



The following draft Minutes of the meeting of the Toronto Police Services Board held on May 12, 2005 are subject to adoption at its next regularly scheduled meeting.

The Minutes of the meeting held on April 07, 2005 previously circulated in draft form were approved by the Toronto Police Service Board at its meeting held on May 12, 2005.

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **MAY 12, 2005** at 1:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

PRESENT:

Ms. Pam McConnell, Councillor & Chair
Dr. Alok Mukherjee, Vice Chair
Mr. John Filion, Councillor & Member
The Honourable Hugh Locke, Q.C., Member
Mr. Hamlin Grange, Member

ABSENT:

Mr. Case Ootes, Councillor & Member

ALSO PRESENT:

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

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

#P152 INTRODUCTIONS

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

Mr. John Denomy, Manager, Project Management Office, Information Technology Services
Staff Inspector Joseph Tomei
Inspector Debra Preston
Staff Sergeant Keith Haines
Staff Sergeant Barbara McLean
Staff Sergeant Reuben Stroble
Sergeant Anthony Coscarella
Sergeant Bonnie Estwick
Sergeant Chris Gordon
Sergeant Craig Gouthro
Sergeant Todd Grover
Sergeant Robert Heitzner
Sergeant Geoffrey Hesse
Sergeant Phillip Hibblen
Sergeant Robert Hunt
Sergeant Adrienne Johnstone
Sergeant Gordon Jones
Sergeant Brian Martell
Sergeant Amanda McKinnie
Sergeant Ray Meech
Sergeant Pat Nassis
Sergeant Steve Pattison
Sergeant Michael Perreault
Sergeant Suzanne Pinto
Sergeant Samuel Sann
Sergeant Peter Stehouwer
Sergeant Marlene Suddes
Sergeant Mario Teixeira
Sergeant Joanne Venn
Sergeant Brian Wookey

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

#P153 2005 ANNUAL POLICE OFFICER OF THE YEAR AWARDS

The Board was in receipt of the attached correspondence, dated March 17, 2005, from Danica Riley & Karen Cormack, Co-Chairs of the 38th Annual Police Officer of the Year Awards which is hosted by The Toronto Board of Trade.

Ms. Riley and Ms. Cormack were in attendance and delivered a presentation to the Board about the 2005 Awards and Dinner.

The Board received the foregoing.



DATE RECEIVED
 APR 11 2005
 TORONTO
 POLICE SERVICES BOARD

March 17, 2005

Ms. Deirdre Williams
 Board Administrator
 Toronto Police Services Board
 40 College Street
 Toronto, Ontario
 M5G 2J3

Dear Ms. Williams:

As Co-Chairs of the 38th Annual Police Officer of the Year Awards, we would like to request the opportunity to make a presentation for approximately five to 10 minutes at an upcoming Toronto Police Services Board meeting.

During our presentation, we would like to formally invite the members of the board to the dinner on June 1st, provide some background information on the event, and answer any questions the board may have. We will come prepared with a short visual presentation in Microsoft PowerPoint format.

For your reference, the awards were originally established in 1967. The Police Officer of the Month and the Police Officer of the Year Awards recognize the outstanding public service, dedicated professionalism and selfless bravery of Toronto's police officers. Every year the Toronto Board of Trade holds a dinner and tribute in appreciation of these men and women.

If you have any questions, please do not hesitate to contact us directly.

Sincerely,

Danica Riley
 Karen Cormack
 Co-Chairs, 38th Annual Police Officer of the Year Awards
 Phone: 416-363-9650 or 416-216-1133
 Email: danica@fantailine.com / kcormack@na.drakeintl.com

cc: Detective Ron Aalen

1 First Canadian Place, P.O. Box 60
 Toronto, Ontario, Canada M5X 1C1
 Telephone 416 366 6811
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 www.bot.com

Apr 8 '05 13:30 P.02

Fax: 416-366-5620

THE BOARD OF TRADE

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P154 AFRICAN CANADIAN LEGAL CLINIC – DEPUTATION – 2004
HATE/BIAS CRIME STATISTICAL REPORT & CONSENSUS
CONFERENCE REPORT ON RACIAL PROFILING**

Ms. Margaret Parsons and Ms. Marie Chen, African Canadian Legal Clinic, were in attendance and made a deputation to the Board on the following:

- response to the Toronto Police Service 2004 Annual Hate/Bias Crime Statistical Report which was presented to the Board at its April 07, 2005 meeting (Min. No. P114/05 refers); and
- results of the March 2004 Consensus Conference Report on Racial Profiling which was hosted by the African Canadian Legal Clinic.

A copy of correspondence, dated April 11, 2005, from the African Canadian Legal Clinic with regard to their comments about the 2004 Annual Hate/Bias Crime Statistical Report is appended to this Minute for information.

A copy of correspondence, dated May 10, 2005, from the African Canadian Legal Clinic with regard to the Consensus Conference Report, including a summary of the conference recommendations, is also appended to this Minute.

The Board received the deputation and approved the following Motions:

- 1. THAT the correspondence dated April 11, 2005 and May 10, 2005 be received;**
- 2. THAT, with regard to the Toronto Police Service's annual report on hate/bias crime statistics, the Chief of Police ensure that, in future, the verbal presentation which is delivered to the Board at the time it considers the written report, include a reference to the groups of people who are victims of hate bias crimes, placing specific emphasis on the groups who are targetted the most in that particular year;**
- 3. THAT the Chief of Police develop a plan to improve the process of community consultation, including the manner in which the Service receives advice from members of the community, with regard to hate/bias crimes; and**
- 4. THAT the Board refer the Summary of Recommendations from the March 2004 Consensus Conference Report on Racial Profiling to the Board/Service Race Relations Joint Working Group for consideration.**



COPY

April 11, 2005

BY SAME DAY COURIER

Councillor Pam McConnell
Chair
Toronto Police Services Board
40 College Street
Toronto Ontario
M5G 2J3

Chief Bill Blair
Chief Designate
Toronto Police Services
40 College Street
Toronto Ontario
M5G 2J3

Dear Chief Designate Blair and Councillor McConnell:

Re: Hate/Bias Crime Statistical Report and Race Relations Program Report at Toronto Police Services Board Meeting of April 7, 2005

The African Canadian Legal Clinic would like to congratulate Mr. Blair on his appointment as Police Chief of the Toronto Police Services (TPS).

As you are aware, the African Canadian Legal Clinic (ACLC) is a legal organization that addresses systemic racism, discrimination and specifically anti-Black racism in Ontario. The ACLC is the only legal office in Canada with such a mandate. The ACLC has given several deputations at the Toronto Police Services Board (TPSB) meetings in the last 9 months on the search of persons policy and procedure, the sexual assault task force, the police complaints system, racial profiling and the state of race relations particularly between the African Canadian community and the TPS. In addition, the ACLC is at the forefront of legal representation of African Canadians against police harassment.

The ACLC was present at the Toronto Police Services Board (TPSB) meeting held on April 7, 2005. When the Hate/Bias Crime Statistics and the Race Relations Program reports were presented by Staff Inspector Robin Breen and Detective James Hogan, they made no mention in their oral presentation of the extent and devastating impact of hate crimes on African

Canadians, despite the fact the report itself indicates that the majority of hate crimes on the basis of race are committed on African Canadians. In addition, not a single member of the TPSB raised this issue or addressed this omission. This data is consistent with TPS statistical information on hate crimes from previous years.

In light of the fact that African Canadians are one of the primary victim groups with respect to hate crimes, this glaring omission of African Canadians from the discussion at the meeting is extremely troubling, disappointing and inappropriate.

Not only do the statistics in the Hate/Bias Crime report state that the second highest rate of hate crimes in 2004 was against Black people, it also indicated that out of a total of 41 reports of hate crimes from racialized community members, 31 were from African Canadians. The most shocking statistic that was not mentioned or even alluded to on April 7th was the fact that in the 12 years of the Hate Crime Unit's existence 1135 hate crimes have been against members of a racialized community, the majority of them Black. The statistics clearly show that race based hate crimes have been the most reported crime out of all the categories. The categories of "multi-bias", ethnicity and nationality undoubtedly include hate crimes against African Canadians as well but are not included in the race category.

It is of the utmost importance that the Toronto Police Service and the TPSB recognize that hate crimes, racism, discrimination and racial profiling experienced by African Canadians on a daily basis are at a critical and unacceptable level. It is for both the TPS and the TPSB to take a pro-active leadership role in the Toronto community, especially in the African Canadian community, to sincerely address and publicly acknowledge the experience of the community.

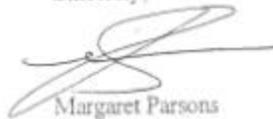
Hate crimes against the Muslim and Jewish communities were specifically discussed at the TPSB meeting. While the ACLC clearly acknowledges that hate crimes against these communities are just as heinous and unacceptable, to confine the long lasting societal impact of such crimes to the experiences of anti-Semitic and Anti-Muslim incidents in 2004, is an affront to the reality and impact of anti-Black racism on the African Canadian community.

The ACLC is also extremely surprised to learn that the Hate Crime Unit had educational and community outreach initiatives. Even though the ACLC has expressed repeatedly its interest to participate in community consultation processes with the TPS and the TPSB, we have never been contacted or invited to participate in any of these consultations.

As a result of the above serious matters and the crisis level of hate crimes in Toronto against African Canadians, the ACLC would like to meet with both Chief Designate Bill Blair, Counsellor Pam McConnell and the head of the TPS' Hate Crimes Unit on an urgent basis to discuss the issue of hate crimes and the glaring exclusion of African Canadians at the April 7th TPSB meeting.

The ACLC remains committed to engaging with the Toronto Police Services to find effective solutions and measures in addressing these key issues.

Sincerely,



Margaret Parsons
Executive Director

cc: Mayor David Miller
Toronto Police Services Board Members
Detective James Hogan
Staff Inspector Robin Breen
Staff Sergeant Sharon Davis

\\ED\Government\Municipal\Toronto Police Services\TPSB and TPS lr - april 2005.doc



AFRICAN CANADIAN LEGAL CLINIC

May 10, 2005

Councillor Pam McConnell
Chair
Toronto Police Services Board
40 College Street
Toronto, ON
M4G 2J3

Dear Ms. McConnell:

Re: Consensus Conference Summary of Recommendations

In preparation for the African Canadian Legal Clinic's (ACLC) presentation at the May 12, 2005 meeting of the Police Services Board (PSB), I am forwarding to you advance copies of the Summary of Recommendations of the March 2004 Consensus Conference Report on Racial Profiling as requested by your office. Can you please ensure that all members of the PSB receive a copy of the summary.

Copies of the full Conference Report will be distributed to members of the PSB at the May 12th meeting.

Thank you for your cooperation and assistance and I look forward to seeing you on May 12th.

If you have any questions or require additional information please do not hesitate to contact me.

Yours truly,

Margaret Parsons
Executive Director

Encl.

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**AFRICAN CANADIAN COMMUNITY
COALITION ON RACIAL PROFILING**



**CRISIS CONFLICT AND
ACCOUNTABILITY CONSENSUS
CONFERENCE ON RACIAL PROFILING
AND DATA COLLECTION**

**SUMMARY OF
RECOMMENDATIONS**

Presented by: The African Canadian Legal Clinic

111 Richmond Street West, Suite 503, Toronto, Ontario M5H 2G4 Tel: (416) 214-4747 Fax: (416) 214-4748



ACKNOWLEDGEMENTS

The African Canadian Legal Clinic would like to thank the following individuals for their contribution in organizing the Consensus Conference and in the development of the Conference Report and Recommendations:

ACLC Staff
Reem Bahdi
Tanya Bowers
Jessica Brown
Maureen Brown
Shakira Brown
Toyin Dada
Michelle Munroe
Trupati Patel
Nick Petk
Charles Smith
Tema Smith

We also wish to thank the following sponsors for their generous financial contribution:

City of Toronto, Access & Equity Department
Court Challenges Program
Federal Department of Multiculturalism

Introduction

On March 17th and 18th 2004, the African Canadian Community Coalition on Racial Profiling (ACCCRP) convened the first of a two-part national conference and consultation on the subject of police racial profiling. Considered a Consensus Conference, over 200 individuals attended from across the Greater Toronto area. In addition, representatives from organizations in Winnipeg, Montreal, Saskatoon, Vancouver, Halifax, Windsor, Ottawa and Kingston were also in attendance.

Promoted as an opportunity to release two substantive research reports, *Crisis, Conflict and Accountability* by Charles C. Smith and *In Their Own Voices* by Maureen Brown, as well as a series of fact sheets and an executive summary based on these reports, this conference also brought together committed individuals and activists working in such communities as Jane and Finch, Regent Park, Malvern, Rexdale, St. Jamestown and Mississauga.

Well covered by the media, in many ways this conference served to coordinate a broad spectrum of individuals and organizations within the African Canadian community and organizations providing services to the community. As far as the former is concerned, there was a significant number of youth representation, executive directors of human service organizations and community activists who have been engaged in anti-racist work around policing for a long time. For the latter, there were a large number of participants from human service organizations.

This report presents the recommendations that were discussed at the conference.

In order to do this, each section is presented in two parts:

- ❖ The first part represents the recommendations and action steps resulting from the aforementioned research that were brought into the conference strategy sessions to seek support and spark discussion.
- ❖ The second part represents the recommendations and action steps that were articulated by participants in each of the strategy sessions. They are presented here in point form (although not always verbatim), as they were put forward at the conference. It is important that the African Canadian community arrive at a way of articulating its own perspectives and that it builds a common understanding of the community's diverse experience and response to racial profiling. While African Canadian commentary on social issues is often couched in anti-racist counter-narrative, there are many ways such can be expressed. Allowing the words of participants to stand on their own has been a key strategy for the ACCCRP. For example, Maureen Brown's research featured much of the raw emotion described in quotes and narrative that accompanies the pain of being racially profiled and mistreated by police.

Following the workshop discussions, the report provides an analysis of racial profiling in light of the right to equality entrenched in the *Canadian Charter of Rights and Freedoms (Charter)*. In this context, information on the history of anti-Black racism in Canada is provided along with significant evidence of continued discrimination, particularly of racial profiling in law enforcement. Several high profile cases are then summarized to illustrate the status of this issue in the Courts and how equality rights have been framed in these cases.

This report, then, is not the usual conference report articulating the usual recommendations calling for action by government, police force, institutions and the community. Rather, this report provides an urgent message for immediate action. The community has spoken and it has spoken loud and clear.

SUMMARY OF RECOMMENDATIONS

Ontario Government:

1. Introduce legislation to establish an appropriately resourced independent arms length auditor of policing services with particular expertise in anti-racism and equality rights and with the authority to conduct audits as required based on orders from the province of Ontario, requests from local municipal governments and in response to serious allegations by subordinate racialized groups and other community and advocacy groups;
2. Ensure that legislation to establish a police complaints function provides for the independence of such a function and for its adequate resourcing, as well as legislative authority to compel police participation in investigations of complaints and, further, that the power to compel police cooperation with investigations be extended to the Special Investigations Unit;
3. Introduce legislation requiring all police forces in the province to undertake comprehensive anti-racist organizational change activities, establishing clear goals, objectives, responsibilities, action oriented timeframes, adequate resources, and clear outcomes and evaluation criteria to guide short-, intermediate- and long-term planning;
4. Require all police forces in Ontario to develop and implement racial profiling data collection systems to collect information on their interactions with citizens and residents, (particularly with respect to planning for deployment of resources, surveillance, stops, searches, arrests, detentions and charges) and that such systems be developed with community and academic consultation and expertise;
5. Develop standards for anti-racist education and training, with a particular focus on racial profiling, and require all police forces in Ontario to implement

such training with the goal to enable police to understand the history and impact of racial profiling and how to eliminate it in their practices;

6. Communicate the importance of racial profiling data collection systems to the public through the media and through appropriate community venues to facilitate general awareness regarding its purpose, outcomes and the use of the data;
7. Ensure the results of racial profiling data collection are used by the police to support discussion on community policing and the eradication of racism in policing services and that early warning systems are put in place to address the behaviours of individual police officers or actions of police units and police departments as a whole;
8. Require all police forces to submit annual reports to the Attorney General on the steps taken in compliance with these recommendations, and that these reports be made available to the public;
9. Require the independent auditor and police complaints function, as well as the Special Investigations Unit, to submit annual reports to the Standing Committee On the Administration of Justice, and that these reports be made available to the public;
10. Require the Attorney General, in cooperation with the Minister of Public Safety and Security, to provide the results of the aforementioned reports to the public through the Standing Committee on the Administration of Justice, including analysis and actions needed to ensure all police forces and other functions are in complete compliance with legislation;
11. Support communities, particularly African Canadian communities and other concerned advocacy groups, to review the aforementioned reports and to make deputations before the Standing Committee on the Administration of Justice; and,
12. Ensure that provincial appointments to Police Services Boards and other police oversight bodies have the commitment, competencies and credibility in anti-racist work to ensure that the policing functions under their purview develop and implement the recommendations outlined above.

Mayors and Municipal Councils:

1. Develop and implement comprehensive anti-racism organizational change strategies, particularly those addressing racial profiling, and report annually on goals, objectives, responsibilities, actions, timeframes, anticipated outcomes and evaluation criteria aimed at ensuring all aspects of the policing services are integrating an anti-racist approach, particularly respecting: employment systems (outreach, recruitment, retention, performance

management/development, promotion); policing practices (stops, searches, arrests, and other community interactions); community relations (all levels of the police force and local advisory committees, advisory committees on racial profiling); education/training; and, internal monitoring and accountability as it relates to supporting the implementation of all of the above;

2. Adopt zero tolerance policies for racist activities, including racial profiling, and institute comprehensive anti-racist education and training, to ensure all police understand this commitment, are able to implement it and are aware of the rewards and consequences for success or failure in its implementation;
3. Make appointments to Police Services Boards of Councilors and civilians who have the knowledge, competencies and commitment to ensure policing services undertake the recommendations identified within this report and commit to long-term anti-racist organizational change processes; and,
4. Ensure Police Chiefs are recruited who acknowledge the practice of racial profiling and who have demonstrated commitment to anti-racism and equity and have the competencies required to guide the delivery of non-discriminatory, anti-racist policing services.

It is also recommended that municipal Councils ensure that human services are directly provided and funded by municipal governments and located within African Canadian communities to:

5. Undertake comprehensive reviews of their services, programs and staffing and implement anti-racist organizational change initiatives particularly to address racial profiling and to provide supportive community development and other essential services (e.g., counselling, recreation, childcare, employment, etc.) in areas in which there is a significant African Canadian community;
6. Provide, support and participate with local community groups, organizations and individuals in African Canadian communities in a network aimed at addressing racial profiling; and,
7. Commit to working with local communities and agencies to address racial profiling in a cooperative anti-racist framework.

Police Services Boards:

1. Require Chiefs of Police to report annually on goals, objectives, responsibilities, actions/timeframes, anticipated outcomes and evaluation criteria aimed at ensuring all aspects of the policing services are integrating an anti-racist approach, particularly respecting: employment systems (outreach, recruitment, retention, performance management/development, promotion); policing practices (stops, searches, arrests, and other community interactions); community relations (force

wide and local advisory committees, advisory committees on racial profiling); education/training; and, internal monitoring and accountability as it relates to supporting the implementation of all of the above;

2. Submit annual reports to municipal Councils and the Ontario Government regarding the performance of police services respecting the above;
3. Convene roundtable discussions with academics and community leaders on the issue of racial profiling and involve these individuals in processes established to address this issue; and,
4. Ensure anti-racism and equity principles are included in the development of all policies adopted and are core to the performance review of all Chiefs as well as the recruitment of all Chiefs.

Community Capacity Building:

Racial profiling has had extreme and negative impacts on the African Canadian community. Many individuals and organizations have expressed concerns about these impacts and have felt frustrated and powerless to address them. Affected individuals and communities have also been isolated from each other, unaware of each other's experiences and therefore unable to share concerns, support each other and work together.

To address this, it is critical that there be a focus on community healing and capacity building to address the harms of racial profiling and to provide opportunities for the community to come together on mutual issue identification and support. In this context, it is recommended that:

1. African Canadian community groups and organizations concerned about racial profiling and law enforcement develop advocacy, information-sharing, education and support networks to directly address racial profiling within local communities;
2. African Canadian community groups and organizations should work with the African Canadian Community Coalition on Racial Profiling (ACCCRP) to enable it to become an effective city-wide network with resources for information-sharing across local communities as well as a resource for education and training and other strategies for community capacity building;
3. The ACCCRP should undertake to develop and implement an action plan to support local capacity building, including education and training on how individuals stopped by police should respond and how local communities can engage local police in discussions on racial profiling; and,
4. The ACCCRP should undertake to develop and implement an action plan aimed at advocating on the recommendations contained within these reports, including quarterly and annual meetings with local community groups to support information and strategy sharing and to develop common approaches for future initiatives.

Funding Bodies:

1. Support and develop a network of African Canadian groups and individuals across the GTA and other large urban centres in Ontario, to develop mechanisms for information sharing and to coordinate action to address racial profiling, support individuals in crisis, gather data related to community concerns and to advocate for the changes required to address this issue in a positive and proactive manner;
2. Enable this network to coordinate community advocacy aimed at changing provincial legislation, policy and programs. Community advocacy will also be directed to the City of Toronto and the Toronto Police Services Board to encourage them to adopt by-laws, policies, programs and supports aimed at addressing: appointments to the Police Services Board; accountability mechanisms; annual reporting; handling of complaints; community involvement in decision-making; and, the need for African Canadian communities across the GTA to network with each other on a periodic basis for information-sharing, strategy development and education and training;
3. Enable the aforementioned network to work with local City staff and human services departments to develop short, intermediate and long-term systemic responses to racial profiling and to ensure that communities affected by this phenomenon have the resources in place to address one-on-one support, including counseling and advocacy, and other required services;
4. Enable the aforementioned network to develop a process of dialogue with local police divisions and other security services to address racial profiling in a positive and proactive manner within local communities; and,
5. Enable the aforementioned network to provide education and training to individuals in local communities regarding their legal rights and obligations in terms of coming into contact with the police.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P155 MINUTES OF SETTLEMENT – ONTARIO HUMAN RIGHTS
COMPLAINTS – TORONTO WOMEN’S BATHHOUSE COMMITTEE –
INCIDENT AT THE “PUSSY PALACE”**

The Board was in receipt of the following report APRIL 20, 2005 from Pam McConnell, Chair:

Subject: MINUTES OF SETTLEMENT - ONTARIO HUMAN RIGHTS COMPLAINTS
– TORONTO WOMEN’S BATHHOUSE COMMITTEE – INCIDENT AT THE
“PUSSY PALACE”

Recommendation:

It is recommended that the Board receive the Minutes of Settlement pertaining to the Human Rights Complaints by members of the Toronto Women’s Bathhouse Committee regarding the September 2000 incident at the Pussy Palace and forward them to the Chief of Police for review and preparation of a report to the Board with respect to the implementation of the recommendations.

Background :

The Board recently received the executed Minutes of Settlement pertaining to the Human Rights Complaints by members of the Toronto Women’s Bathhouse Committee regarding the September 2000 incident at the Pussy Palace.

The Board had previously agreed to enter into the Minutes of Settlement after they had been accepted by the Human Rights Commission, the Complainants and the respondent officers (Min. No. C220/04 refers).

A copy of the Minutes of Settlement is appended to the report. I recommend that the Board forward the Minutes of Settlement to the Chief of Police for review and preparation of a report to the Board with respect to the implementation of the recommendations.

The Board approved the foregoing report with the following amendments:

- 1. THAT, given that part of item no. 4 – a policy respecting the search and detention of trans-gendered people - in the Minutes of Settlement is directed to the Board, and that part of item no. 5 – a gender-sensitive policy – is also directed to the Board, the Chair ensure that a report containing a response to these two items is provided to the Board for approval at the time the Board considers the report from the Chief of Police with respect to the implementation of the recommendations; and**

2. **THAT, given that item no. 9 in the Minutes of Settlement – a recommendation that the Course Training Standards and Training Delivery Plans at the Ontario Police College be assessed – is directed to the Board, the Chair ensure that correspondence is forwarded to the Director of the Ontario Police College with regard to this matter as soon as possible.**



Human Rights Tribunal of Ontario
Tribunal des droits de la personne de l'Ontario

TRIBUNAL FILE NUMBER 03779-04
HR-0825-04 to 0833-04

HUMAN RIGHTS TRIBUNAL OF ONTARIO

BETWEEN:

Ontario Human Rights Commission

Commission

-and-

**Toronto Women's Bathhouse Committee, Lorelee Gillis, Carlyle Jansen, Janet Rowe,
Chanelle Gallant, Diane Hamilton, Karen Chan and Carole Thames**

Complainants

-and-

**Toronto Police Services Board, Julian Fantino, Dave Wilson, Adrian Greenaway, Richard
Petrie, Myron Demkiw and Peter Christie**

Respondents

ORDER

WHEREAS these complaints were referred for hearing to the Human Rights Tribunal of Ontario, pursuant to subsection 36(1) of the *Human Rights Code*;

AND WHEREAS the complaints against Julian Fantino were withdrawn;

AND WHEREAS the parties have agreed to resolve this matter without further hearing in accordance with the terms of the Minutes of Settlement executed by the parties and dated December 17, 2004;

AND WHEREAS the parties consent to having this proceeding disposed of without further hearing by the Human Rights Tribunal of Ontario and have filed a properly executed Form 3 with the Registrar;

IT IS THEREFORE ORDERED that these complaints are disposed of in accordance with the terms of the executed Minutes of Settlement.

January 17, 2005
Date

Mary Ann Hendricks
Chair



Human Rights Tribunal
of Ontario

Confirmation of Full Settlement
Form 3

Tribunal File Number

IN THE MATTER OF THE Human Rights Code R.S.O. 1990, c.H.19 as amended
Formulaire d'ajustement disponible en français

Please Print Information Clearly

The purpose of this document is to confirm that all parties to proceeding have agreed to a settlement and request that the proceeding be disposed of.

Ontario Human Rights Commission

Complainant(s): Toronto Women's Bathhouse Committee, Lorelee Gillis, Carlyle Jansen, Janet Rows, Chanelle Gallant, Diane Hamilton, Karen Chan and Carole Thames

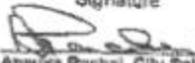
Corporate Respondent(s): Toronto Police Services Board

Personal Respondent(s): Julian Fantiso, Dave Wilson, Adrian Greenaway, Richard Petrie, Myron Demkow and Peter Christie

We the undersigned confirm that the above-noted matter has been settled.

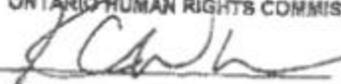
RESPONDENT(S)
(PRINT NAME BELOW SIGNATURE)

COMPLAINANT(S)
(PRINT NAME BELOW SIGNATURE)
(Those who sign on behalf of a corporation must also indicate their position)

Signature Date
 Dec 16/04
Ananya Prachai, City Solicitor's Office,
counsel for the Toronto Police Services
Board and Julian Fantiso

Signature Date
 Dec 16/04
Frank Addario, Counsel for the
Complainant(s): Toronto Women's
Bathhouse Committee, Lorelee Gillis,
Carlyle Jansen, Janet Rows, Chanelle
Gallant, Diane Hamilton, Karen Chan
and Carole Thames

ONTARIO HUMAN RIGHTS COMMISSION

 Dec 17/04
DATE



Human Rights Tribunal
of Ontario

Confirmation of Full Settlement
Form 3

Tribunal File Number

IN THE MATTER OF THE Human Rights Code R.S.O. 1990, c.H.19 as amended
Formulaire également disponible en français

Please Print Information Clearly

NOTE The purpose of this document is to confirm that all parties to proceeding have agreed to a settlement and request that the proceeding be disposed of.

Ontario Human Rights Commission

Complainant(s): Toronto Women's Bathhouse Committee, Lorilee Gillis, Carlyle Jansen, Janet Rowe, Chanelle Gallant, Diane Hamilton, Karen Chan and Carole Thomas

Corporate Respondent(s): Toronto Police Services Board

Personal Respondent(s): Julian Fantino, Dave Wilson, Adrian Greenway, Richard Petric, Myron Damskiw and Peter Christie

We the undersigned confirm that the above-noted matter has been settled.

COMPLAINANT(S)

RESPONDENT(S)

(PRINT NAME BELOW SIGNATURE)

(PRINT NAME BELOW SIGNATURE)
(Those who sign on behalf of a corporation must also indicate his/her position)

Signature	Date
	Dec 16/04
Anusya Pachal, City Solicitor's Office, counsel for the Toronto Police Services Board and Julian Fantino	

Signature	Date
	DEC 17 '04

ONTARIO HUMAN RIGHTS COMMISSION

DATE

Files HR-0826-04 TO HR-0833-04

IN THE MATTER OF the *Human Rights Code*, R.S.O. 1990, c.H. 19, as amended;

AND IN THE MATTER OF the amended complaints of the Toronto Women's Bathhouse Committee, Loralee Gillis, Carlyle Jensen, Janet Rowe, Chanelle Gallant, Diane Hamilton, Karen Chan and Carole Thames, each dated February 1, 2003, against the Toronto Police Services Board, Julian Fantino, Dave Wilson, Adrian Greenaway, Richard Petrie, Myron Demkiw and Peter Christie;

AND IN THE MATTER OF the Human Rights Tribunal of Ontario Files HR-0026-04 to 0833-04

MINUTES OF SETTLEMENT

WHEREAS the parties to action 02-CV-233603CP are in the process of executing Minutes of Settlement of that action which provide *inter alia* for the payment of \$350,000.00 by the Toronto Police Services Board to various charities and solicitors on terms specified in said minutes,

AND WHEREAS the Toronto Police Services Board has determined as an objective, priority and policy to enter into and implement the terms of the settlement as follows:

THEREFORE, the undersigned agree to settle the Human Rights Complaints herein on the following basis:

1. The complaints against Julian Fantino are withdrawn.
2. The Toronto Police Service (hereafter the "Service") will continue its recruitment activities as it pertains to Toronto's gay, lesbian, bi-sexual, and trans-gendered community (the "Community"). Recruitment efforts may include, but need not be limited to, activities already undertaken by the Service, including a recruitment booth at the annual Pride Day, a recruitment

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booth at town hall meetings and advertisements in newspapers directed at the Community. The Service will also consider such other recruitment initiatives as are brought forward to the Service by the Community. For a period of three years, the Service will report annually to the Toronto Police Services Board (the "Board") respecting these recruitment activities undertaken by the Service, and the Board will provide such reports to the Human Rights Commission (the "Commission").

3. The Service will distribute to members who are leaving the Service a confidential survey form (a copy of which is attached as Appendix "A") and stamped addressed envelope (both as prepared and provided by the Commission) to be completed and submitted to the Commission on a voluntary basis by each departing member. The Commission may, in its discretion, report to the Board on trends, if any, discerned in the exit interviews.

4. The Board will adopt a policy respecting the search and detention of trans-gendered people. The Service will finalize its procedure respecting the search and detention of trans-gendered people in accordance with the policy adopted by the Board, which procedure will be submitted to the Board for its consideration at a public meeting of the Board within one year of the date of execution of these Minutes of Settlement. The Board will ensure that the policy and procedure are provided to the Commission in advance of the meeting so that the Commission may make such representations to the Board as it may consider necessary and desirable to ensure compliance with the *Human Rights Code*.

5. The Board will develop a gender-sensitive policy regarding the attendance of police officers at locations occupied solely by women in a state of partial or complete undress, and the Service will develop and implement a procedure in accordance with this policy.

6. Subject to the consultation referred to in paragraph 7 herein, the Toronto Police Service Training and Education Unit will take responsibility for, and will ensure, the preparation, delivery and evaluation of learning programs to address issues of sensitivity to the Community, and in particular the requirement that the following be conducted in accordance with the *Human Rights Code*:

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- the inspection of liquor licences and special occasion permits at gay/lesbian venues and businesses;
- attendance at gay/lesbian bathhouses for the purpose of investigating suspected infractions of the Liquor Licence Act or Regulations; and
- the handling by the police of the search, arrest and detention of trans-gendered people.

Separate learning programs will be developed for delivery to two distinct learner groups namely:

- Current and future investigators responsible for supervising or carrying out investigations with respect to the *Liquor Licence Act*; and
- Current and future police officers of all ranks, including senior management.

Each learning program will consist of a Course Training Standard and a Training Delivery Plan, which will include:

- Delivery of the training by trainers with sufficient expertise to meet the objectives stated herein;
- Basic descriptive information about the course;
- The purpose of the course;
- The targeted learner group;
- The quantity and quality of the subject matter being taught to the course participants;
- The measurement criteria by which the subject matter/course material will be evaluated; and
- The objectives to be achieved by course participants by the end of the training session.

The Training Delivery Plan will specify the learner group, training delivery method(s), timelines for completion of training to current members of the learner groups, and a plan for delivery of the training to future members of the learner groups.

7. In developing the Course Training Standards and the Training Delivery Plan referred to in paragraph 6, the Training and Education Unit will consult with the complainants, counsel for the Human Rights Commission, the Toronto Police Service's Human Rights Co-ordinator, and the Toronto Police Service's liaison officer for the gay, lesbian, bisexual and trans-gendered community. In addition, the Training and Education Unit may consult with such other individuals as it may consider necessary.

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8. If in the course of the above consultations, the complainants reasonably believe that the input of an outside expert would be of assistance to them, the Board will contribute towards the cost of any such retainer by the complainants to a maximum amount of \$1,000.00. The complainants will provide any report of such outside expert to the Training and Education Unit for its consideration.

9. Before the learning programs are implemented, the Board will request the Director of the Ontario Police College to assess the Course Training Standards and Training Delivery Plans to ensure that the proposed learning programs are adequate, effective, appropriate, and timely to meet the objectives described above. The Director will be asked to report his conclusions in writing to the Board and to the Training and Education Unit. The Board will provide a copy of this report to the Commission.

10. The Training and Education Unit will provide to the Commission all of the information provided to the Director of the Ontario Police College for the purposes of the assessment referred to above, including but not limited to the Course Training Standards and the Training Delivery Plan. This information will be provided to the Commission at the same time as it is provided to the Director of the Ontario Police College. The Commission will review this information to ensure compliance with the *Human Rights Code* and will provide its assessment to the Training and Education Unit.

11. Upon receipt and review of the assessments of the Commission and of the Director of the Ontario Police College referred to above, the Training and Education Unit will finalize the Course Training Standards and Training Delivery Plan by making such revisions as may be necessary to meet the requirements stated in paragraph 6 herein. The Training and Education Unit will provide the finalized Course Training Standards and Training Delivery Plan to the Commission and to the Complainants.

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12. As they are being delivered, the training programs will be continuously evaluated by the Training and Education Unit for *reaction and learning* as described in Appendix "B" hereto. After the training has been delivered to the current members of the learning groups for one year it will be evaluated by the Training and Education Unit for *transfer and impact* as described in Appendix "B" hereto. The Training and Education Unit will provide a report to the Board summarizing the results of these evaluations. This report will be considered at a public meeting of the Board, and the Board will ensure that the Commission and the Complainants who took part in the consultations referred to in paragraph 7 are provided with adequate notice of such meeting so that they may make such representations to the Board as they consider necessary and desirable to ensure compliance with the *Human Rights Code*.

13. The Training and Education Unit will complete and submit the Course Training Standards and the Training Delivery Plan, to the Director of the Ontario Police College and to the Commission by the end of August, 2005, subject to any delays which may be beyond the control of the Toronto Police Service.

14. Commission "Code Cards" will continue to be posted in the public and booking areas of every police facility within the jurisdiction of the Service.

15. Each of Officers David Wilson, Adrien Greenaway, Myron Demkiw, Peter Christie and Richard Petric shall provide an apology in the form attached hereto as Appendix "C".

16. The parties agree to execute and file with the Board of Inquiry a Form 3 "Confirmation of Full Settlement" and consent to an Order of the Tribunal disposing of the proceeding in accordance with the terms of these Minutes of Settlement.

17. These Minutes of Settlement may be executed in as many counterparts as may be necessary and delivered by facsimile each of which so signed, sealed and delivered shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

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18. It is understood and agreed that the Respondents, by entering into this agreement, do not admit any violation or infringement of the *Human Rights Code*. It is further understood and agreed that the complainants do not retract any of their allegations against the parties to this agreement.

These Minutes of Settlement are made as of 17th day of December, 2004.



Toronto Women's Bathhouse Committee
Per:

Loraloe Gillis

Carlyle Jansen

Janet Rowe

Chanelle Gallant

Diane Hamilton

Karen Chan

Carol Thames



Toronto Police Services Board
Per:

David Wilson

Adrian Greenaway

Myron Demidow

Peter Christie

Richard Patrie



The Ontario Human Rights
Commission
Per:

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APPENDIX "A"

Confidential Survey Upon Termination of Service With the Toronto Police Service

The Toronto Police Service is committed to ensuring a quality environment within the Service in accordance with the principles of the Human Rights Code. Section 3 of the Human Rights Code reads as follows:

3(1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability

3(2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, same-sex partnership status, family status or disability.

You are being provided with this survey as part of the employment departure process from the Toronto Police Service. Participation in this survey is optional, anonymous and strictly confidential.

Included is a self-addressed envelope to the Ontario Human Rights Commission. Your response and those of other departing staff will be maintained and shared in the manner determined by the Ontario Human Rights Commission.

Thank you for participating in this survey.

Was your decision to leave the Toronto Police Service influenced by any discrimination or harassment on the basis of any of the following: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability?

YES NO

If the answer to the foregoing question is "Yes", please provide details to the extent you feel comfortable in doing so. Feel free to attach additional pages.

Ans
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Appendix BEVALUATION STRATEGY*How will the training be evaluated?*

All training should be evaluated on the Kirkpatrick Hierarchy of Evaluation. The four levels are: REACTION, LEARNING, TRANSFER and IMPACT.

REACTION: Note how the learner's reactions to the training will be measured. Did the participants find the program positive and worthwhile? This question has many sub-parts relating to the training content, format, the approach taken by the facilitator, physical facilities, audio-visual aids, etc.

LEARNING: Did participants learn? Training focuses on increasing knowledge, enhancing skill, and changing attitudes. To answer the question of whether participants learned involves measuring skill, knowledge and attitude on entry and again on exit, in order to determine changes. Note the method to be used to establish that learning has taken place, e.g. pre/post test, exam or project.

TRANSFER: Did the learning translate into changed behaviours in the real world? This question asks if learners have been able to transfer their new skills back to the workplace or community. Often it is in this area of transfer that problems occur. There may not be opportunity or support to use what was learned. This may reflect on the training itself but it may also be due to other variables. Note method to be used to determine whether or not a change in behaviour has occurred in the workplace.

IMPACT: Did the program have the desired impact? Assuming that the training program was intended to solve some organisational problem, this question asks, "Was the problem solved?" Note the method to be used to determine whether or not the initial problem or reason for training has been addressed.

The four categories of evaluation are carried out at different times during and after the program:

- **Reaction:** occurs during and after the program.
- **Learning:** occurs prior to, during, and at the end of a training program.
- **Transfer:** occurs back in the 'real world' within six or eight weeks.
- **Impact:** cannot be measured for at least six months and may not occur for considerable time after the delivery of a program.

Every training program will be evaluated to at least the first two levels (Reaction and Learning). The information will be used by training teams, Section Heads and Unit Commanders to continuously improve the programs.

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APPENDIX "C"

APOLOGY

The officers who attended the Pussy Palace 2000 on September 14 and 15, 2000 did not intend to breach the reasonable expectations of privacy of the women attending the bathhouse nor did the officers intend to subject the women attending the bathhouse to an unreasonable search in breach of the women's Charter rights. To the extent any of the women attending the bathhouse believed their rights were infringed, the officers regret that their conduct resulted in such a perception.

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Human Rights Tribunal
of Ontario

Confirmation of Full Settlement
Form 3

Tribunal File Number

IN THE MATTER OF THE Human Rights Code R.S.O. 1990, c.H.19 as amended
Formulaire également disponible en français

Please Print Information Clearly

The purpose of this document is to confirm that all parties to proceeding have agreed to a settlement and request that the proceeding be disposed of.

Ontario Human Rights Commission

Complainant(s): Toronto Women's Bathhouse Committee, Lorelee Gillis, Carlyle Jansen, Janet Rowe, Chantelle Gallant, Diane Hamilton, Karen Chan and Carole Thames

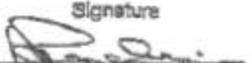
Corporate Respondent(s): Toronto Police Services Board

Personal Respondent(s): Julian Fartino, Dave Wilson, Adrian Greenaway, Richard Petrie, Myron Demkow and Peter Christie

We the undersigned confirm that the above-noted matter has been settled.

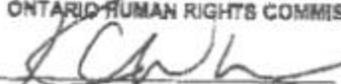
~~RESPONDENT(S)~~
RESPONDENT(S)
(PRINT NAME BELOW SIGNATURE)

~~COMPLAINANT(S)~~
COMPLAINANT(S)
(PRINT NAME BELOW SIGNATURE)
(Those who sign on behalf of a corporation must also indicate holder position)

Signature Date
 Dec 16/04
Ananya Prchal, City Solicitor's Office,
counsel for the Toronto Police Services
Board and Julian Fartino

Signature Date
 Dec 16/04
Frank Adario, Counsel for the
Complainant(s): Toronto Women's
Bathhouse Committee, Lorelee Gillis,
Carlyle Jansen, Janet Rowe, Chantelle
Gallant, Diane Hamilton, Karen Chan
and Carole Thames

ONTARIO HUMAN RIGHTS COMMISSION

 Dec 17/04
DATE

18. It is understood and agreed that the Respondents, by entering into this agreement, do not admit any violation or infringement of the Human Rights Code. It is further understood and agreed that the complainants do not retract any of their allegations against the parties to this agreement.

These Minutes of Settlement are made as of 17th day of December, 2004.

Toronto Women's Bathhouse Committee
Per:

Lorilee Gillis

Carilyn Jansen

Janet Rowe

Chanelle Gallant

Diane Hamilton

Karen Chan

Carol Thurnes

Toronto Police Services Board
Per:

DAVID WILSON per [Signature]
David Wilson

ADRIAN GREENAWAY per [Signature]
Adrian Greenaway

MYRON DENIKW per [Signature]
Myron Denkiw

PETER CHRISTIE per [Signature]
Peter Christie

RICHARD PETRIE per [Signature]
Richard Petrie

The Ontario Human Rights
Commission
Per:

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

#P156 POLICE OFFICER'S DUTY TO REPORT

The Board was in receipt of the following report MARCH 15, 2005 from Albert Cohen, City of Toronto – Legal Services Division

Subject: Police Officer's Duty to Report

Recommendation:

It is recommended that the Board:

- (i) ensure that Board members' orientation sessions include material on the significance of the Code of Conduct for Board members, in particular sections 2, 4, 8 and 13, and on potentially sensitive topics of discussion with Service members; and
- (ii) request the Chief of Police to report on the security and confidentiality measures instituted for personal information, including information related to Board members, in the custody and control of the Service, particularly personal information arising from investigations into potential law enforcement matters.

Background:

At its meeting held on October 21, 2004, the Board considered a report from the Chief of Police dealing with a police officer's duty to report (Minute No. P354 refers).

The Chief's report arose as a result of the Board's request to the Chief for a response to recommendations made in the report of The Honourable Sydney Robins, Q.C. in his report entitled "Alleged Communication Between Police Services Board Member and Members of the Police Service". In that report, Mr. Justice Robins made the following two recommendations:

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

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

command know; where the information is to be filed, how access to it is to be secured, and how long the information is to be retained. (Page 27)

At that meeting, the Board requested that I review these recommendations, develop any necessary guidelines or protocols and procedures as outlined in the recommendations and report to the Board on the matter. As well, the Board authorized me to consult with Mr. Justice Robins, as I considered necessary, during the preparation of my report.

Discussion:

I recently met with Mr. Justice Robins to obtain his comments and insights, gleaned from his review, on the implementation of the recommendations contained in his report.

1. Guidelines for Permissible Board Member/Officer Conduct

My review of this matter suggests that there are only limited guidelines that should be imposed on members of the Board in their contact with members of the Service. As Board members are aware, a Code of Conduct for Board members has been established by regulation made under the *Police Services Act*, a copy of which is attached as Appendix "A" to this report. The provisions of sections 2, 4, 8 and 13 of the regulation already serve as broad guidelines for Board conduct and interaction with members of the Service.

For ease of reference, the previously mentioned provisions of the Code of Conduct provide as follows:

- 2.** Board members shall not interfere with the police force's operational decisions and responsibilities or with the day-to-day operation of the police force, including the recruitment and promotion of police officers. O. Reg. 421/97, s. 2.
- 4.** Board members shall keep confidential any information disclosed or discussed at a meeting of the board, or part of a meeting of the board, that was closed to the public. O. Reg. 421/97, s. 4.
- 8.** Board members shall uphold the letter and spirit of the Code of Conduct set out in this Regulation and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board. O. Reg. 421/97, s. 8.
- 13.** Board members shall refrain from engaging in conduct that would discredit or compromise the integrity of the board or the police force. O. Reg. 421/97, s. 13.

In my view, given the normal interaction between Board members and members of the Service it seems inappropriate to impose a wide range of restrictions on such potentially useful, interaction, other than those dictated by good judgement and common sense or already imposed by the Code. However, in my view it would be appropriate and desirable as part of the Board members' orientation sessions to ensure that new Board members understand the significance of the Code provisions, referred to above, and are made aware of potentially sensitive areas of

discussion with Service members. As well, the Board should consider requiring a Board member to receive additional training in the Code in the event issues arise regarding a member's compliance with the Code's requirements.

2. Protocols and Procedures for Handling Unfounded Information

In his report, the Chief of Police discussed the considerations that apply to a police officer's duty to report on matters of an unusual nature and the various regulations, rules and oaths of secrecy that govern Service members' confidential treatment of information that comes to their attention. I reviewed the Chief's report and concluded that the matters set out in the Chief's report have addressed the concerns raised in the review. I agree with the Chief's view that attempting to screen information and place limitations on its use could undermine effective policing for the reasons expressed by the Chief. In addition, in my view, the various regulations, rules and oaths of secrecy, if effectively enforced, should be sufficient for the purpose of ensuring that confidentiality is maintained for police information.

These provisions tend to address the disclosure of information outside of the Service. However, the Board should note that section 32(c) of the *Municipal Freedom of Information and Protection of Privacy Act* provides that disclosure of recorded personal information within an institution, such as the police service, is permissible if:

...the disclosure is made to an officer or employee of the institution who needs the record in the performance of his or her duties and if the disclosure is necessary and proper in the discharge of the institution's functions.

Thus, MFIPPA provides that recorded personal information can only be disclosed within an institution to a member of the Service who needs that record to carry out his or her duties and the disclosure is required for the Service's policing activities.

The Board may also wish to consider asking the Chief of Police to report on the security and confidentiality measures instituted for personal information, including information related to Board members, in the custody and control of the Service, particularly personal information arising from investigations into potential law enforcement matters. This would enable the Board to better assess the protection of such information at the Service.

The Board deferred the foregoing report to its June 13, 2005 meeting and requested the following also be placed upon the agenda for consideration at that time:

- **Minute No. P205/04 from the June 21, 2004 meeting - Proposed Amendments to the *Police Services Act*; and**
- **Minute No. P354/04 from the October 21, 2004 meeting – Response to a Police Officer's Duty to Report.**

APPENDIX “A”

ONTARIO REGULATION 421/97

Amended to O. Reg. 277/00

MEMBERS OF POLICE SERVICES BOARDS - CODE OF CONDUCT

1. Board members shall attend and actively participate in all board meetings. O. Reg. 421/97, s. 1.
2. Board members shall not interfere with the police force's operational decisions and responsibilities or with the day-to-day operation of the police force, including the recruitment and promotion of police officers. O. Reg. 421/97, s. 2.
3. Board members shall undergo any training that may be provided or required for them by the Solicitor General. O. Reg. 421/97, s. 3.
4. Board members shall keep confidential any information disclosed or discussed at a meeting of the board, or part of a meeting of the board, that was closed to the public. O. Reg. 421/97, s. 4.
5. No board member shall purport to speak on behalf of the board unless he or she is authorized by the board to do so. O. Reg. 421/97, s. 5.
6. A board member who expresses disagreement with a decision of the board shall make it clear that he or she is expressing a personal opinion. O. Reg. 421/97, s. 6.
7. Board members shall discharge their duties loyally, faithfully, impartially and according to the Act, any other Act and any regulation, rule or by-law, as provided in their oath or affirmation of office. O. Reg. 421/97, s. 7.
8. Board members shall uphold the letter and spirit of the Code of Conduct set out in this Regulation and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board. O. Reg. 421/97, s. 8.
9. Board members shall discharge their duties in a manner that respects the dignity of individuals and in accordance with the *Human Rights Code* and the *Charter of Rights and Freedoms* (Canada). O. Reg. 421/97, s. 9.
10. Board members shall not use their office to advance their interests or the interests of any person or organization with whom or with which they are associated. O. Reg. 421/97, s. 10.

11. (1) Board members shall not use their office to obtain employment with the board or the police force for themselves, their family member or their same-sex partner. O. Reg. 83/00, s. 1.
 - (2) For the purpose of subsection(1),"family member" means the parent, spouse or child of the person, as those terms are defined in section 1 of the *Municipal Conflict of Interest Act*. O. Reg. 421/97, s. 11 (2).
12. A board member who applies for employment with the police force, including employment on contract or on fee for service, shall immediately resign from the board. O. Reg. 421/97, s. 12.
13. Board members shall refrain from engaging in conduct that would discredit or compromise the integrity of the board or the police force. O. Reg. 421/97, s. 13.
14. (1) A board member whose conduct or performance is being investigated or inquired into by the Commission under section 25 of the Act or is the subject of a hearing before the Commission under that section shall decline to exercise his or her duties as a member of the board for the duration of the investigation or inquiry and hearing. O. Reg. 277/00, s. 1.
 - (2) If the application of subsection (1) results in a board not having enough members able to exercise their duties in order to constitute a quorum during an investigation, inquiry or hearing under section 25 of the Act, the chair of the Commission may appoint that number of persons necessary to constitute a quorum, who shall act in the place of the members who are unable to exercise their duties. O. Reg. 277/00, s. 1.
 - (3) The chair of the Commission,
 - (a) shall specify in an appointment made under subsection (2) that the appointee may only exercise such duties as are necessary for the effective operation of the board during the investigation, inquiry or hearing and, for such purpose, may specify the duties the appointee may or may not exercise; and
 - (b) shall cancel an appointment made under subsection (2) as soon as a member of the board who declined to exercise his or her duties under subsection (1) resumes exercising his or her duties or is replaced under subsection 25 (8) of the Act. O. Reg. 277/00, s. 1.

- 15.** If the board determines that a board member has breached the Code of Conduct set out in this Regulation, the board shall record that determination in its minutes and may,
- (a) require the member to appear before the board and be reprimanded;
 - (b) request that the Ministry of the Solicitor General conduct an investigation into the member's conduct; or
 - (c) request that the Commission conduct an investigation into the member's conduct under section 25 of the Act. O. Reg. 421/97, s. 15.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P157 POLICY GOVERNING THE APPROVAL OF EXPENDITURES
FROM THE SPECIAL FUND**

The Board was in receipt of the following report APRIL 28, 2005 from Pam McConnell,
Chair

Subject: POLICY GOVERNING THE APPROVAL OF EXPENDITURES
FROM THE SPECIAL FUND

Recommendation:

THAT the Board approve and implement the policy governing the approval of
expenditures from the Special Fund which is appended to this report.

Background:

The Police Services Act governs the disposition of personal property which comes into
the lawful possession of a police service. The Act authorizes the chief of police to cause
the property to be sold and establishes that the board may use the proceeds "...for any
purpose that it considers in the public interest".

The Act also governs the administration of money coming into the possession of the
police service. If the money is administered according to the Act and if three months
have elapsed after the day the money came into the service's possession and the owner
has not claimed it, "...the board may use it for any purpose that it considers in the public
interest". These monies are referred to as the Board's Special Fund.

The Board currently receives quarterly reports on the Special Fund which include
spending projections. The Special Fund is also audited annually.

The Board adopted a policy in 1993 to govern expenditures from the Special Fund. That
policy was amended in 2000 and this, most recent version, is appended for information.

On April 27, 2001, due to the depletion of the Special Fund, the Board determined that a
moratorium would be placed on the approval of expenditures from the Fund. At that
time, the Board determined that the Special Fund could only sustain expenditures related
to employee recognition (awards, long service, retirements, volunteer appreciation) and,
on a limited basis, the Special Fund has continued to support the work of Community
Police Liaison Committees (CPLC's). On a case by case basis the Board has also
approved other exceptions to the spending moratorium.

Discussion:

Based on the stability of the Special Fund, which has been achieved, in part, through the adoption of an on-line property disposition process, I am recommending that the Board adopt a revised policy governing expenditures from the Special Fund; and that, through the implementation of this policy; the Board lift the moratorium on expenditures from the Special Fund. As of December 31, 2004 the Fund balance was \$444,233.00.

I have attached a revised policy for the Board's consideration. The revised policy reflects three themes that are very important to the Board:

- support for community-oriented policing,
- recognition of the meritorious work and service of our members and
- a desire to promote the health and well-being of our members.

Based on these themes, the revised policy establishes the following criteria to govern the approval of expenditures from the Special Fund:

- initiatives supporting community-oriented policing that involve a co-operative effort on the part of both the Toronto Police Service and the community
- expenditures related to recognition of the work of Board members, Toronto Police Service members, auxiliary members, other volunteers and school crossing guards
- funding to offset the expenses of members participating in Toronto Police Amateur Athletic Association (TPAAA) – sponsored events and competitions. This reflects a very long-standing practice of the Board and is limited to \$200.00 per Service member, per sporting event.
- shared funding of fitness equipment for police facilities. This policy is currently reflected in the uniform collective agreement and is a commitment on the part of the Board to fund 1/3 of the cost of fitness equipment for police facilities.

Delegation

Currently, the Board has provided standing authority for the approval of expenditures related to the recognition of Board members, Toronto Police Service members, and auxiliary members, other volunteers and school crossing guards.

In addition to this standing authority, for ease of administration, the draft policy proposes that the Chair and Vice Chair be delegated the authority to approve requests for funding from the TPAAA and to approve request for payment of the 1/3 share of the costs of fitness equipment in police facilities.

All requests for approval of requests to fund initiatives supporting community-oriented policing that involve a co-operative effort on the part of both the Toronto Police Service and the community will be submitted for the consideration of the full Board, on its public agenda. Similarly, any requests for the approval of expenditures that would be

considered exceptions to the policy will be submitted, by the Chair, to the full Board for approval.

Conclusion:

The lifting of the moratorium will allow the Board to provide tangible support for community-oriented policing and will allow the Board to re-institute funding for events which serve to promote the health and well-being of our members.

The Board approved the foregoing.

Current
Policy

CHAPTER NAME 1
CHAPTER NAME 2

TPSB AA-### Special Fund

<input type="checkbox"/>	New	Board Authority:	BM#624/1993.11.04
<input checked="" type="checkbox"/>	Amended	Board Authority:	BM#120/2000.03.27
<input type="checkbox"/>	Reviewed – No Amendments		yyyy.mm.dd

BOARD POLICY

- 1) It is the policy of the Toronto Police Services Board with respect to the Special Fund that all expenditures be approved as follows:
- 2)
 - a) A projection of spending for the coming year be provided to the Board at the time that the Board considers its operating budget
 - b) Expenditures be reported to the Board on a quarterly basis. Expenditures are to be compared to projected spending.
 - c) All requests for funding be considered as part of the Board's public agenda
 - d) The special fund shall be used for the following purposes: initiatives supporting community oriented policing that involve a co-operative effort on the part of police and the community, expenditures related to recognition of the work of Board members, Service members, auxiliary members and school crossing guards, and funding for the Toronto Police Amateur Athletic Association (TPAAA) in accordance with the Collective Agreement.

The Board, on a case by case basis, may consider exceptions to this policy.
 - e) The Board will not commit to recurring donations or to the on-going funding of particular initiatives. The approval of funding for a particular purpose will not be considered as a precedent which binds the Board.
 - f) Recipients of funding shall be advised that a condition of the receiving of funds is the filing of a report that accounts for the use of the funds and the return of any unexpended monies.

REPORTING: Quarterly

LEGISLATIVE REFERENCE

Act	Section
Police Services Act R.S.O. 1990 as amended	132(2)

SERVICE PROCEDURES

Not Applicable

Proposed
Policy

TORONTO POLICE SERVICES BOARD POLICY AND DIRECTIONS

TPSB POL - Special Fund

<input type="checkbox"/>	New	Board Authority:	BM 156/00
<input checked="" type="checkbox"/>	Amended	Board Authority:	BM###-yyyy.mm.dd
<input type="checkbox"/>	Reviewed – No Amendments		

BOARD POLICY

Section 132(2) of the Police Services Act establishes that the Board has the sole authority for spending the proceeds from the sale of property which lawfully comes into the possession of the police service. The Act stipulates that "the chief of police may cause the property to be sold, and the board may use the proceeds for any purpose that it considers in the public interest."

It is the policy of the Toronto Police Services Board with respect to the administration of the Special Fund that:

1. A projection of spending for the coming year shall be provided to the Board at the time that the Board considers its operating budget.
2. Expenditures shall be reported to the Board on a quarterly basis. Expenditures shall be compared to spending projections.
3. All requests for funding shall be considered as part of the Board's public agenda.

It is the policy of the Toronto Police Services Board with respect to the approval of expenditures from the Special Fund that the Fund shall be used for the following purposes:

- (i) initiatives supporting community-oriented policing that involve a co-operative effort on the part of both the Toronto Police Service and the community,
 - (ii) expenditures related to recognition of the work of Board members, Toronto Police Service members, auxiliary members, other volunteers and school crossing guards,
 - (iii) funding to offset the expenses of members participating in Toronto Police Amateur Athletic Association (TPAAA) – sponsored events and competitions
 - (iv) shared funding of fitness equipment for police facilities
4. The Board, on a case by case basis, may consider exceptions to this policy.
 5. The Board will not commit to recurring donations or to the on-going funding of particular initiatives. The approval of funding for a particular purpose will not be considered as a precedent which binds the Board.
 6. Recipients of funding shall be advised that a condition of the receiving of funds is the filing of a report that accounts for the use of the funds and the return of any unexpended monies.

Delegation – Awards and Recognition Programs

7. The Chair and the Vice Chair have been granted standing authority to approve expenditures from the Special Fund for costs associated with the Board's awards and recognition programs.
8. The Chair and the Vice Chair are required to report on an annual basis as to the approved requests.

Delegation - TPAAA

9. The Special Fund shall be used for funding for the Toronto Police Amateur Athletic Association (TPAAA) sporting events and competitions to a maximum of \$200.00 per member, per event.
10. The Chair and the Vice Chair have been granted standing authority to approve these requests.
11. The Chair and the Vice Chair are required to report on an annual basis as to the approved requests.

Delegation - Fitness Facilities

12. The Board shall offset the cost of equipment for its fitness facilities.
13. To offset the cost of equipment for fitness facilities, and, as referenced in the collective agreement, the Board will endeavour to obtain the maximum amount of government funding possible. The balance of the cost will be shared according to the Board's current policy: 1/3 payable by the Board; 1/3 payable by the TPAAA (assuming that the TPAAA agrees) and 1/3 payable by the members.
14. The Chair and the Vice Chair have been granted standing authority to approve these requests.
15. The Chair and the Vice Chair are required to report on an annual basis as to the approved requests.

REPORTING:

- Quarterly reports
- Chair to report annually on requests authorized by Chair and Vice Chair

LEGISLATIVE REFERENCE

Act	Regulation	Section
Police Services Act		132(2)

BOARD POLICIES:

Number	Name

SERVICE PROCEDURES: Not applicable

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P158 2005 HOURLY RATES FOR LEGAL SERVICES – HICKS MORLEY
HAMILTON STEWART STORIE**

The Board was in receipt of the following report APRIL 01, 2005 from William Gibson, Director of Human Resources:

Subject: 2005 HOURLY RATES FOR LEGAL SERVICES -- HICKS MORLEY
HAMILTON STEWART STORIE

Recommendation:

It is recommended that the Board approve the hourly rates for legal services provided by Hicks Morley Hamilton Stewart Storie retroactive to March 1, 2005.

Background :

At its meeting on December 11, 2002 (Board Minute #P333/02 refers), the Board approved the selection of the law firm of Hicks Morley Hamilton Stewart Storie to provide supplementary legal services in the area of employment and labour law issues to the Toronto Police Services Board. The Board also authorized the Chairman to execute an agreement between the Board and the law firm of Hicks Morley Hamilton Stewart Storie to provide legal services for a five-year period from October 1, 2002 to September 30, 2007, inclusive.

The agreement in part states that “Hicks, Morley acknowledges that the fee estimates set out in paragraph 1 of Schedule “B” are the maximum amounts authorized to be paid by the Board and any invoiced amount for fees in excess of this will require further authorization, which may or may not be forthcoming”. Attached is a list outlining the current fee schedule which was approved by the Board on July 29, 2004 (Board Minute #P226/04 refers).

On March 31, 2005, Labour Relations was in receipt of a letter from Mr. Michael Hines of Hicks Morley Hamilton Stewart Storie proposing the following increases to the hourly rates for the Board’s consideration:

<u>Lawyer</u>	<u>Regular Rate</u>	<u>Toronto Police Services Board Rate</u>
Senior Partner – 15 + years of experience	\$425.00	\$345.00
Partner – 7 to 14 years of experience	\$340.00 to \$410.00	\$260.00 to \$335.00

Senior Associate	\$230.00 to \$330.00	\$180.00 to \$250.00
Junior Associate	\$220.00	\$160.00 to \$170.00
Students	\$135.00	\$115.00

Hicks Morley Hamilton Stewart Storie has indicated that this type of increase is necessary to offset escalating expenses at the law firm and, in particular, to ensure that the salary structure for the more junior members of the law firm are comparative with other major firms in the Greater Toronto Area.

It is hereby recommended that the Board approve the above hourly rates retroactive to March 1, 2005. Funds are available in the Board's Professional and Consulting Budget Account #BRD 4199.

I will be in attendance to respond to any questions the Board may have in regard to this matter.

The Board approved the following Motion:

THAT the foregoing report be deferred to the Board's June 13, 2005 meeting to be considered in conjunction with a report which will be provided by the City Solicitor regarding a fee structure for external legal services.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

#P159 SMARTZONE AND CENTRACOM SYSTEMS UPGRADE

The Board was in receipt of the following report APRIL 15, 2005 from William Blair, Chief of Police – Designate:

Subject: SMARTZONE AND CENTRACOM SYSTEMS UPGRADE

Recommendation:

It is recommended that: the Board award the Smartzone and Centracom systems upgrade (including all necessary components and support) to Motorola Canada at a cost of \$1,504,500 (including all taxes).

Background:

This project is to upgrade the joint Toronto Police Service (TPS), Toronto Fire Services (TFS) and Emergency Medical Services (EMS) SmartZone voice radio system to version “Z” and Centracom dispatch consoles to Windows XP (Board Minute #P294/04 refers).

The original system purchase was approved by City Council in December 1999 and implemented in 2000. This system was purchased from Motorola in order to preserve approximately \$40 Million in existing infrastructure and user equipment. In November 2003, Motorola announced that the last version of software upgrade for SmartZone voice radio system would be available only until December 2004. Motorola has extended this deadline to a number of large public service agencies as a result of delays in internal budgetary processes. Any customer that does not upgrade to that version would not be able to get the necessary Motorola system support for the SmartZone radio system. All customers that do upgrade are guaranteed support for the system until 2012, at which time the system itself will be retired.

In the latter part of 2003, Microsoft announced that they would discontinue support for the Windows 2000 operating system. As a result, Motorola made the similar announcement to reflect their support for all Windows 2000 based applications. In order to ensure continued Motorola support, the Service needs to upgrade the Centracom Gold Elite console software and operating system to Windows XP.

Both upgrades must have sources through Motorola as the SmartZone voice radio system is proprietary Motorola technology.

TPS Radio & Electronics Services, in its capacity as a licensed Motorola system maintenance provider, will perform the upgrade on behalf of three agencies, as per the memorandum of understanding and the cost will be shared equally between TPS, TFS and EMS.

Funding for this project is approved in the Service's 2005-2009 Capital Program. Based on the understanding between the three agencies, TPS would perform and pay for the upgrade in 2005 and then be reimbursed by TFS and EMS in 2006. TFS and EMS committed that their share of the cost for this project would be included in their respective 2006 Capital Programs. City Finance staff have confirmed that the EMS portion is included in year 2006 of their Capital Program however, TFS have not included their share at this time. It is expected that TFS will include their share in the development of the 2006-2010 Capital Program based on a letter received from Fire Chief W. Stewart.

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

Mr. Frank Chen, Chief Administrative Officer, was in attendance and responded to questions by the Board about this report.

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P160 REQUEST FOR FUNDS: NATIONAL BLACK POLICE ASSOCIATION'S
33rd ANNUAL NATIONAL EDUCATION & TRAINING CONFERENCE**

The Board was in receipt of the following report APRIL 28, 2005 from Pam McConnell, Chair:

Subject: NATIONAL BLACK POLICE ASSOCIATION'S 33RD ANNUAL NATIONAL
EDUCATION & TRAINING CONFERENCE

Recommendation:

It is recommended that the Board approve funding from the Board Special Fund in the amount of \$50,000.00 to support the hosting of The National Black Police Association's (N.B.P.A.) 33rd Annual National Education & Training Conference.

Background:

The N.B.P.A. is a non-profit organization established in 1972. The NBPA currently represents approximately 35, 000 individual members and more than 140 Chapters across 34 States and the District of Columbia, and is affiliated with criminal justice organizations in Canada, the United Kingdom and Bermuda. One of the goals of N.B.P.A. is to help improve relations between police departments and the community. It serves as a national network for the training and education of police officers and the community.

Established in 1992 to address the needs and concerns of Blacks and other racial minorities in law enforcement and the broader Canadian society, the Association of Black Law Enforcers (A.B.L.E.) is affiliated with the N.B.P.A., and will be hosting the NBPA conference being held in Toronto from August 14 – 21, 2005.

A.B.L.E. represents approximately 400 members, consisting of various criminal justice organizations including, police officers, corrections officers, probation and parole officers and members of the community. A.B.L.E.'s mandate includes the provision of scholarships to students pursuing post-secondary education, with emphasis on law enforcement programs, and who have excelled in academic achievement and contributed to their community. Additionally, A.B.L.E.'s initiatives include mentoring, advocacy, public education, focus groups and community presentations.

The theme of this year's N.B.P.A. conference is "Leaders for the Future". The conference workshops and events will focus on several issues including, social justice issues facing the Black and minority communities around the world, racial profiling, crime and differential treatment within the workplace.

Over the years, the Board has supported, by way of financial sponsorship, ticket purchases and human resources, conferences such as the Ontario Association of Police Services Boards (O.A.P.S.B.), the International Association of Chiefs of Police (I.A.C.P.), the Ontario Association of Chiefs of Police (O.A.C.P.) and previous A.B.L.E. initiatives that promote the ideals of police and community working together for a better future.

Specifically the Board has provided the following funding for conferences being hosted by the Toronto Police Service; 2001 I.A.C.P. conference was initially approved funding of \$100,000.00 of which \$50,000.00 was returned to the Board; O.A.P.S.B. 2002 conference was allocated funds in the amount of \$20,000.00, however due to successful fundraising efforts the funds were not needed, but soft costs were absorbed by the Board; O.A.C.P. 2005 conference approved funding of \$45,000.00.

I believe this conference provides an opportunity for the Board to gain further insight, share information, make new contacts and develop friendships. It is an opportunity for the Board to demonstrate its continued commitment to equity, diversity, community relations, respect and social justice.

The Board noted that earlier in the meeting it had approved a new policy governing expenditures from the Special Fund which included a provision that recipients of funding are required to file a report that accounts for the use of the funds and the return of any unexpended monies (Min. No. P157/05 refers).

The Board approved the foregoing report and the following Motions:

- 1. THAT, given the amount of funds contributed by the Board in this case, it is requested that a copy of the report that will be filed following the conference be provided to the Board for information; and**
- 2. THAT, given that the Board approved a contribution in the amount of \$45,000 towards the cost of hosting the 2005 Annual Conference of the Ontario Association of Chiefs of Police at its meeting on April 07, 2005 (Min, No, P122/05 refers), it is requested that a copy of the report that will be filed following the OACP conference be provided to the Board for information.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P161 REQUEST FOR FUNDS: CANADIAN ASSOCIATION OF POLICE
 BOARDS – 2005 ANNUAL CONFERENCE**

The Board was in receipt of the following report APRIL 28, 2005 from Pam McConnell, Chair:

Subject: CANADIAN ASSOCIATION OF POLICE BOARDS (CAPB) 2005 ANNUAL
 CONFERENCE

Recommendation:

It is recommended that the Toronto Police Services Board contribute \$5,500.00 from the special fund towards the cost of the 2005 CAPB Conference.

Background :

The CAPB will hold its 16th annual meeting and conference in Ottawa from August 17 – 20, 2005.

Attached to this report is correspondence from Mr. Donald K. Robinson, Q.C., President of the CAPB requesting funding for the conference. The CAPB is a non-profit organization that operates solely on membership dues, which makes it necessary for the larger police boards to provide monetary support to conference organizers.

Given that the Board is a member of CAPB and that several of our Board members will be attending this year's CAPB conference, I recommend that we provide financial support.

The Board approved the foregoing.



Canadian Association of Police Boards
Association canadienne des commissions de police

DATE RECEIVED

APR 03 2005

TORONTO
POLICE SERVICES BOARD

30 March 2005

Pam McConnell, Chair
Toronto Police Services Board
40 College Street, 7th Floor
Toronto, ON M5G 2J3

Dear Chair McConnell:

Re: CAPB 2005 ANNUAL CONFERENCE SPONSORSHIP

From August 17 to 20, 2005 approximately 150 police governors from across Canada will be in Ottawa for the 16th Annual Meeting and Conference of the Canadian Association of Police Boards (CAPB).

These elected officials and citizen representatives play a valuable role in their communities by serving on their local police services boards or commissions. Their responsibilities include approving the annual budget and major expenditures for their police service, setting strategic directions and policies, hiring the Chief of Police and assessing his/her performance, collective bargaining with the police unions in most provinces, and generally overseeing the police service to ensure the provision of adequate and effective police services.

The CAPB is the only national organization solely dedicated to excellence in police governance in Canada. Established in 1989, the CAPB represents approximately 60 municipal police boards/commissions across Canada. These boards and commissions employ in excess of 30,000 police personnel, representing approximately three-quarters of municipal police personnel in Canada.

As a non-profit association, the CAPB relies on the support of its members, partners and others who value the importance of effective policing and police governance nation-wide. The CAPB 2005 Conference provides a number of sponsorship opportunities through which you can demonstrate your support for excellence in police governance and at the same time, connect with approximately 150 police governors from across Canada. Sponsorship information and a preliminary Conference program are enclosed; CAPB staff would be pleased to discuss with you a sponsorship opportunity that fits best with your organization's goals. In addition to the sponsorship opportunities outlined on the attached sheet, we are also looking for donated door prizes for the CAPB's Annual Golf Tournament on August 17.

I will follow up with a phone call in the near future. In the meantime, please contact Wendy Fedec, Executive Director (tel: 613-560-1312, email: wendy.fedec@ottawa.ca) to discuss how you can take advantage of this unique opportunity. Our conference organizers look forward to working with you.

Sincerely,

Donald K. Robinson, Q.C.
President
Canadian Association of Police Boards



SPONSORSHIP PROGRAM
2005 ANNUAL MEETING AND CONFERENCE: AUGUST 17-20, 2005, OTTAWA

LEVELS OF SPONSORSHIP

PLATINUM Level - \$10,000+

- > Name and logo on banner displayed throughout conference
- > Name and logo in conference program
- > Recognition at Official Opening
- > 2 delegate registrations
- > VIP seating for 2 and recognition at all dinner events
- > Opportunity to speak at a selected event
- > Display table in registration area
- > Placement of material in delegate kit bags

GOLD Level - \$5,000

- > Name or logo in conference program
- > Name or logo on event signage
- > Recognition at Official Opening
- > 1 delegate registration
- > VIP seating for 2 and recognition at one dinner event
- > Material displayed in registration area
- > Placement of material in delegate kit bags

SILVER Level - \$2,500

- > Name in conference program
- > Name on event signage
- > Recognition at Official Opening
- > Placement of material in delegate kit bags

BRONZE Level - \$1,000

- > Name in conference program
- > Name on event signage
- > Recognition at Official Opening

SPONSORSHIP OPPORTUNITIES

A variety of sponsorship opportunities are available on a first come, first paid basis. CAPB staff would be pleased to discuss an option that best meets your organization's needs and level of support. Please contact Wendy Fedec at (613) 560-1312 or email: wendy.fedec@ottawa.ca.

- > Golf BBQ
- > Hospitality Suite
- > Friday Reception and Banquet
- > Delegate Breakfasts or Lunches
- > Network Refreshment Breaks
- > Companions' Breakfast / Companions' Program
- > Plenary sessions
- > Delegate kit bags
- > Transportation

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P162 NEW JOB DESCRIPTION – CLERK DATA ENTRY, MAJOR CASE
MANAGEMENT**

The Board was in receipt of the following report MARCH 14, 2005 from Michael Boyd, Former Interim Chief of Police:

Subject: NEW JOB DESCRIPTION - CLERK DATA ENTRY, MAJOR CASE
MANAGEMENT

Recommendation:

It is recommended that: the Board approve the attached new job description and job classification for the position of Clerk Data Entry, Major Case Management (A04133).

Background:

Following the trial of Paul Bernardo in the 1990's, the Province of Ontario ordered an inquiry into the criminal case management by police agencies in various Ontario jurisdictions, including Toronto. Mr. Justice Archie Campbell was appointed to head the inquiry. At the conclusion of the inquiry, Mr. Campbell issued a report that contained many recommendations, one of which was the need for a central computer database system where all serious cases in Ontario, such as murder and sexual assault, be entered. This database would not only manage the case for investigators, but would also identify links to other cases in the Province.

Several software systems were reviewed by the Province and a decision was made to select the 'PowerCase' System. This system has been in place in the Toronto Police Service for approximately eight years on a limited basis and has proven to be successful in solving several high profile cases.

The Province recently passed legislation mandating that, effective January 1, 2005, all police agencies use the PowerCase System to manage defined criminal investigations.

At its meeting of November 29, 2004 (Minute No. P386/04 refers), the Board approved the 2005 operating budget which included the hiring of ten clerks to perform data entry and indexing into the PowerCase System.

Budget/Cost Impact:

Based on the attached job description, Compensation and Benefits has assessed this position as a class A04 (35 hour) job within the 'Unit A' Collective Agreement. This classification carries a current salary range of \$32,520 to \$40,263 per annum, effective January 1, 2004.

Funding for these ten positions has been included in the Service's 2005 Operating Budget, which was recently approved by Toronto City Council.

It is recommended that the Board approve the attached job description and job classification for the position of Clerk Data Entry, Major Case Management (A04133). Upon approval of this recommendation by the Board, the Toronto Police Association will be notified, as required by the Collective Agreement.

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

The Board approved the foregoing.



TORONTO POLICE SERVICE
JOB DESCRIPTION

Date Approved:
Board Minute No.:
Total Points: 294
Pay Class A4

JOB TITLE:	Clerk, Data Entry – MCM	JOB NO.:	A04133
BRANCH:	Detective Support	SUPERSEDES:	New
UNIT:	Detective Services	HOURS OF WORK:	35 SHIFTS: 1
SECTION:	Major Case Management	NO. OF INCUMBENTS IN THIS JOB:	10
REPORTS TO:	Officer in Charge	DATE PREPARED:	22 February 2005

SUMMARY OF FUNCTION: Responsible for the accurate and timely encoding and input of relevant police related information necessary to comply with the Province's Major Case Management (MCM)/ Powercase requirements and standards.

DIRECTION EXERCISED: N/A

MACHINES & EQUIPMENT USED: Micro-computers/mainframe terminals and associated software applications, fax machines, photocopiers and any other related office equipment as may be required.

DUTIES AND RESPONSIBILITIES:

1. Receives information from various sources, creates files and encodes data in accordance with MCM format; organizes files using prescribed protocol and performs updates on an ongoing basis.
2. Scans and/or types reports, statements, tip/messages and other documents and inputs material into PowerCase; edits electronic documents and scanned materials to comply with MCM PowerCase requirements.
3. Performs verification of information using TPS databases and other resources (i.e. Map book, phone book).
4. Reads memo books, officer reports, statements, tip messages etc.; creates summaries and incorporates into PowerCase; registers Index and Power Index documents as indicated.
5. Reviews Index Plan, seeks objects such as persons, locations, telephone numbers and vehicles etc.; creates cross-references and adds text extracts to object items.
6. Creates Witness in Brief, Officer list and will-say text from Watson and generates basic Watson charts as required.
7. Identifies, acknowledges and prints match notifications and ensures that all links are brought to the attention of the Officer in Charge of the related case.
8. Conducts basic search queries within PowerCase, as required
9. Performs other related duties and tasks as required. (i.e. such as taking and typing minutes of meetings, transcripts, telephone inquiries, call transfers etc.)

dg:113985

The above statements reflect the principal functions and duties as required for proper evaluation of the job and shall not be construed as a detailed description of all the work requirements that may be inherent in the job or incidental to it.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P163 REQUEST FOR EXTENSION OF TIME TO SUBMIT REPORT:
FEASIBILITY OF INCREASING FOOT AND BIKE PATROLS**

The Board was in receipt of the following report APRIL 15, 2005 from William Blair, Chief of Police - Designate

Subject: INCREASING FOOT AND BIKE PATROLS

Recommendation:

It is recommended that: the Board approve the deferral of increasing foot and bike patrols to a future date to co-ordinate a response with the review of the Service's organizational and management structures.

Background :

The Board requested that the Service provide a report for the January 24th, 2005 meeting outlining additional alternative deployment models that could be used to increase the number of foot and bicycle patrol officers (Board Minute P343/04). An extension was granted until the May 2005 meeting to allow for the development of a work plan to address this issue.

The previous report to the Board outlined several initiatives that the Service had undertaken to address deployment efficiencies. The Board was informed about the mechanics of the 60/40 Staffing Model, which was created in response to the 90-Day Review undertaken in 2000 (Board Minute C189/01). As well, the previous report outlined the results of research conducted surrounding deployment processes used by other policing agencies; none of which was capable of addressing the Service's community policing priorities at that time. The Board was also informed about the contracted development of a sophisticated statistical staffing model, a project that was terminated in 1999.

The development of a comprehensive staffing and deployment model is a complex task. This development necessitates prioritizing front-line policing and community policing functions, conducting a major review of Service business practices, and balancing the deployment of resources within the various policing mandates. Any subsequent shifting of this balance can significantly impact on the ability to deliver policing services.

Deployment is an important issue for the Service; one that can not be addressed haphazardly, nor in isolation. Since the issue of foot and bike patrol deployment was raised, the Board has requested an organizational review of the Service's current structure, including its management configuration. Recommendations from these reviews will impact deployment practices. That

being said, the Service will continue formalizing the initiative of returning officers to uniform in areas identified as having this need.

However, it is recommended that any analysis of foot and bike patrol deployment be conducted in conjunction with the requested reviews. This co-ordinated approach will ensure that subsequent recommendations continue to address Service priorities, and contribute to the maintenance of community safety and satisfaction.

It is therefore recommended that the Board approve the deferral of increasing foot and bike patrols to a future date to co-ordinate a response with the review of the Service's organizational and management structures.

Acting Deputy Chief Jane Dick, Policing Operations Command, will be in attendance to respond to any questions the Board may have.

Chief Blair advised the Board that the recommendation in the foregoing report should have indicated the Service's request for an extension of time within which to submit a report regarding the feasibility of increasing the number of foot and bicycle patrols rather than *deferring* a report addressing the increase of foot and bicycle patrols.

On the basis of Chief Blair's explanation, the Board received the foregoing report and agreed to extend the time within which the Service could provide a report addressing an increase in foot and bicycle patrols.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

#P164 DETER IDENTIFY SEX-TRADE CONSUMERS (D.I.S.C.) PROGRAM

The Board was in receipt of the following report APRIL 18, 2005 from William Blair, Chief of Police – Designate:

Subject: DETER IDENTIFY SEX-TRADE CONSUMERS (D.I.S.C.) PROGRAM

Recommendation:

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

Background:

In September 2004, then Chair A. Milliken Heisey sent an internal memo to Chief Julian Fantino inquiring about the Service's involvement, if any with the Deter Identify Sex-Trade Consumers Program (D.I.S.C.)

In a correspondence to Chair Pam McConnell dated October 27, 2004, Chief Fantino advised that the T.P.S. was aware of the D.I.S.C. program and recognized its potential value for assisting police services to exchange information in relation to the sex trade industry; a complex and pressing issue. The Chief further advised however, that significant legal, logistic and administrative concerns had been identified and required a full evaluation before making a commitment to participate.

At its meeting on December 16, 2004, the Board received a report from Chair McConnell requesting a report from the Chief detailing the Service's involvement to date, if any, with the Deter Identify Sex-Trade Consumers Program (D.I.S.C.), as well as any future plans regarding the Service's involvement in this initiative (BM #P399/04 refers).

The D.I.S.C. program was developed by members of the Vancouver Police Service (V.P.S.) to capture information about sex trade consumers and to share that information with police services across Canada and the United States. A registration package, including among other things, a Software Licence Agreement and Privacy Protocol, was received and forwarded to T.P.S. Legal Services for an opinion.

Staff Inspector George Cowley, of T.P.S. Legal Services, reviewed the package. While supportive of the endeavour, he expressed concern about a few issues that were not addressed in the documents and others that did not adequately protect the Service from liability. He further cautioned that Command approval was required prior to further consideration.

Given the investigative and transient nature of the information, several concerns were raised with regard to the reliability of the data and the lack of limits placed on the use of the information contained on D.I.S.C. Staff Inspector Cowley pointed out that, prior to using the information users should be required to verify the information with the originating agency. Other concerns involved third-party liability and the currency of the data and protocols for purging and maintaining information.

In order to resolve these and other concerns, Staff Inspector Cowley recommended that substantial amendments to the agreement would be required. Staff Inspector Cowley offered to assist in redrafting the documents, pending Command approval.

The costs to the Service must be evaluated prior to involvement in the D.I.S.C. program. The program itself is free. Other costs for items such as personnel to conduct data entry would be considered "soft" costs.

Operational issues to be addressed include the development of procedures, access to and location of the database and data entry responsibilities.

As of April 1, 2005 the decision has been made that the TPS will not join the D.I.S.C. program because of a variety of liability issues that have been identified.

The Service wishes to explore other options that do not carry such liability. The Service will report to the Board no later than the October 2005 Board meeting on other options that were explored and make recommendations at that time.

It is recommended that the Board receive this report for information. Acting Deputy Chief Gary Grant, Policing Support Command will be in attendance to answer any questions the Board may have.

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

THAT the Chief of Police report back to the Board on current or planned participation in a national data-sharing system, such as DISC, that has as its intent, the tracking of the movement and practice of sex-trade consumers and the protection of sex-trade workers, with an emphasis on vulnerable youth working in the sex trade.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P165 RESPONSE TO THE CITY OF TORONTO REQUEST FOR REPORT:
PAYROLL PROCESSING REVIEW (PHASE ONE)**

The Board was in receipt of the following report APRIL 15, 2005 from William Blair, Chief of Police – Designate:

Subject: RESPONSE TO THE CITY OF TORONTO AUDITOR GENERAL REPORT -
PAYROLL PROCESSING REVIEW (PHASE ONE)

Recommendation:

It is recommended that:

1. The Board receive this report; and
2. The Board forward this report to the City of Toronto Audit Committee.

Background:

At its meeting held on November 30, December 1 and 2, 2004, City Council directed that the Auditor General report, "Payroll Processing Review (Phase One)" be forwarded to the City's Agencies, Boards and Commissions in order that the issues raised in the report be addressed by them, where appropriate. The Agencies, Boards and Commissions are required to report back to the Audit Committee at its meeting of July 12, 2005.

In a report dated October 27, 2004, the Auditor General presented eighteen (18) recommendations to the Audit Committee resulting from the first phase of their review of payroll processing and controls at the City of Toronto. The Toronto Police Service (TPS) was not part of the audit scope, therefore, many of the recommendations do not pertain directly to the TPS as they are City department or system specific. The City utilizes the SAP system for payroll, while the TPS uses the PeopleSoft system. However, the Service has reviewed the audit recommendations to determine where an appropriate response could be provided, and where recommendations are City Department or SAP specific, the Service has attempted to relate these to its operations and systems in preparing a response. The TPS responses are reflected below.

The audit observations recommended a number of improvements to controls over master data and data entry, approval of payroll entries and reasonableness checks of payroll expenditures, standardized corporate policies and procedures relating to internal controls, training and access and better management of salary overpayments.

At TPS, salary and benefit costs amounted to over \$630 million as at December 31, 2004 and represented 94% of total TPS expenditures. In total, TPS have approximately 8,600 employees (including part-time and temporary workers). In addition, benefit payments are made to 3,100 retirees.

Recommendations Review

- (1) City Council direct that this report be forwarded to the City's Agencies, Boards and Commissions in order to ensure that issues raised in this report are addressed by them, where appropriate. The City's Agencies, Boards and Commissions be required to report back to the Audit Committee at its meeting of July 11, 2005 (subsequently changed to July 12, 2005), in connection with the results of their review;

Response:

TPS has received this report and are responding herein.

- (2) the Chief Administrative Officer establish Corporate standards and policies in relation to internal administrative controls for the processing of payroll information by Departments. Such controls include the requirement that:
 - Documentation supporting the initial recording of payroll information (such as time sheets) is reviewed and approved in writing by supervisory staff;
 - Payroll data input is reviewed and approved in writing or on-line by supervisory staff;
 - Payroll expenditures for all pay periods are reviewed, compared and approved in writing by supervisory staff;
 - Unusual payroll amounts are investigated, reviewed in detail and approved in writing by supervisory staff; and
 - The Chief Administrative Office is required to report to the Audit Committee at its meeting of July 11, 2005, on the action taken in regard to the above.

Response:

In September 2002, TPS upgraded their PeopleSoft-based Human Resource Management System (HRMS), which manages Human Resources (HR) and Payroll. Part of the system upgrade involved a thorough process review of human resource and payroll responsibilities, procedures and system requirements.

Based on the output from the Business Process Review sessions, industry best practices, TPS knowledge and a Fit/Gap analysis, the HRMS team developed new HRMS procedures for each process. The principles followed in developing these procedures included data entry at source, elimination of multiple data entry and shadow systems, reduction of paper flow, maximization of existing functionality and better and more timely access to information. Accordingly, the new procedures reflect the new data entry responsibilities at source and the audit and control responsibilities required by Headquarters' units, primarily

Payroll, Compensation and Benefits, and Employment. The outcome was validated by users and signed-off by senior management.

In August, 2003, TPS went live with a new Workbrain-based Time and Resource Management System (TRMS). The TRMS system provides a fully integrated time, attendance and leave management tracking system with deployment functionality. TRMS tracks time and attendance for all TPS employees and related staff including volunteers and contractors, supports leave administration for all employees, supports operational deployment and planning functionality, including shift planning and scheduling and interfaces with various systems located within the TPS environment in order to exchange data where appropriate and eliminate duplicate data entry.

PeopleSoft employee master records are uploaded into TRMS. Similar to HRMS, there are access controls in place which restrict TRMS employee information to only those individuals in the unit that require access due to their job function. TRMS procedures require that supervisors and managers (or their delegates) authorize members' timesheets online. Supervisors and managers review entries to ensure that all activities and project hours have been assigned to the members' worked hours, that start and end times agree to scheduled hours, that premium pay (overtime, callback, etc) have been properly entered and authorized, and that both scheduled and unscheduled absences are properly entered and authorized.

On a bi-weekly basis, TRMS time information is loaded into PeopleSoft for gross to net pay calculations. Only authorized data is loaded into PeopleSoft for pay processing. As part of the standard payroll process, Payroll Services generates a series of reports. Payroll Services reviews these reports to ensure that unusual payroll amounts are investigated. The results of these investigations are communicated to the appropriate unit for confirmation or resolution. It is only after Payroll Services is fully satisfied that pay entries are accurate and complete, that the final pay is generated, and statements are produced. The detailed analysis of payroll data reduces the incidence of manual cheques.

Additional information relating to TPS policies and procedures is available through the responses provided below.

- (3) the Chief Financial Officer and Treasurer review those specific on-line system controls currently available through SAP and in addition implement those on-line system controls identified during the course of this review. Such implementation be completed by July 11, 2005, and reported to the Audit Committee at that time;

Response:

As noted above, as part of the business operations and systems requirements review conducted during the upgrade of PeopleSoft and the implementation of TRMS, on-line system controls were considered and implemented at TPS.

- (4) the Chief Administrative Officer require that departmental staff, independent of the payroll input process, review and verify the accuracy and completeness of payroll transactions.

Response:

Payroll expenditures are reviewed regularly at a number of different levels. Unit Commanders and Administrative Co-ordinators analyze their expenditures regularly in order to ensure that budgets are controlled. Service Budget Analysts perform overall reviews of expenditures on a bi-weekly basis to ensure completeness, accuracy and proper account allocation. Unusual amounts are investigated through discussion with Units, Payroll Services or Accounting. As part of the budget variance process, Unit Commanders are asked to approve budget forecasts on a monthly basis. These forecasts include payroll and benefit costs. Unit Commanders also receive monthly reports summarizing premium pay earned by members of their units. Information on payroll expenditures is examined frequently by all stakeholders.

- (5) the Chief Financial Officer and Treasurer review controls over SAP employee master file data to ensure that employee payroll information is accurate and in agreement with authorized payroll forms. All relevant payroll information such as authorized payroll forms should be properly maintained in employee personnel files;

Response:

Employee master file data for permanent, part-time and temporary employees is entered and maintained in PeopleSoft. There are procedures in place outlining the responsibilities of the various units. There are access controls in place to ensure that only those units responsible for entering and changing master file data have that ability. Payroll forms are forwarded to the appropriate department where data entry is made and reviewed before forms are filed.

- (6) the Chief Financial Officer and Treasurer review the extent and usefulness of payroll reports currently available. Those reports which serve no purpose and consequently are not being used should be discontinued. The Chief Financial Officer and Treasurer be required to advise all Departments of payroll reports available through the financial information system;

Response:

As part of the PeopleSoft upgrade and TRMS implementation, reporting requirements were analyzed and documented. There are a variety of reports available through both systems that have become important management tools. Training materials suggest appropriate report usage. In addition, support staff is able to make modifications and create ad hoc reports quickly in response to changing business needs.

There are a number of reports available to supervisors and managers from TRMS which allow them to manage authorizations. Sample reports have been provided in the TRMS training manual and supervisors/managers have received training on how to use them.

- (7) the Chief Financial Officer and Treasurer, in consultation with the Commissioners, review the accuracy of vacation, lieu time and sick leave bank balance information in the SAP Human Resources/Payroll system. Appropriate action should be taken to correct SAP bank balances as required and discontinue the use of manual records;

Response:

Vacation, lieu time and sick leave bank balances are centrally administered through TRMS. A thorough review of bank balances was conducted prior to the TRMS go live date to ensure accuracy and completeness of the balances being carried forward to the new system. TRMS has been configured to reflect collective agreements. TRMS enforces bank balance business rules based on timesheet entries. No manual recordkeeping is required.

- (8) the Chief Financial Officer and Treasurer review the controls in the SAP Human Resource/Payroll system in regard to employee alternate rate assignments;

Response:

HRMS and TRMS have both been configured to reflect the alternate rate assignment (acting) policies of TPS. There are controls in place in both systems which ensure that members receive proper compensation only for valid acting assignments. Valid acting assignments are determined both on validity of the position transfer and/or length of actual assignment.

- (9) the Chief Administrative Officer direct that all City Commissioners review the use of temporary alternate rate assignments within their own operations to ensure compliance with Corporate policy. All long-term acting assignments should be recorded on the SAP Human Resource/Payroll system as continuous alternate rates with a one-year expiry date and monitored by Finance Department payroll staff;

Response:

As noted above, both the Payroll System and the TRMS contain business rules which control the use of temporary and long term acting assignments. In addition, TPS has a documented policy relating to long term acting assignments.

- (10) the Chief Financial Officer and Treasurer, investigate the reasons for all payroll overpayments and report to the Audit Committee at its meeting of July 11, 2005, on the results of this investigation and steps taken to prevent and/or minimize overpayments in the future;

Response:

Similar to the City of Toronto, TPS has identified situations where members have been overpaid. Although the reasons vary, they include WSIB administration and CPP long term disability issues. Payroll Services and Human Resources are working together to improve the timeliness of the information exchange so that we minimize overpayments where we can. As an example, our Occupational Health area is working with WSIB to ensure that case approvals are communicated to TPS on a more timely basis, reducing the potential overpayment to members.

- (11) the Chief Financial Officer and Treasurer finalize the overpayment recovery process as soon as possible and report to the Audit Committee by July 11, 2005, on the results of action taken to recover payroll overpayments;

Response:

There are procedures in place that identify overpayments and a formalized recovery procedure is followed by Payroll Services. This process includes communication with the member and a time-dependent recovery mechanism. Compensation and Benefits and Labour Relations are involved in this process when required.

- (12) the Commissioner of Economic Development, Culture and Tourism, in consultation with the Chief Financial Officer and Treasurer, review controls over payroll processing in the Parks and Recreation Division related to part-time recreation employees and make the necessary internal control and system improvements to reduce the risk of payroll overpayments and the number of manual cheques;

Response:

This recommendation pertains specifically to part-time employees in a City specific department. At TPS, hours worked and corresponding applicable compensation for all employees, including part-time and temporary employees, are managed through on-line system controls. As a result, these individuals do not pose a separate risk for the Service when it comes to overpayments and manual cheques.

- (13) the Chief Administrative Officer, review the possibility of implementing control self-assessment in all City departments. The objective of such an assessment is to ensure that the appropriate level of control exists, such controls are constantly monitored and evaluated and there is compliance with such controls;

Response:

The mandate of Professional Standards and Quality Assurance within TPS includes reviewing control self-assessment.

- (14) the Chief Financial Officer and Treasurer and the Commissioners review and assess the training needs of users of the SAP Human Resource/Payroll system and ensure additional training is provided. Such training should include information on payroll and human resource policies and collective agreements;

Response:

Users received role specific training for both HRMS and TRMS when the systems were made available. Formal classroom training sessions were followed by telephone support and site visits to ensure that all users were comfortable with all requirements. Training consisted of system specific requirements and accompanying policies, procedures and impacts. All users were provided with an initial training manual and receive updates as required.

- (15) the Commissioner, Economic Development, Culture and Tourism in consultation with the Commissioner of Corporate Services review the appropriateness of proceeding with the electronic time sheet (Pay.Net) pilot project at the same time as the Time Entry SAP system is being developed. Any development of a non-SAP system considers the costs and benefits of integrating such a system with SAP. The Commissioner, Economic Development, Culture and Tourism report to the Audit Committee at its meeting of July 11, 2005, on the steps taken to implement this recommendation;

Response:

This recommendation is City specific, therefore, TPS cannot provide a response.

- (16) the Chief Financial Officer and Treasurer ensure that all reconciling items on payroll bank reconciliations are investigated and cleared on a timely basis;

Response:

Payroll accounts are reconciled monthly by Payroll Services and reported to City of Toronto Financial Reporting department.

- (17) the Chief Administrative Officer direct that access to confidential personnel and employee payroll information be restricted to those employees who require access to perform their specific job functions. Employees should not be provided complete access to sensitive and confidential data unless specific written approval is obtained from management; and

Response:

As noted in earlier responses, access is restricted based on job functions. Confidential personnel data is restricted to Human Resource personnel only. Payroll information is restricted to Payroll Services only. Access is not provided unless expressly required by the individuals' job function. Management approval, written or otherwise, is not given any consideration.

(18) the Chief Financial Officer and Treasurer ensure that there is a process in place to determine that all employees currently in possession of temporary social insurance numbers are, after the required time frame, in possession of valid permanent social insurance numbers. Such a process ensure that individuals with temporary insurance numbers are eligible to work in Canada.

Response:

Extensive background security checks of potential new hires ensure that individuals with a temporary social insurance number are eligible to work in Canada. Reports are generated regularly to ensure that master file records have been updated with permanent social insurance numbers in a timely fashion.

Through the recent upgrade of HRMS, combined with the implementation of a new time and attendance system, the Toronto Police Service feels that we are properly managing and controlling payroll costs.

Therefore, it is recommended that the Board receive this report and that the Board forward this report to the City Audit Committee.

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

The Board received the foregoing report and agreed to forward a copy to the City of Toronto – Audit Committee for information.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

#P166 TORONTO POLICE SERVICE - TENDERING PROCESS

The Board was in receipt of the following report APRIL 12, 2005 from William Blair, Chief of Police – Designate:

Subject: TENDERING PROCESS

Recommendation:

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

Background:

At its meeting of January 24, 2005, the Board requested a report on how the Service can reduce the likelihood of having a single bid for consideration in a tendering process (BM# P9/05 refers). The following information in response to this request is provided.

The Service administers the procurement function on behalf of the Board in accordance with By-law No. 147 dealing with purchasing and financial administration. The solicitation of bids or proposals is conducted through either a Request for Quotations (RFQ) or a Request for Proposals (RFP).

RFQ/RFP Administered by the City

In accordance with By-law No. 147, issuance of a RFQ or RFP for goods/services with a value greater than \$10,000, that are not policing goods/services (as defined in By-law No. 147) are conducted by the City Purchasing Agent. These RFQs and RFPs are available to all interested bidders/proponents through the City's process. City Purchasing maintains bidders' lists and RFQs/RFPs are forwarded to the relevant bidders. Also, the RFQ/RFP is posted on the City Website so that vendors not registered with the City have access to the RFQ/RFP to be able to respond as well. Through this process, the expectation is that more than one response will be received to a RFQ or RFP; however, there is no guarantee.

Responses to a RFQ/RFP issued by City Purchasing are reviewed by City staff for general compliance requirements, and those that qualify, are forwarded to the TPS Purchasing Agent. The TPS Purchasing Agent then reviews the responses to ensure that they meet the technical specifications identified in the RFQ/RFP. The response, with the lowest cost meeting specifications for a RFQ or the highest evaluated score for a RFP, is then recommended for award.

RFQ/RFP Administered by the Service

In accordance with By-law No. 147, issuance of a RFQ/RFP for goods/services with a value greater than \$10,000 that are policing goods/services (as defined in By-law No. 147), or any goods/services with a value of less than \$10,000, are conducted by the TPS Purchasing Agent. These solicitations are distributed utilising the City's bidders' list, are posted on the TPS website, and are forwarded to any other bidders known to the Service that could provide the goods/services. Once again, it is expected that this process would result in more than one response to a RFQ/RFP. The remainder of the process is similar to that described in the previous section.

RFP to Pre-Qualified Vendors

The pre-qualification of vendors to provide goods/services is utilised in order to be more efficient and reduce the time and resources involved in the purchasing process. Generally, where similar goods/services are consistently required for different projects, and there are many vendors that would meet the requirements (e.g. construction companies), it is more efficient to establish a pre-qualified list of vendors.

Initially, a RFP would be issued for all interested vendors to submit a response. An evaluation and scoring of all responses is conducted and a short list of vendors is determined. The number of vendors on the short list is at the Service's discretion. The short-listed vendors are then recommended to the Board as the pre-qualified vendors.

Once the Board approves the pre-qualified vendors, any subsequent RFP for those goods/services would only be issued to the pre-qualified vendors. This process provides the Service with an established list of pre-qualified vendors that have been technically evaluated, and allows future responses to RFPs from these vendors to be evaluated only on the basis of cost. The pre-qualification of vendors allows for a shorter time frame to select a vendor for a project, and therefore an earlier start date can be established for the commitment of the work. This can be significant for construction/renovation projects.

Vendors on the pre-qualified list are not obligated to respond to a RFP, and therefore there are situations where only some of the pre-qualified vendors submit a response (due to workload issues, project timing, etc.) to a RFP.

Cancellation of a Response to a RFQ/RFP

The Service's Purchasing Agent is authorised to cancel a RFQ/RFP call or request in accordance with section 11(5) of By-law No. 147. Section 11(5) allows for cancellation when bids or proposals received are greater than the approved funding, or a significant change in the scope or specifications has occurred or the call/request no longer meets the operational needs of the Service.

The preceding criteria apply regardless whether one or more responses to a RFQ/RFP are received. As a matter of general purchasing law, if a bid meets the specifications and is within the budget amount, it should be accepted as it would be unfair to the bidder to cancel and reissue the same call after reading out its response.

Based on the above, it would be inappropriate to cancel a call strictly on the basis that only a single bid was received.

Summary

The above provides information in response to the Board's request in BM# P9/05. It is the Service's experience that it is extremely rare that only one response to a RFQ/RFP is received when the above processes (including the process for pre-qualified vendors) are followed.

There are situations where more than one response to a RFQ/RFP is received. However, some of the responses may be disqualified due to not meeting mandatory requirements, and as a result, only one response remains. In such a circumstance, the one acceptable response is still considered to be competitive as the respondent would have developed its submission as part of a competitive process, and would not have known that others would be disqualified. This also holds true for the pre-qualified vendors, or any single bid received, as the bidder would not know if others would be submitting a bid.

To increase competition and encourage more bids, the Service ensures that specifications are not overly restrictive, RFQs/RFPs are issued well in advance of the time when the goods/services are needed, and a call/request is open for the appropriate time (allowances for extension of time are also possible). In order to ensure that the risk of a single response is minimised in the pre-qualified vendors' process, the Service will endeavour to increase the number of vendors on the pre-qualified list.

City Legal and City Purchasing have reviewed this report and concur with the content. Therefore, it is recommended that the Board receive this report for information.

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

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P167 PROFESSIONAL STANDARDS: RESULTS OF 2003 COMMUNITY
SURVEY ARISING FROM TRIBUNAL HEARINGS**

The Board was in receipt of the following report MARCH 29, 2005 from Michael Boyd, Former Interim Chief of Police

Subject: PROFESSIONAL STANDARDS: RESULTS OF 2003 COMMUNITY
SURVEY AND PENALTIES ARISING FROM TRIBUNAL HEARINGS

Recommendation:

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

Background:

At its meeting of January 24, 2005 the Board made several motions dealing with Professional Standards reporting requirements and seeking additional information with respect to the Professional Standards semi-annual report (Board Minute #P16/05 refers).

A report that dealt with Motions two and three with respect to administrative reviews was submitted to the Board for its February meeting. The following response pertains to Motions four and five and is submitted for the Board's information.

4. *THAT, with regard to the 2003 Community Survey referenced on page 25 of the Professional Standards report, the Chief provide a further report to the Board containing a copy of the questionnaire, the methodology and data analysis:*

Response:

Community Survey Methodology/Analysis:

In the final quarter of each year, following a 'Request for Quotation' issued through the City, the Toronto Police Service (TPS) contracts for a community telephone survey of 1,200 Toronto residents. The survey, developed by the Service, focuses on perceptions of the quality of, and satisfaction with, TPS service delivery, and perceptions of safety in neighbourhoods. It also asks about perceptions of Toronto as a safe city, perceptions of the complaints process, and issues of concern (e.g. crime, gangs, drugs, traffic, etc.). Those respondents who had contact with the police during the previous year are asked additional questions about that contact.

While development of the sampling, interviewing, and data entry methodologies are the responsibility of the company contracted to conduct the telephone survey, a number of criteria are stipulated. The random sample is drawn such that half of the interviews are from relative 'high' crime areas and half from relative 'low' crime areas of TPS divisions. Boundaries within each division for areas with the highest crime rates per 1,000 population and areas with the lowest crime rates per 1,000 population are provided for sampling purposes.

The first part of the survey itself is completed for the full sample of all 1,200 adults (18 years of age and older). The second part of the survey is completed only if the respondent had contact with the police during the previous 12 months. If both parts of the survey are appropriate, they are to be carried out in one telephone call. In 2003, 32% of the 1,200 respondents (387 people) said that they have had contact with police in the past year.

Based on response codes provided by the Service for each question, the company conducting the telephone interviews enters the responses into a Statistical Package for the Social Sciences (SPSS) or SPSS-compatible database. This database is then provided to the Service.

Corporate Planning provides frequency counts for the responses to the survey questions, and provides a comparison with responses from previous years. The 2003 survey results were provided in the Public Perceptions chapter of the 2004 Environmental Scan. Selected survey results were also provided in the 2003 Service Performance Year End Report, as measurement for certain Priorities/Goals as specified in the 2002-2004 Business Plan.

A copy of the 2004 community survey has been provided, as it has in the past, to the Board staff for the reference of Board members. It is once again requested that this document not be placed on the public agenda or made public, to avoid the possibility of bias and preconceived answers in future surveys.

5. THAT the Professional Standards report noted in Motion No. 4 also include a specific breakdown of the penalties that were imposed as the result of the 29 Police Services Act hearings (referenced on page 16 of the report) that were held during the first six months of 2004:

Response:

The information given to the Board in the semi-annual report: Professional Standards: January – June 2004 on January 24, 2005 should be amended as being twenty-eight cases and not twenty-nine cases were concluded by the Disciplinary Hearings office in the first half of 2004.

The following is a specific breakdown of penalties and dispositions that followed Police Services Act hearings:

A total of nine cases were dealt with by way of forfeiture of days/hours:

<u>Case No.</u>	<u>Charge</u>	<u>Penalty Assessed</u>
17/2000	Insubordination	20 days/Supervisor Training
39/2001	Discreditable Conduct	15 days
65/2002	Discreditable Conduct	5 days
66/2002	Neglect of Duty	12 days
12/2003	Insubordination	4 days
25/2003	Discreditable Conduct	15 days
33/2003	Insubordination	3 days
40/2003	Insubordination	4 days
41/2003	Discreditable Conduct	8 days

As a result of hearings, there were two demotions:

<u>Case No.</u>	<u>Charge</u>	<u>Penalty Assessed</u>
27/2003	Discreditable Conduct	Gradation in Rank 3rd to 4th
29/2003	Insubordination	Gradation in Rank 1st to 3rd

Two hearings resulted in acquittals:

<u>Case No.</u>	<u>Charge</u>
59/2002	Neglect of Duty
4/2003	Discreditable Conduct

Three cases were withdrawn and informally resolved:

<u>Case No.</u>	<u>Charge</u>
9/2003	Discreditable Conduct
35/2003	Discreditable Conduct
37/2003	Neglect of Duty

As a result of officers either retiring or resigning, six cases were withdrawn due to the loss of jurisdiction:

<u>Case No.</u>	<u>Charge</u>	<u>Reason</u>
77/2000	Insubordination	Resignation
78/2000	Deceit	Retirement
51/2002	Discreditable Conduct	Retirement
42/2003	Discreditable Conduct	Retirement
49/2003	Discreditable Conduct	Retirement
50/2003	Deceit	Retirement

There were seven cases that were withdrawn and not proceeded with:

<u>Case No.</u>	<u>Charge</u>	<u>Reason</u>
19/2000	Deceit	Pled guilty to other PSA charges
25/2000	Deceit	Pled guilty to other PSA charges
27/2000	Deceit	Pled guilty to other PSA charges
28/2000	Insubordination	No prospect of conviction-no victim
21/2002	Discreditable Conduct	No prospect of conviction-no victim
26/2003	Discreditable Conduct	No prospect of conviction-no witness testimony
14/2004	Discreditable Conduct	No prospect of conviction-no victim

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

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P168 TORONTO POLICE SERVICES BOARD: 2005 OPERATING BUDGET
VARIANCE REPORT AS AT MARCH 31, 2005**

The Board was in receipt of the following report APRIL 15, 2005 from Pam McConnell, Chair:

Subject: 2005 OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO
POLICE SERVICES BOARD AS AT MARCH 31, 2005

Recommendation:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward this report to the City Chief Financial Officer and Treasurer, and to the City Policy and Finance (P&F) Committee.

Background:

Toronto City Council, at its meeting during the week of February 25th 2005, approved the Toronto Police Services Board Operating Budget at a net amount of \$1.28 Million (M), which is the same amount as the budget approved by the Toronto Police Services Board at its meeting of January 24, 2005 (Board Minute #P27/05 refers).

2005 Operating Budget Variance

As at March 31, 2005, the Board is projecting a favourable variance in the amount of \$100,000.

STAFFING

The staffing budget for the Board office is \$663,900, or 52% of the total net budget. A favourable variance is anticipated because the Staff Assistant position is vacant and because the budget includes funds, which are not being expended, for the salary of a full time Board Chair.

NON-SALARY ACCOUNTS

The non-salary budget for the Board office is \$614,200. The majority of the Board's costs are related to arbitration and grievance hearings. No variance is anticipated in these accounts at this time.

The Board received the foregoing report and agreed to provide copies to the City Chief Financial Officer and Treasurer and to the City Policy and Finance Committee for information.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P169 TORONTO POLICE SERVICE: 2005 OPERATING BUDGET
VARIANCE REPORT AS AT MARCH 31, 2005**

The Board was in receipt of the following report APRIL 18, 2005 from William Blair, Chief of Police – Designate:

Subject: 2005 OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO
POLICE SERVICE AS AT MARCH 31, 2005

Recommendation:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward this report to the City Chief Financial Officer and Treasurer, and to the City Policy and Finance (P&F) Committee.

Background :

Toronto City Council, at its meeting of February 25, 26, 27, 28 and March 1 2005, approved the Toronto Police Service (TPS) Operating Budget at a net amount of \$688.9 Million (M), which is the same amount as the budget approved by the Toronto Police Services Board at its meeting of January 24, 2005 (Board Minute #P3/05 refers). The Council-approved budget includes reduced premium pay funding, additional funding to implement the recommendations of the Ferguson Report, new major case management requirements, the hiring of additional Court Officers, the hiring of additional staff for the opening of 43 Division in January 2006 and funding for Community Action Policing (CAP).

2005 Operating Budget Variance

The 2005 approved budget included a net reduction of \$1.4M (\$1.0M in premium pay and \$0.4M in anticipated Community Partnership Policing (CPP) grant funding). Based on delivering the same level of service as in 2004 and should the CPP grant amount not be available in 2005, the Service faces a \$1.4M pressure in 2005.

As at March 31, 2005, an unfavourable variance of \$1.2M is projected, which is \$0.2M less than the pressure above.

SALARIES (Including Premium Pay)

A net shortfall of \$0.8M is projected in this category.

Salaries, at this point in time, are projected to be \$0.1M favourable. Projected uniform separations for 2005 are currently estimated to be on budget at 200 (compared to 239 separations in 2004); however, the attrition in the first three months has occurred earlier than expected and therefore the favourable position.

As mentioned previously, the premium pay budget for 2005 was reduced by \$1.0M from the 2004 level. Achieving this reduction is a significant challenge for the Service and after the first three months of 2005, it is projected that there will be a \$0.9M shortfall.

More than half of all premium pay relates to attendance at court. As stated in previous reports to the Board, many initiatives have been put in place to reduce court spending; however, all such initiatives are subject to operational requirements and the justice system. The assignment of Detective Sergeants to the courts has assisted in reducing costs and at this time \$0.1M of the \$1.0M reduction is projected to be achieved. Achieving further savings related to court attendance is a challenge.

The Service instituted a policy in August 2002, clarifying when and under what circumstances overtime and call backs are justified. A supervisor must authorize all overtime in advance, and overtime is worked only in emergent or mandatory circumstances. On average, each officer works one hour of overtime per week. This amount of overtime is necessary to conduct thorough and timely investigations, respond to emergency situations, attend large special events and provide for a 24/7 police presence, including statutory holidays.

I have reiterated the importance of controlling premium pay expenditures to all unit commanders. The Service will continue to strictly enforce the monitoring and control of premium pay to reduce the projected shortfall by as much as possible by year-end and achieve the approved funding level.

COMMUNITY ACTION POLICING (CAP)

The 2005 operating budget includes \$545,000 for the CAP program. CAP provides immediate relief to the community, by assigning uniformed officers to focused activities in neighbourhoods identified as having crime, disorder and public safety issues. Activities include foot-patrol, bike-patrol, enforcement, safety walks and audits with the community, crime prevention, intelligence gathering, parks patrol and spot-checks. The CAP program is expected to be implemented during the summer months and details of the program will be provided to the Board.

BENEFITS

No variance is currently projected for benefits.

The Service continues to closely monitor spending in the medical/dental accounts. At this time, current trends indicate that medical/dental spending will not exceed budget.

NON SALARIES

Non salary accounts are projected to be overspent by \$0.4M.

During the 2005 budget process, the Service budgeted an additional \$0.4M (50% share from the Province) in grant revenue from the provincial Community Partnership Policing (CPP) program. The CPP Program is a cost-sharing arrangement between the Province of Ontario and various municipalities. The Service anticipated accessing funding from the program for the hire of seven additional officers to implement the recommendations of the Ferguson Report and the hire of 39 additional officers for the opening of 43 Division in January 2006. During 2004 the provincial government announced its intention to expand the current CPP program; however; to date, no new announcements have been made with respect to the CPP program and it is anticipated that funding will not be available in 2005. The Service, in the June variance report, will provide options to the Board and seek direction to deal with not receiving the grant funding.

The recent increases in gasoline prices may result in additional spending pressures depending on the extent and length of the price increases. At this point, no variance for gasoline is projected.

SUMMARY

As at March 31, 2005, an unfavourable variance of \$1.2M is projected. The Service will continue to control costs and defer discretionary expenses in an attempt to come within the approved budget.

The above variances can be summarized as follows:

	<u>Budget</u>	<u>Projection</u>	<u>Savings / (Shortfall)</u>
Staffing	\$530.7	\$531.5	(\$0.8M)
CAP	\$0.5	\$0.5	\$0.0M
Benefits	\$111.1	\$111.1	\$0.0M
Non Salaries	<u>\$46.6</u>	<u>\$47.0</u>	<u>(\$0.4M)</u>
Total	<u>\$688.9</u>	<u>\$690.1</u>	<u>(\$1.2M)</u>

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

Mr. Frank Chen, Chief Administrative Officer, was in attendance and responded to questions by the Board about this report. Mr. Chen also described the initiatives undertaken by the Service to reduce the \$1.2M projected variance.

The Board noted that it is anticipated that the Government of Ontario will shortly announce plans to provide additional funds for policing services in Ontario. The Board subsequently received the foregoing report and requested that the Chief of Police provide a further updated variance report to the Board for its June 13, 2005 meeting based upon any decisions by the province to provide additional funds for policing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P170 TORONTO POLICE SERVICE – PARKING ENFORCEMENT UNIT 2005
OPERATING BUDGET VARIANCE REPORT AS AT MARCH 31, 2005**

The Board was in receipt of the following report APRIL 15, 2005 from William Blair, Chief of Police – Designate:

Subject: 2005 OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO
POLICE PARKING ENFORCEMENT UNIT AS AT MARCH 31, 2005

Recommendation:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward this report to the City Chief Financial Officer and Treasurer, and to the City Policy and Finance (P&F) Committee.

Background:

Toronto City Council, at its meeting of February 25, 26, 27, 28 and March 1 2005, approved the Parking Enforcement Operating Budget at a net amount of \$31.4 Million (M), which is the same amount as the base budget approved by the Toronto Police Services Board at its meeting of January 24, 2005 (Board Minute #P28/05 refers). The Council-approved budget provides sufficient funding to maintain the same level of service as in 2004.

As at March 31, 2005 no variance is projected.

Salaries & Benefits

Attrition is in line with what was projected during the budget development process.

Parking Tag Revenue

Budgeted revenue from parking tags is \$63.5M (based on a City collectable tag rate of 81%). As of March 31, 2005 no variance is projected.

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

The Board received the foregoing and agreed to provide copies to the City Chief Financial Officer and Treasurer and the City Policy and Finance Committee for information.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

#P171 ANNUAL REPORT: 2004 PROFESSIONAL STANDARDS

The Board was in receipt of the following report APRIL 15, 2005 from William Blair, Chief of Police – Designate:

Subject: 2004 ANNUAL REPORT - PROFESSIONAL STANDARDS

Recommendation:

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

Background :

At its meeting of June 13, 1996, the Board approved the replacement of all previously submitted Professional Standards reports with a singular report to be submitted on a semi-annual basis (Board Minute 199/96 refers).

The Toronto Police Service Professional Standards 2004 Annual Report is appended.

It is recommended that the Board receive this report for information. Staff Superintendent Richard Gauthier of Professional Standards will be in attendance to answer any questions Board members may have.

The Board received the foregoing.

A copy of the Executive Summary is appended to this Minute for information and a copy of the complete report is on file in the Board office.

EXECUTIVE SUMMARY

The Toronto Police Service Professional Standards Report was designed to amalgamate all Professional Standards reporting requirements into a single report to facilitate comparison, examination of trends, and a more comprehensive analysis of officer conduct and discipline. Revisions to the appropriate sections of the Professional Standards Report as required by the Toronto Police Services Board (Board) Policy Manual and subsequent Board motions have been incorporated into this report.

Highlights

- One of the prime objectives of Professional Standards (PRS) is now being met by the Professional Standards Information System (PSIS) i.e. the early detection of at risk behaviour among Service members. During the past 12 months 32 PSIS alert documents have been generated alerting Unit Commanders to possible at risk employees.
- In 2004, a total of 862 complaints were made about Toronto Police Service (TPS) members - 486 about officer conduct, 41 about service and policy. Three hundred and thirty five complaints did not meet the criteria set out in the Police Services Act (PSA) and were, therefore, not subject to investigation.
- Complaints of a serious nature accounted for approximately 11% of the total received in 2004.
- Complainants withdrew 93 complaints before an investigation was completed.
- Just over one-third of the complaints received in 2004 were not concluded by year end.
- The PSA makes provision for the public to pursue their complaint if they are dissatisfied with the disposition at the Service level. The Ontario Civilian Commission on Police Services (OCCPS) has been set up to review decisions and, if appropriate, to recommend further investigation or order a hearing. OCCPS reviewed 156 decisions in 2004. Of this total they upheld the TPS decision for 114, had no jurisdiction for 9 and returned 33 for further review.
- Fifty-two percent of the concluded complaints received in 2004 were investigated and resolved within 30 days.
- The number of new Civil Litigation lawsuits decreased by 26% in 2004 (86) compared to 2003 (117).
- The number of PSA cases opened in the first half of 2004 is 14% higher compared to the same period in 2003. Three officers were subjects of two PSA cases each.
- The number of PSA charges laid increased by 138% in 2004 when compared to 2003. Nineteen officers received two or more charges in a single case.

- The Disciplinary Hearings office concluded fifty-five cases in 2004. Fifteen cases were withdrawn due to loss of jurisdiction and a further 15 cases were withdrawn because there was no prospect of conviction or because the officer had pled guilty to other PSA charges.
- A total of 2,143 Use of Force reports were submitted to the Service in 2004, although there were only 1,273 incidents where TPS officers were obliged to use force.
- The Provincial Special Investigations Unit (SIU) invoked its mandate to investigate 37 incidents in 2004. Ten were terminated after an initial investigation found that they did not meet the threshold of the SIU mandate. Of the 27 remaining investigations, the SIU exonerated the officers involved in 23 investigations. One investigation led to an officer being charged criminally. Three investigations are still ongoing.
- During 2004, 207 Fail to Stop reports were submitted – an increase of almost 16% over 2003. It is important to note that during 2004, TPS introduced 25 traffic safety initiatives compared to 13 in the previous year.
- In 2004, eight percent of all suspect apprehension pursuits resulted in a personal injury. In total 35 persons (23 pursued subjects, eight officers and two uninvolved citizens) were injured. Two of the pursued subjects died subsequent to injuries received during pursuit collisions.
- Three hundred and thirty-seven TPS members received Service Awards, including three Merit Marks, 64 Commendations, 210 Teamwork Commendations, 11 Letters of Recognition and 47 Chief of Police Excellence Awards.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

#P172 ANNUAL REPORT: 2004 AMENDMENTS TO SERVICE RULES

The Board was in receipt of the following report APRIL 15, 2005 from William Blair, Chief of Police – Designate:

Subject: AMENDMENTS TO SERVICE RULES

Recommendation:

It is recommended that: the Board receive this report.

Background:

At its meeting of June 24, 1999, the Board revised the reporting format for Rule changes as follows (Board Minute #264/99 refers):

- “(a) Rule changes of a routine nature to be submitted to the Board on an annual basis in the month of April;*
- (b) Rule changes of an emergent nature to be submitted to the Board as required.”*

At its meeting of June 27, 2002, the Board recommended that (Board Minute #P183/02 refers):

“The Chairman review all Toronto Police Services Board rules to identify those that fall within the Board’s purview and that each such rule be re-written in the form of Board policy and forwarded to the Board for its approval. The Chief can then codify the remaining rules as he sees fit.”

No amendments are required to the Rules at this time. The Service continues to incorporate those Rules identified as operational in nature into the relevant Service procedures or into other appropriate forms of Service governance.

It is therefore 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.

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P173 SEMI-ANNUAL REPORT: GRANT APPLICATIONS AND
CONTRACTS: OCTOBER 2004 to MARCH 2005**

The Board was in receipt of the following report APRIL 15, 2005 from William Blair, Chief of Police - Designate

Subject: SEMI-ANNUAL REPORT: OCTOBER 2004 TO MARCH 2005: GRANT
APPLICATIONS AND CONTRACTS

Recommendation:

It is recommended that the Board receive the following report.

Background:

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

During the current reporting period, October 1, 2004 to March 31, 2005, the Chair of the Police Services Board signed one grant application and one grant contract. Grant applications signed and submitted and grant agreements signed or awarded during this period are included in Appendices A and B, respectively. Further, the Chair signed a Letter of Intent, indicating that it is the intention of the Board to pursue the renewal of the Community Policing Partnership Program for a further two years.

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

- Community Policing Partnership Program (C.P.P.)
- Joint Emergency Preparedness Program (J.E.P.P.) – Police Command Centre
- Reduce Impaired Driving Everywhere Program (R.I.D.E.)
- Assisting Victims by Ensuring Maximum Compliance to Christopher's Law and Effective Sex Offender Management
- Public Education and Crime Eradication Initiative (P.E.A.C.E.)
- Municipal Police Service Technology Grant

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

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

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

- 1. THAT the Board send correspondence to the Minister of Community Safety and Correctional Services requesting a breakdown of the allocation of funds provided by the Ministry to each police service throughout the province for R.I.D.E. programs;**
- 2. THAT the Board further request the Ministry to permit one representative of the Board/Service to participate on the Ministry's R.I.D.E. Review Committee; and**
- 3. THAT, subject to the Ministry's approval of Motion No. 2, the Board consult with the Chief of Police to determine an appropriate representative to act on behalf of the Board and the Service on the R.I.D.E. Review Committee.**

Name and Description of Grant	Amount of Funding Requested	Grant Term	Status
<p>Reduce Impaired Driving Program (R.I.D.E.)</p> <ul style="list-style-type: none"> The Chair signed the application for funding for the 2005/2006 R.I.D.E. Program in March 2005. 	\$191,797.00	April 1, 2005 to February 28, 2006	Application submitted to Ministry of Community Safety and Correctional Services

Name and Description of Grant	Amount of Funding Approved	Grant Term	Status
<p>Public Education and Crime Eradication Initiative (P.E.A.C.E.)</p> <ul style="list-style-type: none"> Program will provide education through the schools and other public venues to both students and parents; education will focus on crimes involving firearms and taking guns out of homes and away from youth. The program also includes a gun amnesty. The Chair signed the contract in March 2005. 	\$270,700	March 24, 2005 to August 31, 2007	Program is to commence in April 2005.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P174 QUARTERLY REPORT: DOMESTIC VIOLENCE: OCTOBER -
DECEMBER 2004 AND TOTAL YEAR-ENDING 2004**

The Board was in receipt of the following report JUNE 18, 2004 from William Blair, Chief of Police:

Subject: QUARTERLY REPORT: OCTOBER - DECEMBER AND YEAREND
2004, DOMESTIC VIOLENCE

Recommendation:

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

Background:

In February 2004, the Board received a report from the Chief of Police entitled "Response to Recommendations of the Community Safety Task Force". This report was held by the Board pending a meeting with all key stakeholders to review and assess the status of the core issues and recommendations raised in the report by the Woman Abuse Work Group (WAWG) of the City of Toronto.

On June 18, 2004, a meeting of the key stakeholders was held to review the report and provide status updates on the core issues and recommendations. Following this meeting of the key stakeholders, the Board, at its meeting on June 21, 2004, approved the recommendations outlined in the report (Board Minute P208/2004 refers).

The following recommendation contained in that report is specifically directed towards the Toronto Police Service:

Recommendation 3

"THAT the Board request from the Chief of Police, quarterly submissions of the Domestic Violence Quality Control Reports."

The Toronto Police Service has been providing quarterly Domestic Violence Quality Control Reports to the Ministry of Community Safety and Correctional Services since 2002. In accordance with the direction provided by the Board, appended to this report are the fourth quarter and final results of the Domestic Violence Quality Control Reporting for the year 2004.

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

The Deputy Chief of Policing Operations Command will be in attendance to answer any questions that the Board may have.

The Board received the foregoing and agreed to forward a copy to the Community Safety Task Force for information.

**TORONTO POLICE SERVICE
DOMESTIC VIOLENCE OCCURRENCES
QUARTERLY REPORT**

Oct - Dec/2004

Enter Appropriate Number into Box.

1. OCCURRENCES:	Male	Female
(a) Total number of occurrences	2046	376
(b) Number of occurrences where charges not laid	41	8
(c) Number of occurrences where charges laid by police	1657	297
(d) Number of occurrences not concluded(No arrest, pending resolution by police)	348	71

2. Reasons Charges Not Laid:	Male	Female
(a) Victim not Available	0	0
(b) Offender Deceased	0	0
(c) Other	41	8
TOTAL	41	8

3 Type of Relationship Between Victim and Accused*:	
(a) Female victim -male accused	1657
(b) Male victim - female accused	297
<i>* Of those charged</i>	TOTAL 1954

4 Type of Charges laid(include all charges laid involving the partner):	Male	Female	Total
a) Assault - (CC Section 245)	861	122	983
b) Assault/Weapon/or Causing Bodily Harm (cc Section 245.1)	215	72	287
c) Aggravated Assault (c.c. Section 245.2)	4	3	7
d) Sexual Assault	25	0	25
e) Sexual Assault / Weapon or Cause Bodily harm	5	0	5
f) Aggravated Sexual Assault	0	0	0
g) Murder	1	0	1
h) Attempted Murder	2	0	2
i) Manslaughter	0	0	0
j) Criminal Harassment	73	9	82
k) Intimidation	1	0	1
l) Uttering Threats	375	66	441
m) Other Charges not listed above - specify	95	25	120
Grand Total	1657	297	1954

6 Weapons Causing Injury(Number of Occurrences):	
(a) Firearms	2
(b) Other weapons(Note: Includes means like Telephone for Criminal Harassment)	380

8 Domestic Violence Homicides:	Male	Female
(a) Total number of domestic violence homicides(M/F breakdown N/A)	0	2
TOTAL	0	2

10 Domestic Violence Related Suicides:	Male	Female
(a) Total number of domestic violence related suicides	1	0

Note: All the numbers in the Form reflect the number of offences as far as TPS is concerned.

**TORONTO POLICE SERVICE
DOMESTIC VIOLENCE OCCURRENCES
YEARLY REPORT
2004**

Enter Appropriate Number into Box.

1. OCCURRENCES:	Male	Female
(a) Total number of occurrences	8068	1284
(b) Number of occurrences where charges not laid	200	63
(c) Number of occurrences where charges laid by police	6533	990
(d) Number of occurrences not concluded(No arrest, pending resolution by police)	1335	231

2. Reasons Charges Not Laid:	Male	Female
(a) Victim not Available	0	0
(b) Offender Deceased	0	0
(c) Other	200	63
TOTAL	200	63

3. Type of Relationship Between Victim and Accused*:	
(a) Female victim -male accused	6533
(b) Male victim - female accused	990
* Of those charged TOTAL	7523

4. Type of Charges laid(include all charges laid involving the partner):	Male	Female	Total
a) Assault - (CC Section 245)	3588	498	4086
b) Assault/Weapon/or Causing Bodily Harm (cc Section 245.1)	885	270	1155
c) Aggravated Assault (c.c. Section 245.2)	24	13	37
d) Sexual Assault	110	0	110
e) Sexual Assault / Weapon or Cause Bodily harm	11	0	11
f) Aggravated Sexual Assault	0	0	0
g) Murder	3	0	3
h) Attempted Murder	12	0	12
i) Manslaughter	0	0	0
j) Criminal Harassment	224	25	249
k) Intimidation	7	0	7
l) Uttering Threats	1386	151	1537
m) Other Charges not listed above - specify	283	33	316
Grand Total	6533	990	7523

6. Weapons Causing Injury(Number of Occurrences):	
(a) Firearms	15
(b) Other weapons(Note: Includes means like Telephone for Criminal Harassment)	1453

8. Domestic Violence Homicides:	Male	Female
(a) Total number of domestic violence homicides(M/F breakdown N/A)	0	6
TOTAL	0	6

9. Domestic Violence Related Child Deaths:	
	0

10. Domestic Violence Related Suicides:	Male	Female
(a) Total number of domestic violence related suicides	2	0

Note: All the numbers in the Form reflect the number of offences as far as TPS is concerned.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P175 RESPONSE TO BOARD'S RECOMMENDATION TO ISSUE
EXPANDABLE BATONS TO UNIVERSITY OF TORONTO
SPECIAL CONSTABLES**

The Board was in receipt of the attached correspondence, dated April 22, 2005, from Monte Kwinter, Minister of Community Safety and Correctional Services, indicating that the Board's earlier recommendation to issue expandable batons to University of Toronto Special Constables had been approved.

The Board received the foregoing.

**Ministry of Community Safety
and Correctional Services**

Office of the Minister

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

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

Bureau du ministre

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



CU05-01253

APR 22 2005

Ms. Pam McConnell
Chair
Toronto Police Services Board
40 College Street
Toronto ON M5G 2J3

Dear Ms. McConnell:

Thank you for your correspondence of March 29, 2005, requesting my consideration of a recommendation that University of Toronto special constables be issued expandable batons. I am pleased to respond.

I note from your letter that the Toronto Police Services Board has approved the decision to issue the University of Toronto special constables expandable batons as part of their regular protective equipment. Also from your correspondence, it is clear that this decision was made following staff evaluation and the recommendation of former Toronto Police Chief Julian Fantino. Additionally, according to the board minutes you provided, the special constables will be fully trained in the use of the expandable batons.

In light of the board's careful consideration of this issue, I have no objection to the decision it has reached.

Again, thank you for writing.

Sincerely,

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

Monte Kwinter
Minister



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P176 REQUEST FOR EXTENSION OF TIME TO SUBMIT REPORT:
ORGANIZATIONAL CHART**

The Board was in receipt of the following report APRIL 19, 2005 from William Blair, Chief of Police – Designate:

Subject: ORGANIZATIONAL CHART

Recommendation:

It is recommended that: the Board approve a three-month extension to submit a report to approve a new organizational chart.

Background:

At its meeting of February 10, 2005, the Board received the annual Board report regarding organizational chart changes and requested additional information regarding those changes (Board Minute #P43/05 refers).

The Board approved the following motions:

- “1. THAT the Board receive the foregoing report and request a further report detailing changes to the organization, including the creation of any new positions, new units or other changes affecting costs; and*
- 2. THAT, as a future agenda item, the Board consider the threshold for Board approval of hirings, promotions, reclassifications or reorganizations.”*

Although the information requested in motion #1 above with respect to the organizational chart presented at the February 10, 2005 meeting has been prepared, due to the recent change in leadership, a new organizational structure is currently being developed by the Chief of Police - Designate.

It is expected that a new organizational chart will be presented to the Board at the June 9, 2005 meeting. The information requested in motion #1 of Board Minute P43/05 will be incorporated into the same report.

Therefore, it is recommended that: the Board approve a three-month extension to submit a report to approve a new organizational chart.

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

The Board approved the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P177 QUARTERLY REPORT: TORONTO POLICE SERVICES
BOARD'S SPECIAL FUND UNAUDITED STATEMENT FOR THE
PERIOD JANUARY – MARCH 2005**

The Board was in receipt of the following report MAY 3, 2005 from Pam McConnell,
Chair

Subject: QUARTERLY REPORT: TORONTO POLICE SERVICES BOARD'S
SPECIAL FUND UNAUDITED STATEMENT FOR THE PERIOD 2005
JANUARY 01 TO 2005 MARCH 31

Recommendation:

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

Background :

Enclosed is the unaudited statement of receipts and disbursements with respect to the
Toronto Police Services Board's Special Fund for the period 2005 January 01 to 2005
March 31.

As at 2005 March 31, the balance in the Special Fund was \$485,151. During the first
quarter, the Special Fund recorded receipts of \$45,759 and disbursements of \$4,842.
There has been a net increase of \$40,916 against the December 31, 2003 fund balance of
\$444,234.

The Property and Evidence Management Unit have been regularly providing Rite
Auctions Limited with auction materials in 2005. As a result, auction proceeds, net of
50% commissions charged by Rite Auctions Limited, are being deposited into the Special
Fund on a regular basis. These funds, in addition to the unclaimed cash deposited in the
first quarter, contributed to the revenue recorded by the Fund.

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

The Board received the foregoing.

THE TORONTO POLICE SERVICES BOARD SPECIAL FUND
2005 FIRST QUARTER RESULTS WITH INITIAL PROJECTIONS

	2005							2004	
	INITIAL	ADJUSTED	JAN 01 TO	APR 01 TO	JUL 01 TO	OCT 01 TO	JAN 01 TO DEC 31/05		
PARTICULARS	PROJ.	PROJ.	MAR 31/05	JUN 30/05	SEPT 30/05	DEC 31/05	TOTALS	ACTUAL	COMMENTS
<i>BALANCE FORWARD</i>	444,234	444,234	444,234	485,151	485,151	485,151	444,234	435,126	2005 projections are based on 2004 actual results. The adjusted projection is based on the results to date as at the quarter.
<i>REVENUE</i>									
PROCEEDS FROM AUCTIONS	180,000	184,000	45,887	0	0	0	45,887	60,093	The initial projection is based on the annualized auction proceeds received at the end of 2004. This is the best estimate available given that the online auction process has just begun. Commission is set at 50%.
LESS OVERHEAD COST	(90,000)	(92,000)	(20,199)	0	0	0	(20,199)	(23,894)	
LESS RETURNED AUCTION PURCHASE	0	0	0	0	0	0	0	0	
UNCLAIMED MONEY	50,000	74,000	18,354	0	0	0	18,354	57,733	Several initiatives are being discussed at the Property and Evidence Management Unit which could increase revenues to the Special Fund.
LESS RETURN OF UNCLAIMED MONEY	(2,000)	(2,000)	0	0	0	0	0	(1,981)	
EVIDENCE AND HELD MONEY	0	0	0	0	0	0	0	0	
INTEREST	15,000	7,200	1,801	0	0	0	1,801	16,742	Interest income is based on the average monthly bank balance. The activity fee includes bank service charges and the activity fee allocation.
LESS ACTIVITY FEE	(2,000)	(500)	(83)	0	0	0	(83)	(1,819)	
LESS CHEQUE ORDER	(100)	(100)	0	0	0	0	0	0	

SEIZED LIQUOR CONTAINERS	1,000	0	0	0	0	0	0	599	
OTHER	0	0	0	0	0	0	0	0	The 2004 GST rebate received in 2005 is not part of the fund balance as it was recorded against the receivable set up in 2004.
TOTAL REVENUE	151,900	170,600	45,759	0	0	0	45,759	107,473	

THE TORONTO POLICE SERVICES BOARD SPECIAL FUND 2005 FIRST QUARTER RESULTS WITH INITIAL PROJECTIONS									
	2005							2004	
	INITIAL	ADJUSTED	JAN 01 TO	APR 01 TO	JUL 01 TO	OCT 01 TO	JAN 01 TO DEC 31/05		
PARTICULARS	PROJ.	PROJ.	MAR 31/05	JUN 30/05	SEPT 30/05	DEC 31/05	TOTALS	ACTUAL	COMMENTS
<i>BALANCE FORWARD BEFORE EXPENSES</i>	596,134	614,834	489,993	485,151	485,151	485,151	489,993	542,599	Rounding can impact the reported amounts from quarter to quarter and year to year. Rounding differences are not significant.
<u>DISBURSEMENTS</u>									
<u>SPONSORSHIP</u>									
<u>SERVICE</u>									
ONT. ASSO.OF POLICE SERVICES BOARD	5,000	5,000	0	0	0	0	0	5,000	Adjusted projections remain the same as the initial projections where no data presently exists.
CPLC & COMMUNITY OUTREACH ASSISTANCE	24,000	24,000	0	0	0	0	0	20,488	
UNITED WAY	8,000	8,000	0	0	0	0	0	8,000	

THE TORONTO POLICE SERVICES BOARD SPECIAL FUND
2005 FIRST QUARTER RESULTS WITH INITIAL PROJECTIONS

PARTICULARS	2005							2004	COMMENTS
	INITIAL	ADJUSTED	JAN 01	APR 01	JUL 01	OCT 01	JAN 01		
	PROJ.	PROJ.	TO	TO	TO	TO	TO		
			MAR	JUN	SEPT	DEC	TOTALS	ACTUAL	
			31/05	30/05	30/05	31/05			
RECOGNITION OF BOARD MEMBERS									
AWARDS	0	0	0	0	0	0	0	0	
CATERING	2,000	2,000	0	0	0	0	0	1,737	
<i>CONFERENCES</i>									
BOARD									
COMMUNITY POLICE LIAISON COMMITTEES	5,000	5,000	0	0	0	0	0	5,402	
CANADIAN ASS'N OF POLICE SERVICES BOARDS	0	0	0	0	0	0	0	0	
OTHER	0	0	0	0	0	0	0	0	
<i>DONATIONS</i>									
IN MEMORIAM	1,000	1,000	0	0	0	0	0	700	
OTHER	500	500	100	0	0	0	100	0	
DINNER TICKETS (RETIREMENTS/OTHERS)	10,000	10,000	4,705	0	0	0	4,705	3,690	Tickets were purchased for two major retirements during the first quarter of the year.
OTHER	10,000	0	0	0	0	0	0	0	
<i>TOTAL DISBURSEMENTS</i>	168,000	158,000	4,843	0	0	0	4,843	98,365	
<i>SPECIAL FUND BALANCE</i>	428,134	456,834	485,151	485,151	485,151	485,151	485,151	444,234	

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P178 UPDATE – IMPLEMENTATION OF THE RECOMMENDATIONS
CONTAINED IN THE HONOURABLE GEORGE FERGUSON,
Q.C.’S REPORT ENTITLED *REVIEW AND RECOMMENDATIONS
CONCERNING VARIOUS ASPECTS OF POLICE CONDUCT***

The Board was in receipt of the following report MAY 5, 2005 from Pam McConnell,
Chair:

Subject: UPDATE - IMPLEMENTATION OF THE RECOMMENDATIONS
CONTAINED IN THE HONOURABLE GEORGE FERGUSON, Q.C.’S
REPORT ENTITLED *REVIEW AND RECOMMENDATIONS
CONCERNING VARIOUS ASPECTS OF POLICE CONDUCT*

Recommendation:

It is recommended that the Board receive the following report.

Background :

At its meeting on March 8, 2005, the Board was in receipt of correspondence from the Honourable George Ferguson, Q.C. containing his final update on the implementation of the recommendations from his 2003 report entitled *Review and Recommendations Concerning Various Aspects of Police Conduct*. The Board was also in receipt of a report from then Chief Fantino, dated January 19, 2005, providing details of the implementation status of each recommendation. A third report, from Interim Chief Boyd, requested a two-month extension of time to submit a report on the implementation of the recommendations pertaining to drug testing, psychological evaluations and financial checks (Board Minute P73/05 refers).

The Board heard deputations and approved a number of motions, including the following:

THAT the Chair and the Interim Chief, in consultation with the Senior Officers’ Organization, the Toronto Police Association, Board staff, legal counsel and others as appropriate, develop a sound rationale and policies and procedures for drug testing, psychological testing and financial background checks for Service members.

Discussion:

On Friday April 22, 2005, Chief Designate Blair and I, Command Officers, Board and Service staff, representatives of the Toronto Police Association (TPA) and the Senior Officers’ Organization (SOO) met. The group received an informative presentation from

Ms Barbara Butler, a consultant in the field of preventing substance abuse in the workplace and the group also gave consideration to the above-noted Board motion.

It was agreed that a small Working Group would be established, comprised of representatives of the Board, Corporate Planning, Human Resources, Occupational Health and Safety, Professional Standards, with the participation of Ms Butler. This working group is mandated to:

- Explore and recommend to the larger Committee whether or not a drug testing policy, **psychological evaluation and financial checks are** required and, *if required,*
- Recommend the scope and content of the Policy, including which positions within the Service would be affected by the Policy;
- Recommend how the Policy will be communicated and;
- Recommend how the Policy will be implemented.

This working group will present its findings to the larger steering committee, which will review and respond to the recommendations and set timetables for implementation of recommendations. If necessary, Chief Blair will forward recommendations to the Board for approval.

The Board received the foregoing.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

**#P179 REPORT ON THE POLICE COMPLAINT'S SYSTEM IN
ONTARIO BY THE HONOURABLE PATRICK LESAGE, Q.C.**

The Board was in receipt of the following report MAY 3, 2005 from Pam McConnell, Chair:

Subject: REPORT ON THE POLICE COMPLAINTS SYSTEM IN ONTARIO

Recommendation:

It is recommended that the Board receive the following report.

Background :

In June 2004, the Ministry of the Attorney General appointed the Honourable Patrick LeSage, Q.C., former Chief Justice of the Superior Court of Ontario, to review the current provincial system dealing with public complaints regarding police conduct. The mandate of Mr. LeSage was to advise on the development of a model for resolving public complaints about the police, to ensure that the system is fair, effective and transparent.

As part of this review, Mr. LeSage engaged in broad consultation; he held private meetings with both individuals and groups, he received a number of written submissions and he convened three public meetings, in Toronto, Ottawa and Windsor. Those consulted included police professionals and organizations, police services boards, community groups and members of the public.

Member of the Toronto Police Services Board met with Mr. LeSage as part of these consultations. In addition, the Board held two public consultation meetings and submitted a series of recommendations to Mr. LeSage. The recommendations included the establishment of an independent agency that would receive, review, investigate and adjudicate all complaints. The Board also recommended that, under this new system, third-party complaints be accepted, the process of informal resolution be expanded and an audit function be established.

In addition, the Board recommended that the standard of proof be amended to allow for a flexible standard of proof that shifts between clear and convincing evidence and the balance of probabilities depending on the seriousness of the alleged misconduct. One of the Board's more novel recommendations would have given the new independent review body the authority to deal with internal discipline, human rights complaints and civil proceedings in a single, comprehensive process.

In his report, Mr. LeSage made a number of recommendations, covering a variety of areas within the complaints process. Many of the proposals made by our Board are reflected in Mr. LeSage's recommendations, for instance, the recommendation to create an independent civilian body to administer the public complaints system and the recommendation to allow third-party complaints.

However, Mr. LeSage also noted that some of the recommendations made by the Toronto Police Services Board, such as the proposal to combine police complaints hearings with civil court and human rights proceedings, went beyond his terms of reference.

For your information, I have attached a copy of the recommendations made by Mr. LeSage in his report. The full report can be found at www.policecomplaintsreview.on.ca.

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

- **Mr. Kevin Lee, Executive Director, Scadding Court Community Centre**
- **Ms. Elizabeth Brookman, Parkdale Community Legal Services**
- **Ms. Zanana Akande, Urban Alliance on Race Relations**
- **Ms. Avvy Go, Metropolitan Toronto Chinese & Southeast Asian Legal Clinic**
- **Ms. Marie Chen, African Canadian Legal Clinic**
- **Ms. Alexi Wood, Canadian Civil Liberties Association**

During his deputation, Mr. Lee also provided the Board with a list of eight recommendations; copy on file in the Board office.

The Board referred recommendations no. 1 and no. 2 to the Chief of Police for consideration. They are reprinted below, as submitted:

1. **“That the Toronto Police Services Board and the Police Service, set up with the community a Access and Support Service for Women, to access the Police Compliant Process”**
2. **“That the Professional Standards Unit, be resourced appropriately with female officers to handle investigations involving complaints that are related to sexual assaults and harassments”**

The Board approved recommendation no. 3; reprinted below:

3. **“That the Chair of the Police Services Board communicate to the Attorney General and the Minister of Community Safety & Corrections, to support Scadding Court Community Centre's Community Education & Access to Police Complaints Demonstration Project”**

The remaining five recommendations were originally considered at the Board's March 08, 2005 meeting and were referred, at that time, to the Chief of Police for consideration. A response to each of the five recommendations will be provided in a report for a future meeting (Min. No. P68/05 refers).

During his deputation, Mr. Lee also provided the Board with copies of three public brochures which had been printed by the Scadding Court Community Centre pertaining to the Community Education & Access to Police Complaints Demonstration Project ("CEAPC"). Chief Blair noted that each of the three brochures identified Toronto Police Service – Professional Standards as one of the "Partner Agencies" supporting CEAPC and that, in his opinion, they imply that the Toronto Police Service endorses the information contained in the brochures. He advised the Board of his concerns about the use of the Service's name in the brochures and that, with regard to the brochure entitled *Immigrant & Newcomer Awareness*, the Service specifically does not endorse the advice contained in the section under "Being Searched By Police".

In order to resolve this matter, the Board requested that Chief Blair discuss his concerns personally with Mr. Lee as soon as possible.

The Board received the foregoing report from Chair McConnell and unanimously approved the following Motions:

1. THAT the deputations be received;
2. THAT the Board review the recommendations in the LeSage report in light of the concerns raised by community organizations, and the Toronto Police Service, with a view to making additional suggestions vis-à-vis the proposed civilian body;
3. THAT the Board write to the Attorney General and:
 - convey its support, in principle, of the concept of an independent civilian complaints commission as recommended by Justice LeSage;
 - recommend that adequate resources be allocated to this critical initiative and that the appropriate legislative framework be established;
 - recommend a speedy and early implementation of essential elements of the LeSage Recommendations, including recommendation no. 1 pertaining to an independent civilian body and recommendation no. 6 pertaining to third-party complaints;

- **recommend that the Minister be encouraged to engage in dialogue with the affected communities in order to inform them of the LeSage Report; and**
- **indicate the Board's willingness to be used as the first jurisdiction of implementation in Ontario.**

**Recommendations made by the Honourable Patrick LeSage Q.C. in his
*Report on the Police Complaints System in Ontario***

Recommendation 1:

An independent civilian body should be created to administer the public complaints system in Ontario. The body should not be related to OCCOPS. A civilian who has not been a police officer should lead this new organization. Civilian administrators should be responsible for the administration of the complaints system for each region of the Province. The new body should produce an annual public report for the Government and should also hold an annual public meeting.

Recommendation 2:

The Government should appoint community and police representatives to an advisory group for each region. The groups would meet with the head of the new body to discuss systemic concerns, but would not direct the new body.

Recommendation 3:

The new body:

- will engage in educating the public about the complaints system;
- will be responsible for the intake of complaints in as many forms as possible including complaints from agents (e.g. lawyers and community groups) of complainants;
- will provide appropriate access to the system recognizing the linguistic, cultural and geographic diversity of the Province;
- will provide appropriate assistance to complainants in the filing of a complaint;
- will review complaints to determine whether they should be pursued further and screen out those that do not reveal a reasonable basis for the complaint, those that may be more suitably addressed through another process or those that should otherwise not be subject to further action; and
- will review complaints to determine whether the complaint is in regard to policy, service, conduct or any combination thereof.

Recommendation 4:

Individual police services must also participate in educating the public regarding the complaints system, continue to deal with public concerns that are not subject to the complaints system and provide necessary assistance to people who have complaints. The police should still have the ability to listen to concerns on an informal basis where individuals genuinely do not wish to lodge formal complaints. A written acknowledgement indicating that he or she was informed of the complaint process should be obtained from such individuals prior to engaging in informal discussions.

Recommendation 5:

Each police service should designate a senior officer to act as a liaison to the new body. The responsibilities of this senior officer should include facilitating communication between the police service and the new body.

Recommendation 6:

Any person should be permitted to file a complaint. Third party complaints should be supported by cogent evidence.

Recommendation 7:

The limitation period for the filing of complaints should remain at six months running from the time of the events upon which the complaint is based. However, if the complainant was charged and the complaint relates to the circumstances upon which the complainant was charged, the six-month limitation period should run from the time when the charges were finally disposed of. The new body should have broad discretion to extend the limitation period in cases where the complainant is a minor or is a person incapable of bringing forward the complaint and in cases where it is of the opinion that it is in the public interest.

Recommendation 8:

Provincial standards should be set by the Government to ensure that all officers are readily identifiable by way of a sufficiently large name patch on their uniforms.

Recommendation 9:

Subject to the independent body's right to intervene and subject to the powers of the independent body described in Recommendation 24, complaints regarding policy or service should continue to be handled in the current manner. However, the chief of police should provide a final written report regarding all such complaints to the complainant, to the police services board and to the new body.

Recommendation 10:

In any final disposition of a complaint, sufficient information must be provided to the complainant to allow the complainant to arrive at an informed understanding of how the complaint was handled.

Recommendation 11:

It must be clear that any person who makes a complaint or is responsible for the handling of a complaint must not be harassed, intimidated or retaliated against for making or handling that complaint. Any police officer who seeks to undermine the efficient and effective operation of the complaints system should be deemed to have engaged in misconduct.

Recommendation 12:

Upon a review of the complaint, the new body should determine whether it might be suitably resolved through informal mediative type resolution. Considerations to take into account in deciding whether a complaint may be suitable for informal resolution should include the gravity of the allegation, the effect of the alleged conduct on the complainant, and the public interest.

Informal resolution should be contingent upon the agreement of the complainant and the police officer involved. However, the views of the chief of police regarding the appropriateness of informal resolution are to be taken into consideration when deciding whether the process is to be engaged.

Informal mediative resolution may be agreed upon at any time, but must be approved by the new body.

Informal mediative resolution should be organized by the new body and conducted by a neutral. Parties to the informal resolution will be the complainant, the officer complained of and a representative of police management. Discussions should take place in confidence and should be without prejudice. The results of the informal resolution shall not form part of a police officer's discipline record. However, statistical records should be kept by the police service and the new body regarding the details of the complaint and the resolution.

Where an informal resolution is deemed unsuitable by the new body, has been rejected, or has failed, the new body may refer the complaint for investigation.

Statements made in informal mediative resolution should not be admissible in any subsequent civil proceedings or PSA hearing except with the consent of the person who made them

Recommendation 13:

The new body will examine and consider the nature of the complaint, the circumstances surrounding the complaint, the public interest, the size of the police service, the rank of officer and any other relevant factors to determine whether the complaint is to be investigated by the new body, the police service affected or by another police service.

Recommendation 14:

If investigated by the police service affected or by another police service, the police officers assigned to investigate should not have any connection to the incident and be removed from the persons involved in the incident.

Recommendation 15:

The new body must be given powers and resources to enable it to properly investigate a complaint as well as the authority to oversee a complaint investigated by the police and reassign the investigation of a complaint at any stage of the process.

Recommendation 16:

The new body should be staffed with highly skilled investigators. These investigators shall not be police officers, but may be former police officers. However, a former police officer shall not conduct investigations related to any police service with which the investigator was formerly employed. Not more than 50% of the investigative staff of the new body should be former police officers.

Recommendation 17:

The review of interlocutory decisions presently residing with OCCOPS should be transferred to the new body. Review decisions should be made publicly accessible through an internet site.

Recommendation 18:

The informal resolution process following an investigation should allow a chief of police to impose any penalty available to a hearing officer at a hearing other than dismissal or demotion unless rejected by the officer complained of. Information concerning the matter, the officer's reply, if any, and the penalty should be provided to the complainant and the new body. This information should be placed on a central internet site.

Recommendation 19:

Hearings should be held where there are reasonable grounds to form an opinion that there has been misconduct or unsatisfactory work performance and where the matter has not otherwise been resolved.

Recommendation 20:

The Government should develop a body of independent adjudicators to preside over PSA hearings in the Province.

Recommendation 21:

All hearing dates, hearing locations and hearing decisions must be made publicly accessible through a central internet site.

Recommendation 22:

A police officer should not be permitted to satisfy a forfeiture of pay penalty by applying it to sick leave credits. Demotions, suspensions, and forfeitures of pay should be combinable.

Investigations and disciplinary proceedings should continue against an officer if the officer chooses to find employment with another police service. Any subsequent penalty should be transferred to the other police service.

An officer who has been dismissed or resigns following a direction that the officer be dismissed should be prohibited from re-applying to another police service for a significant period.

Recommendation 23:

The appeal procedure should remain unchanged. Appeals from a hearing should continue to go to OCCOPS and if necessary a further appeal may be made to the Divisional Court.

An appeal decision by OCCOPS must be supported with reasons. These reasons should be placed on a central internet site.

Recommendation 24:

Police services boards should be required to order bi-annual independent audits of complaints handling within their respective police services and make their audits available to the public, subject to the direction of the new body for more or less frequent audits. Audits should be prepared to a standard to be set by the new body.

The new body should order independent audits of the complaints system from time to time.

The new body should have the authority to issue guidelines and set public complaints administration standards for particular police services.

The new body should have a power of inquiry available to it to identify systemic problems that may underlie complaints and make recommendations to prevent their recurrence.

Recommendation 25:

The new body should make special efforts at outreach to the Aboriginal communities in Ontario.

Recommendation 26:

The law should not preclude those First Nations that wish to have their police service fall under the provincial complaints system from being able to do so.

Recommendation 27:

Funding must be sufficient to ensure that the new independent body is able to operate in a manner that ensures public confidence in the police complaints system.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

#P180 CORRESPONDENCE:

A summary of the correspondence received in the Board office between February 15, 2005 and April 28, 2005 is on file in the Board Office.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON MAY 12, 2005**

#P181 IN-CAMERA MEETING – MAY 12, 2005

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

The following members attended the in-camera meeting:

Chair Pam McConnell
The Honourable Hugh Locke, Q.C.
Dr. Alok Mukherjee
Mr. Hamlin Grange
Councillor John Filion

Absent: Councillor Case Ootes

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF
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#P182 ADJOURNMENT

Councillor Pam McConnell
Chair