

MINUTES

OTTAWA-CARLETON REGIONAL POLICE SERVICES BOARD

CITY OF NEPEAN COUNCIL CHAMBERS

7 JUNE 1999

7:00 P.M.

PRESENT

Chair: Councillor H. Kreling
Vice Chair: Mr. G. Baskerville
Members: Mr. D. Adam, Ms. E. Buckingham, Councillor J. Legendre,
Mr. J. McCombie

REGRETS

Regional Chair B. Chiarelli

ITEMS OF BUSINESS

1. STAFF PRESENTATION ON DISTRICT POLICING MODEL

Board Chair Kreling began the meeting by explaining the Board was taking the opportunity to meet with residents in various communities within the Region on a regular basis. He thanked members of the Nepean community for joining the Ottawa-Carleton Regional Police Services Board for its presentation on the District Policing Model. He also thanked the Mayor of Nepean and Nepean Council for permitting the Board to hold its meeting at the City of Nepean offices. The Chair then turned the meeting over to Deputy Chief Alex Mackie of the Ottawa-Carleton Regional Police Service (OCRPS).

Deputy Chief Mackie introduced Inspector Ron Lamothe, District Inspector for districts 13, 14 and 15, and Acting Inspector Gerry Barker, District Inspector for districts 11, 12 and 16. The Deputy Chief also introduced Constable Tom Dvoglev in connection with Agenda Item 7 (Anti-Fencing in Relation to Pawn Shops and Second Hand Stores), and OCRPS staff members Steve Kanellakos, Director General of Administration, Superintendent Larry Hill and Inspector Ralph Erfle of the Executive Office. In addition, he introduced David Pepper, Director of Community Development and Sergeant Dave Thomas, who assisted with the presentation on the new District Policing Model.

Deputy Chief Mackie and Superintendent Hill presented a synopsis of the District Policing Model, which included an amalgamation update (presented at the Police Services Board's

meeting of 31 May 99), a district policing update, and results from a survey of the City of Nepean's residents (documents on file with the Executive Director).

Superintendent Hill presented highlights of the district policing model. He explained the move to this model had been made in January, and that a focus on problem-oriented policing is key to the new model of service delivery. He said the new model ensures a quicker police response to emergency calls and builds on an understanding of criminal activity. Supt. Hill explained the Region consists of 583 neighbourhoods, which are grouped into 34 sectors. These in turn are grouped into 16 districts, which are separated by the Rideau Canal and Rideau River into two divisions, East and West. The Superintendent explained the Region was divided into districts to allow for a more effective and equitable distribution of resources, based on an analysis of workload and requirements, types of crime, geography, demographics, and time for problem-solving.

He noted there are three districts within the City of Nepean; Districts 11, 12 and 16. He stated that service calls over the last year-to-date were down overall from 1998 levels, and that area calls were down by 17%. He noted the most frequent types of calls responded to are alarms, general disturbances, suspicious incidents and thefts. The Superintendent said emerging issues of interest to residents include: a relocation of the Commercial Crime Unit from Merivale Mall, where its resources were being underutilized; youth issues in Barrhaven; and the Bayshore Shopping Centre, where incidents had resulted in the performance of an assessment which recommended modification of certain areas of the parking garage. He noted the Commercial Crime Unit will now operate from the Parkwood Hills community police office.

Presenting highlights of the survey of Nepean residents, Supt. Hill noted the majority, 61%, think their own neighbourhoods have less crime than others within the Region; 28% believe crime has increased, 36% believe levels are the same, and 9% believe crime has decreased. He said nearly all residents surveyed feel safe walking alone in their neighbourhoods in the daytime, but this confidence drops by 17% during the night. He noted the top five policing concerns include break and enters, theft from cars, vandalism, speeding and bicycle thefts. Supt. Hill said these numbers reflect small changes from the 1995 benchmarking survey. He said the approval rating by Nepean residents is highest for enforcing the law, being approachable, prompt responses, and providing information to the public. He noted that not more than 7% of respondents felt the police were doing a poor job.

Chair Kreling then invited questions from the audience.

2. COMMUNITY DELEGATIONS

Mr. Ken Kelly, a Nepean resident for 35 years, said he was interested in Supt. Hill's report on the survey, but said he could not recall having seen much in the media regarding it. He inquired as to whom the survey had been made available, and said he felt many more Nepean residents would have been interested in receiving copies.

He questioned survey findings on speeding, saying his own observations of traffic patterns in Nepean were at odds with the survey results. The speaker noted that he has conducted his own observations in his neighbourhood at the intersection of Sullivan and Viewmount Avenues. All observed vehicles had failed to come to a complete stop at the stop sign, and he had nearly been hit on one occasion. He said this was not an isolated incident, and that nobody pays attention to stop signs and red lights. Mr. Kelly said he appreciated that traffic enforcement was not considered a glamorous part of policing, but noted the lack of response builds attitudes in drivers towards flouting the law, which he felt would in turn result in serious accidents. The speaker believed no hazard would exist if speed limits were enforced. Mr. Kelly asked about the Service's views on the enforcement of speed limits. He said he was particularly troubled about driver behaviour during morning and afternoon rush hours in his neighbourhood, as nobody adhered to the 40 kph speed limit on his street. He believed the speeds were probably in the range of 80 or 90 kph.

Superintendent Hill said he shared Mr. Kelly's concerns and would try to target his area to ensure there was a police presence to respond to residents' traffic concerns. He noted the police are trying to respond to traffic concerns in many neighbourhoods, and suggested that from his experience, most of the people driving through such areas are probably neighbours. Supt. Hill felt the question was one of sensitizing residents and police officers to treat it more seriously, and to get patrol officers to be more proactive in enforcement. Superintendent Hill said he will personally pursue this issue, noting he supports the 40 kph posted in Mr. Kelly's neighbourhood.

Member McCombie thanked Mr. Kelly for attending the meeting and for voicing his concerns. He then asked the speaker how he had found out about the meeting. Mr. Kelly noted his knowledge of the meeting had been through a newspaper advertisement, and he said he wanted to see more Police Services Board meetings held in the community. Member McCombie said the Board was pleased to come to the community, noting that such meetings serve as a yardstick against which to measure service to the community.

Deputy Chief Mackie informed Mr. Kelly that a handout was available with an interim report on the survey. He believed the complete report would be available in July.

Nancy Capes, a resident of Parkwood Hills, stated she was in attendance in her capacity as a resident of Nepean and not only as a volunteer with the OCRPS community police office in Parkwood Hills. Ms. Capes asked when the Residents' Survey was first taken and how many residents had been surveyed, as this was the first time she had heard of it.

Member Buckingham explained 800 copies of the survey had been distributed randomly throughout the Region in May of 1998, with 100 to 200 copies being distributed in Nepean.

Ms. Capes asked if it would not have been more fair to publish the survey in local community newspapers. She felt this might have garnered responses from a larger cross section of the community.

Member Buckingham believed the normal survey practice is to distribute at random for purposes of statistical validity. Responding to another query from Ms. Capes as to whether apartment dwellers had been included in the survey, Member Buckingham said she was unaware of the survey methodology, but she believed some thought had been given to this. She acknowledged the responses of apartment dwellers would probably have been different from those of homeowners. She noted this was the second time the survey has been performed, and that it was a follow-up to a 1995 benchmarking survey. Member Buckingham believed a similar methodology would have been used, and a similar number of people would have been contacted for comparative purposes. She also believed the survey was a lengthy document which took about 15 to 20 minutes to complete, which would have made it difficult to include in a community newspaper. To keep costs down, Member Buckingham believed volunteers were used to randomly distribute copies of the survey.

Superintendent Hill confirmed the May 1998 timeframe for the survey, and noted a little over 4,300 copies had been distributed throughout the Cities of Gloucester, Nepean, Ottawa, Vanier and the Village of Rockcliffe Park. Member Buckingham added the response rate had been in the range of 40%.

Member McCombie clarified that he wished to thank all members of the audience for attending, and explained he had not realized Ms. Capes was in attendance as a Nepean resident rather than in her capacity as a volunteer with the Police Service.

Mr. Kelly then asked whether the reason that little was being done about traffic enforcement was due to his understanding that if police officers were required to attend court on their days off, they would not be paid for their duties. Chair Kreling explained the officers were, in fact, compensated for their time. He also assured Mr. Kelly that traffic concerns were a priority in Nepean.

Chair Kreling also explained the goal of the survey was to reflect a representative sampling and to receive a representative response from across the Region, so that area-specific issues and concerns could be identified. He noted these concerns varied from location to location. The Chair said the goal was to tailor the requests for service to the types of service required within the different communities of Ottawa-Carleton. He stated the District Policing Model will be used in partnership with the community to address residents' concerns.

Chair Kreling thanked the residents of the City of Nepean for joining the Board for its meeting, and assured those present that their comments are taken seriously.

The Board, having completed consideration of items dealing with the public presentation, then considered the remaining regular agenda items.

3. BOARD SUMMER MEETING SCHEDULE
- Executive Director's report dated 2 June 99

Member Buckingham said she could understand the desire to amend the summer meeting schedule, but asked if in future the Board could consider such requests earlier in the year, as she had made arrangements for her summer vacation in January. She noted she would be away for the July 19th meeting if the schedule were changed from July 26th as proposed. She suggested the Board contemplate this issue in December of the year preceding the summer meetings.

Chair Kreling apologized for any inconvenience and said member Buckingham's suggestion could be accommodated in future.

Member Adam said he, too, would be unable to attend a meeting on July 19th.

Councillor Legendre said he was comfortable with the schedule either way, and suggested that with respect to the July meeting, it would be best to determine what would best accommodate the Board as a whole. Chair Kreling agreed, saying it might be difficult to achieve quorum for the meeting in question. After canvassing members for their availability, it was determined the meeting would remain on the 26th of July as originally scheduled. Chair Kreling amended the Motion by deleting the request to change the July meeting.

The Board then considered the report recommendation as amended.

That the Ottawa-Carleton Police Services Board approve changing the meeting scheduled for Monday, 23 August to 30 August 1999.

CARRIED as amended

4. SEXUAL VICTIMIZATION OF CHILDREN:
NATIONAL WORK GROUP IN PURSUIT OF
CHILD-CENTRED INTERVENTION STRATEGIES
- Vice Chair's report dated 30 May 99

That the Ottawa-Carleton Police Services Board:

- 1) Receive this report for information and discussion, and;**
- 2) Request that the Chief of Police have his staff prepare and present a briefing to the Board on how the Police Service is presently addressing this type of crime, what resources are being used and**

actions being taken or contemplated to more effectively combat the sexual victimization of children.

CARRIED

5. APPOINTMENT OF RCMP OFFICERS
AS SPECIAL CONSTABLES - CANADA DAY CELEBRATIONS
- Deputy Chief Mackie's report dated 28 May 99

1. **That the Ottawa-Carleton Police Services Board appoint as Special Constables pursuant to section 53 of the *Police Services Act* those regular members of the Royal Canadian Mounted Police who have been recommended by the Commanding Officer of the R.C.M.P. "A" Division and whose names have been submitted to the Chief of Police; and**
2. **That the period of appointment be from Tuesday, the 29th day of June 1999 to Monday, the 5th day of July 1999 inclusive, and that the appointment be valid within the Regional Municipality of Ottawa-Carleton.**

CARRIED

6. APPROVAL OF BOARD POLICY MANUAL BY-LAW
- Executive Director's report dated 2 June 99
- Board Policy Manual issued separately

Vice Chair Baskerville stated that certain proposed amendments had been reviewed by the Policy Sub-Committee, and that some changes had been made to the policy manual since its review by the full Board.

Councillor Legendre referenced his memorandum of 19 May 99 which had been previously circulated to board members, and which contained several suggested amendments to the policy manual. He said if it was the intent to go through the document section by section, he wished to move the amendments he had proposed.

Chair Kreling said it was not his intention to go through the policy manual section by section, as the document before members was a revised draft which the policy sub-committee had prepared as a result of the Board's review sessions on 12 and 20 Apr 99, along with other input. The Chair suggested that if there were provisions within the manual that members wished to discuss or amend, they should address those specific areas.

Section 1.1 Governance Commitment

Councillor Legendre referenced Section 1.1, *Governance Commitment*, and said he would move that page 1.2 of the draft document be replaced with the wording suggested in his memo of 19 May 99 (see motion below). The Councillor believed his wording better clarified what the Board was, delineated its purpose, and explained how it differed from the Police Service.

Member Buckingham said the committee had considered the Councillor's suggestions, and she noted some changes to the wording had been made as a result. However, she said the sub-committee had felt what was suggested placed an undue emphasis on dealing with appeals, which is in reality a small component of what the Board does. She believed the general wording of the draft document captured such functions. Regarding Councillor Legendre's wording that the Board "*maintain professionally correct but suitably arms-length relations with the Service, its management and especially its Chief*", Member Buckingham said she understood the Councillor's intent, but felt that as an organization, the executive command, the Board, and Police Service staff would have to work together to achieve results. She felt the committee had captured this intent in the wording of the draft document, and felt the terminology suggested by Councillor Legendre was somewhat antagonistic, and that some of the suggestions went further than the committee had been willing to accept.

Vice Chair Baskerville said he did not disagree with Councillor Legendre's third point regarding the Board dealing with appeals. However, he believed this was fully covered by the present public complaints policy, and felt the proposed amendment was both a repetition and could serve to raise this function to a level of importance beyond the Board's other roles. Regarding the fourth point of maintaining an arm's length relationship with the Service, the Vice Chair felt this was difficult to properly define, and he noted if the relationship was too distanced, problems might result whereupon the Board might be removed from the decision making process. He felt this was a negative aspect and should not be put into the governance commitment.

The Board then considered the following Motion.

Moved by J. Legendre

That the following replace page 1.2 of the initial Draft Board Policy Manual:

1.1 GOVERNANCE COMMITMENT

The Board is the first level of civilian oversight of the Ottawa-Carleton Regional Police Services. In fulfilling that function and role the Board will:

- .1 ensure that adequate resources are in place for the Service to provide the level and quality of policing deemed necessary for the citizens of Ottawa-Carleton. At a minimum, the level of policing must meet Provincial adequacy norms;**

- .2 establish policies which outline the nature of service expected of the Ottawa-Carleton Regional Police Services;**
- .3 Ensure that it is both able to deal with appeals that come under its purview and that it is perceived by the public and the staff that it is able to do so independently of the Chief or the Chief's office;**
- .4 maintain professionally correct but suitably arms-length relations with the Service, its management and especially its Chief.**

LOST

NAYS: D. Adam, G. Baskerville, E. Buckingham, J. McCombie and H. Kreling....5

YEAS: J. Legendre....1

Section 1.2 Governing Style

Councillor Legendre then referred to Section 1.2, *Governing Style*, and suggested the first paragraph of page 1.3 be amended to simplify the eight points noted therein by replacing it with wording that emphasized:

- .1 an independence of the Service appropriate to its essential oversight role;
- .2 placing the needs of the community first;
- .3 a strategic, forward-looking orientation and proactive leadership in its policy setting function.

Vice Chair Baskerville appreciated the Councillor's comments, but said these issues had been discussed in detail over the course of several months. He stated the committee had outlined what it felt best defined the Board's governing style in eight broad points. He believed it was difficult to define such matters as the needs of a community, stating a community's needs were sometimes complex and require making unpopular decisions in order to effect long term good for the entire community in delivering police services.

Councillor Legendre believed the Vice Chair had misunderstood his point regarding community needs. He clarified his intent had been to stress that the Board's function was to serve the community first, and not the Service.

The Board then considered the following Motion:

Moved by J. Legendre

That the following replace the first paragraph of page 1.3:

1.2 GOVERNING STYLE

The Board will govern with a style that emphasises:

- .1 an independence of the Service appropriate to its essential oversight role;**
- .2 placing the needs of the community first;**
- .3 a strategic, forward-looking orientation and proactive leadership in its policy setting function.**

The Board will strive to be a model in providing quality governance for a police service.

LOST

NAYS: D. Adam, G. Baskerville, E. Buckingham, J. McCombie and H. Kreling....5

YEAS: J. Legendre....1

Section 3.12 Staffing

Councillor Legendre then referred to Section 3.12, *Staffing*. He stated that as a member of the francophone community, he found deeply offensive the draft manual's point 2e), which reads, "No appointments may be made to any level of the organization, and in particular to the Senior Officer level, without giving preference to those applicants of equivalent competency and proven performance who in addition to being fully competent in English have achieved a reasonable level of fluency in French." He believed he had been tasked by the board to provide new wording as a result of the April 20th meeting, and had attempted to correct the offending statement by altering section 3.12.1 to read,

"...Accordingly, the Chief *will* ensure that the service:

1. has a long term staffing plan designed to ensure that the skills necessary to serve the citizens of the Nation's Capital are present within the Service. The staffing plan will recognise that the RMOC is an officially bilingual municipality and that the Region meets the requirements of the Province of Ontario's *French Language Services Act* regarding the provision of services in both English and French. Consequently, staffing at all levels of the service will reflect the need for an ability to serve both major linguistic communities;"

The Councillor believed his wording was preferable to that of 2(e) which spoke of giving preference to applicants who had achieved a reasonable level of fluency in French. He felt this was a concept the community at large found abhorrent. Speaking to his Motion, the Councillor explained the intent of the phrase “...*staffing at all levels of the service will reflect the need for an ability to serve both major linguistic communities...*”. He emphasized he did not mean that all positions should be bilingual, but that there be a bilingual ability somewhere at all levels to serve the community’s needs when interacting with the different levels of the Service.

Another reason Councillor Legendre recommended adopting his proposed format was that it is in keeping with the recommendations of the *Regional Chair’s Task Force on Bilingual Services at the Region*. The Councillor noted a report on this had been tabled at the Corporate Services and Economic Development Committee’s (CSED) meeting of 3 Nov 98, and that a subsequent report would soon be returning to CSED. He also stated this proposal did not break new ground, but reflected the current practice in some of the Region’s municipalities and recognized the bilingual nature of both the Nation and its Capital. He also noted there had been agreement on the matter in discussions with fellow francophone colleagues on Council, and he felt it was necessary for the Board to set an example. He believed expanding Section 3.12.1 as he proposed and deleting 3.12.2(e) would put the Service into conformity with what Council was likely to approve.

Vice Chair Baskerville assured Councillor Legendre the committee had discussed his proposed amendments in detail. The Vice Chair felt the Councillor’s first sentence in his proposed revision to 3.12.1 was redundant, as the same concept was contained in the preamble. He also expressed concern with the phrase “...*present within the Service*”, as under the provincial Adequacy Standards, the Service has an option to use other sources for policing functions. Vice Chair Baskerville said he could not support the proposed wording as he felt its usage might prevent the Service from going outside for help, and would necessitate that the Service be completely self-sufficient in all aspects.

The Vice Chair also felt much of what Councillor Legendre was suggesting by requesting that “...*staffing at all levels...reflect the need for an ability to serve both major linguistic communities;*” was contained in paragraph 3.12.5. He said he could not support a change to paragraph 3.12.2(e) as it had been arrived at after lengthy discussions. He explained the paragraph spoke to promotion within the Police Service being based on competency and proven performance, and that fluency in French would be an additional capability to be considered when promoting people. He noted fluency in French would not be a substitute for competency or performance, nor would it be considered equivalent to these factors. Vice Chair Baskerville stated the committee had felt it important that all officers be fully competent in English as it is the working language of the Service. He felt that to change or delete the sections as proposed would make the Board’s policies weak or vague in terms of affecting promotions.

Member Buckingham said she had spoken with Councillor Legendre earlier in the day and subsequently with a francophone colleague who had spent a considerable portion of their career in an official languages capacity within the federal government. She noted the colleague had not found section 3.12.2(e) offensive, although she acknowledged others might if they felt some preference was being given. Member Buckingham said her colleague had found Councillor Legendre's proposed wording regarding the last sentence of Section 3.12.1 vague and difficult to interpret, and felt it might be interpreted as requiring every position to be bilingual. Member Buckingham noted her colleague also felt the need for an ability to serve both major linguistic communities would be difficult to measure. Member Buckingham acknowledged, however, there was a need to push such issues forward in order to change the status quo, and she thanked Councillor Legendre for his efforts in so doing. She noted that because she had a number of concerns regarding the Councillor's proposed clause, she had asked Legal staff to review it.

David White, Solicitor, Regional Legal Department, commented that because the clause dealt with staffing and promotional issues, there might be implications with respect to the collective agreements of senior officers, police and civilian members. He noted that while the employer could impose language provisions for certain positions, it was uncertain as to whether such provisions would be supported in the event of a challenge. He noted the particular collective agreements the Board deals with do not have specific limitations on promotions within the Service, but he noted the Board would be subject to potential challenges in arbitration.

Member Buckingham asked whether both the draft policy manual's clause and the amendment suggested by Councillor Legendre could cause problems.

Mr. White stated that problems increase with the vagueness of the wording. Responding to a query from the Board Chair, Mr. White clarified that the *French Language Services Act* generally applies to institutions and boards within designated areas. He noted Ottawa-Carleton is a designated area, however the Act does not bind municipalities or local boards of those municipalities.

Member McCombie said he, too, had spoken with Councillor Legendre earlier in the day and had read his proposed amendments carefully. He acknowledged the amount of work that had gone into the new draft policy and said that although he was new to the Policy Sub-Committee, in light of the support shown for the draft manual by the two other members of the sub-committee, he could not support the Councillor's Motion.

Councillor Legendre acknowledged that the exemption of municipalities from the *French Languages Services Act* was a sore point with the francophone community throughout the province. He noted that bilingual service has suffered as a result of provincial downloading, in that it was no longer available in some areas which were previously under provincial jurisdictions encompassed by the Act, but were now in municipalities not bound by the Act.

Councillor Legendre said he was asking the Board to recognize that Ottawa-Carleton is the Nation's Capital, that actions taken within the Region were viewed provincially and nationally, and that the board should be a model.

He noted he was striving for clearer, not vaguer language. He asked that the Board accept the notion that there be a bilingual ability at each level of the Service. The Councillor clarified that in future staffing situations, bilingualism could be accepted but would not be required for a given position if the ability already existed at that level. He noted that if a bilingual ability were lacking at the level in question, then it should be mandatory for the position. Councillor Legendre felt this was clearer than stating preference would be given to candidates of equivalent competency and performance who, in addition to being fully competent in English, had achieved a reasonable level of fluency in French, as he felt this virtually never happened. The Councillor said that if a bilingual ability was not sufficiently important to make into a job criteria, the subsequent hiring of bilingual candidates could lead to misunderstanding and negative community reaction if they were viewed as token hirings. Councillor Legendre said this approach was neither credible nor sustainable, and should be avoided. He emphasized it was important that when people were promoted, they be promoted because they met the job criteria. He noted the Board's role was to give guidance to the Chief, and in this case, to attempt to ensure a bilingual ability existed at all levels of the Service to serve the needs of a bilingual community. He restated that his Motion's proposed language was clearer and emphasized the hiring of candidates based on certain requirements being fully met, as opposed to the giving of preference.

Councillor Legendre took issue with other members' views that the matter had been under consideration for several months, as he had not been asked for input until the Board's last meeting. He noted he had indicated at that time that he had not liked the section in question, and felt the Board had tasked him with providing a new section. He said he believed he had done so, and had made changes in key areas based on good principles.

Chair Kreling then called the vote on the amendment put forward by Councillor Legendre. Just prior to voting, member Legendre stated he wished to strike the second of the three points in his amending motion, so that the motion now proposed that Section 3.12.1 be revised and that Section 3.12.2(e) be deleted.

Moved by J. Legendre

1. That Section 3.12.1 be amended as follows:

“...Accordingly, the Chief *will* ensure that the service:

3.12.1. has a long term staffing plan designed to ensure that the skills necessary to serve the citizens of the Nation's Capital are present within the Service. The staffing plan will recognise that the RMOC is an officially bilingual municipality and that the Region meets the requirements of the Province of

Ontario's *French Language Services Act* regarding the provision of services in both English and French. Consequently, staffing at all levels of the service will reflect the need for an ability to serve both major linguistic communities;" and,

2. That Section 3.12.2(e) be deleted.

LOST

NAYS: D. Adam, G. Baskerville, E. Buckingham, J. McCombie and H. Kreling....5

YEAS: J. Legendre....1

Sections 1.4 - Chairperson's Role, and 1.5 - Board Committee Principles

Councillor Legendre then moved the amendments to Sections 1.4 and 1.5 contained in his memorandum as follows:

Moved by J. Legendre

1.4 CHAIRPERSON'S ROLE (to replace page 1-8 of the initial Draft Document)

The Board Chair will fulfil the role which normally falls to any Chairperson, that is, to conduct meetings of the Board and to act as chief spokesperson for the Board. Accordingly, the Chairperson will,

- 1. conduct Board meetings according to the Rules of Procedure adopted by the Board,**
- 2. set the Agenda for Board meetings in consultation with the Executive Director and Board members while respecting previous decisions of the Board;**
- 3. act as the public spokesperson for the board regarding its decisions as well as the expected impact of those decisions on the Service and on the public, if any. The Chairperson will be responsible for issuing press releases as necessary and leading press conferences on behalf of the Board. The Chairperson's role as spokesperson for the board will in no way preclude the rights of members from expressing dissenting minority views on matters of Board policy or the expected impact of such policies.**

In the absence or temporary incapacity of the Chairperson, these roles will be assumed by the Vice-Chair by reason of office. The *Rules of Procedure* will define the length of time during which the Vice-Chair may assume the Chairperson's role.

1.5 BOARD COMMITTEE PRINCIPLES (it is proposed that page 1-9, up to item 5-a, be replaced with the following simpler text)

Board committees will only be created, as required, to help the Board do its job. Board committees will be used sparingly as it is recognised that a committee structure may have the effect of diminishing the wholistic principle which is central to every Board. Nonetheless, and with due attention to the foregoing cautionary remarks, the Board may establish *ad hoc committees* or *standing committees* as it deems necessary and convenient. Committees will prepare policy positions or options for consideration of the Board as a whole. Committees may not engage in activities which are denied the Board as a whole.

To meet its legislated responsibilities...to deal with:

- 1. appeals of the Chief's decision regarding policy complaints. The Complaints Committee will...and issue a report to the Board for its consideration within 30 days...**
- 2. human resources issues. The Human resource committee will...for collective bargaining, for the Board's consideration, with the...**

LOST

NAYS: D. Adam, G. Baskerville, E. Buckingham, J. McCombie and H. Kreling....5

YEAS: J. Legendre....1

The Board then considered the Policy Manual By-law as presented.

That the Ottawa-Carleton Regional Police Services Board approve the Board Policy Manual By-law as presented.

CARRIED

(J. Legendre dissenting)

7. **ANTI-FENCING IN RELATION TO PAWN SHOPS AND SECOND-HAND STORES**
- Deputy Chief Mackie's report dated 2 June 99

Member Buckingham said she could understand the Police Service's reasoning, but she had concerns from a human rights perspective. She inquired to what extent human rights legislation had been taken into account, and to what extent the industry had been consulted.

Deputy Chief Mackie called on Detective Tom Dvoglev to address the Board's questions. The Deputy Chief explained the proposed legislation was part of a process that went before the

provincial government six to nine months previously, but had become stalled. He further explained the Service had made a presentation before the Canadian Association of Chiefs of Police (OACP) and would be doing one for the Ontario Association of Police Services Boards (OAPSB) in the near future in an attempt to restart the process. The Deputy Chief felt an endorsement by the Board would be effective prior to making a presentation to the OAPSB.

Detective Dovgalev explained the Service had originally worked with a Member of the Provincial Parliament (MPP) to introduce the proposed legislation through a Private Member's Bill. He noted the MPP had suggested raising the level of awareness on this issue by introducing "shock" legislation; that is, to ask for everything imaginable in order to stimulate discussion on the elements the legislation would require. Det. Dovgalev said the MPP had later been removed from the Crime Control Commission, necessitating a second initiative to try to bring the issue before the Solicitor General for study and consideration of a re-writing of the existing legislation. He noted that, as the report indicated, all stakeholders would be consulted in drafting the legislation. Det. Dovgalev said the Service had not examined the issue from the perspective suggested by Member Buckingham as this was out of its jurisdiction.

Member Buckingham said she would be unable to support the report's recommendations. She stated she would prefer wording to the effect that the Board, in order to have its concerns with this industry addressed, would like the province to examine the issue, involving stakeholders to collectively work towards a solution. She said she was concerned with human rights issues associated with the collection of transaction information, and felt a potentially onerous workload could be placed on the industry. She acknowledged there was an issue in terms of the ease with which stolen goods were unloaded at pawn shops, but said she could not support the current wording of the recommendation.

Vice Chair Baskerville, a Director of the OAPSB, noted the OAPSB's next meeting would take place on 17/18 Jun 99. He said he was encouraged that this presentation would be made before the OAPSB, and asked Det. Dovgalev if the Toronto Police Service would be making the presentation. Det. Dovgalev informed the Board the OAPSB's agenda for 17/18 Jun 99 had been full, and that the presentation had been deferred to the OAPSB's August meeting. He noted the Property Crime Working Group is composed of police officers and was formed as a result of a conference hosted in Ottawa-Carleton in October of 1998. Det. Dovgalev said he and Detective Bud Jensen from Toronto head the group and will be making the presentation to the OAPSB.

The Vice Chair said he would like to be able to inform the OAPSB Board of Directors of the Ottawa-Carleton Police Services Board's position regarding the adoption of a resolution encouraging the Working Group's efforts. Referring to the draft wording of the proposed resolution on page 14 of the agenda, which was different from the recommended resolution, he asked whether the term "*necessary support*" involved persuasion or an expenditure of either finance or resources. He suggested that perhaps what was required was a resolution stating that the Board *encourages* the Ontario Government to pursue the development of legislation more in line with the draft resolution on page 14.

Detective Dovgalev said similar questions had been asked by the OACP. He advised that the support requested was to raise the level of awareness and the need for new legislation. He said after this, the normal course of events for the introduction of a new piece of legislation could be followed. Regarding Member Buckingham's query about the collection of transaction data, Det. Dovgalev said there was already a patchwork of existing provincial by-laws which require this data to be collected. He said the group felt it would be best to standardize these by-laws into a single piece of comprehensive provincial legislation which could encompass more areas than a by-law could, and which would result in consistency throughout the province.

Member McCombie asked if area municipalities are enforcing by-laws governing pawnbrokers under the *Pawnbrokers Act*. Det. Dovgalev explained there is a requirement under the *Act* for each municipality to pass enabling legislation for the *Act* to be in effect. He noted this enabling legislation does not exist in any of the Region's municipalities. He noted there was a Second-Hand Goods By-law, By-law 100 of 1998, which is consistent in each of the municipalities except for Rockcliffe Park and the townships of Cumberland, Osgoode and Rideau, none of which contain any such businesses. He stated Goulbourn township had deferred the matter as it wished to study the situation with the Stittsville Flea Market.

Member McCombie asked if pawnbrokers within the Region submit purchase reports to the Service. Det. Dovgalev responded that under the by-law, the pawnbrokers are to gather identifying information from clients wishing to sell or pawn goods as well as information on the goods being sold or pawned. He said these reports are gathered and brought in manually. The detective noted he receives reports on over 15,000 transactions every month which are then available for investigative purposes. Responding to a query from Member McCombie regarding investigative follow-up, the detective said reports were reviewed in an attempt to identify serial numbers and frequent pawners and to thereby determine trends. He said the Service's resources were limited by the vast amount of paperwork involved, which led to the initiative for the gathering of data electronically.

Member McCombie asked how the passage of provincial legislation would help. Det. Dovgalev said it was hoped that part of the legislation would include a provision for automation; the transaction information would then be available in a form that could be searched electronically. He noted the Service hoped to introduce an automation pilot project in the Region in the fall of 1999, pending executive approval. He explained the internet would be used to enter information into a central database so that data could be accessed immediately and checked against data regarding stolen goods, resulting in investigative follow-up if necessary. He noted that currently this type of work was limited by the lack of available human resources. He is the only staff member in the Service assigned to investigate pawnbrokers at the present time.

Member McCombie noted that in the event that the electronic investigative tool was available, there would still be a need for increased human resource allocation.

Detective Dovgalev emphasized that with the information available in electronic form, all investigators could be trained to access the information. He noted investigations could be performed more quickly as items which matched reports of stolen merchandise would be “flagged” electronically.

Vice Chair Baskerville supported the initiative. However, he was concerned the report’s second recommendation did not reflect the draft resolution on page 14 of the agenda. He said he was prepared to table this item to allow it to be reconsidered at the Board’s meeting in July. He suggested that the wording of the recommendation be made clearer and more explicit, along the lines of what was stated in the draft resolution, and that it come back to the board for endorsement.

Councillor Legendre said he supported what was before the Board, and did not want to delay the matter further. He acknowledged his fellow members’ human rights concerns, but said it was important to remember the Board was not writing the law. The Councillor noted such concerns would be addressed by those drafting the laws. He emphasized the motion spoke of sending a signal, and that he was in favour of doing so. Councillor Legendre also noted an earlier report had listed one of the top concerns of residents as break and enters. He said most of the merchandise garnered during these robberies ends up at pawn shops, and reflected that pawn shops have greatly proliferated within the last five to ten years. He encouraged other Board members to help send a signal as requested in the report.

The Vice Chair said he would not move his Motion to table the report if a consensus existed to proceed with endorsement of the resolution.

The Board then considered the staff recommendation.

- 1. That the Ottawa-Carleton Police Services Board receive this report and presentation for consideration.**
- 2. That the Ottawa-Carleton Police Services Board adopt a resolution to support the development of provincial legislation for the regulation of the second hand industry and that transaction information be collected and transmitted electronically; and that the Ottawa-Carleton Police Services Board make the Solicitor General aware of these needs and pursue his leadership in implementing a process which would address these needs.**

CARRIED
(E. Buckingham dissenting)

BUSINESS DEFERRED FROM 31 MAY 99 MEETING

1. OTHER BUSINESS

- a) Notice of Motion:
New “Legal Matters” Section of Finance and Administration Procedures Manual

Councillor Legendre introduced the following Motion:

That the Board’s Solicitor be tasked with drafting a new “Legal Matters” section of the Ottawa-Carleton Regional Police Services Board’s Finance and Administration Procedures Manual to reflect the Board’s recently amended provision for legal services.

Speaking to his Motion, Councillor Legendre noted that earlier in the week, he had been informed by staff that the current section no longer made sense given recent changes in the provision of legal services to the board.

Chair Kreling suggested the motion be taken as a Notice of Motion for consideration at the Board’s next meeting, otherwise it would require a suspension of the Rules of Procedure. He said this would also allow time for comments by the Director General as to what would be appropriate given the new circumstances.

Member Buckingham noted that the intent of the board’s new Policy Manual was to replace some of what was in the Finance and Administration Procedures (FAP) Manual. She stated she would like to see the board get rid of the Manual as a by-law as it was too detailed, and applied mostly to the Police Service, which could be under the Chief’s purview.

- b) Invitation to OCCPS Investigator to Meet with the Board

Councillor Legendre introduced another Motion, as follows:

That the Board extend an invitation to Mr. Laidlaw, the investigator appointed by OCCPS, to meet with the Board either as a group or singly should that prove more convenient.

Councillor Legendre encouraged Board members to suspend the Rules of Procedure in order to allow for discussion of his Motion. He referred to media reports which stated Mr. Laidlaw would be meeting with the Chief of Police, Mr. J. Petersen, Chair of the Ottawa-Carleton Regional Police Association, and with the Board Chair. The Councillor felt it would be useful if Mr. Laidlaw were to meet with all Board members prior to the completion of his investigation. He asked that his motion be considered at

this meeting because if the Board waited until its next meeting, Mr. Laidlaw may have completed his investigation.

Chair Kreling said Mr. Laidlaw had not yet contacted him to meet regarding the OCCPS review, and was unaware whether Mr. Laidlaw had met yet with the Chief or the Chair of the Police Association. Chair Kreling noted Mr. Laidlaw had indicated he wished to contact the previous Board Chair, and contact information was provided to him. He also noted that the investigator had made it clear at the outset that he would contact whomever he needed to in order to complete his investigation. The Chair noted that Mr. Laidlaw was the one in control of the investigation, and felt that extending an invitation to meet with the Board was unnecessary.

Member McCombie echoed the Chair's comments. He felt the Board should not attempt to contact the investigator, and said a Motion along these lines might be perceived as an attempt to influence Mr. Laidlaw's investigation.

Councillor Legendre asked that the Rules of Procedure be suspended in order to consider his motion tonight. He affirmed it was not an attempt to sway the investigator or the investigation. He felt the Board, as representatives of the Ottawa-Carleton community, should indicate the concerns and questions that the community felt remained outstanding. The Councillor felt the best way of doing this was for Mr. Laidlaw to ask the Board about these concerns. The Councillor said, with respect, that he had also put the Motion forward in recognition of the Board Chair's opposition to the original Motion asking for an investigation by OCCPS. In view of this circumstance, Councillor Legendre felt it would be better if the investigator were to meet with all members of the Board.

Chair Kreling noted one of the principles adopted by the Board in its Policy Manual recognized there might be differing opinions, but that the Board spoke in a united voice based on the Motions it passed. The Chair said he did not believe he had ever failed to live up to the expectations or directions of one of the Board's Motions. He assured those present that he had indicated to Mr. Laidlaw that he would have the Board's complete cooperation, and felt if Mr. Laidlaw needed to avail himself of individual opinions, he would seek out the appropriate parties.

Vice Chair Baskerville noted the Board had passed a Motion asking OCCPS to investigate how the Chief of Police had conducted an investigation into certain allegations. He noted it had been made clear what the Board wanted investigated. The Vice Chair felt the matter should be left in the hands of the body that authorized the investigation, OCCPS. Vice Chair Baskerville noted the investigator appointed by OCCPS would carry out an investigation in the manner he deemed necessary. The Vice Chair felt the proposed Motion might indicate the Board did not feel the investigator was capable of carrying out his duties, and that this might be perceived as a conflict of interest. He said he would not support the Motion.

Councillor Legendre offered to withdraw the Motion to suspend the Rules of Procedure. He felt his Motion was being portrayed in too negative a light, and said he would offer to table it instead for discussion at the Board's next meeting.

Chair Kreling felt future discussions on this topic would not be much different, and suggested to members that they consider a suspension of the Rules of Procedure in order to dispose of the Motion.

Moved by H. Kreling

That the Rules of Procedure be suspended to allow for the consideration of member Legendre's Motion regarding an invitation to the OCCPS investigator.

CARRIED

Moved by J. Legendre

That the Board extend an invitation to Mr. Laidlaw, the investigator appointed by OCCPS, to meet with the Board either as a group or singly should that prove more convenient.

LOST

NAYS: D. Adam, G. Baskerville, E. Buckingham, J. McCombie and H. Kreling....5

YEAS: J. Legendre....1

2. INQUIRIES

1. Correspondence Re: Meeting with Police Association

Member Legendre referenced correspondence sent to the Chair of the Ottawa-Carleton Regional Police Association suggesting that he, the Chief of Police and the Board Chair meet. Answers received to two separate pieces of correspondence indicated the Association would prefer to meet with the Board Chair and the Chief separately. Member Legendre wondered as to the status of the matter.

Chair Kreling responded that the matter has not yet been resolved but that he fully expected the meeting(s) to happen. He explained it has been somewhat delayed because of the investigation by Inspector Laidlaw and the Chief's absence this week. In response to a question from member Legendre as to why the Chair was insisting the meeting be a joint one with both he and the Chief, Chair Kreling noted none of the correspondence sent to date was signed by him. He explained there was an initial

request for a meeting which was responded to by Mr. Petersen, which was in turn responded to by the Chief. Chair Kreling further stated that he is not bound to having a meeting with all three parties jointly. He simply wants to move forward in an attempt to improve relations with the Association.

2. Pepper Spray Litigation / Request for Report on Outstanding Board Litigation

Member Legendre referenced a newspaper article about litigation the Police Services Board is currently involved in, regarding the use of pepper spray. He stated the Board should receive a report from its legal staff identifying all lawsuits currently pending against the Board. Mr. E. Johnston, A/Regional Solicitor confirmed such a report would be forthcoming. Member Legendre noted this lawsuit is not new, and wondered why it had surfaced in the media at this time.

Chair Kreling believed the media attention was prompted by the fact that the lawyer for a claimant who was suing the Police Service for excessive force recently increased the amount of damages being claimed, and amended the lawsuit to include questions about the safety of the pepper spray. This in turn prompted the lawyer for the Police Service to include the manufacturer of the spray as a third-party defendant to the lawsuit, as they are in the best position to explain and defend their product. The Chair noted the Service and its lawyers can defend the actions of the officers, but lack the expertise to defend the safety of the product.

3. Policies Surrounding Marihuana

Member Legendre requested that an item be placed on a subsequent agenda for discussion regarding the question of marihuana. He noted the Canadian Association of Chiefs of Police have adopted a resolution and position with regard to decriminalization of marihuana, but he did not believe the Board had ever addressed the matter. He felt it might be useful to have a discussion about the various aspects of the debate such as decriminalization, legalization, and use for medical purposes. He asked that staff prepare a position paper outlining the differing views and the various legal aspects of them. Chair Kreling suggested that any material on the subject currently held on file be circulated to board members immediately, and that a staff report could be prepared for a subsequent meeting.

4. Media Release Re: Charges Not Dropped Against a Senior Officer

Member Legendre referenced a media release from the Chief which indicated charges against an inspector with the Ottawa-Carleton Regional Police Service had not been withdrawn. The media release was issued in response to a story that appeared in The Ottawa Citizen. He stated the aspect of this that troubled him was that it appears an individual won't be charged if they retire, but if they won't "go away", they are charged. He compared this with plea-bargaining, and said he did not think it was the

type of thing in which the Ottawa-Carleton Regional Police Service should be engaging. He stated if there is evidence of wrong-doing, the individual should be charged. He questioned whether it was right to adopt this approach.

Chair Kreling noted the Chief of Police is the appropriate person to respond to this inquiry. He suggested it be taken under advisement and communicated to the Chief for a response. Chair Kreling commented that the *Police Services Act* permits charges to be laid against officers, but if the officer retires, charges cannot proceed.

5. Neighbourhood Watch Complaint

Member Legendre stated a constituent informed him they were having trouble with the Neighbourhood Watch in their community (New Edinburgh/Lindenlea). The individual has been passed from “pillar to post” when attempting to communicate with someone in the Police Service, and the Councillor asked that the name of the appropriate contact person be provided to him so he could pass it along to the constituent. D/C Mackie responded the person that should be contacted is Inspector Murphy.

6. Correspondence Re: Partner Assault Support Team

Member Legendre referenced a piece of correspondence he had received regarding the Partner Assault Support Team, and inquired whether it was being treated as a public complaint. D/C Mackie responded he was not familiar with the correspondence. Member Legendre stated he would forward a copy to the Deputy for follow-up.

7. “Blue Print” Circulated to Big 12 Police Services Boards

Member Legendre referenced the document entitled “Blue Print” published by the Progressive Conservative Party of Ontario, which was circulated to the Big 12 Police Services Boards. He described it as political propaganda, and wondered at the correctness of it being sent out through the Big 12. The Executive Director was asked to contact the Executive Director of the Big 12 to inquire why it was sent.

8. Correspondence from G. Nesbitt Re: OC Transpo Shooting

Member Legendre referenced correspondence sent by Mr. Graeme Nesbitt to members of the Board, expressing unhappiness with the actions of the Tactical Team during the OC Transpo shooting incident. The member inquired whether staff were aware of the letter. D/C Mackie advised he was aware of the letter and a response to Mr. Nesbitt is in the process of being prepared. Member Legendre requested a copy of the response.

9. Lack of Response to Inquiry About Stolen Property

Member McCombie stated an irate citizen approached him about the lack of response from police about what he perceived to be a very serious situation. An individual was being held for stealing a stereo system out of a car. Following the theft, the same individual had been making inquiries at this citizen's store about replacement parts and had previously approached someone about stealing the item. The citizen called the police several times but received no response. Member McCombie requested the name of the appropriate person to call, or asked that someone call the citizen to explain the lack of response and to get the details. D/C Mackie offered to take the name of the citizen and follow-up.

3. CONSIDERATION OF MOTION TO MOVE IN CAMERA

Moved by J. McCombie

That the Ottawa-Carleton Regional Police Services Board adjourn the public portion of its meeting to move In Camera to discuss Confidential Item 1 pertaining to a personnel matter, in accordance with Section 35(4)(b) of the *Police Services Act*.

CARRIED

ADJOURNMENT

The meeting adjourned at 9:30 p.m.

W. Fedec
Executive Director

H. Kreling
Chair