



**REGIONAL MUNICIPALITY OF NIAGARA
POLICE SERVICES BOARD**

PUBLIC MINUTES

Thursday, February 28, 2008

**Niagara Police Services Board
Board Room 4th Floor, 110 James Street, St. Catharines**

CALL TO ORDER

The Public Meeting of the Niagara Police Services Board commenced at 8:39 a.m.

ROLL CALL

MEMBERS PRESENT:

Mr. L. Iggulden, Chair
Mr. D. Martin, Vice Chair
Mr. B. Bentley
Mr. B. Smeaton (arrived at 8:44 a.m.)
Mr. T. Shoalts (arrived at 9:18 a.m.)
Mr. L. Tufford
Mr. M. Woodhouse (arrived at 8:51 a.m.)

OTHERS PRESENT:

Chief of Police W.E. Southall
A/Deputy Chief of Police J. Matthews
Mr. G. Fuentes, Chief Administrative Officer
Superintendent D. Parrent, Central Region
Inspector D. Jastrubecki, Court Services
Inspector G. Skafffeld, District 3
Inspector S. McLean, Executive Officer, Chief of Police
Sergeant P. McCauley, Executive Officer, Deputy Chief
Sergeant R. Shottlander, Supply
P.C. J. Rotella, Executive Officer, CAO
P.C. J. Forgeron, Media Relations
Mr. A. Askoul, Director of Information/Communication Technology
Ms. M. George, Director of Business Services
Ms. L. DiDonato-DeChellis, Finance Manager
Ms. L. Jerome, Manager, Human Resources
Mr. S. Patterson, Fleet
Ms. S. Wowk, SPIRIT

Mr. W.B. McKaig, Solicitor (arrived at 9:30 a.m.)
Ms. D. Morton, Executive Director
Ms. S. Taylor, Executive Assistant

PRESENTER:

Ms. L. Ouellette, KPMG Audit Engagement Senior Manager

Vice Chair Martin presided over the meeting as Chair Iggulden was unable to speak at length due to a throat illness.

DECLARATIONS OF CONFLICT/PECUNIARY INTEREST

MINUTES OF PREVIOUS MEETINGS

30. Minutes of the Public Board Meeting held Thursday, January 31, 2008.

Moved by: L. Tufford
Seconded by: L. Iggulden

That the Minutes of the Public Board Meeting held Thursday, January 31, 2008 be adopted as circulated.

Carried.

31. Minutes of the Special Public Board Meeting held Monday, February 11, 2008.

Moved by: B. Bentley
Seconded by: L. Iggulden

That the Minutes of the Special Public Board Meeting held Monday, February 11, 2008 be adopted as circulated.

Carried.

REPORTS FROM THE BOARD CHAIRPERSON

A/Chair Martin reported the following:

Police Services Board Award of Excellence

On February 26 the Board put out a call for nominations for the Board's Award of Excellence to all members of the Service. This award was created in 2003 and recognizes an employee who has performed an outstanding service by making a significant contribution to the Police Service or the community, and has demonstrated continued excellence in the performance of their duties. The nominations close on March 28 at which time the Board will review the submissions received and select a recipient. The Award will be presented at our upcoming Annual Awards Ceremony. There are many qualified Service members, and the Board encourages all members to consider staff for this prestigious award.

Upcoming Labour Relations Session

The Police Association of Ontario (PAO) is hosting its annual Police Employment Conference in Toronto on March 3 and 4. Resource materials from the conference will be circulated to Board members for their information and interest.

OAPSB Zone 4 Meeting

The Ontario Association of Police Services Boards and the Ontario Association of Chiefs of Police held their quarterly Zone meeting on February 20 in Brantford, Ontario. At the meeting Ms. Morton was re-elected to serve as Secretary-Treasurer for a second term. This complements the recent election held by the OACP where Chief Southall was elected to serve as the Zone Director. Zone meetings are an important mechanism for networking, sharing and seeking advice from colleagues. They also provide a forum to identify common concerns for further work at either the local, provincial or federal levels.

Upcoming Board & Committee Meetings – PSB Boardroom

- Licencing Committee – Thursday, March 13 at 8:30 a.m.;
- Human Resources Committee – Thursday, March 13 at 9:30 a.m.;
- Next Board Meeting – Thursday, March 27 at 8:30 a.m.

REPORTS FROM THE CHIEF OF POLICE

Chief of Police Southall reported the following:

Operational Statistics

Homicides

For the period January 1 through February 27, 2008:

1 homicide compared to none, same period 2007.

Robberies

For the period January 1 through February 27, 2008:

24 in the Region with 6 cleared, a 25% clearance rate this period.

Traffic Fatality Statistics

For the period January 1 through February 27, 2008:

3 compared to 3, same period 2007.

Community Policing Committees Form Regional Chairs' Committee

On January 30, the Region's 10 Community Policing Committees, in concert with command staff from each of the Service's operational districts, restructured their Regional Chairs' Committee and elected a new Chairperson and Vice Chairperson. The restructuring of the committees will facilitate a greater exchange of information and resources between the Service and community policing groups. In addition, the community groups will become active participants in the process of solving community problems that are experienced across the Region. The new Chairperson is Cheryl Scott, from the Lincoln Community Policing Committee, and the Vice Chairperson is Todd Bright, from the Niagara Falls Community Policing Committee.

Niagara Regional Police Target Illegal Taxi Operations

In an effort to combat the illegal operations of taxi services that are conducting business in violation of the Regional Municipality of Niagara's licensing by-laws and the Highway Traffic Act, members of the Special Enforcement Unit initiated an investigation called "Project Play Fare." The investigation focused on taxi services that were operating without the appropriate Regional authorization, background checks, safety checks, and compliance with the applicable sections of the Highway Traffic Act and Compulsory Automobile Insurance Act. At the completion of the Project, 18 charges were laid in relation to transporting passengers for compensation without authority, driving under suspension, and driving with no insurance.

SIU Concludes Investigation into Fatal Collision in Thorold

On February 13, the Director of the Special Investigations Unit released his findings in relation to the fatal collision involving the death of a 15 year-old male in October of 2007. James Cornish concluded that, "There are no reasonable grounds to believe that any of the Niagara Regional Police Service officers involved in this incident committed any criminal offence in connection with the death of a 15 year-old male in Thorold on October 11, 2007." Director Cornish concluded, "In my view, the officers in this case were engaged in the lawful execution of their duties in attempting to apprehend this young man. The fact that the pursuit was so brief and covered such a short distance is significant in that the officers had not (nor had the Communication Branch) discerned any obvious risk to the public that dictated the termination of the pursuit prior to the collision occurring. The officers' driving fell well within the limits prescribed by the criminal law."

Committee of Youth Officers for the Province of Ontario Annual Conference

On February 28 and 29, the Committee of Youth Officers for the Province of Ontario will be holding their annual conference in the City of Niagara Falls. The conference is once again a sell out, with over 500 front-line police officers, educators, correctional officers and social service workers from across the province attending. Over the course of the conference, the delegates will receive presentations from internationally renowned speakers who will be discussing youth victimization, offending trends, and additional youth-related topics. Providing contributions to the conference will be:

Rick Bartolucci, the Minister of Community Safety and Correctional Services;
Liz Sandals, the parliamentary assistant to the Minister of Education;
Agnes Samler, the Provincial Advocate for Children and Youth, and
Lieutenant General Romeo Dallaire

The Service will be well represented at the conference with a number of attendees and the involvement of Detective Constable Nadine Wallace, who is a member of the provincial organizing committee.

Up Front Justice Initiative

Beginning in April of 2008, a new one-year pilot project, initiated by the Up Front Justice Initiative, will see the Crown Attorney's office providing the Police Service with the assistance of a full-time senior Crown Counsel who will be located full time in an office at 110 James Street, St. Catharines.

The embedded Crown will provide legal advice, on request, to specialty units within the Niagara Regional Police Service. There is no cost to the police service aside from the provision of office space and associated office equipment.

Specialty Investigative units already frequently and regularly seek out Crown opinions in appropriate circumstances. By having the exclusive disposal of a Crown Attorney will no doubt streamline and improve these interactions. The ability to involve the Crown Attorney early in complex cases will lead to significant improvements in the preparation and administration of these important investigations.

A Board report with further details will be prepared at the commencement of this very promising OACP initiative.

PRESENTATIONS

32. **KPMG – 2007 Audit Overview**

Ms. Lois Ouellette, CA, Audit Engagement Senior Manager, KPMG LLP, St. Catharines, provided an overview of the 2008 audit procedures to be performed relative to the Service and the Board by KPMG in the discharge of its audit responsibilities. An audit planning report for the year ending December 31, 2007 was distributed to the Board.

Moved by: B. Smeaton
Seconded by: B. Bentley

That the presentation be received.

Carried.

DEPUTATIONS

A. **CONSENT AGENDA**

33. **Ontario Association of Police Services Boards**

The Board considered the OAPSB *Bulletin Board* dated February 2008 providing the Board with news of interest regarding police governance, highlighting both provincial and federal legislative initiatives.

34. **Regional Municipality of Niagara – CL 2-2008 February 7, 2008 BRCOTW 5-2008, February 7, 2008 CSC 2-2008 January 30, 2008**

The Board considered a letter dated February 8, 2008 from Janet Pilon, A/Regional Clerk, RMON, providing the Board with the Regional Capital Budget resolution from the February 7, 2008 Budget Review Committee of the Whole, and ratified by the Council of the Regional Municipality of Niagara at its February 7, 2008 meeting, as well as receipt of Police Services Board correspondence CSC 3-2008 – CSC 9-2008, and approval of correspondence CSC10-2008 through 13-2008.

35. **Community Care of St. Catharines & Thorold**

The Board considered a letter dated January 9, 2008 from Betty-Lou Souter, CEO, Community Care of St. Catharines and Thorold, acknowledging receipt of the 2007 'Toy Drive' toys spearheaded by Sergeant Dave Brennan, Niagara Regional Police Service, and destined for the less advantaged children in Niagara.

36. **Annual Report – Community Patrol**

The Board considered Service report 43/2008 dated February 19, 2008 providing the Board with compliance by the Service relating to the procedures and processes invoked for Community Patrol through the Service's General Orders respecting the numbers of participating members, the cost of such deployments, and the status of the outcome of the directed patrol initiatives, pursuant to Board By-law 193-2000.

37. **Annual Report – 2007 ‘Use of Force’ Statistics**

The Board considered Service report 42/2008 dated February 6, 2008 providing the Board with the statistical analysis of all Use of Force reports submitted for the period January 1 to December 31, 2007, pursuant to Board By-law 171-1997.

Member Woodhouse questioned the rise in NRPS use of energy conducted weapons (tasers), and consequential public awareness of deaths related to taser use with resultant liability to the organization.

A/Deputy Matthews replied that the 2005 figures are lower due to the mid-year implementation of the weapon. He explained that the officers work on the ‘use of force wheel’ as a continuum, and officers are trained in the use of tasers, a less intrusive weapon which is less harmful to the suspect.

Chief Southall advised that the Ministry sets the standards for direction on taser use and training. The NRPS issues tasers only to the Emergency Task Unit officers and supervisors, therefore, the use of tasers is limited. A/Deputy Chief Matthews added that there will be a full report on taser usage on the March 2008 agenda.

38. **Annual Report – 2007 ‘Fail to Stop’ Statistics**

The Board considered Service report 35/2008 dated January 31, 2008 providing the Board with the statistical analysis of all Fail to Stop reports submitted for the period January 1 to December 31, 2007, pursuant to Board By-law 237-2000

39. **Annual Report – Project SPIRIT Status Report**

The Board considered Service report 40/2008 dated February 4, 2008 providing the Board with a review of 2007 by the members of Project SPIRIT which focused on upgrades to existing computer software systems and continuing into 2008 to improve the efficiencies and effectiveness of service delivery.

40. **Reservist leave – Ontario Employment Standards Act 2000 S.O. 2000**

The Board considered Service report 41/2008 dated February 15, 2008 providing the Board with further information relative to job-protected leave of absence for military reservists.

Member Bentley expressed concern about potential liability for any incurred illnesses or disabilities suffered by NRPS reservists who are deployed in Canadian Forces operations. The Board directed that this matter be addressed with federal and provincial government agencies through the Ontario Association of Police Services Boards and the Canadian Association of Police Boards requesting the federal or provincial government to cover any incurred liabilities related to reservist deployment.

41. **Special Fund – January 1 - 31, 2008**

The Board considered Service report 37/2008 dated February 14, 2008 providing the Board a summary of the transactions for the Niagara Regional Police Special Funds for the period January 1 to 31, 2008.

Moved by: L. Tufford
Seconded by: L. Iggulden

That the information be received.

Carried.

B. OTHER NEW BUSINESS

42. **R.I.D.E. 2007/2008 Program – Grant Final Report Schedule C & Monthly Statistical Report Schedule D**

The Board considered Service report 28/2008 dated January 30, 2008 requesting the Board to authorize its Chair to execute the require R.I.D.E. grant final report, Schedule C, and the monthly statistical report, Schedule D, relevant to the 2007/2008 provincial grant as required.

Chief Southall advised that the O.A.C.P. recently passed a resolution to request additional program funding from the Province.

Moved by: B. Bentley
Seconded by: M. Woodhouse

That the Board Chair be authorized to execute the final financial status report, Schedule C, and the monthly statistical report, Schedule D, to the 2007-2008 R.I.D.E. Grant and forward same to the Ministry of Community Safety and Correctional Services.

Carried.

43. **Facilities – 110 James Street Project, St. Catharines - Ground Floor Renovations Update**

The Board considered Service report 33/2008 dated February 11, 2008 providing the Board with further information relative to the tender requirements for the additional request of \$111,000 to retrofit the remaining first floor facility improvements.

Chief Southall indicated that Member Woodhouse's suggestion of the possible relocation of the 4th floor board room to the first floor would be considered prior to any further renovations in that part of the floorspace.

Moved by: L. Tufford
Seconded by: B. Smeaton

That the Board:

1. **Receive for information an update of tender requirements and first floor improvements, 110 James Street, St. Catharines;**
2. **And further, authorize staff to allocate the balance of designated funds for these improvements.**

Carried.

44. **Purchasing – 2008 Motorcycle Replacement**

The Board considered Service report 39/2008 dated February 4, 2008 requesting the Board approve the purchase of one motorcycle for the Casino Patrol Unit as routine replacement to be funded by the Ontario Lottery and Gaming Corporation.

The Board requested that all future requests for equipment replacement include the estimated value of the sale of the equipment.

Moved by: B. Bentley
Seconded by: L. Tufford

That the Board approve the purchase of one (1) Harley-Davidson Electra Glide Motorcycle from the Police Purchasing Cooperative Tender at a cost of \$15,845.00 plus applicable taxes.

Carried.

45. **Purchasing – 2008 Vehicle Replacements – PO0801**

The Board considered Service report 47/2008 dated February 13, 2008 requesting the Board approve the purchase of twenty-eight (28) various replacement police vehicles through the Police Purchasing Cooperative Tender as per the 2007 Tender specifications with a slight increase to costs.

Moved by: M. Woodhouse
Seconded by: L. Tufford

That the Board:

1. **Approve the purchase of four (4) Ford Crown Victoria Police Cruisers from the Police Purchasing Cooperative Tender at a total cost of \$126,000.00 plus applicable taxes;**
2. **Approve the purchase of two (2) Ford Expedition SSV's from the Police Purchasing Cooperative Tender at a total cost of \$90,000.00 plus applicable taxes;**
3. **Approve the purchase of one (1) GM Suburban 4WD from the Police Purchasing Cooperative Tender at a total cost of \$44,000.00 plus applicable taxes;**
4. **Approve the purchase of sixteen (16) Chevrolet Impalas for uniformed, investigative and administrative purposes, from the Police Purchasing Cooperative Tender at a total cost of \$432,000.00 plus applicable taxes;**
5. **Approve the purchase of five (5) Dodge Grand Caravans for uniformed, investigative and administrative purposes, from the Police Purchasing Cooperative Tender at a total cost of \$125,000.00 plus applicable taxes.**

Carried.

46. **Disposition of Found, Seized or Received Property & Surplus Assets**

The Board considered Service report 38/2008 dated February 14, 2008 requesting the Board consider and approve the issuance of a request for quotation for on-line third party auction service relative to the disposal of found, seized or received property and surplus assets of the Niagara Regional Police Service.

Member Woodhouse suggested the Service may want to consider the use of the Niagara Regional Public Purchasing website to provide these services. Ms. Lisa DiDonato-DeChellis advised that the Police have used it in the past and found the administrative efforts to be horrendous.

Moved by: B. Bentley
Seconded by: T. Shoalts

That the Board approve the issuance of a request for quotation for on-line auctioneering services.

Carried.

47. **Schedule of Fees & Charges for the Niagara Regional Police Service**

The Board considered Service report 36/2008 dated February 14, 2008 requesting the Board to approve the revised schedule of fees and charges for the Service and to forward same to Regional Council for its approval.

Staff consideration will be given to recalculation of the fees and charges on an annual basis .

Moved by: M. Woodhouse
Seconded by: L. Tufford

That the Board receive the schedule of fees and charges for the Police Service;

And further, authorize staff to forward the schedules of fees and charges for the Niagara Regional Police Service to the Regional Clerk's office for inclusion in a consolidated fees and charges by-law.

Carried.

48. **By-law No. 281-2008 - By-law to Provide for the Imposition of Charges for Police Services**

The Board considered Board By-law No. 281-2008 to provide for the imposition of charges for police services for inclusion in the consolidated Regional by-law for all Regional departments, boards and agencies. (*See Item 47. above.*)

Moved by: B. Smeaton
Seconded by: B. Bentley

That the Board approve By-law No. 281-2008, being a By-law to Provide for the Imposition of Charges for Police Services;

And further, that the By-law be forwarded to the Region for the appropriate approval.

Carried.

49. **Funding Request – NRPS Female Hockey Team – 2008 International Police Hockey Tournament**

The Board considered Service report 49/2008 requesting the Board authorize a donation to the NRPS Female Hockey Team (the 2007 Champions) to assist toward the entry fee to complete for the 2008 International Police Hockey Tournament in London, Ontario, on March 5 and 6, 2008.

Moved by: L. Iggulden
Seconded by: L. Tufford

That the Board authorize a donation to the NRPS Women’s Hockey Team in the amount of \$500.00 from the Special Fund to offset expenses in the 2008 International Police Hockey Tournament.

Carried.

Member Woodhouse requested that he be recorded as opposed to the aforementioned motion.

50. **NRPS 2007 Year-End Financial Operating Results**

The Board considered Service report 50/2008 dated February 19, 2008 providing the Board with the 2007 year-end financial operating results and requesting approval for the disposition of the surplus.

Moved by: L. Iggulden
Seconded by: L. Tufford

That, subject to approval of Regional Council of the Consolidated Regional Year-end Transfer Report, the Police Services Board approve the following:

1. **A transfer to the Accumulated Sick Leave Reserve Fund in the amount of \$142,235 representing the budgeted amount not expended in 2007 for retirement sick leave payouts;**
2. **The transfer of the net expenditure savings of \$67,295 from the Police Service Board cost centre to the Police Services Board Contingency Reserve;**
3. **The transfer to the Capital Reserve in the amount of \$442,556 representing the over-budgeted amount of Region Chargeback for Debt Charges;**
4. **A transfer of \$31,250 to OPTVA Reserve from the selling of distribution rights of the “Stolen Innocence” video;**
5. **A transfer to the Police Contingency Reserve the balance of the unspent 2007 Budget allocation for one-time expenditures totaling \$1.357 million of the original \$1.929 million;**
6. **Budget allocations totaling \$1,727,175 million for one-time expenditures as follows:**

One-time Expenditures from 2008 Budget:

- **\$214,390 for 2 Domestic Violence Coordinators Pilot Project;**
- **\$107,445 for Detective Office in 2 District Pilot Project;**
- **\$ 54,473 for School Resource Officer Pilot Project;**
- **\$ 51,724 for Intelligence Job Shadow;**
- **\$ 37,450 for Technical Crime Unit software;**
- **\$ 33,000 for Bomb Unit;**

Approved 2007 One-time Expenditures Completions:

- \$388,000 for Task Force;
- \$250,000 for Attendance Management;
- \$300,000 for Job Evaluation;

Additional One-time Expenditures:

- \$170,000 for Winter Tire Program
- \$120,693 BEST Sergeant

Additional Transfer to Reserve Funds as follows:

7. A transfer to the Police Contingency Reserve for the remaining net expenditure savings of approximately \$180,147.

Carried.

IN CAMERA REPORTS

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307.
2007

Capital Project Status Report – PO0509 – 110 James Street Project

At the Confidential Meeting of the Niagara Police Services Board held on Thursday, December 13, 2007, the Board considered Service report 274/2007 dated November 27, 2007 requesting the Board approve an expenditure budget for renovations to the 1st floor of 110 James Street, St. Catharines.

The following Motion was duly passed:

“That the Board:

1. ***Receive for information an update on the 110 James Street Project;***
2. ***And further, approve an expenditure budget of up to \$500,000 for renovations to the 1st floor of 110 James Street. Carried.”***

Moved by: L. Iggulden
Seconded by: L. Tufford

That the information be received.

Carried.

ADJOURNMENT

The meeting adjourned at 9:55 a.m.

Chairperson

Executive Director