foregoing.

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TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

**#P21. QUARTERLY REPORT: ENHANCED EMERGENCY MANAGEMENT:
OCTOBER – DECEMBER 2003**

The Board was in receipt of the following report DECEMBER 15, 2003 from Julian Fantino, Chief of Police:

Subject: QUARTERLY REPORT: OCTOBER – DECEMBER 2003,
ENHANCED EMERGENCY MANAGEMENT

Recommendation:

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

Background:

At it's meeting of December 13, 2001 (Board Minute 356/01 refers), I was directed by the Board to report quarterly on the progress of Enhanced Emergency Management. This report is in response to that direction.

The Board was last updated at the October 16, 2003 Board meeting (Board Minute P295/03 refers).

The Toronto Police Service (TPS) Emergency Management Section has been involved in a number of operational activities throughout the fall. In October Emergency Management participated in the SARSCENE 2003 Search and Rescue Conference that was held in Kingston, Ontario. SARSCENE focused on search and rescue with emphasis on urban extrication of victims from collapsed structures or cave-ins. The Toronto Heavy Urban Search and Rescue (HUSAR) team participated in a search and rescue competition held during the conference and placed first.

The Emergency Management Section assisted in numerous hazardous materials (HAZMAT) incidents that occurred within the city. These incidents include natural gas leaks and transportation mishaps and fires at locations where chemicals are processed and stored.

In October the Emergency Management Section participated in the Pickering Nuclear Exercise as well as simulated chemical spill exercises run by private industries in Toronto. The Nuclear Exercise was directed by the provincial government and was designed to test the province's nuclear plan. Our Service facilitated the operation of evacuation reception centres, the Joint Traffic Control Centre (JTCC), Joint Information Centre (JIC) and the Police Command Centre (PCC) in Toronto. The provincial government will be completing the post-exercise report. Dow Chemicals in Etobicoke and Halltech Inc. in Scarborough ran the chemical spill exercises. Both exercises focused on joint emergency service response to chemical spills.

In December the Emergency Management Section was involved responding to the major structural collapse of the Uptown Theatre on Balmuto Street. Emergency Management set up the Police Command Post and activated the HUSAR team. The HUSAR team conducted follow-up search operations of the downed structure.

HUSAR is a Toronto Fire Service lead initiative with a TPS component. Joint HUSAR training with TFS is ongoing. Police Dog Services (PDS) and Public Safety Unit (PSU) form the TPS portion of the team.

A number of emergency preparedness exercises are being scheduled to take place in 2004. On May 6, a nuclear drill exercise, in conjunction with Ontario Power Generation (OPG) and the Province of Ontario, will be conducted to test Toronto's emergency service preparedness. The Emergency Management Section will also participate in multiple exercises with the Community Awareness Environment Response (CAER) group in Toronto. CAER is a private organization that consists of representatives from chemical companies. It has four separate chapters in Toronto. This organization assists with the development of emergency response protocols in response to chemical spills and hazards. The purpose of these exercises is to allow TPS personnel, along with other agencies, to learn and practice emergency response to hazardous chemical spills. Additionally, TPS specific exercises will be developed to test and practice major emergency responsiveness with respect to incident command and control.

The joint city Chemical, Biological, Radiological, and Nuclear (CBRN) team consisting of TPS, Toronto Fire Service (TFS) and Emergency Medical Services (EMS) is now operating in phase three of the initial three-phase business plan. Phase three focuses on enhanced operational deployment, advanced training and formalizing protocols for chemical, biological and nuclear incidents. Currently, the team is operational with respect to chemical and biological incidents. The Emergency Management Section is planning CBRN based, multi-agency, field level exercises for the first and second quarters of 2004. The purpose of these exercises will be to test joint response capabilities with other emergency services in a simulated attack on a public facility.

Presently, the focus for the TPS component of the CBRN team is to train selected members of our service to operate with the upgraded Provincial Protective Equipment (PPE). The TPS target groups include the Community Response Unit (CRU) officers and Public Safety Unit (PSU). The purpose of training for CRU and PSU officers is to allow them to operate within a contaminated 'warm zone' in order to provide perimeter security. A more advanced level of CBRN training has been completed for Emergency Task Force (ETF) personnel, which enables them to conduct their response in a 'hot zone' environment.

Our Service continues to meet with members of the Joint Operations Steering Group consisting of representatives from the TPS, TFS, EMS, City of Toronto Office of Emergency Management (OEM) and Toronto Public Health. Joint emergency planning continues with respect to CBRN, HUSAR, medical – pandemic planning, and general joint emergency preparedness including specific risk and hazard analysis for Toronto.

There have been changes in emergency management at the Federal level due to Prime Minister Paul Martin's cabinet restructuring. A new Public Safety and Emergency Preparedness department has been established to coordinate and improve the Federal government's response to emergencies. This department will also handle border and port security and oversee the Royal Canadian Mounted Police (RCMP) and Canadian Security Intelligence Service (CSIS). The effects of this on municipal emergency management will be examined and reported on in future Board reports.

Acting Deputy Chief William Dicks, Policing Support Command, will be in attendance to answer any questions.

Mr. Greg Stasyna, Emergency Management Section, was in attendance and responded to questions by the Board about this report.

The Board noted that on August 14, 2003, immediately following the sudden power failure which led to massive "blackouts" across Ontario and northern USA, some key City representatives who were to report to the Emergency Operating Centre were delayed by traffic congestion and were not able to reach the EOC until approximately four hours after the initial power failure occurred.

The Board inquired whether there were other methods for ensuring that City representatives are transported to the EOC as quickly as possible.

The Board received the foregoing and approved the following Motion:

THAT the Chief of Police submit a report to the Board identifying options on how to improve the method in which key City representatives can travel, or be transported, to the EOC in future, when necessary.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

**#P22. QUARTERLY REPORT: STATUS OF DATA RELATING TO
COMPLETE SEARCHES: OCTOBER – DECEMBER 2003**

The Board was in receipt of the following report DECEMBER 22, 2003 from Julian Fantino, Chief of Police

Subject: QUARTERLY REPORT: OCTOBER TO DECEMBER 2003: REPORT ON
COMPLETE SEARCHES

Recommendation:

It is recommended that: the Board receive this report.

Background:

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

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

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

Information Technology Services (ITS) advises that CIPS functionality will be incorporated into the Service’s new Records Management System called eCOPS (Enterprise Case and Occurrence Management System). eCOPS occurrences commenced rollout in September 2003. Service-wide rollout of eCOPS with full functionality (arrest information) is targeted for the third quarter of 2004, and full data collection will be then available.

As an interim measure, pending the deployment of eCOPS, a complete search template has been added to the CIPS application. This template allows the Service to collect complete search statistics.

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

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

**#P23. REQUEST FOR EXTENSION OF TIME TO SUBMIT REPORT:
PARKING ENFORCEMENT UNIT: FACILITY REQUIREMENTS**

The Board was in receipt of the following report DECEMBER 15, 2003 from Julian Fantino, Chief of Police:

Subject: PARKING ENFORCEMENT UNIT: FACILITY REQUIREMENTS

Recommendation:

It is recommended that: the Board approve a request for a 3 month extension to submit a report on the relocation of Parking Enforcement facilities.

Background:

At its meeting of September 26, 2003, the Board was in receipt of a Board Report entitled Proposed Parking Enforcement Unit Facility Requirements (Board Minutes P272/03 and P273/03 refers) dealing with the optimal location for Parking Enforcement Operations. As a result of the discussion on this report the Board requested a further report be prepared on alternative options for the locations of the Parking Enforcement facilities

As previously stated in the above mentioned report, and the demands placed on Parking Enforcement to service the whole of the City of Toronto, it would be inappropriate to relocate all operations to the downtown core. However, upon further discussion with members of Parking Enforcement it was determined that from an operational perspective it might be feasible to relocate "G" & "F" platoons to a downtown location. These two platoons operate in the downtown core (51, 52, 53, and 14 Division) Monday to Friday, between the hours of 7:00 a.m. and 7:00 p.m.

In order to accommodate these platoons, office space and secure vehicle parking would be required for the following: 1 shift supervisor, 9 patrol supervisors, 66 parking enforcement officers, 2 clerks, 110 motor vehicles and 15 bicycles.

Mr. Mike Ellis, Manager of Facilities Management for the Service was requested to review the possibility of locating a downtown facility and determine associated costs. Subsequently, the City of Toronto Facilities & Real Estate section was requested to provide a report. Appended to this report is a copy of a letter from Sheryl Badin, Acting Manager, Acquisitions and Expropriations, Facilities & Real Estate for the City of Toronto. The attached letter states that the possibility of locating a suitable facility is low and quite costly.

As a result, Mr. Ellis was then asked to review the possibility of placing these two platoons in a current police facility located in the core of the City. Mr. Ellis is of the opinion that, at present there is no police facility that could house the operation.

The Service is presently undergoing a review of divisional boundaries and patrol areas. The realignment of divisional boundaries may result in the movement of staff and as a result space may become available, thus making it feasible to relocate some parking enforcement officers and equipment to a downtown police facility. The Divisional Boundary and Patrol Area Review is not yet complete, but it is anticipated that it will be finished by the end of the first quarter of 2004.

Conclusion:

I am requesting that the Board approve a request for a 3 month extension to submit a report on the relocation of Parking Enforcement facilities. It is anticipated that the Divisional Boundary and Patrol Area Review will be finished by the end of the first quarter of 2004. At that time Parking Enforcement will provide the Board with an update on the feasibility of relocating some Parking Enforcement operations.

Acting Deputy Chief, David Dicks, Policing Support Command, will be present to answer any questions.

The Board approved the foregoing.

11-26/2003 10:37

4163921880
RFRM ESTATE DIVISION 4 94160000202

NO. 577 0001



Corporate Services
M. Joan Anderton, Commissioner

Facilities & Real Estate
Metro Hall
55 John Street, 2nd Floor
Toronto, Ontario M5V 3C6

Sheryl Badin, Acting Manager
Acquisitions and Expropriations

Tel: (416) 392-8142
Fax: (416) 392-1880

BY FAX (416) 808-8202

November 26, 2003

Toronto Police Service
Facilities Management Division
40 College Street
Toronto, ON M5G 2J3

Attention: Michael Ellis, Manager, Facilities Management

Dear Mr. Ellis:

RE: Downtown Office Space

Further to your request for a cost estimate to lease 4,000 square feet of office space together with parking for 110 vehicles, Dan Hayes provided the following information:

- Class B and C office space in the downtown core will be in the range of \$20.00 to \$35.00 psf per year range (for 4,000 square feet this equates to \$80,000.00 to \$140,000.00 per annum). A 5-year lease term would be required. This rate would include minimal leasehold improvements. If the TPS require special leasehold requirements it would be in addition to the above noted rate;
- The 110 parking spots will be next to impossible to get in the downtown core. As a rule of thumb 300 sq. ft of area is required per parking spot. This would equate to 33,000 sq. ft. of parking or 0.75 of acre. Depending on where in the downtown core TPS wish to locate, we could potentially negotiate with an adjoining parking lot operator. I don't know exactly how much this would cost, but if you take a rough estimate of \$10.00 per spot per day x 365 days it would equate to approximately \$400,000.00 per year.

Should you require any further information please do not hesitate to call me at (416) 392-8142 or Dan Hayes at (416) 397-0806.

Yours truly,

Sheryl Badin
Acting Manager, Acquisitions and Expropriations

c. Dan Hayes
Teresa Fuoco

JACKIE,
PLEASE FAX
TO DOUG REYNOLDS
TAX
ME

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

#P24. CORRESPONDENCE

The Board was in receipt of a summary of the public correspondence received in the Board office between December 02, 2003 and January 09, 2004. A copy of the summary is on file in the Board office.

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TORONTO POLICE SERVICES BOARD HELD ON JANUARY 22, 2004**

**#P25. RECRUITMENT OF NEW DEPUTY CHIEF – POLICING SUPPORT
COMMAND**

The Board was in receipt of the following report JANUARY 21, 2004 from A. Milliken Heisey, Q.C., Chair :

Subject: RECRUITMENT OF NEW DEPUTY CHIEF – POLICING SUPPORT
COMMAND

Recommendation:

It is recommended that:

1. The Board issue a Request for Proposals with the objective of engaging a consulting firm, on a fee for service basis, to assist the Board in the recruitment process and
2. The Board approve the draft Terms of Reference appended to this report.

Issue:

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

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

The retirement of Deputy Chief Michael Boyd, Policing Support Command has created a vacancy. The Board must determine the process that it wishes to use in the recruitment and appointment of a successor.

Background:

The Board most recently administered the selection of command officers in 1994 and again in 1995. Our current Chief was appointed in 2000.

The processes used by the Board on those occasions included, among others, the elements outlined below:

1994 Deputy Chiefs	1995 Deputy Chief	2000 Chief of Police
All board members participate in all aspects of selection process including selection of consultants	All board members participate in all aspects of selection process including selection of consultants	All board members participate in all aspects of selection process including selection of consultants
Use of consulting firm to integrate Deputy Chief selection criteria and leadership competencies, organize consultations, draft final competency model, pre-screen applications, conduct pre-interviews, candidate summaries and interview questions	Use of consulting firm to intake applications, conduct initial screening of candidates, conduct assessments of candidates, provide written reports regarding each candidate as well as written interview questions, develop short list, conduct reference checks, provide final written report on the recruitment and selection process	Use of consulting firm to conduct a search, create job description, organize consultations, pre-screen applications, develop short list, provide interview techniques and options
Application open to internal and external candidates, uniformed and civilian senior officers	Application open to internal candidates who are sworn police officers, regardless of rank	Application open to internal and external candidates, national search
Use of competency model	Use of competency model	Use of job description, competency profile
Community consultations	No community consultations	Public consultation forum, internal focus groups
Management assessments of candidates not conducted	Management assessments of candidates conducted	Management assessments of candidates not conducted
Chief consulted with the Board on the selection process to be used	Chief a full participant in final interviews and decision-making.	Not applicable

At its confidential meeting in October 2003, the Board asked that the Chief provide any comments or recommendations that he might have with respect to the selection of a new deputy chief.

Chief Fantino has provided the following suggestions and recommendations (italicized text):

1. Board to Appoint a Sub-Committee

The development and completion of this selection process is expected to take a number of weeks, and will involve a review of the Deputy Chief competency profile, preparation of the job call, determining the application and assessment criteria, conducting interviews, preparing a report

to the Board with a recommendation, and preparing a contract for execution by the selected candidate and the Board prior to the announcement of the selected candidate.

It is recommended that the Board appoint a sub-committee for this purpose, comprised of two Board members and the Chief of Police, to ensure a perspective that includes detailed operational and executive police experience. The sub-committee will be assisted by the Director of Human Resources, the Executive Director of the Police Services Board office, and an external consultant, and will advise the Board on its proposed selection process prior to its implementation.

2. Board to retain External Consultant

It has been the practice of the Board to engage the services of a professional consultant when selecting a new Deputy. For this process, the expertise of a consultant will be essential for the review of the competency profile, preparation of the job posting, and development of the interview, scoring, and selection procedures.

It is recommended accordingly that a management consultant be engaged for this project, using a fee-for-service schedule. The consultant's services would include assistance in relation to the following activities:

- consultation with the Board, the Deputy Chiefs, and other senior personnel*
- review and updating of the Deputy Chief competency profile which will assist in this process and future succession planning*
- development and dissemination of a job posting for the position*
- development of application and assessment criteria and shortlisting of candidates*
- preparation of the interview question format, scoring template, and documentation*
- preparation of written reports regarding each candidate*
- preparation of the final report to the Board recommending a candidate*

3. Board to Limit applicants to TPS uniformed Senior Officers

The current Deputy Chief incumbents were appointed to their positions in 1995. Since that time, there has been a major re-organization of the Service, the Staff Superintendent rank has been re-established, and comprehensive promotional processes have been put in place for the promotion of members through the senior officer ranks. As a result, a cadre of proven, experienced senior officers has been developed which represent an excellent candidate pool for the selection of a new Deputy. In addition, these officers have exercised their leadership skills in the multi-cultural environment of Toronto, whose policing needs may not be familiar to potential external candidates. For these reasons, it is clear that the goals of this search would be most effectively met through an internal process only, with current service in a uniform senior officer rank as a requirement to apply.

Proposed Process:

As noted, the Board has employed various executive level recruitment processes over the past 10 years and the Chief, in response to the Board's request, has provided a suggested process.

I recommend that the Board proceed to retain consulting assistance and that the Board work with the consultants to develop the most appropriate recruitment process given the current needs of the Board, Chief and Service.

The Board approved the foregoing.



Toronto Police Services Board

REQUEST FOR PROPOSAL

Background

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

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

Objective

To assist the Board in conducting assessments of candidates for the position of Deputy Chief of Police – Policing Support Command.

Relative to the recruitment of a Deputy Chief of Police, the consultant will report to the Board and will be responsible for the following:

- (1) In consultation with the Board, developing a recruitment process
- (2) drafting a job description including a competency profile and job posting
- (3) consulting with the Board, Command officers and other personnel as necessary
- (4) developing an application package, conducting the initial screening of the candidates and developing a short list of candidates;
- (5) providing the Board with a methodology to assess the candidates, and
- (6) providing a final report to the Board summarizing the recruitment and selection process.

Phase one – development of recruiting process

The consultant will be responsible for developing a recruiting process in consultation with the Board and the Chief of Police.

Phase two - creation of position description

The consultant will be responsible for creating a position description including a competency profile.

Phase three - development of recruitment process

The consultant will be responsible for the following:

- development of a job posting,
- development of an application package ;

Phase four - initial screening

The consultant will be responsible for the following:

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

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

Phase five - interviews

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

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

Phase five - reports to the Board

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

Selection Criteria

Proposals will be evaluated on the following list of criteria:

- demonstrated understanding of the purpose and scope of the project;

- demonstrated progressive experience in senior management recruitment and selection;
- competitiveness of the budget for the work proposed (consulting firms are urged to provide public sector rates)
- references for relevant projects that have been undertaken; and
- the diverse representation of the consultant project team and/or firm.

Submission of Proposal

The proposal should include:

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

Evaluation of Proposals

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

Time Line

This request for proposal shall be issued on 26th of January ,2004.

The deadline for submissions shall be the 6th of February, 2004, by 5:00 p.m. in the Toronto Police Services Board Office, 7th Floor, 40 College Street, Toronto, Ontario, M5G 2J3. Late submissions or proposals sent by facsimile will not be accepted.

Administrative Requirements

Proposals submitted to:

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

General Information:

Ms Joanne Campbell
Executive Director
Toronto Police Services Board
416-808-8081

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**#P26. EMPLOYMENT AGREEMENT: CHIEF OF POLICE – RESPONSE TO
MEDIA REPORTS**

Chair Heisey read the following statement in response to alleged details regarding Chief Fantino's employment agreement which were recently published by the Toronto Star newspaper:

The Board has full confidence in Chief Julian Fantino. His contract runs until March 2005, a further 14 months from now. The Board is abiding by the terms of the contract. I will not discuss personnel matters in public.

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**#P27. REPORT: *REVIEW AND RECOMMENDATIONS CONCERNING VARIOUS
ASPECTS OF POLICE MISCONDUCT***

The Board asked Chief Fantino for an update on the progress of the implementation of the recommendations contained in the *Review and Recommendations Concerning Various Aspects of Police Misconduct* prepared by The Honourable George Ferguson Q.C. This report was presented to the Board at its May 29, 2003 meeting (Min. No. C87/03 refers).

Chief Fantino advised the Board that the report and recommendations would be released publicly by the Service, possibly on the Service's website.

The Board requested that Chief Fantino provide a report on the status of the recommendations that have been implemented and the Service's future plans for the recommendations that have not been implemented.

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#P28. TORONTO POLICE SERVICE – 2004 OPERATING BUDGET

Vice-Chair Pam McConnell advised the Board that a number of participants at a City of Toronto sponsored community meeting held on January 21, 2004 to discuss the City of Toronto 2004 operating budget expressed an interest in making deputations to the Board about the Toronto Police Service 2004 operating submission.

Given that the Board approved the Service's 2004 operating budget submission at its November 13, 2003 meeting and the Board received deputations at that time (Min. No. 329/03 refers), the Board discussed the most appropriate method for the public to comment again, if possible, upon the 2004 operating budget.

The Board requested that, for the benefit of the new members of the Board, the Service provide a briefing of the 2004 operating budget submission at the February 26, 2004 meeting and that Chair Heisey consult with the Chair of the City of Toronto – Budget Advisory Committee to determine whether the public can make deputations on the Service's 2004 operating budget when it is considered by the Budget Advisory Committee and to identify at which point during the Committee's budget review process deputations can be made.

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#P29. LOCATION OF BOARD MEETING – FEBRUARY 26, 2004

The Board requested that, if possible, the location of the meeting scheduled for Thursday, February 26, 2004 be moved from the Auditorium at Toronto Police Headquarters to a Committee Room at Toronto City Hall.

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#P30. ADJOURNMENT

A. Milliken Heisey, Q.C.
Chair