

MINUTES

OTTAWA-CARLETON POLICE SERVICES BOARD

CHAMPLAIN ROOM

25 JANUARY 1999

5:00 P.M.

PRESENT

Chair: Councillor H. Kreling
Vice Chair: Mr. G. Baskerville
Members: Ms. E. Buckingham, Regional Chair B. Chiarelli,
Councillor J. Legendre and Mr. P. Vice

CONFIRMATION OF MINUTES

Member Buckingham referenced an inquiry she had raised at the 21 Dec 98 meeting about the *Summary of Results from a Residents' Survey* conducted in the Spring of 1998. She believed the response she had received indicated a report would come to the Board earlier than late Spring, and that the months of February or March 1999 had been targeted.

Chief Ford said he did not recollect the specific month originally referenced, however, he felt the target was closer to early Spring, with a report coming to the Board in either March or April.

That the Ottawa-Carleton Regional Police Services Board confirm the Minutes of the 21 December 1998 meeting.

CARRIED

ELECTION OF CHAIR AND VICE CHAIR

Wendy Fedec, Executive Director, explained that Section 28 of the Police Services Act requires the Board to elect a Chair at its first meeting each year, and provides the option of electing a Vice Chair. Accordingly, she requested nominations for the positions of Chair and Vice Chair. Only one nomination was received for each position.

G. Baskerville put forward a Motion that Councillor Herb Kreling be nominated to the position of Chair of the Ottawa-Carleton Regional Police Services Board.

Moved by B. Chiarelli

That nominations for the position of Chair be closed.

CARRIED

Moved by G. Baskerville

That Herb Kreling be appointed Chair of the Ottawa-Carleton Regional Police Services Board.

CARRIED

P. Vice put forward a Motion that Mr. Grahame Baskerville be nominated to the position of Vice Chair of the Ottawa-Carleton Regional Police Services Board.

Moved by B. Chiarelli

That nominations for the position of Vice Chair be closed.

CARRIED

Moved by P. Vice

That Grahame Baskerville be appointed Vice Chair of the Ottawa-Carleton Regional Police Services Board.

CARRIED

Acknowledgement of Mr. P. Vice

Chair Kreling thanked the outgoing Chair, Mr. Peter Vice, for his service to the Ottawa-Carleton Regional Police Services Board in his capacity as a member and Board Chair for the past three years. Chair Kreling said Mr. Vice would be remembered for helping to steer Regional Police Service initiatives through their infancy and the process of amalgamation into one Regional Police Service. The Chair, both personally and on behalf of all board members, thanked Mr. Vice for his public service and commitment to the good governance and law and order of the Ottawa-Carleton Region.

Mr. Vice thanked all board members and members of the Executive Office, as well as Police Service officers serving on the street, for their help, and for having made his three-year tenure as Board Chair an enjoyable experience. He wished the new Chair and the Board the best of luck as the process of amalgamation unfolded, and as the Service continued to provide the Ottawa-Carleton public with good policing.

PUBLIC DELEGATIONS

1. PEACE AND ENVIRONMENT
RESOURCE CENTRE PARTNERSHIP REPORT
- Chief's report dated 18 Jan 99

Chair Kreling introduced a public delegation consisting of Ms. Margaret Jensen, editor of the Peace and Environment Resource Centre Newsletter (The PEN - Peace and Environment News), Sharon Boddy, also of the Peace and Environment Resource Centre, and Mr. David Pepper, Director of Community Development, Ottawa Carleton Regional Police Service.

Mr. Pepper thanked the Board for inviting representatives of the Peace and Environment Resource Centre to submit their report and to speak of the positive outcome of the initiative which commenced in April of 1998 and culminated in the PEN supplement which appeared in November. Mr. Pepper explained the supplement was featured as the Police Service's main Crime Prevention Week initiative in terms of providing information to the community, and would be followed up by a second supplement in May 1999 during Police Week, focusing on youth issues. He thanked Ms. Boddy and Ms. Jensen for their initiative and the hard work that had gone into the production of the supplement.

Ms. Boddy thanked the Board for bestowing the funding which allowed production of the supplement. She said working with the community groups and police officers involved had been a very positive experience, and she commended Mr. Pepper for his cooperation, input, and experience.

Ms. Jensen said the group appreciated the opportunity to convey the Police Service's new community-based orientation to the public. She felt lucky that the group had come up with the project at this time, and believed the Service could make use of it to communicate its new approach. Ms. Jensen said the group appreciated the support it had received from the Police Services Board, and felt the project had been a good effort for all concerned.

Councillor Legendre believed the report was very positive and gave extraordinarily good value for money in terms of the involvement that occurred in the preparation of the supplement, and the resulting community awareness and education.

Vice Chair Baskerville thanked all those involved in the cooperative effort. He said it showed what could be achieved when the Police Service worked with community groups, and he hoped similar things could be done in the future.

Member Buckingham echoed the comments of other Board members, feeling this was an excellent model to build upon in the future with other community groups as well.

That the Ottawa-Carleton Regional Police Services Board receive this presentation for information.

RECEIVED

DEFERRED ITEMS

2. POLICY DISCUSSION RE: PROVISION OF LEGAL SERVICES

(deferred from 21 Dec 98 meeting)

- Executive Director's report dated 20 Jan 99

Prior to discussing the matter, the Board heard from Mr. Bob Teskey. Mr. Teskey prefaced his remarks by saying it was his understanding that the Police Services Board is a public body accountable to residents of Ottawa-Carleton and that it must be transparent. It was based on this understanding that he felt concerned about items he had read in the newspaper relating to conflict of interest and in camera meetings, and decided to speak to the Board tonight.

With regard to the conflict of interest issue, he stated he is troubled by media reports that the board and police chief are represented by the same legal counsel. From all his dealings with commercial and public bodies, it is clear that one lawyer cannot represent two parties. He expressed concern that conflicts are unavoidable in that situation, and suggested it would be better to have two lawyers, one representing each party, to avoid any chance of conflict.

Speaking to the issue of in camera meetings, Mr. Teskey stated the Board is a public body and as such should carry out its business in a public and transparent manner with few exceptions as a matter of principle. In camera meetings should be the exception and there should be a clear policy about what is discussed in those meetings.

Member Vice stated that he thought everyone involved agrees business should be carried out in a clear and transparent way. He asked Mr. Teskey what evidence he had that the Board had dealt with matters in camera that should have been dealt with in public.

Mr. Teskey responded that the most recent incident involves one of the Board's members and whether that member had violated the Board's code of ethics. He believed that kind of matter should be discussed in public, similar to a court of law. He was not able to be specific about other examples he had heard about in news reports. Councillor Legendre stated he was prepared to provide any number of examples.

Member Chiarelli referenced two resolutions he had proposed at an earlier in camera meeting pertaining to the two issues raised by Mr. Teskey. He had proposed them in an attempt to provide a means of discussing in public issues that had been placed in camera, and which member Legendre preferred to have discussed in public. He had also hoped that by approving the motions, the personal nature of the issue involving member Legendre could be set aside and

the whole matter could be dealt with as one of policy. Regional Chair Chiarelli wished to re-submit his two resolutions for consideration at this time, but requested that discussion of them be deferred until after the matter listed on the in camera agenda was dealt with. He believed the in camera matter could be better served by a public policy debate and that clarity and a policy framework for dealing with in camera items was needed.

Both members Buckingham and Baskerville expressed a preference to deal with the issues and the resolutions immediately. Vice Chair Baskerville noted there are certain aspects which can be discussed in open forum, and other aspects of a personal nature that should be discussed in camera. He preferred to discuss the policy aspects now.

Member Legendre requested and received clarification that deferral of the two resolutions would also mean deferring items 2 and 3 on the regular agenda. He stated he did not know why the in camera item relating to the Ontario Civilian Commission on Police Services (OCCPS) decision about investigating him should be in camera. He explained he had asked the Chair of OCCPS the previous Friday if the decision had been made public. The OCCPS Chair advised him that members of the media had contacted OCCPS and that the matter had been discussed with them. Copies of the OCCPS letter were not sent to the media because they wanted to ensure members of this board received the letter first. However, he argued that with regard to this issue being in the public domain, it is, and he wanted it removed from the in camera agenda.

Member Vice believed Mr. Chiarelli's resolutions and the related policy matters were straightforward and completely irrelevant to the in camera matter. He saw no reason why they could not be discussed now.

Mr. Chiarelli stated he believed the issue that prompted him to move his policy resolutions very clearly crystallized the policy challenges in both areas. He appreciated the fact that the *Police Services Act* may contain provisions that deal with these issues, but stated boards may adopt policies that are reasonable and which go beyond minimum requirements. It was upon that principle that these resolutions were moved. He stated he is prepared to discuss in public the precipitating factors on which he initiated the resolutions, and he had hoped other board members would be less confrontational about connecting the personal and policy aspects of the issues.

Moved by B. Chiarelli

That the Ottawa-Carleton Regional Police Services Board defer consideration of Items 2 and 3 of the regular Agenda until Item 2 of the Confidential Agenda has been discussed.

LOST

YEAS: B. Chiarelli, H. Kreling 2

NAYS: G. Baskerville, E. Buckingham, J. Legendre, P. Vice 4

Chair Kreling clarified Item 2 was now before the Board for discussion, along with Mr. Chiarelli's motion. He also noted that legal counsel from the RMOC and Mr. Mike Mitchell, Director, Policing Services, Ministry of Solicitor General and Correctional Services, were in attendance to respond to questions.

Member Legendre provided background information about how this policy discussion had come to be before the Board today. He stated there had been an in-camera meeting in June at which he received the impression that the Chief received advice from lawyer "A", and the board from lawyer "B". About a month later, he received information which caused him to question that impression. When asked to clarify it, the Board's legal counsel confirmed that the board receives advice from him and that he also gives information to the Chief. He believed he could deal with both. Member Legendre stated he was prepared to accept that not every legal question is a conflict; in most cases, the chief and the board are in agreement. However, he was still uncomfortable with the situation. He believed at that time, when he learned there was potential for conflict, that the way to resolve it permanently was to have separate legal advice and he resolved then to bring it before the Board for discussion in due course. He made it clear that he does not call into question anyone's competence to deal with conflicts.

Member Legendre stated in October 1998 he attended a conference in Vancouver of the Canadian Association of Civilian Oversight of Law Enforcement (CACOLE). Following a related panel presentation, he raised the issue of one lawyer serving two masters. Although he did not receive an opinion from the panelist of whom he asked the question, he did receive opinions from other panel members as well as other delegates at the conference. He stated not a single person who responded thought that one legal advisor for two entities was a good idea. He clarified that he had asked the question there because he could think of no better venue in which to ask it.

He noted he still believes it is not a good idea to have one lawyer serving both board and chief, and to only by exception decide if there is a potential for conflict. A municipality of the size of Ottawa-Carleton has much potential for conflict and boards should not only do right, but be seen to be doing right. He reiterated that he had never intended to call into question the credentials of the board's legal advisor or his acting in this capacity. However, he believed the situation is unhealthy and he strongly urged the board to adopt a different practice.

He referenced survey information included in the agenda that outlines what happens elsewhere in the Province. He concluded that there was no clear message from the survey results, although he noted the Metro Toronto Board and the London Board each retain their own legal counsel. Given the unclear message and the fact that there may be groups in the community that would like to have input, he expressed support for the resolutions put forward by Regional Chair Chiarelli. He would like the board to get some help in making a policy decision illuminated by public participation.

Regional Chair Chiarelli asked Mr. E. Johnston, Acting Regional Solicitor, in what capacity he was present tonight.

Mr. Johnston responded that as the Acting Regional Solicitor for a municipality that provides a range of legal services to the Ottawa-Carleton Police and the Board, he was in attendance out of interest, primarily as an observer, and in case his assistance might be required. In response to a further question from Mr. Chiarelli, Mr. Johnston stated he had not been asked to attend the meeting.

Mr. Chiarelli stated it is important to put into context the contract of someone providing legal services to board. He said it is important for him, as a member of the board, and for the public to understand who is the employer of the legal counsel, who pays the bill, who is the client of the counsel retained, and what is the policy framework to be worked on by board. He noted his resolution is not intended to be confrontational or personal with regard to the individual who retains the position now or of Mr. Legendre. Rather, it is meant to address whether the board ought to engage in this type of debate given the nature of some of the particular issues that have arisen. He suggested the development of such a policy should be done objectively through one of the three firms recommended in his resolution.

In response to further questioning from Mr. Chiarelli, Mr. Johnston tried to explain the relationship that his Department has with the Police Service. He clarified that although he has not looked into individual situations and has not been privy to in camera reports, the issue of conflict of interest is one that has come to the fore in the past. In fact, every solicitor puts their mind to it every week. He acknowledged the importance of the conflict of interest issue, and stated the board has the authority to deal with it and to retain whatever assistance it feels would be helpful in resolving it.

Member Chiarelli asked Mr. Johnston whether he would feel comfortable serving two clients but receiving payment from only one. Mr. Johnston responded that such a situation would raise in the mind of the solicitor the potential for conflict. As long as the two parties being served shared a commonality of interest the solicitor could act for both, but beyond that it would raise questions of conflict.

Member Chiarelli thanked Mr. Johnston for his candor, and explained that his questioning was aimed at attempting to show that this is a difficult area worthy of review by the board. He believed it would be instructive to know how many times the issue of a conflict has arisen or been brought to the attention of the board. He wanted someone independent to examine whether the present contract was negotiated in terms of a policy context, or because it has always been done that way. He believed very strongly that any hesitation the board may have about spending money on an independent review would be outweighed by the advantages of having a thorough debate, leaving personalities aside.

Member Vice suggested Mr. Johnston was in the same position as the board's general counsel because he provided services to both the chief and the board. He asked Mr. Johnston whether he had ever experienced a conflict, and whether if he did, he would simply declare it then advise the board to seek independent counsel. He stated he could not recall the Legal Department ever flagging a conflict for the board. He also clarified that the survey provided in

the agenda indicates seven of the nine responding boards obtain legal services in the same way we do.

Mr. Johnston responded to Mr. Vice's question by saying that the potential for conflict is the same for he and his staff and is something they put their minds to on a regular basis. He could not recall a situation in which he felt there was a serious enough potential conflict of interest that it needed to be flagged for the board.

Member Buckingham prefaced her comments by saying she regretted the series of events that have led to this discussion. She noted that when she puts forward this kind of motion it usually includes an upset limit in terms of cost. She inquired whether Mr. Chiarelli had a spending limit in mind so she could determine whether she was willing to spend that kind of money.

Member Chiarelli responded that he was willing to delegate that decision to the Chair, with the understanding that the Chair would seek direction and advice from other board members should it be required.

Member Buckingham stated part of her difficulty lay in that she did not feel a need to spend a lot of money. She recognized that there are situations where we would want to obtain separate counsel and felt quite clear in her own mind about the types of situations in which the board would want to do so; for instance, on matters related to the Complaints Committee.

Member Chiarelli agreed it will cost some money, but believed it was worth it in terms of public confidence. He stated with all the high profile issues that have arisen in the last 18 months, and as someone who practiced law for 18 years, he would not choose to provide the legal counsel that our staff have to provide. He believed it was worthwhile to look at policy options and said he would have a greater comfort level if there was independent counsel for the board and the chief. He did not think it was healthy to have to challenge that issue on a daily basis.

Vice Chair Baskerville asked Mr. Johnston to name areas of law for which his department could provide advice to the board or the Police force without a conflict.

Mr. Johnston reiterated that conflicts must be decided on a case-by-case basis. He noted the RMO Legal Department acts for the Service, the chief and the board on a number of civil litigation files, which demand that staff put their minds to potential conflict of interest situations. In the vast majority of cases, staff conclude that there is no conflict. In addition, his staff provided services in the areas of contracts and real estate.

Vice Chair Baskerville noted one of the boards that responded to the survey uses the Regional Solicitor as its legal counsel. He asked Mr. Johnson whether he would be comfortable with the role of legal counsel for the board and the Region when there is a commonality of interest, or would he be concerned there would be possible areas for conflict. Mr. Johnston answered yes to both questions. Mr. Baskerville clarified that what he believed Mr. Johnston was saying was that it depended very much on the situation and the types of legal activities involved. He

suggested that perhaps the board does not have sufficient detail at this point in time to determine the types of services it requires.

Chair Kreling wished to make clear that the board was concerned with developing a policy for the provision of legal services to the chief and the board, keeping in mind the potential for conflict. It is in no way meant to suggest there have been problems in the past, but rather to ensure there are no problems in the future. He stated that if Mr. Chiarelli's motion passed, as Chair he would keep the Board informed.

Moved by B. Chiarelli

Whereas the issue has been raised in recent months on the relationship between a legal counsel for a police service and/or chief of police, and its governing board;

And Whereas it is desirable to clarify and determine the principles that should define the said relationship;

Therefore Be It Resolved that the Ottawa-Carleton Regional Police Services Board forthwith retain legal counsel to:

- a) **Research Ontario laws and practices applicable to the relationship between legal counsel for a police service and a legal counsel for its governing board, including rules and practices relevant to their independence and circumstance of possible conflict, if any;**
- b) **That such counsel prepare a report to be presented to the board on the findings of such research;**
- c) **That such counsel submit recommended principles and practices for consideration by the board on the issue of the relationship between a legal counsel for a police service and legal counsel for its governing board, both where such counsel may be the same person and where such counsel may be different persons; and**
- d) **That the Chair of the Board after consulting with members of the board retain one of the following law firms to perform the required work:**
 - i) **Gowling, Strathy and Henderson**
 - ii) **Nelligan Power**
 - iii) **Scott and Aylen.**

CARRIED

3. POLICY DISCUSSION RE: IN CAMERA ITEMS

(deferred from 21 Dec 98 meeting)

- Executive Director's report dated 20 Jan 99

Chair Kreling drew the Board's attention to the resolution re-submitted by Regional Chair Chiarelli on in camera items (see minutes for Item 2).

Member Vice stated the board may want to have less stringent requirements that what is set out in the *Police Services Act*, and amend its Procedure By-law accordingly. However, he argued that if that is the case it can be done by the will of the board. He did not think it boded well to spend a lot of money to obtain an outside opinion about something the board can decide. He also noted that the Service and the Board are bound by the *Police Services Act* just as Council is bound by the *Municipal Act*. He stated if the object of obtaining an independent legal opinion is just to interpret the *Act*, it has already been done a number of times and must be done by the board on a case-by-case basis.

Regional Chair Chiarelli reminded the board that his two resolutions are linked in that they recommend the same legal firm render an opinion in both areas. He urged that the in camera issue be included in the research, but strongly suggested that the time and nature of that investigation be more restrictive due to the fact that a number of issues have come up regarding what should or should not be in-camera. He believed it would be appropriate to have further clarification, to know what the parameters are, and what the practices of other boards are. He suggested that the Chair give direction to the retained firm to keep the costs for this item minimized as it is a matter more widely known across the province and should require less work.

Vice Chair Baskerville stated the board has to have an idea of the customs and practices of other boards. He called upon Mr. M. Mitchell, Ministry of Solicitor General and Correctional Services, to address this question.

Mr. Mitchell stated that when the *Police Services Act* was drafted it was clear that some guidance had to be given with regard to what is appropriate for in camera discussions, with the understanding that most items should be dealt with in public. He noted there are common types of in camera issues such as personnel or litigation. However, there will always be unusual situations unique to particular boards which the board will have to decide whether or not to consider in camera on an individual basis, keeping in mind that to the largest extent possible, things should be in public. He believed the line is crossed when the discussion has an adverse effect on an individual or there is a possibility that personal, financial or operational information would be discussed inappropriately.

Vice Chair Baskerville asked Mr. Mitchell whether he saw a difference between what is delineated in the *Police Services Act*, which guides the behaviour of boards, and what is delineated in the *Municipal Act*, which guides municipal councils and committees thereof. Mr. Mitchell responded that there was a difference; boards are established under the authority of the *Police Services Act*, and are not committees of council. Therefore, things included in the

Municipal Act that pertain to Council and its committees do not necessarily pertain to a board. He also pointed out that the *Police Services Act* is very specific about boards having the authority and the obligation to create policies and by-laws for the conduct of the board. He noted it is very apparent from the discussion tonight and from issues that have arisen in the past couple of months that these are two areas in which this board may be lacking in its understanding, or lacking in policy.

In response to a query from Vice Chair Baskerville about whether he could offer any further advice to the Board, Mr. Mitchell stated it is obvious there is a need for this board to address what it wants to do with respect to these two items. Having a legal firm or someone else take a look at the practices of other boards of similar size would be beneficial. At that point, the Board may want to draft a policy that outlines specific cases in which it would be appropriate to go in camera, keeping in mind that it should be as restricted as possible.

In response to a question from member Baskerville about whether the Ministry would be willing to assist the board, Mr. Mitchell responded in the affirmative, particularly with regard to providing an idea of what the other large boards do.

Member Legendre wished to address Mr. Chiarelli's remarks about the cost of this additional work should the motion carry. He suggested that the retained firm be provided with the advice he sought and received from Mr. Wallace, as well as the advice obtained by the board, so that the firm does not bill the board for work already done. He referenced one paragraph from Mr. Wallace's letter which mentioned the 1987 *Freedom of Information and Protection of Privacy Act*, the *Municipal Freedom of Information and Protection of Privacy Act* proclaimed in 1991, the *Police Services Act* - section 35, and the 1994 *Planning and Municipal Statute Amendment Bill (Bill 163)* which amended section 55 of the *Municipal Act*. In summarizing all those pieces of legislation the intent is clear - that the proceedings of bodies elected or appointed to carry out public functions should be open to public scrutiny. Exceptions, if any, should be limited, clearly defined, and clearly stated to be departures from the general rule. Moreover, the onus of providing that a matter should be dealt with in camera was clearly placed on the person seeking to assert it. The overriding spirit of all these pieces of legislation is one of openness. If a mistake is to be made, the error should be on the side of openness.

Member Buckingham added that if the Board does seek outside advice, she would also like to get advice on rising and reporting on confidential matters in public. She noted most municipal bodies have that practice. She realized there is a need for in camera discussions, but believed decisions should not be cloaked in secrecy. She asked that this be added to the research as she would like to see a change in that regard.

In response to a question from Chair Kreling as to whether he was familiar with any police boards in Ontario that have a rise and report provision, Mr. Mitchell answered that he was not aware of any.

Member Legendre asked that the advice sought also include a comment on how the board enters into in camera. He has received advice that suggests the board ought to be discussing

whether or not to go in camera, as is done at Council. He would like the firm to tell us whether such a discussion is required, and to suggest some good mechanisms for entering into in camera meetings.

Chair Kreling summarized by saying this is a matter on which the board wants further clarification on its policies. He also noted that while some board members may be critical of how things have been conducted, others are not. He believed there were ways that the board could rise and report if it wished to do that. However, the board certainly does have motions that it passes in public before it moves in camera.

Moved by B. Chiarelli

Whereas the issue has been raised in recent months about the principles applicable to police services boards on what is appropriate business to be dealt with in camera and what is appropriate business to be dealt with in public;

And Whereas the board wishes to investigate and adopt appropriate principles and procedures with which to govern itself on this issue;

Therefore Be It Resolved that the Ottawa-Carleton Regional Police Services Board forthwith retain independent legal counsel to:

- a) **Research Ontario laws and practices applicable to police services boards on what business is appropriate to be dealt with in public and what business is required to be in camera, and also on rising and reporting, and the manner in which boards go in camera;**
- b) **That such counsel prepare a report to be presented to the board on the findings of such research;**
- c) **That such counsel submit recommended principles and practices for consideration by the board on the issue of what business of the board should be considered in camera and what business of the board should be considered in public;**
- d) **That the Chair of the board after consulting with members of the board retain one of the following law firms to perform the required work:**
 - i) **Gowling, Strathy and Henderson**
 - ii) **Nelligan Power**
 - iii) **Scott and Aylen; and**
- e) **That the two independent legal opinions already received by the board and member Legendre be forwarded to the retained legal counsel.**

CARRIED as amended

ITEMS OF BUSINESS

4. DELEGATION OF AUTHORITY FOR THE
IMPLEMENTATION OF MOBILE WORKSTATIONS

- Director General's report dated 20 Jan 99

Vice Chair Baskerville proposed an amendment to add a sentence to the staff recommendation asking that the Chief report to the Board on how and when expenditures would be made for mobile workstations. He asked if all units to be purchased would be deployed in police vehicles. Noting the units were more expensive than normal laptop computers, he said he would not want to see them sitting on someone's desk or at someone's home.

Steve Kanellakos, Director General, Administration, explained provisions had been made for approximately 150 laptops, but the Service has approximately 135 vehicles which require their installation. He explained there was flexibility in the budgeted amount to purchase various levels of laptops, depending on the needs of a particular unit. These additional laptops would access the same information, but would not be of the same rugged quality as those installed in police vehicles.

Vice Chair Baskerville asked staff to elaborate on what standards of performance were being reviewed in terms of the rugged operating environment.

To address this issue, Mr. Kanellakos introduced Mr. S. Cardarelli, Project Manager of the CAD/RMS (Computer Aided Dispatch / Records Management System) project, and Constable Dylan Tansey, who is working on the selection and implementation of laptops for the CAD project.

Mr. Cardarelli stated the Police Service sees this as a next step in the continuing upgrade of its infrastructure. He explained a team of officers and consultants had been formed whose purpose was to see which laptops would best suit the Police Service's requirements. He said a number of other police services had been surveyed, and that the team had worked closely with the RCMP and other agencies who were undergoing similar exercises. This review helped establish criteria that were felt to be important for the Police Service environment, and based on these criteria, vendors were approached to submit proposals that they felt could meet these requirements. Submissions were subsequently reviewed to see which would meet the basic qualifying conditions, and based on that review, the Panasonic units had been selected.

Responding to a question from Vice Chair Baskerville about the risk involved if the Panasonic unit proved not to work as had been portrayed, Mr. Cardarelli said the team would be assessing a number of things to confirm the unit would work within the Service's operational environment. Constable Tansey added there would be no cost

incurred to the Ottawa-Carleton Police for performing this verification phase. He said once the verification was complete, they would proceed with the purchase.

In reply to member Buckingham's query regarding the unit's memory and storage capacity, Mr. Cardarelli explained the approach was to go as high as possible in the marketplace, as the life expectancy of a higher-end unit would be longer, thus cheaper in the long run. He noted that because the Service was looking at a more rugged unit, there were certain constraints; for example, the unit would not contain the latest Pentium chip because of problems with heat dissipation, although the unit would contain the latest chip configured and manufactured to work in a rugged environment. The overall product would be a 266 MHz, 64 megabyte unit, which was the current limit. He added the current minimum hard drive size was 4.3 gigabytes, but because computer specifications were changing rapidly, it was best to wait until the purchase had to be made in order to take best advantage of the technology.

Moved by G. Baskerville

That the following be added to the staff recommendation:

“The Chief is to provide at the end of each quarter, a report on the progress of this acquisition, which will include details on achievements to date regarding quantity and type of equipment purchased, where deployed, and total costs.”

CARRIED

The Board then considered the staff recommendation as amended.

That the Ottawa-Carleton Regional Police Services Board delegate the authority to the Chief of Police to acquire Mobile Workstations (MWS) from Panasonic Canada Inc. and any peripheral equipment, accessories and consulting services from other vendors which may be necessary in order to implement the new MWS (Mobile Work Stations) technology for the Ottawa-Carleton Regional Police Service. The total expenditures are not to exceed \$2,600,000. The Chief is to provide at the end of each Quarter, a report on the progress of this acquisition, which will include details on achievements to date regarding quantity and type of equipment purchased, where deployed, and total costs.

CARRIED as amended

5. APPROVAL OF STANDARDIZED MULTI-TASK
SEATING FOR OTTAWA-CARLETON REGIONAL POLICE
- Director General's report dated 20 Jan 99

Councillor Legendre noted two recommendations were included in the report, but he had found the report dealt with only the first recommendation.

Mr. Kanellakos said this report is associated with the next agenda item, the Delegation of Authority and Award of Contracts for the Accommodation Master Plan (AMP). He explained that in 1998, the Service had brought a report recommending a standing offer for furniture to the Board for approval. At the time, it had been assumed the chairs were included, but in fact a separate process regarding the chairs has transpired through supply management. Mr. Kanellakos said the Service was now about to implement its work packages for the AMP, and had to return to the Board with regard to the chairs, and to indicate that delegated authority was required to begin spending the money associated with the purchase.

Councillor Legendre noted the second recommendation states the purchases would range from \$1,000.00 to \$50,000.00, with the total not to exceed \$300,000.00. He pointed out the information on page 16 of the agenda only spoke of one supplier and of the cost per unit from that supplier. He did not understand why the other amounts were mentioned in the second recommendation.

Mr. Kanellakos responded that the numbers on page 16 were not the cost per unit or chair, but rather a cost per evaluation point, a rating system used for evaluating different manufacturers. He said it was recognized that as the AMP work packages were implemented a variety of chairs would be purchased depending on the need, although the Service would try to use existing chairs as much as possible. Mr. Kanellakos said that depending on the design specifications, two or more chairs could be purchased for \$1,000.00. However, certain police work environments require more expensive chairs that can withstand more rigorous daily use.

Councillor Legendre said he had originally misread the information in the report, and had not understood the costs could be so high. He said he now felt uncomfortable with the report and the way in which the information was presented. He felt the cost per point evaluation was irrelevant, and asked about the timelines required for the purchase. He proposed that the report be brought back with more relevant information so that the Board would not end up approving a report based on "X" dollars per point.

Mr. Kanellakos explained the cost per point was used as a reference to allow the Board to understand how the conclusion had been reached that Fulline Business Interiors would be the successful bidder. He said the information would be quite general until the actual design work for each particular work packet is completed, and the best use of existing furniture and work space is determined. He noted it would be difficult to specify which

types of chairs would be required at this point, but that it had been possible to determine that a certain manufacturer could provide a range of seating that met all of the test criteria.

Glenn Ford, Director of Supply Management for the Region, added that the cost per point was a method of evaluation based on the dollar amount submitted through the proposals. He emphasized that price was only one aspect of the overall evaluation, which also included technical attributes and manufacturing quality, in determining that the Service was getting the best value. Mr. Ford noted that Fulline had been low bidder in addition to meeting all of the qualifications.

Responding to a query from Vice Chair Baskerville regarding evaluation of ergonomic factors for the chairs, Mr. Ford said an Occupational Health and Safety nurse with the Police Service had been a member of the selection committee.

Vice Chair Baskerville then asked whether the company had been investigated with regard to the continuing availability of its products so that purchases could be phased in, and whether there was assurance that the assessed items would still be in production. Mr. Ford confirmed these criteria had been reviewed as part of the evaluation.

Vice Chair Baskerville, noting the proposal spoke of supplying and maintaining the product, also inquired as to the reliability and track record of the firms in maintaining their product, the financial reliability of the chosen supplier, and what was meant by "maintenance".

Mr. Ford remarked that the firm's financial viability was studied. He explained the term "maintenance" referred to the parts necessary for repair of the chairs.

Speaking to Councillor Legendre's comments regarding the cost per points, Vice Chair Baskerville noted it is difficult to assess items of differing quality and standards, and that outlining a set of criteria by the allocation of points related to cost was a more sophisticated approach.

Member Buckingham also said she had no problem with the way the costing information had been presented, which she felt gave a better representation of best value. She asked if, given the three year term of the contract, there was some escalation in the price over time.

Mr. Ford replied that there was room for negotiation at each period of extension, but that most contracts were extended with no additional cost.

Member Buckingham suggested that in future, when establishing standing offers, a request be included for set prices over the duration of the time period, or that they include a maximum escalation or ceiling.

Responding to member Buckingham's question as to what obligation the Service was under should a supplier increase prices part way through the contract, Mr. Ford explained

the contracts included a standard cancellation clause to terminate at any time, for any cause, with no necessity to provide rationale.

Moved by J. Legendre

That this report come back to the Board in a form which would be more meaningful to Board members and members of the public.

LOST

YEAS: J. Legendre....1

NAYS: G. Baskerville, E. Buckingham, H. Kreling and P. Vice....4

That the Ottawa-Carleton Police Services Board:

- 1. Approve the selection of the proposal as submitted by Fulline Business Interiors, Ottawa, for the supply and maintenance of “All Seating” multi-task chairs as required to fulfil needs of the OCRPS’s Accommodation Master Plan, as well as any future seating requirements for the contract period which will expire on December 31, 2002 (if all extensions are exercised);**
- 2. Delegate authority to the Chief of Police for the purchase of multi-task seating required to implement the Accommodation Master Plan work packages, in accordance with the OCRPS Finance and Administration Procedures Manual.**

The purchases will range in value from \$1,000 to \$50,000 for an amount not to exceed \$300,000.

CARRIED

(J. Legendre dissenting)

6. DELEGATION OF AUTHORITY AND AWARD OF CONTRACTS FOR THE ACCOMMODATION MASTER PLAN
- Director General’s report dated 20 Jan 99

Member Buckingham noted the report indicated that work packages would be prepared and tendered to pre-qualified general contractors on a rotational basis. She asked how many firms would be contacted at a time, and how the rotation would work.

Mr. Kanellakos introduced Carol Roper, Accommodations Planner, who has been retained to help with the AMP. Ms. Roper explained that a list of ten pre-qualified general contractors has been established, ranked from highest to lowest according to a score determined during the original evaluation. The five firms at the top of this list would be contacted to bid on the initial work package. For the next work package, the two firms at the top of the list would be moved to the bottom and the rest would be moved up. The

five firms at the top of the newly rotated list would then be contacted for bids. This process would be repeated for each successive work package. Ms. Roper said this rotation would ensure there would always be five contractors bidding on each project, and that each firm would have an equal opportunity to bid on the same number of work packages.

Member Buckingham believed the dollar amount each firm would get to bid on would vary, due to the range in value of the work packages, and asked how this would be balanced over time.

Ms. Roper said that currently the 11 work packages were equivalent in size, which would allow for flexibility should unexpected changes arise. On the construction side, they would be in the \$200,000.00 range.

Member Buckingham referred to the report's conclusion which indicated the Director General would report to the Board on a quarterly basis on contracts awarded by the Chief, in accordance with the Financial and Administration Procedures Manual. She questioned whether this meant that only the contracts awarded to MHPM Management Inc. would be reported back to the Board.

Mr. Kanellakos clarified that any of the authority delegated to the Chief in these recommendations would be reported back to the Board.

Clarifying the financial analysis for Vice Chair Baskerville, Mr. Kanellakos explained the \$2.5 million listed on page 21 for the purchase of furniture would include the \$300,000.00 which had just been approved for multi-task seating.

Vice Chair Baskerville noted that interior design consultation services were not to exceed \$750,000.00, and pointed out that this represented just over 20% of the total price. He felt this was high, and asked if it was considered a reasonable amount.

Ms. Roper indicated this amount includes all activities associated with the management of furniture purchases, from specifying furniture, doing the layouts, taking care of move sequences, and ensuring the furniture is put into place and inspected.

That the Ottawa-Carleton Police Services Board:

- 1. Approve the pre-qualification of general contractors, attached as Annex "A", to bid on the construction of work packages required to complete renovations associated with the Accommodation Master Plan to be carried out at the Elgin, Greenbank and Leitrim police stations;**
- 2. Delegate authority to the Chief of Police to award contracts to the lowest responsive bidder using the pre-qualified general contractors to implement the construction of work packages, in accordance with the OCRPS Finance and Procedures Manual.**

Work packages will range in value from \$25,000 to \$350,000 for an amount not to exceed \$3.5 million;

- 3. Delegate authority to the Chief of Police to award contracts to MHPM Management Inc., Nepean, for project management and interior design consultation services, required to proceed with the implementation of the Accommodation Master Plan work packages, in accordance with the OCPRS Finance and Procedures Manual. Consultation fees are based on a per diem and/or percentage rate and will range in value from \$2,500 to \$100,000, for an amount not to exceed \$750,000;**
- 4. Delegate authority to the Chief of Police for the purchase of furniture required to implement the Accommodation Master Plan work packages, in accordance with the OCPRS Finance and Procedures Manual. The furniture cost is based on an existing agreement with Advance Business Interiors Inc. which was established by competitive processes through the Supply Management Division. The purchases will range in value from \$5,000 to \$350,000 for an amount not to exceed \$2,500,000.**

CARRIED

(J. Legendre dissenting)

7. TIMEKEEPING, ATTENDANCE AND SCHEDULING SOFTWARE

- Director General's report dated 20 Jan 99

Member Buckingham, noting the short time frame for implementation, asked about the track record of the recommended vendor given that it was a relatively new firm, and that the software was not actually in use at present.

Debra Fraser, Director of Financial Services, acknowledged the software was a new product and that this had been one of the issues that arose during the review. She pointed out that software for police time banking, attendance and scheduling is a very narrow niche market that major software vendors are not that interested in marketing. Ms. Fraser explained that customized applications in this area are typically from small vendors who have taken an interest in this niche. She noted the company in question had been in business for several years. It has marketed its product to the Cornwall Police and their product is being recommended to the Winnipeg Police, a Service roughly equivalent in size to Ottawa-Carleton. To minimize the risk, Ms. Fraser noted one of the contract stipulations is that the Service would have the source code, and the application would be ported to one of the Service's corporate standards to allow for an ability to take the application over in-house.

Member Buckingham acknowledged that although there were risks, there was not a wide range of alternatives, and that this was a viable solution assuming everything worked as anticipated. She asked what steps, other than acquiring the source code, were being taken to mitigate potential risks.

Ms. Fraser said the Service was reviewing some of the more traditional project management aspects to help reduce the risk. She noted in-house staff were knowledgeable about the software and impressed with the fit between the new product and the highly customized system currently in use. Ms. Fraser felt the challenge in adapting it to the Police Service's environment lay in the database aspect, but in-house database experts who participated in the CAD/RMS project have performed an evaluation and are confident that the work could be performed by this company, or by other consultants, if necessary.

Regarding a time frame for implementation, Ms. Fraser stated this aspect would be negotiated through the contract. She said the vendor believed the customizations and translation of existing data into the new system could be completed within three and a half months from the signing of the contract. Allowing for a 50% contingency with this time frame, the product would be ready for testing by the end of June. She referenced a schedule of deliverables whereby every two weeks, system components would be tested as the data was ported over to ensure the system was fully functional. Ms. Fraser said she imagined this would take place over the summer. She said the desire is to run the new software in parallel with the existing time and attendance system for two to three pay periods, and have it go on-line near the end of September or the beginning of October. That would leave three months until the old system was unplugged to iron out any remaining problems.

Member Buckingham then asked when it was necessary to start scheduling for the year 2000 and start loading this into the database.

Ms. Fraser answered that in the operational environment, the annual kick-off to scheduling was the annual leave draw which, under the collective agreement, is initiated at the end of October and would have to be completed before year end. She said the new system would be used to complete 1999 time banking activities and to launch those for the year 2000.

Vice Chair Baskerville expressed concern with the risk and noted that under the existing system, the Police Service would not be able to pay its employees. He referenced the financial statement, which included a small contingency provision, and asked what percentage had been set aside to account for unanticipated problems. Ms. Fraser estimated the amount at between 15 and 20 percent of the total project costs.

Vice Chair Baskerville then asked why it had not been anticipated that the Versaterm system, approved the year before, would not be able to handle this time and pay system.

Mr. Kanellakos said the issue was not so much that Versaterm could not cope with the system, as the fact that it was not as functionally specific as the time keeping system presently in use. He noted the main focus of staff had been with the CAD/RMS project and with the mobile terminals. Mr. Kanellakos said decisions had to be made about where to invest money to meet the functional requirements of the organization, and it was felt that pulling resources away from the CAD/RMS implementation at this stage would be a

risk, particularly with the Y2K problem timeline approaching, and with the knowledge that certain systems would not be compliant.

That the Ottawa-Carleton Regional Police Services Board delegate authority to the Chief of Police to acquire a software application from Our Software Ltd. (Nepean, Ontario) and any peripheral equipment, accessories and consulting services needed to implement a replacement for the Service's timekeeping, attendance and scheduling system. Total project costs will not exceed \$300,000 excluding taxes.

CARRIED

8. QUARTERLY COMPLAINTS REPORT (PERIOD ENDING 31 DEC 98)

- Chief's report dated 7 Jan 99

Councillor Legendre referenced Complaint 98-167 on page 29 of the agenda, which outlined an incident in which the complainant alleged that when she was stopped for a traffic infraction, the officer was unable to speak French. With respect to the summary of finding and action taken, the Councillor felt that the action, which was to provide the complainant with the draft of the Official Languages Policy of the Ottawa-Carleton Regional Police Service, and encouragement to submit suggestions for the enhancement of this policy, was fine. However, he noted there was no action or finding with respect to the actual complaint.

Chief Ford stated that with respect to the complaint, a French speaking officer was called upon to issue the ticket to the woman at the time.

Responding to a question from Councillor Legendre, Chief Ford explained that at the time that all complaints are dealt with by the Service, it is standard procedure to advise the complainants of their rights of appeal.

That the Ottawa-Carleton Police Services Board receive this report for information.

RECEIVED

9. COMMENDATION LETTERS

- Chief's report dated 19 Jan 99

That the Ottawa-Carleton Regional Police Services Board receive this report for information.

RECEIVED

10. OCCUPATIONAL HEALTH STATUS REPORT

- verbal presentation by Director, Human Resources

Mr. Kanellakos introduced Cathy Frederick, Director of Human Resources, and Sue McLaren, R.N., an occupational health specialist, who gave a presentation on the mandate of the Health and Safety Lifestyle Unit headed by Ms. McLaren and the programs, activities, and resources allocated to the Unit.

Ms. Frederick explained the Unit is part of the Police Service's Human Resources group. Its mandate focuses on implementing programs that aim to reduce the financial strain of injuries and illness, while also looking at a fair and consistent program of returning human resources, benefits and productivity to the Police Service.

Ms. Frederick's presentation included a program overview of the Unit, including programs dealing with employee wellness, training and awareness, attendance management, Workers Safety and Insurance Board claims management and workplace reintegration and accommodation.

A copy of the presentation is held on file with the Executive Director.

Regarding the issue of workplace reintegration and permanent accommodation for members of the Service with physical constraints, Vice Chair Baskerville felt this was a good approach, but noted a problem might arise if the number of sworn officers in this area increased.

Ms. Frederick responded there are positions that require a qualified officer to perform functions. She said the organization has been successful in accommodating individuals with limitations within those functions, so that a fully-abled police officer can be out on the front line. She affirmed that in these cases, the individual possessed the qualifications required for the job, and that all required restrictions had been met.

If a position could not be found for a person with a medical or physical problem, Chief Ford stated the case would be referred to his office for evaluation. The evaluation would focus on issues surrounding the particular accommodation required. The employee would be met with to determine a possible workplace adjustment with the possibility that the individual might not fill a full-time position and would be accommodated in another manner. Chief Ford stated that depending on the severity of the injury or likelihood of the individual returning to full time duties, a pension might be another option. The organization would make this determination and such situations would likely be brought to the Board.

Responding to Vice Chair Baskerville regarding the possibility of considering an individual for civilian employment if they could not remain as a sworn officer, the Chief replied the possibility did exist, but he believed there would be some accommodation required regarding the issue of salary.

Vice Chair Baskerville addressed the necessity of balancing caring for employees who incurred injuries in the performance of their duties, with employing a large percentage of people who were not fully fit to perform those duties. He acknowledged it was a delicate balance, and felt this was a last resort, but hoped the organization could appreciate that a balance has to be achieved so as not to keep people on if they could not do the work.

Chief Ford acknowledged it was a difficult area to negotiate with individuals. He said the organization has entered into and developed this program because the Service was concerned with the number of incidents taking place. The Chief said it was important to have a strong commitment to members of the organization, but at the same time, to understand there was a commitment to the community to provide the required service. He felt that providing a caring atmosphere for the organization's members had accomplished this, and had helped achieve a balance. The Chief made reference to statistics which indicate that since the program's inception, the Service had successfully reduced the number of incidents over the past four years, a trend he hoped would continue.

Councillor Legendre said he supported initiatives to accommodate staff who were trying to reintegrate into the workforce and to place them into positions that might not be their regular position, but for which they were fully qualified. However, he noted that in past situations where a physical injury has occurred, an individual might have been assigned a less physically onerous task, such as an information desk assignment, with a great deal of public contact. The Councillor said he had encountered situations where people serving in such capacities had not been functionally bilingual, and did not, therefore, have the ability to function in such a milieu. He asked what progress was being made in this regard.

Ms. Frederick said the aim is to ensure that the individual's skills meet the job requirements.

There being no further discussion, Chair Kreling thanked the presenters for their efforts.

That the Ottawa-Carleton Regional Police Services Board receive this presentation for information.

RECEIVED

11. PROVINCIAL OFFENCES ACT TRANSFER - UPDATE
- Acting Deputy Chief Administrative Officer's report dated 11 Jan 99

Councillor Legendre asked if legislation would allow for court hearings in municipalities other than the municipality in which alleged offences were committed. He noted in Quebec it was possible to ask courts to transfer cases closer to an individual's home, eliminating the need to return to the place where the infraction occurred to attend a court hearing. The Councillor wondered if this would now become impossible as a result of downloading to the municipality.

David White, Solicitor, Regional Legal Department, replied that this was not contained within the legislation that implemented the transfer. He said this routine practice was ongoing, and he anticipated it would continue.

Mr. White further explained the transfer was being done on an “as is” basis, which presumed that the practices and justice standards presently in place would be adopted by the municipality under the Memorandum of Understanding that any participating municipality is required to enter into. He affirmed that the Province would remain responsible for setting justice standards.

Councillor Legendre noted a reference to interim municipal service agreements on page 41 of the agenda. He asked if input was being given to the Province that it bear in mind, as it transferred power, that municipalities might see this as an additional burden, and might put rules and regulations in place to inhibit this process. The Councillor said he wondered if it would be necessary to have inter-municipal service agreements with every municipality in the Province.

Mr. White explained the inter-municipal agreement discussed in the report relates to those municipalities found within a “court catchment” area. He said that in Ottawa-Carleton, these were the boundaries of the Region. Mr. White added that because existing justice standards which allowed for the transfer of cases would be coming over with the transfer, there would be no need to enter into such inter-municipal agreements.

The Councillor referenced the second last paragraph on page 42, which stated, “...it should be noted that in accordance with the Ministry of the Attorney General’s insistence on the complete separation of the prosecutorial and enforcement/policing functions, any amounts collected as part of this program are to form part of the general funds of the municipal corporation.” Councillor Legendre commented that he agreed with this statement, and emphasized that when this legislation was implemented, he expected this principle to apply to the fines associated with the False Alarm Bylaw, and that the fines, which currently went to the Police Service, would instead go to the municipality.

Mr. White said this was a decision the Board would have to make. He stated the charges noted by Councillor Legendre were not defined as “fines” for the purposes of the Provincial Offences Act that would be subject to the transfer.

Councillor Legendre said once the law comes into force, he would be moving that the Board abide by the principle that the Police Service not be seen to be profiting from an activity for which there was a fine. He believed if a fine was merited, it should be imposed, but that those profiting should not be the ones issuing the ticket.

That the Ottawa-Carleton Regional Police Services Board receive this report for information.

RECEIVED

12. **MEMBERSHIP RENEWAL:**
ONTARIO ASSOCIATION OF POLICE SERVICES BOARDS
- Executive Director's report dated 14 Jan 99

Councillor Legendre said he would dissent on this item on the basis of the size of the fee, which he noted was over ten times that of the national organization's fee. He felt the fee was out of proportion to the OAPSB's value to the Board.

Vice Chair Baskerville, a Director of the OAPSB, responded that Councillor Legendre was one of many who had raised a similar concern. Vice Chair Baskerville said he is actively involved in a Restructuring Committee that is addressing these issues. He said that information would be forthcoming in the near future and would be presented to all member boards when it became available. The Vice Chair reminded those present that smaller boards rely to a considerable extent on the OAPSB for such functions as government liaison, information on labour relations, selection and evaluation of police chiefs and deputy chiefs, policy development, and training services. He said these were some of the services covered in the fee.

That the Ottawa-Carleton Regional Police Services Board approve payment of \$8,988 (including GST) to the Ontario Association of Police Services Boards for its 1999 membership fee.

CARRIED
(J. Legendre dissenting)

13. **MEMBERSHIP RENEWAL:**
CANADIAN ASSOCIATION OF POLICE BOARDS
- Executive Director's report dated 14 Jan 99

That the Ottawa-Carleton Regional Police Services Board approve payment of \$700 to the Canadian Association of Police Board for its 1999 membership fee.

CARRIED

14. **REGULAR REPORT FROM THE CHIEF AND OPP INSPECTOR**
- verbal update from Chief B. Ford and Staff Sgt. P. Barager

OPP Staff Sergeant Penny Barager reported the OPP was conducting snow machine patrols in Goulbourn and West Carleton Townships. She noted preliminary break-and-enter statistics showed the 1998 clearance rate was approximately 31% less than 1997 in Goulbourn, Kanata and West Carleton. Sgt. Barager also reported that she anticipated Inspector Beechey would present the OPP District's Business Plan at the next Board meeting.

Chief Ford reported on the following items:

- On 23 December 98, Police investigated the second murder of 1998, a stabbing at the “Coyotes” bar on Somerset Street. It resulted in the death of a 22 year old male when he attempted to break up a physical altercation involving a friend and another individual. A charge of second degree murder had been laid against a 26 year old male.
- R.I.D.E. statistics for 1998 were released on 5 January 99. Of 18,934 vehicles stopped, 349 drivers were required to take road side alcohol tests. These tests resulted in 65 12-hour suspensions and 29 impaired related criminal charges.
- On 8 January 99 the Police Service launched its “Make the Right Call” campaign to coincide with the district policing initiative.
- Also on 8 January 99, the Major Crime Section investigated a home invasion on Willow Street in Ottawa. Three males entered the residence; two suspects were armed with handguns. A 35 year old male and six family members were forced to turn over money and jewelry. A victim was struck on the side of the head and was subsequently treated at hospital and released.
- As a result of circumstances occurring on 15 January 1999, the Major Crime Section also investigated a suspicious death which occurred on Woodroffe Avenue following an altercation. A 22 year old female was transported by ambulance to the Queensway Carleton Hospital, where she was later pronounced dead. The Chief said an autopsy had been performed but that results were inconclusive, necessitating further forensic testing. A male who was arrested in connection with the case has been released.
- On 21 January 99, plain clothes officers observed a stolen vehicle on Bank Street. The vehicle was boxed in with minimal damage at the intersection of Bank and Nepean Streets. Two occupants, a 42 year old male and a 28 year old female, were arrested and charged with two counts of bank robbery and one count of possession of a stolen vehicle.

That the Ottawa-Carleton Regional Police Services Board receive this report for information.

RECEIVED

15. PROVINCIAL ADEQUACY STANDARDS

- Member Elizabeth Buckingham’s report dated 25 Jan 99

Member Buckingham apologized for the last minute addition of this agenda item, but explained that as the Provincial Adequacy Standards have now been filed the Policy Committee felt an immediate obligation for the organization to compare current services with Regulation requirements. She noted 23 months remained in which to prepare, and that much work had to be done in advance of the 1 January 2001 deadline.

Speaking to her first recommendation, member Buckingham explained that although the Regulations specifically indicate the Board is to evaluate the adequacy and effectiveness of services provided, Recommendation 1 formally directs the Chief to do this on the Board’s behalf.

She explained the second recommendation is intended to augment the Policy Committee's existing functions by identifying steps required to help the Board meet the Regulation requirements, and to provide an update in March of this year.

Speaking to her third recommendation, member Buckingham believed it would be prudent for her to attend the next meeting of the Big 12 Board Chairs to coordinate these activities as it would be a major task for all police services boards over the next 23 months.

Vice Chair Baskerville noted he has been working with Deputy Chief Mackie on this issue for almost two years, and said he would like to be able to continue to provide background information in future discussions. He suggested it is within the Board Chair's discretion to allow other members to attend meetings of the Big 12 Board Chairs, and felt the formality of the third recommendation might not be required.

Member Buckingham said she had included the recommendation because she did not normally attend, and felt that if costs were to be incurred for her attendance, it would be wise to get approval in advance.

Member Vice added his support to the recommendations, and congratulated members Buckingham and Baskerville along with Deputy Mackie for their work to date. He said he had taken part in the discussions, and had attended Big 12 meetings when possible. Member Vice noted that when he needed the assistance of a Board member, he had simply extended an informal invitation, and suggested to the new Chair that this process continue, and that members Buckingham and Baskerville could either accompany him, or be allowed to go on their own. Member Vice felt this was an important issue, and he found the input from the other Big 12 members and the sharing of work was sometimes extremely beneficial.

Chair Kreling believed the work undertaken by members Buckingham and Baskerville in dealing with the Adequacy Standards has been very good. He said he would try to attend as many of the Big 12 meetings as possible, and added that he intended to contact the Chair of the Big 12 Boards to ask if the meeting could perhaps accommodate additional members. To this end, he suggested that the Board did not need to address the third recommendation.

Member Buckingham subsequently withdrew her third recommendation.

- 1. That the Ottawa-Carleton Police Services Board direct the Chief of Police to evaluate the adequacy and effectiveness of the services provided by its police force by comparing current services with the requirements of the Regulation on the Adequacy and Effectiveness of Police Services and report back to the Board on the results of this comparison at its regular meeting in March 1999.**
- 2. That the Policy Committee that was established by the Board in September 1998 be tasked with identifying the steps the Board will need to take in order to meet the requirements of the Regulation on the Adequacy and Effectiveness of Police Services and that it report to the Board by its regular meeting in March 1999 on when it will be able to provide a plan of action.**

CARRIED

OTHER BUSINESS

1. Red Light Cameras

Member Buckingham suggested the Board send a letter of congratulations to the Minister of Transportation commending him for finally implementing legislation on red light cameras. The Board agreed.

2. Request for Presentation by Dr. Luc Hébert

Councillor Legendre stated that in December, he became aware of the efforts of Dr. Luc Hébert, a Montreal police officer who, having upgraded his academic training, had recently been awarded a doctorate. The Councillor noted Dr. Hébert's doctoral thesis dealt with the way police services evaluate officers. Councillor Legendre said the media claimed Dr. Hébert's approach was a novel one that police associations found non-threatening, and were prepared to possibly support. The Councillor said he had contacted Dr. Hébert for more information, and had asked about the possibility of having him speak to the Board. He said he believed this would provide valuable information, and was worth the Board's examination.

To this end, he proposed that the Board request Chief Ford to invite Dr. Hébert to provide an overview presentation to the Board, members of the Service including those responsible for Human Resources, and that officials of our police associations be invited and encouraged to attend the presentation.

Responding to Chair Kreling's question about whether he had either received a report or read Dr. Hébert's thesis document, Councillor Legendre said his knowledge of the information was based on media reports and on a personal discussion, but noted he had asked Dr. Hébert to send him a copy of the thesis.

Vice Chair Baskerville asked whether the evaluation process was related to constable selection, or to promotion and competencies.

Councillor Legendre said it was his understanding that the process dealt with job evaluation performed in a police service, and was done in a positive, constructive fashion. He said individuals could move from a process which was negative towards a system of evaluations where people would not be afraid to put genuine assessments on the record. The Councillor noted this evaluation system seemed to have been well received by Dr. Hébert's own police service.

Replying to a query from Chair Kreling, Chief Ford indicated he had not yet had an opportunity to see either the report of which Councillor Legendre spoke, or the writings of Dr. Hébert. The Chief said it would be prudent to have somebody from the Human Resources Department

talk with Dr. Hébert and some of his police colleagues first. Chief Ford said he would also like to see a copy of the thesis prior to inviting Dr. Hébert to speak.

Chair Kreling asked Councillor Legendre if he had any objections to the Chief's suggestion of doing some preparatory work in advance of inviting Dr. Hébert to speak.

Councillor Legendre said he would prefer the Motion to go forward as is. He felt this was an exercise in receiving information, and that what the Chief was suggesting could follow the presentation.

Chair Kreling felt the two suggestions were not at odds, and he preferred the Chief's suggestion be taken in advance of extending the invitation.

Vice Chair Baskerville believed the presentation would be informative, and felt that members would get more out of the presentation if it was possible to receive some documentation before it was made, in order to be able to ask more informed questions. He proposed an amendment to Councillor Legendre's Motion to this effect.

The Councillor said he did not feel this to be an unfriendly amendment, and was simply concerned that this move forward, so that the invitation could be extended for a possible presentation by Dr. Hébert at the Board's next meeting.

Moved by G. Baskerville

That Dr. Hébert, prior to giving his presentation, be asked to provide a copy of his thesis or some summary document to make the presentation more meaningful.

CARRIED

The Board then considered Councillor Legendre's Motion as amended.

That the Ottawa-Carleton Regional Police Services Board request that:

- 1. Chief Ford invite Dr. Luc Hébert to provide an overview presentation to the Board and members of the Service including those responsible for Human Resources, and that police association officials be invited and encouraged to attend; and**
- 2. Dr. Hébert, prior to giving his presentation, be asked to provide a copy of his thesis or some summary document to make the presentation more meaningful.**

CARRIED as amended

IN CAMERA

Councillor Legendre referenced Item 2 of the Confidential Agenda (the OCCPS decision), and noted that Item 1 (Confirmation of Confidential Minutes from previous meetings) also addresses the same issue. With respect to Item 2, the Councillor reiterated that he had spoken to the Chair of OCCPS and believed the decision was now a matter of public knowledge. He asked once again that the Board agree to discuss Item 2 in the open now, before the end of the public meeting. In support of his request, he referenced the ruling of the Arbitration Board in the case of Staff Sergeant P. Meehan which appeared in the media the previous week. He noted that when that hearing started, one of the media outlets asked the arbitrator to permit the hearing to be open. He stated this was a hearing into one of the Board's employees who felt aggrieved. The media, not the employee, wanted the hearing to be open and the arbitrator ruled that it would be open. He put it to the Board that the Meehan arbitration ruling was headed in the same direction that he has been pushing for all along. He stated that if the Board was going to be talking about him, he would like it to happen in the open.

Chair Kreling responded that he believed the Board has heard the Councillor's concerns with regard to Item 2 of the Confidential Agenda and has already started the process of addressing them, if not the actual letter, with the policy discussions earlier this evening. He noted that motions have previously been passed to maintain the confidentiality of Item 2 and therefore it has been placed on the Confidential Agenda. He suggested that instead of simply adjourning the meeting, that the Board adjourn the public session and move in camera to discuss the items listed on the Confidential Agenda. He believed if the Board did that it would serve to confirm its intention to discuss those items in camera not just today, but until the policy discussion on what is supposed to be in and out of camera is complete.

Chair Kreling elaborated by saying that member Legendre has stated on a number of occasions that he felt the Board should have more of a say in what gets discussed in camera. The Chair stated it has always been his opinion that if a member of the Board feels something is inappropriately listed on the in camera agenda, that member has that right to bring their concern forward.

Member Vice moved that the public portion of the meeting be adjourned and that the Board move in camera to discuss the items listed on the Confidential Agenda for 25 January 99.

At the request of member Legendre the vote was split for each item on the agenda.

Moved by P. Vice

That the Ottawa-Carleton Police Services Board adjourn the public portion of its meeting to move In Camera to discuss:

- 1. Item 1 of the Confidential Agenda, in accordance with Section 35(4)(b) of the *Police Services Act*.**

CARRIED

2. **Item 2 of the Confidential Agenda, in accordance with Section 35(4)(b) of the *Police Services Act*.**

CARRIED
(J. Legendre dissenting)

3. **Item 3 of the Confidential Agenda, in accordance with Section 35(4)(b) of the *Police Services Act*.**

CARRIED

As a result of the vote, member Legendre advised that he would not be attending the in camera session. He informed his colleagues that he had no objection to the Confidential Minutes #1 of the 21 December 1998 meeting, and would not be voting on the Confidential Minutes #2 of that date because he was not present for the entire discussion. With respect to the Confidential Minutes of 7 December 1998, he asked that they be held until the next meeting as he had not had time to review the amendments yet.

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

W. Fedec
Executive Director

H. Kreling
Chair