

Board Report



Regional Municipality of
Niagara Police Services Board

Civilian Governance and Oversight for
the Niagara Regional Police Service

A Newsletter from the Niagara Regional Police Services Board

NIAGARA POLICE SERVICES BOARD

Chair:	Doug Martin (Regional Councillor)
Vice Chair:	Mal Woodhouse
Board Members:	Bob Bentley (Regional Councillor) Bob Marshall Todd Shoalts, C.A. Bill Smeaton (Regional Councillor) Vaughn Stewart
Executive Director:	Deb Morton
Executive Assistant:	Sandi Taylor
Board Clerk:	Dawn Cichocki
Address:	110 James Street St. Catharines, Ontario L2R 7E8
Phone:	(905) 685-0321
Fax:	(905) 688-0036
Email:	psb@nrps.on.ca
Website:	www.nrps.com/psb

REPORTS FROM THE CHAIR OF THE BOARD

Chair Martin reported the following:

Arbitration Award - On July 26 the Honourable George Adams issued an Arbitration Award concerning the renewal of the uniform and civilian collective agreements for the Niagara Regional Police Service. The Arbitrator's Award settles the NRPS collective agreements for 2009, 2010 and 2011 with wage increases totaling 9.575% over three years (which due to staging is a cumulative increase of 9.96%). The Award provides for some benefit enhancements as well as giving police management some tools to better manage the organization including deployment flexibility for minimum staffing and two-officer patrol cars, as well as a joint review of the job posting and promotional process.

KIDS CAN BIKE - Superintendent Geoff Skaftfeld attended the Board office to present a 'thank you' poster on behalf of the children who participated in this year's Niagara Kids Can Bike summer camp program. In February the Board and Service donated \$1,000 to the 2010 Camp Program. Kids Can Bike is a one week summer camp for 20 children aged 9-13 years old who are chosen by school principals to attend a healthy living camp that offers leadership and physical fitness through the YMCA's core values. In addition to the camping experience, each camper receives a bicycle, helmet, water bottle, bicycle bell and a lock upon the successful completion of the camp. The Board and Service are proud sponsors of this unique program, and participant acknowledgment is appreciated.

S.O.A. Summer Social - On July 8 Chair Martin attended the Senior Officers' Association Summer Social at Fresco's Restaurant which was well received by all Association members and their guests. Recently

retired Inspector Brian Eckhardt was in attendance and acknowledged for his long-standing career with the Niagara Regional Police Service.

Swearing-In Ceremony - On August 12 at 7:00 p.m. the Service will be hosting a Swearing-In Ceremony for three new recruits in the PSB boardroom at 110 James Street, and Chair Martin will be delivering welcoming comments to the new recruits on behalf of the Board. Other Board members interested in attending are asked to confirm their attendance with Board staff.

Mayor's Charity Golf Tournament - On August 12 Mayor Bob Bentley will be hosting the annual Town of Grimsby Mayor's Golf Tournament at Sawmill Golf and Country Club, as a four-person team scramble with tee-off times scheduled between 11:00 a.m. and 1:00 p.m., followed by dinner. Chair Martin will be attending on behalf of the Board, and any other interested members are asked to confirm their attendance with Board staff.

Canadian Association of Police Boards - The Canadian Association of Police Boards will hold its Annual Conference and General Meeting in Saint John, New Brunswick, from August 17 - 22, and Members Bob Bentley, Vaughn Stewart and the Board's Executive Director will be representing the Board at this function.

Upcoming Meetings - 1st Floor Boardroom, 110 James Street, St. Catharines

- Licencing Committee - Thursday, August 12 at 8:30 a.m.;
- Police Accommodations Steering Committee - Thursday, August 12 at 9:30 a.m.;
- Next Board Meeting - Thursday, August 26, at 8:30 a.m.

REPORTS FROM THE CHIEF OF POLICE

Chief Southall reported the following:

Operational Statistics

For the period January 1 through July 24, 2010:

Marihuana Grow Operations:

- Total street value seized \$5,309,000 compared to \$7,432,000 for 2009;
- Total equipment seized \$163,000 compared to \$318,000 for 2009.

Life-Threatening Injury Collisions:

- 23 compared to 19, same period 2009.

Traffic Fatality Statistics:

- 8 collisions (8 deceased) compared to 14 collisions (16 deceased), same period 2009.

For the period January 1 through July 28, 2010:

Homicides:

- 0 compared to 2, same period 2009.

A Newsletter from the Niagara Regional Police Services Board

For the period of June 25 through July 28, 2010:

Robberies:

- 19 with 8 cleared, a 44% clearance rate for this period.

Assistance to U.S. Law Enforcement - Missing Person Investigation

This past weekend the Niagara Regional Police was contacted by Law enforcement officials in Lexington Park, Maryland, USA, regarding a missing person investigation in their jurisdiction. The matter involved a 37 year old female who was reported missing on July 19, 2010 and was last seen in the company of 46 year old Benjamin Moore of Lexington Park, Maryland.

Investigators from Maryland had reason to believe that Mr. Moore was in the Niagara Region, and Niagara Regional Police were asked to assist in the missing person investigation. Members of our Service were provided with pictures of Mr. Moore and the description of his vehicle and immediately began searching for him.

In the afternoon of July 26th, American investigators advised us that the missing female had been found deceased in Princeton County, New Jersey, and a warrant for murder was being sought in that jurisdiction for the arrest of Mr. Moore. A Canada-wide arrest warrant under the *Immigration and Refugee Protection Act* was then issued for Benjamin Moore.

At 7:20 pm on July 26th, uniformed Constable Shawn Haley recognized Mr. Moore near Lundy's Lane and Kalar Road in Niagara Falls and arrested him without incident. Mr. Moore has been turned over to CBSA Inland Enforcement officers pending further investigation and extradition to the United States.

Chief Southall said this incident is an excellent example of the diligence of members, and their abilities to work in conjunction with Federal and International partners in law enforcement.

Serial Child Sex Offender Arrested - In March 2010, detectives from the Child Abuse Unit commenced an investigation into an incident of alleged sexual assault involving a 10-year-old child victim. As the investigation progressed, evidence was uncovered which lead our investigators to five additional people who had been victimized at various times by the same offender over a span of more than 20 years. All of the alleged offences involved female children who were between the ages of 10 and 15-years old when the offences occurred.

On July 8, 2010, detectives arrested 41-year-old Shawn Michael Dunn of St. Catharines and charged him with 15 criminal sexual offences against children. Mr. Dunn is still in custody awaiting trial.

Incidents of crimes such as these against children in our society are of great concern to the community and the police. Chief Southall said she is extremely proud of the members who investigate these disturbing crimes and expressed her gratitude for their efforts in protecting our children.

Illegal taxicab Enforcement - As the Board is well aware, illegal taxis, better known as "speedy" cabs, are operated throughout Niagara in personal vehicles by unauthorized drivers. These vehicles and drivers are unlicensed and uninspected by the Region and Licencing Unit, as such, they do not meet the same standards or have the same safeguards in place that legal taxi companies do.

As part of the Service's commitment to traffic safety, during the weekend of July 17 and 18, 2010 the Licencing Unit, working in conjunction with members of the Special Enforcement Unit, conducted a blitz of illegal taxicabs across the Region. Over the course of two days police laid a total of 35 charges under the *Highway*

Traffic Act, as well as a criminal charge for breaching a court order. Charges included: picking up passengers for compensation, careless driving, driving while using a cell phone, no insurance, and numerous charges for safety and equipment violations. One driver had his licence suspended for three days for registering an alert on a roadside alcohol screening device. Another driver was charged twice in a 45 minute timeframe for picking up passengers for compensation.

The Licencing By-law was enacted to protect the health and safety of the residents and patrons of businesses in the Regional Municipality of Niagara. Chief Southall said the members of the Service remain committed to keeping our roadways safe through vigorous enforcement of all laws and statutes.

SPECIAL INVESTIGATIONS UNIT

Minute C.160. - The Board considered Service report C.160/2010, SIU Report #SIU-OCI-056, providing the decision of the SIU Director following the investigation into an in-custody incident.

On April 10, 2010 a woman placed a call through the 911 system at which time the dispatcher immediately sent an officer to the caller's location and further requested that an ambulance also attend. During the conversation the caller informed the dispatcher that she would jump off the balcony of her apartment should police attend the scene.

When the officer arrived on scene and while trying to gain entry into the apartment complex, he witnessed the female climbing onto her third floor balcony railing and ultimately jumping off. The officer attended to the victim and awaited the arrival of EMS who immediately transported the woman to St. Catharines General Hospital where it was confirmed that she received injuries to her spine. The SIU was contacted and they invoked their investigation into the incident.

On April 21, 2010 the SIU Director notified Chief Southall that the subject officer had been cleared of any wrongdoing. Noting that upon the woman seeing a marked cruiser and out of concern of being incarcerated, she jumped off the balcony in an attempt to commit suicide in order to avoid a perhaps misconceived outcome. This analysis concludes that there was no relationship between the actions of the subject officer and the injuries sustained by the complainant, no suggestion that the officer in any way was directly responsible for the woman's attempt to take her life and that police responded to the call with the best interest and safety of the female in mind.

The SIU report also indicated that the Board may choose to make the subject report available to the public and it was at the discretion of the members of the Niagara Police Services Board that this option be exercised and that the report be placed on its public agenda. As mandated under the legislation of Section 11 (1) of Ontario Regulation 673/98 made under the *Police Services Act*, the Board received the report for its information.

MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES

Minute 112. - The Board received a letter from the Honourable Rick Bartolucci, Ministry of Community Safety and Correctional Services, acknowledging receipt of Niagara Police Services Board Chair Martin's letter supporting the Ontario Association of Chiefs of Police White Paper, *Report on Special Constables*. In his letter, Minister Bartolucci indicated that prior to receipt of the White Paper, the Ministry had already initiated a review of the special constable program consisting of a thorough review of each special constable application to ensure that it is fully in line with current legislation, guidelines and policies. He further noted that although there are currently no plans to amend the relevant section of the *Police Services Act*, the OAPC White Paper and the comments of Chair Martin have been noted and the Ministry

A Newsletter from the Niagara Regional Police Services Board

will continue to review and consider the information provided should any changes to the *Police Services Act* be undertaken in future.

REGIONAL MUNICIPALITY OF NIAGARA

Minute 135. - The Board received a letter from Kevin Bain, Regional Clerk, RMON, providing the Board with the July 24 and 25, 2010 action taken by Regional Council to approve Report CL 8-2010 as Minute 289: "That the cost of the New Regional Police Central Headquarters and Operations Centre shall not exceed the \$83,076,100 cap in accordance with the Minutes of Settlement."

BROCK UNIVERSITY CAMPUS SECURITY SERVICES

Minute 114. - As a requirement of a protocol between Brock University and the Police Services Board, the Board received report 131/2010. The report details circumstances as they relate to complaints, use of force, and discipline and arrests associated to officers designated as Special Constables employed through Brock University Campus Security Services. It was noted that during Brock's 2nd quarter of 2010, no members were required to utilize a use of force option, no occurrences resulted in discipline against any member of Campus Security Services. No reports of inappropriate conduct during the exercise of a member's official duties were received although it was noted that one complaint was filed against two members regarding procedural issues. The investigation into this incident is currently ongoing and results will be reported on once concluded.

POLICE SERVICES BOARD BY-LAW 268-2004 - FALSE ALARM USER FEES

Minute 131. - The Board received Service Report 137/2010 requesting the approval of proposed amendments to the Board's False Alarm User Fee By-law, which was enacted in 1996 for the intent purpose of providing for the imposition of charges for police responses to security alarm calls which are deemed false in nature. The primary purpose of the by-law's inception was to decrease the incidents of police attendance at false alarms and to ensure cost recovery at false alarm calls for service. Since the inception of the by-law the Service has seen a significant decrease in the number of false alarms requiring police attendance due to awareness by the alarm users.

Updates to the By-law were last made in 2004 and the fixed rate of \$35.00 per false alarm attendance has remained the same. In recognition of the need to update the by-law to accommodate administrative and fee amendments, the Service is requesting Board approval for the following changes:

a) CHANGE IN REGISTRATION OF ALARM SYSTEMS

The Service has developed relationships with alarm companies who install and monitor alarm systems. The by-law currently directs alarm companies to have system owners complete the required registration information and upon completion, the company assigns the owner a NRPS registration number. Proposed amendments are being sought to make the alarm companies responsible for registering alarms they install and/or monitor and alarm owners to maintain responsibility for registering *unmonitored* alarms. It is further being sought that the alarm companies assume responsibility for notifying the NRPS of any cancellations or changes of all alarm systems monitored by their company.

b) CHANGE IN FIXED RATE FEE

The Service is proposing an increase in the fixed rate fee from \$35.00 to \$50.00 for police response to all false alarm calls for service to accurately reflect costs associated with police attendance. The proposed rate continues to be based on actual cost recovery of man hours per call. An administrative change is also being requested that will require members who report

to the Director of Information and Technology to be responsible for ensuring that false alarm incident information is properly being transmitted to the Finance Unit.

The Board approved the above-noted amendments and directed the By-law be reported back for the necessary approvals.

NRPS USER FEES - REVENUES

Minute 130. - The Board received Service report 132/2010 providing an itemized breakdown of the total dollars collected through police related user fees as they pertain to By-laws No. 296-2010 Collision Reconstruction and No. 297-2010 Imposition of Charges for Police Services/User Fees and Charges, which were subject to change upon implementation of Ontario's Harmonized Sales Tax (HST).

In 2009, revenue from police related services provided through special duties, police response to alarm calls, record requests to the central records and corporate records units, by-law enforcement licencing issuance, traffic reconstruction services, video unit services and miscellaneous revenues generated \$2,653,207 to the Niagara Regional Police Service. As of June 2010, an amount of \$1,573,681 has been collected with a year-end projection of \$2,649,110.

Upon review of information noted in the report, the Board questioned the year-to-date decrease in special duty rates compared to the 2009 actual and 2010 budget. Ms. DiDonato-DeChellis, Finance Manager, advised that most special duty events are held in the summer months therefore revenues will not be processed until later in the year.

POLICING STANDARDS UNIT - PUBLIC COMPLAINT STATISTICS

Minute 126. - The Board received Service report 138/2010 advising that the Service's Policing Standards Unit is responsible for investigating alleged misconduct that is reported by a member of the public. In order to maintain compliance with the Provincial Adequacy Standards Regulations and Board By-law 173-97, the unit is required to submit quarterly statistical reports detailing the nature of complaints received. During the period of April 1 to June 30, 2010 the Service reported three (3) policy/service complaints and 29 officer conduct complaints.

2010/2011 R.I.D.E. GRANT APPLICATION

Minute 128. - The Board received Service report 124/2009 requesting the Board authorize its Chair to execute the required application relevant to the 2010/2011 Grant Application. Each year the Board is required to renew its application for consideration of funding for the upcoming R.I.D.E. Grant period. The program's operational period runs from April 1 to February 28 of the following year and funding is based on selection criteria that reviews the size of the applicant police service, the population served, previous use of grant funding and the Service's commitment to the R.I.D.E. program. According to the Ministry's funding grid, Niagara meets the requirements for a grant allocation of \$45,571.29.

The Board requested further clarification on the overtime hours paid to officers under the R.I.D.E. grant program. Chief Southall advised that these hours represent special projects (i.e. border initiatives) that are conducted by the Traffic Enforcement Unit above and beyond regular front-line schedules. Superintendent Wright stated that additional officers are required for the Special Enforcement Unit to safely run R.I.D.E. checkpoints.

In their continued effort and ongoing commitment to reduce impaired driving within the Niagara Region, the Board authorized its Chair to execute the required documentation and its submission to the Ministry as required.

A Newsletter from the Niagara Regional Police Services Board

DRAFT CURRENT BUDGET FOR 2011 - PSB

Minute 134. - The Board considered a memorandum from Deb Morton, Executive Director, providing the 2011 draft current budget for the Niagara Police Services Board for review and final determination to comply with timelines for incorporation into the Police Service 2011 budget. Upon consideration, the item was tabled for consideration by the Board at the Police Budget Meeting.

NRPS VARIANCE REPORT

Minute 129. - The Board considered Service report 143/2010 providing a financial overview and year-end forecast for both the Service and the Board for the six month period ending June 30, 2010. No significant areas of concern have been identified at this time. As the year progresses, forecasts will continue to be updated to reflect any developments that may have an impact on the achievement of the annual budget.

NRPS SPECIAL FUND

Minute 127. - The Board received Service report 126/2010 summarizing the transactions for the Service's special funds General and Informant accounts during the period May 1 to May 31, 2010. The balance of the combined accounts as of May 31 was \$37,918.01.

FUNDING REQUESTS

The Board has a discretionary pool of funds, which it uses for grants and donations. Disbursements from the fund must be in accordance with guidelines provided in the *Police Services Act*, and also with Board policy. The following is a list of organizations that requested a donation from the NRPS Special Fund:

United Way – Minute 132. – Through Service report 142/2010 the Board approved a donation in the amount of \$500.00 to assist with the costs of the NRPS In-house United Way campaign.

St. Catharines Mayor's Au Marché – Minute 133. - Through a letter received from Mayor Brian McMullan, City of St. Catharines, requesting a donation to the 7th Annual Mayor's *Au Marché* in support of the 'Investing in St. Catharines Youth Fund' the Board denied the request.

ANNUAL REPORTS - ADEQUACY & EFFECTIVENESS STANDARDS

The Adequacy Standards Regulation requires that police services boards and police services meet minimum standards for what are adequate and effective police services. This provision is a mandated responsibility of police services boards which includes the developing and adopting of approximately 80 performance standards, a vigorous training program, and an ongoing skills development plan.

As a minimum, these policies require compliance with both the regulation and guidelines and in addition, provide the Board with reports in order to continually assess compliance. The reporting requirements also assist in future budget processes, business plans, and in assessing the needs of the police service on an ongoing basis.

Annual report(s) received this month relate to the following subject matter and were prepared by the noted Service member(s):

- Criminal Investigations Management and Procedure
Staff Sergeant Dave Hunter, 5 District
Adequacy Regulation LE- 006
Service Report 123/2010, Minute 116.
- Missing Persons/Ground Search for Missing Persons
Detective Tim Vince, Domestic Violence Unit
Adequacy Regulations LE-026 &ER-007
Service Report 125/2010, Minute 119.

- Suspect Apprehension Pursuits
Constable Sal Basilone
Suspect Apprehension Pursuit Analyst
Adequacy Regulation LE-045
Service Report 133/2010, Minute 125.
- Fraud and False Pretence Investigation
Detective Sergeant Paul Spiridi, Central Fraud Unit
Adequacy Regulation LE-038
Service Report 128/2010, Minute 122.
- Robbery Investigations
Detective Sergeant Reg Smith, Casino Patrol Unit
Adequacy Regulation LE-042
Service Report 139/2010, Minute 124.
- Criminal Harassment
Staff Sergeant Shawn Clarkson, 2 District
Adequacy Regulation LE-028
Service Report 140/2010, Minute 120.
- Homicide Investigations
Detective Staff Sergeant Brett Flynn, Investigative Support
Adequacy Regulation LE-039
Service Report 146/2010, Minute 123.
- Sudden Death and Found Human Remains
Detective Sergeant Ian Cameron, Major Crime Unit
Adequacy Regulation LE-037
Service Report 144/2010, Minute 121.
- Search & Seizure
Detective Sergeant Jamie Munro, Major Crime Unit
Adequacy Regulations LE-011 & LE-012
Service Report 149/2010, Minute 117.
- Collection, Preservation & Control of Evidence & Property
Detective Sergeant Paul Granton, Forensic Services Unit
Adequacy Regulation LE-020
Service Report 148/2010, Minute 118.
- Problem-Oriented Policing
Constable James Taylor, Community Policing Officer
Adequacy Regulation CP-001
Service Report 145/2010, Minute 115.

All Annual Reports noted in this report are posted on the Board's website for public review.

This information is made available to all members and is posted on the NRPS Website for interested members of the public. Contents of this report relate to the activities of the Niagara Police Services Board as an outcome of its public meeting held July 29, 2010.

The next meeting will be held on THURSDAY, AUGUST 26, 2010, at 8:30 a.m. in the PSB Boardroom, 1st Floor, 110 James Street, St. Catharines, Ontario.