



REGIONAL MUNICIPALITY OF NIAGARA
POLICE SERVICES BOARD

PUBLIC MINUTES

Thursday, June 25, 2009

Niagara Police Services Board
Multipurpose Room 1st Floor, 110 James Street, St. Catharines

CALL TO ORDER

The Public Meeting of the Niagara Police Services Board commenced at 8:36 a.m.

ROLL CALL

MEMBERS PRESENT:

Mr. L. Iggulden, Chair
Mr. D. Martin, Vice Chair
Mr. B. Bentley
Mr. B. Smeaton
Mr. T. Shoalts
Mr. M. Woodhouse

Mr. W.B. McKaig, Solicitor (arrived at 10:00 a.m.)
Ms. D. Morton, Executive Director
Ms. S. Taylor, Executive Assistant

OTHERS PRESENT:

Chief of Police W.E. Southall
Deputy Chief of Police J. Matthews
CAO G. Fuentes
Superintendent G. Skaffeld, Central Region
Superintendent B. Wright, Emergency & Investigative Support
Inspector J. McCaffery, Executive Officer to the Chief
Inspector B. Eckhardt, Western Region
D/Sergeant P. McCauley, Executive Officer to the CAO
S/Sergeant R. Frayne, QM, Fleet & Radio
P.C. J. Forgeron, Media Officer
Ms. M. George, Director of Business Services
Mr. A. Askoul, Director Information & Comm Technology
Ms. L. Jerome, A/Director of Business Services
Ms. L. DiDonato-DeChellis, Manager, Finance Unit
Dr. P. Divers, Corporate Analyst

Mr. P. DiSimoni, President, Niagara Region Police Association

PRESENTATION:

Think & Drive Program Representatives:
Ms. Linda Beyer, former Program Chair, RMON Public Health
Mr. Peter Vujic, RMON Public Works
Mr. John Sherwin, CAA

DECLARATIONS OF CONFLICT/PECUNIARY INTEREST

Noting that he is employed by Niagara College, Member Woodhouse declared a conflict of interest with Item 110, Page 3, and neither discussed nor voted upon the matter.

MINUTES OF PREVIOUS MEETINGS

95. Minutes of the Public Board Meeting held Thursday, May 28, 2009.

Moved by: B. Bentley
Seconded by: D. Martin

That the Minutes of the Public Board Meeting held Thursday, May 28, 2009 be adopted as circulated.

Carried.

REPORTS FROM THE BOARD CHAIRPERSON

Chair Iggulden reported the following:

Member Larry Tufford

The provincial appointment of Larry Tufford to this Board expired on June 17, 2009. Following that date the Board was advised by the Ministry of Community Safety and Correctional Services that Mr. Tufford would not be reappointed to the Board. The Public Appointments Unit is currently reviewing applications, and will advise once a new member has been appointed.

Chair Iggulden formally acknowledged the valuable insight that Mr. Tufford brought to this Board during his tenure. He was an extremely valued member of the Board who has committed an enormous amount of time and energy over the past five years.

Mr. Tufford will be invited to a future Board meeting to be formally recognized by the Board.

Facilities – City of St. Catharines Proposal – Carlisle Street (former parking garage)

Several months ago it was reported in the St. Catharines Standard that City Councillor Andrew Gill, at a Council meeting, could not understand why this Board would not agree to the Carlisle Street facility proposal when the City's proposal would result in a \$ 63.5 million cost savings over the Board's B-2 model.

The \$ 63.5 million dollar savings figure that was being put forward by Councillor Gill caught the attention of Regional Councillor Bruce Timms who wants the Police Long-Term Accommodation Committee to specifically look at this option as a viable option to meet the Police Services facility needs.

The recent Federal and Provincial announcements concerning stimulus grants that the City of St. Catharines has received to rebuild the Carlisle Street garage has caused Mayor McMullan to continue to push for the Carlisle Street proposal as a viable option to meet the Services facility needs.

In response to what appeared to be a misunderstanding in the cost comparison the City had prepared, the Board requested that the CAO and the Director of Finance meet with the CAO of the City to review their Carlisle Street costings, and specifically the \$ 63.5 million cost savings figure.

As a follow up to that meeting, Chair Iggulden met with CAO Colin Briggs, CAO Fuentes, the Director of Finance Monika George and our cost consultant Mr. Mark Ravelle.

The Board's B-2 model, as most will remember, proposes to reduce the number of facilities that the Service would operate, and will allow for a more efficient deployment of personnel. The Service has estimated that such a model which reduces the number of facilities will result in operational savings, over 30 years, of \$ 34 million.

The City's proposal at Carlisle Street does not reduce the number of facilities and, therefore, will not result in the same magnitude of operational savings. They agree, to some degree, that the same operational savings will not exist. As a result, in their proposal they reduced our operational estimates from \$ 34 million to \$ 31 million. Service staff has estimated that the Carlisle Street proposal would only produce operational savings of \$ 10.6 million, not the \$ 31 million figure.

The City's Carlisle Street proposal states that the capital cost of their option is \$ 16.9 million less than the Board's B-2 model. They go further to say that as a result of a lesser capital cost the debenture interest will be \$15.6 million less. This produces a cost savings of 32.5 million. Their report goes on to say that when you add in their operational savings of \$ 31.0 million, this results in a 30-year savings of \$ 63.5 million.

The City of St. Catharines' analysis does not represent the economic reality of comparing the 30-year cost of their proposal to the Board's B-2 model.

The first glaring error in their analysis is that if they are comparing the costs over 30 years of their proposal and the Board's B-2 model, they factored in the operational savings in their analysis and did not factor it in on the comparison with our cost model.

The Board's cost consultants have prepared a true costing of their proposal and the cost of the Carlisle Street proposal and the Board's B-2 model are the same – approximately \$ 94 million dollars.

Their proposal, however, does not reduce the number of facilities and as a result, given the fact that the cost of the proposals are the same, the debenture interest would be the same, but the operational savings of the City's proposal over 30 years would be \$ 24 million less than ours.

So for anyone to continue to say that the City's Carlisle Street proposal results in a \$ 63.5 million dollar savings is irresponsible and misleading to the Niagara Region taxpayer.

It is also interesting to note that the City's Carlisle Street proposal does not produce the B-2 model, does not reduce the number of facilities we operate out of – and, therefore, only produces \$ 10.6 million in operational efficiencies. The cost of constructing the B-2 model on the Carlisle Street property, which would produce the operational savings of \$ 34 million, would cost a staggering \$ 123 million which is approximately \$ 28 million more in total project costs before the additional debenture interest is added in.

OAPSB Zone 4 Meeting

On July 13 the Ontario Association of Police Services Boards and the Ontario Association of Chiefs of Police will be holding their quarterly Zone meeting to be hosted by the OPP. The Board's Executive Director will be attending, and any interested Board members are asked to confirm their attendance with Board staff.

NRPA Charity Golf Tournament

On June 16 Vice Chair Martin and Member Bentley participated in the NRPA 3rd Annual Chip-It-For-Charity golf tournament which raised funds for various charitable organizations in the community.

Big 12 PSB Meeting

On June 1 Chair Iggulden and Deb Morton attended the Big 12 Police Services Board Chairs meeting held in the Region of Peel. Topics of discussion included the impact of the OPP settlement on municipal police contracts, issues around the authorization and deployment of special constables and

procedural issues to codify the regular meeting of Big 12 Chairs. Following the meeting there was a tour of the recently completed Peel Regional Police 21 Division facility, a joint use facility connected to the existing Region of Peel building. A copy of the meeting minutes will be circulated to all Board members for their information.

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

- Licencing Committee Meeting – Thursday, July 16 at 8:30 a.m.;
- Human Resources Committee Meeting – Thursday, July 16 at 9:30 a.m.;
- Next Board Meeting – Thursday, July 30, 8:30 a.m.

REPORTS FROM THE CHIEF OF POLICE

Chief Southall reported the following:

Former Board Member Larry Tufford

On behalf of all members of the Service, Chief Southall noted that Mr. Larry Tufford will be missed, including his sage advice and common sense, and added that it is unfortunate that his term was not extended.

NRPS Honoured at the OACP 2009 Conference

On June 22 Chief Southall attended at the Ontario Association of Chiefs of Police 58th Annual Conference and Global Showcase in Sudbury where with great pride she accepted two top OACP awards on behalf of all members of the Niagara Regional Police Service.

The first award was the *OACP Traffic Initiative of the Year Award for a Police Service with More than 500 Police Personnel* - for the *Think and Drive* program. The Traffic Safety Initiative of the Year awards are presented to police organizations that have created, developed and implemented Ontario's most successful traffic safety programs.

Think and Drive is a community-based initiative combining educational communication and social marketing with stepped up traffic enforcement throughout Niagara. Together, drivers have become aware of the main causes of Niagara's serious motor vehicle collisions and fatalities: speed, impairment, driver inattention and rural roadways.

Chief Southall continued, noting that she is proud of the efforts that the entire *Think and Drive* team have displayed so far and is confident that they will continue to work tirelessly to achieve their goals for road safety and driver awareness.

Chief Southall introduced Linda Beyer, Peter Vujic and John Sherman of the *Think and Drive* program, who accompanied the Chief to Sudbury to receive the award. The Chief noted that Ms. Beyer has just stepped down as Chair of the program, and NRPS Inspector Rick Coulis will become her successor.

The second award was the prestigious *OACP Torch Award* that recognizes police services that raise in excess of \$1,000,000 for the Law Enforcement Torch Run for Special Olympics, with 2009 marking 23 successful years for this program. Accepting the award were Chief Southall and Donna Moody, Director, Brock University Campus Security Service. Chief Southall noted her pleasure when she acknowledged the exemplary contribution that the Niagara Regional Police Service has made to the Ontario Law Enforcement Torch Run for Special Olympics. Over the many years of involvement, the men and women of the Service have selflessly and consistently donated their time and effort to this most worthwhile endeavor.

At the opening Conference event, Minister Bartolucci, Minister of Community Safety and Correctional Services for Ontario, announced continuation of the PAVIS program shared with Niagara, Hamilton and Halton. The \$450,000 provincial grant for 16 months will reinforce the ability of the Service to partner for guns and gangs issues across regional borders. At the end of the initial grant Niagara emerged with significant arrests and charges.

Operational Statistics

Marihuana Grow Operations

For the period January 1 through June 24, 2009:

Total street value seized \$7,432,000 compared to \$15,611,000 for 2008;

Total equipment seized \$318,000 compared to \$507,000 for 2008.

Homicides

For the period January 1 through June 24, 2009:

1 compared to 3, same period 2008.

Robberies

For the period May 27 through June 24, 2009:

24 with 9 cleared, a 38% clearance rate this period.

Traffic Fatality Statistics

For the period January 1 through June 24, 2009:

13 collisions (15 deceased), compared to

10 collisions (11 deceased), same period 2008.

Life-Threatening Injury Collisions

For the period January 1 through June 24, 2009:

13 compared to 13, same period 2008,

Chief Southall advised that even without the required funding, it is the Service's intention to run additional traffic programs designed to increase enforcement starting with a special program lead by Superintendent Wright.

Illegal Taxicab Investigation Leads to Arrests

On June 11 members of the Emergency Task Unit, Special Enforcement Unit, Intelligence Unit, Licencing Unit, and Detectives from 1, 2, and 3 Districts executed *Controlled Drug and Substances Act* warrants on several residences in St. Catharines, Niagara Falls and Thorold and a Provincial Offence Act warrant on one business in St. Catharines. The project, which began in April 2009, led to the identification of three people who acted as illegal taxicab brokers for an illegal transportation provider commonly known as "Speedy Taxi". The investigation also revealed that some clients were allegedly offering illegal drugs for sale. Three persons were charged for breaching the Regional Municipality of Niagara Police Services Board Bylaw 285-2008 for *No Licence-Taxicab Broker*.

Eight persons were charged with Trafficking related offences under the *Controlled Drug and Substances Act* including cocaine, marihuana and oxycodone. As well Criminal Code charges including Possession of a Prohibited Weapon (2 counts), Unauthorized Possession of a Firearm (1 count) and Unsafe Storage of Firearm (1 count), Possession of Proceeds of Crime over \$5000.00 (1 count), unauthorized Possession of a Prohibited Weapon (3 counts), Possession of Proceeds of Crime over \$5000.00 were processed. In addition four automobiles were seized as proceeds of crime.

Tow Truck Inspections Find Numerous Defects

The Niagara Regional Police Service Licencing Unit, Ministry of Transportation-Road User Safety Unit, and the Ontario Provincial Police-Niagara Detachment teamed to conduct inspections on tow trucks licenced under Regional Municipality of Niagara Police Services Board By-law. For three days, June 9 - 11, 111 tow trucks and their operators were inspected for mechanical safety, equipment compliance as well as administrative compliance (licences, registrations, validations). In all, 18 tow trucks were removed from the roads and 12 charges were laid for infractions against the *Ontario Highway Traffic Act*. Three vehicles were found to be in an unsafe condition, which resulted in their Ontario licence plates being removed. Inspections of vehicles licensed under the Regional Municipality of Niagara Police Services Board by-law 285-2008 are conducted throughout the year with the assistance of the Ministry of Transportation and other police services within the Niagara Region. Licencing By-law 285-2008 was enacted to protect the health and safety of the residents of the Regional Municipality of Niagara and consumers to such businesses.

PRESENTATIONS

96. **Region of Niagara – 2010 Budget Guidance**

The Board was advised that the presentation by John Bergsma, Commissioner of Corporate Services, Region of Niagara, providing 2010 budget guidance, process has been rescheduled to a later date.

Moved by: D. Martin
Seconded by: B. Bentley

That the presentation be deferred to a future meeting.

Carried.

DEPUTATIONS

UNFINISHED BUSINESS

94. **Financial Control By-law – Proposed Amendments**

At the Public Meeting of the Niagara Police Services Board held on Thursday, May 28, 2009, the Board considered a memorandum dated May 12, 2009 from Deb Morton, Executive Director, providing to the Board a revised by-law to regulate the financial reporting, control and procurement of goods and services for the Niagara Regional Police Service to address requirements under the Police Services Act, Adequacy and Effectiveness Regulations and the Municipal Act.

The following motion was duly passed:

'That the item be deferred to the June Board meeting. Carried.'

Moved by: T. Shoalts
Seconded by: D. Martin

That, subject to legal review, the Board's Financial Control By-law No. 167-97 be repealed and replaced with By-law No. 289-2009 as appended to this report;

And further, that the Board Chair be authorized to execute the required documentation.

Carried.

A. CONSENT AGENDA

97. **Information and Privacy Commissioner Ontario – 2008 Annual Report**

The Board considered a letter dated May 13, 2009 from Ann Cavoukian, Commissioner, Information and Privacy Commission Ontario, providing the Board with the Commission's 2008 Annual Report, *ACCESS & PRIVACY, The Challenges and Opportunities*. (Copy on file in the Board office.)

98. **Ministry of Transportation**

The Board considered a letter dated June 5, 2009 from the Honourable Jim Bradley, Minister of Transportation (Ontario), providing a response to the April 16 letter from Chair Iggulden requesting the Ministry to amend the *Highway Traffic Act* to provide suspensions for both the vehicle and the driver's licence used by illegal taxicab operators.

Member Bentley, Licencing Committee Chair, requested that Board provide the Minister of Transportation with documentation relating to the public safety aspects of the Board's licencing function especially in view of the Region's tourism, to ensure proper vehicular safety certificates, proper insurance coverage, driver background record checks, and to include the risk of the use of illegal taxicabs by Brock University and Niagara College students.

He requested that the Chief prepare a report to respond to Minister Bradley.

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

The Board considered a letter dated May 15, 2009 from Cheryl Jamieson, newly elected President of the Ontario Association of Police Services Boards, providing acknowledgment of the Board's financial support of the OAPSB's 47th AGM and Conference held in Cornwall from April 30-May 2, 2009.

100. **Ontario Association of Police Services Boards – Bulletin Board**

The Board considered the OAPSB *Bulletin Board* dated June 2009 providing the Board with news of interest regarding police governance and highlighting both provincial and federal legislative initiatives.

101. **Regional Municipality of Niagara – CL 8-2009 May 28, 2009 CSC 7-2009 May 20, 2009**

The Board considered a letter dated June 1, 2009 from Janet Pilon, A/Regional Clerk, RMON, providing the Board with the May 28 approval by Regional Council of its Corporate Services Committee recommendations relating to the Initiation of Capital Project ZPO0909 Capital Asset Acquisitions CSD 82-2009; Niagara Police Services Board Remuneration CSD 86-2009; Initiation of Capital Project ZPO0709 Telephone System Upgrades & ZPO0807 Telephone System Upgrades CSD 87-2009; correspondence items CSC 20-2009 – 22-2009 and receipt of Correspondence CSC 19-2009.

102. **Brock University Campus Security Services – 2008 Annual Report on Brock University Campus Security Services**

The Board considered a letter dated June 4, 2008 from Donna Moody, Director, Campus Security Services, Brock University, providing the Board with the 2008 Annual Report respecting the Campus Security Services within Brock University, pursuant to the Protocol Agreement between the Board and Brock University.

103. **Kidney Foundation of Canada**

The Board considered a letter dated May 11, 2009 from Jim O'Brien, Executive Director, Ontario Branch, The Kidney Foundation of Canada, acknowledging the Board's financial support toward the Kidney Golf Classic held recently in Hamilton.

104. **Special Fund – April 1 - 30, 2009**

The Board considered Service report 126/2009 dated May 21, 2009 providing the Board with a summary of the transactions for the Niagara Regional Police Special Funds for the period April 1 through 30, 2009.

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

That the information be received.

Carried.

B. OTHER NEW BUSINESS

105. **NRPS 2010 Budget Timetable, Preparation Approach**

The Board considered Service report 131/2009 dated June 11, 2009 providing the Board with the Service's 2010 Capital and Current budget timelines (Appendix A) in a manner consistent with Regional budgetary strategy and Council approved timetable.

The Board decided that a formal letter be prepared for Regional Chair Partington outlining the fundamental flaws in the budget structure including the use of the preceding year's actuals and the Region's method to use budget-to-budget figures; capital debt and debenture financing; the inability to access reserves and the collective agreement obligations; significant increases in police chargebacks by the Region, and accessibility to the Region's pool funding.

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

That the Board:

1. **Approve the timelines for completion and preparation of the Capital and Current budgets as outlined in this report;**
2. **Approve the preparation of Current and Capital budgets for the Police Service utilizing a process that is parallel but separate from that of Regional Departments;**
3. **Provide any additional direction regarding the 2010 Capital and Current Budget preparation to staff;**
4. **Communicate formally to the Region with regard to the schedule of budget deliberation meetings and budget preparation approach for the Police Service.**

Carried.

106. **2010 – 2012 Business Planning Process – Commencement**

The Board considered Service report 134/2009 dated June 11, 2009 providing with notice of commencement, that the Board in partnership with the Chief of Police, must prepare a detailed strategy for the development of the 2010 – 2012 Business Plan to address the core business functions of the police service, required at least every three years, pursuant to the Adequacy Standards Regulation AI-001 – *The Framework for Business Planning* and Board By-law 249-2000.

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

That the information be received;

And further, that the 2010 - 2012 Business Plan Steering Committee be struck, comprised of Board Members Mal Woodhouse and Todd Shoalts.

Carried.

107. **Request for Sponsorship – Niagara Kids CAN-Bike – 2009 Camp Program**

The Board considered a memorandum dated June 9, 2009 from Deb Morton, Executive Director, providing the Board with a letter received from the Niagara Kids CAN Bike summer camp program requesting financial sponsorship to the 2009 summer one-week day camp program for 40 children from priority neighbourhoods.

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

That the Board authorize a donation in the amount of \$1,000.00 from the Special Fund to the Niagara Kids CAN – Bike 2009 Camp Program.

Opposed:
M. Woodhouse

Carried.

108. **Request for Sponsorship – 2009 Niagara West Mayors’ Golf Classic – Niagara Community Foundation**

The Board considered a memorandum dated June 9, 2009 from Deb Morton, Executive Director, providing the Board with a notice requesting financial sponsorship to the 2009 Mayors of Niagara West Charity Golf Classic scheduled for August 26, 2009.

Moved by: T. Shoalts
Seconded by: D. Martin

That the Board authorize a donation in the amount of \$450.00 from the Special Fund to the Niagara West Mayors’ Charity Golf Tournament on August 26, 2009 in support of the Niagara West Community Fund.

Opposed:
M. Woodhouse

Carried.

109. **Conference Sponsorship – Canadian Association of Police Boards (CAPB)**

The Board considered a memorandum dated May 20, 2009 from Deb Morton, Executive Director, providing the Board with a request received from the Canadian Association of Police Boards (CAPB) to support the CAPB 20th Anniversary of its annual Meeting and Conference.

Moved by: D. Martin
Seconded by: B. Bentley

That the information be received;

And further, that the Board authorize a donation in the amount of \$1000.00 from the Special Fund to the Canadian Association of Police Boards (CAPB) in support of its 2009 Annual Meeting and Conference.

Carried.

Opposed:
M. Woodhouse

Noting that he is employed by Niagara College, Member Woodhouse declared a conflict of interest with Item 110, Page 3, and neither discussed nor voted upon the following matter.

110. **Police Facilities – Update**

The Board considered Service report 135/2009 dated June 17, 2009 providing the Board with an update regarding various issues and concerns at police facilities, specifically, 1 District-68 Church Street, 2 District-4343 Morrison Street and at 3 District-300 Woodlawn Road, Niagara College (Police Training, Video/Range facility).

The Board directed that a copy of this report be provided to the Region's consultant.

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

That the information be received.

Carried.

111. **NRPS Variance Report - to May 31, 2009**

The Board considered Service report 136/2009 dated June 19, 2009 providing the Board with a financial overview and year-end forecast for both the Service and the Board for the period ending May 31, 2009.

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

That the information be received.

Carried.

IN CAMERA REPORTS

C.
137. **Special Investigations Unit Report #SIU-18-08 –**
2009 **Custody Injury Allegations – January 25, 2009**

At the Confidential Meeting of the Niagara Police Services Board held on Thursday, May 28, 2009, the Board considered Service report C.98/2009 dated April 14, 2009 providing the Board with the decision of the SIU Director following the SIU investigation into an incident from which the Director determined there was insufficient information to form grounds to continue an investigation into an earlier incident and subsequently closed the file.

The following Motion was duly passed:

**'That the information be received;
And further, that the Board make the report available to the public. Carried.'**

Moved by: D. Martin
Seconded by: B. Bentley

That the information be received.

Carried.

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138.
2009

**Special Investigations Unit Report #SIU-08-08
In-Custody Injury – Incident #08-115163 – November 13, 2008**

At the Confidential Meeting of the Niagara Police Services Board held on Thursday, May 28, 2009, the Board considered Service report C.100/2009 dated April 17, 2009 providing the Board with the decision of the SIU Director following the SIU investigation which cleared the officer of any wrong doing following an in-custody injury suffered by the suspect.

The following Motion was duly passed:

**'That the information be received;
And further, that the Board make the report available to the public. Carried.'**

Moved by: D. Martin
Seconded by: M. Woodhouse

That the information be received.

Carried.

ADJOURNMENT

The meeting adjourned at 10:40 a.m.

Chairperson

Executive Director