



**PEEL POLICE SERVICES BOARD  
PUBLIC AGENDA  
FRIDAY MARCH 22, 2019 AT 10:00 A.M.**

REGION OF PEEL  
COUNCIL CHAMBERS, 5<sup>TH</sup> FLOOR  
10 PEEL CENTRE DRIVE, BRAMPTON, ONTARIO

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**ROLL CALL**

**DECLARATIONS OF CONFLICT/PECUNIARY INTEREST**

**APPROVAL OF MINUTES**

1. Minutes of the Board Meeting held Friday, January 18, 2019.

***That the Minutes of the Board Meeting held Friday, January 18, 2019 be adopted as read.***

Moved by:  
Seconded by:

**BOARD MEMBER QUESTIONS and/or ANNOUNCEMENTS**

**DEPUTATIONS**

2. **Ms. L. Zilney** – Deputation request received on January 21, 2019 from Ms. Laura Zilney, Chief Executive Officer of Hope 24/7.

***That the deputation be received.***

Moved by:  
Seconded by:

- 3.1 **Ms. U. Keuper-Bennett** – Deputation request received on March 12, 2019 from Ms. Ursula Keuper-Bennett.

***That the deputation be received.***

Moved by:  
Seconded by:

- 3.2 **Mr. J. Kus** – Deputation request received on March 1, 2019 from Mr. Joseph Kus.

***That the deputation be received.***

Moved by:  
Seconded by:

## **PRESENTATIONS**

4. **Canadian Centre for Diversity and Inclusion (CCDI)** – CCDI will present its findings of the Equity Audit.

***That the presentation be received as information.***

Moved by:  
Seconded by:

5. **Amber Alert Program** – Report dated February 20, 2019 from Acting Deputy Chief D. Mumby, Investigative Services, providing the Board with the background information and guidelines of the Amber Alert Program.

***That the report and presentation be received as information.***

Moved by:  
Seconded by:

6. **Misuse of the 9-1-1 System** – Report dated February 22, 2019 from Deputy Chief I. Berkeley-Brown, Field Operations, providing the Board with information with respect to public misuse of the 9-1-1 system in the Region of Peel.

***That the report and presentation be received as information.***

Moved by:  
Seconded by:

7. **Comprehensive Ontario Police Services Act** – Report dated March 6, 2019 from interim Chief C. McCord, providing the Board with highlights of significant changes in the proposed *Comprehensive Ontario Police Services Act (COPSA)* and an update on the legislative status of the *COPSA*.

***That the report and presentation be received as information.***

Moved by:

Seconded by:

## **ADJOURNMENT OF PUBLIC MEETING**

## **IN CAMERA SESSION**



**PEEL POLICE SERVICES BOARD**  
**PUBLIC MINUTES**  
**FRIDAY, JANUARY 18, 2019 AT 10:00 A.M.**

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The Public meeting of the Regional Municipality of Peel Police Services Board commenced at 10:05 a.m. in the Region of Peel Council Chambers, Regional Administrative Headquarters, 10 Peel Centre Drive, Suite A, Brampton.

**ROLL CALL**

Members Present: N. Iannicca, Chair  
L. Mitchell, Vice-Chair  
P. Brown  
B. Crombie

Members Absent: N. Nicholson

Others Present: C. McCord, A/Chief of Peel Regional Police  
D. Jarvis, Deputy Chief, Corporate Services  
M. Andrews, Deputy Chief, Operations Support Services  
I. Berkeley-Brown, Field Operations  
D. Mumby, A/Deputy Chief, Investigative Services  
R. Patrick, Staff Superintendent  
B. Mullins, Associate Administrator  
R. Shearer, A/Superintendent, Executive Officer to the Chief  
S. Wilmot, Legal Counsel to the Chief  
C.L. Holmes, Director of Finance  
R. Serpe, Executive Director to the Board  
L. Perkins, Board Manager  
A. Suri, Administrative Assistant

## 1. ELECTION OF CHAIR

Pursuant to Section 28(1) of the *Police Services Act*, the members of a board shall elect a chair at the Board's first meeting in each year.

The Executive Director assumed the Chair and called for nominations for the position of the Chair.

***That Nando Iannicca be nominated for the position of the Chair;***

***And further that, the nominations for the position of Chair be closed.***

Moved by: B. Crombie  
Seconded by: P. Brown

CARRIED 01-01-19

There being no further nominations received, the following motion is passed:

***That Nando Iannicca be elected Chair of the Regional Municipality of Peel Police Services Board for the year 2019.***

Moved by: B. Crombie  
Seconded by: P. Brown

CARRIED 01-01-19

Nando Iannicca assumed the Chair.

## 2. ELECTION OF VICE-CHAIR

Pursuant to Section 28(2) of the *Police Services Act*, members of the a board may also elect a vice-chair at the first meeting in each year, and the vice-chair shall act as the chair if the chair is absent or if the chair's position is vacant.

The Chair called for nominations for the position of Vice-Chair.

***That Louise Mitchell be nominated for the position of Vice-Chair;***

***And further, that the nominations for the position of Vice-Chair be closed.***

Moved by: P. Brown  
Seconded by: B. Crombie

CARRIED 02-01-19

There being no further nominations received, the following motion is passed:

***That L. Mitchell be elected Vice-Chair of the Regional Municipality of Peel Police Services Board for the year 2018.***

Moved by: P. Brown  
Seconded by: B. Crombie

CARRIED 02-01-19

**DECLARATIONS OF CONFLICT/PECUNIARY INTEREST - None**

## APPROVAL OF MINUTES

3. Minutes of the Board Meeting held Friday, November 23, 2018.

***That the Minutes of the Board Meeting held Friday, November 23, 2018 be adopted as read.***

Moved by: L. Mitchell  
Seconded by: P. Brown

CARRIED 03-01-19

## CONSENT MOTION

Items #6 to #8 are considered to be routine and non-controversial and will be **approved by one motion**. There will be no separate discussion of these items unless a Member requests it in which case the item will be removed from the consent motion and considered in its normal sequence on the agenda under New Business.

Moved by: L. Mitchell  
 Seconded by: P. Brown

## BOARD MEMBER QUESTIONS and/or ANNOUNCEMENTS - None

## DEPUTATIONS

4. **Mrs. U. Keuper-Bennett** – The Board considered a deputation by request by Ms. Ursula Keuper-Bennett.

*That the deputation be received.*

Moved by: P. Brown  
 Seconded by: B. Crombie

CARRIED 04-01-19

5. **Mr. J. Kus** – Did not attend to provide deputation.

## PRESENTATIONS – None

## UNFINISHED BUSINESS - NIL

## NEW BUSINESS

### A) CONSENT AGENDA:

6. **Gun Violence - Chief J. Evans Correspondence** – The Board considered a letter dated December 4, 2018 to Minister S. Jones, Community Safety and Correctional Services from Chief J. Evans, seeking support for additional funding for Peel Regional Police with respect to the increase in gun violence in Brampton and Mississauga.

*That the information be received.*

CARRIED 06-01-19

7. **Voice Radio Communications System and Changes to Building Codes - Chief J. Evans Correspondence** – The Board considered a letter dated December 7, 2018 from Chief J. Evans to N. Iannicca, Chair, Regional Municipality of Peel, N. Nicholson, Chair, Peel Police Services Board, Mayor P. Brown, City of Brampton, Mayor B. Crombie, City of Mississauga, Mayor A. Thompson, City of Caledon regarding Voice Radio Communications System (VCOM) and Changes to Building Codes within Peel Region to enhance Public Safety.

*That the information be received.*

CARRIED                      07-01-19

8. **Amendments to the PSB-AI-001 – Board Procedures Policy** – The Board considered a report dated January 8, 2019 from R. Serpe, Executive Director, Peel Police Services Board, providing the Board with the amendments to Board Procedures Policy PSB-AI-001.

*That the Board approve the recommended amendments to the PSB-AI-001 Board Procedures policy for adoption and implementation.*

CARRIED                      08-01-19

## **B) OTHER NEW BUSINESS:**

9. **2019 Draft External User Fees** – The Board considered a report dated November 7, 2018 from Deputy Chief D. Jarvis, Corporate Services, providing the Board with the 2019 draft external user fees report.

*That the Draft External User Fees as presented be approved by the Police Services Board.*

Moved by:                      B. Crombie  
Seconded by:                      P. Brown

CARRIED                      09-01-19



10. **Digital Voice Logging System Document 2019-019N** – The Board considered a report dated December 11, 2018 from Deputy Chief D. Jarvis, Corporate Services, providing the Board with the contract for the supply, installation and implementation of a new Digital Voice Logging System for Peel Regional Police.

***That the contract (Document 2019-019N) for the supply, installation and implementation of a new Digital Voice Logging System for Peel Regional Police (PRP) be awarded to Wilmac Company, Canada in the estimated amount of \$779,373.94 (exclusive of applicable taxes) in accordance with policy #PRP-FN-001 Purchasing.***

***And further, that approval be granted to renew the contract on an annual basis for the remaining operational lifecycle of the system for maintenance, support, licenses, professional services and future system upgrades based on NICE Systems Inc. certified dealer status, satisfactory service, performance, budget and pricing.***

***And further, that subject to budget availability, approval be granted to the Director of Procurement to increase the contract to enable future system upgrades as required and purchase additional goods and/or services that are deemed proprietary or similar in nature to address future requirements for the operational lifecycle at PRP.***

***And further, that the Executive Director, Regional Municipality of Peel Police Services Board be authorized to execute the required agreements with Wilmac Company, Canada together with such further documents that may be required.***

B. Crombie inquired how often PRP awarded contracts based on a non-competitive decision. Mr. T. Ventura, PRP Manager of Infrastructure & Data Centre Operations stated that it is a rare occurrence for PRP to take a non-competitive bid from a 3<sup>rd</sup> party contractor. In this particular case, PRP must adhere to VCOM radio compliance standards that must also be followed by the fire and hydro services. Other radio communications vendors do not adhere to these standards; consequently they were automatically disqualified on this basis

Moved by: P. Brown  
 Seconded by: B. Crombie

**CARRIED** 10-01-19

**ADJOURNMENT OF PUBLIC MEETING**

The Board moved In Camera at 10:35 a.m., adjourning the In Camera meeting portion at 10:44 a.m. and the meeting of the Peel Police Services Board adjourned at 10:44 a.m.

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N. Iannicca, Chair

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R. Serpe, Executive Director

**DEPUTATION**

**#02-03-19**

Deputation by Ms. Laura Zilney, Chief Executive Officer of Hope 24/7.

**DEPUTATION**

**#3.1-03-19**

Deputation by Ms. Ursula Keuper Bennett.

**DEPUTATION**

**#3.2-03-19**

Deputation by Mr. Joseph Kus.

**PRESENTATION**

**#04-03-19**

**Canadian Centre for Diversity and Inclusion (CCDI)**  
CCDI will present its findings of the Equity Audit.

**[Click here to access the CCDI Equity Audit Report](#)**



FORWARDED TO  
POLICE SERVICES BOARD

DATE 1/23/19

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CHIEF OF POLICE

RECEIVED BY  
PEEL POLICE SERVICES BOARD

DATE MARCH 5, 2019

LOG No. 22

FILE CLASS POO

05 -03-19

REPORT  
Police Services Board

For Information

File Class: 1-02-02-03

Cross-Reference File Class: \_\_\_\_\_

DATE: February 20, 2019

SUBJECT: **AMBER ALERT PROGRAM**

FROM: Dale Mumby, Deputy Chief, Investigative Services Command

**RECOMMENDATION**

**That the Police Services Board receives this report regarding the Amber Alert Program for information.**

**REPORT HIGHLIGHTS**

- Background on the AMBER Alert program
- AMBER Alert Guidelines
- AMBER Alert Incidents involving Peel Regional Police

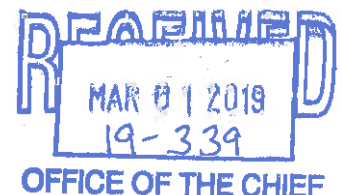
**DISCUSSION**

**1. Background**

The Amber Alert program is an urgent bulletin system established in the United States — and since adopted in Canada — that is activated in some cases of child abduction. AMBER is officially an acronym for America's Missing: Broadcast Emergency Response.

The AMBER Alert is a provincially administered program facilitated by the Ontario Provincial Police General Headquarters Duty Office (O.P.P. G.H.Q. Duty Office) on behalf of the province and police services throughout Ontario. This program has been in place in Ontario since 2003. An AMBER Alert provides early notification of the child abduction details to the public through participating media outlets and partners, and is a voluntary, co-operative plan between radio and television stations, the Ministry of Transportation, Bell Canada, the Ontario Lottery and Gaming Corporation and Ontario Law Enforcement agencies.

The O.P.P. G.H.Q. Duty Office will immediately send the descriptive information contained in an AMBER Alert to cooperating radio/television stations via Canada News Wire and the Ontario Association of Broadcasters. The information will be broadcast via program interruptions on radio and screen "crawls" on television in 20 minute intervals. The information will also be sent via Short Message Service (S.M.S.) text to subscribing cellular phone users.



Where applicable, the O.P.P. G.H.Q. Duty Office will also send the information to the Ministry of Transportation (M.T.O.) Toronto Traffic Communications Centre (T.T.C.C.) for display on highway COMPASS signs. This will also occur with the 407 E.T.R. who, when notified, use their highway signs in a similar manner.

AMBER Alert information is sent to various other partners as well including the following:

- (a) Bell Canada through Bell ExpressVu channel 273;
- (b) Ontario AMBER Alert Facebook page;
- (c) Ontario Lottery and Gaming through lottery terminals;
- (d) National Alert Aggregation and Dissemination System through the Weather Channel;
- (e) Astral Media through digital signage;
- (f) Mac's Convenience Stores on digital in-store displays;
- (g) Child Find;
- (h) Canadian Centre for Child Protection;
- (i) Missing Children's Society of Canada through "Poynt";
- (j) Correction Services Canada through mass employee e-mailings; and,
- (k) Ontario Realty Association through membership e-mailings.

### **AMBER ALERT Guidelines**

Prior to an AMBER Alert being initiated the following guidelines are required to be met.

- (a) The law enforcement agency believes a child under 18 years of age has been abducted;  
and
- (b) The law enforcement agency believes the child is in danger; and
- (c) There is enough descriptive information about one or more of the following the child, the abductor, and/or the vehicle, which is sufficient to allow the law enforcement agency to believe that an immediate broadcast alert will help in locating the child.

Attached as Appendix "A" is an AMBER Alert Decision Flow Chart.

## **2. Findings**

There have been four incidents that the AMBER Alert program was initiated by the Peel Regional Police Service. Details of those occurrences are listed below.

### **PR12285254 – Parental Abduction**

The accused in this matter has two children who became wards of the CAS. On Friday, August 24th, 2012 at approximately 11:20 hours the accused, along with two other co-accuseds, attended a foster home in Brampton. Both of the accused's children were abducted from this residence. As a result of this incident an AMBER Alert was issued. Further investigation determined that the accused had crossed into the United States via the Rainbow Bridge with the children. The children were later located in New York State. All three accused parties were arrested and charged with Kidnapping and Abduction of person under 14.

### **PR140195944 – Parental Abduction**

The accused in this matter and her husband had divorced. As a result of court proceedings, the accused's husband was given sole custody of their 8 year old son. On April 13th, 2014 the



accused had been given permission by her husband to see their son for a short period of time. The accused did not return their son at the agreed upon time and during a subsequent phone call the accused indicated that she was not coming back with their son and the police were not to be contacted. As a result of this incident an AMBER Alert was initiated by police. The following day at 13:22 hours a citizen observed the vehicle being operated by the accused that was the subject of the AMBER Alert and contacted police. Police located her and the child in the Brampton area where the accused was arrested and the child safely recovered. The accused was charged with disobeying a court order.

PR170019169 – Kidnapping - Unfounded

On Sunday, January 17th, 2017 the complainant contacted police advising she had witnessed a kidnapping of a young female in the Mississauga area. She provided a detailed description of the female along with suspect descriptions and vehicle information. Coincidentally, the same day a young female was reported missing by her father who resided in the same area. This missing female matched the same description of the earlier reported kidnapping. As a result an AMBER Alert was initiated by Police. Subsequent investigation later determined that the original complainant who reported the kidnapping incident had made the story up and in fact it did not happen. She was charged with Public Mischief. The young female reported missing by her father was later located in good health.

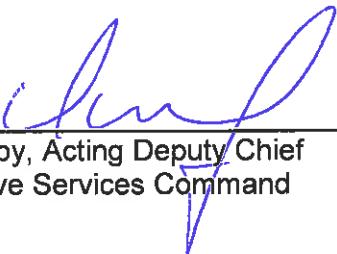
PR190058904 - Homicide

The accused in this matter and his wife had separated and she had sole custody of their daughter however, on occasion she would grant access for visits. On February 14<sup>th</sup>, 2019 the accused in this matter was with his daughter and had contacted his wife indicating he was going to harm her and himself. An Amber Alert was subsequently issued. A citizen driving in the Orillia area recognized the accused's vehicle broadcast in the AMBER Alert and contacted police. The accused was located and arrested by O.P.P officers. The daughter was located in the accused's residence deceased. The accused was charged with First Degree Murder but a short time later succumbed to his injuries

**3. Conclusion**

That CMG receives this report regarding the AMBER Alert program for information and further that the report be forwarded to the Police Services Board for information.

**Approved for Submission:**




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Dale Mumby, Acting Deputy Chief  
Investigative Services Command

*For further information regarding this report, please contact Inspector M. Ottaway at extension 3200 or via e-mail at 1872@peelpolice.ca*

Authored By: *Insp. M. Ottaway*

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FORWARDED TO  
POLICE SERVICES BOARD

DATE 1/3/19

*C.M. Campbell*  
CHIEF OF POLICE

RECEIVED BY  
PEEL POLICE SERVICES BOARD

DATE MARCH 5/19

LOG No. 23 Police Services Board

FILE CLASS P00 For Information

REPORT  
Police Services Board  
For Information

File Class: 1-02-02-01

Cross-Reference File Class: 1-02-02-03

DATE: February 22, 2019

SUBJECT: MISUSE OF THE 9-1-1 SYSTEM

FROM: Ingrid Berkeley-Brown, Deputy Chief, Field Operations Command

**RECOMMENDATION**

It is recommended that the Police Services Board (PSB) receive this report as information with respect to public misuse of the 9-1-1 system in the Region of Peel.

**REPORT HIGHLIGHTS**

- Background information relating to 9-1-1 and the Peel Regional Police (P.R.P.) Communications Centre.
- Details pertaining to misuse of the 9-1-1 system including Communications Centre data relating to an Amber Alert issued on February 14<sup>th</sup>, 2019.
- Public Awareness with respect to the appropriate use of 9-1-1 services.

**DISCUSSION**

**1. Background**

The 9-1-1 System

The 9-1-1 call service was implemented within the Region of Peel in 1988 to facilitate the public's immediate access to Police, Fire and/or Ambulance in an emergency situation. An emergency is defined as any situation when the safety of people or property is at risk and immediate assistance is required. While all 9-1-1 calls are answered, those which do not fall under this definition are considered to be misuse of the 9-1-1 service.

The P.R.P. Communications Centre

The P.R.P. Communications Centre is the Public Safety Answering Point (P.S.A.P.) for the Region of Peel. Every call to 9-1-1 made in the Region is directed to the Communications Centre and is initially answered by a P.R.P. Communicator regardless of which emergency

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service(s) is required. Non-emergency calls made using the P.R.P. main number (905-453-3311) are routed into the Communications by a Switchboard Operator. The number of 9-1-1 and non-emergency calls have steadily increased since 1988 as the population of the Region continues to grow.

## 2. Findings

During 2018, P.R.P. Communications received 709,524 total calls including 430,111 calls made to 9-1-1. The number of calls to 9-1-1 increased 18% from the previous year. Communicators were required to deal with 51,303 more 9-1-1 misuse calls than in 2017.

<b>9-1-1 Calls to Communications</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>
<b>Total calls to 9-1-1</b>	<b>430,111</b>	<b>365,368</b>	<b>319,387</b>
<b>Calls to 9-1-1 deemed inappropriate</b>	<b>182,208</b>	<b>130,905</b>	<b>91,558</b>

### NAQ (No Answer Que) Calls

In addition to 9-1-1 voice calls, P.R.P. Communications receives many short duration (no voice/hang-up) 9-1-1 calls daily from Bell Canada through the Ali Query System. This generated a large volume of calls (116,292 or an average of 224 per day) in 2018 that required processing. If a short duration call has a valid call back number, the number must be called back to determine if an emergency service is required. This resulted in an additional 81,678 outgoing calls made by PRP Communications in 2018.

<b>Short Duration 9-1-1 Calls from Bell</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>
<b>Received</b>	<b>116,292</b>	<b>92,889</b>	<b>86,241</b>
<b>Filtered (no valid call back number)</b>	<b>34,614</b>	<b>36,559</b>	<b>56,319</b>
<b>Action Taken</b>	<b>81,678</b>	<b>56,330</b>	<b>29,922</b>

### Amber Alert - February 14<sup>th</sup>, 2019

On February 14, 2019, at 11:36 p.m., an Amber Alert was generated by P.R.P. investigators due to their concerns over the safety of an 11 year old girl. This resulted in a significant increase in call volume to both 9-1-1 Call Takers and Switchboard Operators. While a number of citizens called in with information they felt might assist the investigation, many members of the public deliberately called 9-1-1 to voice their displeasure at receiving the Amber Alert at such a late hour.

An analysis of call volumes around the time of the Amber Alert indicates that P.R.P. experienced a significant increase in the number of both 9-1-1 and Switchboard calls:

	9-1-1 Calls	Switchboard Calls	Total Calls
Feb 14 @ 23:00 to Feb 15 @ 03:00	208	192	400
Traditional Call Volumes (same period as above)	73	72	145
Call increase %	65%	63%	64%

*\*A breakdown between 9-1-1 calls related to the Amber Alert and other unrelated 9-1-1 calls is not available.*

Of the 208 9-1-1 calls received, 89 (43%) were deemed to be misuse of the 9-1-1 system. An audio review of a sample of these calls identified the following comments made by callers to Call Takers:

- *"No one can watch TV until this child is found. This will destroy our program, you can't take away TV completely, it has to be secondary."*
- *"You have an Amber Alert that I can't get off my TV."*
- *"How can I make a complaint about you guys abusing the National Emergency System?"*
- *She's with her father, I don't think this is a National Emergency."*
- *"This is an invasion of my privacy."*
- *"We are trying to watch the Leaf game."*

It should be noted that calls complaining about the Amber Alert continued to be received by P.R.P. on both 9-1-1 and through Switchboard well into the day on February 15<sup>th</sup>. P.R.P. also received a number of calls from the public to thank the police for their service. As some of these positive comments were made using the 9-1-1 system, they were still deemed to be misuse.

### 3. Proposed Direction (9-1-1 Awareness Campaign)

The inappropriate use of 9-1-1 calls is an ongoing concern for P.R.P. and all police services across North America. In April 2018, the P.R.P. Communications Centre initiated a 9-1-1 Awareness Campaign intended to educate the public with respect to the inappropriate use of 9-1-1. Working in conjunction with Corporate Communications and in partnership with the Region of Peel, the campaign utilized media and social media outlets to inform the public on the proper use of 9-1-1 and the additional workload placed on the P.R.P. Communications Centre by calls deemed to be misuse of the system. In addition, a committee of volunteer Communicators have regularly attended public events for many years to educate the public on the proper use of the 9-1-1 system.

The P.R.P. Communication Centre continues to work to increase public awareness on the appropriate use of 9-1-1 services. In addition, preliminary research is being conducted in relation to the development of a non-emergency three-digit number to facilitate immediate non-emergency calls to the Communications Centre.

#### 4. Organizational Wellness / Risk Management

Members of the public expect immediate access to emergency services when calling 9-1-1. The P.R.P. Communications Centre recognizes that the misuse of the 9-1-1 system poses a risk to public safety as these calls can potentially delay legitimate 9-1-1 calls from being answered.

#### CONCLUSION

The P.R.P. Communications Centre endeavours to answer 9-1-1 calls as quickly as possible. The continuing misuse of the 9-1-1 system creates ongoing challenges for Communicators in their efforts to do so. The deliberate misuse of the system, as experienced following the Amber Alert on February 14<sup>th</sup>, 2019, creates even greater challenges for Communicators while also creating risk for members of the public attempting to properly use the 9-1-1 system when legitimately in need of help.

Effective call response is a vital component in the efforts of Peel Regional Police to achieve its vision of *A Safer Community Together*. Greater public education regarding the proper use of the 9-1-1 system is necessary to reduce the misuse of the system as well as the delays caused in answering legitimate 9-1-1 calls. Through outreach and education, the Communications Centre will continue to provide members of the public with information about the 9-1-1 system and its proper use.

#### Approved for Submission:

  
Ingrid Berkeley-Brown, Deputy Chief, Field Operations Command

*For further information regarding this report, please contact Inspector J. Paolini at extension 4512 or via e-mail at 1812@peelpolice.ca*

Authored By: Inspector J. Paolini #1812



FORWARDED TO  
POLICE SERVICES BOARD

DATE 7/3/19

*Chris Cord*

CHIEF OF POLICE

RECEIVED BY  
PEEL POLICE SERVICES BOARD

DATE MARCH 7, 2019

LOG No. 31 Police Services Board

FILE CLASS M01

07-03-19

REPORT

For information

File Class: 1-01-02-01

Cross-Reference File Class: \_\_\_\_\_

DATE: March 6, 2019

SUBJECT: **COMPREHENSIVE ONTARIO POLICE SERVICES ACT**

FROM: Chief Chris McCord

**RECOMMENDATION**

**It is recommended that the Board receive this Report for information only**

**REPORT HIGHLIGHTS**

- Highlights the most significant changes in the proposed *Comprehensive Ontario Police Services Act (COPSA)*
- Provides an update on the legislative status of the *COPSA*

**DISCUSSION**

**1. Background**

On Tuesday, February 19, 2019 the Government of Ontario introduced Bill 68, the *Comprehensive Ontario Police Services Act* ("COPSA"). The proposed Legislation has been "carried" on second reading and has been referred to the Standing Committee on Justice Policy prior to being ordered for third reading. If passed, the Bill will repeal and replace the *Safer Ontario Act*, including the *Police Services Act, 2018* and the *Ontario Special Investigations Unit Act, 2018*. The bill would also repeal the *Policing Oversight Act, 2018* and the *Ontario Policing Discipline Tribunal Act, 2018*.

The Act will come into force on a day to be determined by proclamation of the Lieutenant Governor. The previous version of the *Police Services Act* that predated the *Safer Ontario Act* will remain in effect until that time, with some minor transitional revisions with respect to the provisions governing Community Safety and Wellbeing Plans. There are a number of matters which will be determined by Regulations, drafts of which have not yet been released.

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## 2. Summary

The proposed *COPSA* legislation will introduce extensive changes to the current *Police Services Act*, which has been in place without significant revision since 2007. The following presents a very high level summary of the most significant changes proposed in *COPSA*.

### 1. Police Service Boards continue to be responsible for the provision of adequate and effective policing

Police *Services* Boards are now referred to as Police Service Boards and remain responsible for the provision of adequate and effective policing, which includes: crime prevention; law enforcement; maintaining the public peace; emergency response; assistance to victims of crime and any other prescribed policing functions. Adequate and effective policing does not include by-law enforcement *or*, the provision of court security. However, Police Service Boards appear to still have statutory responsibility for court security under Part XV, s. 243.

*COPSA*, like its predecessor, the *Safer Ontario Act*, mandates that "Prescribed Policing Providers", shall provide policing functions in certain areas (which have not yet been defined) if the regulations mandate. Police Service Boards are also permitted to enter into agreements with "prescribed entities" (also not yet defined) to provide certain police functions, provided that the function is not "law enforcement, emergency response or maintaining the public peace policing function" and does not require the exercise of the powers of a peace officer or police officer.

### 2. Police Service Boards Duties and Powers are more specifically enumerated

Police Service Boards continue to have duties to employ members and recruit, appoint and monitor Chiefs of Police. Boards are prohibited from making policies about specific investigations, specific operations and specific police operations, as well as any policies that would prohibit members from attempting to collect information for the purpose of investigating an offence or assisting with the prosecution of an offence.

Before holding meetings, a Police Service Board must consider whether to close the meeting, or any part of it, with consideration to a very specific list of subject matters for which the meeting may be closed (including litigation, personal matters, labour relations, privileged advice, land acquisitions and confidential law enforcement matters). Members of the Board have a statutory duty of confidentiality over any matter considered in a closed meeting.

### 3. The Duties of the Chief of Police and Officers are amended

Similar to the *Safer Ontario Act*, the Duties of the Chief will be to manage and administer the police service in accordance with the legislation and the Board's policies and strategic plan. The Chief is no longer responsible for administering complaints. The Chief can delegate powers and duties to a member of the Chief's police service.

Similar to the *Safer Ontario Act*, police officers will act by way of appointments by the Police Service Board, which can only be made if they meet the statutory requirements outlined in the legislation. A person may not be appointed as a police officer if he or she was previously terminated for cause by another police service or resigned in lieu of being terminated for cause. The appointment is terminated without notice if the officer ceases to be a member of a police service. If a member is unable to perform the essential duties of the appointment, the Board may only terminate the appointment after a hearing during which at least two medical professionals give evidence that the member is incapable of performing the duties and cannot be accommodated.

Special Constables are specifically prohibited from holding themselves out as police officers. They may be hired by the Board or a Special Constable Employer. In all instances, the Board issues the certificate of appointment however, for Special Constables employed by Special Constable Employers, any issue with conduct is investigated and remedied by the employer and then reported back to the Board.

**4. The proposed legislation contains similar oversight provisions to its predecessor, *The Safer Ontario Act, 2018*, which will be repealed if passed.**

The Ontario Civilian Police Commission (OCPC) will be dissolved, and many of its oversight functions will become the responsibility of the new Inspector General's Office. The Inspector General's (IG) Office will be responsible for complaints about Board members, oversight of the adequacy and effectiveness of policing, compliance with the Act, the policies of Boards, and the procedures established by Chiefs. The IG will have broad powers of inspection and enforcement in order to address complaints.

The Ontario Independent Police Review Director (OIPRD) will continue as the Law Enforcement Complaints Agency (LECA) and will retain jurisdiction over all public complaints about the conduct of police officers as well as issues of a systemic nature. The LECA will also have the power to investigate misconduct of an Officer absent a public complaint if it is in the public interest to do so. The head of the LECA, the Complaints Director will continue to direct complaints about the conduct of an officer to a Chief of Police (either of the subject officer's own police service or an unrelated police service) to conduct the investigation, or retain the complaint to be investigated by an investigator of the LECA. The Police Service Board will be responsible for the costs of LECA investigations, except in circumstances yet to be prescribed in the forthcoming Regulations.

Investigators conducting investigations directed by the Complaints Director shall endeavour to complete investigations in 120 days. Once LECA concludes an investigation into a public complaint and makes a determination as to whether misconduct has occurred, the determination will be sent to the subject officer's Chief of Police, who will have the authority to determine whether disciplinary measures should be imposed. If the Complaints Director believes that demotion or termination of the officer is an appropriate disposition, he or she may direct the Chief to apply for a hearing to make that determination.



The Special Investigations Unit (SIU) will continue under the *Special Investigations Unit Act, 2019*, as an independent agency with the same mandate of investigating criminal allegations against police officers, where serious injury or death have resulted or where a police officer has discharged a firearm. "Serious Injury" is defined to include hospitalization; fracture to the skull, limb, rib or vertebra; burns; amputation; hearing and / or vision loss; and other injuries as will be prescribed in the Regulations. The SIU mandate will not include special constables or auxiliary officers. The SIU shall endeavour to complete investigations in 120 days.

**5. There is a continued focus on diversity and collaborative community safety through Municipal Diversity Plans and Community Safety and Wellbeing Plans are continued under the COPSA**

Every municipality must prepare and approve a diversity plan.

Similarly, municipalities will continue to be mandated to prepare and adopt Community Safety and Wellbeing plans in consultation with an advisory committee, consisting of representatives of the municipality, the Police Service Board, the Chief of Police and various other local health, community and social service providers.

Members of Police Service Boards will be required to complete training respecting board responsibilities, human rights, systemic racism and diversity and multiculturalism.

**6. The statutory Right to Report Misconduct is also included in COPSA**

Chiefs of police and Police Service Boards will be required to establish written procedures regarding the right to report misconduct of an officer (or Chief or Deputy Chief as the case may be) by members and former members of the police service, without reprisal. The procedures must establish means to protect the identities of persons making such disclosures, as well as witnesses and other persons alleged to be involved in the misconduct.

If a member believes it would not be appropriate to follow the Chief's or Board's procedures, or believes that the report has not been dealt with appropriately, the member can make a report directly to the Inspector General who will **assess** and deal with the complaint.

**7. Labour Relations, Suspension and Disciplinary Hearings**

The Ontario Police Arbitration Commission is continued under the name of Ontario Police Arbitration and Adjudication Commission (the "Commission"), with a composition to be determined in the Regulations. The Commission is mandated to maintain a roster of arbitrators as well as adjudicators to hold Hearings under the Act. The cost of adjudicators may, in accordance with the Regulations, be charged to a Police Service Board that employs the police officer whose conduct is the subject of an adjudication hearing. The fee structure will be prescribed in the Regulations.

The Chief is responsible for establishing written procedures for the assessment of work performance and the imposition of disciplinary measures on members of the service. The Chief may investigate or request an external police service, person or agency to conduct an investigation into misconduct allegations against a member of a police service. Investigators shall endeavour to complete investigations in 120 days, subject to any delays to avoid interference with a criminal investigation or prosecution.

If a Chief has reasonable grounds to believe that an officer has engaged in misconduct or unsatisfactory work performance, the Chief can impose disciplinary measures ranging from counselling, training or reprimands up to forfeitures of time or pay or suspensions without pay for up to 30 days. If the officer does not agree with the disciplinary measure imposed by the Chief, he or she may apply to the Commission to appoint an adjudicator to hold a hearing for a ruling on the finding and for reimbursement of any penalty already imposed. Similarly, if the Chief determines that the appropriate disciplinary measure is demotion or termination, the Chief must apply to the Commission to appoint an adjudicator to hold a hearing on the matter. The burden of proof for establishing misconduct at a hearing conducted by an Commission adjudicator is "clear and convincing evidence". All parties have a right of appeal to the Divisional Court from an adjudicator's decision.

A Chief continues to be permitted to suspend an officer with pay. The Chief can only suspend without pay where an officer is convicted of an offence and sentenced to a term of imprisonment, or if the officer is in custody or subject to conditions on judicial interim release that interfere with the ability to perform the duties of an officer, or if the officer is charged with an off-duty, "serious offence" and the Chief intends to terminate the officer. An officer suspended without pay while in interim custody, on interim release or in relation to otherwise pending charges for a serious offence may apply to the Commission for an adjudicator to hold an expedited hearing into the validity of the suspension. While suspended, an officer is not permitted to exercise any powers vested in him as an officer or wear or use any issued clothing or equipment.

A police service's CFO, CAO, chief human resources executive, general counsel and any person employed in a confidential capacity in relation to labour relations cannot be members of a police association.

### **3. Proposed Direction**

The provincial government will be moving forward in coming weeks with any final revisions prior to final reading. We will be monitoring the Bill as it moves through the Legislative process and will continue to prepare for the changes as proposed in the Legislation.

## **CONCLUSION**

The *Comprehensive Ontario Police Services Act* proposes significant changes to the current *Police Services Act*, however does not differ significantly from the proposed changes in the

predecessor legislation, the former government's *Safer Ontario Act*, which will be repealed of the *COPSA* is passed. Peel Regional Police has been preparing for the changes previously proposed by the *Safer Ontario Act*, and will continue to monitor the legislative process to ensure compliance with *COPSA*.

**Approved for Submission:**



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Chris McCord, Chief of Police

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